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3. Mr Kevin Freeman of 26 Harwood Place, West Perth - Item 10.1.1 – Stated that he is concerned with overshadowing, containment of stormwater on site, that the proposed underground carpark would cause damage to their property, safe removal of asbestos and the placement of vent and exhaust system. Mentioned that he is pleased with the proposed greenbelt.
4. Mr Jason Boyd of 6 St Albans Avenue, Highgate – Item 10.1.19 – Stated that the proposal would replace an existing tin shed and would house their vehicles and permit restoration as a hobby. Stressed that they are keen to maintain the single residential nature of the property and the heritage character of the neighbourhood. Stated that the proposal would improve their lifestyle and their amenity and that of the neighbourhood. Advised that the neighbours have no objections and that they have no intention to use the building for commercial uses or accommodation purposes.
5. Mr Victor Papadom of 19 Clievedon Street, North Perth – Item 10.1.3 – Strongly opposes the development. Believes that awarding R40 density in dual zoned area is a critical decision that requires due consideration is more important than all other planning issues. Further believes that the rear development should be treated as a single house on a battleaxe block. Thanked the Councillors who attended the site. Requested that Council refuse the application.
6. Mr Joseph Schultz of 252 Scarborough Beach Road, Mt Hawthorn - Item 10.1.11 – Stated that he supports the demolition of the property but does not support the proposed development due to overshadowing, location of the airconditioning units not shown on the plans and overlooking.
7. Mr Peter Nielson of 108 Lymburner Drive, Hillarys – Item 10.1.12 – Stated that they had designed and developed the property in accordance with the planning officers’ request. Provided photographs of similar developments in the area. Requested that Council approve the proposal.
8. Mr Richard Swindale of 38 Paddington Street, North Perth – item 10.1.3 – Strongly opposes the proposed development. Concerned with the scale of the building, lack of adequate setback and undue impact the parapet wall would have on his property. Believes that the development takes advantage of the density bonus by retaining the front property but to do this a new carport with street frontage and new outdoor living area at the front is required within the street setback. Urged Council to consider the objections received and reject the proposal.
9. Mr John Huhén of Yokine Investments, 135 Main Street, Osborne Park – Item 10.1.3 – Stated that the proposal is a very small development and meets almost all of the Town’s requirements. Requested Council approve the proposal.
10. Mr Maurice Ryan of 7 Baker Avenue, Perth – Item 10.1.21 – Questioned the purpose and responsibility of the Nyoongar Patrol. Does not believe the Town is helping the Patrol as there have been no fines issued for drinking or littering in the park. Mentioned that conditions have improved recently but this could be due to the weather. Believes that the Nyoongar Patrol are doing their best and he encourages them but the problem is the public drinking.

Mayor Catania advised that the Town of Vincent are not the Police. The problems experienced at Birdwood Square are the responsibility of the Police Service. Stated that the Rangers do not have the power to arrest.

11. Mr Peter Duncan of 12 Harwood Place, West Perth – Item 10.1.1 – Stated that he has concerns with stormwater containment and amenity of the street and residents. Requested that there be no construction work on the weekends.
12. Ms Silvana Caruso of 30 Bourke Street, North Perth – Item 10.1.12 – Stated that they are not big time developers and that the properties will be retained by the family. Requested that Council approve the proposal.
13. Mr Michael Meehan of Loch Gardens, Canningvale – item 10.1.1 – Addressed the concerns of overshadowing, stormwater retention, structural damage, coordination of the construction, asbestos removal and venting and exhaust. Stated that they will continue to liaise with the neighbours and residents regarding the greenbelt. Believes that very little would be gained in screening the windows from the carpark and there would an advantage of passive surveillance if left unscreened. Requested the condition to be removed.

There being no further questions from the public, the Presiding Member closed Public Question Time at 6.40 pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Ordinary Meeting of Council held on 28 June 2005

Moved Cr Farrell, Seconded Cr Ker

That the Minutes of the Ordinary Meeting of Council held on 28 June 2005 be confirmed as a true and correct record.

CARRIED (8-0)

(Cr Torre was an apology.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil.

8. DECLARATION OF INTERESTS

- 8.1 Mayor Catania declared a financial interest in Item 10.3.1 – Investment Report as at 30 June 2005. The extent of his interest being that he is the Chairperson of the North Perth Community Bank.
- 8.2 Cr Messina declared a financial interest in Item 10.3.1 – Investment Report as at 30 June 2005. The extent of his interest being that he is a Director and Shareholder of the North Perth Community Bank.

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

Nil.

10. REPORTS

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

The Agenda Items were categorised as follows:

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

Items 10.1.19, 10.1.3, 10.1.1, 10.1.11, 10.1.12 and 10.1.21

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

Items 10.1.1, 10.1.2 and 10.4.6

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

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

| | |
|---------------|---|
| Cr Farrell | 10.1.13 and 10.1.14 |
| Cr Chester | Items 10.1.7, 10.1.16, 10.1.20, 10.2.4, 10.2.7, 10.4.1, 10.4.2, 10.4.4, 10.4.5 and 10.4.6 |
| Cr Ker | Items 10.2.1, 10.2.3, 10.2.5 and 10.4.7 |
| Cr Doran-Wu | Nil |
| Cr Lake | Nil |
| Cr Messina | Nil |
| Cr Maier | Item 10.4.3 |
| Mayor Catania | Nil |

Presiding Member, Mayor Nick Catania JP, requested the Chief Executive Officer to advise the Meeting of:

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

Item 10.3.1

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

Items 10.1.4, 10.1.5, 10.1.6, 10.1.8, 10.1.9, 10.1.10, 10.1.15, 10.1.17, 10.1.18, 10.1.22, 10.1.23, 10.2.2, 10.2.6 and 10.3.2

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

10.2.7

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

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

Items 10.1.4, 10.1.5, 10.1.6, 10.1.8, 10.1.9, 10.1.10, 10.1.15, 10.1.17, 10.1.18, 10.1.22, 10.1.23, 10.2.2, 10.2.6 and 10.3.2

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

Items 10.1.19, 10.1.3, 10.1.1, 10.1.11, 10.1.12 and 10.1.21

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

Moved Cr Maier, Seconded Cr Lake

That the following unopposed items be moved en bloc;

Items 10.1.4, 10.1.5, 10.1.6, 10.1.8, 10.1.9, 10.1.10, 10.1.15, 10.1.17, 10.1.18, 10.1.22, 10.1.23, 10.2.2, 10.2.6 and 10.3.2

CARRIED (8-0)

(Cr Torre was an apology.)

The Presiding Member advised that there had been a request from the applicant to defer Item 10.1.14 – No. 228 (Lot 2 STR 9760) Brisbane Street, Perth – Proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Single House.

The Presiding Member advised that this Item would be dealt with first.

10.1.14 No. 228 (Lot: 2 STR: 9760) Brisbane Street, Perth - Proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Single House

| | | | |
|------------------------------|----------------------------|--------------------|---------------------------|
| Ward: | South | Date: | 4 July 2005 |
| Precinct: | Hyde Park Precinct; P12 | File Ref: | PRO3052; 5.2004.2646.1 |
| Attachments: | 001 | | |
| Reporting Officer(s): | T Durward | | |
| Checked/Endorsed by: | D Abel, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners P D Goldswain and M S Payne for proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Single House, at No. 228 (Lot: 2 STR: 9760) Brisbane Street, Perth, and as shown on plans stamp-dated 23 December 2004 (Site Plan, Dangan Street Elevation, Context Photographs and Photographs of Proposed Demolition) and 18 May 2005, subject to:

- (i) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the tilt up steel grate privacy screen on the north eastern elevation being removed from all points above 1.6 metres above the finished floor level of the upper floor balcony and the screening to the balcony being permanent obscure glazing from the finished floor level of the upper floor to 1.6 metres above the finished floor level. A permanent obscure glazing does not include a self-adhesive material or other material that is easily removed;*
 - (b) *the overall building height on the north western elevation being a maximum of 7.0 metres above the natural ground level directly below the subject wall;*
 - (c) *to protect the reasonable privacy of the adjacent residents, the balcony on the northern/rear elevation on the first floor being screened with a permanent obscure glazing and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed;*
 - (d) *the gates opening into the right of way on the north western boundary being removed or shown not to open into the right of way;*
 - (e) *the second storey boundary wall additions on the north western and south eastern side boundaries each incorporating at least two (2) significant appropriate design features to reduce the walls' visual impact; and*
 - (f) *a detailed schedule of external finishes (including materials and colour schemes and details).*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (ii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*

- (iii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Brisbane Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency.*

COUNCIL DECISION ITEM 10.1.14

Moved Cr Lake, Seconded Cr Ker

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

CARRIED (8-0)

(Cr Torre was an apology.)

| | |
|-------------------------------|--|
| Landowner: | P D Goldswain & M S Payne |
| Applicant: | P Goldswain |
| Zoning: | Metropolitan Region Scheme: (MRS): Urban Town Planning Scheme No.1 (TPS 1): Residential R80 |
| Existing Land Use: | Single House |
| Use Class: | Single House |
| Use Classification: | "P" |
| Lot Area: | Lot 2: 146 square metres |
| Access to Right of Way | North side, 3 metres wide, sealed, privately owned |

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves partial demolition of and alterations and two-storey additions to existing single house.

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

ASSESSMENT:

| Non-Compliant Requirements | | | |
|-----------------------------------|---------------------------|-----------------------------|---|
| Requirements | Required | Proposed * | Officer Comments Pursuant to Clause 38(5) of TPS 1 |
| Plot Ratio | 0.65 - 94.9 square metres | 0.77 - 112.42 square metres | Supported in part - the development is compliant with open space requirements and has no undue impact on streetscape, and the Officer Recommendation includes a condition for design features in the second storey walls. |

| Non-Compliant Requirements | | | |
|--|--|---|--|
| Requirements | Required | Proposed * | Officer Comments Pursuant to Clause 38(5) of TPS 1 |
| Setbacks: Ground floor North Western (Living Room) | 1.5 metres | Nil | Supported - the lot is constrained by its long narrow layout, neighbours support received and no undue impact on affected property. |
| South Eastern (Stairwell, Living Room) Upper Level South Eastern (Stairwell, Living Room) North Western (Living Room) | 1.5 metres 1.5 metres 1.5 metres | Nil Nil Nil | Supported - see comments above. Supported - see comments above. Supported - see comments above. |
| Buildings on Boundary: South Eastern Elevation North Western Elevation | Average 3 metres with maximum of 3.5 metres for 67 per cent of the balance of the boundary. Average 3 metres with maximum of 3.5 metres for 67 per cent of the balance of the boundary. | 5 - 6.8 metres high for 29 per cent and 3.5 metres to 4.5 metres for 72 per cent 7.4 metres for 29 per cent and 3.5 metres to 4.5 metres for 72 per cent | Supported - the lot is constrained by its long narrow layout, neighbour's support received and no undue impact on affected property. Supported in part - the length and height to 7.0 metres of the boundary wall is supported on the basis that the lot is constrained by its long narrow layout, neighbour's support received and no undue impact on affected property. |
| Building Height: North Western Elevation (Building Wall) | 7.0 metres to the top of the concealed roof. | 7.4 metres | Not supported - condition to comply with R Codes building height requirements. |

| Non-Compliant Requirements | | | |
|---|--|---|--|
| Requirements | Required | Proposed * | Officer Comments Pursuant to Clause 38(5) of TPS 1 |
| North Eastern Elevations (Privacy Screen) | 7.0 metres to the top of the concealed roof. | 7.4 metres | Not supported - condition included in Officer Recommendation that the subject structure be removed above 1.6 metres above the finished floor level of the upper level to reduce its impact. |
| Privacy Setbacks: Upper Level - Balcony | 7.5 metres | 0.3 metre to western and eastern boundaries | Not supported - conditioned to comply with R Codes privacy screening requirements. |
| Car Parking | 2 car bays | Nil | Supported - the current on-site parking arrangement is non-compliant with the Town's requirements, therefore, it is considered that no car bays exist on site. Furthermore, constraints of block shape and slope, and the right of way width, make it unpractical to make the on-site parking compliant with R Codes parking requirements. |
| Engineering requirements: Opening to Rights of Way | Gates not to open into right of way | Gate opens outwards into right of way | Not supported - support of the subject gate endangers users of the right of way; a condition in the Officer Recommendation is included to remove the subject gate. |
| Consultation Submissions | | | |
| Support (2) | <ul style="list-style-type: none"> South eastern neighbour has supported the variations to the height and setback of the boundary wall on the basis a skylight to the value of \$400 is installed in the subject neighbours property. | | Noted - the applicant has provided a letter outlining the commitment to install the subject skylight and it is noted that the proposal complies with the R Code's Overshadowing acceptable development provisions. |

| | | |
|-------------------------------|--|--|
| | <ul style="list-style-type: none"> • No objection and positive support. • The development is supported on the basis it improves the existing urban fabric. • The letter notes that the area was developed more than a century ago and is a desirable location for inner city living which includes a significant number of dwellings that are non-compliant with the current development policies | <p>Noted</p> <p>Noted</p> <p>Noted</p> |
| Objection | One letter of comment and objection to the building height was received during the initial 14 day advertising period which was subsequently withdrawn after negotiation between neighbours. | Noted |
| Other Implications | | |
| Legal/Policy | | TPS 1 and associated Policies, and Residential Design Codes (R Codes). |
| Strategic Implications | | Nil |
| Financial/Budget Implications | | Nil |

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

COMMENTS:

Heritage

The subject property is listed on the Town's Interim Heritage Database. The Town's Heritage Officers consider the proposed partial demolition and redevelopment proposed for the subject site to be acceptable.

Privacy Screen

The Town's Officers note that in light of the proposed steel grating tilt up privacy screen not being 100 per cent visually impermeable, it is not sufficient to comply with the R Codes privacy requirements. Furthermore, the Town's Officers consider the subject screen to create unnecessary bulk on the Dangan Street streetscape, especially when viewing the subject site from directly west from Dangan Street.

In light of the above, the Town's Officers consider the subject screen could be reduced in impact if it was removed from all points above 1.6 metres above the finished floor level of the upper floor balcony and the screening to the balcony being permanent obscure glazing from the finished floor level of the upper floor to 1.6 metres above the finished floor level.

Plot Ratio

The variation to plot ratio requirement is supported on the basis that the development is an addition to an existing structure, it is compliant with R Codes open space requirements and a site inspection by the Town's Officers indicated that it will not have an undue impact on the streetscape given its context to the bulk and scale of other developments along Brisbane and Dangan Streets.

Open Space

In calculating the open space for the subject site, the Town's Officers included both the lower floor verandah and deck and the upper floor balcony areas. These were included on the basis that the block is very narrow, having a frontage of only 4.71 metres, and therefore difficult to create any open space area not open on at least two sides and it was also considered that these areas are and will be usable areas of open space.

Summary

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

10.1.4 No. 5 (Lot: 35 D/P: 1149) Fleet Street Leederville - Proposed Demolition of Existing Single House and Construction of a Single House

| | | | |
|------------------------------|-----------------------------|--------------------|---------------------------|
| Ward: | South | Date: | 4 July 2005 |
| Precinct: | Leederville Precinct; P3 | File Ref: | PRO3061; 5.2005.2731.1 |
| Attachments: | 001 | | |
| Reporting Officer(s): | K Loader, T Woodhouse | | |
| Checked/Endorsed by: | D Abel, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Scott Park Homes on behalf of the owner S Arnasiewicz for proposed Demolition of Existing Single House and Construction of a Single House, at No. 5 (Lot: 35 D/P: 1149) Fleet Street, Leederville, and as shown on plans stamp-dated 17 February 2005 (existing house plans) and amended plans stamp-dated 2 June 2005, subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennae, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Fleet Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iii) subject to first obtaining the consent of the owners of No. 3 Fleet Street and No. 4 Scott 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. 3 Fleet Street and No. 4 Scott Street in a good and clean condition;*
- (iv) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (v) an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (vi) the store shall not be used for industrial, commercial or habitable purposes; and*
- (vii) no plumbing or sanitary facilities or fixtures shall be provided to or within the store structure without the prior approval of such by the Town.*

COUNCIL DECISION ITEM 10.1.4

Moved Cr Maier, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology.)

| | |
|-------------------------------|---|
| Applicant: | Scott Park Homes |
| Zoning: | Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40 |
| Existing Land Use: | Single House |
| Use Class: | Single House |
| Use Classification: | "P" |
| Lot Area: | 607 square metres |
| Access to Right of Way | N/A |

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of existing single house and construction of a single storey single house and store. The subject land is located in the Leeder Locality.

ASSESSMENT:

| Non-Compliant Requirements | | | |
|-----------------------------------|-----------------|--------------------|--|
| Requirements | Required | Proposed * | Officer Comments Pursuant to Clause 38(5) of TPS 1 |
| Plot Ratio | N/A | N/A | N/A |
| Setbacks: Main Building-North | 1.5 metres | 1 – 1.5 metres | Supported - variation is considered minor and affected neighbour has stated no objection. Supported - variation is considered minor and affected neighbour has stated no objection. Supported - variation is considered minor and affected neighbour has stated no objection. Supported - variation is considered minor as no undue effect on affected neighbour. |
| South | 1.5 metres | Nil – 1.620 metres | |
| Store-South | 1.0 metre | Nil | |
| West | 1.0 metre | Nil | |

| Non-Compliant Requirements | | | |
|-----------------------------------|---|-----------------------------|--|
| Requirements | Required | Proposed * | Officer Comments Pursuant to Clause 38(5) of TPS 1 |
| Buildings on Boundaries | One boundary wall is permitted with an average height of 3 metres and a maximum height of 3.5 metres, for 2/3 length of boundary. | Buildings on two boundaries | Supported – both boundary walls are compliant with height and length requirements of the Residential Design Codes. |
| Consultation Submissions | | | |
| Support | Nil | | Noted |
| Objection (1) | <ul style="list-style-type: none"> • Visual aesthetics of proposed boundary wall in relation to two types of materials being used. • Two building on boundaries • Impact on value of house in future • Concern expressed in regards to intended use of store. | | <p>Not supported – proposed wall complies with building on boundary and the remaining fence is existing.</p> <p>Not supported - the building on boundary on the affected neighbours boundary is a variation yet compliant with the building on boundary height and length requirements of the Residential Design Codes (R Codes).</p> <p>Not supported - not a major planning consideration</p> <p>Supported - Clearly marked as store on plans. Applicant has not stated the store will be used for any other purpose. Addressed in Officer Recommendation.</p> |
| Other Implications | | | |
| Legal/Policy | | | TPS 1 and associated Policies, and Residential Design Codes (R Codes). |
| Strategic Implications | | | Nil |
| Financial/Budget Implications | | | Nil |

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

COMMENTS:

Demolition

The Heritage Assessment is included as an attachment to this report.

The subject place is a single storey brick and tile dwelling likely to have been constructed in 1921 during the Inter-War period of development in Perth.

The place has been subject to several alterations, diminishing the ability to provide an accurate historic record of 1920's housing. The place is not rare and is considered to be of little aesthetic, scientific or historic value. The place has little cultural significance, and does not meet the requirements for entry into the Municipal Heritage Inventory.

In light of the above, it is recommended that approval be granted for the demolition of the existing dwelling, subject to standard conditions.

Redevelopment

The proposal is regarded to be in keeping with the established streetscape and the variations sought by the applicant are considered to be supportable and not to have an undue impact on the surrounding area.

The proposal was advertised and one objection was received, which is addressed in the above Assessment Table.

Summary

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

10.1.5 No. 556 (Lot: 3 D/P: 692) Beaufort Street, Mount Lawley - Proposed Partial Demolition of and Alterations and Additions to Existing Eating House

| | | | |
|------------------------------|------------------------------|--------------------|---------------------------|
| Ward: | South | Date: | 4 July 2005 |
| Precinct: | Mount Hawthorn Precinct; P01 | File Ref: | PRO0358; 5.2005.2885.1 |
| Attachments: | 001 | | |
| Reporting Officer(s): | B McKean | | |
| Checked/Endorsed by: | D Abel, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by K Acton on behalf of the owner E D'Aurizio for proposed Partial Demolition of and Alterations and Additions to Existing Eating House, at No. 556 (Lot: 3 D/P: 692) Beaufort Street, Mount Lawley, and as shown on plans stamp-dated 24 May 2005, subject to:*
- (a) *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;*
 - (b) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
 - (c) *doors, windows and adjacent floor areas fronting Beaufort Street shall maintain an active and interactive relationship with this street;*
 - (d) *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;*
 - (e) *the landowner entering into a Deed of Agreement with the Western Australian Planning Commission (WAPC) not to seek from either the Town of Vincent or the WAPC compensation for any loss, damage or expense to remove the approved works when the road reserve is required. This agreement is to be registered as a Caveat on the Certificate of Title; and*
 - (f) *the eating house floor area shall be limited to 115 square metres of public area. 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; and*
- (ii) *the Council ADVISES the applicant that the Department for Planning and Infrastructure has advised as follows:*

"The subject land is affected by a land requirement for the future upgrading of Beaufort Street, which is reserved as an Other Regional Road (ORR) in the Metropolitan Region Scheme (MRS). The attached extract of the WAPC Plan No. 1.3562/3 defines the land requirement for the ORR reserve.

It is proposed that at some stage in the future the Western Australian Planning Commission will acquire this land for the purposes of upgrading the ORR.

You are advised to contact WAPC - Land Asset Management Branch of the Department for Planning and Infrastructure should you wish to discuss early purchase of the affected land by the Western Australian Planning Commission."

COUNCIL DECISION ITEM 10.1.5

Moved Cr Maier, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology.)

| | |
|-------------------------------|--|
| Landowner: | E D'Aurizio |
| Applicant: | K Acton |
| Zoning: | Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial |
| Existing Land Use: | Eating House |
| Use Class: | Eating House |
| Use Classification: | "P" |
| Lot Area: | 455 square metres |
| Access to Right of Way | East side, 3.1 metres wide, sealed, Town owned |

BACKGROUND:

26 June 1995 The Council at its Ordinary Meeting granted conditional approval for a restaurant at No. 556 (Lot 3) Beaufort Street, Mount Lawley.

DETAILS:

The proposal involves partial demolition of and alterations and additions to existing eating house. The public area of the eating house will be increased by 36.72 square metres.

The previous conditional approval for restaurant granted by the Council at its Ordinary Meeting held on 26 June 1995 was determined with a car parking calculation based on the number of persons permitted to be accommodated within the premises. The Town's current Parking and Access Policy calculates the car parking requirement for an eating house as 1 car bay per 4.5 square metres of public area. In light of this, the previous approved on-site car parking shortfall has been calculated under the Town's current car parking requirement for an eating house.

ASSESSMENT:

| Non-Compliant Requirements | | | |
|--|-----------------|-------------------|---|
| Requirements | Required | Proposed * | Officer Comments Pursuant to Clause 38(5) of TPS 1 |
| Plot Ratio | N/A | N/A | N/A |
| Consultation Submissions | | | |
| Submission received from the Department for Planning and Infrastructure (DPI) stating that the subject property is affected by a land requirement reserved as an Other Regional Road in the Metropolitan Region Scheme (MRS). The DPI supports the temporary use of the land subject to the condition and advice note addressed in the Officer Recommendation. | | | |
| Support | Nil | | Noted |
| Objection | Nil | | Noted |
| Other Implications | | | |
| Legal/Policy | | | TPS 1 and associated Policies. |
| Strategic Implications | | | Nil |
| Financial/Budget Implications | | | Nil |
| Car Parking | | | |
| Car Parking Requirement (nearest whole number) -Eating House: 1 car bay per 4.5 square metres of public area (115 square metres of public area) | | | 26 car bays |
| Apply the adjustment factors <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.95 (within 400 metres of one or more existing public car parking place(s) with in excess of a total of 25 car parking spaces) | | | (0.8075) 21 car bays |
| Minus car parking on-site | | | 7 car bays |
| Minus the most recently approved on-site car parking shortfall (after applying the adjustment factors) | | | 14.06 car bays |
| Resultant surplus | | | 0.06 car bay |

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

COMMENTS:

The proposal is supported as it is considered to not unduly impact the amenity of the adjacent or surrounding properties.

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

10.1.6 No. 80 (Lot: 674 D/P: 2177) Egina Street, Mount Hawthorn - Proposed Partial Demolition of and Alterations and Additions to Existing Single House

| | | | |
|------------------------------|------------------------------|--------------------|---------------------------|
| Ward: | North | Date: | 4 July 2005 |
| Precinct: | Mount Hawthorn Precinct; P01 | File Ref: | PRO3126; 5.2005.2757.1 |
| Attachments: | 001 | | |
| Reporting Officer(s): | B McKean | | |
| Checked/Endorsed by: | D Abel, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Daniel Cassetai Design on behalf of the owner G & J Davies for proposed Partial Demolition of and Alterations and Additions to Existing Single House, at No. 80 (Lot: 674 D/P: 2177) Egina Street, Mount Hawthorn, and as shown on plans stamp-dated 3 March 2005, subject to:

- (i) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Egina Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*
- (ii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive.*

COUNCIL DECISION ITEM 10.1.6

Moved Cr Maier, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology.)

| | |
|-------------------------------|---|
| Landowner: | G & J Davies |
| Applicant: | Daniel Cassetai Design |
| Zoning: | Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30 |
| Existing Land Use: | Single House |
| Use Class: | Single House |
| Use Classification: | "P" |
| Lot Area: | 491 square metres |
| Access to Right of Way | N/A |

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

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

ASSESSMENT:

| Non-Compliant Requirements | | | |
|-----------------------------------|---|-------------------|---|
| Requirements | Required | Proposed * | Officer Comments Pursuant to Clause 38(5) of TPS 1 |
| Plot Ratio | N/A | N/A | N/A |
| Setback | | | |
| South | 1.5 metres | 0.9 metre | Supported - proposed addition follows existing main building line and is not considered to have an undue impact on neighbour. |
| Consultation Submissions | | | |
| Support | Nil | | Noted |
| Objection (1) | <ul style="list-style-type: none"> • Setback variation • Overshadowing • Noise • Security of property during the building of the retaining wall • Disruption/damage to garden, garden bed or pergola | | <p>Not supported - proposed addition follows existing main building line and is not considered to have an undue impact on neighbour.</p> <p>Not supported - proposal is compliant with the overshadowing requirements of the Residential Design Codes (R Codes).</p> <p>Not supported - not a major planning consideration.</p> <p>Not supported - civil matter and not a major planning consideration.</p> <p>Not supported - civil matter and not a major planning consideration.</p> |

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

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

COMMENTS:

The setback variation sought by the applicant is considered supportable as outlined in the Assessment Table.

One objection was received and the concerns raised have been addressed in the Assessment Table.

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

10.1.8 No. 33 (Lot: 66 D/P: 28162) Knebworth Avenue, Perth - Proposed Two Storey Single House

| | | | |
|------------------------------|---|--------------------|--------------------------|
| Ward: | South | Date: | 4 July 2005 |
| Precinct: | Hyde Park Precinct; P12 | File Ref: | PRO3152 5.2005.2810.1 |
| Attachments: | 001;002;003;004;005;006 | | |
| Reporting Officer(s): | J Meggitt | | |
| Checked/Endorsed by: | D Abel, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners S & P Durrant for proposed Two Storey Single House, at No. 33 (Lot: 66 D/P: 28162) Knebworth Avenue, Perth, and as shown on plans stamp-dated 13 June 2005, subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) subject to first obtaining the consent of the owners of Nos. 31 and 35 Knebworth 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. 31 and 35 Knebworth Avenue in a good and clean condition; and*
- (iii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Knebworth Avenue shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency.*

COUNCIL DECISION ITEM 10.1.8

Moved Cr Maier, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology.)

| | |
|-------------------------------|---|
| Landowner: | S & P Durrant |
| Applicant: | P & S Durrant |
| Zoning: | Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80 |
| Existing Land Use: | Vacant Land |
| Use Class: | Single House |
| Use Classification: | "P" |
| Lot Area: | 214 square metres |
| Access to Right of Way | N/A |

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the development of a single two storey dwelling. The site is vacant and is abutted to the north and the south by two storey buildings which are both built up to both boundaries.

The building designer has put forward a submission requesting the Council use its discretion in regards to the plot ratio variation. The submission makes reference to the proposal being consistent with the design, setbacks and plot ratio of other properties in Knebworth Avenue.

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

ASSESSMENT:

| Non-Compliant Requirements | | | |
|--|-------------------------------|--------------------------------|--|
| Requirements | Required | Proposed * | Officer Comments Pursuant to Clause 38(5) of TPS 1 |
| Plot Ratio | 0.65 - 139.1 square metres | 0.94 - 200.61 square metres | Supported - presentation to street identical to dwelling on No. 31. Building bulk comparable with adjacent dwellings and established street character. |
| Setbacks ground and upper level. - North boundary | 1.5 metres | Nil | Supported - compatible with adjoining dwelling, established street character and no objection from neighbour. Supported - compatible with adjoining dwelling, established street character and no objection from neighbour. |
| - South boundary | 1.5 metres | Nil | |
| Privacy Setbacks - Rear balcony south | 7.5 metres | 4.5 metres | Supported - level of amenity commensurate to the higher residential density and no objection from neighbour. Supported - level of amenity commensurate to the higher residential density and no objection from neighbour. Supported - level of amenity commensurate to the higher residential density and no objection from neighbour. Supported - level of amenity commensurate to the higher residential density and no objection from neighbour. |
| - Rear balcony north | 7.5 metres | Nil | |
| - Bedroom 1 | 4.5 metres | 1.7 metres to north boundary | |
| - Bedroom 3 | 4.5 metres | 1.7 metres to north boundary | |
| Building on Boundary | Limited to one side boundary. | Walls to both side boundaries. | Supported - compatible with adjacent dwellings, established street character and no objection from neighbours. |

| Consultation Submissions | | |
|---------------------------------|--|--|
| Support | Neighbours have provided written support. Issues raised were: - The adjoining wall not to damage their property. - The builder to be liable to any damage occurring. | Noted – issues raised are civil matters. |
| Objection | Nil | Noted |
| Other Implications | | |
| Legal/Policy | TPS 1 and associated Policies, and Residential Design Codes (R Codes). | |
| Strategic Implications | Nil | |
| Financial/Budget Implications | Nil | |

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

COMMENTS:

The submitted plans include a small number of setback and privacy cone of vision variations; it is considered that these variations will not unduly affect the amenity of the adjoining properties and are regarded to be acceptable. The issue of setbacks and the impact on neighbouring properties can be a subjective matter and, as such, the support provided from the owners of the adjoining properties for the development is considered relevant.

In regards to plot ratio, the particular circumstances of the subject site warrants support in this particular case as:

1. the facade of the property is identical to the dwelling on adjoining property at No. 31 and of similar proportions to the dwelling on abutting property at No. 35;
2. both the dwellings on abutting properties are two storeys and are built up to both boundaries;
3. the plot ratio of the dwellings on No. 31 Knebworth Street is 0.93 and 0.86 on No. 35 Knebworth Street; and
4. the scale and bulk of the dwelling is consistent with the pattern that has been established in the street in recent years.

It is considered that the proposal will not unduly affect the appearance of the streetscape nor create an undesirable precedent, as the Town considers each application on its merits and the particular characteristics of this application are considered to be unique.

The Town's Officers have the delegated authority to refuse applications which involve a plot ratio variation, however; due to the particular issues raised in this proposal, it has been deemed appropriate to refer the application to the Council for consideration and determination.

The proposal is recommended for approval, subject to standard and appropriate conditions.

10.1.9 No. 299 (Lot: 100 D/P: 98298) (Shop 2) Charles Street, Corner Albert and Kadina Streets, North Perth - Proposed Change of Use from Shop to Eating House and Take Away Food Outlet

| | | | |
|------------------------------|---|--------------------|--------------------------|
| Ward: | North | Date: | 4 July 2005 |
| Precinct: | Charles Centre Precinct;P07 | File Ref: | PRO3204 5.2005.2892.1 |
| Attachments: | 001 ; 002 ; 003 | | |
| Reporting Officer(s): | J Meggitt | | |
| Checked/Endorsed by: | D Abel, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by S Bernstein on behalf of the owner Lam Family Investments Pty Ltd for proposed Change of Use from Shop to Eating House and Take Away Food Outlets, at No. 299 (Lot: 100 D/P: 98298) (Shop 2) Charles Street, corner Albert and Kadina Streets, North Perth, and as shown on plans stamp-dated 2 June 2005, subject to:

- (i) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage; and*
- (ii) the public floor area shall be limited to a maximum of 36 square metres.*

COUNCIL DECISION ITEM 10.1.9

Moved Cr Maier, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology.)

| | |
|-------------------------------|--|
| Landowner: | Lam Family Investment Pty Ltd |
| Applicant: | S Bernstein |
| Zoning: | Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): R80 Residential-Commercial |
| Existing Land Use: | Shop |
| Use Class: | Eating House |
| Use Classification: | "SA" |
| Lot Area: | 2,360 square metres |
| Access to Right of Way | N/A |

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the change of use of a shop to a cafe with provision for take away food. It is intended that the premises would form part of an expansion of an existing adjoining cafe known as "Poppies".

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

ASSESSMENT:

| Non-Compliant Requirements | | | |
|---|------------------|-------------------|---|
| Requirements | Required | Proposed * | Officer Comments Pursuant to Clause 38(5) of TPS 1 |
| Plot Ratio | N/A | N/A | N/A |
| Consultation Submissions | | | |
| Support | Nil | | Noted |
| Objection | Nil | | Noted |
| Other Implications | | | |
| Legal/Policy | | | TPS 1 and associated Policies. |
| Strategic Implications | | | Nil |
| Financial/Budget Implications | | | Nil |
| Car Parking | | | |
| Car parking requirement (nearest whole number) | | | Total 120 car bays |
| - Proposed Restaurant: | 36 square metres | | 8 bays |
| - Proposed Takeaway Food: | 3 square metres | | 1 bay |
| - Existing Shops: | | | 91 bays |
| - Existing Office: | | | 5 bays |
| - Existing Eating Houses: | | | 15 bays |
| Apply the adjustment factors. | | | (0.8075) |
| <ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.95 (within 400 metres of one or more public car parks in excess of 25 spaces) | | | 96.90 car bays |
| Minus the car parking provided on-site | | | 68 car bays |
| Minus the most recently approved on-site car parking shortfall | | | 36 |
| Resultant Surplus | | | 7.1 car bays |

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

COMMENTS:

The calculated parking surplus is supported by a letter from the owner of the complex stating that the existing car park is constantly under utilised with only 10 to 20 bays occupied at any one time. This is confirmed by the Town's Ranger Services.

The Development Application plans are regarded to be acceptable. The proposal is therefore recommended for approval, subject to standard and appropriate conditions to address the above matters.

10.1.10 Nos. 77-81 (Lot 456) Scarborough Beach Road, Mount Hawthorn - Proposed Alterations and Additions to Existing Consulting Rooms and Continuation of Consulting Rooms Use (Part Application for Retrospective Approval)

| | | | |
|------------------------------|---------------------|--------------------|---------------------|
| Ward: | North | Date: | 4 July 2005 |
| Precinct: | Leederville; P3 | File Ref: | PRO1785; 00/33/2836 |
| Attachments: | 001 | | |
| Reporting Officer(s): | L Mach | | |
| Checked/Endorsed by: | D Abel, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Parry & Whyte Architects on behalf of the owner PM & RH Winterton for proposed Alterations and Additions to Existing Consulting Rooms and Continuation of Consulting Rooms Use (Part Application for Retrospective Approval), at No(s). 77-81 (Lot(s) 456) Scarborough Beach Road, Mount Hawthorn, and as shown on plans stamp-dated 29 April 2005, subject to:

- (i) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Scarborough Beach Road shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum of 50 per cent transparency;*
- (ii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive.*
- (iii) a maximum of four (4) rooms shall be used for consulting at any one time;*
- (iv) a maximum of four (4) consultants shall be working at the premises at any one time;*
- (v) practitioners/consultants operating from the site shall be a legally qualified medical practitioner, physiotherapist, chiropractor, chiropodist and/or a person ordinarily associated with a medical practitioner in the investigation or treatment of physical or mental injuries or ailments;*
- (vi) the consulting rooms shall only operate between the hours of 8am and 7pm, Monday to Saturday inclusive;*
- (vii) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (viii) this approval for consulting rooms is for a period of 3 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 continuation of the use;*

- (ix) *all activities at the premises shall be in compliance with the Town's Policy requirements relating to consulting rooms, and no activity of a non-medical nature, prostitution, brothel business, agency business associated with prostitution, escort agency business, and the like, shall occur at the premises; and*
- (x) *this approval for consulting rooms is for Medical Surgery/Physiotherapy Centre service only, and any change of use from consulting rooms (Medial Surgery/Physiotherapy Centre Services) shall require Planning Approval to be applied to and obtained from the Town prior to the commencement of such use.*

COUNCIL DECISION ITEM 10.1.10

Moved Cr Maier, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology.)

| | |
|-------------------------------|---|
| Landowner: | PM & RH Winterton |
| Applicant: | Parry & Whyte Architects |
| Zoning: | Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60 |
| Existing Land Use: | Consulting Rooms |
| Use Class: | Consulting Rooms |
| Use Classification: | "SA" |
| Lot Area: | 1345 square metres |
| Access to Right of Way | South side, 5.0 metres wide, sealed, Town-owned |

BACKGROUND:

11 September 2001 The Council at its Ordinary Meeting resolved to conditionally approve an application for change of use from residence to consulting rooms and alterations and additions (including a second level) to existing consulting rooms at the subject property. Part of the approval included the following condition:

"(xvi) this approval is for a period of twelve (12) months only and should the applicant wish to continue the use after that period, it shall be necessary to re-apply to and obtain approval from the Council, prior to the continuation of the use;"

30 October 2003 Approval was granted under delegated authority from the Council for signage to existing consulting rooms at the subject property.

DETAILS:

The proposal involves alterations and additions to existing consulting rooms and as the above condition has not been complied with, continuation of consulting rooms (part application for retrospective approval). The alterations and additions relate to the portico/waiting area proposed between the two existing consulting room buildings.

The applicant has also requested Council extend the approval period from one year to three years. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

| Non-Compliant Requirements | | | |
|-----------------------------------|--|-------------------|---|
| Requirements | Required | Proposed * | Officer Comments Pursuant to Clause 38(5) of TPS 1 |
| Plot Ratio | N/A | N/A | N/A |
| Consultation Submissions | | | |
| Support | Nil | | Noted. |
| Objection | Nil | | Noted. |
| Other Implications | | | |
| Legal/Policy | TPS 1 and associated Policies, and Residential Design Codes (R Codes). | | |
| Strategic Implications | Nil | | |
| Financial/Budget Implications | Nil | | |

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

COMMENTS:

In relation to the applicant's request to extent the approval period, this is supported on the basis the Town has not received any valid planning complaints on record with regard to the use.

In relation to the alterations and additions, the proposed works does not involve an intensification of the use, is contained within the existing buildings envelope and is not considered to unduly impact on the adjoining properties or streetscape.

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

10.1.15 No. 11 (Lot: 419 D/P: 31181, Lot: 226 D/P: 2001) Pakenham Street, Mount Lawley - Proposed Demolition of Existing Single House and Construction of Split Level Single House

| | | | |
|------------------------------|---------------------|--------------------|---------------------------|
| Ward: | South | Date: | 5 July 2005 |
| Precinct: | Banks Precinct; P15 | File Ref: | PRO2992; 5.2004.2558.1 |
| Attachments: | 001 | | |
| Reporting Officer(s): | T Durward, H Wyatt | | |
| Checked/Endorsed by: | D Abel, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by W Filardi on behalf of the owner I Filardi for proposed Demolition of Existing Single House and Construction of Split Level Single House, at No. 11 (Lot: 419 D/P: 31181, Lot: 226 D/P: 2001) Pakenham Street, Mount Lawley, and as shown on plans stamp-dated 27 April 2005 (Site Plan, Floor Plan and Elevations) and 28 June 2005 (Survey Plan), subject to:

- (i) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following;*
 - (a) *the door to the garage on the north eastern elevation facing Pakenham Street being visually permeable, with a minimum 50 per cent transparency;*
 - (b) *the wall to bedroom 1 on the north eastern elevation facing Pakenham Street having at least two (2) significant appropriate design features to reduce the visual impact;*
 - (c) *the windows to the meals room and theatre room on the north western elevation and the north western side of the alfresco area being screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002; and*
 - (d) *the window to bedroom3/study on the north western elevation being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject room being shown as a bedroom only.*

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

- (ii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Pakenham Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iv) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (v) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (vi) *the entire development shall be used as one single house only, as defined under the Residential Design Codes 2002; and*
- (vii) *a Certified Practising Consulting Engineer's certification as to the capability of the subject site and adequacy of the proposed foundations for the development, taking into account the hydrogeological composition and history of the site, shall be submitted and approved prior to the issue of a Building Licence.*

COUNCIL DECISION ITEM 10.1.15

Moved Cr Maier, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology.)

| | |
|-------------------------------|--|
| Landowner: | I Filardi |
| Applicant: | W Filardi |
| 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: | 483 square metres |
| Access to Right of Way | N/A - Walters Brook abuts the South western boundary |

BACKGROUND:

8 December 2004 The Western Australian Planning Commission conditionally approved subdivision of the subject site into 2 lots.

DETAILS:

The proposal involves demolition of existing single house and construction of a split level single house.

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

ASSESSMENT:

| Non-Compliant Requirements | | | |
|--|-----------------|-------------------------------------|---|
| Requirements | Required | Proposed * | Officer Comments Pursuant to Clause 38(5) of TPS 1 |
| Plot Ratio | N/A | N/A | N/A |
| Front Setback | 6 metres | 3.06 (Porch) - 4.98 metres (Garage) | Supported in part - the Town's Officers consider the setback to the main building to be in accordance with the Riverside Locality Plan in terms of maintaining existing front setbacks, except for the garage which is conditioned to be 50 per cent visually permeable. The purpose of this is to reduce its visual impact in light of the scarcity of garages within the streetscape. |
| Setbacks: | | | |
| Upper Floor - North Western Elevation - Bedrooms 2, 3 and 4, Bathroom and WC | 2.7 metres | 1.7 metres | Supported – sloping nature of topography, no objections received (to setback variations) and no undue impact on affected property. |
| Meals and Alfresco | 3.5 metres | 1.7 metres | Supported – sloping nature of topography, no objections received (to setback variations) and no undue impact on affected property. |

| Non-Compliant Requirements | | | |
|--|------------------|---------------------------------------|--|
| Requirements | Required | Proposed * | Officer Comments Pursuant to Clause 38(5) of TPS 1 |
| South Eastern Elevation - Garage and Bedroom 1 | 1.8 metres | Nil (Garage)- 1.56 metres (Bedroom 1) | Supported – sloping nature of topography, no objections received (to setback variations) and no undue impact on affected property. |
| Ensuite | 1.2 metres | 1 metre | Supported – sloping nature of topography, no objections received (to setback variations) and no undue impact on affected property. |
| Privacy Setbacks: | | | |
| Upper Floor - North Western Elevation - Alfresco | 7.5 metres | 5.1-5.6 to south western boundary | Not supported - conditioned to comply with R Codes privacy requirements. |
| Meals | 6.0 metres | 5.7 metres to south western boundary | Not supported - conditioned to comply with R Codes privacy requirements. |
| Bedroom 3/Study | 4.5 - 6.0 metres | 5.7 metres to south western boundary | Not supported - the Officer Recommendation includes a condition that the room be screened to R Code Privacy Requirements or shown as a bedroom only on the Building Licence plans. |
| Theatre | 6.0 metres | 5.7 metres to south western boundary | Not supported - conditioned to comply with R Codes privacy requirements. |

| Non-Compliant Requirements | | | |
|---|--|--|--|
| Requirements | Required | Proposed * | Officer Comments Pursuant to Clause 38(5) of TPS 1 |
| Buildings on Boundary: Garage | Average height 3.0 metres with a maximum of 3.5 metres | Average height 4.025 metres with a maximum of 4.4 metres | Supported – sloping nature of topography and no undue impact on affected property. |
| Retaining Wall Height: South Eastern Elevation | 0.5 metre | 1.3 metres | Supported – sloping nature of topography, no objections received (to retaining wall height variations) and no undue impact on affected property. |
| North Western Elevation | 0.5 metre | 0.9 - 2 metres | Supported – sloping nature of topography, no objections received (to retaining wall height variations) and no undue impact on affected property. |
| Building Height: South Eastern Elevation | 6 metres to the top of eaves and 9 metres to the top of the roof pitch | 6.8 metres (eaves) and 9.3 metres (pitch) | Supported – sloping nature of topography, no objections received (to building height variations) and no undue impact on affected property. |
| North Western Elevation | | 6.8 metres (eaves) | Supported – sloping nature of topography, no objections received (to building height variations) and no undue impact on affected property. |
| South Western Elevation | | 6.8 metres (eaves) and 9.3 metres (pitch) | Supported – sloping nature of topography, no objections received (to building height variations) and no undue impact on affected property. |

| Consultation Submissions | | |
|---|--|---|
| Support (1 comment of support was included in an objection letter) | <ul style="list-style-type: none"> • Non-compliances to building height acceptable due to sloping topography of land | Noted. |
| Objection (2) | <ul style="list-style-type: none"> • Front Setback non-compliance • Garage door not setback 6 metres • Hydrological Assessment of the site should be required • Inaccurate finished floor levels for the adjoining properties shown on the plans • Confirmation of the surveyed boundary lines, concern over encroachment of boundary walls into adjoining property. • Confirmation of compliance with R Codes open space and outdoor living requirements. | <p>Supported in part - see comments above.</p> <p>Supported - the garage is conditioned to be 50 per cent visually permeable to complement the streetscape.</p> <p>Supported - the applicant has advised that a hydrological assessment was completed on 14 July 2004. A condition is included in the Officer Recommendation that this be provided prior to issue of a Building Licence.</p> <p>Supported - a revised survey plan has been submitted to show accurate levels.</p> <p>Supported - a revised survey plan has been submitted to show accurate boundary walls.</p> <p>The Town's Officers confirm that the development is compliant with R Codes open space and outdoor living area requirements.</p> |
| Other Implications | | |
| Legal/Policy | | TPS 1 and associated Policies, and Residential Design Codes (R Codes). |
| Strategic Implications | | Nil |
| Financial/Budget Implications | | Nil |

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

COMMENTS:

Heritage

The existing building is dated circa 1935. The place is constructed of rendered brick with a tiled roof. Windows are simple casement style and are in some cases modern replacements of the originals. Due to the sloping nature of the site, the property has an undercroft to the rear. The property has been altered from its original design by the addition of a rear sunroom, terrace, bathroom etcetera in the mid 1960s.

Although the place exhibits some characteristics typical of the period, the place is considered to have little heritage value and does not warrant a full heritage assessment. It does not meet the minimum criteria for entry into the Town's Municipal Heritage Inventory. It is noted that the building does contribute to the streetscape and character of the area. This assessment is based on an external inspection made on 16 December 2004.

