



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

28 APRIL 2009

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	(iv) WALGA Member - Environmental Regulation Stakeholder Reference Group;	
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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 28 April 2009, commencing at 6.00pm.

1. DECLARATION OF OPENING

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

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Anka Burns – apologies due to being unwell.
Cr Izzi Messina – apologies – arriving late due to work commitments.
Rick Lotznicker, Director Technical Services – due to local government business commitments.

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward (from 6.07pm)
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Mike Rootsey	Director Corporate Services

Approximately 40 Members of the Public

(c) Members on Approved Leave of Absence:

Cr Ian Ker due to personal commitments.
Cr Noel Youngman due to local government business commitments.

Cr Messina entered the Chamber at 6.07pm.

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

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

1. Ann Aman on behalf of her parents – Item 9.1.1. Stated she sent an email late last week. Stated the boundary wall on the south-west corner does not provide sufficient visibility for vehicles exiting the site. Also has concerns about the height and length of the boundary wall. Asked if this item gets approved, are they able to build the same wall with the same size?

Cr Messina departed the Chamber at 6.11pm.

2. Marie Slyth of 89 Carr Street, West Perth – Item 9.1.11. Read out the following:
“We challenge Council in its latest pronouncement of Objectives of the this draft Policy because these latest amendments have diluted the intent of the Draft residential streetscape policy.

We would remind Council that there are many ratepayers in the Town of Vincent who happen to love the streetscape in which they live and find happiness in the visual ambience of such streets, which streets often also hold a strong sense of neighbourhood community. In fact, studies done on sustainable communities reveal that attractive and functional streetscapes increase resident’s quality of life and their property values. To throw this existing “embodied energy away” by demolishing historic houses and wrecking streetscapes and then expending more energy by

building new ones is simply not sustainable. In its Vision 2024, TOV set out to become a model town with many of its streetscapes preserved to encourage community interaction and exchange.

To have such streetscapes continually chewed away at by redevelopment begins to undermine that sense of contentment and happiness and community spirit.

It is a great pity that the Town have not taken the following steps much earlier in light of Vision 2024, i.e. when new owners come into the Town, out of consideration for its existing ratepayers, the Town should emphasize how important the community spirit is in the town and tell newcomers they need to build into their plans consideration for neighbours, especially in existing character streetscapes.

Nothing spoils a community spirit more than living in fear of losing their privacy in their backyard, side windows, parapet walls blocking out their light and destroying views, pursued by selfish developers continually pushing council to go beyond Council guidelines to get what they want at the expense of adjoining neighbours.

We all know that because we live close to Perth city that development is inevitable, but why not remember that to retain examples of historic streetscapes is vitally important – to our Vision 2024 and all affected victims for whom it is and can be very demoralizing.

In addressing the critical need to preserve certain character streets, I point to the character and amenity of Carr Street (between Cleaver and Charles Streets) which has a wonderful ambience (so frequently commented on by neighbours who live in this section of Carr street as well as visitors) which truly contributes to the overall character of the Town of Vincent. This Carr Street section exhibits such a rare example of an historic Australian character streetscape, with its tree lined footpaths which encourage pedestrian activity, that people wish to live in the street for this very reason. So popular are historic homes in this street, that an early 1900s semi recently sold within two weeks of being put on the market in these increasingly difficult financial times. Most importantly this ref. section of Carr Street espouses a true neighbourhood community spirit, an atmosphere where neighbours actually know each other and look out for each other, something TOV continually promotes, especially with its annual Neighbourhood day.

It is important to know that for long time residents this streetscape holds a strong “sense of place” of belonging, such as is prevalent in so many other countries, like England and Europe, where people treasure their beautiful streetscapes and care and look after them. Additionally, future generations need to be able to at least have window through which they can see what lovely earlier homes were like, and which in time will become a lure for tourists in WA – a mini sample of “Old Town” streetscapes as also will. Hammond and Janet Streets which are also rare historic streetscapes which must be protected.