Redevelopment

The proposal was advertised for 14 days and two written submissions were received during this period, which are addressed in the Assessment Table.

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

10.1.17 No. 197 (Lot: 1 D/P: 9766), Oxford Street, Leederville - Proposed Change of Use From Single House to Office Building and Associated Alterations

| | | | |
|------------------------------|-----------------------------|--------------------|---------------------------|
| Ward: | South | Date: | 5 July 2005 |
| Precinct: | Oxford Centre Precinct; P04 | File Ref: | PRO3178; 5.2005.2846.1 |
| Attachments: | 001 | | |
| Reporting Officer(s): | R Rasiah | | |
| Checked/Endorsed by: | D Abel, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by owner R M McKinley for proposed Change of Use From Single House to Office Building and Associated Alterations at No.197 (Lot: 1 D/P: 9766) Oxford Street Leederville, and as shown on plans stamp-dated 6 May 2005 , subject to:

- (i) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (ii) *a detailed landscaping plan, including a list of plants, the landscaping and reticulation of the Oxford Street verges adjacent to the subject property and the provision of a minimum of one tree per 4 car parking spaces in the car parking area, shall be submitted and approved by the Town. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Oxford Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences;*
- (iv) *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 facility shall be submitted and approved prior to the installation of such facility;*
- (v) *the maximum gross floor area of the Office Building shall be limited to 168 square metres;*
- (vi) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*

- (vii) *prior to the first occupation of the development, revised plans shall be submitted and approved demonstrating the following:*
- (a) *revised car parking layout providing a minimum of 7 car bays that comply with the minimum specifications and dimensions specified in the Town's Parking and Access Policy and Australian Standards AS 2890.1-"Off Street Parking";*
 - (b) *a minimum of 10 per cent of the site being landscaped;*
 - (c) *garage being removed; and*
 - (d) *a 2.4 metres high wall or lower height wall if agreeable with the owner of No.1 Melrose Street; being provided along the western boundary of No 197 Oxford Street, abutting No.1 Melrose Street.*

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

- (viii) *prior to the first occupation of the development, where vehicular access to or from the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title or Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (ix) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town; and*
- (x) *the windows, doors and adjacent floor area facing Oxford Street shall maintain an active and interactive frontage at all times to Oxford Street.*

COUNCIL DECISION ITEM 10.1.17

Moved Cr Maier, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology.)

| | |
|-------------------------------|---|
| Landowner: | R M McKinley |
| Applicant: | R M McKinley |
| Zoning: | Metropolitan Region Scheme: Urban Town Planning Scheme No.1 Residential/Commercial (R80) |
| Existing Land Use: | Single House |
| Use Class: | Office |
| Use Classification: | "AA" |
| Lot Area: | 574 square metres |
| Access to Right of Way | North side, 3.4 metres wide, unsealed and privately owned |

BACKGROUND:

The subject site is occupied by a single storey house, which has car parking access from Oxford Street and rear right of way (ROW) access to Melrose Street.

The above proposal was assessed under the previous Policy relating to Non-residential Uses In/Or Adjacent to Residential Areas as it was received prior to 24 May 2005.

The Policy in part states as follows:

That the use "not cause an undue conflict through the generation of traffic and parking or the emission of noise or any other form of pollution which may be undesirable on residential areas."

It also encourages compatible commercial uses to be located within existing building(s) which compliment the surrounding residential amenity. The proposal was deemed to comply with the above Policy.

DETAILS:

The proposal is for the conversion of an existing house to an office. The applicant has made a submission, which has been summarised as follows:

- No.197 Oxford Street is within the "inner core area" of the Oxford Precinct. Proposed office use would be a compatible use for the area.
- Times of operation would be 7am to 5 pm, Monday to Friday, with approximately 10 staff members.
- Car parking for 6 to 7 vehicles has been provided at the rear of the lot.
- Vehicular access is provided off Oxford and Melrose Streets.
- Only minor alteration to improve streetscape appeal will be carried with Council's approval.
- Total floor area to be 168 square metres.
- The ROW will be restored.

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

ASSESSMENT:

| Non-Compliant Requirements | | | |
|-----------------------------------|--|-------------------|---|
| Requirements | Required | Proposed * | Officer Comments Pursuant to Clause 38(5) of TPS 1 |
| Plot Ratio | N/A | N/A | N/A |
| Consultation Submissions | | | |
| Support (1) | <ul style="list-style-type: none"> • No objection to change of use application, as long as the development is sensitive to its location at the boundary of the commercial/residential areas of Leederville. | | Supported. |

| | | |
|--------------------------------------|---|---|
| | <ul style="list-style-type: none"> Request Western boundary fence of No.197 Oxford Street be increased to 2 metres and rising to 2.4 metres next to the courtyard of No 1 Melrose Street. The fence to be brick rendered and at the cost of the developers, consistent with the wall built by Australand at the time of the development of the other adjoining lot not long ago. The wall will shield noise and vehicle fumes from rear car park and also ensure privacy is maintained. Any damage to the adjoining lot to be rectified by developer. | <p>Supported - as the wall would offer some form of noise attenuation and impact from vehicle fumes if any and also afford privacy to adjoining landowner at No. 1 Melrose Street.</p> <p>Noted- this is a civil matter to be resolved by affected landowners if the problem occurs.</p> |
| <p>Objection (1)</p> | <ul style="list-style-type: none"> Require peace, privacy and no traffic using the ROW, which will result in a traffic hazard to pedestrians. The proposal is considered to be "Impeding and interfering" with the plans to redevelop No.199 Oxford Street. No.199 Oxford Street has no access off Oxford Street, but has to use lane entry off Melrose Street. Allegation that the rear ROW is being used for parking of vehicles associated with the owners of No.197 Oxford Street. | <p>Noted- the current use is for a consulting room (chiropractor).</p> <p>Not supported- as each application is assessed and dealt on individual merit.</p> <p>Noted- access appears to be allowed and stated on the certificates of title for both Nos. 197 and 199 Oxford Street. As such, Clause (viii) is recommended to confirm the above status of the ROW. No.199 Oxford Street currently has direct vehicular access to Melrose Street.</p> <p>Noted- this is a private ROW, it will be left to both affected landowners who have access rights to resolve the matter privately between themselves.</p> |
| Other Implications | | |
| <p>Legal/Policy</p> | <p>TPS 1 and associated Policies.</p> | |
| <p>Strategic Implications</p> | <p>Nil</p> | |
| <p>Financial/Budget Implications</p> | <p>Nil</p> | |

| Car parking | | |
|--|---------------------------------|-----------------|
| Requirements | Required No. of Car bays | |
| Office: 1 car bay per 50 square metres gross floor area (existing 168 square metres). | 5.6 car bays | |
| Total car parking required before adjustment factor (nearest whole number) | 6 car bays | |
| Apply the parking adjustment factors. | (0.6141) | |
| <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 800 metres of a train station) ▪ 0.85 (within 400 metres of a public car park in excess of 75 car bays) | 3.68 car bays | |
| Car parking provided on-site | 7 car bays ** | |
| Resultant surplus | 3.32 car bays | |
| Bicycle Parking | | |
| Requirements | Required | Provided |
| Retail 1 per 200 (proposed 168) square metres of gross floor area for employees (class 1 or 2). | 1 space | Nil |

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

**Details in Technical Services comments.

COMMENTS:

The land is zoned Residential/Commercial R80 and falls within the Oxford Centre Precinct (P4) and the Richmond Locality Plan 11.

Health and Building

The Town's Health Services and Building Surveyors have advised that the proposal generally complies with the relevant health and Building Code of Australia (BCA) standards. However, the owners will be required to provide facilities for people with disabilities and fire requirements in accordance with the BCA requirements, which can be provided at the Building Licence stage.

Technical Services

Technical Services have advised as follows:

- Total of 7 car bays can be provided on-site;
- Car bay 6 to be increased in width to 2.7 metres;
- Car bays 2, 3, 4 and 5 can be reduced in width to 2.4 metres;
- Car bay 8 to be deleted ;
- Car bay 7 to be increased in length to 5.4 metres and relocated 2.0 metres east toward Oxford Street; and
- Garage requires to be removed to allow access to the rear car parking area.

A condition has been recommended for revised plans to be submitted to resolve the above matters that include the area for landscaping required to be provided.

Right of Way

The right of way was created to serve both Nos.197 and 199 Oxford Street and includes access for all their staff and invitees. It appears that an expressed right was later registered in favour of No.197 Oxford Street. The ROW is currently paved.

Heritage Services

The site is not listed on any of the Town's Heritage Registers and as such requires no heritage assessment to be undertaken.

Summary

The proposal represents an appropriate use for the above site. Accordingly, it is recommended that the proposal be supported.

10.1.18 No. 71 (Lot: 121 D/P: 2334) Sydney Street, North Perth - Proposed Two-Storey Single House

| | | | |
|------------------------------|---|--------------------|--------------------------|
| Ward: | North | Date: | 6 July 2005 |
| Precinct: | P08 - North Perth Precinct | File Ref: | PRO2373 5.2005.2832.1 |
| Attachments: | 001 ; 002 ; 003 ; 004 ; 005 ; 006 ; 007 | | |
| Reporting Officer(s): | J Meggitt | | |
| Checked/Endorsed by: | D Abel, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by W Meng on behalf of the owner D M Li & W Meng for proposed Two-Storey Single House, at No. 71 (Lot: 121 D/P: 2334) Sydney Street North Perth, and as shown on plans stamp-dated 27 April 2005, subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) subject to first obtaining the consent of the owners of No. 69 Sydney Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 69 Sydney Street in a good and clean condition;*
- (iii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Sydney Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*
- (iv) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
 - (a) to protect the reasonable privacy of the residents of No. 73 Sydney Street, a solid wall/fence being provided along the northern boundary. The solid wall/fence shall be maximum height of 1.2 metres within the front setback area and the remaining length being a height of 1.8 metres;*
 - (b) to protect the reasonable privacy of the residents of No. 69 Sydney Street, a 2.4 metres high solid wall/fence being provided between the proposed garage and the bottom of the laundry external stairs;*
 - (c) the western side of the rear balcony and the southern side of the front balcony being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed;*

- (d) *the window to bedroom 3 on the western elevation on the first floor, being screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR the subject window not exceeding one square metre in aggregate in the respective subject walls, so that it is not considered to be a major opening as defined in the Residential Design Codes 2002;*
- (e) *the front balcony on the first floor having a minimum setback of 5 metres from Sydney Street;*
- (f) *the front main building on the first floor having a minimum setback of 6 metres from Sydney Street; and*
- (g) *the garage being setback behind the line of the front main building wall.*

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

COUNCIL DECISION ITEM 10.1.18

Moved Cr Maier, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology.)

| | |
|-------------------------------|--|
| Landowner: | D M Li & W Meng |
| Applicant: | W Meng |
| Zoning: | Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30/40 |
| Existing Land Use: | Vacant |
| Use Class: | Single House |
| Use Classification: | "P" |
| Lot Area: | 564 square metres |
| Access to Right of Way | N/A |

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the development of a single two storey dwelling on the subject site. The existing dwelling on the site was approved for demolition in October 2003.

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

ASSESSMENT:

| Non-Compliant Requirements | | | |
|---|--|--|--|
| Requirements | Required | Proposed * | Officer Comments Pursuant to Clause 38(5) of TPS 1 |
| Plot Ratio | N/A | N/A | N/A |
| Front Setback: | | | |
| Ground Floor: Garage | Behind line of front main building wall. | Garage setback 5 metres and in front of front main wall. | Not supported – has been conditioned to comply with the Town’s Street Setbacks Policy. |
| First Floor: Main Building | 6.0 metres | 5.2 metres | Not supported- has been conditioned to comply. |
| Balcony | 6.0 metres | 3.9 metres | Not supported- has been conditioned to be 5 metres. |
| Side Setbacks: | | | |
| North Ground Floor | 1.5 metres | 1.0 - 1.5 metres | Supported - variation is considered minor and no undue impact on affected property. |
| North First Floor | 2.4 metres | 1.5 - 2.9 metres | Supported - variation is considered minor and no undue impact on affected property. |
| South Ground Floor | 4.8 metres | Nil - 1.5 metres | Supported - no undue impact on affected property. |
| South First Floor | 4.7 metres | 1.7 - 6.9 metres | Supported - no undue impact on affected property. |
| Privacy Setbacks: | | | |
| North Ground Floor Dining Room | 6.0 metres | 1.5 metres | Not supported- has been conditioned to comply. |
| North Ground Floor Kitchen | 6.0 metres | 1.5 metres | Not supported- has been conditioned to comply. |
| North First Floor Bedroom 3 - West Window | 4.5 metres | 3.7 metres | Not supported- has been conditioned to comply. |
| North Balcony - West Side | 7.5 metres | 3.9 metres | Not supported- has been conditioned to comply. |

| Non-Compliant Requirements | | | |
|---|--|--|---|
| Requirements | Required | Proposed * | Officer Comments Pursuant to Clause 38(5) of TPS 1 |
| South Front Balcony | 7.5 metres | 5.6 metres | Not supported- has been conditioned to comply. |
| South Raised Area to Guest Room and Laundry | 6.0 metres | Nil | Not supported- has been conditioned to comply. |
| Building Height at Rear | 6.0 metres | 6.5 metres | Supported - variation is considered acceptable due to slope of land and overlooks roof of house and garage. |
| Consultation Submissions | | | |
| Support | Nil | | Noted |
| Objection (1) | <p>One letter received regarding privacy:</p> <p>Requested 1.8 metres high wall along northern frontage boundary.</p> <p>Concerns raised regarding compatibility of building materials.</p> <p>Requested screening of first floor balcony and ground level patio.</p> <p>Requested that windows on first floor bedroom and family room be raised 1.65 metres above floor level.</p> <p>Requested that window to stairway be frosted glass.</p> <p>Requested site filling to be in accordance with the submitted plans.</p> <p>Requested fences to be reinstated following construction of retaining walls.</p> | <p>Noted.</p> <p>Supported - condition applied for 1.8 metres high wall to front setback point.</p> <p>Noted - brick and tile indicated on the application.</p> <p>Supported - conditions applied.</p> <p>Noted - submitted plans show the windows will be raised 1.65 metres.</p> <p>Not supported - not a habitable space and window faces front setback area.</p> <p>Noted - filling to be in accordance with approved plans.</p> <p>Noted - civil matter addressed through the Dividing Fences Act (1961).</p> | |
| Other Implications | | | |
| Legal/Policy | TPS 1 and associated Policies, and Residential Design Codes (R Codes). | | |
| Strategic Implications | Nil | | |
| Financial/Budget Implications | Nil | | |

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

COMMENTS:

It is considered that setback variations are minor in nature and can be supported. The recommended approval conditions will address the privacy and front setback issues that may unduly affect the streetscape and the amenity of the adjoining properties.

The proposal is therefore recommended for approval, subject to standard and appropriate conditions to address the above matters.

10.1.22 Monitoring Antisocial Behaviour in the Town of Vincent Parks and Public Spaces – Progress Report No. 7

| | | | |
|------------------------------|-----------------------|--------------------|-------------|
| Ward: | Both | Date: | 5 July 2005 |
| Precinct: | All | File Ref: | ENS0102 |
| Attachments: | - | | |
| Reporting Officer(s): | M Wendt | | |
| Checked/Endorsed by: | J MacLean, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That the Council RECEIVES the progress report on anti-social behaviour in the Town of Vincent Parks and Public Spaces.

COUNCIL DECISION ITEM 10.1.22

Moved Cr Maier, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology.)

PURPOSE OF THE REPORT:

The purpose of the report is to provide an update of the status and strategies being implemented to address antisocial behaviour occurring within the Town's parks and public spaces.

BACKGROUND:

Since the formation of the Town, Rangers and Town staff have been attending to complaints in and around the vicinity of Birdwood Square. Some of the complaints include loitering, littering, fighting, drinking, camping, indecent and offensive behaviour by itinerant persons, who comprise predominantly indigenous people and also Caucasians.

Commercial and residential property owners from Brisbane Street, Beaufort Street and Baker Avenue have repeatedly lodged complaints with the Town, which intensified around December 2005 ~~2005~~ 2004.

An Information Report was presented at the Ordinary Meeting of Council held on 8 February 2005 (Item No. '10.1.26 - Birdwood Square, Perth - Itinerant Park Dwellers and Anti-social Behaviour'). This report outlined the problems occurring in and around Birdwood Square. A number of strategies for dealing with the antisocial behaviour, and impact on local residents and businesses were recommended and resolved in the report.

At that meeting the following recommendation was also passed:

"(iv) receives monthly information reports regarding the status of Birdwood Square and the Birdwood Square Working Group as well as other reports for decision as required."

The monthly reports have been presented at the following Ordinary Meetings of Council:

| | | |
|------------------|---------|---|
| 8 February 2005 | 10.1.25 | Birdwood Square, Perth - Itinerant Park Dwellers and Anti-social Behaviour. |
| 22 February 2005 | 10.1.18 | Birdwood Square, Perth - Itinerant Park Dwellers and Anti-social Behaviour. |
| 8 March 2005 | IB02 | Birdwood Square, Perth - Information Report. |
| 12 April 2005 | 10.1.29 | Birdwood Square, Perth - Itinerant Persons and Anti-social Behaviour. |
| 10 May 2005 | IB02 | Birdwood Square, Perth - Progress Report. |
| 14 June 2005 | IB08 | Birdwood Square, Perth - Progress Report. |

The monthly report has been renamed "*Monitoring Antisocial Behaviour in the Town of Vincent Parks and Public Spaces – Progress Report No. 7*" as it encompasses antisocial behaviour occurring in other Town of Vincent parks and public spaces.

DETAILS:

Current Status

Through the "*Park People Project Working Group*", an identified number of core group park dwellers have taken up assistance offered through the Department of Community Development and Department of Housing and Works, in relation to assisted accommodation and on-going support.

There have been increased reports in the number of vacant buildings being used by people seeking protection from the weather. These properties have been resecured and support has been offered to those squatting in the premises through the Departments of Community Development and Housing and Works.

Residents, businesses and visitors are being encouraged to report unsecured buildings to the Town to enable them to be resecured.

Strategies

- ◆ The Town of Vincent is working closely with the WA Police to proactively ensure that vacant buildings within the Town are secured.
- ◆ The Town is also working with the WA Police and the Department of Community Development in visiting affected residents and businesses to discuss ways that they can increase the security around their premises to deter people from entering their properties with the intent of antisocial behaviour.
- ◆ An evaluation of the effectiveness of the rental of a temporary toilet is being undertaken, which was trialled over a four (4) month period in a variety of locations in Birdwood Square.
- ◆ The reviewed '*Looking after the Community*' brochure was endorsed at the Ordinary Meeting of Council held on 28 June 2005 (Item 10.1.1), and will shortly be printed and distributed to residents and businesses in the Town.

- ◆ Two copies of the Memorandum of Understanding have been signed by the Nyoongar Patrol, and are with the Town pending signing. This matter is the subject of a separate report on the current Agenda at the Ordinary Meeting of Council to be held on 12 July 2005 at Item 10.1.21
- ◆ A code of conduct is being explored through the *Park People Project Working Group* (previously called the *Birdwood Square Working Group*).

Statistics

Listed below are statistics provided by the Nyoongar Patrol for the period 1 June - 1 July 2005.

| Date | Park | # in park | # homeless | # intoxicated |
|------------|-----------------|-----------|------------|---------------|
| 1/06/2005 | Hyde Park | 1 | 0 | 0 |
| | Birdwood | 10 | 1 | 2 |
| 2/06/2005 | Birdwood Square | 4 | 2 | 4 |
| 7/06/2005 | Birdwood Square | 7 | 0 | 0 |
| 21/06/2005 | Hyde Park | 7 | 0 | 7 |
| 1/07/2005 | Hyde Park | 8 | 4 | 8 |

The dates where no one was recorded as being in the park have been left out of this report, although it has been confirmed that patrols were undertaken on these days.

Meetings

A meeting of the *Park People Project Working Group* (convened by the Department of Community Development) was held on 8 June 2005.

A meeting was held on 24 June 2005 with residents regarding antisocial behaviour associated with the Brisbane Hotel and Birdwood Square.

A number of regular on-site meetings have occurred with individual residents and businesses, together with the WA Police and the Department of Community Development, to discuss on-going issues; and strategies to address the issues.

COMMENTS:

Statistical data and feedback from Town of Vincent staff and WA Police indicate that antisocial activity around the various hotspots has decreased significantly. This may partly be attributable to the weather, but to a larger degree is as a result of increased Police presence in the hotspots, and recent changes to Police legislation, as well as several strategies put in place by the Town of Vincent to deter antisocial behaviour.

10.1.23 Town of Vincent Community Safety and Crime Prevention Profile 2003

| | | | |
|------------------------------|--------------------------|--------------------|-------------|
| Ward: | Both | Date: | 5 July 2005 |
| Precinct: | All | File Ref: | ENS0095 |
| Attachments: | 001 | | |
| Reporting Officer(s): | M Wendt | | |
| Checked/Endorsed by: | J MacLean, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the 2003 Community Safety and Crime Prevention Profile for the Town of Vincent, attached at Appendix 10.1.23;*
- (ii) *NOTES that the Community Safety and Crime Prevention Profile will be included on the Council's webpage;*
- (iii) *WRITES to the Office of Crime Prevention, Government of Western Australia expressing appreciation for preparation of the profile and welcoming the partnership in developing local safety and crime prevention plans; and*
- (iv) *REFERS the Profile to the Safer Vincent Crime Prevention Partnership to develop appropriate local safety and crime prevention plans to address and manage identified risks.*

COUNCIL DECISION ITEM 10.1.23

Moved Cr Maier, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology.)

PURPOSE OF REPORT:

The purpose of the report is to supply the Council with an updated crime statistics profile for 2003 for the Town of Vincent, supplied by the Office of Crime Prevention as part of the Safer Vincent Crime Prevention Partnership.

BACKGROUND:

At the Ordinary Meeting of Council held on 24 February 2004, an in-principle approval was given for the State Government's new Community Safety and Crime Prevention Partnership Program.

The Partnership Agreement was signed on 8 September 2004 by Acting Mayor Ian Ker and Minister for Community Safety, Michelle Roberts M.L.A., as a result of a resolution passed at the Ordinary Meeting of Council held 27 July 2004.

As part of the partnership agreement, the State Government responsibilities include the production of relevant data to assist the Town of Vincent in its community safety and crime prevention planning and activities.

The purpose of the Profile is to assist in the development of the Community Safety and Crime Prevention plans within the Town, by providing essential background information for planning to prevent crime in Vincent and make it a safer place.

DETAILS:

The Profile includes data on crime in the area, comparisons and trends over time, with the Perth metropolitan region and the whole State. It also has other information about the make-up of the Town of Vincent and how local characteristics compare with the Perth metropolitan region and the whole State. It also has advice on how to understand and interpret statistics on crime and other social indicators.

The information in the Profile has been compiled by the Crime Research Centre through the Office of Crime Prevention.

The 2003 Town of Vincent Community Safety and Crime Prevention Profile has been posted on the Office of Crime Prevention Website at <http://www.crimeprevention.wa.gov.au/html/selectarea.cfm>.

It is labelled "2003" and appears next to the 2002 version under Town of Vincent.

There is a new inclusion for 2003 - 1.6 Juvenile Cautions - which shows the number of unique juveniles cautioned in the Town of Vincent area in 2003, by age-group, gender and indigenous status.

As more information is processed by the Crime Research Centre, up-to-date profiles will be compiled and provided to the Town through the Office of Crime Prevention.

A link on the Town's website to the above website will be explored and implemented, if possible.

CONSULTATION/ADVERTISING:

This information will be presented to the members of the Safer Vincent Crime Prevention Partnership.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

Under Key Result Area Two: Community Development:

2.2 *Provide and develop a range of community programs and community safety initiatives.*

- (b) Undertake social research and a community needs survey and review existing projects in light of survey results.*
- (g) Enhance and promote the Safer Vincent Program, which aims to support, develop and deliver residential and business initiatives that reduce crime and promotes safety and security.*

Under Key Result Area Four: Governance and Management, the Council upholds a number of objectives including:

~ *"to create a safe environment for residents, ratepayers, businesses and visitors by identifying, addressing and managing risks."*

FINANCIAL/BUDGET IMPLICATIONS:

The Office of Crime Prevention has provided the Town with a grant of \$11,200 to develop a three year Community Safety and Crime Prevention Action Plan. The profile is provided as part of the Office of Crime Prevention commitment to support the Town in developing the action plan.

COMMENTS:

It is recommended that the Council receives the report on the 2003 Community Safety and Crime Prevention Profile for the Town of Vincent, and writes to the Office of Crime Prevention, Government of Western Australia expressing the Town's appreciation for preparation of the Profile and welcoming the partnership in developing local safety and crime prevention plans.

10.2.2 Further Report - Landscaping with Local Plants Project

| | | | |
|------------------------------|----------------|--------------------|--------------|
| Ward: | Both | Date: | 29 June 2005 |
| Precinct: | All | File Ref: | CMS0096 |
| Attachments: | - | | |
| Reporting Officer(s): | J. van den Bok | | |
| Checked/Endorsed by: | R. Lotznicher | Amended by: | |

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report on the Landscaping with Local Plants Project;*
- (ii) *NOTES that a Local Plants sale is to be held at the Town of Vincent Administration and Civic Centre on the morning of Saturday 6 August 2005; and*
- (iii) *RECEIVES a further report on this matter once the further initiatives, as outlined in the report, have been developed.*

COUNCIL DECISION ITEM 10.2.2

Moved Cr Maier, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology.)

PURPOSE OF REPORT:

The purpose of this report is to update the Council on the activities undertaken as part of the Local Plants Project through the Town of Vincent and the Claise Brook Catchment Group.

BACKGROUND:

At the Ordinary Meeting of Council held on 9 March 2004, a report was presented in relation to the Local Plants Project where it was resolved:-

"That the Council;

- (i) *RECEIVES the report on the landscaping with local plants project; and*
- (ii) *APPROVES an amount of \$5,000 being included in the 2004/05 operating budget for the development of localised native plant brochures and other relevant promotional material."*

Subsequently, \$5,000 was included in the 2004/05 operating budget to assist in funding the various activities outlined for the project.

An outline of the project as reported to the Council on 9 March 2004 is as follows:-

The landscaping with local plants project will develop information and activity programs to assist Local Government (LGs) to promote gardening with local native plants in order to reduce water and fertiliser use. Information developed will include localised brochures, newsletters, advertisements, web-based information and posters to be used in a LG campaign. Targeting information to specific regions will increase adoption rates which can then be monitored for effectiveness.

The project will be financially managed by the North-East Catchment Committee (NECC) and overseen by a steering committee comprising of representatives from the following groups:

- North-East Catchment Committee
- Claise Brook Catchment Group
- Eastern Metropolitan Regional Council
- Swan Catchment Council
- Armadale-Gosnells Landcare Group

A project officer will be engaged and supervised by the Co-ordinator of the NECC on a day to day basis, with the steering committee providing direction. The project officer will ensure milestones of the project are met and will provide progress reports to the steering committee.

Project Outputs

The following outputs are expected over the lifetime of the project:

- Development and printing of a range of brochures about local plants based on soil type.
- Provision of information to LGs for websites, displays and newsletters.
- Development of a range of activities which LGs can use to inform their community.
- Identification of resourcing and sponsorship opportunities.
- Establishment of demonstration gardens within LGs.
- Development and staging of Great Gardens planning workshops.
- Evaluation report of project effectiveness.

DETAILS:

Town of Vincent - Progress to Date

Within the Town of Vincent several milestones have been or are nearing completion. The Local Plants brochure is currently being finalised and will be printed within the next few weeks, a demonstration garden has been established at Oxford Street Reserve and the Great Gardens workshops previously conducted have proven to be very popular.

Various activities are planned over the forthcoming months to further inform the local community of the benefits of using native local plants. These include the Local Plants Sale, a Garden Walk and possibly a Garden Workshop to be conducted by staff.

Local Plants Sale

Several other LGs including Nedlands and Cottesloe provide local plants subsidy schemes, whereby residents can order and purchase local plants through their LG at subsidised rates. The plants were pre-ordered from a nursery and residents provided with an order form or a voucher to purchase the plants through their LG or from the nursery direct.

Having contacted a number of nurseries, it was evident that it was too late in the year to pre-order plants. In addition, it was decided that a local plants sale at the Administration and Civic Centre would provide a better opportunity to give interested owner/occupiers advice on native plants.

Native species of various sizes have been sourced through Lullfitz Nursery and will be sold at subsidised prices to owners/occupiers subject to them signing a form that the plants will be planted within the Town.

It is proposed that the sale be held at the front of the Administration and Civic Centre on Saturday morning, 6 August 2005 with the Town's horticultural staff and Claise Brook Catchment Group members in attendance.

Garden Walk

In spring of 2005, it is proposed to conduct a garden walk with residents and the Town's horticultural staff around the parks in the Leederville area. Commencing at Keith Frame Reserve, the walk will commence from Richmond Street to Richmond Street Reserve, Oxford Street Reserve and finish at Venables Park. The parks around Leederville and many of the streetscapes are predominantly native and staff will identify and advise attendees of some of the characteristics of species planted throughout the Town.

Garden Workshop

It has also been proposed that a garden workshop be conducted for local residents. Whilst this idea has not been discussed in detail, it is likely to be conducted by staff and will outline the basic planting, pruning, fertilising and irrigation requirements when setting up a native garden.

CONSULTATION/ADVERTISING:

Advertising of the forthcoming activities will be undertaken through the Town of Vincent and Claise Brook Catchment Group as required.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.1 Protect and enhance the environment and biodiversity. *“(c) Enhance and protect our natural environment, improve natural habitats, increase biodiversity in parks, reserves, wetlands and river foreshore areas, link Greenways of vegetation, enhance the Significant Trees Inventory to encourage their protection and increase and promote use of local vegetation, by Council and residents.”*

FINANCIAL/BUDGET IMPLICATIONS:

The \$5,000 budgeted amount has been carried forward into the 2005/06 year and it is proposed that the funds will be used within the next few months with printing of the brochures and purchase of native plants for the Local Plants sale

COMMENTS:

This project has been beneficial in further promoting the use of local native plants and it is interesting to note that staff are receiving more and more calls from local residents inquiring about what native species are most suitable for planting in a standard residential block.

The brochure, soon to be available for distribution, will provide valuable information to local residents of native species available and suitable for planting in these situations.

10.2.6 Proposed Road Safety and Education Strategy and Road Safety Messages on Mobile Garbage Bins

| | | | |
|------------------------------|-----------------------|--------------------|--------------|
| Ward: | Both | Date: | 24 June 2005 |
| Precinct: | Mt Hawthorn P1 | File Ref: | TES0334 |
| Attachments: | 001 | | |
| Reporting Officer(s): | R Lotznicher, M Wendt | | |
| Checked/Endorsed by: | - | Amended by: | - |

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report on the Proposed Road Safety and Education Strategy and Road Safety Messages on Mobile Garbage Bins;
- (ii) **APPROVES** the proposal of a pilot program as outlined in the report, in the area surrounding the Mount Hawthorn Primary School; and
- (iii) **NOTES** that a progress report on the matter will be submitted to the Council once the proposal has been in place for three (3) months and the project evaluated.

COUNCIL DECISION ITEM 10.2.6

Moved Cr Maier, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council on the outcome of the Local Area Traffic Management (LATM) Advisory Group meeting held on 3 May 2005 and seek Council's approval for the Proposed Road Safety and Education Strategy and Road Safety Messages on Mobile Garbage Bins.

BACKGROUND:

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

At the ordinary Meeting of Council held on 12 April 2005, various traffic matters were considered by the Council, where the following decision was made:

That the Council;

- (i) **RECEIVES** the report on Traffic Management - Various Matters;

- (ii) *REFERS the following nine (9) traffic matters, as listed below and detailed in the report, to the Town's Local Area Traffic Management Advisory Group for their consideration;*
- (a) *Anzac Rd - Traffic calming;*
 - (b) *Fairfield St - Safety improvements north of Scarborough Bch Rd;*
 - (c) *Lincoln / Wright Sts - Through traffic;*
 - (d) *Smith St - Embayed parking / traffic calming;*
 - (e) *Claverton and Alfonso St - Traffic calming;*
 - (f) *View St - Road narrowing, streetscape improvements;*
 - (g) *Lacey St - Parking and traffic Issues;*
 - (h) *Road Safety messages on Mobile Garbage Bins (MGBs);*
 - (i) *Lincoln St - Lord St to Smith St; and*
- (iii) *RECEIVES a further report on each of the matters listed following consideration by the Town's Local Area Traffic Management Advisory Group.*

DETAILS:

The following information was presented to the Ordinary meeting of Council held on 12 April 2005

Road Safety messages on Mobile Garbage Bins (MGBs)

RoadWise has developed and promoted the innovative road safety project "*Please Slow Down - Consider Our Kids*" wheelie bin sticker signage, of which the wheelie bin stickers form a part of the entire available program (refer attached).

RoadWise has been the conduit for Local Governments to access the bin stickers associated with this project and has been involved in promoting the stickers as a means of enabling community participation in road safety and raising awareness of the "Slow Down" message on the basis that speeding is a major contributing factor in road trauma.

Following a great deal of discussion and consultation with the Office of Road Safety and Main Roads Western Australia, the campaign of *Please Slow Down - Consider Our Kids* wheelie bin stickers has been supported by the community in various Local Government areas, including the City of Stirling and City of Wanneroo.

The message *Please Slow Down - Consider Our Kids* is aimed at promoting slower speeds on local roads by:

- Raising awareness of the issue of speeding
- Directing motorists to slow down on local roads
- Enhancing compliance with the built up speed limit of 50 kph
- Encouraging social responsibility by requesting consideration of the children of Western Australia

It is considered the *Please Slow Down - Consider Our Kids* wheelie bin sticker project may contribute to a reduction in travel speeds on local roads and foster community support for the default 50 kph built-up speed limit. The bin stickers, in raising awareness of the issue of speeding, act as a visual cue to encourage motorists to change their behaviour in the short term, by assisting in the decision making process to "Slow Down", and in the long term, contributing to the attitude that speeding is socially unacceptable behaviour.

Officer's Comments:

It is considered that this initiative should be considered by the LATM Advisory Group prior to being further determined by the Council.

As a community-based project, it is relatively easy and inexpensive to implement, it encourages community ownership and participation, which is considered to be an essential element in efforts to reduce road trauma and improve road safety.

Local Area Traffic Management Advisory Group Meeting - 3 May 2005

The group was advised the City of Stirling had recently trialled Bin Stickers and found it to be an effective means of involving the community in road safety and that the stickers were being adopted by numbers of Local Governments. Further, there was currently a special deal if purchased by 30 June 2005.

The group was also advised that the City of Stirling had signs asking motorists to *Remember 50kph in Local Roads*, which were constantly moved around so as not to lose their impact. It was suggested the signs could be available through Main Roads WA and this matter would be further investigated with a view to a formulating an implementation program.

It was agreed that as there were limited funds available for the current financial year, that streets surrounding the Mt Hawthorn Primary Schools be used as a trial area for the *Please Slow Down - Consider Our Kids* wheelie bin sticker signage

It was advised that the City of Stirling had successfully used Community Service Clubs such as Lions and Apex to install the stickers on bin days for several reasons. The bins in the target area, which were the property of the Town, were placed out for collection on the same day, meaning 95%+ of bins could be done correctly in a single operation.

It was also suggested that if the P & C were to install the stickers it would emphasis the community involvement in the project.

It was generally agreed that if the P & C were to take on the project, it would have to be implemented as per the Stirling experience, in one single operation.

It was suggested that the Town could seek grant funding from RoadWise when ready to expand the program.

Conclusion / recommendation

It was suggested that an item be presented to Council on the *Road Safety & Education Strategy* before the 2005/2006 budget is finalised to ensure adequate funding is made available in the new financial year.

"Please Slow Down - Consider our Kids" Bin Sticker Pilot Program

A *Town of Vincent Road Safety & Education Strategy 2005/06 (draft)* has been developed by the Town's Safer Vincent Coordinator and, as part of this strategy, the Town is looking at running a *Please Slow Down - Consider our Kids* Bin Stickers Program.

The purpose of the strategy is to:

- Raise awareness of the issue of speed
- Direct motorists to slow down
- Encourage social responsibility in the community by requesting consideration for the children of Western Australia
- Provide an evaluation of the general use of bin stickers
- Address both the perception and reality of speeding in streets

Mount Hawthorn Primary School has been nominated to participate in the pilot program, and be involved in the distribution and use of the bins stickers in the streets surrounding the school including: Buxton; Coogee; Dover; Egina; Ellesmere; Kalgoorlie; Killarney; and Matlock Streets; Scarborough Beach Road; The Boulevarde and Woodstock Street, as shown on attached Plan No 2354-CP-1.

Proposed Distribution Strategy

Following is a distribution Strategy for the bin stickers' project for the pilot program within the Town of Vincent.

1. A number of the target streets/areas have been identified as having a speed issue in the Mt Hawthorn Primary School area through:
 - Complaints from residents, businesses, visitors
 - Streets identified through the Town of Vincent Local Area Traffic Advisory Group.
 - Target crash record
 - Council data collection
 - Information from local Police

A new 40km zone has also been installed on Scarborough Beach Road between Ellesmere Street and Dover Street.
2. The following volunteer distributors have been identified:
 - Mt Hawthorn Primary School P & C
 - Mt Hawthorn precinct group
 - Town of Vincent Local Area Traffic Advisory Group
3. Prior community notice of bin sticker distribution:
 - Media release to local newspapers
 - Mt Hawthorn Primary School newsletter
 - Town of Vincent newsletter
 - Letter drop to be conducted 2 - 3 days before the bin stickers are distributed
4. Distribution day
 - To occur in July 2005
 - To coincide with bin day which are:
 - - Mondays, 6am - 8am on the South side of Scarborough Beach Road
 - - Tuesdays, 6.30am - 7.30am on the North side of Scarborough Beach Road
 - The bin stickers will be placed on the left hand side of the bin as viewed from the front of the bin, so that they will be viewed as cars drive past.
 - Volunteers to be organised to bin sticker the identified area in one session
 - Media to promote the strategy on the day
5. Other Strategies
 - The Leederville Police Station and WA Police Crime Prevention Section will be asked to run a laser detection patrol on the area for that week.

6. Feedback/evaluation will be undertaken at the end of the pilot to determine the effectiveness of the strategy:

- Lessons learnt
- Use of classifier data
- Survey of residents
- Address calls from individuals/groups wanting to participate in strategy. Encourage them to promote the program in their street/area and encourage the whole street to use the bin stickers, rather than individuals

A copy of the bin sticker design for the bin sticker program is attached. The Town of Vincent logo has been incorporated in the design.

CONSULTATION/ADVERTISING:

The Mt Hawthorn P & C have been consulted and have indicated their interest in the program.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

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

Under Key Result Area Two: Community Development:

2.2 *Provide and develop a range of community programs and community safety initiatives.*

- (g) *Enhance and promote the Safer Vincent Program, which aims to support, develop and deliver residential and business initiatives that reduce crime and promotes safety and security.*

FINANCIAL/BUDGET IMPLICATIONS:

A total of 1,000 bin stickers for the 'pilot project' were purchased in 2004/2005 at a total cost of \$4,400. Additional funds have been included in the 2005/2006 draft budget to expand the program once the results of the pilot program have been determined.

COMMENTS:

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

Following discussion at the LATM Advisory Group meeting, it was considered that the 'bin sticker' proposal should be explored.

It is therefore recommended that the Council approves the proposal of a 'bin sticker' pilot program in the area surrounding the Mount Hawthorn Primary School and receives a progress report on the matter once the proposal has been in place for three (3) months.

10.3.2 Hyde Park Artwork Community Consultation

| | | | |
|------------------------------|---------------------------|--------------------|-------------|
| Ward: | South Ward | Date: | 5 July 2005 |
| Precinct: | Hyde Park Precinct | File Ref: | CMS0071 |
| Attachments: | 001 | | |
| Reporting Officer(s): | R Gunning | | |
| Checked/Endorsed by: | J Anthony/ M Rootsey | Amended by: | |

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the installation of the recommended artwork and locations in Hyde Park, as shown in Appendix 10.3.2;*
- (ii) *RECEIVES the report of the community consultation on the proposed Hyde Park Artwork; and*
- (iii) *NOTES the Heritage Council of Western Australia's approval of the proposal.*

COUNCIL DECISION ITEM 10.3.2

Moved Cr Maier, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology.)

PURPOSE OF REPORT:

To outline the community consultation process, report on the consultation outcomes and approve of the proposed artwork and locations in Hyde Park.

BACKGROUND:

At the Ordinary meeting of Council 14 August 2001 the following resolution was passed;

"That Council;

- (i) *adopts in principle the Wetlands Interpretive Trail and Aboriginal Heritage Trail Master Plans report prepared by Maher Brampton Associates;*
- (ii) *acknowledges the public comments received;*
- (iii) *adopts the name 'Wetlands Heritage Trail' in place of 'Wetlands Interpretive Trail';*
- (iv) *authorises the Chief Executive Officer to pursue sources of additional funding as listed; and*

- (v) *authorises the Chief Executive Officer to proceed with the first phase of the project, being further consultation with Aboriginal and non-Aboriginal people, the creation of an interpretive plan and interpretive artworks at Smith's Lake, Dorrien Gardens and Robertson Park, in order for the Town to meet its obligations as outlined in the conditions of grants received from the Commonwealth Centenary of Federation Community Grants Program, WA 2001 and the Lotteries Commission."*

The Hyde Park Artwork has been commissioned as part of the Wetlands Heritage Trail. In the Maher Brampton Report 2001 it was recommended that the trail incorporate interpretive artwork and signage. The program is to include four major artworks, two of which have been installed, one at Smiths Lake and the other at Robertson Park. The Hyde Park artwork is to be the third major interpretive artwork in this programme.

In March 2005, an artist was commissioned to research the project, the artist produced a series of drawings for the design of the artwork. A meeting was then held at Hyde Park with the Artist, the Manger of Community Development, the Arts Officer and the Manager of Parks Services to determine and exact location of the artwork within the park (see attachment). A community consultation evening was held where Judith Forrest's artwork proposal was presented and discussed.

DETAILS:

The consultation evening was held on 21 April 2005, at 6.30 pm. Nine (9) members of the community were in attendance. The evening proceeded with the Arts Officer providing some background information on the Wetlands project. The Artist then presented a slide talk, firstly showing examples of her previous work and images relating to Hyde Park project and finally presenting the designs of the proposed artwork as well as a map of where it would be located in the park (see attachments). Displayed in the room were also drawings of the project as well as an example of the artists' three dimensional artwork in the form of a small bronze sculpture.

The proposed art work as described by the artist is approximately 1.3 metres high, constructed of steel and bronze (see attachments). The work in broad terms shows a chess board supported on a stand, the stand alludes to a bicycle. On the chess board are shown not chess pieces but figures representing various users of the park; men sitting on benches, a woman power walking, a bridesmaid and groom. Looming over all the figures and perched on the edge of the chess board is a cockatoo, all the figures would be made of bronze. As with the other major interpretive artworks already installed, this work will have an audio component that would be located next to the sculpture, at the press of a button the public will be able to listen to stories relating to the park and the Wetlands Heritage Trail.

The community members were then asked to comment. Issues were raised in regards to vandalism, Aboriginal representation and gender representation in the seated figures. On the issue of vandalism the artist pointed out that the materials chosen were the most durable and vandal proof materials for public art and certainly had passed the test of time adding that none of her previous public artwork had been vandalised. In relation to Aboriginal representation, the artist expressed the view that out of respect for the Aboriginal culture she had a reluctance to impinge on an area possibly best expressed by members of that community. The artist suggested that Aboriginal stories could be incorporated into the audio component of the work. The Arts Officer also commented that in the near future consultation for a proposed Aboriginal Heritage Trail was commencing and it was more than likely Aboriginal artwork would be represented in the park. In regards to the question of the gender of the seated figures, the artist replied that the drawings were of men due to the fact that on her visits to the park they had been the ones she had seen and able to draw, however she was happy to adjust the work to incorporate a woman in the group.

Beyond the above mentioned issues, the community comments were entirely encouraging of the proposed sculpture, expressing their satisfaction with the appropriateness of the imagery of the work for the park and their eagerness to see the project realised.

Progress of the Hyde Park Artwork is also subject to Heritage Council approval. Documentation for such an approval was sent to the Heritage Council in May 2005 within the same month a letter from the Heritage Council stated that 'a Conservation Officer, with Delegated Authority from the Heritage Council's Development Committee advises you that your referral is supported.' The letter also stated the advice was valid for two years from the date of the correspondence.

CONSULTATION/ADVERTISING:

The consultation evening was held on 21 April 2005 and was advertised in the Voice News on Saturday 16 April 2005 and the Guardian Express Tuesday 12 April 2005. Letters were also sent to all the Town of Vincent precinct groups.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

The following areas of the Town's strategic plan are relevant to the Hyde Park Artwork:

2.1 Celebrate and acknowledge the Town's cultural diversity -

"(a) Develop, financially support, promote and organise community events and initiatives (including those generated by community groups) that engage the community and celebrate the cultural diversity of the Town."

FINANCIAL/BUDGET IMPLICATIONS:

The sculptural component of the project is costed at \$32,000.

COMMENTS:

The project was unanimously greeted with enthusiasm by all those at the consultation meeting. The proposed sculpture was seen as successfully fulfilling the Wetlands brief for the artwork, that being to inspire reflection and wonder and encourage visitors to find out more about the natural and social history of Vincent. The artist also agreed to consider the issues raised by the community and where applicable make the appropriate changes to the design.

10.1.19 Further Report - No. 6 (Lot: 5 D/P: 2447) St Albans Avenue, Highgate - Proposed Demolition of Existing Outbuilding and Construction of a Garage/Workshop to Existing Single House

| | | | |
|------------------------------|----------------------------|--------------------|---------------------------|
| Ward: | South | Date: | 4 July 2005 |
| Precinct: | Hyde Park Precinct; P12 | File Ref: | PRO3065; 5.2005.2660.1 |
| Attachments: | 001 | | |
| Reporting Officer(s): | B McKean | | |
| Checked/Endorsed by: | D Abel, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by JG Boyd on behalf of the owner J Boyd and A Courtley for proposed Demolition of Existing Outbuilding and Construction of a Garage/Workshop to Existing Single House, at No. 6 (Lot 5) St Albans Avenue, Highgate, and as shown on plans stamp-dated 10 January 2005 (site plan) and 7 April 2005, for the following reasons:

- (i) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) *the non-compliance with the Outbuildings requirements of the Residential Design Codes; and*
- (iii) *the outbuilding requirements proposed to be varied is as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements.*

COUNCIL DECISION ITEM 10.1.19

Moved Cr Messina, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

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

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

(Cr Torre was an apology.)

FURTHER REPORT:

The Council at its Ordinary Meeting held on 24 May 2005, considered the proposal and resolved that the item be deferred at the request of the applicant.

An objection was received from a surrounding neighbour on 23 May 2005. This objection expressed concern with regard to the size of the proposed outbuilding and the non compliance of the structure with the Residential Design Codes (R Codes). As this objection was received outside of the formal advertising period and from a neighbour who was not formally consulted, the objection has not been included in the Assessment Table.

No further information has been submitted by the applicant; therefore the Officer Recommendation and report details remain unchanged.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 24 May 2005.

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by JG Boyd on behalf of the owner J Boyd and A Courtley for proposed Demolition of Existing Outbuilding and Construction of a Garage/Workshop to Existing Single House, at No. 6 (Lot 5) St Albans Avenue, Highgate, and as shown on plans stamp-dated 10 January 2005 (site plan) and 7 April 2005, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the Outbuildings requirements of the Residential Design Codes; and*
- (iii) the outbuilding requirements proposed to be varied is as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements.*

COUNCIL DECISION ITEM 10.1.21

Moved Cr Farrell, Seconded Cr Lake

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

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

| | |
|---------------------------|---|
| <i>Landowner:</i> | <i>J Boyd & A Courtley</i> |
| <i>Applicant:</i> | <i>J Boyd</i> |
| <i>Zoning:</i> | <i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80</i> |
| <i>Existing Land Use:</i> | <i>Single House</i> |
| <i>Use Class:</i> | <i>Single House</i> |

| | |
|-------------------------------|--|
| <i>Use Classification:</i> | <i>"P"</i> |
| <i>Lot Area:</i> | <i>632 square metres</i> |
| <i>Access to Right of Way</i> | <i>North side, 5.03 metres wide, sealed, Town of Vincent owned</i> |

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves demolition of outbuilding and construction of a garage/workshop to existing single house. The application involves variations to the outbuilding requirements, which is as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements, however, the application was received on 19 January 2005 and justification for the application was previously requested for referral to the Council for determination. In light of this, the application is being referred to the Council for determination.

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

ASSESSMENT:

| <i>Non-Compliant Requirements</i> | | | |
|-----------------------------------|---|--|---|
| <i>Requirements</i> | <i>Required</i> | <i>Proposed *</i> | <i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i> |
| <i>Plot Ratio</i> | <i>1.00</i> | <i>0.41</i> | <i>Noted</i> |
| <i>Setbacks</i> | | | |
| <i>North</i> | <i>1.5 metres</i> | <i>Nil</i> | <i>Supported - variation is considered minor and no objections received</i> |
| <i>West</i> | <i>1.1 metres</i> | <i>1.0 metre</i> | <i>Supported - variation is considered minor and affected neighbour has stated no objection</i> |
| <i>Outbuilding</i> | <i>Do not exceed 60 square metres in area or 10 per cent in aggregate of the site area, whichever is the lesser</i> | <i>88 square metres</i> <i>14 per cent of site area</i> | <i>Not supported - variation is considered excessive and over development of the site</i> |
| | <i>Do not exceed a wall height of 2.4 metres</i> | <i>Wall height of 3.0 - 3.6 metres</i> | <i>Not supported - as above</i> |
| | <i>Do not exceed a ridge height of 4.2 metres</i> | <i>Ridge height of 6.7 metres</i> | <i>Not supported - as above</i> |
| <i>Consultation Submissions</i> | | | |
| <i>Support (1)</i> | <i>• Neighbour has stated no objection</i> | | <i>Noted</i> |
| <i>Objection</i> | <i>N/A</i> | | <i>Noted</i> |

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

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

COMMENTS:

The application is non-compliant with the setback, floor area, wall height and ridge height requirements of the Residential Design Codes (R Codes). These variations (except in relation to setbacks) are considered excessive and over development of the site.

In light of the above, the application is recommended for refusal."

10.1.3 No. 36 (Lot 500) Paddington Street, North Perth - Proposed Additions, Alterations and Additional Two-Storey Grouped Dwelling to Existing Single House

| | | | |
|------------------------------|---------------------|--------------------|---------------------|
| Ward: | North | Date: | 5 July 2005 |
| Precinct: | North Perth; P8 | File Ref: | PRO0718; 00/33/2584 |
| Attachments: | 001 | | |
| Reporting Officer(s): | T Durward | | |
| Checked/Endorsed by: | D Abel, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by RM Davey & Associates on behalf of the owner Yokine Investments Pty Ltd for proposed Additions, Alterations and Additional Two-Storey Grouped Dwelling to Existing Single House, at No. 36 (Lot 500) Paddington Street, North Perth, and as shown on plans stamped 12 May 2005 , subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) subject to first obtaining the consent of the owners of Nos. 34 and 38 Paddington Street and No.19 Clieveden 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. 34 and 38 Paddington Street and No.19 Clieveden Street in a good and clean condition;*
- (iii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Paddington Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iv) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) a store with minimum internal area of 4 square metres with a minimum dimension of 1.5 metres being provided for both the existing and proposed dwelling;*
 - (b) the BBQ/deck area wall on the western elevation being a minimum height of 1.6 metres above the respective finished floor level so that it is not considered to be a major opening as defined in the Residential Design Codes 2002;*
 - (c) the 6 metres section of landscaping along the western boundary commencing at 4.5 metres south of the reversing area being removed and to form part of the driveway;*

- (d) *the obscure glazing screen wing wall extension to bedroom 3 on the eastern elevation of the upper floor, being non-openable and constructed of a permanent obscure material which does not include a self-adhesive material or other material that is easily removed; and*
- (e) *the window to bedroom 2 on the eastern elevation, on the upper floor, being screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR the subject window not exceeding one square metre in aggregate in the respective subject wall, so that it is not considered to be a major opening as defined in the Residential Design Codes 2002; OR the obscure glazing screen wing wall extension to bedroom 3 on the eastern elevation of the upper floor (as outlined in condition (iv) (d) above) being extended a total distance of 3 metres along the eastern elevation on the upper floor from bedroom 3.*

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

- (v) *the carport for the existing dwelling shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the front main building wall; and*
- (vi) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Paddington Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s).*

COUNCIL DECISION ITEM 10.1.3

Moved Cr Lake, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

LOST (0-8)

(Cr Torre was an apology.)

Reasons:

- 1. The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality.**
- 2. The non-compliance with the Setbacks, Outdoor Living Area, Privacy, Buildings on Boundary and Essential Facilities requirements of the Residential Design Codes, and the Town's Policy relating to the Knutsford Locality , respectively.**
- 3. Consideration of the objections received.**
- 4. The proposed subdivision does not comply with the requirements of either grouped dwelling or battleaxe subdivision.**

SUBSEQUENT MOTION:

Cr Maier departed the Chamber at 7.02pm.

Moved Cr Lake, **Seconded** Cr Chester

That;

- (i) *the Council ADVISES the Western Australian Planning Commission (WAPC) that the proposal does not meet the requirements for grouped dwellings as the proposed common property is not considered "necessary or functional", therefore resulting in the proposed survey strata subdivision being a battleaxe subdivision, that does not comply the minimum site area requirements for a battleaxe subdivision; and*
- (ii) *the Council ADVISES the applicant that it is prepared to consider an application for a second dwelling on the site only when it can be demonstrated to meet the minimum requirements for a grouped dwelling.*

Debate ensued.

Cr Maier returned to the Chamber at 7.03pm.

CARRIED (8-0)

(Cr Torre was an apology.)

ADDITIONAL INFORMATION:

Background

| | |
|-----------------|--|
| 23 July 2004 | The Western Australian Planning Commission (WAPC) requested the Town provide comments for the survey strata subdivision of the subject site. |
| 25 August 2004 | The Town sent a letter to the WAPC detailing its response in relation to the subject survey strata subdivision. The Town advised that it was willing to conditionally support the survey strata subdivision. |
| 8 December 2004 | Correspondence received from WAPC indicating that the proposed survey strata subdivision will not be determined until a Planning Application has been determined by the Town. The following is taken verbatim from the WAPC correspondence: <i>"...a decision will be deferred...to provide time for the following matter(s) to be resolved: Determination of a Development Application by the Town of Vincent, which will demonstrate that the development of the rear lot can meet the Town of Vincent's policy for the Knutsford locality and provisions of the Town of Vincent Town Planning Scheme No. 1."</i> |

Comments

In relation to Question 11 of the Residential Design Codes (R Codes) Advice Note No. 6, the Town's Officers note the following comments contained in the Agenda Report prepared for the Ordinary Meeting of Council to be held on 12 July 2005:

"The R Codes do not define "common property", and there is no requirement for this common property to be used solely as shared vehicular access ways. It may be used as an area of common landscaping or pedestrian access or the like. The definition for a grouped dwelling, according to the R Codes, is as follows:

"A dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property."

Furthermore, the Town's Officers will investigate the merits of including specific requirements for common property in the Town's draft Residential Design Elements Policy.

| | |
|-------------------------------|--|
| Landowner: | Yokine Investments Pty Ltd |
| Applicant: | RM Davey & Associates |
| Zoning: | Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30/40 |
| Existing Land Use: | Single House |
| Use Class: | Grouped Dwelling |
| Use Classification: | "P" |
| Lot Area: | 559 square metres |
| Access to Right of Way | N/A |

BACKGROUND:

8 December 2004 Correspondence received from WAPC indicating that the proposed survey strata subdivision will not be determined until a Planning Application has been determined by the Town.

DETAILS:

The proposal involves additions, alterations and additional two-storey grouped dwelling to existing single house.

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

ASSESSMENT:

| Non-Compliant Requirements | | | |
|-----------------------------------|---|------------------------|--|
| Requirements | Required | Proposed * | Officer Comments Pursuant to Clause 38(5) of TPS 1 |
| Density | R 30 - 1.86 dwellings R 40 - 2.54 dwellings (the subject site has a dual coding and the R40 is applied due to the retention of the existing dwelling) | 2 dwellings R 35.78 | Supported - no variation as subject site is considered at a density of R 40 because the retention of the existing dwelling benefits the adjacent streetscape and the adaptive reuse retains the existing original building stock and promotes sustainable planning principles within the Town. |

| Non-Compliant Requirements | | | |
|--|--|---|--|
| Requirements | Required | Proposed * | Officer Comments Pursuant to Clause 38(5) of TPS 1 |
| Plot Ratio | N/A | N/A | N/A |
| Setbacks: Ground Floor East - Boundary Wall (Entry, Meals Kitchen and Lavatory) | 1.5 metres | Nil | Supported - compliant with provisions of R Codes clause 3.3.2 - Buildings on Boundary requirements. |
| West - (Living and Carport) | 1.5 metres | Nil - 1.2 metres | Supported - living room setback considered minor and no undue impact and carport setback compliant with height and length provisions of R Codes clause 3.3.2 - Buildings on Boundary requirements. |
| Outdoor Living Area: Existing Dwelling | Behind the street setback area | Within street setback area | Supported - site constrained by requirement for reversing bay and considered to have no undue impact on amenity of area. |
| Buildings on Boundary | To one side boundary only | To three side boundaries | Supported - site constrained by width and considered to have no undue impact on amenity of area. |
| Essential Facilities: Proposed Dwelling - Store | Storage area with a minimum dimension of 1.5 metres and an internal area of at least 4 square metres | Two separate storage areas, one with dimensions of 0.6 metre and 3.5 metres with internal area of 2.1 square metres, and another with dimensions of 1.1 metre and 2.4 metres and an internal area of 2.64 square metres | Not supported - conditioned to comply. |

| Non-Compliant Requirements | | | |
|---|---|---|--|
| Requirements | Required | Proposed * | Officer Comments Pursuant to Clause 38(5) of TPS 1 |
| Existing Dwelling - Store | Storage area with minimum dimension of 1.5 metres and 4 square metres | Storage area with dimensions of 1 metre and 4 square metres | Not supported - conditioned to comply. |
| Privacy Setbacks: Upper Floor - East - Bedroom 2 | 4.5 metres | 3.5 metres to eastern boundary | Not supported - conditioned to comply |
| Consultation Submissions | | | |
| Support | Nil | | Noted |
| Objection (3) | <ul style="list-style-type: none"> Non compliance with R Codes provision 3.1.2 relating to area of access leg for battleaxe access legs for single houses. | | Not supported - development is considered a grouped dwelling therefore provision does not apply and proposal was assessed accordingly. |
| | <ul style="list-style-type: none"> Boundary setbacks | | Not supported - living room setback considered minor, no undue impact and carport setback compliant with height and length provisions of R Codes clause 3.3.2 - Buildings on Boundary requirements. |
| | <ul style="list-style-type: none"> Open Space and outdoor living area not compliant | | Not supported - open space area is compliant for both properties; the outdoor living area for the proposed dwelling is inclusive of the BBQ and deck area; and the outdoor living area for the existing dwelling located in the front setback is supported by the Town's Officers. |
| | <ul style="list-style-type: none"> Building height | | Not supported - amended plans submitted comply with R Codes requirements. |

| | | |
|--|--|--|
| | <ul style="list-style-type: none"> Design for Climate - Over shadowing and Cooling Breezes | Not supported - development complies with R Codes requirements for overshadowing and the development is not considered to seriously affect cooling breezes. |
| | <ul style="list-style-type: none"> Overlooking | Supported - development is conditioned to comply with R Codes privacy requirements. |
| | <ul style="list-style-type: none"> The density is not in keeping with the density of the precinct | Not supported - compliant with R Codes density provisions. |
| | <ul style="list-style-type: none"> The architectural style is modern contemporary which does not contribute to architectural harmony of North Perth | Not supported - this is a subjective statement. Principles of heritage management discourage replicative design. |
| | <ul style="list-style-type: none"> Adverse impact on amenity of neighbours | Not supported - development not considered to have an undue impact on neighbours. |
| | <ul style="list-style-type: none"> Location of carport and outdoor living area for existing dwelling will diminish streetscape. | Not supported - the carport is compliant with the Town's requirements and development not considered to have an undue impact on streetscape. |
| | <ul style="list-style-type: none"> Removal of significant tree | Not supported - Eucalyptus species is a list 3 significant tree on the Town's Trees of Significance Inventory Database-Reference, but the Town's Parks Services have advised that the tree is not significant enough to warrant retention. |
| | <ul style="list-style-type: none"> Bulk and Scale | Not supported - amended plans submitted comply with R Codes requirements relating to building height and setbacks (except for those detailed, and supported, in Assessment Table). |

| | | |
|-------------------------------|--|--|
| | <ul style="list-style-type: none"> The application of R40 density should not apply as development is not in keeping with the area | Not supported - development is considered to comply with the provisions of the TPS No. 1 to qualify for the R40 Density. |
| | <ul style="list-style-type: none"> Negative economic impact | Not supported - speculative. |
| | <ul style="list-style-type: none"> Negative visual impact. | Not supported - the proposal is not considered to detract from the streetscape. |
| Other Implications | | |
| Legal/Policy | | TPS 1 and associated Policies, and Residential Design Codes (R Codes). |
| Strategic Implications | | Nil |
| Financial/Budget Implications | | Nil |

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

COMMENTS:

Advertising/Consultation

The proposal was advertised for 14 days and three written submissions were received during this period. These are addressed in the Assessment Table.

A letter was received from one of the objectors on 28 June 2005 seeking clarification of the assessment of the subject proposal. The contents of this letter were not included in the Assessment Table. The following comments are provided in response.

The objector suggested that the subject development should not be considered as a grouped dwelling. The Town's Officers confirm that the subject application is considered as a grouped dwelling as the development contains a portion of common property, in this instance 76 square metres. The R Codes do not define "common property", and there is no requirement for this common property to be used solely as shared vehicular access ways. It may be used as an area of common landscaping or pedestrian access or the like. The definition for a grouped dwelling, according to the R Codes, is as follows:

"A dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property."

The objector also questioned the compliance with the Town's Knutsford Locality Plan Policy, namely the application of the R40 density provision. In response, the Town's Officers note the following;

- that the development has been determined to have no unreasonable adverse impact on the adjacent residencies;

- there is a Eucalyptus species tree on site which is on the Town's Trees of Significance Inventory Database-Reference, but the Town's Parks Services have advised that the tree is not significant enough to warrant retention; and
- as the development is setback approximately 21 metres from the Street, it is determined not to have a undue impact on the streetscape and the design has responded to the existing character through the selective use of design elements.

Summary

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

10.1.1 Nos 15-19 (Lots 192, 193, 184 and 185) Carr Street, Dual Frontage to Harwood Place, West Perth - Proposed Sixty (60) Three Storey Multiple Dwellings, including Two (2) Lofts and Associated Car Parking

| | | | |
|------------------------------|------------------------|--------------------|---------------------------|
| Ward: | South | Date: | 6 July 2005 |
| Precinct: | Beaufort Precinct; P13 | File Ref: | PRO0717; 5.2005.2792.1 |
| Attachments: | 001 | | |
| Reporting Officer(s): | R Rasiah | | |
| Checked/Endorsed by: | D Abel, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by SS Chang Architects on behalf of the owner for proposed Sixty (60) Three Storey Multiple Dwellings including Two (2) Lofts and Associated Car Parking, at Nos. 15-19 (Lots 192, 193, 184 and 185) Carr Street, Dual Frontage to Harwood Place, West Perth, and as shown on plans stamp-dated 24 March 2005, subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Carr Street and Harwood Place verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Carr Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum of 50 per cent transparency;*
- (iv) all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (v) prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (vi) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*

- (vii) *subject to first obtaining the consent of the owners of No. 1 (Lot 1) and Nos. 27-29 (Lot 107) Carr Street and Nos. 17-23 (Lot 33) Harwood Place for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 1 (Lot 1) and Nos. 27-29 (Lot 107) Carr Street and Nos. 17-23 (Lot 33) Harwood Place in a good and clean condition;*
- (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 all vehicle access via Carr Street only, 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) *Harwood Place shall not be used as vehicular access during and after construction stage;*
- (x) *prior to the first occupation of the development, the car parking spaces provided for the development, including ten (10) visitors bays, shall be clearly marked and signposted;*
- (xi) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings/service apartments that:*
- "the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development";*
- (xii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, all major openings to balconies, dining room and kitchens, and bedrooms as indicated and circled (S) on the site plans within 7.5, 6.0, and 4.5 metres respectively, to the non-street boundaries, shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be a major opening as defined in the Residential Design Codes 2002;*
- (xiii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
- (a) *a 1.8 metre high solid wall being provided along the southern boundary of the above site along the Harwood Place frontage, and the portion of the wall facing Harwood Place incorporating at least two (2) significant appropriate design features to reduce the visual impact; and*
- (b) *significant design features being incorporated into the vast expanse of wall for the car park facing Harwood Place to provide a better interface; and*

- (c) *a dedicated pedestrian access path with a minimum width of 1.2 metres being provided for residents from the main development to Harwood Place.*

The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes, Town Planning Scheme No.1 and Town's Policies;

- (xiv) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (xv) *the 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; and*
- (xvi) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$6930 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing.*

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Moved Cr Lake, Seconded Cr Messina

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

- "(xii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, ~~all major openings~~ the eastern side of the balconies, dining room and kitchens, and bedrooms for units 48 and 50 as indicated and circled (S) on the site plans within 7.5, 6.0, and 4.5 metres respectively, to the non-street boundaries, shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. ~~The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be a major opening as defined in the Residential Design Codes 2002;~~"*

Debate ensued

AMENDMENT CARRIED (6-2)

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

(Cr Torre was an apology.)

Moved Cr Maier, Seconded Cr Lake

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

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

~~(a) a 1.8 metre high solid wall being provided along the southern boundary of the above site along the Harwood Place frontage, and the portion of the wall facing Harwood Place incorporating at least two (2) significant appropriate design features to reduce the visual impact; and~~

(a) a 1.8 metre high solid wall being provided along the southern boundary of the above site abutting Nos. 17-23 Harwood Place;

(b) a 1.8 metre high open style fencing being provided along the southern boundary of the above site abutting Harwood Place;

(c) a fence up to 1.8 metres high open style fencing being provided along the southern boundary of the above site abutting No.26 Harwood Place, which is to be negotiated and agreeable to the owners of Nos.15-19 Carr Street and No.26 Harwood Place;

~~(b)(d) significant design features being incorporated into the vast expanse of wall for the car park facing Harwood Place to provide a better interface; and~~

~~(e)(e) a dedicated pedestrian access path with a minimum width of 1.2 metres being provided for residents from the main development to Harwood Place.~~

The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes, Town Planning Scheme No.1 and Town's Policies;"

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Torre was an apology.)

Moved Cr Chester, Seconded Cr Messina

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

“(xvii) the applicant/owners shall ensure that mechanical ventilation systems including air-conditioner units, kitchen exhaust fans and garage extraction fans, are installed in accordance with the relevant Australian Standards, the Environmental Protection Act 1986 (particularly Section 80) and the Environmental Protection (Noise) Regulations 1997, so that unreasonable noise or other pollution is not created. To illustrate compliance with respect to the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997, prior to issue of a Building Licence an Acoustic Report shall be submitted to and approved by the Town, which identifies the appropriate location of all mechanical ventilation system compressors and exhaust outlets. The engagement of and the implementation of the recommendations of this acoustic consultant report are to be at the applicant’s/owner(s)’ costs;”

AMENDMENT CARRIED (8-0)

(Cr Torre was an apology.)

Moved Cr Chester, Seconded Cr Ker

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

“(xviii) a pre and post dilapidation report being carried out on all adjacent building and other buildings sharing structural elements.”

AMENDMENT CARRIED (8-0)

(Cr Torre was an apology.)

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

(Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.1.1

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by SS Chang Architects on behalf of the owner for proposed Sixty (60) Three Storey Multiple Dwellings including Two (2) Lofts and Associated Car Parking, at Nos. 15-19 (Lots 192, 193, 184 and 185) Carr Street, Dual Frontage to Harwood Place, West Perth, and as shown on plans stamp-dated 24 March 2005, subject to:

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

- (ii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Carr Street and Harwood Place verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Carr Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum of 50 per cent transparency;*
- (iv) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (v) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (vi) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (vii) *subject to first obtaining the consent of the owners of No. 1 (Lot 1) and Nos. 27-29 (Lot 107) Carr Street and Nos. 17-23 (Lot 33) Harwood Place for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 1 (Lot 1) and Nos. 27-29 (Lot 107) Carr Street and Nos. 17-23 (Lot 33) Harwood Place in a good and clean condition;*
- (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 all vehicle access via Carr Street only, 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) *Harwood Place shall not be used as vehicular access during and after construction stage;*
- (x) *prior to the first occupation of the development, the car parking spaces provided for the development, including ten (10) visitors bays, shall be clearly marked and signposted;*
- (xi) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings/service apartments that:*

"the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development";

- (xii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the eastern side of the balconies for units 48 and 50 shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (xiii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
 - (a) *a 1.8 metre high solid wall being provided along the southern boundary of the above site abutting Nos. 17-23 Harwood Place;*
 - (b) *a 1.8 metre high open style fencing being provided along the southern boundary of the above site abutting Harwood Place;*
 - (c) *a fence up to 1.8 metres high open style fencing being provided along the southern boundary of the above site abutting No.26 Harwood Place, which is to be negotiated and agreeable to the owners of Nos.15-19 Carr Street and No.26 Harwood Place;*
 - (d) *significant design features being incorporated into the vast expanse of wall for the car park facing Harwood Place to provide a better interface; and*
 - (e) *a dedicated pedestrian access path with a minimum width of 1.2 metres being provided for residents from the main development to Harwood Place.*

The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes, Town Planning Scheme No.1 and Town's Policies;

- (xiv) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (xv) *the 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;*
- (xvi) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$6930 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*

- (xvii) *the applicant/owners shall ensure that mechanical ventilation systems including air-conditioner units, kitchen exhaust fans and garage extraction fans, are installed in accordance with the relevant Australian Standards, the Environmental Protection Act 1986 (particularly Section 80) and the Environmental Protection (Noise) Regulations 1997, so that unreasonable noise or other pollution is not created. To illustrate compliance with respect to the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997, prior to issue of a Building Licence an Acoustic Report shall be submitted to and approved by the Town, which identifies the appropriate location of all mechanical ventilation system compressors and exhaust outlets. The engagement of and the implementation of the recommendations of this acoustic consultant report are to be at the applicant's/owner(s)' costs; and*
- (xviii) *a pre and post dilapidation report be carried out on all adjacent building and other buildings sharing structural elements.*

ADDITIONAL INFORMATION:

The Assessment Table in the Agenda Report should read as follows:

| Non-Compliant Requirements | | | |
|-----------------------------------|------------------------------------|--------------------------------------|---|
| Requirements | Required | Proposed * | Officer Comments Pursuant to Clause 38(5) of TPS 1 |
| Open Space | 60 percent (or 3650 square metres) | 54.5 percent (or 3314 square metres) | Supported-as adequate communal open space (which includes a swimming pool, spa, BBQ and lawn area) of 1148 square metres is provided in lieu of 96 960 square metres. Furthermore, balconies are provided for each of the dwellings excluding the ground floor units, which have courtyard areas provided. The proposal can be considered as having some inner City living concepts. The applicant is able to achieve the open space requirement by removing the roofing for the carports provided along the western boundary. |

The 960 square metres (that is, 16 x 60 multiple dwellings) is based on the calculation of 16 square metres of communal open space per multiple dwelling.

| | |
|-------------------------------|---|
| Landowner: | 17-19 Carr Street Pty Ltd |
| Applicant: | SS Chang Architects |
| Zoning: | Metropolitan Region Scheme: Urban Town Planning Scheme No.1 Residential/Commercial (R80) |
| Existing Land Use: | Warehouse and Office |
| Use Class: | Multiple Dwellings |
| Use Classification: | "P" |
| Lot Area: | 6084 square metres |
| Access to Right of Way | N/A |

BACKGROUND:

26 October 2004: At its Ordinary Meeting, the Council conditionally approved the proposed demolition of existing warehouse and office, and refused the application for proposed construction of twenty (20) two-storey grouped dwellings and four (4) storey development comprising forty (40) multiple dwellings and associated part under croft car parking, at No(s). 15-19 (Lot(s) Y192 & Y193) Carr Street, dual frontage to Harwood Place, West Perth.

The Betts Shoe Warehouse and Office operated from the above site.

DETAILS:

The applicant seeks to demolish the existing buildings on-site and construct 60 multiple dwellings, two of which have lofts and associated car parking. All access is off Carr Street. A fire exit is proposed on the southern side of the site onto Harwood Place.

The applicant's submission in support of the proposal is summarised as follows:

- While there is an increase in density, the plot ratio is still within required standards, and would not be greater than would be permitted under the current density requirements.
- The setbacks are consistent with setbacks on adjacent land and the immediate locality. The reduced setback to the western boundary is adjacent to existing car parking/storage areas. Part of the southern walls about an existing boundary wall on the adjacent lot. The southern carpark has been setback to the residence on the southern side with a landscaping strip. The carpark has a maximum height of 3 metres from the ground based with a 1.65 metre screen wall to provide visual privacy and minimise overshadowing.
- Overshadowing complies with the requirements of the R Codes.
- The reduction in open space has resulted in efforts in reducing bulk and scale. The site has the characteristics of inner city housing. The reduction in open space does not diminish the level of amenity or compromises the accessibility to light, air, space and privacy. The communal open space provided exceeds the R Codes requirements.
- The lots will be amalgamated prior to lodgement of Building Licence.
- A separate pedestrian access is provided to the majority of dwellings in some instances, landscaping strips were provided in lieu of pedestrian access and found to be more advantageous due to low internal traffic volumes. In such situations, to provide for a delineation of pedestrian routes, different pavers will be used within the driveways.
- Clothes dryers will be provided for each dwelling.
- The proposed development is of a high standard and will provide an outstanding streetscape, while maintaining the amenity of the area.

- The two lofts have been designed in the middle of the site, and incorporated into the roof structure, and are not visible as a storey from any street. There is no privacy or setback issue associated with the lofts.
- Bins will be taken out to the street on refuse collection days and later returned to the bin storage area. Intention of applicant to apply to Town for collection of refuse twice weekly to reduce the extent of bin storage on the streetscape.

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

The above proposal was advertised for 14 days to affected landowners and occupiers along Carr and Newcastle Streets and Harwood Place.

ASSESSMENT:

| Non-Compliant Requirements | | | |
|-----------------------------------|------------------------------------|--|---|
| Requirements | Required | Proposed * | Officer Comments Pursuant to Clause 38(5) of TPS 1 |
| Density | R80 (48 multiple dwellings) | R99 (60 multiple dwellings), which is a 63 per cent density bonus. | Supported-as the residential density of R80 applies to the above sites. The above sites are zoned Residential/Commercial, which means that the site could be developed more intensively, as the plot ratio applying to the development is 0.877 in lieu of 1.0. |
| Plot Ratio | 1.0 or (6084 square metres) | 0.877 or (5333 square metres) | Supported- no variation. |
| No of Storeys- Residential Land | 2 storeys (including loft) | Basement, three storeys and loft | Supported- as in this instance, a basement and three-storey development and two lofts are considered acceptable in the context of the height, scale and nature of adjacent commercial/residential buildings in an inner city location. |
| Open Space | 60 percent (or 3650 square metres) | 54.5 percent (or 3314 square metres) | Supported-as adequate communal open space (which includes a swimming pool, spa, BBQ and lawn area) of 1148 square metres is provided in lieu of 96 square metres. Furthermore, balconies are provided for each of the dwellings excluding the ground floor units, |

| | | | |
|----------------------------------|----------------|-------------------|--|
| | | | which have courtyard areas provided. The proposal can be considered as having some inner City living concepts. The applicant is able to achieve the open space requirement by removing the roofing for the carports provided along the western boundary. |
| Pedestrian Access | 1.2 metre wide | Partly provided | Supported-as most of the driveway proposed is 6 metres wide and would allow for pedestrian access. The applicant is also providing different brick paving colours to further delineate pedestrian and vehicular access. A further condition is proposed for additional pedestrian access to Harwood Place. |
| Setbacks: Basement-South-rear | 1.5 metres | Nil to 2.1 metres | Supported-as most of the other high rise developments in the area if they were to be built under current standards, would also involve setback variations. The variations are within acceptable standards and will not unduly affect the amenity of the adjoining lots and the immediate vicinity. |
| Ground floor-west | 2.5 metres | Nil | As above |
| Ground floor-south-rear | 2.3 metres | Nil to 2.1 metres | As above |
| Ground floor-east | 1.5 metres | Nil | As above |
| Ground floor-east | 1.5 metres | 1.47 metres | As above |
| Ground floor-north-front | 4 metres | 1.4 to 2.8 metres | As above, and is considered not to affect the existing streetscape. |

| | | | |
|--------------------------|------------|-------------------|---|
| First floor-north-front | 6 metres | 1.4 to 3.4 metres | Supported-as most of the other high rise developments in the area if they were to be built under current standards, would also involve setback variations. The variations are within acceptable standards and will not unduly affect the amenity and streetscape of the area. |
| First floor-east | 2.2 metres | Nil to 1.5 metres | Supported-as most of the other high rise developments in the area if they were to be built under current standards, would also involve setback variations. The variations are within acceptable standards and will not unduly affect the amenity of the adjoining lots and the immediate vicinity. The imposition of privacy requirements as per the R-Codes will contribute to achieving an acceptable built form and contributing to the compatibility with other similar buildings in the immediate vicinity. |
| First floor-east | 6 metres | 3.42 metres | As above |
| First floor - east | 1.8 metres | 1.5 metres | As above |
| First floor-west | 2 metres | Nil | As above |
| Second floor-west | 2.5 metres | Nil | As above |
| Second floor-east | 3.3metres | Nil to 1.5 metres | As above |
| Second floor-east | 8.3 metres | 3.42 metres | As above |
| Second floor-east | 2.3 metres | 1.5 metres | As above |
| Second floor-north-front | 6 metres | 1.4 to 3.4 metres | As above, and is considered not to affect the existing streetscape. |

| <p>Privacy Setbacks: Balcony Dining, Kitchen and Bedroom</p> | <p>7.5 metres, 6 metres, 6 metres; and 4.5 metres</p> | <p>Less than 7.5 metres, 6.0 metres; and 4.5 metres respectively.</p> | <p>Not supported - as an appropriate privacy condition has been recommended requiring all the above mentioned balconies, dining rooms, kitchens and bedrooms closer than the required distances to the adjoining boundaries being screened to a height of 1.6 metres from the respective finished floor level.</p> |
|---|---|--|--|
| Consultation Submissions | | | |
| Support | Nil. | Noted | |
| <p>Objections (3- of which one submission was from the Harwood Place + Action Group and consisted of 13 signatories).</p> | <ul style="list-style-type: none"> • Development should be refused as it does not comply with the development requirements of the Town's Town Planning Scheme No.1, associated policies and Residential Design Codes. The main variations strongly opposed are the "Nil" setbacks and that a significant amount of variations sought. • The density variation is significant financial benefit and may set a precedent for other applicants to justify their own development applications. • Setback to Carr Street should be applied, to reduce dominance to Carr Street streetscape. • Height is excessive of 14.25 metres at the highest point and averaging approximately 12.25 metres at the southern face. This will impact on the visual amenity and create overshadowing to specific properties, including No.26 Harwood Place. | <p>Not supported-as the proposed setback variations requested are considered acceptable and would contribute to the overall design of the building. The current privacy variations can be overcome by way of requiring 1.6 metres high fixed screening of the affected balconies, bedroom, dining rooms and kitchens on the affected elevations. On this basis, the setback variations are supported.</p> <p>Not supported-as the site is able to accommodate the increased density in this case.</p> <p>Not supported - as the proposed front setback fits in with the current streetscape.</p> <p>Not supported-as there are no building heights stipulated in the Beaufort Precinct Policy for the Commercial/Residential zoned land. Under the Newtown Locality Plan Policy, the height limit for residential development is 2 storeys (including loft). On the above basis, a basement,</p> | |

| | | |
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| | <ul style="list-style-type: none"> • Visual impact and noise from the car park levels along the southern boundary facing Harwood Place. The car park ventilation exhaust system will be within metres of No.24 Harwood Place. • Additional traffic along Carr Street due to the increase in number of dwellings to 60 dwellings instead of 48 dwellings. • Boundary wall on three sides. • The proposed 1.8 metres high grey fence along the southern boundary is less aesthetically acceptable than the current existing fence. | <p>three storeys and loft is considered reasonable and compatible in this instance, taking into account the height of surrounding developments in the locality.</p> <p>The overshadowing of 13.13 per cent of the adjoining southern property and 6.62 per cent on the eastern adjoining lot, complies with the 50 per cent overshadowing requirements of the R Codes.</p> <p>Noted-as the location and operation of the exhaust system will have to comply with the relevant Noise Regulations, and will be addressed at the Building Licence stage.</p> <p>Not supported - as Technical Services have advised that Carr Street is able to accommodate the increase in traffic from the proposed development.</p> <p>Not supported-as for the development to be reduced in height, part of the design option is to spread out the buildings.</p> <p>Supported - as the applicants should be required to construct a solid concrete wall which includes design features.</p> |
|--|--|--|

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| | <ul style="list-style-type: none"> • The proposed fire exit from the car park to the south may be used as a defacto access for residents taking a short cut to Newcastle Street from Harwood Place. Furthermore, it does not indicate a positive interface with Harwood Place. However, it is welcomed if the future residents used Harwood Place as a legitimate access way if it resolved the current lack of interface. • Indigenous landscaping species should be planted rather than non-native flora to reduce the negative visual impact and also assist in noise dampening, especially on the southern side. | <p>Supported-as there is opportunity to redesign the vast expanse of wall for the car park facing Harwood Place to provide a better interface, including providing a dedicated pedestrian access for residents, which is recommended as a condition.</p> <p>Noted- as the Town encourages developers to plant native species if appropriate. The matter will be further addressed at the Building Licence stage.</p> |
| Other Implications | | |
| Legal/Policy | TPS 1 and associated Policies, and Residential Design Codes (R Codes). | |
| Strategic Implications | Nil | |
| Financial/Budget Implications | Nil | |

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

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

COMMENTS:

The Beaufort Precinct Policy states the following for the Residential/Commercial area: *"Over time, this area is to be transformed from a predominantly commercial area to an area of compatible residential and commercial uses. Commercial uses are not to be permitted to develop independently of residential uses.*

The protection and enhancement of the amenity and general environmental standards of existing and future residential development in and around the Precinct is important."

Under the Newtown Locality Plan Policy, the requirement for Residential zoned land is as follows:

"i) Height: A general height limit of two storeys (including loft) can be considered provided the second storey (including loft) is generally setback a minimum of 6 metres from the street and the amenity of the area is protected in terms of privacy, scale and bulk."

Car Parking

The car parking is in compliance, as 102 car bays are provided in lieu of 101 car bays, which is inclusive of 10 visitor car bays.

Traffic and Access

Technical Services advise that the vehicular access proposed off Carr Street to the above development is supportable in terms of traffic and access. Harwood Place is not to be used as vehicular access during and after construction stage.

Health and Building

The relevant health, and building requirements will be addressed at the Building Licence stage.

Demolition

The demolition of the existing building was approved by the Council at its Ordinary Meeting held on 26 October 2004.

Summary

The proposal has to be considered under Clause 40 of TPS No.1, and requires the approval of the Council by an absolute majority, in terms of the variation to the density. The proposal is supported as it is considered not to unreasonably affect the amenity of the adjacent or surrounding area. On the above basis, the proposal is recommended for approval, subject to standard and appropriate conditions to address the above matters.

10.1.11 No. 250 (Lot: 54 D/P: 3845(1)) Scarborough Beach Road, corner Tyler and Bondi Streets, Mount Hawthorn - Proposed Demolition of Existing Single House and Construction of Three (3) Two- Storey Single Houses

| | | | |
|------------------------------|------------------------------|--------------------|---------------------------|
| Ward: | North | Date: | 5 July 2005 |
| Precinct: | Mount Hawthorn Precinct; P01 | File Ref: | PRO3084; 5.2005.2691.1 |
| Attachments: | 001 | | |
| Reporting Officer(s): | T Durward; R Jarman-Walker | | |
| Checked/Endorsed by: | D Abel, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by L Viskovich on behalf of the owner S P, T L & J D Giacomel for proposed Demolition of Existing Single House, at No. 250 (Lot: 54 D/P: 3845(1)) Scarborough Beach Road, corner Tyler and Bondi Streets, Mount Hawthorn, and as shown on plans stamp-dated 1 February 2005, subject to:*
- (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
 - (b) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
 - (c) *a development proposal for the redevelopment of the subject property shall be submitted and approved prior to the issue of a Demolition Licence;*
 - (d) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
 - (e) *demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies for the retention of existing dwellings valued by the community; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by L Viskovich on behalf of the owner S P, T L & J D Giacomel for proposed Construction of Three (3) Two- Storey Single Houses, at No. 250 (Lot: 54 D/P: 3845(1)) Scarborough Beach Road, corner Tyler and Bondi Streets, Mount Hawthorn, and as shown on plans stamp-dated 1 February 2005 (Existing Site Plan and Overshadowing Plan) and 1 June 2005 (Site Plan, Floor Plan and Elevations) for the following reasons:*
- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*

- (b) *the non-compliance with the Privacy requirements of the Residential Design Codes, and the Town's Policies relating to the Bondi Locality, Street Setbacks and Street Walls and Fences, respectively; and*
- (c) *consideration of the objections received.*

The Presiding Member ruled that clauses (i) and (ii) would be considered separately.

Clause (i) was put.

Moved Cr Farrell, Seconded Cr Maier

CARRIED (8-0)

(Cr Torre was an apology.)

Clause (ii) was put.

Moved Cr Farrell, Seconded Cr Chester

Debate ensued.

LOST (1-7)

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

(Cr Torre was an apology.)

Reasons:

1. Unique nature of the site.
2. As Tyler Street is currently a side boundary to the lot, a larger single house would require a lesser setback than the proposed development. The Development establishes a new improved and interactive streetscape to Tyler Street.
3. Compliance with density.

ALTERNATIVE CLAUSE (ii)

Moved Cr Ker, Seconded Cr Lake

That the following alternative clause (ii) be adopted.

"(ii) in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by L Viskovich on behalf of the owners S P, T L & J D Giacomel for proposed construction of Three (3) Two- Storey Single Houses, at No. 250 (Lot: 54 D/P: 3845(1)) Scarborough Beach Road, corner Tyler and Bondi Streets, Mount Hawthorn, and as shown on plans stamp-dated 1 February 2005 (Existing Site Plan and Overshadowing Plan) and 1 June 2005 (Site Plan, Floor Plan and Elevations), subject to:

- (a) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive or create intrusive noise to neighbouring properties;*
- (b) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Scarborough Beach Road, Tyler Street and Bondi Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency. The solid portion any new front fences and gates adjacent to Scarborough Beach Road and Bondi Street may increase to a maximum height of 1.8 metres, provided that the fences and/or gates have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (c) *subject to first obtaining the consent of the owners of No. 67A Bondi Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary walls facing No. 67A Bondi Street in a good and clean condition;*
- (d) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the window to bedroom 1 of house 3 on the first floor level on the western elevation being screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject window not exceeding one square metre in aggregate in the respective subject wall, so that it is not considered to be a major opening as defined in the Residential Design Codes 2002.*

The revised plans shall not result in any greater variation to the requirements of the Residential Planning Codes and the Town's Policies;
- (e) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Scarborough Beach Road, Tyler Street and Bondi Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (f) *prior to the issue of a Building Licence, revised plans shall be submitted if necessary approved demonstrating the garage to house 3 being setback at least as far as the adjoining property. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies."*

Cr Messina departed the Chamber at 7.30pm.

Debate ensued.

The Presiding Member ruled that clauses (ii)(a) – (e) would be considered first and then clause (ii)(f).

Clauses (ii)(a) – (e) were put.

Debate ensued.

Cr Messina returned to the Chamber at 7.32pm.

CLAUSES (ii)(a) – (e) CARRIED (7-1)

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

(Cr Torre was an apology.)

Clause (ii)(f) was put.

Debated ensued.

**CLAUSE (ii)(f) LOST
ON THE CASTING VOTE OF THE MAYOR (4-5)**

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

(Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.1.11

That;

(i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by L Viskovich on behalf of the owner S P, T L & J D Giacomel for proposed Demolition of Existing Single House, at No. 250 (Lot: 54 D/P: 3845(1)) Scarborough Beach Road, corner Tyler and Bondi Streets, Mount Hawthorn, and as shown on plans stamp-dated 1 February 2005, subject to:*

(a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*

- (b) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
 - (c) *a development proposal for the redevelopment of the subject property shall be submitted and approved prior to the issue of a Demolition Licence;*
 - (d) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
 - (e) *demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies for the retention of existing dwellings valued by the community; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by L Viskovich on behalf of the owners S P, T L & J D Giacomel for proposed construction of Three (3) Two- Storey Single Houses, at No. 250 (Lot: 54 D/P: 3845(1)) Scarborough Beach Road, corner Tyler and Bondi Streets, Mount Hawthorn, and as shown on plans stamp-dated 1 February 2005 (Existing Site Plan and Overshadowing Plan) and 1 June 2005 (Site Plan, Floor Plan and Elevations), subject to:*
- (a) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive or create intrusive noise to neighbouring properties;*
 - (b) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Scarborough Beach Road, Tyler Street and Bondi Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency. The solid portion any new front fences and gates adjacent to Scarborough Beach Road and Bondi Street may increase to a maximum height of 1.8 metres, provided that the fences and/or gates have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*

- (c) *subject to first obtaining the consent of the owners of No. 67A Bondi Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary walls facing No. 67A Bondi Street in a good and clean condition;*
- (d) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the window to bedroom 1 of house 3 on the first floor level on the western elevation being screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject window not exceeding one square metre in aggregate in the respective subject wall, so that it is not considered to be a major opening as defined in the Residential Design Codes 2002.*

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

- (e) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Scarborough Beach Road, Tyler Street and Bondi Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s).*

| | |
|-------------------------------|--|
| Landowner: | S P, T L & J D Giacomel |
| Applicant: | L Viskovich |
| Zoning: | Metropolitan Region Scheme: (MRS): Urban Town Planning Scheme No.1 (TPS 1): Residential R60 |
| Existing Land Use: | Single House |
| Use Class: | Single House |
| Use Classification: | "P" |
| Lot Area: | 630 square metres |
| Access to Right of Way | N/A |

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves demolition of existing single house and construction of three (3) two-storey single houses.

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 | 3.5 dwellings R 60 | 3 dwellings R 47.6 | Supported - compliant with R Codes density requirements |
| Plot Ratio: | | | |
| House 1 | 0.65 - 151.45 square metres | 0.61 - 104.42 square metres | Supported - compliant with R Codes plot ratio requirements. |
| House 2 | 0.65 - 128.7 square metres | 0.65 - 128 square metres | Supported - compliant with R Codes plot ratio requirements. |
| House 3 | 0.65 - 130 Square metres | 0.62 - 124.98 square metres | Supported - compliant with R Codes plot ratio requirements. |
| Front Setbacks: | | | |
| House 1 - Upper | 6 metres | 2.5 metres | Not Supported - undue impact on streetscape and recommended for refusal. Not Supported - undue impact on streetscape and recommended for refusal. Not Supported - undue impact on streetscape and recommended for refusal. |
| House 2 - Upper | 6 metres | 2.5 metres | |
| House 3 - Upper | 6 metres | 2.1 metres (Balcony) 2.5 metres (main building wall) | |
| Setbacks: | | | |
| House 1 - Ground Floor | | | |
| North (Garage) | 1 metre | Nil | Supported - no undue impact and affected neighbours support received (internal boundary). |
| House 2 - Ground Floor | | | |
| South (Garage) | 1 metre | Nil | Supported - no undue impact and affected neighbours support received (internal boundary). |

| | | | |
|---|--|---|---|
| Upper Floor North (Bathroom and Bedroom 2) | 1.2 metre | Nil | Supported - no undue impact and affected neighbours support received (internal boundary). |
| House 3 - Ground Floor South (Lounge) | 1 metre | Nil | Supported - no undue impact and affected neighbours support received (internal boundary). |
| West (Store) Upper Floor West (Bedroom 1 and Bathroom) | 1 metre 1.5 metres | Nil 1 metre | Supported - compliant with provisions of R Codes clause 3.3.2 - Buildings on Boundary requirements. Supported - matches the adjoining dwelling setback and therefore considered to have no undue impact. |
| Secondary Street Setbacks: House 3 - Garage | Garages to be setback at or behind the line of the front main building wall (4 metres) | 2 metres | Not supported - undue impact on streetscape and recommended for refusal. |
| Buildings on Boundary: Houses 1 and 2 Houses 2 and 3 | Length no more than 2/3 (67 per cent) total length of boundary behind the front setback To one side boundary only | 71 per cent (Garage for House 1 and 2) and 82 per cent (Lounge and Cook for House 2). To two side boundaries | Supported - no undue impact and affected neighbours support received (internal boundary). Supported - no undue impact. |

| | | | |
|---|---|--------------------------------|--|
| Street Walls and Fences: House 1 - Secondary Street Fence | The solid portion of the wall and/or fence may increase to a maximum height of 1.8 metres, provided that the wall and/or fence has at least two (2) appropriate design features to reduce the visual impact | No design features shown. | Not supported - undue impact on streetscape and recommended for refusal. |
| Privacy Setbacks: House 3 - Upper Floor Western Elevation (Bedroom 1) | 4.5 metres | 1.2 metres to western boundary | Not Supported - undue impact on amenity and recommended for refusal. |
| Consultation Submissions | | | |
| Support | Nil | | Noted |
| Objection (1 - received after closing date for submissions) | <ul style="list-style-type: none"> • Do not agree that fence is in poor condition • Increased heating required due to loss of winter sun on adjoining dwelling. • Location of air conditioning units not detailed on plans | | <p>Noted - dividing fences are a civil matter.</p> <p>Not Supported - development is compliant with acceptable development provisions of R Codes clause 3.9.1 - Design for Climate requirements and not considered to seriously affect solar access for subject neighbour, therefore compliant with the Town's Environmental Design Policy.</p> <p>Noted - furthermore, the application is recommended for refusal and any approval to commence development would include a condition that addresses these concerns.</p> |

| | | |
|-------------------------------|---|---|
| | <ul style="list-style-type: none"> Overlooking | Supported - the application is recommended for refusal and any approval to commence development would include a condition that require all windows on the western elevation to habitable rooms with a finished floor level more than 0.5 metre above the natural ground level not be considered to be a major openings. |
| Other Implications | | |
| Legal/Policy | | TPS 1 and associated Policies, and Residential Design Codes (R Codes). |
| Strategic Implications | | Nil |
| Financial/Budget Implications | | Nil |

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

COMMENTS:

Demolition

The subject property is a modest single-storey, brick, fibro and tile dwelling with three associated fibro and corrugated galvanised iron sheds at the rear of the lot. The subject property is located within a small triangular block bordered by Scarborough Beach Road, Tyler Street and Bondi Street. The property has frontages with all three streets.