One only has to cross over Charles Street to the eastern side of Carr Street between Charles and Fitzgerald Streets, to notice a complete change of atmosphere.. There appears to be a continual turnover of residents in the ugly two and three storey dwellings which cram the streetscape – few neighbours know each other.

A sad indictment so the foregoing are the reasons why I challenge the Town on its amended objectives. When it states OBJ (1) To create a Policy that embraces the outcomes of the community visioning of Vincent Vision 2024 (i.e. preservation of streetscape character where appropriate) (you all have these before you) because in order for OBJ (2) and OBJ (3) to be acted upon, but then deleting OBJ (4), Council is virtually trampling on the very language and intent of the Policy itself. OBJs (5) and (6) also become meaningless.

Cr Messina returned to the Chamber at 6.12pm.

3. Kim Hayman of 37 Federation Street, Mt Hawthorn – Item 9.1.3. Stated he and his wife purchased the property in July 2000 with a view to building their family home in a well established area and over the past year have been working exclusively with Atrium to design a family friendly home that complies with the Town's by-laws but also makes use of the space on the block and, where possible, energy efficient. Stated it is designed in accordance with R Codes to achieve an average setback of greater than 6m. Advised the original concept was to create a sufficient rear yard suitable for their family needs without the necessity of front yard fencing to create an environment for their children to play safely and freely. Stated enlarging the front setback would necessitate the requirement for a fence which would impact on their lifestyle and be detrimental to the visual impact on the streetscape and lose approx. 16-18m² of rear yard. Stated he engaged a licensed surveyor to calculate the average setback of neighbouring properties and No. 39, 40 and 41 have an average 3.9-4.6m and believes this should be influential to their proposed setback. Stated the reduced setback results in the loss of access to their bore system forcing them to use the main water system to maintain the garden which isn't environmentally friendly. Stated the Town's Officers are of the opinion that the reduced setback will not be detrimental to the streetscape as all adjoining properties have similar setbacks. Stated during the original community consultation there were no objections received from the neighbours. Requested approval of the submission.
4. Jonathan Griffiths of 38 Barlee Street, Mt Lawley – Item 9.1.16. Attended the Public Meeting last week. Stated he wanted to minimise the amount of alcohol and broken glasses on the route his children walk to school. Believes the people present at the meeting were overwhelmingly against extended trading and there was a slight feeling of fatalism about it as extended trading and increased numbers of "drunks" about the place were part of an inevitable progress.
5. Vanessa William of 4 Galwey Street, Leederville speaking on behalf of her neighbour at No. 6 (Mrs Maiolo) – Item 9.1.4. Objected to the west facing parapet wall abutting her boundary. Stated Mrs Maiolo one day intends to leave her property to her children who may decide to subdivide. Believes it is grossly unfair that the parapet wall is going to be on her boundary. Requested the parapet wall come in line with the rest of the proposed house, therefore being a 1.2m gap between the house and boundary. Ms William also requested that, if possible, the upper bedroom windows of the southern facing bedroom windows to possibly have some screening as their living that faces that has ceiling to floor windows.
6. Leone Crow – 9 Hyde Street, Mt Lawley – Item 9.1.7. Thanked Councillors and Planning Department for the time spent in reconsidering the application. Stated long-term residents of Hyde and Grosvenor Roads welcome the low keep establishment for reasons set out in her last letter to Council. Stated Sweet Java operates 5 evenings a week for 3½ hours per night (Tuesday to Saturday from 6-9.30pm). Advised no changes are envisaged to the times whilst the business trades under Sweet Java. Stated parking has never presented a problem in 3 years of operation however other conditions are reasonable and they are able to implement. Asked Council to think about the small hours of trading and the large amount of parking required for this small business.