City of Perth Building Licences and photographic evidence suggests that although a dwelling was constructed on Lot 54 Scarborough Beach Road in the late 1920s, the original weatherboard dwelling was either entirely removed and rebuilt or significantly reconstructed in the 1950s. Substantial internal alterations and the addition of a front verandah occurred in either the late 1970s or early 1980s. The subject dwelling does not warrant a full heritage assessment given the substantial changes that have occurred to both the internal and external fabric.

The subject property is not listed on the Town's Municipal Heritage Inventory or Interim Heritage Data Base and is considered to have little cultural heritage significance. The application for demolition is therefore supported by the Town's Officer.

Redevelopment

Front Setback

It is noted the Bondi Locality Plan Policy has special provisions for the upper floor front setbacks, namely:

"A general height limit of two storeys (including loft) can be considered provided the second storey (including loft) is generally setback a minimum of 6 metres from the street and the amenity of the area is protected in terms of privacy, scale and bulk."

In considering the subject proposal, the Town's Officers considered the abovementioned provision and the R Codes clause 3.2.1 relating to the setback of dwellings which results from subdivision of corner lots.

In light of the above, a dispensation to the abovementioned requirements of the Town's Bondi Locality Plan may be considered. In this instance, and considering the intention of the Bondi Locality Plan, namely a staggered effect to reduce the bulk of upper floor development, and in light of the upper and lower front setbacks being equidistant, the variations proposed are not supported.

Summary

The proposed redevelopment, by reason of its non-compliance with privacy requirements of the Residential Design Codes, and the Town's Policies relating to the Bondi Locality, Street Setbacks and Street Walls and Fences, would result in an overdevelopment of the site and form an over dominant and incongruous feature in the street scene to the detriment of the visual amenity and character of the locality. The proposed redevelopment is therefore contrary to the provisions of the Residential Design Codes and the Town's Policies and is therefore recommended for refusal.

10.1.12 Nos. 128 and 130 (Lot: 59 D/P: 982, Lot: 60 D/P: 982) Richmond Street, Leederville - Proposed Four (4) Two-Storey Grouped Dwellings

| | | | |
|------------------------------|------------------------------|--------------------|---------------------------|
| Ward: | South | Date: | 5 July 2005 |
| Precinct: | Leederville Precinct; P03 | File Ref: | PRO3013; 5.2005.2889.1 |
| Attachments: | 001 | | |
| Reporting Officer(s): | J Meggitt | | |
| Checked/Endorsed by: | D Abel, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by J-Corp Pty Ltd on behalf of the owner G & M S Pullella , P & S Ballato and D & S Caruso for proposed Four (4) Two-Storey Grouped Dwellings, at Nos. 128 and 130 (Lot: 59 D/P: 982, Lot 60 D/P: 982) Richmond Street, Leederville, and as shown on plans stamped 27 May 2005, subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Richmond Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iii) subject to first obtaining the consent of the owners of Nos. 132 and 126 Richmond Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary walls facing Nos. 132 and 126 Richmond 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 window to bedroom 2 of unit 4 on the first floor level on the northern elevation and the window to bedroom 2 of unit 1 on the first floor level on the northern elevation; being screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002.*

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

- (v) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Richmond Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s).*

COUNCIL DECISION ITEM 10.1.12

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Lake, Seconded Cr Messina

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

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

(vii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the aggregate of all three (3) driveways within the front setback area and associated crossovers being a maximum total width of nine (9) metres. The revised plans shall not result in any greater variation to the requirements of the Residential Planning Codes and the Town's Policies."*

The Presiding Member ruled that clauses (vi) and (vii) would be considered individually.

Clause (vi) was put.

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Torre was an apology.)

Clause (vii) was put.

Debate ensued.

AMENDMENT LOST (2-6)

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

Moved Cr Ker, Seconded Cr Chester

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

“(vii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the aggregate of all three (3) crossovers being a maximum total width of nine (9) metres. The revised plans shall not result in any greater variation to the requirements of the Residential Planning Codes and the Town's Policies.”

Debate ensued.

AMENDMENT CARRIED (6-2)

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

(Cr Torre was an apology.)

Moved Cr Lake, Seconded Cr

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

“(viii) Prior to the issue of a Building Licence, revised plans shall be submitted demonstrating car access for all four (4) dwellings from a shared driveway.”

The Presiding Member ruled that he would not accept the amendment as he believed it negated a previous amendment.

Moved Cr Maier, Seconded Cr Ker

That the Presiding Member's ruling be disagreed with.

**MOTION OF DISSENT LOST
ON THE CASTING VOTE OF THE MAYOR (4-5)**

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

(Cr Torre was an apology.)

MOTION AS AMENDED LOST (3-5)

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

(Cr Torre was an apology.)

Reasons:

1. Non-compliances with the Residential Design Codes.
2. Proposal does not address at least two (2) of Council's previous reasons for refusal (Ordinary Meeting of Council held on 26 April 2005) which were:
 - (a) the development is not sympathetic to the scale and rhythm of the existing streetscape;
 - (b) the development does not promote interaction with and casual surveillance of the street; and including
 - (c) the total width of the three (3) driveways is greater than that allowed in the Residential Design Codes.
3. Non-compliance with the Town's Parking and Access Policy 3.71.

ALTERNATIVE RECOMMENDATION:

Moved Cr Chester, Seconded Cr Ker

That the following alternative recommendation be adopted:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by J-Corp Pty Ltd on behalf of the owner G & M S Pullella , P & S Ballato and D & S Caruso for proposed Four (4) Two-Storey Grouped Dwellings, at Nos. 128 and 130 (Lot: 59 D/P: 982, Lot 60 D/P: 982) Richmond Street, Leederville, and as shown on plans stamped 27 May 2005, subject to:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Richmond Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iii) *subject to first obtaining the consent of the owners of Nos. 132 and 126 Richmond Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary walls facing Nos. 132 and 126 Richmond 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 window to bedroom 2 of unit 4 on the first floor level on the northern elevation and the window to bedroom 2 of unit 1 on the first floor level on the northern elevation; being screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002.*

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

- (v) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Richmond Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (vi) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s); and*
- (vii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
 - (a) *all vehicular access to the proposed four (4) group dwellings being from a central driveway; and*
 - (b) *an improved active and interactive relationship with Richmond Street.*

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

CARRIED (7-1)

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

(Cr Torre was an apology.)

ADDITIONAL INFORMATION:

Technical Services have advised the proposed development location is at the lower traffic end of Richmond Street, and that the number and width of crossovers, visual truncations and aspects relating to traffic safety comply with the relevant Technical Services standards.

The total width of the 3 driveways at the property frontage is 13 metres, which is greater than the 40 percent (or 10.04 metres) frontage requirement and 9 metres aggregate width requirement allowed in the Residential Design Codes (R Codes). The driveways and associated crossovers have been conditioned above to comply with the 9 metres aggregate width requirement. This additional condition/clause together with the existing landscaping condition/clause (v) will reduce the visual impact of the driveways and crossovers on the streetscape, while not involving significant changes to the building design.

The applicant has lodged a submission in support of the application. This submission has been "*Laid on the Table*" for the Council's consideration.

| | |
|-------------------------------|---|
| Landowner: | G & M S Pullella, P & S Ballato and D & S Caruso |
| Applicant: | J-Corp Pty Ltd |
| Zoning: | Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60 |
| Existing Land Use: | Single House |
| Use Class: | Grouped Dwelling |
| Use Classification: | "P" |
| Lot Area: | 886 square metres |
| Access to Right of Way | NA |

BACKGROUND:

A previous application for this site was considered by the Council at the Ordinary Meeting held on 26 April 2005. At the meeting, the Council conditionally approved the demolition of two single dwellings on the site and refused an application for four two-storey grouped dwellings. The application for the dwellings exceeded the maximum plot ratio limits and also did not satisfy the front setback requirement for the upper storey.

DETAILS:

The proposal involves the development of four two-storey grouped dwellings; the basic design and layout mirrors that of the application addressed at the Ordinary Meeting of Council held on 26 April 2005. The applicant has undertaken minor changes to the plans to reduce the plot ratio and has set it back further from the street to satisfy the Town's front setback requirements.

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

ASSESSMENT:

| Non-Compliant Requirements | | | |
|---|----------------------------|-----------------------------|--|
| Requirements | Required | Proposed * | Officer Comments Pursuant to Clause 38(5) of TPS 1 |
| Density | 4.92 dwellings R60 | 4 dwellings R45.15 | Supported – no variation |
| Plot Ratio | 0.65 - 575.9 square metres | 0.64 - 567.68 square metres | Supported – no variation |
| Front Setback: Unit 4 Upper Floor: Balcony | 6 metres | 5.473 - 5.624 metres | Supported - minor incursions, up to 1 metre, supported as no undue impact. |

| | | | |
|--|---------------------------|------------------------|---|
| Setbacks: Unit 1 Ground floor: - West | 1.0 metre | Nil | Supported - compliant with height and length provisions of R Codes clause 3.3.2 - Buildings on Boundary requirements. |
| First floor: - West | 1.7 metres | 1.61 – 4.2 metres | Supported - considered minor and no undue impact on affected property. |
| Unit 2 Ground floor: - West | 1.5 metres | Nil – 1.25 metres | Supported - compliant with height and length provisions of R Codes clause 3.3.2 - Buildings on Boundary requirements. |
| Unit 3 Ground floor: - East | 1.0 metre | Nil | Supported - compliant with height and length provisions of R Codes clause 3.3.2 - Buildings on Boundary requirements. |
| Unit 4 Ground floor: - East | 1.0 metre | Nil | Supported - compliant with height and length provisions of R Codes clause 3.3.2 - Buildings on Boundary requirements. |
| First floor: - East | 1.7 metres | 1.61 metres | Supported - considered minor and no undue impact on affected property. |
| Buildings on Boundary: | To one side boundary only | To two side boundaries | Supported - the development is configured on two existing lots and therefore the boundary walls are considered to have no undue impact. |

| | | | |
|--|--|---------------------------------|---|
| Privacy: | | | |
| First Floor: Unit 4, bedroom 2 (north window) | 4.5 metres | 4 metres to eastern boundary | Not supported - it is recommended that this opening be screened in accordance with the Officer Recommendation. |
| Unit 1, bedroom 2 (north window) | 4.5 metres | 4 metres to western boundary | Not supported - as above. |
| Consultation Submissions | | | |
| Additional consultation was not undertaken as there are no further variations from those advertised in March 2005. No comments were received regarding the setback variations. | | | |
| Support | Nil | | Noted |
| Previous Objection (1) | <ul style="list-style-type: none"> • Lack of detail of air conditioning units. • Demolition of boundary fences and need for retaining wall to protect garden bed. • Privacy | | <p>Not supported - speculative opinion and none proposed as part of this application.</p> <p>Not supported - retaining walls proposed at intersection of objector address and proposal.</p> <p>Not supported - compliant with R Codes privacy provisions.</p> |
| Other Implications | | | |
| Legal/Policy | | | TPS 1 and associated Policies, and Residential Design Codes (R Codes). |
| Strategic Implications | | | Nil |
| Financial/Budget Implications | | | Nil |

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

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

COMMENTS:

The revised Development Application plans are regarded to be acceptable as the proposed development now satisfies plot ratio and front setback requirements, the minor side setback variations are considered to have a minor impact on the adjoining properties and can be supported.

The proposal is therefore recommended for approval, subject to standard and appropriate conditions to address the above matters.

10.1.21 Nyoongar Patrol

| | | | |
|------------------------------|-----------------------|--------------------|-------------|
| Ward: | Both | Date: | 5 July 2005 |
| Precinct: | All | File Ref: | ENS0097 |
| Attachments: | - | | |
| Reporting Officer(s): | M Wendt | | |
| Checked/Endorsed by: | J MacLean, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That;

- (i) *the Council RECEIVES the report on the current status of the Nyoongar Patrol within the Town of Vincent;*
- (ii) *the Council APPROVES the continuation of funding to the Nyoongar Patrol for the next three months, during which time an evaluation will be undertaken of the Nyoongar Outreach Metropolitan Patrol Service in accordance with the Memorandum of Understanding between the Town of Vincent and the Nyoongar Patrol; and*
- (iii) *the Chief Executive Officer submits a further report for consideration at the Ordinary Meeting of Council on 18 October 2005.*

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Moved Cr Messina, Seconded Cr Farrell

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

“(iii) the Chief Executive Officer submits a further report for the consideration at the Ordinary Meeting of Council on 18 October of the Council prior to the October 2005 payment being made to the Nyoongar Patrol.”

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Torre was an apology.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.1.21

- (i) *the Council RECEIVES the report on the current status of the Nyoongar Patrol within the Town of Vincent;*

- (ii) *the Council APPROVES the continuation of funding to the Nyoongar Patrol for the next three months, during which time an evaluation will be undertaken of the Nyoongar Outreach Metropolitan Patrol Service in accordance with the Memorandum of Understanding between the Town of Vincent and the Nyoongar Patrol; and*
 - (iii) *the Chief Executive Officer submits a further report for the consideration of the Council prior to the October 2005 payment being made to the Nyoongar Patrol.”*
-

PURPOSE OF THE REPORT:

The purpose of the report is to provide an update on the status of the Nyoongar Outreach Metropolitan Patrol Service.

BACKGROUND:

The Nyoongar Outreach Metropolitan Patrol Service has been in operation since 1998, providing a mediation/patrol service to the Perth Inner City; Fremantle CBD and Midland area to assist Indigenous youth and adults, and to reduce their incidence of negative contact with the Criminal Justice System and Law Enforcement Agencies generally.

On 1 September 2000, the Nyoongar Patrol Service commenced a limited service within the Town of Vincent to address the deteriorating situation with indigenous people, causing considerable disturbance in Birdwood Square, Highgate. The patrol days and times were Thursday between 11am and 7pm, Friday between 1pm and 10pm and Saturday between 6pm and 2am.

Within a very short time of the Patrol commencing, the problems decreased noticeably. The amenity of the area and the relationship between the residents, the Town and park dwellers improved and, in general, all stakeholders have found the intervention of the Patrol has been an invaluable resource in managing a very difficult and complicated issue. However, this has proved to be only a short term intervention. Subsequently, the levels of antisocial behaviour in the parks have again risen to unacceptable levels, and have spread to surrounding residents and businesses.

The Patrol's hours have been adjusted to address the demand and are now Monday to Friday, 1pm to 8.30pm, in combination with the City of Perth. The antisocial behaviour in 2005 has again increased in the parks.

The Council, at its Ordinary Meeting held on 8 February 2005, resolved, inter alia, as follows:

"That the Council;

- (ii) *APPROVES of the following initiatives being implemented:*
 - (e) *the Town to review the current service provided by the Nyoongar Patrol and develop a Memorandum of Understanding between the Town and Aboriginal Advancement Council of WA;*

At a subsequent Ordinary Meeting of Council held on 12 April 2005, the following was resolved:

"That the Council ENDORSES the draft Memorandum of Understanding between the Nyoongar Patrol and the Town of Vincent as shown in Appendix 10.1.28 subject to.

"(i) deleting the final heading "Funding" on page 3 and replacing with 'Funding Review';

(ii) adding additional clauses after the first paragraph under the heading 'Funding Review' as follows:

"Payments

The Town's payments will be in quarterly instalments and paid on the 1st day of July, October, January and April.

Termination for Any Reason

The Town reserves its right to terminate this Memorandum of Understanding at its own absolute discretion, by giving three (3) months written notice to the Nyoongar Patrol.

Termination for Non Performance

The Town may terminate this Memorandum of Understanding by giving three months written notice to the Nyoongar Patrol for non performance or non observance of the provisions of this Memorandum of Understanding and there is a failure to remedy such non performance or non observance within fourteen (14) days after written notice by the Town requiring the same to be remedied."; and

(iii) adding a new clause under the heading "Town of Vincent will:" as follows:

"advertise to its residents, ratepayers, businesses and visitors, the scope and limitations of the Nyoongar Patrol's role and obligations in relation to addressing Indigenous issues with the Town."

DETAILS:

The City of Perth has recently withdrawn funding for the Nyoongar Patrol and this has created some uncertainty regarding the continuation of the Patrol's services within the Town of Vincent. However, this concern has been alleviated with the Department of Indigenous Affairs undertaking to oversee the Patrol's activities and to provide on-going funding.

Department of Indigenous Affairs

The Department of Indigenous Affairs, Manager for Regional Services, has sent to the Town a draft news item covering the agreement entered into between the Department of Indigenous Affairs and the Nyoongar Patrol, as follows:

"DIA step in to shore up Patrol services to Midland, Inner Perth and Fremantle.

Amid some of the controversy of \$122,000 worth of funding being withdrawn from Nyoongar Patrol Systems Inc comes some bright news. DIA have entered into their third Service Agreement within the new DIA Patrols Program, enabling State Government of WA funding totalling \$843 285 to be offered over two years to the Nyoongar Patrol.

This is the largest funding amount and the most complex agreement for a Patrol service that DIA has or will enter into. Particular thanks go to Sharon Jamieson, DIA Funding Support Officer, and Ms Maria McAttackney, CEO of NPS.

DIA hope to soon enter into discussions with relevant parties to seek support for the patrol from both previous and new sources."

The Nyoongar Patrol

Advice has also been received from the Chief Executive Officer of the Nyoongar Patrol, as follows:

"As the result of the City of Perth funding cut there will be:

- *No Forrest Chase Patrol.*
- *Nyoongar Patrol will not be responding to any of City of Perth incidents calls or its traders.*
- *No Thursday service in Northbridge.*
- *No JAG transport for juveniles.*

The only service which will be provided is Friday and Sat nights (5hours) in Northbridge.

Services to TOV will continue from Monday to Friday, 1pm to 8.30pm, as per the obligations outlined in the Memorandum of Understanding, signed by the Nyoongar Patrol on the 19 May 2005."

Further Discussions

Discussions have been held with the Department of Indigenous Affairs and it has been established that a service agreement has been signed between the Nyoongar Patrol System Incorporated and Department of Indigenous Affairs for a period of two years for the Nyoongar Outreach Metropolitan Patrol Service covering the Perth Inner City; Fremantle CBD and Midland area.

An opportunity has been presented by the Department of Indigenous Affairs to the Town, for the current Memorandum of Understanding between the Town and the Nyoongar Patrol to be appended to the Service Agreement and this is currently being explored by the Town's Officers. A further report will be submitted to the Council for their consideration on 18 October 2005.

CONSULTATION/ADVERTISING:

The Nyoongar Patrol and the Department of Indigenous Affairs have both been consulted.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

Under Key Result Area Two: Community Development:

2.2 Provide and develop a range of community programs and community safety initiatives.

- (g) Enhance and promote the Safer Vincent Program, which aims to support, develop and deliver residential and business initiatives that reduce crime and promotes safety and security.*

Under Key Result Area Four: Governance and Management, the Council upholds a number of objectives including:

- ~ *"to achieve a constructive, cooperative team approach between Elected Members, Employees and community".*
- ~ *"to create a safe environment for residents, ratepayers, businesses and visitors by identifying, addressing and managing risks."*

"4.2 Deliver services, effective communication and public relations in ways that accord with the expectations of the community, whilst maintaining statutory compliance and introduce processes to ensure continuous improvement in the service delivery and management of the Town".

FINANCIAL/BUDGET IMPLICATIONS:

For the 2004/2005 Budget, an amount of \$38,500 was allocated to the Nyoongar Patrol.

An amount of \$40,000 has been included for consideration in the 2005/2006 Draft Budget.

COMMENTS:

It is important that the Town Of Vincent, the Nyoongar Patrol Service and various State organisations work together to actively develop a comprehensive strategy in dealing with these social issues, as the impact on the community is substantial and more than ever, there is an expectation that the Town responds proactively and effectively.

The Nyoongar Patrol is one part of the overall strategy to decrease the antisocial behaviour occurring in the Town's parks, reserves and surrounding areas.

10.1.2 Nos. 84-90 (Lots 1, 4 and 8 and Right of Way) Scarborough Beach Road, Corner Dunedin Street, Mount Hawthorn - Proposed Demolition of Existing Shops and Car Park (Non-Conforming Use) and Construction of Twenty Seven (27) Multiple Dwellings

| | | | |
|------------------------------|------------------------------|--------------------|---------------------------|
| Ward: | North | Date: | 6 July 2005 |
| Precinct: | Mount Hawthorn Precinct; P01 | File Ref: | PRO0432; 5.2005.2882.1 |
| Attachments: | 001 | | |
| Reporting Officer(s): | T Durward, R Rasiah | | |
| Checked/Endorsed by: | D Abel, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by Urban Concepts on behalf of the owner Continental Investments Pty Ltd for proposed Demolition of Existing Shops and Car Park (Non-Conforming Use) and Construction of Twenty Seven (27) Multiple Dwellings, at Nos. 84-90 (Lots 1, 4 and 8 and Right of Way) Scarborough Beach Road, corner Dunedin Street, Mount Hawthorn, and as shown on plans stamp-dated 20 May 2005 (Survey Plan, Apartment Floor Plan and North Boundary Elevation), revised plans stamp-dated 24 May 2005 (Elevations and Overshadowing Plan) and revised plans stamp-dated 24 June 2005 (Site Plan, Ground Floor Plan, First Floor Plan and Second Floor Plan) subject to:

- (i) *prior to the issue of a Building Licence, revised plans and documentation shall be submitted and approved demonstrating the following:*
 - (a) *a detailed schedule of external finishes (including materials and colour schemes and details);*
 - (b) *a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and vehicle access, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works);*
 - (c) *the portion of the right of way contiguous with Dunedin Street being closed by the relevant State Government Agencies, and purchased and the estate held in fee simple by the owner of Nos. 84-90 (Lots 1, 4 and 8) Scarborough Beach Road, corner Dunedin Street, Mount Hawthorn;*
 - (d) *graffiti deterrent paint being used on all boundary fences;*
 - (e) *sound attenuation measures being undertaken on the motor and 'runner' to the electronic security gate, in accordance with recommendations developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The engagement of and the implementation of the recommendations of this acoustic consultant, are to be at the applicant's/owner's costs; and*
 - (f) *all car parking bays being dimensioned and complying with the minimum specifications and dimensions specified in the Town's Policy 3.7.1 Parking and Access and Australian Standards AS2890.1 - "Off Street Parking";*

(g) *the stores to Units 19 - 27 each having a minimum dimensions of 1.5 metres and minimum area of 4 square metres;*

(h) *the Type B apartments each having a balcony with minimum dimensions of 2 metres and minimum area of 10 square metres.*

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

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

(iii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Dunedin Street and Scarborough Beach Road shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency. The solid portion of the fences and gates adjacent to Scarborough Beach Road may increase to a maximum height of 1.8 metres, provided that the fences and gates have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*

(iv) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Dunedin Street and Scarborough Beach Road verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

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

(vi) *subject to first obtaining the consent of the owners of No.s 92-94 Scarborough Beach Road, No. 36 Shakespeare Street and No. 3 Dunedin 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.s 92-94 Scarborough Beach Road, No. 36 Shakespeare Street and No. 3 Dunedin Street in a good and clean condition;*

(vii) *prior to the first occupation of the development, the car parking spaces provided for the development, including five (5) visitors bays, shall be clearly marked and signposted;*

- (viii) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings/service apartments that:*

"the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development";

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

- (x) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$6,120.00 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing; and*

- (xi) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels.*

Moved Cr Doran-Wu, Seconded Cr Messina

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

- "(i) (i) increased landscaping within the uncovered parking area with a minimum of one (1) appropriate tree per four uncovered parking spaces, and in front of visitor parking spaces V1 and V5 adjacent to Dunedin Street."*

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

(Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.1.2

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by Urban Concepts on behalf of the owner Continental Investments Pty Ltd for proposed Demolition of Existing Shops and Car Park (Non-Conforming Use) and Construction of Twenty Seven (27) Multiple Dwellings, at Nos. 84-90 (Lots 1, 4 and 8 and Right of Way) Scarborough Beach Road, corner Dunedin Street, Mount Hawthorn, and as shown on plans stamp-dated 20 May 2005 (Survey Plan, Apartment Floor Plan and North Boundary Elevation), revised plans stamp-dated 24 May 2005 (Elevations and Overshadowing Plan) and revised plans stamp-dated 24 June 2005 (Site Plan, Ground Floor Plan, First Floor Plan and Second Floor Plan) subject to:

- (i) *prior to the issue of a Building Licence, revised plans and documentation shall be submitted and approved demonstrating the following:*
- (a) *a detailed schedule of external finishes (including materials and colour schemes and details);*
 - (b) *a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and vehicle access, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works);*
 - (c) *the portion of the right of way contiguous with Dunedin Street being closed by the relevant State Government Agencies, and purchased and the estate held in fee simple by the owner of Nos. 84-90 (Lots 1, 4 and 8) Scarborough Beach Road, corner Dunedin Street, Mount Hawthorn;*
 - (d) *graffiti deterrent paint being used on all boundary fences;*
 - (e) *sound attenuation measures being undertaken on the motor and 'runner' to the electronic security gate, in accordance with recommendations developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The engagement of and the implementation of the recommendations of this acoustic consultant, are to be at the applicant's/owner's costs; and*
 - (f) *all car parking bays being dimensioned and complying with the minimum specifications and dimensions specified in the Town's Policy 3.7.1 Parking and Access and Australian Standards AS2890.1 - "Off Street Parking";*
 - (g) *the stores to Units 19 - 27 each having a minimum dimensions of 1.5 metres and minimum area of 4 square metres;*
 - (h) *the Type B apartments each having a balcony with minimum dimensions of 2 metres and minimum area of 10 square metres;*
 - (i) *increased landscaping within the uncovered parking area with a minimum of one (1) appropriate tree per four uncovered parking spaces, and in front of visitor parking spaces V1 and V5 adjacent to Dunedin Street.*

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

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

- (iii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Dunedin Street and Scarborough Beach Road shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency. The solid portion of the fences and gates adjacent to Scarborough Beach Road may increase to a maximum height of 1.8 metres, provided that the fences and gates have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (iv) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Dunedin Street and Scarborough Beach Road verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (vi) *subject to first obtaining the consent of the owners of No.s 92-94 Scarborough Beach Road, No. 36 Shakespeare Street and No. 3 Dunedin 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.s 92-94 Scarborough Beach Road, No. 36 Shakespeare Street and No. 3 Dunedin Street in a good and clean condition;*
- (vii) *prior to the first occupation of the development, the car parking spaces provided for the development, including five (5) visitors bays, shall be clearly marked and signposted;*
- (viii) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings/service apartments that:*
- "the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development";*
- (ix) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*

- (x) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$6,120.00 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing; and*
- (xi) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels.*

| | |
|-------------------------------|--|
| Landowner: | Continental Investments Pty Ltd |
| Applicant: | Urban Concepts |
| Zoning: | Metropolitan Region Scheme (MRS): Urban Town Planning Scheme No.1 (TPS 1): Lots 1 and 8 -Residential (R60), Lot 4 - Residential (R20) and ROW - Unzoned |
| Existing Land Use: | Shops and Car Park |
| Use Class: | Multiple Dwellings |
| Use Classification: | "P" |
| Lot Area: | 3153 square metres |
| Access to Right of Way | North side, 5.02 metres wide, sealed, Privately owned |

BACKGROUND:

- 17 December 2002 The Council, at its Ordinary Meeting, resolved to conditionally approve proposed illuminated pylon sign to existing shops.
- 12 April 2005 The Council, at its Ordinary Meeting, resolved to approve proposed closure of right of way bounded by Hobart Street, Shakespeare Street, Scarborough Beach Road and Dunedin Street.

DETAILS:

The proposal involves proposed demolition of existing shops and car park (non-conforming use) and construction of twenty seven (27) multiple dwellings.

The Dunedin Street elevation is proposed to be two storeys and Scarborough Beach Road elevation three storeys, the intersection of the streets, at the south east corner of the subject site, is three storeys.

The ground floor accommodates the entry foyer, bin storage area, 27 storerooms, 10 multiple dwellings, 45 car parking bays (37 front bays/8 tandem bays) and 5 visitor car parking bays. The car parking area is accessed via a 5 metre wide crossover from Dunedin Street.

The first floor accommodates 11 multiple dwellings in total, 7 multiple dwellings fronting Scarborough Beach Road and 4 multiple dwellings fronting Dunedin Street.

The second floor accommodates 6 multiple dwellings in total, all fronting Scarborough Beach Road.

It is noted that the advertised plans showed 6 multiple dwellings on the second floor in total, 3 multiple dwellings fronting Scarborough Beach Road and 3 multiple dwellings fronting Dunedin Street. The revised plans, as detailed above, were submitted to address concerns raised by residents in relation to the scale of the development along Dunedin Street.

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 | 17.96 multiple dwellings R60 26.15 multiple dwellings with a 50 per cent density bonus on Lots 1 and 8 under clause 20 of TPS No. 1. | 27 multiple dwellings R85.6 Density Bonus: - 55.5 per cent density bonus on Lots 1 and 8. - Nil density bonus on residual land balance. - 42.15 per cent density bonus on Lots 1 and 8 and residual land balance. | Supported - a 50 per cent density bonus is considered acceptable as the proposal includes the discontinuance of a non-conforming use (Lot 1) and removes all existing vehicular access to and from a district distributor road (Scarborough Beach Road) (Lot 8) in accordance with clause 20 (2) (a) and (c) of TPS No. 1. Furthermore, the proposed 55.5 per cent density bonus is considered acceptable with the absolute majority of Council. |
| Plot Ratio | 0.7 applied to Lot 4 and the right of way - 388 square metres 1.0 applied to Lots 1 and 8 (when considered at the R80 density in accordance with clause 20 (3) of TPS No. 1) - 2,718 square metres. Total plot ratio area - 3,106 square metres | 0.77 - 2,424 square metres | Supported - compliant with R Codes Plot Ratio requirements. |
| Open Space | 50 percent | 58 per cent | Supported - compliant with R Codes Open Space. |

| | | | |
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| Communal Open Space | 432 square metres | 298.69 square metres | Supported - the subject proposal is within close proximity to passive and active recreational open space and a significant proportion of dwellings have more than the 10 square metres of balcony area required by the R Codes. |
| Number of Storeys | 2 storeys | 3 storeys along Scarborough Beach Road | Supported - no undue impact on streetscape or amenity of immediate locality and compatible with similar scale development in the immediate locality. |
| Building Height: | | | |
| 2 storey component | Pitch roof component - 6.0 metres wall height | 6.5 metres | Supported - due to slope of site and no undue impact on streetscape. |
| 3 storey component | Corner feature component- 9 metres wall height and 12 metres overall height. | 9.2 metres wall height and 13.1 metres overall height. | Supported - due to slope of site and no undue impact on streetscape. |
| Essential Facilities: | | | |
| Storerooms | Minimum dimension of 1.5 metres and area of 4 square metres for each multiple dwelling | Stores 19-27 - minimum dimension of 1.15 metres and area of 4 square metres | Not supported - conditioned to comply with R Codes clause 3.10.3 Acceptable Development provisions. |
| Balconies | One balcony with minimum dimension of 2 metres and area of 10 square metres | Type B apartments - in aggregate, 2 balconies with area of 17.9 square metres | Not supported - conditioned to comply with R Codes clause 3.4.3 Acceptable Development provisions. |
| Setbacks: | | | |
| South: (Scarborough Beach Road): -First Floor | 6.0 metres | 3.3 metres (balcony) - 3.6 metres (main building) | Supported - no undue impact on streetscape or amenity of the immediate locality. |

| | | | |
|---|---|---|--|
| -Second Floor | 6.0 metres | 3.3 metres (balcony) - 3.6 metres (main building) | Supported - no undue impact on streetscape or amenity of the immediate locality. |
| East: (Dunedin Street): -First Floor | 6.0 metres | 3.3 metres (balcony) - 3.6 metres (main building) | Supported - no undue impact on streetscape or amenity of the immediate locality. |
| -Second Floor | 6.0 metres | 3.3 metres (balcony) - 3.6 metres (main building) | Supported - no undue impact on streetscape or amenity of the immediate locality. |
| North: -Ground Floor | 1.5 metres | Nil - 1.5 metres | Supported - no undue impact on amenity of the immediate locality and compliant with height and length provisions of clause 3.3.2 - Building on Boundary of the R Codes. |
| West: -Ground Floor (storerooms) | 1.0 metre | Nil | Supported - no undue impact on amenity of the immediate locality and compliant with height and length provisions of Clause 3.3.2 - Building on Boundary of the R Codes. |
| -Ground Floor (main building) | 1.5 metres | 1.4 metres | Supported - considered minor variation and no undue impact on amenity of the immediate locality. |
| -First Floor | 2.0 metres | 1.4 metres | Supported - see comments above. |
| Building on Boundary | One boundary wall is permitted with an average height of 3 metres and a maximum height of 3.5 metres, for 66.6 per cent length of boundary | Boundary walls on two boundaries (both compliant with average and maximum height). | Supported - no undue impact on amenity of the immediate locality. |

| Consultation Submissions | | |
|--|---|---|
| Support (1) | <ul style="list-style-type: none"> • The subject proposal was given conditional support from three (3) local residents and a representative from the Mt Hawthorn Precinct Group, included in one submission to the Town. The conditional support was on the basis that the following be met; <ul style="list-style-type: none"> ○ The removal of the top storey on Dunedin Street; and ○ Reduction in the height of the parapet wall by 1.5 metres. | Noted - revised plans have been submitted showing the Dunedin Street frontage containing two storey development only (except on the corner of Dunedin Street and Scarborough Beach Road) and parapet wall is compliant with height provisions of R codes clause 3.3.2 - Buildings on Boundary requirements. |
| Objection (2 - includes the objection contained in the above-mentioned letter of support) | <ul style="list-style-type: none"> • Concern over increased levels in traffic and parking. | Not supported - the Town's Officers note that the development contains sufficient visitor car parking bays and the potential increase in traffic volumes is not considered to have an undue impact on the amenity of the immediate locality. |
| | <ul style="list-style-type: none"> • Concern raised over 3.8 metre high boundary wall along northern boundary. • Adjoining property owner investigating an adverse possession claim. | Not supported - parapet wall is compliant with height provisions of R codes clause 3.3.2 - Buildings on Boundary requirements. Noted - this is a civil matter between affected property owners. |
| | <ul style="list-style-type: none"> • Object to approval of a density bonus and subsequently object to high density development. | Not supported - high density (R85.6) is considered appropriate for the subject site in light of clause 20 (2) of TPS No.1, the proximity of the development to the Mount Hawthorn District Centre and the fact the development is along a district distributor road. |

| | | |
|-------------------------------|---|---|
| | <ul style="list-style-type: none"> Increased security risks from development. | Not supported - the subject proposal increases passive surveillance, therefore security in general, along Scarborough Beach Road, Dunedin Street and the surrounding locality. |
| | <ul style="list-style-type: none"> Increasing demand on services and infrastructure. High density housing attracts burglars to area. Concerns raised regarding material of boundary wall and subsequent potential for loss of privacy and security and increased levels of pollution and noise | <p>Not supported - no evidence that there is insufficient services and infrastructure to meet the increase in demand created by the proposal.</p> <p>Not supported - speculative and subjective statement.</p> <p>Supported in part - and a condition is included in Officer Recommendation for a list of external finishes and sound insulation measures. It is noted that the subject proposal is compliant with R Codes privacy requirements and there is no evidence it will increase pollution. See comments above relating to security.</p> |
| | <ul style="list-style-type: none"> Concern over scale of development (being 2 to 3 storey) | Supported in part - the subject proposal has been reduced to 2 storeys along Dunedin Street, refer to previous comments above. |
| Other Implications | | |
| Legal/Policy | | TPS 1 and associated Policies, and Residential Design Codes (R Codes). |
| Strategic Implications | | Nil |
| Financial/Budget Implications | | Nil |

* The 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:

Consultation/Advertising

The proposal was advertised for 14 days and two submissions were received during this period. The comments are addressed in the above Assessment Table.

One verbal objection was received by the Town, from an objector who viewed the revised plans, relating to the scale of the development along Scarborough Beach Road and Dunedin Street. This is not supported for reasons detailed in the Assessment Table.

It is noted that the developer has meet with three local residents and a representative from the Mount Hawthorn Precinct Group during the consultation period. The abovementioned Assessment Table details the parameters for conditional support for the subject proposal from the submission. Subsequent to this, the developer has agreed to comply with the following;

- The developer will ensure that the development has and maintains established gardens, especially along Dunedin Street;
- Graffiti deterrent paint must be used on all boundary fences; and
- Sound attenuation measures will be undertaken on the motor and 'runner' to the electronic security gate.

These requirements are included in the Officer Recommendation.

Clause 20 - Density Bonus and Clause 40 TPS No. 1

The applicant seeks a 55.5 per cent density bonus in accordance with clause 20 of TPS No. 1 for Lot 1 for the discontinuance of a non-conforming use and for Lot 8 for removing all existing vehicular access to and from a district distributor road, being Scarborough Beach Road.

The proposed overall density variation will require the Council to exercise discretion under clause 40 of TPS No. 1 requiring Council's approval by an absolute majority. The Town's Officers consider the proposed 55.5 per cent density bonus supportable in this particular instance.

Summary

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

10.1.7 No. 56 (Lot: 261 D/P: 2831) Dunedin Street Mount Hawthorn - Proposed Two-Storey Single House to Existing Single House

| | | | |
|------------------------------|---|--------------------|---------------------------|
| Ward: | North | Date: | 4 July 2005 |
| Precinct: | Mount Hawthorn Precinct, P01 | File Ref: | PRO2230; 5.2005.2874.1 |
| Attachments: | 001 , 002 , 003 , 004 , 005 | | |
| Reporting Officer(s): | J Meggitt | | |
| Checked/Endorsed by: | D Abel, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by APG Homes on behalf of the owner G A Boehm for proposed Additional Two-Storey Single House to Existing Dwelling, at No. 56 (Lot: 261 D/P: 2831) Dunedin Street, Mount Hawthorn, and as shown on plans stamp-dated 16 June 2005, subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Dunedin Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*
- (iii) the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the main dwelling.*

COUNCIL DECISION ITEM 10.1.7

Moved Cr Chester, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (7-1)

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

Against
Cr Chester

(Cr Torre was an apology.)

ADDITIONAL INFORMATION:

Technical Services have further advised that the rear ROW is owned by the Town and listed for upgrade in the 2006/2007 financial year.

A similar development application for the above site was approved at the Ordinary Meeting of Council on 11 March 2003, where the carport was located in the front, and having vehicular access from the primary street (Dunedin Street). The current application was received on 20 May 2005 (and amended plans received on 16 June 2005), and at that time of assessment, the ROW was not programmed to be upgraded in the current and subsequent financial year, which would have been 2004/2005 and 2005/2006.

On the above basis, it is considered reasonable, in this instance, to approve the development application which includes vehicular access from the primary street (Dunedin Street).

| | |
|-------------------------------|---|
| Landowner: | G A Boehm |
| Applicant: | APG Homes |
| Zoning: | Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30 |
| Existing Land Use: | Single House |
| Use Class: | Single House |
| Use Classification: | "P" |
| Lot Area: | 675 square metres |
| Access to Right of Way | 4.8 metres wide, unsealed, owned by the Town of Vincent |

BACKGROUND:

A previous similar application was lodged for this site and conditionally approved at the Ordinary Meeting of Council held on 11 March 2003. The application was not supported by Council Officers mainly on the basis of setback variations; the majority of these have been addressed in the current application.

The issue of vehicle access to the property via the right of way (ROW) was considered in the previous application. The issue is no longer relevant as the Council has subsequently adopted a Policy which limits the requirement to make use of the ROW where it is intended that the ROW will be sealed during the current or next financial year. The subject ROW is unsealed and not programmed to be sealed during the current or next financial year.

DETAILS:

The proposal involves the development of a single two storey dwelling on a site which, it is intended, will be subdivided. The existing dwelling on the site is owned by the applicant.

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

ASSESSMENT:

| Non-Compliant Requirements | | | |
|---------------------------------------|---|------------------------|---|
| Requirements | Required | Proposed * | Officer Comments Pursuant to Clause 38(5) of TPS 1 |
| Density | 2.25 dwellings R30 | 2 dwellings R 29.63 | Nil |
| Plot Ratio | N/A | N/A | NA |
| Setback - Front balcony | 6.0 metres | 5.6 metres | Supported - minor variation, main dwelling is set back 6.0 metres and Council previously accepted 4.7 metres. |
| Setback - South ground level | 1.5 metres | 1.2 metres | Supported - minor variation at ground level will not have an undue impact on amenity. |
| Setback - North side of carport | 1.5 metres | Nil | Supported - the applicant is the owner and resident of the abutting property. |
| Consultation Submissions | | | |
| Support | Letter received from the owner and resident of the abutting property to the south. No objection to window or balcony that may overlook southern property. | | Noted |
| Objection | Nil | | Noted |
| Other Implications | | | |
| Legal/Policy | | | TPS 1 and associated Policies, and Residential Design Codes (R Codes). |
| Strategic Implications | | | Nil |
| Financial/Budget Implications | | | Nil |

* The 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:

It is considered that the minor setback variations can be supported as they will result in no significant increase in bulk of the building, and as they will not unduly affect the amenity of neighbours or the locality generally.

Accordingly, the proposal is recommended for approval, subject to standard and appropriate conditions to reflect the above.

10.1.13 No. 24 (Lot: 150 D/P: 2925) Britannia Road Mount Hawthorn - Change of Use from Single House to Single House and Recreational Facility (Gymnasium) and Associated Alterations (Part Application for Retrospective Approval)

| | | | |
|------------------------------|------------------------------|--------------------|---------------------------|
| Ward: | North | Date: | 4 July 2005 |
| Precinct: | Mount Hawthorn Precinct; P01 | File Ref: | PRO1306; 5.2005.2830.1 |
| Attachments: | 001 | | |
| Reporting Officer(s): | T Durward | | |
| Checked/Endorsed by: | D Abel, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by D Reece on behalf of the owner B S Vocisano for Change of Use from Single House to Single House and Recreational Facility (Gymnasium) and Associated Alterations (Part Application for Retrospective Approval), at No. 24 (Lot: 150 D/P: 2925) Britannia Road Mount Hawthorn, and as shown on plans stamp-dated 21 April 2005 (Upper Floor Plan) and 29 June 2005 (Site Plan, Ground Floor Plan and Elevation), subject to:

- (i) *prior to the issue of a Building Licence or within 28 days of issue of Planning Approval, whichever occurs first, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *one car bay in the front setback area being removed and 1.5 metres wide vegetation/“soft“ landscaping areas being provided between the car parking area and the Eastern and Western side boundaries; and*
 - (b) *all car parking bays being dimensioned on the revised plans working drawings and complying with the minimum specifications and dimensions specified in the Town’s Policy relating to Parking and Access and Australian Standards AS2890.1 – “Off Street Parking”.*

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

- (ii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Britannia Road shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iv) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*

- (v) *the floor areas shall be limited to 87 square metres of gross floor area for the recreational facility (gymnasium) component. An increase in floor space or change of use for the subject land shall require prior Planning Approval to be applied to and obtained from the Town; and*
- (vi) *this approval for a recreational facility (gymnasium) is for a period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use. Any future application shall comply with the Town's Non-Residential/Residential Development Interface Policy especially with regard to vehicle access and car parking.*

COUNCIL DECISION ITEM 10.1.13

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Moved Cr Lake, Seconded Cr Ker

That;

1. *clause (iv) be deleted and the remaining clauses renumbered;*
2. *renumbered clause (v) be amended to read as follows:*

"(v) this approval for a recreational facility (gymnasium) is for a temporary period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use. The twelve months temporary period shall start from the date of issue of this Planning Approval and the land use subject to this Planning Approval shall cease operation immediately after this twelve months temporary period, unless further Planning Approval has been obtained from the Town prior to, or on this date and any future application shall comply with the Town's Non-Residential/Residential Development Interface Policy especially with regard to vehicle access and car parking." and

3. *new clauses (vi) and (vii) be added as follows:*

"(vi) no signage shall be erected on the subject property; and

(vii) the number of clients attending the Recreational Facility (Gymnasium) shall be limited to a maximum of 14 at any one time."

Debate ensued.

AMENDMENT LOST (3-5)

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

(Cr Torre was an apology.)