7. Peter Donkin of 10 Janet Street, West Perth – Item 9.1.8. Noted in the Agenda that plans have been amended, they are concerned that they have not had access to the plans as they weren't download and the Officer only works on Monday and Wednesday, Monday being a public holiday it was difficult to get hold of her. Concerned about the façade with the streetscape and how it will look with the street.
8. Lyn Oliver of 43 Lawler Street, North Perth – Item 9.1.11. Urged Councillors to approve the draft Policy. Believes the Policy is an opportunity to balance the need for high density planning whilst retaining character in the Town. Stated when the Policy first come out, Lawler and Doris Streets were able to achieve 81% approval by residents in favour of the Streetscape Policy. Believes the amended Policy addresses some concerns raised by residents, mainly the second storey addition which is now allowable. Believes a much higher approval rate will be able to be achieved in Lawler and Doris Streets if they are given the opportunity to do so. Believes the Town is in an enviable position of having some beautifully intact streetscapes which add quality to peoples lives by simply living in them or passing through them which will be extremely valuable and sort after homes, as they are now, but more so in the future. Urged Council to vote in favour of the Policy to give them the opportunity to make it work to strike the balance required between growth and character.
9. Daniel Patterson of 15 Waterford Drive, Hillarys – Item 9.1.8. Advised that following the original planning application and receiving word that a few neighbours had lodged concerns about the original application, two representatives from Domination Homes met with the neighbours concerned to get a full understanding of their point of view on 9 March 2009. Following the meeting, the issues were presented to the Owner who then, sympathetically, worked with them to amend the proposed plans to reduce the impact on adjoining neighbours. Stated the amendments came at a cost as well as lose of amenity to the original design. Advised the original concept has been reduced by approx. 26m² with the new concept costing a further \$15,000 which the Owner has agreed to in good faith in order to move forward. Stated they have addressed as many concerns as possible and believes they have done so in keeping with the Design Guidelines. Requested Council to approve the recommendation as supported by the Town's Planning Department.
10. John Waddingham of 23 Anzac Road, Leederville – Item 9.1.11 and 10.1. Disappointed with direction taken by Council in the Policy. Believes the original draft was far too prescriptive and rightly attracted a lot of criticism and feels now it has gone a bit too far the other way and too un-prescriptive and will cause too many arguments. Believes it was possible to set a medium which would protect character streetscapes but not been so restrictive. Recommended adoption of the Policy and support of the "opt-in" policy. Confused about part of the recommendation, feels it is a bit "murky" – how will the existing 17 streets will actually finally be approved for adoption in the Policy. Believes it would make more sense to conclude the consultation process and finalise it before putting it to the streets that are going to be directly affected by it. Stated there is a hanging reference to workshops in clause (iv) however no where else. Requested when this is circulated to residents, it is a "clean copy" without strikethrough and underlining. Noted this is to be advertised in a newspaper and questioned which newspaper it would be. Believes the paper it is easiest to see ads in is "The Voice" as it is more reliability and widely circulated and has many less ads in it which makes it easier to see ads. Stated accusations have been made that the Town is not advertising competitively and if that is correct, it needs to be addressed by Council.