Moved Cr Maier, Seconded Cr

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

"(vii) the applicant/owner may not use amplification at all and shall ensure compliance with the Environmental Protection Act 1986 and Environmental Protection (Noise) Regulations 1997, at all times. Should the activities associated with the use include either, the creation of heightened sound levels, or the playing of amplified music, an Acoustic Report which shall be submitted to and approved by the Town, which identifies suitable sound attenuation measures, that when implemented will prevent the emission of unreasonable noise from the premises. The engagement of and the implementation of the recommendations of this acoustic consultant report are to be at the applicant's/owner(s)' expense;"

AMENDMENT LAPSED FOR WANT OF A SECONDER

Moved Cr Ker, Seconded Cr Maier

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

"(vii) the applicant/owner may not use amplification at all and shall ensure compliance with the Environmental Protection Act 1986 and Environmental Protection (Noise) Regulations 1997, at all times. Should the activities associated with the use include either, the creation of heightened sound levels, or the playing of amplified music, an Acoustic Report which shall be submitted to and approved by the Town, which identifies suitable sound attenuation measures, that when implemented will prevent the emission of unreasonable noise from the premises. The engagement of and the implementation of the recommendations of this acoustic consultant report are to be at the applicant's/owner(s)' expense;"

Debate ensued.

AMENDMENT LOST (3-5)

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

(Cr Torre was an apology.)

Debate ensued.

MOTION LOST (0-8)

(Cr Torre was an apology.)

Reasons:

1. **Inappropriate use in a residential area.**
2. **Building not fit for purpose.**
3. **Creating precedent.**

ADDITIONAL INFORMATION:

The application was advertised to the owners and occupiers of adjacent properties (No. 22 Britannia Road, Nos. 28, 30, 32 and 34 Brentham Street and Nos. 91A and 91B Anzac Road) in accordance with the Town's Community Consultation Policy.

| | |
|-------------------------------|--|
| Landowner: | B S Vocisano |
| Applicant: | D Reece |
| Zoning: | Metropolitan Region Scheme: (MRS): Urban Town Planning Scheme No.1 (TPS 1): Residential R30 |
| Existing Land Use: | Single House |
| Use Class: | Single House and Recreational Facilities (Gymnasium) |
| Use Classification: | "P" and "AA" |
| Lot Area: | 739 square metres |
| Access to Right of Way | North and west sides, 5.03 metres wide, sealed and Town-owned. |

BACKGROUND:

- | | |
|-----------------|---|
| 28 June 2004 | Written Direction under section 10 (2) of the Town Planning and Development Act 1928 served for unauthorised use at the premises. |
| 8 July 2004 | Planning application for change of use from single house to single house and recreational facility (gymnasium) received. |
| 6 December 2004 | Planning application for change of use from single house to single house and recreational facility (gymnasium) deemed cancelled. |
| 22 March 2005 | Written Direction under section 10 (2) of the Town Planning and Development Act 1928 served for unauthorised use at the premises. |
| 20 April 2005 | Application submitted to the State Administrative Tribunal (SAT) by the applicant to review the Written Direction under section 10 (2) of the Town Planning and Development Act 1928. |
| 21 April 2005 | Planning application for change of use from single house to single house and recreational facility (gymnasium) received. |
| 25 May 2005 | Directions hearing at SAT. |

DETAILS:

The application involves change of use from single house to single house and recreational facility (gymnasium) and associated alterations. The recreational facility use is existing and the alterations are proposed.

The gymnasium is called *Riddler's Gym* and it teaches Muay Thai, a type of kick boxing. The hours of operation are approximately 8:30am - 7:15pm Monday and Wednesday to Friday inclusive, 8:30am - 8:15pm on Tuesdays and occasional use on Saturday afternoons. The gymnasium does not operate on Sundays.

The gymnasium currently caters for one (1) teacher and one (1) to fourteen (14) students at any one time. The age distribution of students includes a 6 year old, teenage pupils from Aranmore Catholic College and adult age students.

The applicant's submission includes details on the temporary nature of the use as the gymnasium's clientele grows over the next 12 to 24 months. No signage is included as part of this application.

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

ASSESSMENT:

| Non-Compliant Requirements | | | |
|---|---|------------------------------------|--|
| Requirements | Required | Proposed * | Officer Comments Pursuant to Clause 38(5) of TPS 1 |
| Plot Ratio | N/A | N/A | N/A |
| Non-Residential/Residential Development Interface: | | | |
| Front Setback - | The preservation of front setback area for vegetation | Removal of existing vegetation | Not supported - a condition is included in the Officer Recommendation for retention of the existing vegetation within the front setback along the western and eastern boundaries. |
| Vehicle Access - | Where possible to be provided from a right of way. | Provided within the front setback. | Supported - the rear paved/courtyard area cannot support a sufficient amount of car parking and the proposal is altering an existing car parking area and the use is temporary (12 months only). |
| Car Parking - | Not within front setback area | Provided within the front setback. | Supported - see comments above. |
| Consultation Submissions | | | |
| Support (60 - 55 signatories on a petition and 5 letters) | <ul style="list-style-type: none"> Fully supportive of business and confirmation that it does not cause any noise or parking problems in the area. | | Noted |

| | | |
|-------------------------------|--|--|
| | <ul style="list-style-type: none"> The applicant makes sure noise is not excessive and ensures the right of way and footpath is always clear. | Noted |
| Objection | Nil | Noted |
| Other Implications | | |
| Legal/Policy | | TPS 1 and associated Policies, and Residential Design Codes (R Codes). |
| Strategic Implications | | Nil |
| Financial/Budget Implications | | Nil |

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

Residential Carparking

The residential component requires 2 car bays. A total of 2 car bays have been allocated for the residential uses.

A total of 5 car bays have been provided for the entire development, therefore resulting in three (3) car bays available for the recreational facility (gymnasium) component.

Commercial Carparking

| Requirements as per Parking and Access Policy | Required |
|---|-------------------------------------|
| Car Parking Requirement (nearest whole number) - Recreational Facility (Gymnasium) (87 square metres)- 2.92 carbays | 3 car bays for commercial component |
| Apply the adjustment factors <ul style="list-style-type: none"> 0.85 (within 400 metres of a bus stop) 0.80 (mixed use development) | (0.68) 2.04 car bays |
| Minus car parking on-site (5 carbays shown, 2 car bays for residential component therefore, 3 available for recreational facility (gymnasium)) | 3 car bays |
| Minus the most recently approved on-site parking shortfall | N/A |
| *Resultant surplus | 0.96 car bay |

*The Officer Recommendation includes a condition for removal of one car space within the front setback. This will therefore mean there is a shortfall of 0.4 car bay. It is noted that no cash in lieu contribution is required for shortfalls of 0.5 car bay or less.

COMMENTS:

Consultation/Advertising

The proposal was advertised for 14 days and no written submissions were received during this period. The applicant submitted a petition in support of *Riddler's Gym* and five (5) letters of support with the application. One letter of support included a professional reference for the applicant and was received from the *Youth Outreach Service for Swan*.

It is noted that the petition in support of the application contained 55 signatories, 19 of which were local residents. The petition was presented to the Council at its Ordinary Meeting held on 14 June 2005.

Policy /Procedure for Sate Administrative Tribunal

The Town's Officers have not prepared a *Confidential Report* to Council as the decision subject to review was not determined at an Ordinary Meeting of Council.

Furthermore, it is noted that the subject review is stayed, at the time of writing the report, until 6 July 2005, pending a decision from the Town in respect to the subject change of use application.

Non-Residential/Residential Development Interface Policy

The land use at the subject site is not considered to cause interruption to the amenity of the residential area and is considered to be a low scale, low intensity, interactive use that serves the day to day needs of the local resident population, including students from Aranmore Catholic College, and can generate pedestrian traffic and surveillance of the street.

Furthermore, it is noted that the Town's Officers are prepared to support the variations to the car parking and vehicle access variations to the abovementioned Policy on the basis that the car parking arrangement is temporary. The Officer Recommendation is conditioned accordingly.

Summary

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

10.1.16 No 72 (Lot: 32 D/P: 1049) Bourke Street, Leederville - Proposed Demolition of Existing Outbuilding and Construction of Additional Two-Storey Single House to Existing Single House

| | | | |
|------------------------------|------------------------------|--------------------|---------------------------|
| Ward: | South | Date: | 5 July 2005 |
| Precinct: | Leederville Precinct; P03 | File Ref: | PRO3156; 5.2005.2817.1 |
| Attachments: | 001 | | |
| Reporting Officer(s): | S Klarich | | |
| Checked/Endorsed by: | D Abel, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by J Corp Pty Ltd on behalf of the owner D M Trinh & K W Tang for proposed Demolition of Existing Outbuilding and Construction of Additional Two-Storey Single House to Existing Single House, at No 72 (Lot: 32 D/P: 1049) Bourke Street, Leederville, and as shown on plans stamp-dated 12 April 2005, subject to:

- (i) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Bourke Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (ii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennae, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iii) *the 1.8 metres high wall to the right of way shall have at least two (2) appropriate design features to reduce the visual impact - for example, open structures, recesses and/or planters facing the right of way at regular intervals and varying finishes;*
- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the height of the garage and store boundary wall being a maximum average of 3 metres.*

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

- (v) *subject to first obtaining the consent of the owners of No. 70 Bourke Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 70 Bourke Street in a good and clean condition; and*
- (vi) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town.*

Cr Messina departed the Chamber at 8.44pm.

Moved Cr Chester, Seconded Cr Lake

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

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

(a) the height of the garage and store boundary wall being a maximum average of 3 metres; and

(b) the internal width of the garage being widened by a minimum of 0.5 metre, to a minimum internal width of 6.2 metres to facilitate adequate vehicle manoeuvring.

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

CARRIED (7-0)

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

COUNCIL DECISION ITEM 10.1.16

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by J Corp Pty Ltd on behalf of the owner D M Trinh & K W Tang for proposed Demolition of Existing Outbuilding and Construction of Additional Two-Storey Single House to Existing Single House, at No 72 (Lot: 32 D/P: 1049) Bourke Street, Leederville, and as shown on plans stamp-dated 12 April 2005, subject to:

- (i) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Bourke Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (ii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennae, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iii) the 1.8 metres high wall to the right of way shall have at least two (2) appropriate design features to reduce the visual impact - for example, open structures, recesses and/or planters facing the right of way at regular intervals and varying finishes;*

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

(a) *the height of the garage and store boundary wall being a maximum average of 3 metres; and*

(b) *the internal width of the garage being widened by a minimum of 0.5 metre, to a minimum internal width of 6.2 metres to facilitate adequate vehicle manoeuvring.*

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

(v) *subject to first obtaining the consent of the owners of No. 70 Bourke Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 70 Bourke Street in a good and clean condition; and*

(vi) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town.*

| | |
|-------------------------------|---|
| Landowner: | D M Trinh & K W Tang |
| Applicant: | J Corp Pty Ltd |
| Zoning: | Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40 |
| Existing Land Use: | Single House |
| Use Class: | Single House |
| Use Classification: | "P" |
| Lot Area: | 478 square metres |
| Access to Right of Way | North side, 4.02 metres wide, unsealed, privately owned |

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves an additional two storey single house to an existing single house at No. 72 (Lot 32) Bourke Street, Leederville. The Town has not received any concurrent subdivision application referral.

ASSESSMENT:

| Non-Compliant Requirements | | | |
|-----------------------------------|--------------------|--------------------|---|
| Requirements | Required | Proposed * | Officer Comments Pursuant to Clause 38(5) of TPS 1 |
| Density | 2 dwellings R40 | 2 dwellings R40 | Supported - no variations. |
| Plot Ratio | N/A | N/A | N/A |

| Non-Compliant Requirements | | | |
|--|-----------------------------------|--------------------|---|
| Requirements | Required | Proposed * | Officer Comments Pursuant to Clause 38(5) of TPS 1 |
| Setbacks <u>Ground Floor:</u> West | 1.5 metres | 1.03 - 1.29 metres | Supported - no undue impact on affected property and letter of no objection submitted by affected neighbour. |
| East (garage parapet) | 1.5 metres | Nil | Supported - setback is compliant with Building on Boundary requirements of the Residential Design Codes (R Codes). |
| <u>First Floor:</u> West | 1.5 metres | 1.03 - 1.29 metres | Supported - no undue impact on affected property and letter of no objection submitted by affected neighbour. |
| - eaves | 0.75 metre | 0.5 metre | Supported - no undue impact on affected property and letter of no objection submitted by affected neighbour. |
| East | 1.8 metres | 1.6 metres | Supported - variation is considered minor and the proposed .02 metre variation requested will not unduly impact on the neighbour. |
| South | 2.8 metres | 2.05 metres | Supported - common boundary to existing dwelling and property owner. |
| Privacy | | | |
| <u>First Floor:</u> Master suite (north window) | 4.5 metres to eastern boundary | 3.5 metres | Supported - letter of no objection submitted by eastern neighbour for the overlooking. |
| Bed 3 | 4.5 metres to eastern boundary | 3.7 metres | Supported - as above. |

| Consultation Submissions | | |
|---------------------------------|--|--|
| Support (2) | Noted | Noted |
| Objection (1) | <ul style="list-style-type: none"> • Height of garage wall on boundary to be reduced from 3.2 metres to 3 metres • Eastern boundary 1st floor setback requested 1.8 metres | <p>Supported - building on boundary criteria of the R Codes requires a 3 metres average. Conditioned in Officer Recommendation.</p> <p>Not supported - variation is considered minor and the proposed .02 metre variation requested will not unduly impact on the neighbour.</p> |
| Other Implications | | |
| Strategic Implications | | Nil |
| Financial/Budget Implications | | Nil |

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

COMMENTS:

The proposal is considered to be in keeping with the established streetscape, and the variations sought by the applicant (except that relating to the height of the garage and store boundary wall which is addressed in the conditions of the Officer Recommendation) are supportable and do not have an undue impact on the surrounding area.

The proposal was not advertised as letters of comments were submitted with the application by all adjoining neighbours. One objection was received with concern to the following:

Height of parapet garage and store boundary wall

This concern was supported and addressed in the conditions of the Officer Recommendation.

Eastern boundary setback to 1st floor

This concern was not supported as the proposed 0.2 metre variation is considered minor and will not unduly impact on the neighbour.

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

**10.1.20 Amendment No. 27 to Planning and Building Policies - Appendix No. 12
- Design Guidelines for Elven on the Park**

| | | | |
|------------------------------|---|--------------------|-----------------|
| Ward: | South | Date: | 6 July 2005 |
| Precinct: | Fletcher; P13 | File Ref: | PLA0138; 126819 |
| Attachments: | 001 , 002 | | |
| Reporting Officer(s): | C Mooney | | |
| Checked/Endorsed by: | D Abel, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the draft amended version of the Policy relating to Appendix No. 12 - Design Guidelines for Elven on the Park, as shown in the Attachment;
- (ii) **ADOPTS** the draft amended version of the Policy relating to Appendix No. 12 - Design Guidelines for Elven on the Park, to be applied in the interim during the advertising period and up to formal adoption of the draft Policy;
- (iii) **ADVERTISES** the draft amended version of the Policy relating to Appendix No. 12 - Design Guidelines for Elven on the Park for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:
 - (a) advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;
 - (b) where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and
 - (c) forwarding a copy of the subject Policy to the Western Australian Planning Commission; and
- (iv) after the expiry of the period for submissions:
 - (a) **REVIEWS** the draft amended version of the Policy relating to Appendix No. 12 - Design Guidelines for Elven on the Park, having regard to any written submissions; and
 - (b) **DETERMINES** the draft amended version of the Policy relating to Appendix No. 12 - Design Guidelines for Elven on the Park, with or without amendment, to or not to proceed with them.

Moved Cr Chester, Seconded Cr Farrell

That the recommendation be adopted subject to a new clause (v) being added as follows:

"(v) **AMENDS** the draft amended version of the Policy relating to Appendix No. 12 - Design Guidelines for Elven on the Park, as shown in the Attachment, by amending the following, prior to clauses (i), (ii) and (iii) above being actioned:

"5) f) **Height**

The height of dwellings is to be sympathetic to with the surrounding area and is to be a maximum of two storeys with a third habitable level permitted within the roofspace, and, that is, a loft or mezzanine level.

The loft or mezzanine level is to comply with the following:

- *the total floor area of the loft or mezzanine level does not exceed 40 per cent of the total floor area of the uppermost floor of the dwelling; and*
- *minimum floor to ceiling height is 2.1 metres.*

The corresponding building height is to be in accordance with the Residential Design Codes and the Town of Vincent Policy(ies) relating Residential Design Elements.

A loft will only be permitted within the roof space, and the roof space will not be extended by means of extending wall heights above the floor level or dormer windows to provide extra ceiling height within the loft”.

Debate ensued.

Cr Messina returned to the Chamber at 8.50pm.

CARRIED (8-0)

(Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.1.20

That the Council;

- (i) *RECEIVES the draft amended version of the Policy relating to Appendix No. 12 - Design Guidelines for Elven on the Park, as shown in the Attachment;*
- (ii) *ADOPTS the draft amended version of the Policy relating to Appendix No. 12 - Design Guidelines for Elven on the Park, to be applied in the interim during the advertising period and up to formal adoption of the draft Policy;*
- (iii) *ADVERTISES the draft amended version of the Policy relating to Appendix No. 12 - Design Guidelines for Elven on the Park for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
 - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iv) *after the expiry of the period for submissions:*
 - (a) *REVIEWS the draft amended version of the Policy relating to Appendix No. 12 - Design Guidelines for Elven on the Park, having regard to any written submissions; and*

- (b) ***DETERMINES the draft amended version of the Policy relating to Appendix No. 12 - Design Guidelines for Elven on the Park, with or without amendment, to or not to proceed with them; and***
- (v) ***AMENDS the draft amended version of the Policy relating to Appendix No. 12 - Design Guidelines for Elven on the Park, as shown in the Attachment, by amending the following, prior to clauses (i), (ii) and (iii) above being actioned:***
- “5) f) ***Height***

The height of dwellings is to be sympathetic to with the surrounding area and is to be a maximum of two storeys with a third habitable level permitted within the roofspace ~~and~~, that is, a loft or mezzanine level.

The loft or mezzanine level is to comply with the following:

- ***the total floor area of the loft or mezzanine level does not exceed 40 per cent of the total floor area of the uppermost floor of the dwelling; and***
- ***minimum floor to ceiling height is 2.1 metres.***

The corresponding building height is to be in accordance with the Residential Design Codes and the Town of Vincent Policy(ies) relating Residential Design Elements.

A loft will only be permitted within the roof space, and the roof space will not be extended by means of extending wall heights above the floor level or dormer windows to provide extra ceiling height within the loft.

PURPOSE OF REPORT:

The purpose of this report is to present the draft amended version of the Policy relating to Appendix No. 12 - Design Guidelines for Elven on the Park and to seek Council's initial adoption.

BACKGROUND:

21 November 2000: The Council at its Ordinary Meeting resolved to approve in principle concept plans relating to the upgrade of Smith's Lake Reserve, seven lot subdivision of the land at Lot 13 (No. 24 Emmerson Street), Lot 3 (No.4 Elven Street) and vacant land on Lots 14 and 15 Emmerson Street, and additionally authorised the Chief Executive Officer to further investigate the concept plan and subdivision.

12 February 2002: The Council at its Ordinary Meeting resolved the following:

- "(i) *receives the report on the submissions received following the advertising of the Concept Plan;*
- (ii) *having considered the submissions received APPROVES BY AN ABSOLUTE MAJORITY to;*

- (a) *proceed with the Concept Plan and seven lot subdivision as shown in Plan A4-00-136;*
 - (b) *authorise the Chief Executive Officer to proceed with the demolition of the Council houses at No. 4 Elven Street and No. 24 Emmerson Street, North Perth; and*
 - (c) *authorise the Chief Executive Officer to enter into negotiations with Austbrokers Holdings Ltd to resume or acquire the piece of land, known as Part Lot 16, comprising of approximately 84.25.m², as shown in Appendices 1 and 2;*
 - (iii) *engages van der Meer Consulting to refine and progress the subdivision documentation, tender specifications and supervise the necessary subdivision works, at 6.5% of the contract sum (at an estimated cost of \$6,500);*
 - (iv) *authorises the CEO to prepare the tender documents and advertise the land for sale, upon the completion of the subdivision; and*
 - (v) *offers to extend the lease of Len Fletcher Pavilion to Gymnastics WA for the period 1 July 2002 until 30 June 2003, subject to negotiations to the satisfaction of the Chief Executive Officer.*
 - (vi) *authorises the Chief Executive Officer to proceed with the amalgamation of the Smith's Lake Reserve, as generally shown on Appendix No. 4, into one lot; and*
 - (vii) *pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended), RESOLVES to amend the Town of Vincent Town Planning Scheme No. 1 by initiating the rezoning of Lot 618 Richmond Street, North Perth and No. 24 (Lot 13) Emmerson Street, North Perth from "Residential R40" to "Town of Vincent Scheme Reserves - Parks and Recreation; and*
 - (viii) *new plans tabled."*
- 9 April 2002: The Town applied to the Western Australian Planning Commission (WAPC) to subdivide a portion of its land along Elven Street, corner Emmerson Street, North Perth, into seven lots.
- 11 June 2002: The Council at its Ordinary Meeting resolved the following:
- "(i) *resolves pursuant to Town Planning Regulation 17(1), to receive for Amendment No. 7, the one submission of support, four submissions of non-objection, one submission of comment and two submissions of objection, for Amendment No. 13, the four submissions of non-objection, and for Amendment No. 14, the four submissions of non-objection and further resolve pursuant to Town Planning Regulation 17(2), that Amendment Nos. 7, 13 and 14 to the Town of Vincent Town Planning Scheme No. 1 be adopted for final approval, without modification;*

- (ii) *authorises the Mayor and Chief Executive Officer to execute and affix the Town of Vincent common seal to Amendment Nos. 7, 13 and 14 to the Town of Vincent Town Planning Scheme No. 1 documents reflecting the Council's endorsement of final approval; and*
- (iii) *advises the Hon. Minister for Planning and Infrastructure, Western Australian Planning Commission, Environmental Protection Authority, and those who made submissions as outlined in (i) above, and forwards the relevant executed documents to and requests the Hon. Minister and Western Australian Planning Commission to adopt for final approval and Gazettal, without modification, Amendment Nos. 7, 13 and 14 to the Town of Vincent Town Planning Scheme No. 1."*

19 September 2002: Conditional approval for the subdivision received from the WAPC. Condition 3 required the Town to provide Design Guidelines for the subject subdivision. Advice to the Town states as follows:

" . . . Detailed Residential Design Guidelines for the subdivisional area being submitted to the Western Australian Planning Commission for approval and adopted by the Town of Vincent pursuant to Clause 47 of the Town of Vincent Town Planning Scheme No.1 to address such issues as building orientation, site coverage, setbacks, the location and width of driveway crossovers, location of party walls, common fencing and parking."

8 October 2002: The Council at its Ordinary Meeting resolved to receive, adopt and advertise the new Draft Policy relating to Appendix No. 12 Design Guidelines for Elven on the Park.

3 December 2002: The Council at its Ordinary Meeting resolved to receive, adopt and advertise the final version of Appendix No. 12 Design Guidelines for Elven on the Park, subject to minor text amendments.

Additionally, Council resolved the following in relation to the subdivision:

"That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner Town of Vincent for the proposed fill and retaining wall to "Elven on the Park" subdivision on Nos.24-28 (Lots 13, 14, 15 and Part Lot 16) Emmerson Street and No.4 (Lot 3) Elven Street, North Perth and as shown on the plans stamp-dated 25 November 2002, subject to:

- (i) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer."

- 31 January 2003: The Hon. Minister for Planning and Infrastructure approved the Town's Town Planning Scheme No.1 Amendment No. 14, relating to the rezoning of Lot 618 Richmond Street, North Perth and No. 24 (Lot 13) Emmerson Street, North Perth from "Residential R40" to "Town of Vincent Scheme Reserves - Parks and Recreation".
- 8 April 2003: The Council at its Ordinary Meeting resolved to defer Planning and Building Policy Amendment No. 9 ". . . for further consideration and a report of Elven Park to be provided." The report stated the following in relation to the amendment:
- "Amendments are required to this Policy to provide further clarity of acceptable development standards on the subject lots. These amendments include provision of garages in certain circumstances and the development of a detailed indicative plan showing all setback requirements from the ground and upper floors including carports/garages to the lot boundaries."*
- 22 April 2003: The Council at its Ordinary Meeting resolved the following:
- "That this Item be DEFERRED to allow an Informal Briefing of Elected Members to be held in order to determine the Design Guidelines for the Elven on the Park Subdivision."*
- 27 May 2003: The Council at its Ordinary Meeting resolved the following:
- "That this Item be DEFERRED for further investigation and report due to inconsistencies in the guidelines."*
- The report stated the following:
- ". . .an informal briefing attended by the Elected Members and the Chief Executive Officer, Executive Manager Environmental and Development Services, Executive Manager Technical Services, Executive Manager Corporate Services and the Manager Planning and Building Services was held on 15 May 2003, where matters relating to access from Emmerson Street, setbacks of buildings and the interface of buildings and the streets were discussed.*
- As a result, changes to the amended version of the Policy relating to Appendix No.12 Design Guidelines for Elven on the Park have been made."*
- 11 September 2003: WAPC considered the Town's request to clear conditions 3, 4 and 5 of conditional subdivision approval granted on 19 September 2002 and resolved to:
- (i) *advise the Town of Vincent that it is not prepared to endorse the Diagram or Plan of Survey (Deposited Plan) based on significant non-compliance with the requirement and intent of Conditions 3 & 5; and*
- (ii) *advise the Town of Vincent that it is prepared to accept the Town's undertaking to construct a dual use path along the eastern boundary of the lots adjacent to Smiths Lake Reserve as satisfaction of Condition 4".*

24 February 2004: The Council at its Ordinary Meeting received the Report relating to the Elected Members Briefing session held on 27 October 2003 of which the following was reported:

"Revised design guidelines were presented to Elected Members regarding the changes discussed at the previous Elected Members' Briefing sessions and the meeting held on 13 October 2003 between Councillor Ian Ker, Executive Manager Environmental and Development Services and Senior Planning Officer (Strategic) Yolanda Scheidegger. It was decided that further changes were required to the revised design guidelines and that another Elected Members' Briefing session was warranted."

20 July 2004: Elven Street Subdivision and Draft Guidelines were discussed at the Elected Member Forum - Concept Forum. The outcome of discussion was that further investigation into the subdivision layout was required, inclusive of consideration of a concept plan comprising 5 lots.

21 September 2004: Revised subdivision concept plans on the Elven Street Subdivision were presented at the Elected Members Forum - Concept Forum. The outcome of the Forum recommended the matter be referred to an Ordinary Meeting of Council for formal consideration and adoption of the preferred subdivision concept.

23 September 2004: The Town's Officers forwarded documentation of the presentation to the 21 September 2004 Forum to all Elected Members for comment on the concept plans. One response was received supporting a ". . .5 lot configuration orientated to Elven Street with wider street frontages to facilitate carparking requirements."

26 October 2004: The Council at its Ordinary Meeting resolved the following:

"That the Council:

- (i) RECEIVES the Report relating to revised subdivision concept plan for 'Elven on the Park';*
- (ii) APPROVES the preferred 5 lots revised subdivision concept plan dated 21 September 2004 for 'Elven on the Park' at Nos. 24-28 (Lots 13, 14, 15 and Part Lot 16) Emmerson Street and No.4 (Lot 3) Elven Street, North Perth, as shown in Attachment 10.1.10; and*
- (iii) AUTHORISES the Chief Executive Officer to;*
 - (a) proceed with the subdivision of 'Elven on the Park' at Nos. 24-28 (Lots 13, 14, 15 and Part Lot 16) Emmerson Street and No.4 (Lot 3) Elven Street, North Perth, in accordance with the preferred 5 lots revised concept plan dated 21 September 2004;*
 - (b) prepare appropriate design guidelines relating to the preferred 5 lots revised subdivision concept plan dated 21 September 2004 for 'Elven on the Park'; and*

(c) *fund the additional works for this subdivision estimated at a cost of \$25,000 from a source to be determined."*

- 1 November 2004: The Town re-applied to the WAPC to subdivide a portion of its land along Elven Street, corner Emmerson Street, North Perth, into five lots.
- 16 November 2004: The Town received referral from the WAPC to comment and provide recommended conditions regarding the above application.
- 3 December 2004: The Town sent correspondence to the WAPC supporting the above subdivision.
- 14 April 2005: The WAPC conditionally approved the above subdivision. The condition relating to the provision for Design Guidelines was not placed on the approval.

DETAILS:

In light of the Council resolution made on 26 October 2004, the Town's Officers have amended the Policy relating to Elven Street to reflect the new five lot subdivision, accordingly.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies, and the Residential Design Codes.

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

The 2004/2005 Budget allocates \$62,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

The Design Guidelines have been amended to reflect the new five lot subdivision. Updated clauses reflect the advantage of the five lot concept presented to the Ordinary Meeting of Council held on 26 October 2004, those being; parkland vistas, interactive streetscape and park-scape; creation of streetscape on Elven Street without domination of garages and better built design solutions.

In light of the above, it is recommended that the Council adopts the draft amended version of the Policy relating to Appendix No. 12 - Design Guidelines for Elven on the Park and advertises the draft amended version of the Policy in accordance with clause 47 of the Town of Vincent Town Planning Scheme No. 1.

10.2.1 Proposed William Street Streetscape Upgrade Brisbane to Newcastle Street, Perth - Progress Report No. 1

| | | | |
|------------------------------|----------------------|--------------------|-------------|
| Ward: | South | Date: | 3 July 2005 |
| Precinct: | Beaufort P13 | File Ref: | TES0473 |
| Attachments: | 001; | | |
| Reporting Officer(s): | R Lotznicher | | |
| Checked/Endorsed by: | - | Amended by: | - |

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Progress Report No 1 on the Proposed William Street Streetscape Upgrade - Brisbane to Newcastle Streets, Perth, as at 6 July 2005;*
- (ii) *DEFERS the community consultation component until the Streetscape upgrade proposal has been further refined, based on the information contained in the report, after further consideration by the Council;*
- (iii) *NOTES that;*
 - (a) *the information contained in the report regarding the collaborative approach currently being undertaken between the East Perth Redevelopment Authority and City of Perth and the Town's officers to ensure the 'best' outcome for the William Street Streetscape upgrade is achieved prior to any works being implemented;*
 - (b) *the State Government will be providing \$250,000 towards the William Street Streetscape upgrade proposal;*
 - (c) *the Town has engaged a consultant to engage the Multicultural William Street community in developing appropriate artwork for the proposal; and*
 - (d) *a further progress report will be submitted to the Council once the matters, as outlined in the report, have been progressed; and*
- (iv) *ADVISES both the East Perth Redevelopment Authority and City of Perth of its decision.*

COUNCIL DECISION ITEM 10.2.1

Moved Cr Ker, Seconded Cr Doran-Wu

Cr Farrell departed the Chamber at 8.53pm.

That the recommendation be adopted.

Debate ensued.

Cr Farrell returned to the Chamber at 8.55pm.

CARRIED (8-0)

(Cr Torre was an apology.)

PURPOSE OF REPORT:

The purpose of this report is to provide an update of the progress to date for the William Street Streetscape upgrade proposal.

BACKGROUND:

A detailed report on the William Street upgrade proposal was considered by the Council at its ordinary meeting held on 22 February 2005 where the following decision was adopted.

"That the Council;

- (i) RECEIVES the report on the Proposed William Street Streetscape Upgrade - Brisbane to Newcastle Streets, Perth;*
- (ii) ADOPTS IN PRINCIPLE the:*
 - (a) proposal as outlined on attached plan No 2330-CP-1 and attachments 10.2.1A to F, estimated to cost in the order of \$1,000,000; and*
 - (b) project area being referred to as 'William Street' and it be a dynamic place that celebrates present, past and future diversities of culture;*
- (iii) CONSULTS with the following to develop appropriate artwork to compliment the streetscape upgrade:*
 - (a) The Perth Mosque (to develop appropriate artwork that celebrates its establishment by Afghan camel herders); and*
 - (b) Chinese, Vietnamese, Indonesian, Malay, Thai, Korean, Indian (and any other relevant ethnic group) businesses as well as ethnic groups representing previous traders;*
- (iv) WRITES to the East Perth Redevelopment Authority requesting they formally comment on the Town's Streetscape upgrade proposal for William Street as part of the proposed community consultation and their comments be considered in a further report to the Council at the conclusion of the consultation period;*
- (v) CONSULTS with business proprietors/owners and residents in the project area and the Town's precinct Groups, giving them 21 days to provide comments regarding the overall Streetscape upgrade proposal;*
- (vi) ADVISES the Department of Planning and Infrastructure that Cr Ian Ker, chairman of the Town's Local Area Traffic Management Advisory Group, and the Town's Executive Manager Technical Services, be nominated for the Metro Centre Committee Transport Planning Group;*
- (vii) NOTES the commitment by the Gallop State Labor Government to contribute \$250,000 to the Streetscape upgrade proposal should they be re-elected;*
- (viii) NOTES also that should the State funding not become available, the scope of the project would need to be 'scaled down' should no additional funding be made available prior to the implementation of the project; and*
- (ix) RECEIVES a further report on the matter once the matters as outlined in clauses (iii), (iv), (v) and (viii) above have been further addressed."*

DETAILS:

The following is an update of the progress to date addressing some of the above clauses.

East Perth Redevelopment Authority (EPRA)

Officers wrote to the East Perth Redevelopment Authority on 1 March 2005, requesting their comments regarding the Town's proposal for William Street. A response from EPRA was received on 16 March 2005. An extract from their response is as follows:

"In terms of the theming and palette of materials that the Town has selected for the upgrade, it is noted that this differs to EPRA's own theming and palette for The Village Northbridge. Similarly, it is likely that the City of Perth has its own ideas for the section of William Street within its boundaries that will present further differences.

The importance of William Street as a main boulevard through the City and as a strong connecting element between Perth and Northbridge has increased significantly and will continue to do so with the completion of the new city railways station, the development of the Museum Street Precinct in Northbridge (north of TAFE), and with the impending development of an integrated urban renewal strategy for the Cultural Centre Precinct.

Accordingly, EPRA would welcome that a holistic approach to the improvement of William Street - from Brisbane Street to the river - be explored between the Town of Vincent, the City of Perth and EPRA. It is considered that a co-ordinated approach will assist in unifying the street as a cohesive strip of commercial, retail, cultural and other active uses, which could result in significant economic and social benefits for the locality.

The formulation of such an approach will be the subject of the William Street design workshop that has been convened next week between the Town of Vincent, the City of Perth and EPRA.

It is, however, understood that the Council has an expectation that its own works will proceed in the near future and we appreciate that the Town may be limited in its ability to delay commitment to these works, pending the outcome of the design workshop. If this is the case, EPRA recommends that the upgrades be designed and undertaken so that flexibility exists for the creation of embayed parking along both sides of William Street and for traffic to move in a two-way direction at a later stage."

City of Perth (COP)

Officers also wrote to the City of Perth on 1 March 2005 requesting their comments regarding the Town's proposal for William Street. A response from the City of Perth was received on 15 March 2005. An extract from their response is as follows:

"Generally, the City of Perth supports the idea of improvement works to this major entry road to the city. In addition, there exists an opportunity to co-ordinate the plan with the City of Perth's future plans for William Street, in particular.

- *Species of trees and lighting should be consistent from Brisbane Street to the river;*
- *Other streetscape elements such as paving and furniture should be co-ordinated as much as possible*
- *Traffic management should be consistent, in particular, number and width of lanes (as well as slowing for future possible two-way traffic).*

The City of Perth supports the establishment of a technical working group to look at these issues with representatives from the Town of Vincent, EPRA and the City of Perth. This working group would ensure that the overall design of William Street retains a level of consistency from an urban design point of view. Naturally, it is expected that some variety will occur along the length of William Street, especially with cultural expression through public art.

The City of Perth looks forward to working with the Town of Vincent in developing a co-ordinated design for this major street."

Officers' Comments - Responses from EPRA and COP

Tripartite 'coordinated' approach

Both the EPRA and COP have supported the Town's proposal in principle. EPRA are currently developing a proposal for Village Northbridge, which includes William Street south of Newcastle Street and the COP are currently looking at William Street from the Swan River northwards.

Both EPRA and the COP suggested that a tripartite 'coordinated' approach between the three authorities should be considered in developing the proposed William Street upgrade to *unify the street as a cohesive strip of commercial, retail, cultural and other uses, which could result in significant economic and social benefits for the locality.*

The Town's current proposal (as outlined on *plan No 2330-CP-1*) proposes to upgrade the street with no geometric changes. Both the COP and EPRA are considering changing the road alignment.

Working Group

Following the Council decision (OMC 22 February 2005), the Executive Manager Technical Services established an interdepartmental working group to progress the William Street proposal. Following formal comments from both EPRA and the COP, this group was expanded to include officers from both these authorities. The group has now met on several occasions and many relevant issues have been discussed.

Road alignment Options

COP has developed a 'preliminary' concept plan for William Street, south of Newcastle Street, incorporating the following changes:

- Reducing the road from 4 traffic lanes to 3 traffic lanes with permanent embayed parking on the western side of the road.
- Increasing the footpath widths on both sides of the street.
- Assuming the road will remain 'one way' north to south. In the meantime, the eastern lane will comprise a bus lane in the AM peak period and revert to 'on road' parking for the remainder of the day.

EPRA are considering a 3 and possible 2 traffic lane option with permanent embayed parking on both sides of the road. A special working group meeting has been arranged by EPRA for 12 July 2005 to discuss the traffic implications of implementing these proposals.

Street Trees

The Council has approved, in principle, the planting of Chinese Elms as part of the streetscape upgrade. Based on the suggestion by both EPRA and COP that a consistent theme for William Street be developed, working group members over several meetings discussed other possible tree species for the proposal.

The COP Landscape Strategy (1996) indicates that the same tree species should be planted north and south of the railway line. The strategy also calls for different species on different streets, i.e. Beaufort Street/Barrack Street and William Street to create a point of difference/legibility between this pair of streets, while at the same time strengthening the north-south links between the City and the River. Some of the tree species considered by the Working Group have included the:

- Chinese Elms
- Evergreen Oak
- London Plane
- Illawarra Flame
- Oriental Plane

A matrix for a preferred 'predominant' species has been developed and is currently being assessed.

An elected member has also suggested that to mark the location of the existing Mosque, four(4) large palms trees on both sides of William St (*in front of the Mosque*) should be considered to mark the location of two very significant old buildings on that street. This would need to be further examined in the context of existing services, awnings etc.

Street Lighting

The Working Group has considered an appropriate type of streetlight theme for William Street. EPRA and COP have suggested using the "Newcastle Street Precinct" light (*private fitting supported/maintained by COP*). The Town's officers advised the group that the Council has approved only the use of Western Power supported fittings in road reserves and that should Western Power (WP) decide to support the COP fitting, the Town would consider this further.

Alternatively, it was suggested that the Town 'may' consider installing the COP lights if the COP agreed to take on the long term maintain of these lights. This matter needs further discussion.

Undergrounding of Power

WP has provided a revised quotation for the undergrounding of power in the section of William Street between Brisbane and Newcastle Streets. An order for WP to proceed has been placed 'on hold' pending the outcome of the discussions with COP and EPRA and further consideration by the Council.

It was considered that any alignment change would comprise the lighting design proposal. In addition, should the light poles/fittings change, it would be very difficult to alter the scope of works once an order was issued to WP (*as was experienced recently with the Fitzgerald Street project where lower light poles were requested after an order was issued*)

Metro Centre Committee – Transport Planning Group

As previously reported to Council, the Department of Planning and Infrastructure (DPI) and the Western Australian Planning Commission (WAPC) are examining possibilities for the central city including the future of William Street.

To this end, DPI wrote to the Town on 7 February 2005 advising that a committee would be established to carry out several traffic planning and modelling tasks, in preparation for a more detailed assessment of possible redevelopment scenarios for the New Metro Centre.

The Group held its inaugural meeting on 23 March 2005, where the following matters were discussed (*Cr Ian Ker and Executive Manager Technical Services represented the Town on the Group*):

- traffic modelling methodologies;
- the required scope of traffic modelling;
- technical data input requirements for the agreed model;
- evaluate the transport model outputs;

Even though the meeting was advised the initial work would commence soon, with a view to completing initial tasks in approximately a three-month timeframe, to date no further advice has been received from either the WAPC or DPI regarding this matter.

Proposed development of Artwork

The Town's Arts officer prepared a brief and a consultant has been engaged to liaise with all relevant stake holders to discuss the types of artwork they would like to see installed. As part of the brief, the consultant is required to develop a template with a certain approach in preparation to contract a series of artists to undertake the appropriate art works once the matter has been considered by the Council.

State Funding

As previously reported to the Council (OMC 22 February 2005), the Mayor, Chief Executive Officer, and the Executive Manager Technical Services, met with the Minister for Energy and his staff, where a contribution towards the William Street undergrounding of power was requested.

On 9 February 2004, the Government announced that if re-elected they would pledge \$250,000 towards the proposed William Street upgrade.

Following the re-election of the Gallop Government, the Town wrote to the Minister in May 2005 and was advised as follows in early June 2005:

"Thank you for the information you provided re the above project. To facilitate the grant payment process, the Department requires an itemised budget estimate for the project, which clearly identifies the funding provider for each component of the project. In particular, please identify which items of project expenditure will be allocated to the State Government contribution of \$250,000.

Once the Department has received the budget estimate from you, I will draft a Financial Assistance Agreement (FAA) for your signature. The Agreement will outline the terms and conditions for expenditure and acquittal of the funds. The FAA will allow for the provision of the grant via instalments, with subsequent instalments paid on the satisfactory acquittal of the previous instalment.

The Town has provided the requested information and is awaiting receipt of the proposed Financial Assistance Agreement

Community Consultation

Clause (v) of the Council decision (OMC 22 February 2005) states that the Council consults with business proprietors/owners and residents in the project area and the Town's precinct Groups, giving them 21 days to provide comments regarding the overall Streetscape upgrade proposal.

It is considered that this should be placed on hold until the Streetscape upgrade proposal has been further refined, based on the information contained in the report and has been reconsidered by the Council.

In addition any community consultation would be structured to include the outcomes of the Community Visioning Project - place check so that business proprietors felt they were kept in the picture. Many positive and useful comments resulted from the place check exercise which have already been incorporated in the draft design

Community Safety and Crime Prevention Partnership Fund - Designing Safer Communities Funding

The Town in 2004/2005 received \$50,000 for improved lighting and minor streetscape improvements for the intersections of streets adjoining William Street. This additional funding will be incorporated in the overall William Street upgrade.

CONSULTATION/ADVERTISING:

It is recommended that the Council places on hold the community consultation component of the proposal until the Streetscape upgrade proposal has been further refined, based on the information contained in the report and has been reconsidered by the Council and receives a further progress report once the matters as outlined in the report have been further progressed.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area Three of Strategic Plan 2005-2010 – 1.4 “*Identify the needs and expectations of the business community, promote business development and facilitate outcomes in the Town*”.

FINANCIAL/BUDGET IMPLICATIONS:

The 2004/2005 budget included \$750,000 for the William street upgrade proposal. This will be carried forward to 2005/2006. In addition, the State Government has committed to providing an additional \$250,000 for the project bringing the total funds available to \$1.0m.

COMMENTS:

The William Street infrastructure is rundown and the area looks neglected. An opportunity exists to put this section of William Street 'on the map' as a business and entertainment hub for the area, however, it is critical that the proposal is implemented in a way that compliments and unifies William Street.

There is little value in proceeding with the project until all possible options in partnership with other authorities have been thoroughly investigated and workshopped.

It is therefore recommended that the Council notes the information contained in the report regarding the collaborative approach currently being undertaken between the East Perth Redevelopment Authority, the City of Perth and the Town's officers, to ensure the 'best' outcome for the William Street Streetscape upgrade is achieved prior to any works being implemented, places on hold the community consultation component of the proposal until the Streetscape Upgrade proposal has been further refined, based on the information contained in the report, and has been reconsidered by the Council and receives a further progress report once the matters as outlined in the report have been further progressed.

10.2.3 Wade Street Streetscape Improvements

| | | | |
|------------------------------|----------------------|--------------------|--------------|
| Ward: | South | Date: | 29 June 2005 |
| Precinct: | Hyde Park | File Ref: | TES0234 |
| Attachments: | 001; | | |
| Reporting Officer(s): | J. van den Bok | | |
| Checked/Endorsed by: | R. Lotznicher | Amended by: | |

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report in relation to the proposed streetscape improvements in Wade Street, Perth;*
- (ii) *APPROVES the planting of trees (Illawarra Flame Tree - Brachychiton acerifolia) on both sides of Wade Street as shown on attached Plan No. 2355-CP-1; and*
- (iii) *ADVISES all owners/occupiers of the Council's resolution.*

Moved Cr Ker, Seconded Cr Lake

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

- “(ii) *APPROVES the planting of trees (Illawarra Flame Tree - Brachychiton acerifolia) on ~~both sides~~ the eastern side of Wade Street as shown on attached Plan No. 2355-CP-1; and”*

Cr Doran-Wu departed the Chamber at 9.03pm.

CARRIED (7-0)

(Cr Torre was an apology. Cr Doran-Wu was absent from the Chamber and did not vote.)

COUNCIL DECISION ITEM 10.2.3

That the Council;

- (i) *RECEIVES the report in relation to the proposed streetscape improvements in Wade Street, Perth;*
- (ii) *APPROVES the planting of trees (Illawarra Flame Tree - Brachychiton acerifolia) on the eastern side of Wade Street as shown on attached Plan No. 2355-CP-1; and*
- (iii) *ADVISES all owners/occupiers of the Council's resolution.*

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the results of the recent survey undertaken in Wade Street, Perth and seek approval for the planting of trees.

BACKGROUND:

An amount of \$10,000 was listed in the 2004/05 budget to provide streetscape improvements in Wade Street. The proposed works included the provision of tree wells within the existing concrete footpath and the planting of street trees. Works commenced to remove sections of the concrete footpath and owner/occupiers were consulted in regard to the tree species to be planted.

During the consultation process, staff received various negative comments in relation to the works including:

- species of tree being proposed
- why the works were being undertaken at all
- remaining width of footpath would be too narrow
- trees will make it difficult to alight from vehicles
- trees will restrict sunlight into adjacent premises

In view of the above, it was decided that a further consultation by way of a survey would be undertaken, asking owners/occupiers whether they wanted the works to proceed and if so, gave them a selection of tree species (examples included) and requested they identify their preferred option.

Due to the existing narrow width of the existing footpath on the western side of Wade Street, it was also considered appropriate that the trees be planted only along the eastern side of the street.

DETAILS:

35 Survey forms, with a covering letter outlining the reasons for further consultation, were sent out to all owners/occupiers of properties in Wade Street on 30 May 2005.

Owners/occupiers were requested to submit survey forms by 10 June 2005 and, at the conclusion of the survey period, fourteen (14) responses had been received. The results of the survey are as follows:-

Proposal to Plant Trees in Wade Street

- Agree with proposal to plant trees on the eastern side of Wade Street 10 responses
- Do not agree to the planting of trees along the eastern side of Wade Street 4 responses

Note: The four (4) respondents that do not agree with the proposal did not want any trees planted in Wade Street at all.

Preferred Tree Species

| | | |
|----------------------------------|---|------------------------------------|
| Prunus nigra (Flowering Plum) | Brachychiton acerifolia (Illawarra Flame Tree) | Eucalyptus torquata (Coral Gum) |
| 1 response | 6 responses | 3 responses |

Comments received were as follows:-

In favour of proposal:

- Would be good to have trees on both sides
- Trees on both sides would reduce noise from traffic
- Fully support the proposal on both sides of the road
- No objection, would enhance the streetscape and welcome trees on both sides.
- Keep the original plan and plant on both sides of the road
- OK with eastern side planting, however should plant trees along western side of street in gutter.
- 5 - No comment.

Against the proposal:

- Strongly disagree with proposal to plant on eastern side; limited parking already and trying to park in between trees with holes would be difficult. Consideration should be given to planting a few trees (4) on the western side, this is more logical.
- Street is too narrow and getting out of cars next to a tree would be difficult. Limits parking and existing gardens have been planted with sun loving plants.
- Footpath on both sides is too narrow and tree wells would interfere with access to properties.

Officers' Comments:

Whilst the preference would be to plant trees along both sides of Wade Street, this cannot be achieved on the western side as the existing footpath is only 2.1 metres wide. A tree well (hole) must be a minimum of 800mm square and this would leave a footpath width of only 1.3 metres, which does not conform to the minimum width of 1.50 metres as stated in the Town's current policy 2.2.7.

As the road reserve is only 5.1 metres wide, the option of planting the trees partially within the road reserve along the western side of Wade Street is also not advised as this would provide an unacceptable risk for vehicular traffic.

Planting trees along the eastern side of Wade Street in the footpath can be accommodated with the current width of footpath being 2.4 metres. A 800 mm tree well will still leave a minimum footpath width of 1.6metres.

Conclusion:

A total of twelve (12) trees can be located along the eastern side of Wade Street between existing crossovers and residential access paths as per the attached plan. Where the existing one metre square holes have been cut out in the concrete footpath along the eastern side, it is proposed to lay a course of bricks around the edge as a feature.

Holes cut out previously in the concrete footpath along the western side of Wade Street will be patched with concrete as soon as possible.

CONSULTATION/ADVERTISING:

The proposed works and tree species selection have been outlined in a letter drop/survey to all occupiers and also sent to all owners of property in Wade Street, Perth.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.1 Protect and enhance the environment and biodiversity. “c) *Enhance and protect our natural environment, improve natural habitats, increase biodiversity in parks, reserves, wetlands and river foreshore areas, link Greenways of vegetation, enhance the Significant Trees Inventory to encourage their protection and increase and promote use of local vegetation, by Council and residents.*”

FINANCIAL/BUDGET IMPLICATIONS:

As indicated above, an amount of \$10,000 has been allocated for this project. Funds will be carried forward into the 2005/06 financial year to enable the project to be implemented.

COMMENTS:

Where similar projects have been implemented over the past few years (Hope Street) residents have welcomed the new tree plantings, which have "brightened up" what was previously a very "hard" streetscape.

The preferred tree species for Wade Street (Illawarra Flame tree) has an upright habit and will be most suited to this location given the narrowness of the street.

It is therefore recommended that the Council approves the proposal and works recommence on site as soon as owners/occupiers have been advised of the Council's decision.

10.2.4 Progress Report - Wetlands Heritage Trail / Greenway Implementation

| | | | |
|------------------------------|-------------------------|--------------------|-------------|
| Ward: | Both | Date: | 6 July 2005 |
| Precinct: | All | File Ref: | CMS0071 |
| Attachments: | 001: | | |
| Reporting Officer(s): | R Lotznicher, R Gunning | | |
| Checked/Endorsed by: | M Rootsey, J Anthony | Amended by: | - |

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report on the Progress Report Wetlands Heritage Trail / Greenway Implementation;
- (ii) **NOTES** the completion of projects in accordance with phase 1 of The Wetlands Heritage Trail and the current activity and progress regarding The Wetlands Heritage Trail 2004-2005;
- (iii) **INVESTIGATES** the feasibility of the proposed 'additional' artwork at the three (3) locations listed in the report, namely A1, A3 and A7, in consultation with the various stake holders as indicated;
- (iv) **CONSIDERS** providing legibility to the pathway sections including 'spurs' along existing paths and roadways and beyond the Town's boundary (sections 9 and 13) to provide connectivity with the Town's path network associated with Wetland Heritage Trail;
- (v) **NOTES** that:
 - (a) \$80,000 was allocated in the 2004/2005 financial year for construction of recreational Greenway paths and has been carried forward in the 2005/2006 draft budget;
 - (b) \$50,000 was allocated in the 2004/2005 financial year for Aboriginal heritage Trail and has been carried forward in the 2005/2006 draft budget; and
 - (c) \$50,000 was allocated in the 2004/2005 financial year for Wetlands Signage and has been carried forward in the 2005/2006 draft budget;
- (vi) **APPROVES** the implementation of sections of dual use path and lighting for sections Sections 2 and 8 of the Wetlands Heritage Trail through Beatty Park Reserve and Stuart Street Reserve estimated to cost \$80,000;
- (vii) **APPROVES** the formation of a Working Group comprising of two (2) Elected Members and officers from the Town's Technical Services Division and Community Development Section to progress the following:
 - (a) investigate Sections 5 and 6 of the Wetlands Heritage Trail Dorrien Gardens and Cowle to Fitzgerald Street, in consultation with several stakeholders including, but not limited to, Perth Soccer Club, the WA Italian Club and possibly the Local Precinct Group;

- (b) investigate the most suitable method to provide legibility to the Wetland Heritage Trail; and*
- (c) develop a program for the completion of the Wetland Heritage Trail and determine annual funding requirements associated with the program; and*
- (viii) NOTES a further report will be submitted to the Council in October 2005 to consider any recommendations of the Working Group.*

Moved Cr Chester, Seconded Cr Ker

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

“(iv) ~~CONSIDERS providing~~ PROVIDES legibility to the pathway sections including 'spurs' along existing paths and roadways and beyond the Town's boundary (sections 9 and 13) in consultation with EPRA and the City of Perth to provide connectivity with the Town's path network associated with Wetland Heritage Trail;”

Debate ensued.

The Presiding Member called for nominations.

Crs Chester and Maier nominated.

The Presiding Member accepted the nominations from Crs Chester and Maier.

Cr Doran-Wu returned to the Chamber at 9.06pm.

CARRIED (8-0)

(Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.2.4

That the Council;

- (i) RECEIVES the report on the Progress Report Wetlands Heritage Trail / Greenway Implementation;*
- (ii) NOTES the completion of projects in accordance with phase 1 of The Wetlands Heritage Trail and the current activity and progress regarding The Wetlands Heritage Trail 2004-2005;*
- (iii) INVESTIGATES the feasibility of the proposed 'additional' artwork at the three (3) locations listed in the report, namely A1, A3 and A7, in consultation with the various stake holders as indicated;*
- (iv) PROVIDES legibility to the pathway sections including 'spurs' along existing paths and roadways and beyond the Town's boundary (sections 9 and 13) in consultation with EPRA and the City of Perth to provide connectivity with the Town's path network associated with Wetland Heritage Trail;*

- (v) **NOTES that:**
- (a) *\$80,000 was allocated in the 2004/2005 financial year for construction of recreational Greenway paths and has been carried forward in the 2005/2006 draft budget;*
 - (b) *\$50,000 was allocated in the 2004/2005 financial year for Aboriginal heritage Trail and has been carried forward in the 2005/2006 draft budget; and*
 - (c) *\$50,000 was allocated in the 2004/2005 financial year for Wetlands Signage and has been carried forward in the 2005/2006 draft budget;*
- (vi) **APPROVES the implementation of sections of dual use path and lighting for sections Sections 2 and 8 of the Wetlands Heritage Trail through Beatty Park Reserve and Stuart Street Reserve estimated to cost \$80,000;**
- (vii) **APPROVES the formation of a Working Group comprising of two (2) Elected Members (Crs Chester and Maier) and officers from the Town's Technical Services Division and Community Development Section to progress the following:**
- (a) *investigate Sections 5 and 6 of the Wetlands Heritage Trail Dorrien Gardens and Cowle to Fitzgerald Street, in consultation with several stakeholders including, but not limited to, Perth Soccer Club, the WA Italian Club and possibly the Local Precinct Group;*
 - (b) *investigate the most suitable method to provide legibility to the Wetland Heritage Trail; and*
 - (c) *develop a program for the completion of the Wetland Heritage Trail and determine annual funding requirements associated with the program; and*
- (viii) **NOTES a further report will be submitted to the Council in October 2005 to consider any recommendations of the Working Group.**

PURPOSE OF REPORT:

The purpose of this report is to advise the Council on the progress to date with regard to the Wetlands Heritage Trail implementation and make recommendations to further develop the Trail, including the construction of dual use paths, signage, legibility, cost implications and prepare a long term implementation program.

BACKGROUND:

'Greenways' is a generic term that has been applied to a wide range of landscape planning strategies, concepts and plans. Other terminology used with a similar meaning include the following:

- Ecological networks/infrastructure/corridors
- Habitat networks
- Wildlife corridors
- Riparian buffers
- Environmental corridors
- Greenbelts and landscape linkages

Guiding principles for Greenways in the Perth Metropolitan Region that will be encouraged include corridors that support compatible multiple uses and that link recreation, conservation and culturally important areas. Greenways have also been identified as having conservation, recreation, heritage and educational values.

Early in the Town's history, ideas were put forward through the *Community Identity Strategy Working Group* about constructing 'trails' through the Town which would not only allow safer walking and cycling but also provide insights into Vincent's Aboriginal and non-Aboriginal history through the creation of interpretive signage and artworks.

A brief history of the process to date is outlined below:

Ordinary Meeting of Council 9 February 1998

The Council considered a report on the Strategic Plan for Perth's Greenways which would build on and connect areas of remnant vegetation, wetlands and walking trails within the Metropolitan Region.

The report stated that priority should be given to identifying strategic Greenways that provide:

- East-west corridors which link the coast to freshwater and bushland habitats;
- Linkages along foreshore areas;
- Linkages between wetlands; and
- Linkages between large areas of bushland.

The report also discussed the following

- Establishment of a Greenways Committee to promote and implement Perth's Greenways
- Protection of Greenways
- Management of Greenways

The Draft Strategic Plan identified that the Mitchell Freeway/Railway was the only site within the Town of Vincent that provided a Strategic Greenway linkage between areas of remnant vegetation, wetlands and walking trails.

Ordinary Meeting of Council 10 May 1999

A further report on Greenways was considered by the Council where it was indicated that there was a number of existing reserves within the Town forming a green belt, linking together areas of recreation, and there were various portions of land that were yet to be developed into parklands, further potentially creating environmental corridors.

The report proposed to further develop and link parks located along the Claise Brook Catchment within the Town including:

- Mick Michael Reserve
- Dorrien Gardens
- Robertson Park
- Smith's Lake

The Council subsequently resolved to *develop a local area Greenplan for the Town of Vincent.*

Ordinary Meeting of Council 13 September 1999

A report titled *The Wetland Interpretation Program* was considered, where it was advised the concept was developed by the Planning Officer (Heritage), Community Development Officer and the Manager of Parks Services in consultation with the Town's Community Identity Strategy Group. It was indicated that the *Wetlands Interpretation Program* would be an umbrella program incorporating a series of passive recreation, cultural development and heritage projects leading to the Centenary of Federation Celebrations in 2001.

The report outlined that the *Wetland Interpretation Program* would allow for the co-ordination of various projects, the sharing of resources and the development of a strategic direction for cultural development in the Town.

The Council was advised that a funding application had been submitted to the Ministry for Sport and Recreation for the preparation of a Master Plan for the establishment of a *Traditional Aboriginal Places Heritage Trail* which could be linked to the Greenway concept, the heritage of the Town, both built and cultural, and installations of art and interpretive material.

It was considered that the *Wetlands Interpretation Program* would ultimately provide a coherent theme linking the Town's open spaces, recreation reserves, built and cultural heritage through the various projects, using the unifying theme and central focus of the former wetlands that once covered large areas of the Town.

Elected Members Briefing 4 October 2000

The following information was provided to Elected Members at the above briefing session

At the Executive Officers' meeting in July 1999, it was decided that an in-house working group be formed to develop a *Local Area Green Plan* for the Town of Vincent.

In October 1999, the inaugural meeting of the Local Area Green Plan Working Group was attended by Elected Members, including the former Mayor.

At the meeting, the former Mayor expressed his and the other Elected Members' (*with specific reference to Cr Chester*) aims and aspirations for the Green Plan, emphasising a need to produce a workable document that linked all elements, i.e. cycling, green/open spaces, heritage and cultural.

In June 2000, a further meeting of the *Greenways Working Group* met (officers only) where the following matters were discussed:

- Overview of proposed wetlands
- Interpretative artwork and associated studies
- Where to from here
- Proposed strategy

The Town's former Community Arts Officer gave a detailed overview of the proposed Wetlands Interpretative Artwork Study and associated works. The group considered the outcome of this study crucial to the final Greenways layout.

The group decided that plans of the Town, showing proposed greenway routes, should be prepared outlining all capital works (current and future) to ensure that these works do not impact on the proposed Greenway.

On 20 September 2000, a further meeting of the Group took place. All proposed works (*current and future*) were overlaid on a map of the Town (*showing proposed Greenway routes*).

The working group determined that the Wetland Interpretative Artworks and Associated Studies currently under way at the time, would assist in identifying the Greenway routes as the Greenway would generally coincide with the footprint of the former wetlands.

Ordinary Meeting of Council 12 June 2001

The Council was advised the Town received several grants as follows:

- Commonwealth Centenary of Federation Committee has provided \$20,000 for the creation of public artworks
- State Centenary of Federation Committee (WA 2001) has provided \$5,000 for interpretive signage
- Lotteries Commission, through Trailswest, has provided \$5,000 to create a master plan for the Aboriginal Heritage Trail component.

The Council was further advised that in order to fulfil the Lotteries Commission grant and begin consultation with the community, trails planners Maher Brampton Associates were engaged to create the following two master plans::

- The Aboriginal Heritage Trail
- The Wetlands Interpretive Trail.

The master plans referred to other significant projects to be undertaken by the Town, such as the proposed Greenway and reserves upgrades, and made recommendations about integrating these works.

Consultation had also taken place with strategic stakeholders such as the Water and Rivers Commission, the Aboriginal Advancement Council, native title claimants, the Swan River Trust and the Department of Transport.

Ordinary Meeting of Council 14 August 2001

A comprehensive report was considered by the Council at this meeting where it was considered that the implementation of the first phase of the Wetlands Interpretive Project should be given considerable urgency by the attendant grant monies and their impending acquittals, forcing tight deadlines on a process which would require further consultation and lengthy artistic processes.

The Council subsequently adopted the following decision:

"That Council;

- (i) adopts in principle the Wetlands Interpretive Trail and Aboriginal Heritage Trail Master Plans report prepared by Maher Brampton Associates;*
- (ii) acknowledges the public comments received;*
- (iii) adopts the name 'Wetlands Heritage Trail' in place of 'Wetlands Interpretive Trail';*

- (iv) *authorises the Chief Executive Officer to pursue sources of additional funding as listed;*
- (v) *authorises the Chief Executive Officer to proceed with the first phase of the project, being further consultation with Aboriginal and non-Aboriginal people, the creation of an interpretive plan and interpretive artworks at Smith's Lake, Stuart Street Reserve and Robertson Park, in order for the Town to meet its obligations as outlined in the conditions of grants received from the Commonwealth Centenary of Federation Community Grants Program, WA 2001 and the Lotteries Commission; and*
- (vi) *appoint a working group amongst the stakeholders to meet and address this matter and to liaise with the Chief Executive Officer."*

Ordinary Meeting of Council 23 October 2001

As part of community involvement with the Town of Vincent's Wetlands Heritage Trail, a logo design competition was advertised with the intention that the logo be used on all signage and promotional material associated with the trail.

The competition was advertised in the local press and eleven entries were received.

The winning logo was officially unveiled at the opening of the Smith's Lake and Stuart Street Reserve artworks in December 2001.

DETAILS:

As mentioned above, Maher Brampton Associates were engaged to create two master plans:

- Aboriginal Heritage Trail and
- Wetlands Interpretive Trail

On 28 August 2001, the Council adopted in principle the Maher Brampton Wetlands Interpretive Trail and Aboriginal Heritage Trail Master Plans report and gave approval for the creation of an interpretive plan, interpretive material and artwork to proceed at Smith's Lake, Dorrien Gardens and Robertson Park.

Wetland Heritage Trail

Completed projects

The following projects have been completed since 2001:

- 2001/02**
 - The creation of an interpretation plan
 - Oral histories collected and transcribed
 - Creation of annotated bibliography of historical documents
 - Adoption of Wetlands Trail Logo (*refer attachment 10.2.4A*)
 - Installation of Stuart Street artwork
- 2002/03**
 - Installation of Smith's Lake Artwork (*refer attached*)
 - Aboriginal consultation.

- 2003/04**
- Installation of Robertson Art Work
 - Commencement of the development of Signage for Wetlands heritage trail

Project/s currently in progress

- 2004/05**
- Continued development of signage for the Wetlands Trail, including the production of major trail head signs, on site interpretive signage and directional signs.

Future projects

The following projects are planned for the future:

- 04/05- 05/06**
- Commencement of a major interpretive artwork for Hyde Park.
- 2005/06**
- Collection of interpretive texts and audio material for Hyde Park, Stuart Street, Little Parry Street, Banks Reserve.
 - Completion of Hyde Park artwork.
 - Commencement of Aboriginal Heritage Trail.
 - Recommencement of Aboriginal consultation for preparation for the Aboriginal Heritage Trail.

Path Network associated with Wetland Heritage Trail

The Maher Brampton report included a section titled *Route of the Wetlands Interpretive Trail*.

It contended that the commencement point of the trail be at Smith's Lake (*even though there is unquestionably a connection between the wetland chain through the Town and Lake Monger*).

A summary of the descriptive outline of the recommended trail as outlined in the Maher Brampton report is as follows (refer attached photos - 10.2.4B):

| Section | Description | Officer Comments |
|-----------------|---|---|
| 1. Smith's lake | From Smith's Lake (trail head) south along the wide eastern verge of Swimming lane to Beatty Park Reserve. | This portion of the path network is <u>on hold</u> pending the completion of the Smiths lake Upgrade. |
| 2. Beatty Park | The trail will then skirt around the northern and eastern part of Beatty Park Reserve | A portion of the path network <u>has been completed</u> on the <u>south</u> side of the reserve. |
| 3. Royal Park | The trail crosses diagonally to the south east corner of Royal Park and through the park and ROW to Victoria Street | This section <u>has been completed</u> to standard to which the future Greenway should be constructed. |

| Section | Description | Officer Comments |
|-----------------------------|---|--|
| 4. Victoria St to Lawley St | From Victoria Street the trail runs through a PAW to Lawley Street | This section <u>has been completed</u> to standard to which the future Greenway should be constructed. |
| 5. Dorrien Gdns | Options for the trail from here are along the southern verge of Lawley Street or the west and south side of Dorrien Gardens Reserve. | This link has <u>not been determined</u> . The two proposed options need to be further considered in liaison with all the stakeholders. |
| 6. Cowle to Fitzgerald St | It may be preferable for the trail route to head south towards Cowle Street via the existing ROW and then east to Fitzgerald Street turn south along Fitzgerald Street and then cross at Carr Street. | The recreational path network in Robertson Park <u>has been completed</u> . There is a path linkage opposite Cowle Street and at Carr Street. A pedestrian refuge island/s would need to be installed at this/these locations to improve safety for trail users. |
| 7. Robertson Park | Trail through Robertson Park | This section <u>has been completed</u> to standard to which the future Greenway should be constructed. |
| 8. Stuart St Res | From the south east corner of Robertson Park the main trail would cross Palmerston Street to Stuart Street Reserve and along Stuart Street Reserve northern side of the reserve to Lake Street | This section of pathway <u>has not been completed</u> . |
| 9. Spur to Hyde Park | From Robertson Park a spur should link Hyde Park | The recreational path network in Robertson Park has been completed. There is a path linkage to the intersection of Randell Street and Palmerston Street and pedestrian refuge islands exist at Bulwer/Palmerston Street. The existing path between Randell Street and Hyde Park <u>will need to be made legible</u> . |

| | Section | Description | Officer Comments |
|-----|--|---|--|
| 10. | Lake St to William St along Forbes Rd (Main Trail) | The main trail will continue along the footpaths in Forbes Road to William Street. | The existing paths along this section will need <u>to be made legible.</u> |
| 11. | William to Beaufort St | This section would run along Little Parry Street. | Little Parry will be resurfaced in coloured asphalt similar to the ROW trail link between Royal park and Victoria Street and made legible. |
| 12. | Beaufort to Lord St | This section will run along Parry Street | The section of Parry Street was recently upgraded by EPRA (TOV contribution). This section will need <u>to be made legible</u> |
| 13. | Lord St to Swan River | The trail passes out of the Town of Vincent and connects with an existing shared path located on the northern side of the Graham Farmer Freeway to connect to the Swan River trail. | Liaison with the City of Perth and Main Roads WA will be required to include legibility into the existing dual use paths leading to the Swan River. In addition with the recent completion of Loton Park <u>there is scope to have a legible 'spur'</u> from Parry Street along either the west side of Lord Street or along Pier Street to Loton Park. |

Discussion and Proposals

Additional Section 14 (Albert St to Bourke St through Charles Veryard Reserve)

Attached Plan No. 2356-CP-1 shows the proposed trail from Charles Veryard Reserve to the Swan River. The Maher Brampton report indicates the trail commencing at Smith's Lake, however, it is considered that it should commence at Albert Street (just North of the Charles Veryard Reserve).

Art Work - Existing and Future

From Albert St to Beaufort St there is scope for the installation of interpretive artwork at the following locations:

- **A1** - Proposed (minor) Artwork adjacent to Macedonian Hall in Charles Veryard Reserve - to be developed in consultation with the Macedonian community.
- **A2** - Smith's Lake - Existing (major).
- **A3** - Proposed (minor) Artwork adjacent to WA Italian Club Fitzgerald St - to be developed in consultation with the Italian community.
- **A4** - Robertson Park (major) Artwork - Existing.
- **A5** - Proposed Hyde Park (major) Artwork - currently being developed.
- **A6** - Stuart St Reserve (minor) Artwork - Existing.

- **A7** - Proposed Aboriginal (minor) Artwork Little Parry Lane - To be developed in consultation with the Aboriginal community, City of Perth and the East Perth Redevelopment Authority.
- **A8** - Proposed (major) Artwork - Banks Reserve.

Sections 5 and 6 of the Trail (Dorrien Gardens & Cowle to Fitzgerald St)

Further discussion is required regarding these proposed sections of the Trail. The Maher Brampton report indicates the trail from here should run along the *southern verge of Lawley Street or along the west and south sides of Dorrien Gardens Reserve*. The report further indicates that the Trail should then head south towards Cowle Street via the existing right of way and then east to Fitzgerald Street, then turn south along Fitzgerald Street and then cross at Carr Street.

It is considered that this proposed section needs special consideration and discussion with several stakeholders including, but not limited to, the Town, Perth Soccer Club, The WA Italian Club and possibly the Local Precinct Group.

Trail beyond the Town's boundary

Section 13 of the Trail (Lord St to the Swan River) will run along an existing dual use path located to the north of the Graham Farmer Freeway. This pathway leads directly to the existing Swan River Foreshore Path which runs parallel to the Swan River.

It is considered that this section of pathway should be given some legibility to give it connectivity with the Town's path network associated with the Wetland Heritage Trail.

Legibility

As outlined above, since 2000/2001 the following have been completed and /or are currently in progress

- Adoption of the Wetlands Trail Logo
- Commencement of Signage for Wetlands heritage trail
- Collection of interpretive texts and audio material for Hyde Park, Stuart Street, Little Parry Street, Banks Reserve.
- Signage for the Wetlands Trail, including the production of major trail head signs, on site interpretive signage and directional signs.

Proposed Path Construction 2005/2006

The 2004/2005 budget included \$80,000 for "Greenway Implementation". These funds have been carried forward to 2005/2006. It is recommended that the following sections of the 'Trail' be implemented:

- Section 2 - Beatty Park Reserve - This section of DUP will commence at Emmerson Street and run along the eastern verge of Farr Ave. It will then skirt around the northern perimeter of the Beatty Park Reserve to join the existing DUP on the southern side of the reserve parallel to Vincent Street. This section is approximately 190m long and is estimated to cost \$40,000
- Section 8 - Stuart Street Reserve - This section of DUP can be accommodated in the Road Reserve on the south side of Stuart St. The section is 190m long and is estimated to cost \$40,000.

Recommendations

1. That the feasibility of the proposed 'additional' artwork at the locations listed above (A1, A3 and A7) be further investigated in consultation with the stake holders indicated.
2. That the proposed Sections 5 and 6 of the Trail - Dorrien Gardens and Cowle to Fitzgerald St - needs special consideration and discussion with several stakeholders including, but not limited to, the Town, Perth Soccer Club, The WA Italian Club and possibly the Local Precinct Group.
3. That pathway sections including 'spurs' along existing paths and roadways and beyond the Town's boundary (sections 9 and 13) should be given some legibility to give it connectivity with the Town's path network associated with Wetland Heritage Trail.
4. That sections 2 and 8 of the Wetland Heritage Trail Dual Use Path network, estimated to cost \$80,000, be implemented in 2005/2006

CONSULTATION/ADVERTISING:

The future artwork and trail locations will require consultation with the various stakeholders as outlined in the report and will be required to conform with the Town's consultation policy (No. 4.1.5)

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

The following areas of the Town's strategic plan are relevant to the Wetlands Heritage Trail

1.2 Recognise the value of heritage in providing a sense of place and identity.

2.1 Celebrate and acknowledge the Town's cultural diversity.

FINANCIAL/BUDGET IMPLICATIONS:

The following funds were allocated in the 2004/2005 financial year and have been carried forward to the 2005/2006 draft budget

- \$80,000 for construction of recreational Greenway paths;
- \$50,000 for Aboriginal Heritage Trail
- \$50,000 for Wetlands Signage

Future Costs to be determined

- New path construction / Lighting
- Resurfacing links (red asphalt) / Lighting
- Providing legibility to existing footpaths/roads
- Providing signage to 'trail'

COMMENTS:

Projects completed in accordance with the first phase of the Wetlands Heritage trail have been oral histories collected and transcribed and annotated, bibliography of historical documents.

Major interpretive artworks have been installed at Smith's Lake and Robertson Park. A minor artwork has also been installed at Stuart Street Reserve.

The current project under way is the development of signage for the Wetlands Heritage Trail, which includes the production of major trail head signs, on-site interpretive signage and directional signs.

Further work to take place in the 2005/2006 financial year is the recommencement of Aboriginal consultation for preparation for the Aboriginal Heritage Trail.

2005/2006 will see collection of interpretive texts and audio material for Hyde Park, Stuart Street, Little Parry Street, Banks Reserve, and the completion of the Hyde Park artwork,

In keeping with the Town's strategic plan, the completed projects have contributed greatly to highlighting the cultural and environmental richness existing within the Town of Vincent and, in particular, the land pertaining to the former wetlands water system.

The artworks are not only fulfilling this roll admirably but are also adding to the permanent cultural resources of the Town.

The accumulative affects of further artworks and audio presentations along the trail will greatly enhance this richness, as will the interpretive signage, as it links all the cultural and environmental assets of the trail into a comprehensive framework.

10.2.5 Town of Vincent 2005 Garden Competition

| | | | |
|------------------------------|---------------|--------------------|-------------|
| Ward: | Both | Date: | 6 July 2005 |
| Precinct: | All | File Ref: | CVC0007 |
| Attachments: | - | | |
| Reporting Officer(s): | J van den Bok | | |
| Checked/Endorsed by: | R Lotznicher | Amended by: | - |

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the proposed 2005 Garden Competition; and*
- (ii) *APPROVES that;*
 - (a) *the 2005 Garden Competition format as outlined in the report, with final judging to be carried out on Saturday, 8 October 2005;*
 - (b) *the judging panel comprise of the Mayor, Councillors Chester and Lake, Manager Parks Services and the winner of the 2003 "Catchment Friendly Garden" category, Paul Gioia; and*
 - (c) *the awarding of prizes to the winners of each category of the competition at a function to be held at the Town of Vincent Administration and Civic Centre on Wednesday 2 November 2005, commencing at 6.00pm.*

Moved Cr Ker, Seconded Cr Farrell

Cr Maier departed the Chamber at 9.07pm.

That the recommendation be adopted subject to a new clause (ii)(d) being added as follows:

- “(ii) (d) the category for “Best ‘Edible’ Organic Garden” be changed to “Best ‘Vegetable or Food’ Garden.”*

CARRIED (7-0)

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

COUNCIL DECISION ITEM 10.2.5

That the Council;

- (i) *RECEIVES the report on the proposed 2005 Garden Competition; and*
- (ii) *APPROVES that;*
 - (a) *the 2005 Garden Competition format as outlined in the report, with final judging to be carried out on Saturday, 8 October 2005;*
 - (b) *the judging panel comprise of the Mayor, Councillors Chester and Lake, Manager Parks Services and the winner of the 2003 "Catchment Friendly Garden" category, Paul Gioia;*

- (c) *the awarding of prizes to the winners of each category of the competition at a function to be held at the Town of Vincent Administration and Civic Centre on Wednesday 2 November 2005, commencing at 6.00pm; and*
- (d) *the category for “Best ‘Edible’ Organic Garden” be changed to “Best ‘Vegetable or Food’ Garden.”*
-

PURPOSE OF REPORT:

The purpose of this report is to advise the Council and seek approval to undertake the 2005 Garden Competition in the format as outlined within the report.

BACKGROUND:

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

This event has been very popular and local contractors and businesses provide sponsorship for the event by way of a cash contribution or prizes to be raffled at the presentation of awards night held in November each year.

Following a review of the competition categories last year, in an attempt to generate more interest, several changes were made including the addition of a new category, Best “Edible” Organic Garden. Generally, the changes made to the categories listed in 2004, were well received and thus attracted many entries.

The categories in the 2004 competition were as follows:

- Best Waterwise Residential Front Garden
- Best Kept Verge
- Best Courtyard and/or Rear Garden
- Best Landscaped Commercial/Grouped Housing Property
- Best “Edible” Organic Garden
- Best Kept Street/Part Street
- Catchment Friendly Garden

A quality pair of “Felco” secateurs was also presented for The Mayor's Encouragement Award to a recipient selected by the judging panel.

In 2004, 84 individual category entries were received over the seven (7) categories, however, as has been the case for three (3) out of the past four (4) years now, no prizes were awarded for the Best Commercial/Grouped housing category due to the lack of entries received.

DETAILS:

On 5 July 2005, a meeting of the Garden Awards Advisory Group was convened to discuss the format for the 2005 competition.

Categories

The categories were discussed and it was resolved that whilst the Best Landscaped/Grouped Housing Category had not been very popular over the past years, it should remain as a category in the 2005 competition.

The only other change was made to the Best "Edible" Organic Garden category, which was to simplify the name and make it more obvious to entrants that it was a vegetable garden. It was therefore resolved that the former Best "Edible" Organic Garden category would now be referred to as the Best Vegetable Garden.

Therefore the recommended categories for the Town of Vincent 2005 Garden Competition are as follows:

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

Awards/Prize Money

Given that the budget allocation for the 2005 Garden Competition had not increased significantly, it was resolved that all prize money and awards other than for the Catchment Friendly Garden category would remain the same.

The Catchment Friendly Garden category is sponsored by the Water Corporation through the Claise Brook Catchment Group (CBCG) and additional funds will be sought to enable the prize money for this category to be increased.

It was therefore proposed to allocate the following awards/prize money in the following categories:

Best Waterwise Residential Front Garden
Best Kept Verge
Catchment Friendly Garden

- First Prize \$500 plus trophy/certificate
- Second Prize \$300 plus certificate
- Third Prize \$200 plus certificate

Best Courtyard and/or Rear Garden
Best Landscaped Commercial/Grouped Housing Property
Best Vegetable Garden

- First Prize \$300 plus trophy/certificate.
- Second Prize \$200 plus certificate
- Third Prize \$150 plus certificate

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

In addition to the above, the presentation will also include a number of raffles or give-away prizes provided by the numerous sponsors.

Judging

Preliminary judging of this year's competition will again be undertaken by the Town's horticultural staff. Preliminary judging for the Catchment Friendly Garden will be undertaken by CBCG members in association with the Parks Services Technical Officer.

Final judging will be undertaken on the morning of Saturday, 8 October 2005 and it is proposed that the final judging committee consist of the following:

- Mayor Nick Catania
- Cr Sally Lake
- Cr Simon Chester
- Manager Parks Services
- Mr Paul Gioia (Winner *Catchment Friendly Garden Category 2003*)

The Mayor, Councillors Lake and Chester, together with the Manager Parks Services, form part of the Town's "Garden Awards Advisory Group".

Several matters concerning the judging criteria were discussed at the Advisory Group meeting including the "Floral effect" and "Waterwise" criteria and these will be reviewed and discussed with the judges prior to the final judging.

CONSULTATION/ADVERTISING:

Advertisements will be placed in a local community paper during late August/September 2005, together with an entry form distributed with the "Mayor's Message", and rates notices.

Entry forms will also be made available at the Administration Civic Centre and via the Town's website.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area Two of the Strategic Plan 2005-2010 – 2.1 Celebrate and acknowledge the Town's cultural diversity. *"a) Develop and financially support, promote and organise community events and initiatives (including those generated by community groups) that engage the community and celebrate the cultural diversity of the Town"*.

FINANCIAL/BUDGET IMPLICATIONS:

An estimate of costs associated with the 2005 Town of Vincent Garden Competition are as follows: -

| | |
|------------------|------------------------|
| • Cash prizes | \$4,950 |
| • Function | \$3,500 |
| • Trophies | \$1,500 |
| • Photography | \$1200 |
| • Certificates | \$60 |
| • Advertising | \$1,800 |
| • Administration | \$200 |
| • Street sign | <u>\$160</u> |
| | <u>\$13,370</u> |

An amount of \$11,500 has been included in the 2005/06 budget for the garden competition.

The CBCG will be providing approximately \$1,200 via sponsorship from the Water Corporation, for the prize money / trophy allocation – “Catchment Friendly Garden”.

In addition, it is estimated that sponsorship contributions will amount to approximately \$2,500. Sponsorship for the 2004 competition amounted to \$2,000 in cash contributions alone.

COMMENTS:

The competition has been very well received by the community and in an effort to further enhance the competition the presentation night will be significantly improved with the inclusion of electronic displays of the gardens and their owners, with the assistance of the Executive Manager Technical Services.

It is therefore recommended that the Council approves the 2004 Garden Competition, with entries closing on Friday 1 October 2005.

10.2.7 Proposed Leederville Business District Redevelopment - Progress Report No.1

| | | | |
|------------------------------|-------------------------------------|--------------------|-------------|
| Ward: | South | Date: | 6 July 2005 |
| Precinct: | Oxford Centre P4/ Leederville P3 | File Ref: | PLA0153 |
| Attachments: | - | | |
| Reporting Officer(s): | R Lotznicher, John Giorgi | | |
| Checked/Endorsed by: | - | Amended by: | - |

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the Proposed Leederville Business District Redevelopment - Progress Report No. 1 as at 6 July 2005;*
- (ii) *APPROVES of the scope of works to re-align the existing main drain, contained within The Avenue Carpark reserve, to be included in the Water Corporation's "tender preliminaries" for the sewer construction project (as this will have cost savings to the Council) subject to;*
 - (a) *the Town being responsible for payment of these works;*
 - (b) *the Chief Executive Officer being authorised to negotiate suitable terms and conditions with the Water Corporation; and*
 - (c) *a further report being received by the Council at the conclusion of the negotiations, for approval;*
- (iii) *REQUESTS that the Water Corporation cede to the Town, at nil cost, the redundant portion of the reserve land (comprising approximately 700m²) located within The Avenue Carpark land, once the main sewer has been decommissioned and the main drain has been realigned and AUTHORISES the Chief Executive Officer to negotiate with the Water Corporation, subject to a report being submitted to the Council for approval, at the conclusion of the negotiations;*
- (iv) *NOTES that;*
 - (a) *quotations are currently being obtained from engineering consultants to design, prepare a cost estimate and documentation and submit for approval to the Water Corporation for the scope of works for the proposed realignment of the portion of existing main drain through The Avenue Carpark;*
 - (b) *the new main drain alignment, if approved, and all new sewer lines within The Avenue Carpark land will need to be located in a reserve;*
 - (c) *a further report will be submitted to the Council to consider the indicative concept plans and subdivision of the land comprising The Avenue and Framecourt Carparks, once the Architects have submitted their final report and the information has been assessed; and*

- (d) *the Project Architects will be presenting information on a confidential basis to a Forum to be held on 19 July 2005; and*
- (v) *pursuant to Section 5.95 of the Local Government Act 1995 and Clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, PROCEEDS "behind closed doors" at the conclusion of the items, to consider the confidential information concerning the concept drawings and "commercially sensitive" information.*
-

COUNCIL DECISION ITEM 10.2.7

Moved Cr Ker, Seconded Cr Farrell

That Item be discussed "behind closed doors" at the conclusion of the meeting to consider the confidential information concerning the concept drawing and "commercially sensitive" information.

CARRIED (7-0)

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

(Refer to Page 232)

The Chief Executive Officer advised that Mayor Catania and Cr Messina had declared a financial interest in this Item. Mayor Catania and Cr Messina departed the Chamber at 9.09.

Deputy Mayor – Cr Farrell assumed the Chair.

Cr Maier returned to the Chamber at 9.09pm.

10.3.1 Investment Report as at 30 June 2005

| | | | |
|-----------------------|---------------|-------------|-------------|
| Ward: | Both | Date: | 5 July 2005 |
| Precinct: | All | File Ref: | FIN0005 |
| Attachments: | 001 | | |
| Reporting Officer(s): | M Howard-Bath | | |
| Checked/Endorsed by: | Bee Choo Tan | Amended by: | |
| | | | |

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 30 June 2005, as detailed in Appendix 10.3.1.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (6-0)

(Cr Torre was an apology. Mayor Catania and Cr Messina were absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

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

BACKGROUND:

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

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

DETAILS:

Total Investments for the period ended 30 June 2005 were \$8,301,350 compared with \$9,301,267 at 31 May 2005. At 30 June 2004, \$8,951,514 was invested.

Total accrued interest earned on Investments as at 30 June 2005:

| | Budget | Actual | % |
|-----------|---------|---------|--------|
| | \$ | \$ | |
| Municipal | 300,000 | 359,590 | 119.86 |
| Reserve | 297,300 | 359,327 | 120.86 |

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.

10.4.1 Independent Organisational Review – Implementation of Recommendations – Progress Report No. 6

| | | | |
|------------------------------|-------------|--------------------|-------------|
| Ward: | - | Date: | 6 July 2005 |
| Precinct: | - | File Ref: | ADM0061 |
| Attachments: | - | | |
| Reporting Officer(s): | John Giorgi | | |
| Checked/Endorsed by: | - | Amended by: | - |

OFFICER RECOMMENDATION:

That the Council RECEIVES the Progress Report No 6 as at 6 July 2005 concerning the implementation of recommendations of the Independent Organisational Review for the period 1 April to 30 June 2005.

COUNCIL DECISION ITEM 10.4.1

Cr Messina returned to the Chamber at 9.10pm.

Moved Cr Chester, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Journalist Mark Fletcher left the meeting at 9.11pm.

CARRIED (7-0)

(Cr Torre was an apology. Mayor Catania was absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

The purpose of this report is to provide an update on the implementation of the Independent Organisational Review recommendations for the period 1 April to 30 June 2005.

BACKGROUND:

Implementation of the Independent Organisational Review has been progressing on an ongoing basis. Progress Report No. 4 was submitted to the Ordinary Meeting of Council held on 8 February 2005 and Progress Report No. 5 was submitted to the Ordinary Meeting of Council held on 12 April 2005. On 8 February 2005, the Council resolved as follows:

“That the Council;

- (i) RECEIVES the Progress Report No 4 as at 2 February 2005 concerning the implementation of recommendations of the Independent Organisational Review; and*

- (ii) *REQUESTS a further report regarding the full implementation of Recommendation 8 as originally recorded including the “live” recording of declarations, motions and resolutions of meetings.”*

At the Special Meeting of Council held on 14 October 2003 the Council considered the matter of the Organisational Review Key Areas and Priorities and resolved inter alia as follows:

"That the Council;

- (iii) *apportions the highest priority to:*
- (a) *Customer Service (Recommendations 4(f), (g), (h) and 35);*
 - (b) *Delegations, Discretions, Compliance and Policy (Recommendations 6, 7, 11, 13, 41 and 46);*
 - (c) *followed by Parking Matters (Recommendations 48, 50 and 52); and*
 - (d) *the remainder of the recommendations to be implemented as detailed in the table 'IMPLEMENTATION OF THE IOR RECOMMENDATIONS"; and ..."*

The following are the IOR Recommendations, together with the CEO's Comments. Recommendations which have previously been completed have not been included in the report.

GOVERNANCE

RECOMMENDATION 6

Council request a report from the Chief Executive Officer recommending delegated authority to the Manager Planning and Building Services to approve specified development applications wherever practicable and legally acceptable to competent staff with accompanying draft guidelines for Council's consideration.

CEO's Comment

In progress and well advanced. This matter was considered at an Elected Member Forum held on 2 November 2004.

Various policies have been reviewed and approved by the Council. Some delegations have also been approved (e.g. refusal of "X" use).

The Town's Administration has been concentrating on reviewing policies and the Development Approval process, as this will have a major impact on the Delegations from the Council. These have now been substantially completed a report is included at Item 10.4.6 on this Agenda, concerning variations to Planning and Building Licence. A further report will be submitted as part of the annual review of delegations, concerning those relating to Planning and Building.

RECOMMENDATION 8

A suitable computer be located in the Council Chamber connected to a projector and screen enabling the Minute Secretary to project the “live” recording of declarations, motions and resolutions of meetings for simultaneous viewing by the Elected Members, Officers and members of the public.

CEO's Comment

Part completed in December 2004. [Refer to Council decision for amendment.] Due to competing work priorities and staff leave, progress on this has been slower than anticipated.

FINANCIAL ACCOUNTABILITY – BUSINESS AND SERVICES

RECOMMENDATION 35

Service Level Agreements to be developed, implemented and rolled out across various areas of Council Operations, including but not limited to;

- Financial Services
- Administration Services
- Customer Service Centre

CEO's Comment

In progress - Customer Service Working Group has been investigating this as part of the review of the Council's Customer Service Charter. Documented Service Agreement implemented for the Information Services Section.

PROCESS AND PROCEDURES

Environmental and Development Services Processes

RECOMMENDATION 41

(As per Recommendation 6 Council delegates approval of specified development applications to the Manager Planning and Building Services.)

CEO's Comment

See Recommendation 6 for comments.

RECOMMENDATION 42

Within 24 hours of initial assessment of an application for a Development application or Building license, applicants be advised electronically in notation form of any issues of non-compliance or otherwise and approximate approval time if in compliance.

CEO's Comment

Completed. Changes to the current Approvals process have been carried out and this was presented to the Elected Member Forum held on 16 November 2004. A new computerised software program has been implemented and went "live" on 22 June 2005. For further information, see details of development approvals in this report under the heading "Development Approvals Process".

RECOMMENDATION 43

Where non-compliance is noted, the applicant be invited to attend a meeting with the application Officer to discuss options. Where compliance options are identified, the Officer initiates a facilitative process including persons that may be immediately impacted on by the development or matter under consideration.

CEO's Comment

Matter is currently being investigated as part of the new "Approvals" module - see Recommendation 42 for further comments.

RECOMMENDATION 52

As part of the Town Planning Scheme Review, Council Officers research the impact of reciprocal car parking on existing car parking spaces and recommend adjustments to the reciprocal arrangements where the impact is demonstrated to be negative.

CEO's Comment

Initial research completed. Further work to be ongoing and carried out as part of the Town Planning Scheme Review.

Progress of Recommendations

Forty (48) (90.5%) recommendations have already been completed, five (5) (9.4%) are part completed.

The following is a summary of the recommendations:

IMPLEMENTATION OF THE IOR RECOMMENDATIONS

| Recommendation Number | Page | Governance (Council Responsibility) | Administration (CEO Responsibility) | Council Priority (Adopted on 19 August 2003) | Indicative Implementation Timeline |
|---|------|-------------------------------------|-------------------------------------|--|------------------------------------|
| Objective 3 – Governance | | | | | |
| 6 | 36 | x | | High | Part completed |
| 8 | 36 | | x | | Part completed |
| Objective 6 - Financial Accountability - Business Services | | | | | |
| 35 | 62 | | x | High | Part completed |
| Objective 8 - Process and Procedures | | | | | |
| 41 | 83 | x | | High | Part completed |
| 42 | 83 | | x | High | Completed |
| 43 | 83 | | x | High | Part completed |
| 52 | 85 | | x | High | Completed |

Customer Service

- Customer Service Charter and Complaint Handling Procedures

The CEO and Co-ordinator Customer Service have been reviewing the Council's Customer Service Charter and Complaint Handling Procedures.

A new draft Charter and Procedures have been prepared and will be finalised during July and reported to Council for approval.

Following Council approval, it is proposed to conduct training for all of the Town's employees.

- Customer Service Centre Staff Matters

Over the previous three (3) months there has been one resignation from Customer Service Officers (moving to another Council).

One Customer Service Officer (CSO) has been promoted to the position of Senior Customer Service Officer, with the responsibility to assist the Co-ordinator of Customer Service with the day-to-day supervision of the Centre. Recruitment of a Switchboard Operator (part-time) and a replacement CSO is being carried out.

- Electronic Customer Action Request Module

The new Customer Action Request Electronic Module which has been implemented throughout the organisation from 1 January 2005 is proving most satisfactory. The staff have been trained and ongoing training is still being carried out. All requests are currently being recorded.

Development Approval Process

In November 2004, the CEO delivered a presentation to Elected Members at a Forum on the proposal to review and implement changes to the Town's Development Approval process.

The Town's Development Approval Module has been implemented as follows:

- Objective

To re-engineer our development approval procedures/processes using our existing resources and with our current delegations (and preferably with new or additional delegated authority) to process applications in a more simplified, concise, efficient and effective manner and within agreed acceptable "best practice" timeframes.

- Business Process Re-engineering

"Re-engineering is the rapid and radical redesign of strategic, value added business processes and the systems, policies, and organisational structures that support them, to optimise work flows and productivity in an organisation" (Manganelli and Klein, 1994).

- Performance Management System

The following steps can be used to plan and implement a new system or to redesign an existing system.