11. Rose Acres on behalf of her parents Mr and Mrs Fiamengo of 14 Janet Street, West Perth – Item 9.1.8. Concerned about the streetscape of the proposed development and the parapet wall which is cutting light into their house as they have a window where the wall is going to go and there is not a lot of room between wall and window. Also concerned that the development will be built on top of their sewer which was approved by Council many years ago which could be a problem.
12. Sunjiv on behalf of his parents of 51 Joel Terrace, East Perth and their neighbour at the corner of Joel and Westralia – Item 9.1.6. Stated there were quite a few objections however many people could not make it down due to the short notice. Main issue is that it has been claimed that the 10m high Unit 4 and 5 will not affect the views which they believe is incorrect as their views of the river are over this very site which would cause a big impact on the views as well as the fact that the setbacks on the southern boundary are a lot less than required.
13. Peter Grant of 15 Janet Street, West Perth – Item 9.1.8. Noted in the new appendix for the revised Schedule of Streets, that Janet Street is included. In his knowledge of Alma, Brisbane, Carr, Daphne and Hammond Streets, none are an extant street. Believes Janet Street remains the only street in the Town which is an intact 1920's development. Stated it can be seen from the roof lines of the houses, developments at 2 and 4 Janet Street have been integrated successfully with preserving streetscape and developing a rear lane which provides access to a development. Objected to the size and bulk of the building as it will infringe their amenity and the streetscape. Stated this proposal is completely not compliant with the draft amendment for streetscapes later in the meeting i.e. there is only a 2m setback on the upper floor whereas the new proposal requires 4m. Believes there has been no heritage assessment of the impact on the streetscape of this development with respect to the new house, over and above the value of the house which they acknowledge has been rundown and un-maintained for over 12 years. Stated the original proposal was way outside the R Codes. Believes there is no compromise and the parapet wall will be extremely oppressive on the Fiamengo's whose whole living area exists along the eastern side of their house and their only outdoor area will be shadowed by the parapet wall of over 2m high. Requests Council defer the decision to give residents time to consider the new plans and so heritage and airflow assessments can be completed to give indication where the substantial air-conditioning units will be placed to ventilate the large building.
14. Geoff Bollom of 5 Sheridan Lane, West Perth – Item 9.1.8. Advised that they have not been able to see the revised plans. Concerned about the north facing window on top of what appears to be the garage area – on the original plans it was quite a substantial sized window which would look directly into their courtyard windowed area that faces south which is the only living area in the property. Stated this may have been attended to in the amendments however, if it has not can it be looked at to either reduce the height of the window or use of frosted glass as it will dramatically impact on their privacy.
15. Ken McFarlane of 58 Joel Terrace, East Perth – Item 9.1.6. Stated he purchased the property several years ago to build 8 solar homes overlooking the park and river and, as resolved over 18 months of design work, they have come back to a maximum of 6 dwellings on that site to comply with the Swan River Trust, Western Power, Town setbacks and the sewer main, all of which have come to restrict the site to the building envelope for each of the units to the minimum possible area of 160m². Stated the balance between trading, passive and active solar houses on a site with a nice northern aspect while keeping it liveable, has meant that each unit has only one bedroom on each level. Stated that they have had to sink the building further into the

ground to comply with the 9m heights – not 10m as stated earlier. Advised they have had discussions with the Director Technical Services to steepen the driveway up to the maximum permissible slope required under the Australian Standards and to get access into the double garaging so there is no need for additional parking as the garaging is designed to provide at least 2 parking bays and some additional area in front of them for visitors although there is a visitors bay at the top. Stated this means that 5 units are cut into the ground up to 1.5m on one side and only the entry to the garage ends up being level with the driveway slope – the net result being that visually the units all end up 2 storey's from both the street and from Banks Reserve. Stated in accordance with trying to reduce the scale of the wall over the 3 designs produced over the last couple of years, the upper levels have been lofted so the living areas on the upper rooms have a pyramid ceiling coming down to approx. 1.2m. Advised all images were shown on the photo shop drawing which he is not sure if they were presented to the Town, images to show the real scale and real visual effect which, from the street, because of the height of the slope many units are not visible from the street as the roof is below street level by up to 3m on the lowest unit. Stated they have had to try to keep the building attractive from 3 sides as it is visible walking along the footpath from both the Western Power lot, reserved site and the street together with maintaining a visual scale of 2 storey's. Stated part of the agreement with the Swan River Trust was to use landscaped walls to soften the impact of the walls which they wanted done is a dark colour. Believes they have complied with the height requirements and setbacks. Requested approval.

16. Andrei Buters of The Perth Voice Newspaper asked if he could be provided with the proposed amendments which were on the media desk.

The Presiding Member, Mayor Nick Catania agreed to his request and the amendments were duly provided to him.

There being no further speakers, public question time was closed at approx. 6.40pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

- 5.1 Petition received from Mr B. Affleck of Beaufort Street, Mount Lawley together with 10 signatories requesting that the Town amends the parking restrictions in the Raglan Road Car Park, Mount Lawley from representatives of small businesses adjacent to this Car Park, so that there is greater amenity to short term parking at all times of the day (including weekends and public holidays).

The Chief Executive Officer recommended that the petition be received and considered as part of the debate on Late Item 9.1.16.

Moved Cr Farrell, Seconded Cr Messina

That the Petition be received and considered as part of the debate on Late Item 9.1.16.