1. develop or refine the objectives;
2. determine who will be involved and what will be examined;
3. allocate tasks;
4. design the system;
5. pilot the system;
6. review and adjust the system;
7. train all those who will participate in the system;
8. implement the system, **effective from 22 June 2005**;
9. **maintain the system**; and
10. monitor and evaluate.

CEO's Comment:

The implementation of the computerised Approvals Systems is at stage 9 - implementation of the system took place on 22 June 2005 and has been completed. The "clean-up" of the data which was required before piloting the system took much longer than anticipated, due to "dirty data" (i.e. information which is incorrect, incomplete or not provided).

- Approvals Liaison Officers

The CEO has reviewed the role of the officers involved in processing development applications. A minor restructure of the staffing arrangements in the Customer Service Centre was carried out in May. The existing Approval Liaison Officer was re-designated "Planning Support Officer" to assist in the Planning, Building and Heritage Section. One CSO position was changed to "Approval Liaison Officer".

The Town has two Approval Liaison Officers who now have prime responsibility for development applications. In addition, these officers are the initial contact with the applicants.

The new structure has proven most beneficial, with applications being promptly registered upon receipt (or on the same day) and referred to the Principal Planning Officer for allocation to a Planning Officer for processing.

The process will be continually reviewed.

- Electronic Approvals Systems

The implementation of a new electronic "*Approvals Module*" as part of the Town's Authority computer system, which commenced in December 2004, went "live" on 22 June 2005. This system has replaced the Information Development Approval System (IDAS) which was not providing the efficiencies required to assist in the processing of development applications.

Advantages:

The Civica Approvals Module will allow for the following advantages:

1. development applications (which contain all the requested information) are now registered and allocated a reference number upon being received (or within 24 hours of being received).
2. Once registered (and allocated a number), the application is referred to the Principal Planning Officer for allocation to a Planning Officer or Building Surveyor - the aim is to allocate within 24 hours of being received.
3. Upon being allocated to an officer, an electronic reply (letter or email) is sent to the applicant, advising them of the responsible Officer who can be contacted with respect to the application.

(This will hopefully overcome one of the most consistent complaints received from applicants complaining they did not have calls returned or information was inaccurate. Once "bedded down", this process can be accomplished within 48 hours of being received.)

4. Electronic tracking of the application, with key dates which will prompt officers of the need to take action can be undertaken by the planning and building officers and the customer service officers.

The implementation of the new "Approvals" module has required the co-operation and assistance of many staff. It has been successfully implemented and the module is currently being "bedded down". The new module will greatly assist in the processing and tracking of applications.

The new module, together with the Customer Service Centre re-structure and new processing procedures, have already shown efficiencies and positive benefits.

- Development Applications

The number of development applications received during the last quarter has been relatively high. As at 30 June 2005, the following development applications were registered with the Town.

As at 30 June 2005, a total of 111 applications are awaiting to be determined. Details are as follows:

| Category | 1 | 2 | 3 | 4 | Total | Applications received 21/6//05 to 30/6/05 |
|------------------------------------|-------------|---------------|---------------|---------------|---------------|---|
| Proportion of Planning Application | 9 (8.1%) | 16 (14.4%) | 64 (57.7%) | 22 (19.8%) | 111 (100%) | 19 |

Note: The above figures do not include applications that have been Deferred or Laid on the Table by Council, and applications being referred to the Ordinary Meeting of Council to be held on 12 July 2005.

As at 16 June 2005, a total of 140 applications had not been determined. Details are as follows:

| Category | 1 | 2 | 3 | 4 | Total | Applications received 21/5/05 to 16/6/05 |
|------------------------------------|--------------|---------------|---------------|---------------|---------------|--|
| Proportion of Planning Application | 13 (9.2%) | 24 (17.2%) | 79 (56.4%) | 24 (17.2%) | 140 (100%) | 54 |

Note: The above figures include applications being referred to OMC on 28 June 2005 (approximately 22 applications are programmed to be referred to this OMC).

As at 5 April 2005, a total of 151 applications had not been determined. Details are as follows:

| Category | 1 | 2 | 3 | 4 | Total |
|------------------------------------|--------------|--------------|--------------|--------------|---------------|
| Proportion of Planning Application | 15 (10 %) | 20 (13 %) | 88 (58 %) | 28 (19 %) | 151 (100%) |

This compares with 2 February 2005;

| Category | 1 | 2 | 3 | 4 | Total |
|------------------------------------|-----------|-------------|-------------|-------------|---------------|
| Proportion of Planning Application | 8 (7%) | 19 (16%) | 63 (54%) | 27 (23%) | 117 (100%) |

This compares with 9 November 2004;

| Category | 1 | 2 | 3 | 4 | Total |
|------------------------------------|-----------|-------------|-------------|-------------|---------------|
| Proportion of Planning Application | 6 (4%) | 30 (17%) | 93 (54%) | 43 (25%) | 172 (100%) |

The number of development applications awaiting determination decreased by 40 (36%) from 151 on 5 April 2005 to 111 on 30 June 2005. This has been achieved by employing two part-time Planning Officers to assist in the processing of applications, as existing officers were also involved in the implementation of the new Approvals Module. The Town's administration is currently processing applications as expeditiously as possible and this will continue until the total number is reduced to a more manageable and acceptable level.

CONSULTATION/ADVERTISING:

A copy of the Independent Organisational Review Report has been placed on the Town's Intranet (for staff) and Council's webpage. Hard copies of the report have been provided to all of the Town's sections, front counter and at the library and also to several precinct groups upon their request.

LEGAL/POLICY:

Not applicable.

STRATEGIC IMPLICATIONS:

The Independent Organisational Review has identified a number of matters which are of strategic importance to the Town. These are being addressed, as outlined in this report.

FINANCIAL/BUDGET IMPLICATIONS:

No additional funds are required for the implementation of the recommendations.

COMMENTS:

The implementation of the Independent Organisational Review recommendations is almost completed. The implementation timeline has taken into consideration factors such as the Council's adopted Capital Works Programme, budget, festive season holiday period, staff leave, competing priorities and the time required to further research and investigate matters. As has previously been reported, the emphasis over the previous months has been on improvements to the Town's development approval process. This has required considerable resources by the Town's officers (in addition to their current workload). However, the benefits of a new Approvals Module and the changes will be considerable. Quarterly reports will be submitted to Council, until all recommendations have been actioned and implemented.

It is aimed to complete the remaining items within the next quarter.

**10.4.2 Strategic Plan 2005-2010 (Amended) – Progress Report for the Period
1 April 2005 – 30 June 2005**

| | | | |
|------------------------------|---|--------------------|-------------|
| Ward: | Both | Date: | 6 July 2005 |
| Precinct: | All | File Ref: | ADM0038 |
| Attachments: | 001 | | |
| Reporting Officer(s): | Managers, Executive Managers, John Giorgi | | |
| Checked/Endorsed by: | - | Amended by: | - |

OFFICER RECOMMENDATION:

That the Council RECEIVES the progress report on the Strategic Plan 2005-2010 (Amended) for the period 1 April 2005 – 30 June 2005 as shown in Appendix 10.4.2.

COUNCIL DECISION ITEM 10.4.2

Moved Cr Chester, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

CARRIED (7-0)

(Cr Torre was an apology. Mayor Catania was absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly update on the Strategic Plan for the period 1 April to 30 June 2005.

BACKGROUND:

At the Ordinary Meeting of Council held on 21 December 2004, the Council considered the matter of its Strategic Plan resolved *inter alia* as follows:

“That the Council;

- (i) ADOPTS the Council's Strategic Plan 2003-2008 as amended at the workshop held on 11 December 2004 ...*
- (ii) USES the amended Strategic Plan as an Interim Plan for the period December 2004 until it is reviewed in mid to late 2005;*
- (iv) REVIEWS its Strategic Plan in mid to late 2005 and considers an amount of \$10,000 in the draft Budget 2005/06 for this matter.”*

DETAILS:

Progress reports are reported to Council for each quarter as follows:

| Period | Report to Council |
|-------------------------|--------------------------|
| 1 January - 31 March | April |
| 1 April - 30 June | July |
| 1 July - 30 September | October |
| 1 October - 31 December | February |

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

It is not a legal requirement to have a Strategic Plan, however, it is considered "*Best Practice*" management that a Strategic Plan be adopted to complement and be linked and aligned to both the Principal Activities Plan and Annual Budget.

STRATEGIC IMPLICATIONS:

The Strategic Plan provides the elected Council and administration with its aims, goals and objectives (key result areas) for the period 2005 – 2010.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The progress report for the Strategic Plan indicates that the Town's administration is progressing the various strategies in accordance with the Council's adopted programs and adopted budget.

10.4.3 Proposed Stage 2 Redevelopment – Members Equity Stadium, 310 Pier Street, Perth – Progress Report No 6

| | | | |
|------------------------------|---------------|--------------------|-------------|
| Ward: | South | Date: | 6 July 2005 |
| Precinct: | Beaufort, P13 | File Ref: | RES0085 |
| Attachments: | - | | |
| Reporting Officer(s): | John Giorgi | | |
| Checked/Endorsed by: | - | Amended by: | - |

OFFICER RECOMMENDATION:

That the Council RECEIVES the Progress Report No 6 as at 6 July 2005 relating to the Proposed Stage 2 Redevelopment of Members Equity Stadium, 310 Pier Street, Perth.

COUNCIL DECISION ITEM 10.4.3

Moved Cr Maier, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Mayor Catania returned to the Chamber at 9.15pm and assumed the Chair.

CARRIED (8-0)

(Cr Torre was an apology.)

PURPOSE OF REPORT:

To update the Council on the progress of the redevelopment project.

BACKGROUND:

At the Ordinary Meeting of Council held on 26 April 2005, the Council considered this matter and resolved as follows;

"That the Council;

(i) *RECEIVES the Progress Report No 5 as at 22 April 2005 relating to the Proposed Stage 2 Redevelopment of Members Equity Stadium, 310 Pier Street, Perth;*

(ii) *APPROVES of the creation of a new Reserve Fund known as "Perth Oval – Stage 2 Redevelopment", pursuant to Section 6.11 of Division 4 of Part 6 of the Local Government Act 1995 as required by clause 5.2 of the Preliminary Agreement and prescribes the purpose of the Reserve Fund to be:*

"works associated with the maintenance, repairs, alterations, upgrade and replacement of Perth Oval – Stage 2 buildings, major plant and equipment, fixtures, fittings and associated land.";

(iii) *APPROVES the Preliminary Agreement between the State Government of Western Australia and the Town as detailed in this report;*

- (iv) *AUTHORISES the Mayor and Chief Executive Officer to sign the Preliminary Agreement and affix the Council's Common Seal;*
- (v) *AUTHORISES the Chief Executive Officer to chair the Project Control Group as prescribed in the Preliminary Agreement and to select the most appropriate officer to also be on the Project Control Group to consider tenders for the appointment of the architect and other consultants for the redevelopment project; and*
- (vi) *NOTES that the;*
 - (a) *tender for Architectural Services has now been advertised; and*
 - (b) *Town will receive \$500,000 from the State Government within seven (7) days of the Preliminary Agreement being signed for the purpose of calling tenders for the appointment of the project architect, consultants and obtaining of necessary advice."*

At the Ordinary Meeting of Council held on 22 March 2005, the Council resolved as follows:

"That the Council;

- (i) *RECEIVES the Progress Report No. 3 as at 16 March 2005 relating to the proposed Stage 2 Redevelopment of Members Equity Stadium, 310 Pier Street, Perth;*
- (ii) *NOTES the draft Preliminary Agreement as detailed in this report;*
- (iii) *AUTHORISES the Chief Executive Officer (in liaison with the Mayor) to negotiate the finalisation of the Preliminary Agreement to the Town's satisfaction;*
- (iv) *APPROVES IN PRINCIPLE the Town's requirements, conditions and expectations, as detailed in Confidential Appendix 10.4.6(C);*
- (v) *AUTHORISES the Mayor and Chief Executive Officer to negotiate the finalisation of the Town's Requirement, Conditions and Expectations, subject to;*
 - (a) *the Requirements, Conditions and Expectations identified by the Chief Executive Officer in Confidential Appendices 10.4.6(A) and 10.4.6(C), being resolved to the satisfaction of the Town;*
 - (b) *a further report being submitted to the Council for final approval;*
- (vi) *PURSUANT to Section 5.95 of the Local Government Act 1995 and Clause 2.15 of the Town of Vincent Local Law Relating to Standing Orders, proceeds "behind closed doors" at the conclusion of the items, to consider the confidential information, circulated separately to Elected Members, relating to the Town's Requirements, Conditions and Expectations relating to the Stage 2 Redevelopment of Members Equity Stadium, 310 Pier Street, Perth;*
- (vii) *NOTES that the details in the Confidential Appendices are to remain confidential until approved for public information; and*
- (viii) *REITERATES its position that development of the Stadium shall be at no net cost to the Town and its ratepayers.*

At the Ordinary Meeting of Council held on 8 February 2005, the Council resolved (inter alia) as follows:

- “(i) RECEIVES the Progress Report No 3 ...; and*
- (ii) AUTHORISES the Chief Executive Officer to call tenders for architectural and consultant services for the proposed upgrade of Members Equity Stadium.”*

At the Ordinary Meeting of Council held on 21 December 2004, the Council resolved as follows;

"That the Council;

- (i) RECEIVES the Progress Report No. 2 as at 15 December 2004 relating to Australian Rugby Union Super 14's at Members Equity Stadium, 310 Pier Street, Perth;*
- (ii) NOTES that;*
 - (a) the Australian Rugby Union Licence for Super 14's (2004) has been awarded to Perth; and*
 - (b) the State Government of Western Australia has publicly announced that it will provide \$25 million for the upgrade of facilities at Members Equity Stadium (MES); and*
- (iii) CONDITIONALLY APPROVES;*
 - (a) to ACCEPT the \$25 million for the upgrade of Members Equity Stadium subject to the Council receiving a further report on the proposed Financial Assistance Agreement (FAA) between the State Government of Western Australia and the Town; and*
 - (b) the construction/upgrade of Members Equity Stadium, Stage 2 works, subject to the Council receiving a further report on the proposed details and plans as indicatively shown in Appendix 10.4.11, subject to a further report being submitted to the Council."*

A previous report was submitted to the Ordinary Meeting of Council held on 26 October 2004.

On Friday 10 December 2004, the Australian Rugby Union (ARU) allocated an additional licence to Perth to host a team in the ARU Super 14s Rugby Union Tri-Nation competition which involves Australia, New Zealand and South Africa. The new competition starts in February 2006. It is envisaged that the new team will play at Subiaco Oval during 2006.

The State Government has announced that it will upgrade Members Equity Stadium (MES) which is considered the most suitable venue, as it has been specifically built for sports requiring a rectangular pitch (e.g. rugby, soccer, lacrosse, etc.). As Elected Members are aware, the Stage 1 redevelopment involved a complete upgrade of all services and the construction of part of the pitch and surrounding seating. The existing grandstand was also substantially refurbished. The existing grandstand was also substantially refurbished. In order for Stage 2 Redevelopment to comply, it will be necessary to construct a new grandstand on the eastern side and this will incorporate corporate suites, coteries, additional changerooms and seating. The actual size of this new grandstand would ultimately depend on the capacity specified by ARU. The current capacity of 18,150 will need to be increased to 22,500.

The estimated cost is approximately \$25 million.

Meetings

The following meetings have been held since 26 April 2005;

| Date | Item/Attendees | Reason for Meeting |
|---------------|--|--|
| 28 April 2005 | DSR | <ul style="list-style-type: none">To discuss Financial Assistance Agreement and conditions - (<i>Mayor, CEO</i>) |
| 30 May 2005 | DSR | <ul style="list-style-type: none">To progress discussions - Financial Assistance Agreement and conditions - of 28 April 2005 - (<i>CEO</i>) |
| 7 June 2005 | Rugby WA/ Australian Rugby Union | <ul style="list-style-type: none">To discuss preliminary Licence Agreement conditions, commitment and specific requirements for the Stadium - Stage 2 - (<i>Mayor, CEO</i>) |
| 29 June 2005 | Peter Hunt Architect | <ul style="list-style-type: none">To discuss appointment as Project Architects, preparation of timeline, review of scope of works and brief for Stage 2 Redevelopment - (<i>CEO</i>) |
| 1 July 2005 | DSR | <ul style="list-style-type: none">To discuss progress concerning timeline, scope of works and review of brief for Stage 2 Redevelopment - (<i>CEO</i>) |

DRAFT PRELIMINARY AGREEMENT

The Preliminary Agreement was approved at the Ordinary Meeting of Council held on 26 April 2005 and signed on 28 April 2005. An amount of \$500,000 was paid to the Town on 3 May 2005.

Town's Requirements, Conditions and Expectations

At the Ordinary Meeting of Council held on 22 March 2005, the Council determined its requirements, conditions and expectations. These were sent to the Department of Sport and Recreation. Several meetings have been held to discuss these, however no firm resolution has been achieved at this stage. Negotiations are still being carried out.

Appointment of Project Architect

The tender for Architectural Services was advertised on 23 April 2005 and closed on 17 May 2005. The Project Control Group met on two occasions to evaluate the tenders and this was reported to the Ordinary Meeting of Council held on 16 June 2005, whereby the Council approved of the tender to appoint Peter Hunt Architect.

Stage 2 - Indicative Timeline

The CEO has met with the Project Architect and also with Rugby WA. Rugby WA have advised that they have signed an agreement with the Western Australian Football Commission for the use of Subiaco Oval for 2006, with an option to use Subiaco Oval during 2007. As a result of this change, Rugby WA have indicated that Stage 2 Redevelopment for Members Equity Stadium is now required to be ready by 30 December 2007. This will allow sufficient time for the project negotiations with all stakeholders to be carried out, without the previous time constraint.

An indicative timeline is currently being prepared by the Project Architect, taking cognisance of the above information.

Rugby WA

Rugby WA have expressed their preference to play in the long term at Members Equity Stadium. However, they have provided the Town with information which indicates that the current facilities at Members Equity Stadium (an also those indicated in the State Government's concept plan) are insufficient to meet their needs. This matter is currently being investigated.

Liaison with Allia Venue Management Pty Ltd (Allia)

Over the previous months, the CEO has been liaising with Allia on a number of issues including; finalisation of the Council's Concert Policy, implementation of a Public Transport Strategy, finalisation of the Key Performance Indicators (KPIs) as required by the Heads of Agreement (HOA), Allia and Perth Glory Soccer Club's insurance requirements and also Allia's request to install electronic ticketing and upgrade media facilities for the forthcoming A-League.

The majority of these matters are being reported to the Stadium Committee for consideration.

FINANCIAL/BUDGET IMPLICATIONS:

The Town has included an amount of \$25 million in the Draft Budget 2005/2006. It is envisaged that the State Government will allocate the \$25 million for the Stadium upgrade, upon signing of another Financial Assistance Agreement.

The \$500,000 received from the DSR has been placed in the "Perth Oval - Stage 2 Redevelopment Reserve Fund".

LEGAL/POLICY IMPLICATIONS:

Not applicable, at this stage, however it will be required when details become more available.

ADVERTISING/COMMUNITY CONSULTATION:

Not applicable, at this stage, however it will be required when details become more available.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2005-2010, Key Result Area 3.2(g) - *"Implement and upgrade Perth Oval in liaison with all stakeholders"*.

COMMENT:

Negotiations to date have been progressing reasonably well. The complexity of the various issues has necessitated considerable research and time to action. The appointment of the Project Architect will enable the project scope of works and design brief to be further reviewed and progressed.

10.4.4 State Indoor Sports Centre, 99 Loftus Street, Leederville - Progress Report No. 9

| | | | |
|------------------------------|-------------------|--------------------|-------------|
| Ward: | South | Date: | 6 July 2005 |
| Precinct: | Oxford Centre, P4 | File Ref: | RES0061 |
| Attachments: | - | | |
| Reporting Officer(s): | John Giorgi | | |
| Checked/Endorsed by: | - | Amended by: | - |

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Progress Report No. 9 as at 6 July 2005, relating to the proposed State Indoor Sports Centre, 99 Loftus Street, Leederville; and*
- (ii) *NOTES that this matter will be presented at the Forum to be held on 19 July 2005.*

COUNCIL DECISION ITEM 10.4.4

Moved Cr Chester, Seconded Cr Farrell

That the Item be discussed “behind closed doors” at the conclusion of the meeting to consider the confidential financial implications of the project.

CARRIED (6-2)

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

(Cr Torre was an apology.)

(Refer to Page 225)

10.4.5 Further Report - Council Policy Relating to Community Consultation Policy - Amendments

| | | | |
|------------------------------|-------------------------|--------------------|-------------|
| Ward: | Both Wards | Date: | 5 July 2005 |
| Precinct: | All Precincts | File Ref: | PLA0116 |
| Attachments: | 001 002 | | |
| Reporting Officer(s): | D Abel | | |
| Checked/Endorsed by: | R Boardman, John Giorgi | Amended by: | - |

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the Draft Amended Policy No. 4.1.5 relating to "Community Consultation", and the Draft Community Consultation Submission Guidelines - Planning, Building and Heritage Matters (which both include the Draft Community Consultation Charter - Planning, Building and Heritage Matters), as "Laid on the Table"; and*
- (ii) *AUTHORISES the Chief Executive Officer to:*
 - (a) *advertise the Draft Amended Policy No. 4.1.5 relating to "Community Consultation" for a period of twenty one (21) days, seeking public comment;*
 - (b) *submit a further report to the Council if any public submissions are received; and*
 - (c) *include the Draft Amended Policy No. 4.1.5 relating to "Community Consultation" in the Policy Manual if no public submissions are received.*

Moved Cr Chester, Seconded Cr Lake

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

- "(ii) *AMENDS the Draft Amended Policy No. 4.1.5 relating to "Community Consultation", as "Laid on the Table", by amending the following, prior to clauses (i) and (ii) above being actioned:*

"3.3 Community Consultation Charter

3.3.1 Key Principles in Preparation of Submissions

- (i) Comments should be substantiated where possible, and address the impact of the matter on:**

- (a) the orderly and proper planning of the locality, as contained in the relevant Residential Design Guidelines Locality Statements Policies; ...**

3.3.2 Key Responsibilities of Town's Elected Members and Employees in Processing and Considering Submissions

(vi) Provision of information and advice and processing and consideration of submissions are to be fair, objective and impartial within the context of the Town's Town Planning Scheme No. 1 and associated Policies, and the Residential Design Codes.

3.67 Re-Advertising

Amended proposals received after expiration of the consultation comment period require further consultation prior to determination where the amended proposals involve further variation to the development requirements.

Amended proposals received after expiration of the consultation comment period do not require further notification or consultation prior to determination where the amended proposals do not involve further variation to the development requirements.

Development applications for development which were previously advertised within the past 12 months and subsequently approved by the Town, and are not significantly different or do not involve further variation to the development requirements to the previous application, ~~which was advertised~~, do not require notification or consultation."; and

- (iii) AMENDS the Draft Community Consultation Submission Guidelines - Planning, Building and Heritage Matters, as "Laid on the Table", by amending the following, prior to clauses (i) and (ii) above being actioned:

"3.0 Community Consultation Charter

3.1 Key Principles in Preparation of Submissions

(i) Comments should be substantiated where possible, and address the impact of the matter on:

(a) the orderly and proper planning of the locality, as contained in the relevant Residential Design Guidelines Locality Statements Policies; ...

3.2 Key Responsibilities of Town's Elected Members and Employees in Processing and Considering Submissions

(vi) Provision of information and advice and processing and consideration of submissions are to be fair, objective and impartial within the context of the Town's Town Planning Scheme No. 1 and associated Policies, and the Residential Design Codes.

CARRIED (8-0)

(Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.4.5

That the Council;

- (i) *APPROVES the Draft Amended Policy No. 4.1.5 relating to "Community Consultation", and the Draft Community Consultation Submission Guidelines - Planning, Building and Heritage Matters (which both include the Draft Community Consultation Charter - Planning, Building and Heritage Matters), as "Laid on the Table";*
- (ii) *AMENDS the Draft Amended Policy No. 4.1.5 relating to "Community Consultation", as "Laid on the Table", by amending the following, prior to clauses (i) and (ii) above being actioned:*

"3.3 Community Consultation Charter

3.3.1 Key Principles in Preparation of Submissions

...

(i) Comments should be substantiated where possible, and address the impact of the matter on:

(a) the orderly and proper planning of the locality, as contained in the relevant Residential Design Guidelines Locality Statements Policies; ...

...

3.3.2 Key Responsibilities of Town's Elected Members and Employees in Processing and Considering Submissions

...

(vi) Provision of information and advice and processing and consideration of submissions are to be fair, objective and impartial within the context of the Town's Town Planning Scheme No. 1 and associated Policies, and the Residential Design Codes.

...

3.67 Re-Advertising

Amended proposals received after expiration of the consultation comment period require further consultation prior to determination where the amended proposals involve further variation to the development requirements.

Amended proposals received after expiration of the consultation comment period do not require further notification or consultation prior to determination where the amended proposals do not involve further variation to the development requirements.

Development applications for development which were previously advertised within the past 12 months and subsequently approved by the Town, and are not significantly different or do not involve further variation to the development requirements to the previous application, ~~which was advertised~~, do not require notification or consultation."; and

- (iii) *AMENDS the Draft Community Consultation Submission Guidelines - Planning, Building and Heritage Matters, as "Laid on the Table", by amending the following, prior to clauses (i) and (ii) above being actioned:*

"3.0 Community Consultation Charter

3.1 Key Principles in Preparation of Submissions

- ...
(i) Comments should be substantiated where possible, and address the impact of the matter on:
(a) the orderly and proper planning of the locality, as contained in the relevant Residential Design Guidelines Locality Statements Policies; ...

....

3.2 Key Responsibilities of Town's Elected Members and Employees in Processing and Considering Submissions

- ...
(vi) Provision of information and advice and processing and consideration of submissions are to be fair, objective and impartial within the context of the Town's Town Planning Scheme No. 1 and associated Policies, and the Residential Design Codes.

...; and

- (iv) *AUTHORISES the Chief Executive Officer to:*
- (a) *advertise the Draft Amended Policy No. 4.1.5 relating to "Community Consultation" for a period of twenty one (21) days, seeking public comment;*
- (b) *submit a further report to the Council if any public submissions are received; and*
- (c) *include the Draft Amended Policy No. 4.1.5 relating to "Community Consultation" in the Policy Manual if no public submissions are received.*

FURTHER REPORT:

The subject matter was considered at the Ordinary Meeting of Council held on 28 June 2005, where the Council resolved as follows:

"That this item be DEFERRED to the next meeting due to the lateness of the hour."

Councillor Simon Chester raised the following matters prior to the Ordinary Meeting held on 28 June 2005:

"Regarding this policy:-

please confirm that there are two parts to this policy - the draft consultation policy and the consultation submission guidelines

1. regarding 3.3.1 i)a) I think that clause should make reference to the Towns Locality statements ie ...planning of the locality as contained in the residential design guideline locality statements.

2. regarding 3.3.2 *I think we should have clear guidelines on how information is to be ethically conveyed to the public - I have personally had a TOV planning officer advise me I should moderate my objection to a proposal because I have an approved DA for my own adjacent property - I know of other people that have had a similar experience. I do not believe this practice is fair or just. We need clear statements and principles on how staff will convey information to the public.*

3. 2.2 *needs to address instances where the DA plan is substantially changed after consultation as a result of officers negotiation with the applicant or conditions being recommended that substantially change the DA - changes that would have attracted comment if they were part of the consultation process."*

The following comments are made in response to the above queries:

Draft Amended Community Consultation Policy and Consultation Submission Guidelines Relationship -

The Consultation Submission Guidelines do not form part of the actual Draft Amended Community Consultation Policy as the Guidelines are mainly to inform, guide and assist those who wish to make submissions, therefore it has a procedural and information basis rather than a legal basis.

Clause 3.3.2 -

This matter together with other comments received during consultation of the Draft Amended Policy will be addressed prior to final adoption of the amended Policy.

Clause 3.3.2 -

The issues raised require further investigation and clarification. Nevertheless, this matter together with other comments received during consultation of the Draft Amended Policy will be addressed prior to final adoption of the amended Policy.

Clause 2.2 (assuming clause 3.1.2.3) -

In most cases, amended plans as a result of negotiation with the Town's Officers or recommended Planning Approval conditions are to reduce undue impact on the amenity of an area. Nevertheless, this matter, together with other comments received during consultation of the Draft Amended Policy, will be addressed prior to final adoption of the Amended Policy.

In light of the above, the previous Officer Recommendation remains unchanged.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 28 June 2005:

"OFFICER RECOMMENDATION:

That the Council;

(i) *APPROVES the Draft Amended Policy No. 4.1.5 relating to "Community Consultation", and the Draft Community Consultation Submission Guidelines - Planning, Building and Heritage Matters (which both include the Draft Community Consultation Charter - Planning, Building and Heritage Matters), as shown in Appendix 10.4.1; and*

(ii) *AUTHORISES the Chief Executive Officer to:*

(a) *advertise the Draft Amended Policy No. 4.1.5 relating to "Community Consultation" for a period of twenty one (21) days, seeking public comment;*

- (b) *submit a further report to the Council if any public submissions are received; and*
 - (c) *include the Draft Amended Policy No. 4.1.5 relating to "Community Consultation" in the Policy Manual if no public submissions are received.*
-

COUNCIL DECISION ITEM 10.4.1

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

Moved Cr Messina, Seconded Cr Chester

That this item be DEFERRED to the next meeting due to the lateness of the hour.

CARRIED (7-0)

(Cr Doran-Wu was an apology. Mayor Catania absent from the Chamber and did not vote.)

Mayor Catania returned to the Chamber at 10.30pm and assumed the Chair.

PURPOSE OF REPORT:

The purpose of this report is to provide details and obtain the Council's approval of the Draft Amended Policy No. 4.1.5 relating to "Community Consultation" and the Draft Community Consultation Submission Guidelines - Planning, Building and Heritage Matters (, which both include the Draft Community Consultation Charter - Planning, Building and Heritage Matters).

BACKGROUND:

The Council at its Ordinary Meeting held on 23 March 2004, considered this matter and resolved (inter alia) as follows:

"That, to assist in the review of the Town's Community Consultation Policy, the Council APPROVES of the following;

- (i) *a Community workshop to be held in mid to late May 2004;*

...; and

- (vi) *following the workshop, the Town's Officers to prepare a revised draft policy and report back to Council by the first meeting in August 2004."*

The Council at its Ordinary Meeting held on 10 August 2004 resolved as follows:

"That the Council;

- (i) *RECEIVES the Interim Report as at 4 August 2004 relating to the Community Consultation Workshop held on 20 May 2004 and review of Policy No 4.1.5 - "Community Consultation";*

- (ii) *APPROVES IN PRINCIPLE the changes to Policy No 4.1.5 - "Community Consultation" as detailed in this Interim Report under the categories of "supported" and "supported in part" by the Chief Executive Officer;*
- (iii) *NOTES that;*
- (a) *the Policy relating to "Community Consultation" (mainly part 3 - Town Planning, Development and Heritage Matters) is being completely reviewed taking cognisance of the matters raised at the community workshop held on 20 May 2004 and the comments contained in this Interim Report; and*
 - (b) *the draft amended Policy relating to "Community Consultation" will be presented at the Elected Members Forum to be held on 21 September 2004; and*
 - (c) *a further report and a draft amended Policy relating to "Community Consultation" will be submitted to the Ordinary Meeting of Council to be held on 28 September 2004."*

The Draft Amended Community Consultation Policy was discussed at the Elected Member Forum held on 21 September 2004.

The Council at its Ordinary Meeting held on 28 September 2004 resolved as follows:

"That the Council;

- (i) *RECEIVES the Interim Report as at 22 September 2004 relating to the Draft Community Consultation Policy No 4.1.5; and*
- (ii) *NOTES that further report and a draft amended Policy relating to "Community Consultation" together with the Town of Vincent Community Consultation Submission Guidelines - Planning, Building and Heritage Matters will be submitted to the Ordinary Meeting of Council to be held on 26 October 2004; and*
- (iii) *AUTHORISES the Chief Executive Officer to include a charter under Town Planning, Development and Heritage Matters, that outlines consultees key principles in preparation of their submissions, including the responsibilities of the Town's Officers and Elected Members in processing and considering their submissions."*

The Council at its Ordinary Meeting held on 26 October 2004 resolved as follows:

"That the Council;

- (i) *RECEIVES the Interim Report as at 19 October 2004 relating to the Draft Amended Community Consultation Policy No. 4.1.5; and*
- (ii) *NOTES that a further report, Draft Amended Policy relating to "Community Consultation", Draft Community Consultation Charter - Planning, Building and Heritage Matters, Draft Community Consultation Submission Guidelines - Planning, Building and Heritage Matters, and Draft Community Consultation Submission Form - Planning, Building and Heritage Matters, will be submitted to an Ordinary Meeting of Council to be held in November 2004."*

The Council at its Ordinary Meeting held on 23 November 2004 resolved as follows:

"That the Council;

- (i) *RECEIVES the Interim Report as at 23 November 2004 relating to the Draft Amended Community Consultation Policy No. 4.1.5; and*

- (ii) *NOTES that a further report, Draft Amended Policy relating to "Community Consultation", Draft Community Consultation Charter - Planning, Building and Heritage Matters, Draft Community Consultation Submission Guidelines - Planning, Building and Heritage Matters, and Draft Community Consultation Submission Form - Planning, Building and Heritage Matters, will be submitted to an Ordinary Meeting of Council to be held in February 2005."*

The Council at its Ordinary Meeting held on 22 February 2005 resolved as follows:

"That the Council;

- (i) *RECEIVES the Interim Report as at 22 February 2005 relating to the Draft Amended Community Consultation Policy No. 4.1.5; and*
- (ii) *NOTES that a further report, Draft Amended Policy relating to "Community Consultation", Draft Community Consultation Charter - Planning, Building and Heritage Matters, Draft Community Consultation Submission Guidelines - Planning, Building and Heritage Matters, and Draft Community Consultation Submission Form - Planning, Building and Heritage Matters, will be submitted to an Ordinary Meeting of Council by no later than April 2005."*

The Council at its Ordinary Meeting held on 26 April 2005 resolved as follows:

"That the Council;

- (i) *RECEIVES the Progress Report No. 3 relating to the Draft Amended Community Consultation Policy No. 4.1.5; and*
- (ii) *NOTES that a further report, Draft Amended Policy relating to "Community Consultation", Draft Community Consultation Charter - Planning, Building and Heritage Matters, Draft Community Consultation Submission Guidelines - Planning, Building and Heritage Matters, and Draft Community Consultation Submission Form - Planning, Building and Heritage Matters, will be submitted to an Ordinary Meeting of Council by no later than June 2005."*

DETAILS:

The Draft Amended Policy No. 4.1.5 relating to "Community Consultation", and the Draft Community Consultation Submission Guidelines - Planning, Building and Heritage Matters (, which both include the Draft Community Consultation Charter - Planning, Building and Heritage Matters), are included as an Appendix to this report.

These documents were also circulated to Elected Members with accompanying memorandum dated 20 June 2005; however, the Draft Amended Policy has been further amended on page 11 - Principal Activities Plan, page 15 - Parking Restrictions, and page 61 - Variations to Policy.

The Interim Report (Item 10.4.1) relating to the Draft Amended Community Consultation Policy to the 28 September 2004 Ordinary Meeting of Council detailed the significant changes to the existing Community Consultation Policy, and addressed the matters raised at the 21 September 2004 Elected Member Forum.

The Draft Amended Community Consultation Policy and the Draft Community Consultation Submission Guidelines - Planning, Building and Heritage Matters, have also been reviewed and amended to achieve the indicative development application processing time targets set as part of the re-engineering of the development approval process.

CONSULTATION/ADVERTISING:

The Draft Amended Community Consultation Policy once endorsed by the Council will be formally advertised for public comment.

LEGAL/POLICY:

Policies are not legally enforceable; they provide guidance to the Town's Administration and Elected Members when considering various matters.

STRATEGIC IMPLICATIONS:

The Community Consultation Policy is in keeping with the Town's Strategic Plan 2005-2010: Key Result Area 4.2 'Deliver services, effective communication and public relations in ways that accord with the expectations of the community, whilst maintaining statutory compliance and introduce processes to ensure continuous improvement in the service delivery and management of the Town'.

FINANCIAL/BUDGET IMPLICATIONS:

No additional funds have been necessary as all work has been carried out "in-house", using existing resources.

COMMENTS:

Several aspects relating to Town Planning, Development and Heritage Matters required further investigation as a result of the 21 September 2004 Elected Member Forum and these are addressed as follows:

Community Consultation Submission Guidelines

Community Consultation Submission Guidelines that assists and guides the community in making effective submissions have been developed and is included as an Appendix to this report.

Community Consultation Charter

A Community Consultation Charter, which contains key principles in the preparation of submissions, typical comments issues and typical comments examples, and key responsibilities of the Town's Elected Members and Employees in processing and considering submissions, has been developed. The Charter is incorporated into both the Draft Amended Community Consultation Policy and the Draft Community Consultation Submission Guidelines.

Comment Period – Holiday Period

A survey of eight (8) other metropolitan local governments revealed that all of these local governments include weekends, while most of these local governments also include public holidays, in the comment period. Two (2) of the surveyed local governments have a comment period of 14 days, while the remaining six (6) local governments have a comment period of 21 days. Nevertheless, the extent of consultation undertaken by those local governments appears to be substantially less than by the Town of Vincent.

In light of the above, the Draft Amended Community Consultation Policy states as follows:

| <i>Holiday Period</i> | <i>Comment Period</i> |
|---|--|
| <i>Weekends</i> | <i>Comment period excludes <u>includes</u> weekend days</i> |
| <i>Public Holidays</i> | <i>Comment period excludes public holidays</i> |
| <i>Easter Festive Period</i> | <i>Comment period excludes the weekend days and public holidays during this period</i> |
| <i>Christmas-New Year Festive Period: 18 December to 8 January, inclusive</i> | <i>Where Advertising has commenced but not completed prior to this period, the portion (days) of the comment period that falls within this period to be added from 9 January, excluding weekend days and public holidays</i> |
| | <i>No advertising is to commence in this period</i> |

Demolition Applications

Currently no consultation is required for the demolition of existing buildings, unless the place is listed on the Town's Municipal Heritage Inventory where consultation is via a sign on-site. The Draft Amended Community Consultation Policy prescribes demolition of an existing building to be subject to consultation with the owners and occupiers of several adjacent properties via written notification. Consultation will also be via a sign on site for places listed on the Town's Municipal Heritage Inventory and State Register of Heritage Places. It is recommended that this requirement be reviewed after a period of six (6) months.

Provision and Availability of Plans

The Draft Amended Community Consultation Policy states that plans and documentation are to be:

- (a) displayed in the Town's Administration and Civic Centre and Library foyers, during the comment period. This is to be accompanied by the relevant Town of Vincent Community Consultation Submission Form - Planning, Building and Heritage Matters and notice;*
- (b) placed on the Town's internet website (in PDF format - to prevent unauthorised manipulation of the plans and so as not to breach copyright requirements; and where the consent and indemnity form signed by the applicant and/or owner has been received);*
- (c) addressed in all written notification letters where comments will be included advising of the availability of the plans; and*
- (d) provided in hard copy to persons who are unable to access plans via the Town's internet website (where the consent and indemnity form signed by the applicant and/or owner has been received).*

This procedure will provide persons with the ability to view plans and make an informed submission. It is recommended that hard copies of all plans not be provided to each person receiving a written notification letter, due to the significant resources which will be required (i.e. additional staff), cost of paper and postage and impact on processing time. Furthermore, promotion of the Town's web page is encouraged as a means of making information available.

It is considered that this amended procedure will provide a balanced position of making information readily available, whilst at the same time achieving this within the Town's current staffing levels and costs and processing of the application within a reasonable time frame.

Notwithstanding the above, assistance will be provided by the Town's Customer Service Centre Officers, to persons who do not have internet access, the ability to use the internet or difficulties with the English language.

Conclusion

In light of the above, it is recommended that the Council approves the Draft Amended Community Consultation Policy and the Draft Community Consultation Submission Guidelines - Planning, Building and Heritage Matters (which both include the Draft Community Consultation Charter - Planning, Building and Heritage Matters), and progresses these documents in accordance with the Officer Recommendation."

10.4.6 Further Report - Amendment No. 23 to Planning and Building Policies - Draft Policy relating to Variations to Planning Approval and Building Licence Plans and Associated Delegation of Authority

| | | | |
|------------------------------|---------------------|--------------------|-------------|
| Ward: | Both Wards | Date: | 6 July 2005 |
| Precinct: | All Precincts | File Ref: | PLA0156 |
| Attachments: | 001 | | |
| Reporting Officer(s): | D Abel | | |
| Checked/Endorsed by: | R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the draft Policy relating to Variations to Planning Approval and Building Licence Plans, as shown in Appendix 10.4.6;
- (ii) **ADOPTS** the draft Policy relating to Variations to Planning Approval and Building Licence Plans, to be applied in the interim during the advertising period and up to formal adoption of the draft Policy;
- (iii) **ADVERTISES** the draft Policy relating to Variations to Planning Approval and Building Licence Plans for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:
 - (a) advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;
 - (b) where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and
 - (c) forwarding a copy of the subject Policy to the Western Australian Planning Commission;
- (iv) after the expiry of the period for submissions:
 - (a) **REVIEWS** the draft Policy relating to Variations to Planning Approval and Building Licence Plans, having regard to any written submissions; and
 - (b) **DETERMINES** the draft Policy relating to Variations to Planning Approval and Building Licence Plans, with or without amendment, to or not to proceed with them; and
- (v) pursuant to Section 5.42 of Division 4 of Part 5 of the Local Government Act 1995, **APPROVES BY AN ABSOLUTE MAJORITY**, the following delegation of the exercise of its powers and duties to the Chief Executive Officer:

| "No. | Area | Description of Council Function Delegated to the Chief Executive Officer from Council | Assignee(s) | Conditions |
|------|--|---|----------------|--|
| 107 | Planning, Building and Heritage Services | Authority to exercise discretion and to approve variations to Planning Approval Plans and Building Licence Plans. | EMEDS MPBHS | (i) The variations to the Planning Approval Plans and Building Licence Plans comply with the provisions of the Town of Vincent's Policy - Variations to Planning Approval and Building Licence Plans. (ii) Report to the Council on a quarterly basis." |

Moved Cr Chester, Seconded Cr Farrell

That the recommendation be adopted subject to a new clause (vi) being added as follows:

"(vi) AMENDS the draft Policy relating to Variations to Planning Approval and Building Licence Plans, as shown in Appendix 10.4.6, by amending the following, prior to clauses (ii), (iii), (iv) and (v) above being actioned:

"3) Variations to Planning Approval plans that involve any of the following cases require a new Planning Application for the amended plans to be submitted to and approved by the Town of Vincent ~~in any the following cases:~~

...

The new Planning Application requires determination by the Council if the previous Planning Application was determined by the Council."

Moved Cr Chester, Seconded Cr Lake

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

"(vi) AMENDS the draft Policy relating to Variations to Planning Approval and Building Licence Plans, as shown in Appendix 10.4.6, by amending the following, prior to clauses (ii), (iii), (iv) and (v) above being actioned:

(a) "3) Variations to Planning Approval plans that involve any of the following cases require a new Planning Application for the amended plans to be submitted to and approved by the Town of Vincent ~~in any the following cases:~~

...

The new Planning Application requires determination by the Council if the previous Planning Application was determined by the Council."; and

(b) clause (iii) – No Additional or Amendment to Planning Approval Condition on page 4 of 5 being shown in strikethrough."

Debate ensued.

AMENDMENT CARRIED (6-2)

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

(Cr Torre was an apology.)

Moved Cr Maier, Seconded Cr Ker

That clauses (ii) and (v) be deleted and the remaining clauses renumbered.

Debate ensued.

AMENDMENT CARRIED (6-2)

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

(Cr Torre was an apology.)

**MOTION AS AMENDED CARRIED
BY AN ABSOLUTE MAJORITY (7-1)**

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

(Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.4.6

That the Council;

- (i) *RECEIVES the draft Policy relating to Variations to Planning Approval and Building Licence Plans, as shown in Appendix 10.4.6;*
- (ii) *ADVERTISES the draft Policy relating to Variations to Planning Approval and Building Licence Plans for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*

- (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
 - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission;*
- (iii) *AMENDS the draft Policy relating to Variations to Planning Approval and Building Licence Plans, as shown in Appendix 10.4.6, by amending the following, prior to clauses (ii), (iii), (iv) and (v) above being actioned:*
- (a) *"3) Variations to Planning Approval plans that involve any of the following cases require a new Planning Application for the amended plans to be submitted to and approved by the Town of Vincent ~~in any~~ the following cases:*
...
The new Planning Application requires determination by the Council if the previous Planning Application was determined by the Council."; and
 - (b) *clause (iii) – No Additional or Amendment to Planning Approval Condition on page 4 of 5 being shown in strikethrough.; and*
- (iv) *AMENDS the draft Policy relating to Variations to Planning Approval and Building Licence Plans, as shown in Appendix 10.4.6, by amending the following, prior to clauses (ii), (iii), (iv) and (v) above being actioned:*
- "3) *Variations to Planning Approval plans that involve any of the following cases require a new Planning Application for the amended plans to be submitted to and approved by the Town of Vincent ~~in any~~ the following cases:*
...
The new Planning Application requires determination by the Council if the previous Planning Application was determined by the Council.";

ADDITIONAL INFORMATION:

Clause 1) iii) of the draft Policy is intended to be determined by the Town's Officers. It is considered that clause 1) iii) in combination with variation criteria 1) i) and 1) ii) and associated procedures will adequately address variations to Planning Approval and Building Licence Plans, and the issues raised in the debate relating to Item 10.4.5 at the Ordinary Meeting of Council held on 22 March 2005 regarding the development at No. 516 Fitzgerald Street, North Perth.

The adoption of this Policy formalises the current practice of dealing with variations to applications previously approved by the Council.

The delegation to the CEO will not make any significant differences to the current processing of applications or shorten the processing time, as very few applications would satisfy the criteria to be processed under the delegation. On the basis of formalising the current practice, it is therefore supported.

FURTHER REPORT:

The subject matter was considered at the Ordinary Meeting of Council held on 26 April 2005, where the Council resolved as follows:

"That the Item be DEFERRED to allow for rewording and definitions/clarifications of significant variations compared to minor variations."

The draft Policy relating to Variations to Planning Approval and Building Licence Plans has been reviewed and amended to address the matters raised at the Ordinary Meeting of Council held on 26 April 2005. The amendments made to the draft Policy are ~~struck through~~ and underlined on the draft Policy attached to this Agenda report.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 26 April 2005:

"OFFICER RECOMMENDATION:

That the Council;

- (i) RECEIVES the draft Policy relating to Variations to Planning Approval and Building Licence Plans;*
- (ii) ADOPTS the draft Policy relating to Variations to Planning Approval and Building Licence Plans, to be applied in the interim during the advertising period and up to formal adoption of the draft Policy;*
- (iii) ADVERTISES the draft Policy relating to Variations to Planning Approval and Building Licence Plans for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
 - (c) forwarding a copy of the subject Policy to the Western Australian Planning Commission;*
- (iv) after the expiry of the period for submissions:*
 - (a) reviews the draft Policy relating to Variations to Planning Approval and Building Licence Plans, having regard to any written submissions; and*
 - (b) determines the draft Policy relating to Variations to Planning Approval and Building Licence Plans, with or without amendment, to or not to proceed with them; and*
- (v) pursuant to Section 5.42 of Division 4 of Part 5 of the Local Government Act 1995, APPROVES BY AN ABSOLUTE MAJORITY, the following delegation of the exercise of its powers and duties to the Chief Executive Officer:*

| No. | Area | Description of Council Function Delegated to the Chief Executive Officer from Council | Assignee(s) | Conditions |
|-----|--|---|----------------|---|
| 107 | Planning, Building and Heritage Services | Authority to exercise discretion and to approve variations to Planning Approval Plans and Building Licence Plans. | EMEDS MPBHS | (i) The variations to the Planning Approval Plans and Building Licence Plans comply with the provisions of the Town of Vincent's Policy - Variations to Planning Approval and Building Licence Plans. (ii) Report to the Council on a quarterly basis. |

COUNCIL DECISION ITEM 10.4.6

Moved Cr Chester, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Moved Cr Franchina, Seconded Cr Farrell

That the Item be DEFERRED to allow for rewording and definitions/clarifications of significant variations compared to minor variations.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to present a draft Policy and associated delegation of authority that addresses variations to Planning Approval and Building Licence Plans.

BACKGROUND:

This draft Policy was developed mainly as a result of the debate in relation to Item 10.4.5 at the Ordinary Meeting of Council held on 22 March 2005 regarding the development at No. 516 Fitzgerald Street, North Perth. The draft Policy is ~~being finalised and will be provided to Elected Members and the public prior to this Ordinary Meeting of Council.~~ Included as an attachment to this report.

The Town of Vincent - Report of the Independent Organisational Review, dated April 2003, states the following relevant recommendations:

'Recommendation 6

Council request a report from the Chief Executive Officer recommending delegated authority to the Manager Planning and Building Services to approve specified development applications wherever practicable and legally acceptable to competent staff with accompanying draft guidelines for Council's consideration.

Recommendation 41

(As per Recommendation 6 Council delegates approval of specified development applications to the Manager Planning and Building Services.)

Recommendation 42

Within 24 hours of initial assessment of an application for a Development application or Building license, applicants be advised electronically in notation form of any issues of non-compliance or otherwise and approximate approval time if in compliance.

Recommendation 43

Where non-compliance is noted, the applicant be invited to attend a meeting with the application Officer to discuss options. Where compliance options are identified, the Officer initiates a facilitative process including persons that may be immediately impacted on by the development or matter under consideration....

Recommendation 47

The Manager Town Planning and Building Services initiates a review of processing building license applications to reduce the processing time to 2000/2001 levels....'

DETAILS:

The objective of the draft Policy relating to Variations to Planning Approval and Building Licence Plans is to define the criteria and procedures for considering and determining variations to Planning Approval and Building Licence plans. The draft Policy and associated delegation of authority will provide consistency in dealing with such matters, while aiming to minimise undue delay in processing, assessing and determining Planning and Building Licence applications.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

The Town Planning Scheme No. 1 and associated Policies and Residential Design Codes (R Codes).

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 – Key Result Area One: Environment and Infrastructure:

'1.3 Develop, implement and promote sustainable urban design.'

'4.2 Deliver services, effective communication and public relations in ways that accord with the expectations of the community, whilst maintaining statutory compliance and introduce processes to ensure continuous improvement in the service delivery and management of the Town.'

FINANCIAL/ BUDGET IMPLICATIONS:

The current 2004/2005 Budget lists \$62,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

The Chief Executive Officer is currently reviewing the procedure relating to variations to planning approval and building licence plans which will also address the Draft Policy, the subject of this report. This will include both the Building Surveyors and Manager Planning, Building and Heritage Services or Principal Planning Officer (Statutory) endorsement on the Building Licence for development which also requires a planning approval.

In light of the above, it is recommended that Council receives and adopts the draft new Policy relating to Variations to Planning Approval and Building Licence Plans to be applied in the interim, and advertises the draft Policy in accordance with clause 47 of the Town of Vincent Town Planning Scheme No. 1.

It is further recommended that Council approves the delegation of authority to approve variations to the Planning Approval plans and Building Licence plans, provided the variations comply with the provisions of the subject draft Policy."

10.4.7 Information Bulletin

| | | | |
|------------------------------|---------------------|--------------------|-------------|
| Ward: | - | Date: | 6 July 2005 |
| Precinct: | - | File Ref: | - |
| Attachments: | 001 | | |
| Reporting Officer(s): | A Smith | | |
| Checked/Endorsed by: | John Giorgi | Amended by: | - |

OFFICER RECOMMENDATION:

That the Information Bulletin dated 12 July 2005 as distributed with the Agenda, be received.

Moved Cr Ker, Seconded Cr Maier

That the recommendation be adopted.

Moved Cr Ker, Seconded Cr Chester

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

“(ii) Item IB13 – Notice of Forum – 19 July 2005 be amended to include the following presentation:

| | | |
|--------------|--|--------------------------------|
| 4.1.2 | <i>Transit Oriented Development Potential in the Town of Vincent - Presentation by Councillor Ian Ker</i> | <i>6.45pm - 7.15pm”</i> |
|--------------|--|--------------------------------|

Cr Farrell departed the Chamber at 9.37pm.

Debate ensued.

Cr Farrell returned to the Chamber at 9.39pm.

CARRIED (8-0)

(Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.4.7

That;

(i) the Information Bulletin dated 12 July 2005 as distributed with the Agenda, be received; and

(ii) Item IB13 – Notice of Forum – 19 July 2005 be amended to include the following presentation:

| | | |
|--------------|--|--------------------------------|
| 4.1.2 | <i>Transit Oriented Development Potential in the Town of Vincent - Presentation by Councillor Ian Ker</i> | <i>6.45pm - 7.15pm”</i> |
|--------------|--|--------------------------------|

DETAILS:

The items included in the Information Bulletin dated 12 July 2005 are as follows:

| ITEM | DESCRIPTION |
|-------------|---|
| IB01 | Letter from State Administrative Tribunal - Randall v Town of Vincent - Reasons for Decision - Appeal No. RD 317 of 2005 |
| IB02 | Letter from Local Government and Regional Development - Cost associated with defending appeals in the State Administrative Tribunal |
| IB03 | Letter from Swan River Trust - Establishment of the Swan River Trust Development and Regulation Committee |
| IB04 | Letter from Heritage Council of Western Australia - Register of Heritage Places - PO8709 Aranmore Catholic College Group, Franklin and Shakespeare Streets, Leederville |
| IB05 | Letter from Department of Local Government and Regional Development - Local Government Elections 2005 |
| IB06 | Letter of thanks from St Vincent de Paul Society - Winter Appeal Donation |
| IB07 | Letter to the Swan River Trust from the Department for Planning and Infrastructure - Banks Reserve to Bardon Park Recreational Path |
| IB08 | Register of Petitions - Progress Report - July 2005 |
| IB09 | Register of Notices of Motion - Progress Report - July 2005 |
| IB10 | Register of Reports to be Actioned - Progress Report - July 2005 |
| IB11 | Register of Legal Action |
| IB12 | Register of State Administrative Tribunal Appeals |
| IB13 | Notice of Forum - 19 July 2005 |

At 9.40pm **Moved** Cr Farrell, **Seconded** Cr Chester

That the meeting proceed "behind closed doors" to discuss the following Items:

- 10.4.4 – State Indoor Sports Centre, 99 Loftus Street, Leederville – Progress Report; and
- 10.2.7 – Proposed Leederville Business District Redevelopment – Progress Report No 1.

CARRIED (8-0)

(Cr Torre was an apology.)

Journalist – Dan Hatch left the meeting at 9.41pm. There were no members of the public.

Cr Doran-Wu departed the Chamber at 9.41pm.

10.4.4 State Indoor Sports Centre, 99 Loftus Street, Leederville - Progress Report No. 9

| | | | |
|-----------------------|-------------------|-------------|-------------|
| Ward: | South | Date: | 6 July 2005 |
| Precinct: | Oxford Centre, P4 | File Ref: | RES0061 |
| Attachments: | - | | |
| Reporting Officer(s): | John Giorgi | | |
| Checked/Endorsed by: | - | Amended by: | - |

OFFICER RECOMMENDATION:

That the Council;

- RECEIVES the Progress Report No. 9 as at 6 July 2005, relating to the proposed State Indoor Sports Centre, 99 Loftus Street, Leederville; and*
- NOTES that this matter will be presented at the Forum to be held on 19 July 2005.*

(Refer to Page 203)

COUNCIL DECISION ITEM 10.4.4

Cr Doran-Wu returned to the Chamber at 9.42pm.

Moved Cr Chester, **Seconded** Cr Farrell

That the recommendation be adopted.

Debate ensued.

The Chief Executive Officer gave a detailed verbal response to various questions asked by Councillors.

At 10.00pm **Moved** Cr Ker, **Seconded** Cr Maier

That the meeting be extended for a further 15 minutes.

CARRIED (8-0)

(Cr Torre was an apology.)

MOTION CARRIED (8-0)

(Cr Torre was an apology.)

PURPOSE OF REPORT:

To update the Council on the progress of this project.

BACKGROUND:

At the Special Council Meeting held on 30 October 2001, the Council approved of entering into a partnership with the State Government of Western Australia to redevelop and construct a number of sporting facilities, including a Multi-Purpose Rectangular Sports Stadium on Perth Oval, State Indoor Sports Centre on Loftus Centre land and the redevelopment of Leederville Oval into a "Football Centre of Excellence" for joint use by EPFC and SFC. It also approved to construct an office building on a part of Leederville Oval.

At a Special Meeting of Council held on 2 March 2005, the Council considered a confidential report concerning this project and resolved as follows;

"That the Council;

- (i) RECEIVES the Progress Report No. 8 as at 25 February 2005, relating to the proposed State Indoor Sports Centre, 99 Loftus Street, Leederville;*
- (ii) APPROVES IN PRINCIPLE Concept Option No. 2, as shown in Appendix 7.2, which is estimated to cost \$7,800,000 plus GST, subject to;*
 - (a) the funding arrangement being as follows;*

| | | |
|------------------------------|---------------|-------|
| • State Government | \$2.5 million | 32.0% |
| • Town of Vincent | \$2.3 million | 29.5% |
| • Private Partnership/Others | \$3.0 million | 38.5% |
 - (b) a further report being submitted detailing more precise costs and funding sources;*
- (iii) AUTHORIZES the Mayor and Chief Executive Officer to;*
 - (a) negotiate with the Department of Sport and Recreation (DSR) and other parties for additional funding on the basis that it cannot proceed without it, with the object of reducing the Town's contribution from \$2.3 million to \$1.3 million;*
 - (b) investigate various funding sources and partnership arrangements; and*
 - (c) prepare the necessary Business Case, tender and major land transaction documentation (if required), for approval by the Council;*
- (iv) ADVISES the Department of Sport and Recreation and the Smith's Lake Precinct Group of the progress of this project; and*
- (v) AUTHORIZES the architects to liaise with Gymnastics WA, Leisure Co, Loftus Community Centre and Town's Library concerning the concept plans."*

Previous Reports

Previous progress reports were previously submitted to the Council on 23 July 2002, 12 August 2003, 7 October 2003, 16 December 2003, 10 February 2004, 23 March 2004, 26 October 2004 and 2 March 2005.

DETAILS:

Architect's Meetings

Following the Special Council Meeting held on 2 March 2005, the Project Architect has prepared several concept options and costings. Meetings have been also held with the following;

- LeisureCo Australia (current Centre Managers)
- Gymnastics WA
- Loftus Community Centre
- Town of Vincent Library Staff

Stakeholder Meetings

The Town's Chief Executive Officer and Executive Manager Corporate Services have met with the following potential users for the redeveloped Centre;

- LeisureCo Australia (current Centre Managers)
- YMCA (Leisure Facility Managers)
- Belgravia Leisure (Leisure Facility Managers)
- Gymnastics WA
- Loftus Community Centre

The purpose of these discussions has been to discuss user requirements and to ascertain their interest in the redeveloped Centre.

Meeting with Smith's Lake Precinct Group

On 27 June 2005, the CEO addressed the Smith's Lake Precinct Group concerning the progress of this project. The Smith's Lake Precinct Group have written to the Town on several occasions expressing their dissatisfaction with the lack of progress and, in particular, have agitated for the demolition of Len Fletcher Pavilion and upgrade of the Smith's Lake Reserve. They have been advised of the revised timeline.

Department of Sport and Recreation Meeting

The Town's Chief Executive Officer (and Executive Managers on occasions) has met with the DSR on a number of occasions to discuss the revised concept plans and costings. The DSR have since requested that Rhythmic Gymnastics be also accommodated with Gymnastics WA, and they are considering the additional funding required.

On 24 June 2005, the Town wrote to the DSR seeking their response by 30 July 2005, concerning additional their comments on the concept plans and an increase in funding. This letter was followed up with a meeting held with the DSR on 1 July 2005. At this meeting, the DSR indicated that the Minister for Sport and Recreation is currently overseas and therefore, their decision may be delayed until early August 2005.

Len Fletcher Pavilion and Elven Street Subdivision Update

The subdivision works have now been completed. Design guidelines are currently being finalised. It is intended to report to Council in July concerning these matters.

Concept Plans as at 30 June 2005

A summary of the final concept plans indicate the following;

- (i) Gymnastics WA to be housed in existing Courts 1 and 2, together with alterations and offices.
- (ii) Rhythmic Gymnastics to be co-located with Gymnastics WA, together with an additional extension to meet their needs.
- (iii) State Indoor Centre comprising of three new multi-purpose indoor courts and one external court to be constructed, plus refurbished existing court (No. 3)/
- (iv) Leisure Centre gymnasium to be relocated to the current Library area.
- (v) New Library and Local History Centre to be constructed.
- (vi) Community Centre to have alterations to meet their needs.
- (vii) Offices and Group Fitness Function Room to be located in existing gym area.
- (viii) Existing crèche to be altered to accommodate Gymnastics WA offices and meeting rooms.
- (ix) Carpark and landscaping to be carried out.

Indicative Timeline

A revised indicative timeline as at 1 July 2005 is as follows;

| Date | Item |
|---------------------------|--|
| August 2004-June 2005 | <ul style="list-style-type: none"> • Consultation with Stakeholders |
| January 2005-June 2005 | <ul style="list-style-type: none"> • Concept design and refinement |
| February 2005 | <ul style="list-style-type: none"> • Meeting with DSR to discuss general terms and conditions for redevelopment |
| 2 March 2005 | <ul style="list-style-type: none"> • Special Meeting of Council to approve concept plans |
| March-June 2005 | <ul style="list-style-type: none"> • Meeting with DSR to discuss costings • Concept Plans provided |
| 9 March 2005 | <ul style="list-style-type: none"> • Town of Vincent letter to DSR re: funding arrangement |
| 13 April 2005 - June 2005 | <ul style="list-style-type: none"> • Town to commence negotiations with Stakeholders • Finalise Concept design and Indicative costings |
| 24 June 2005 | <ul style="list-style-type: none"> • Town of Vincent letter to DSR re: funding arrangement concerning Rhythmic Gymnastics and revised timeline |
| 19 July 2005 | <ul style="list-style-type: none"> • Council Forum to consider final Concept plans |
| 3 August 2005 | <ul style="list-style-type: none"> • Agenda closes for OMC 9 August 2005 |
| 9 August 2005* | <ul style="list-style-type: none"> • Council Meeting to approve Tender Documents for Lease /Management of the Centre |
| 13 August 2005 | <ul style="list-style-type: none"> • Advertise tender for 30 days |

| Date | Item |
|-------------------------------|--|
| 14 September 2005 | • Tenders close |
| 14 Sept.-4 Oct 2005 | • Assessment of tenders |
| 4 October 2005 | • Agenda closes for OMC 11 October 2005 |
| 11 October 2005 | • Council Meeting to approve Tender Documents for Lease /Management of the Centre and approve of Business Plan |
| 15 October 2005* | • Advertise Business Plan (42 days) |
| 30 November 2005 | • Major Land transaction Consultation closes |
| 30 November -7 December 2005 | • Assessment of Business Plan submissions |
| 7 December 2005 | • Preparation of agenda report for consideration of submissions |
| 14 December 2005* | • Council Meeting to consider Public Submissions and approve (or discontinue) with Major Land Transaction • Council to Approve of Architect to prepare construction plans and documentation |
| 15 December 2005-1 March 2006 | • Architect to prepare construction plans and documentation (12 weeks) |
| 14 March 2006* | • Council approval of "Request for Tender - Construction of Centre" documentation |
| 18 March 2006* | • Advertise "Request for Tender - Construction of Centre" (30 days) |
| 12 April 2006* | • Construction Tender closes |
| 12-19 April 2006 | • Evaluation of Construction Tender |
| 19 April 2006 | • Agenda closes for OMC 22 November 2005 |
| 26 April 2006* | • Council to approve Construction Tender |
| 27 April 2006* | • Appointment of Builder |
| 27 April-8 May 2006 | • Builder Mobilisation |
| 8 May 2006* | • Construction commences |
| 30 April 2007* | • 2nd Stage complete and opened |
| May 2007 | • Finalisation of "snag list". |
| 30 May 2007* | • Building handover. |
| June 2007 | • Opening of New Centre |

* *Critical Dates*

LEGAL/POLICY IMPLICATIONS:

The Local Government Act Tender Regulation requirements and also Major Land Transaction requirements (if applicable) will need to be followed.

ADVERTISING/COMMUNITY CONSULTATION:

Not required at this stage, however once the Council approves of the concept plans, the Town's normal consultation process will be carried out. Consultation with prospective stakeholders/users will also need to be carried out.

FINANCIAL/BUDGET IMPLICATIONS:

The Council has allocated an amount of \$7.3 million in the Draft 2005/2006 Budget.

The Town's Principal Activity Plan lists this project to be carried out in 2005/2006.

The indicative costings for the final concept plans have been determined and these will be presented at the next Forum.

STRATEGIC IMPLICATIONS:

This project is in keeping with the Town's Strategic Plan 2005-2010, Key Result Area 3.2 - *"Develop business strategies that provide a positive triple bottom line return for the Town"* including 3.2(a) - *"Review leases and commercial contracts to ensure the best return for the Town"*.

COMMENT:

This Progress Report No. 9 is provided to give the Council the latest information relating to this project. In view of the confidential information concerning financial details, it is proposed to report this matter, together with the latest costings and concept plans, to a Forum to be held on 19 July 2005. This project is now at a stage where commitment from the Department of Sport and Recreation is essential, in order that the matter may be reported to the Council for a decision to be made.

10.2.7 Proposed Leederville Business District Redevelopment - Progress Report No.1

| | | | |
|------------------------------|-------------------------------------|--------------------|-------------|
| Ward: | South | Date: | 6 July 2005 |
| Precinct: | Oxford Centre P4/ Leederville P3 | File Ref: | PLA0153 |
| Attachments: | - | | |
| Reporting Officer(s): | R Lotznicher, John Giorgi | | |
| Checked/Endorsed by: | - | Amended by: | - |

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the Proposed Leederville Business District Redevelopment - Progress Report No. 1 as at 6 July 2005;*
- (ii) *APPROVES of the scope of works to re-align the existing main drain, contained within The Avenue Carpark reserve, to be included in the Water Corporation's "tender preliminaries" for the sewer construction project (as this will have cost savings to the Council) subject to;*
 - (a) *the Town being responsible for payment of these works;*
 - (b) *the Chief Executive Officer being authorised to negotiate suitable terms and conditions with the Water Corporation; and*
 - (c) *a further report being received by the Council at the conclusion of the negotiations, for approval;*
- (iii) *REQUESTS that the Water Corporation cede to the Town, at nil cost, the redundant portion of the reserve land (comprising approximately 700m²) located within The Avenue Carpark land, once the main sewer has been decommissioned and the main drain has been realigned and AUTHORISES the Chief Executive Officer to negotiate with the Water Corporation, subject to a report being submitted to the Council for approval, at the conclusion of the negotiations;*
- (iv) *NOTES that;*
 - (a) *quotations are currently being obtained from engineering consultants to design, prepare a cost estimate and documentation and submit for approval to the Water Corporation for the scope of works for the proposed realignment of the portion of existing main drain through The Avenue Carpark;*
 - (b) *the new main drain alignment, if approved, and all new sewer lines within The Avenue Carpark land will need to be located in a reserve;*
 - (c) *a further report will be submitted to the Council to consider the indicative concept plans and subdivision of the land comprising The Avenue and Framecourt Carparks, once the Architects have submitted their final report and the information has been assessed; and*
 - (d) *the Project Architects will be presenting information on a confidential basis to a Forum to be held on 19 July 2005; and*

- (v) *pursuant to Section 5.95 of the Local Government Act 1995 and Clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, PROCEEDS "behind closed doors" at the conclusion of the items, to consider the confidential information concerning the concept drawings and "commercially sensitive" information.*

(Refer to Page 184)

Moved Cr Farrell, Seconded Cr Lake

That the following amended recommendation be adopted:

“That the Council;

- (i) *RECEIVES the report on the Proposed Leederville Business District Redevelopment - Progress Report No. 1 as at 6 July 2005;*
- (ii) *ADVISES the Water Corporation of Western Australia that;*
- (a) *it does not support their proposal to locate a 225mm "spur" sewer line through the Council's land (Lot 36 and Pt Lot 34) on the grounds that this would significantly decrease the value of the Council's land, compromise future development on the land and cause additional building costs to protect the proposed sewer and any building footings; and*
- (b) *it prefers an alternative alignment along a proposed new gazetted road, which would be created, if this option is agreed, as shown in Confidential Plan No. 2357-CP-1;*
- (iii) *APPROVES;*
- (a) *the relocation of the existing 1,050 diameter main drain (estimated to cost between \$400,000-\$450,000) contained within The Avenue Carpark reserve to a new alignment along The Avenue Carpark, and in a proposed new gazetted road which would run at the rear of the Oxford Street properties, as shown in Confidential Plan No. 2357-CP-1;*
- (b) *the indicative plan to relocate the "proposed" 225mm diameter "spur" sewer line from the current Water Corporation proposal which would traverse the Town's Lot 36 and Pt Lot 34 (approximately 1.5 metres from the western boundary adjacent to Kailis' Lot 19), to a new proposed alignment within a proposed gazetted road, which would run in an east-west direction, as shown in Confidential Plan No. 2357-CP-1;*
- (iv) *subject to Clauses (ii) and (iii) above being supported, APPROVES of the scope of works to re-align the existing 1,050 diameter main drain, contained within The Avenue Carpark reserve, to be included in the Water Corporation's "tender preliminaries" for the sewer construction project (as this will have cost savings to the Council Town) subject to;*
- (a) *the Town being responsible for payment of these works;*

- (b) *the Chief Executive Officer being authorised to negotiate suitable terms and conditions with the Water Corporation; and*
- (c) *a further report being received by the Council at the conclusion of the negotiations, for approval;*
- (v) **REQUESTS that APPROVES IN PRINCIPLE the offer from the Water Corporation cede to the Town, at nil cost \$1.00 (plus GST), the redundant portion of the reserve land (comprising approximately up to 700 784m²) located within The Avenue Carpark land on Certificate of Titles 1659/262 and 1054/163, once the main sewer has been decommissioned and the main drain has been realigned and AUTHORISES the Chief Executive Officer to negotiate with the Water Corporation, subject to a report being submitted to the Council for approval, at the conclusion of the negotiations;**
- (vi) **NOTES that;**
- (a) *quotations are currently being obtained from engineering consultants to design, prepare a cost estimate and documentation and submit for approval to the Water Corporation for the scope of works for the proposed realignment of the portion of existing main drain through The Avenue Carpark;*
- (b) *the new main drain alignment, if approved, and all new sewer lines within The Avenue Carpark land will need to be located in a reserve;*
- (c) *a further report will be submitted to the Council to consider the indicative concept plans and subdivision of the land comprising The Avenue and Framecourt Carparks, once the Architects have submitted their final report and the information has been assessed; and*
- (d) *the Project Architects will be presenting information on a confidential basis to a Forum to be held on 19 July 2005;*
- (vii) **REQUESTS the Chief Executive Officer to write to the Water Corporation seeking their comments and/or commitment to their involvement in the Leederville Masterplan and also details of their future proposals (if any) for their landholdings;**
- (viii) **ADVISES GNTM Pty Ltd (Kailis) that, should they require access from their property into the Council land and a thoroughfare alongside their property for their proposed development, the proposed thoroughfare will only be supported on the basis that it be located equally on both properties; and**
- (ix) *pursuant to Section 5.95 of the Local Government Act 1995 and Clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, PROCEEDS "behind closed doors" at the conclusion of the items, to consider the confidential information concerning the concept drawings and "commercially sensitive" information."*

Debate ensued.

Moved Cr Maier, Seconded Cr Messina

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

“(iii) APPROVES IN PRINCIPLE;

- (a) the relocation of the existing 1,050 diameter main drain (estimated to cost between \$400,000-\$450,000) contained within The Avenue Carpark reserve to a new alignment along The Avenue Carpark, and in a proposed new gazetted road which would run at the rear of the Oxford Street properties, as shown in Confidential Plan No. 2357-CP-1;*
- (b) the indicative plan to relocate the "proposed" 225mm diameter "spur" sewer line from the current Water Corporation proposal which would traverse the Town's Lot 36 and Pt Lot 34 (approximately 1.5 metres from the western boundary adjacent to Kailis' Lot 19), to a new proposed alignment within a proposed gazetted road, which would run in an east-west direction, as shown in Confidential Plan No. 2357-CP-1;”*

AMENDMENT CARRIED (8-0)

(Cr Torre was an apology.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.2.7

That the Council;

- (i) RECEIVES the report on the Proposed Leederville Business District Redevelopment - Progress Report No. 1 as at 6 July 2005;*
- (ii) ADVISES the Water Corporation of Western Australia that;*
 - (a) it does not support their proposal to locate a 225mm "spur" sewer line through the Council's land (Lot 36 and Pt Lot 34) on the grounds that this would significantly decrease the value of the Council's land, compromise future development on the land and cause additional building costs to protect the proposed sewer and any building footings; and*
 - (b) it prefers an alternative alignment along a proposed new gazetted road, which would be created, if this option is agreed, as shown in Confidential Plan No. 2357-CP-1;*
- (iii) APPROVES IN PRINCIPLE;**
 - (a) the relocation of the existing 1,050 diameter main drain (estimated to cost between \$400,000-\$450,000) contained within The Avenue Carpark reserve to a new alignment along The Avenue Carpark, and in a proposed new gazetted road which would run at the rear of the Oxford Street properties, as shown in Confidential Plan No. 2357-CP-1;*

- (b) *the indicative plan to relocate the "proposed" 225mm diameter "spur" sewer line from the current Water Corporation proposal which would traverse the Town's Lot 36 and Pt Lot 34 (approximately 1.5 metres from the western boundary adjacent to Kailis' Lot 19), to a new proposed alignment within a proposed gazetted road, which would run in an east-west direction, as shown in Confidential Plan No. 2357-CP-1;*
- (iv) *subject to Clauses (ii) and (iii) above being supported, APPROVES of the scope of works to re-align the existing 1,050 diameter main drain, contained within The Avenue Carpark reserve, to be included in the Water Corporation's "tender preliminaries" for the sewer construction project (as this will have cost savings to the Town) subject to;*
- (a) *the Town being responsible for payment of these works;*
- (b) *the Chief Executive Officer being authorised to negotiate suitable terms and conditions with the Water Corporation; and*
- (c) *a further report being received by the Council at the conclusion of the negotiations, for approval;*
- (v) *APPROVES IN PRINCIPLE the offer from the Water Corporation cede to the Town, at \$1.00 (plus GST), the redundant portion of the reserve land (comprising up to 784m²) located within The Avenue Carpark land on Certificate of Titles 1659/262 and 1054/163, once the main sewer has been decommissioned and the main drain has been realigned and AUTHORISES the Chief Executive Officer to negotiate with the Water Corporation, subject to a report being submitted to the Council for approval, at the conclusion of the negotiations;*
- (vi) *NOTES that;*
- (a) *quotations are currently being obtained from engineering consultants to design, prepare a cost estimate and documentation and submit for approval to the Water Corporation for the scope of works for the proposed realignment of the portion of existing main drain through The Avenue Carpark;*
- (b) *the new main drain alignment, if approved, and all new sewer lines within The Avenue Carpark land will need to be located in a reserve;*
- (c) *a further report will be submitted to the Council to consider the indicative concept plans and subdivision of the land comprising The Avenue and Framcourt Carparks, once the Architects have submitted their final report and the information has been assessed; and*
- (d) *the Project Architects will be presenting information on a confidential basis to a Forum to be held on 19 July 2005;*
- (vii) *REQUESTS the Chief Executive Officer to write to the Water Corporation seeking their comments and/or commitment to their involvement in the Leederville Masterplan and also details of their future proposals (if any) for their landholdings;*
- (viii) *ADVISES GNTM Pty Ltd (Kailis) that, should they require access from their property into the Council land and a thoroughfare alongside their property for their proposed development, the proposed thoroughfare will only be supported on the basis that it be located equally on both properties; and*

- (ix) *pursuant to Section 5.95 of the Local Government Act 1995 and Clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, PROCEEDS "behind closed doors" at the conclusion of the items, to consider the confidential information concerning the concept drawings and "commercially sensitive" information.*

Additional Information provided at the end of the report.

PURPOSE OF REPORT:

The purpose of this report is to update the Council on the outcome of recent meeting/s with the Architects appointed to progress the Leederville Business District Redevelopment.

BACKGROUND:

As previously reported to the Council at a confidential Elected Members Forum held on Tuesday 21 June 2005, the Water Corporation presented an overview of a proposed Major Sewer Project for the Leederville area. The proposal includes construction of a new 'main sewer' along Leederville Parade to replace the existing much deteriorated 'main sewer' which currently runs diagonally through The Avenue Carpark within a Water Corporation Reserve. The proposal will also include the redirecting of smaller diameter 'reticulation sewers' or 'spurs' which currently connect to the existing main sewer to the new main sewer.

Following the Forum, the Town's Officers met with the Water Corporation and expressed concerns about one proposed "spur" proposed to be located 1.5 metres inside the Town's The Avenue Carpark eastern boundary, adjacent to a development site owned by 'Kailis' Brothers.

The Water Corporation indicated that it was about to advertise the 'preliminaries' for the sewer project and requested that the Town indicate its position. Preliminary alternative routes had been investigated by the Town's Technical Services Officers and these had been favourably received by Water Corporation Officers.

To progress the matter, at the Ordinary Meeting of Council held on 28 June 2005, the Council considered a Confidential item regarding the Proposed Leederville Business District Redevelopment, where the following decision was adopted.

"That the Council;

- (i) APPROVES the quotation received from Jones Coulter Young, Architects and Urban Planners, for preliminary architectural services for the Leederville Business District at a cost of \$11,150 (plus GST);*
- (ii) AUTHORISES the Chief Executive Officer to engage other essential consultants (should the need arise) concerning the planning of The Avenue and Framcourt Carparks, in particular, the re-routing of the main stormwater drain and proposed new Water Corporation sewer;*
- (iii) NOTES that this work will contain commercial sensitive information and is therefore to remain confidential until approval has been granted to make it public knowledge; and*
- (iv) NOTES that a further report concerning this matter will be submitted to the Ordinary Meeting of Council to be held on 12 July 2005."*

DETAILS:

Meeting with Water Corporation

The Town's officers, in discussion with officers from the Water Corporation, previously suggested that a more appropriate route for the proposed "spur" (proposed to be located in the Town's land) was for it to be relocated as follows:

- Connect to an existing reticulation sewer from the junction of the Water Corporation Reserve, where it meets the eastern portion of The Avenue Carpark land
- From here, run in a westerly direction to Leederville Parade, where it will meet the new main sewer. For this to occur, the sewer route would need to be protected by an easement or placed within a road reserve.

In addition, at a further meeting with Water Corporation Officers, it was suggested that the section of the Existing Main Drain which consists of a 1.05 metre diameter pipe line could be relocated from the corner of Vincent Street/Leederville Parade, along The Avenue (at the rear of "Dewsons") and in a southerly direction at the rear of the Oxford Street shops to the western junction of the reserve where it meets the Carpark land.

As previously reported, the cost of relocating the section of drain (*subject to Water Corporation approval*) is estimated to cost \$350,000-\$400,000. It was also suggested that the Town could carry out the required work, subject to the land in the existing reserve being transferred to the Town at no cost.

Meeting with Architect

On 4 July 2005, the Chief Executive Officer, Executive Managers, Cr Chester and representatives from Jones Coulter Young met to discuss the proposed Leederville Business District Redevelopment, with particular emphasis on developing options for the area of land affected by the sewer proposal comprising The Avenue Carpark.

The Architects presented some preliminary subdivision options for The Avenue Carpark land not dissimilar from the Town's preliminary options, however, the favoured option was for the proposed 'east - west' road to be located further to the north (on the Newcastle Street alignment).

The Architects were requested to further develop the proposed subdivisional layout, including the new access road to Leederville Parade and the proposed carpark footprints and building yields, etc.

Further meeting with Water Corporation

The Town's Officers assessed the feasibility of the suggested layout in terms of the proposed sewer and main drain realignments (in terms of alignment and levels) and again met with Officers from the Water Corporation on 6 July 2005.

Water Corporation Officers advised as follows:

- The realignment proposal as prepared and suggested by the Town is "technically feasible".
- The Town would need to engage a suitable consultant to design, submit for approval (to Water Corporation), provide an estimate and document the proposed realignment of the portion of main drain through The Avenue Carpark.

- The Water Corporation's preference would be to include the realignment of the main drain in their 'preliminaries' proposal for project construction (which would include the full scope of works i.e. sewer and main drain), as this would have cost savings to the Town and less disruption to the business proprietors.
- The Town would need to fund the main drain realignment however the works could be implemented by Water Corporation's preferred contractor as part of the sewer works.

The Town's officers enquired whether the land comprising the existing Water Corporation Reserve running diagonally across The Avenue Carpark (which would have no services remaining in it after the relocation/s) would be ceded to the Town. The response was that should the main drain relocation works proceed and the new drain/s were located in a 'reserve' (be it road reserve or other) this should be favourably considered by Management. However, this would need to be the subject of a formal submission by the Town. It is therefore appropriate that the Chief Executive Officer be authorised to negotiate the terms and conditions with the Water Corporation.

Further meeting with Architects

On 7 July 2005, the CEO and Executive Managers met with a representative of James Coulter Young Architects to further consider the proposed concept plans, indicative routes for sewer alignment, possible subdivision layouts and possible new access roads within the area.

Due to the limited time available, the information provided by the Project Architects has been preliminary and schematic. However, this information does provide sufficient details for the Council to make an informed decision concerning the Water Corporation infrastructure, future redevelopment works and also integration of the proposed adjoining Kailis development.

Further information will be provided at the meeting.

CONSULTATION/ADVERTISING:

Not applicable at this stage.

LEGAL/POLICY:

N/A.

STRATEGIC IMPLICATIONS:

This proposal is in keeping with the Town's Strategic Plan 2005-2010, Key Result Areas 3.2, 3.3 and 3.3(a), (c) and (e) as follows;

- 3.2 *"Develop business strategies that provide a positive triple bottom line return for the Town",*
- 3.3 *"Promote the Town of Vincent as a place for investment appropriate to the vision for the Town and Develop partnerships and alliances with key stakeholders",*
 - 3.3(a) *"Adopt policies and practices to promote appropriate investment";*
 - 3.3(c) *"Promote partnerships at the intrastate, interstate and international level to attract investment to the Town and enhance its place as a regional centre";*
 - 3.3(e) *"Encourage local businesses to contribute to the local community."*

FINANCIAL/BUDGET IMPLICATIONS:

At the Special Meeting of Council held on 2 March 2005, an amount of \$35,000 was approved to be reallocated from the "Water Corporation Reserve Upgrade" Cost Centre to "Oxford Centre Redevelopment Consultancies".

The preliminary architectural services will cost \$11,150 (plus GST). The costs of consultants to design and estimate the relocation of the main drain will be funded from the re-allocated funds.

COMMENTS:

In view of the urgency of this matter and the strict time available for the architect to present their initial plans, a further report will be presented at the Council meeting.

It is recommended that the Council "proceed behind closed doors" to consider the concept plans and commercially sensitive information.

ADDITIONAL INFORMATION:

The following additional information was provided only to Elected Members and Executive Managers due to the confidential nature of some of the information provided. The information that remains confidential is indicated with ***.**

Meeting with Water Corporation

The Mayor, Councillor Chester, CEO and Executive Manager Technical Services met with the Chief Executive Officer and other Senior Officers of the Water Corporation on Thursday 7 July 2005. The purpose of the meeting was to advise them of the progress of the Leederville Masterplan, the Town's concerns about the current sewer alignment which would traverse the Council's land and also to ascertain their comments and participation in the Masterplan, for the future development of the Water Corporation land.

The Water Corporation were supportive of the Town's proposal concerning the sewer, ceding the land to the Council and also to co-operate with the Masterplan. They requested that the matter be formalised following the Council Meeting.

The Water Corporation verbally indicated that;

1. they have a long term commitment to Leederville;
2. they propose to increase their employee levels from the current 1,200 to approximately 1,600 over the next few years and this would be achieved by bringing back employees who were decentralised a number of years ago;
3. a major priority for the Water Corporation is for increased security on their site;
4. their building needs would probably necessitate an additional 5,000m² in the short term and 20,000m² in the long term. (This is shown indicatively in the Plan provided by Considine & Griffiths as part of the draft Leederville Masterplan report - as attached);
5. parking for employees is critical in the long term; and

6. their existing Masterplan for their landholdings is outdated and will be re-visited as part of this proposal.

Proposed Relocation of Main Drain

On Friday 8 July 2005, the Town's Executive Manager Technical Services received a phone call from the Water Corporation's Project Manager who verbally advised that, in the event that the main drain is relocated by the Town (at the Town's estimated cost of \$400,000-\$450,000), they would cede the redundant reserve land "free of cost" to the Council. They were requested to provide this information in writing prior to the Council meeting.

Sewer Works

The Water Corporation Officers present at the meeting were not familiar with the details of the proposed sewer works, however undertook to research this matter as a priority in order to advise the Council of their position.

Concept Subdivision Layout

The Project Architect, Jones Coulter Young (JCY), have proposed a two lot subdivision for The Avenue Carpark land. These two lots are approximately *****m² and *****m². These will need further refinement. Preliminary advice obtained from Pracsys supports a two lot subdivision with businesses fronting the proposed new gazetted road. They advise that parcels of land of this size would provide a greater yield than a three lot subdivision.

More detailed information will be provided on a confidential basis at the Forum to be held on 19 July 2005.

Water Corporation Offer

On Tuesday 12 July 2005, the Town received a letter from the Water Corporation. In summary, they have advised of the following;

"The Water Corporation has considered the option to relocate portions of the "Mounts Bay Main Drain" and "Perth Main Gravity Sewer" that currently traverse the Council's public carpark bound by The Avenue, Leederville Parade and Oxford Street. Once the sewer and drain have been relocated to the satisfaction of the Water Corporation, the land no longer required by the Water Corporation would be transferred to the Town of Vincent for \$1.00 (plus GST).

The Water Corporation, in conjunction with the Town of Vincent has developed preliminary, alternative drain and sewer alignments that could be implemented should a land transfer occur. In order for the main drain and sewer realignment to occur, the Water Corporation has determined that the following tasks will need to be performed:

- *Decommission existing services currently within the portions of Water Corporation land to be transferred. (The current main sewer will be decommissioned and remain in-situ).*
- *Design and survey the realigned main drain and sewer links, and obtain all relevant approvals.*
- *Procure materials and construct the main drain and sewer, in accordance with the approved plans.*

- *Make application to the Western Australian Planning Commission (WAPC) to subdivide the subject land from the parent titles, and amalgamate with surrounding land parcels that are owned by the Town of Vincent.*
- *Create easements (either temporary or permanent) and/or gazette roads over the new drain and sewer alignments to adequately protect Water Corporation infrastructure, in accordance with Water Corporation Standards.*
- *Terminate the existing lease agreement over the subject land, and establish a new lease over the balance, if required.*

*The above works have been assessed by a Water Corporation quantity surveyor and have an approximate value of [up to] \$***** (yet to be costed). Given the similarity in pricing, the Corporation would be prepared to transfer the land shown on the attached plans to the Town of Vincent for \$1.00 (plus GST) subject to agreement with the following conditions:*

1. *The Town of Vincent will fund all costs associated with the design, surveying, procurement, construction, decommissioning and subsequent ground reinstatement associated with the realignment of the drain, to the satisfaction of the Water Corporation.*
2. *The Town of Vincent agrees to meet all costs associated with the preparation, negotiation, execution, stamping, delivery and registration (where required) of the Contract of Sale, any deed of easement, road gazettal and the transfer.*
3. *The Town of Vincent will allow the creation of easements and/or gazetted roads over its land to protect the proposed alignments of the main drain and the reticulation sewer (as indicated on the attached plan) to the specification and satisfaction of the Water Corporation. The creation of easements will be conducted by the Corporation's solicitors, at the expense of the Town of Vincent.*
4. *On transfer of the subject land, the Town of Vincent agrees that the Water Corporation can waive its responsibilities under clause 6.8(b) of the licence agreement (signed 25 May 2002) between the Town and the Corporation and relating to the subject land. This will expedite the land transfer by allowing immediate termination of the lease agreement, rather than requiring a 12 month notification period. A new lease agreement may need to be established over the balance of land, which will be prepared by the Water Corporation's solicitors at the expense of the Town of Vincent.*
5. *The Town of Vincent agrees to fund the lodgement of a notification on the new title of the transferred land, recognising the existence of any decommissioned pipe sections which may have to remain in-situ (NB: upon request the Town of Vincent will be notified of pipe details).*
6. *The Town of Vincent shall make no claim against the Water Corporation in relation to lost revenue from the carparking area, resultant from the sewer/drain realignment works.*
7. *The Town of Vincent accepts the land on an "as-is" basis, and may not make any claim for compensation against the Water Corporation in relation to possible contamination of the land.*
8. *The Town of Vincent agrees to fund all costs associated with an application to the WAPC to subdivide the subject land from the parent titles to create new Certificates of Title, and amalgamate the land with the surrounding parcels owned by the Town of Vincent. The subdivision/amalgamation application will be lodged and managed by Whelans on behalf of the Water Corporation.*

9. *Settlement of the Contract of Sale will not occur until such time as all diversion works are complete to the satisfaction of the Water Corporation, easements are prepared and lodged, and new Certificates of Title have been issued for the transferred land.*
10. *Each party will be responsible for its own settlement costs in relation to the land transfer.*

In order for the Water Corporation to achieve critical milestones identified for Perth Main Sewer Rehabilitation Section 5 Stage 2, we request final location details of the proposed reticulation sewer by the Town of Vincent no later than 8 August 2005.

Upon receiving your written advice, the Corporation will proceed to draft a Contract of Sale. The Contract of Sale will integrate the above requirements into its standard conditions of sale."

Following the receipt of the letter from the Water Corporation the Executive Manager Technical Services (EMTS) contacted the Water Corporation Project Manager Mr Carl Hendrix to discuss several aspects outlined in their letter as follows:

The area of Water Corporation land to be ceded to the Town

The Executive Manager Technical Services advised the Water Corporation that while they have indicated that the area of land which to be ceded to the Town comprises *****m² the Town's proposal as outlined on plan No 2357-CP-1 indicates that the area of Water Corporation land will be approximately *****m². **(Plan is Confidential.)**

The Water Corporation indicated that their figure was indicative only and for the exercise included the total area of their land including the portions which will ultimately become road reserve (with the creation of the Town's future subdivision).

Estimated cost of the Main Drain Realignment

The Executive Manager Technical Services was advised that this again is indicative only and for accountability the exercise was for the cost of the main drain realignment to more or less equal the cost of the Water Corporation land to be ceded to the Town.

(Costings remain confidential.)

Decommissioning of existing services

Existing main sewer

The Executive Manager Technical Services has been advised that the decommissioning of the main sewer will be at the cost of the Water Corporation as part of the main sewer works. Given the Town's concerns, the Water Corporation will pump slurry in the section of deteriorated main sewer within the area of land to be ceded to the Town. The slurry will comprise a sand/cement mix with a strength of 0.7mpa. (Concrete used to construct a footpath has a concrete strength of 20mpa!). This will give the Town the following options when building on the site:

- Able to build over the existing section of obsolete sewer or
- The sewer would be easily removed should deeper excavations be required. (A slurry mix of 0.7mpa can be dug with a shovel)

Existing main drain

The portion of main drain which will remain in the (old) Water Corporation land will be able to be built over by considering in the footing design as the concrete pipes are in good condition. Alternatively they could easily be removed at the excavation/footing construction stage should the depth of the proposed future building necessitate this.

Project Implementation

It is proposed that the main drain realignment be included in the Water Corporation sewer project preliminaries. Water Corporation will engage a consultant to design and document the main drain realignment (variation will be sort from Water Corporation existing consultant for this additional work).

The implementation of the main drain could then be treated as follows:

- As a separate project
- As a variation to the overall (sewer) project
- As part of the \$12 million sewer project.

Note: This would need to be determined.

Whichever option is chosen (based on best value) each component of the project will be scheduled separately, tenders for the project will be called and the due process will be followed to engage the preferred contractor. The Town would have input and comprise part of the selection panel.

Timetable

This would need to be determined in consultation with the Water Corporation. No funds for the main drain realignment have been included in the 2005/2005 budget. In addition, the timing for the creation of the creation of the proposed subdivision (or creation of easements - in the short term?) would need to be determined prior to the implementation works (main drain and reticulation sewer were in the Town's land) proceeding.

Conclusion

Finally, the Executive Manager Technical Services was advised that the Water Corporation are very keen to work with the Town to achieve the desired outcome and in simple terms - for the Town to realign the main drain and the Water Corporation to cede the required land to the Town to enable the proposed Leederville redevelopment proposal to come to fruition.

The Water Corporation conditions will require investigation and cost implications to the Town. Accordingly, the CEO should be authorised to enter into negotiations with the Water Corporation to progress this matter.

At 10.25pm **Moved Cr Maier, Seconded Cr Farrell**

That an "open" meeting be resumed.

CARRIED (8-0)

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

14. CLOSURE

The Presiding Member, Mayor Catania JP, declared the meeting closed at 10.25pm with the following persons present:

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

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 12 July 2005.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2005