CARRIED (6-0)

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

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Meeting of Council held on 14 April 2009.

Moved Cr Farrell, Seconded Cr Maier

That the Minutes of the Ordinary Meeting of Council held 14 April 2009 be confirmed as a true and correct record.

CARRIED (6-0)

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

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Town of Vincent Anzac Day Ceremony - 2009

I am pleased to announce that this year's Anzac Day Ceremony was the best ever. I have received lots of positive feedback. The attendance was in excess of 600 people, which easily surpasses previous attendances of 400-500 people.

I would like to pass on my thanks to the Senior Community Development Officer, Jamie Bennett and the Town's Community Development Section for the organisation of the Ceremony. Co-ordinator Ranger Services, Peter Cicanese, did an excellent job again this year leading the Parade, etc.

Thanks also to the Rangers, Parks and Engineering staff for their services and to all involved who I haven't mentioned above, for a job well done.

The Mount Hawthorn RSL Sub-Branch were most appreciative of the Town's support and organisation of the event.

The weather was also brilliant!!

7.2 Urgent Business

I have agreed to a request from Councillor Izzi Messina to include into tonight's Agenda two items of Urgent Business relating to;

1. Request for investigation of a Self-Cleaning Toilet in the Mount Lawley Business District; and
2. Request for Investigation of "Residential Only" parking in certain streets in the Mount Lawley Business District.

Both items have financial and/or legal implications for the Town and it is therefore important that the Council give direction to the Town's Administration in both these matters, as a matter of urgency.

7.3 Late Items

It is advised that I have approved of two Late Items on tonight's Agenda as follows:

1. Item No. 9.1.16 relating to Nos. 639-643 (Lot 1) Beaufort Street, Mount Lawley - Public Meeting to Discuss Parking and Anti-Social Behaviour in the Mount Lawley Precinct and the Renewal of Extended Trading Permit for the Flying Scotsman Tavern.

This is included in tonight's Agenda, as the Council has been requested to submit its comments to the Director - Racing, Gaming and Liquor Licensing by 30 April 2009.

2. Item No. 9.4.6 relating to a donation to the Italian Earthquake Appeal.

7.4 Funding Allocation – Roads to Recovery Program

I am pleased to advise that the Council recently received a letter from the Hon Anthony Albanese, MP - Minister for Infrastructure, Transport, Regional Development and Local Government advising of the our funding allocation under the Roads to Recovery Program.

A total of \$256 million has been allocated to Western Australia, of which the Town's allocation for the five year period from 1 July 2009 to 30 June 2014 will be \$865,573. These funds will be available from 1 July 2009.

The program will continue to run under simple administrative arrangements with Councils free to decide the projects to be funded under the Program, as they are now. The Minister's Department will confirm the formal funding conditions in the coming months.

7.5 Italian Earthquake Appeal

The Italian Earthquake Appeal is set to launch on 1 May 2009 at Members Equity Stadium at 7.00pm. This is part of an Australia-wide co-ordination by "Il Globo" newspaper, who have asked me to co-ordinate the Western Australia sector, with New South Wales being co-ordinated by Morris Iemma (ex-Premier).

All donations will be received at the WA Italian Club or North Perth Community Bank, and will be placed in a Trust until a project is identified on which to spend the money.

I urge everyone to support the Appeal.

8. DECLARATIONS OF INTERESTS

- 8.1 Mayor Catania declared a Financial interest in Item 9.3.1 – Investment Report. The extent of his interest being that he is the chairperson of the North Perth Community Bank in which the Town has shares.
- 8.2 Mayor Catania declared a Proximity interest in Item 9.1.11 – Amendment No. 43 to Planning and Building Policies – Draft Policy Relating to Residential Streetscapes. The extent of his interest being that he is the owner of 112 Forrest Street, North Perth. Mayor Catania requested approval to participate in the debate on matters other than Forrest Street and vote on matters other than Forrest Street.

- 8.3 Cr Messina declared a Financial interest in Item 9.3.1 – Investment Report. The extent of his interest being that he is a director and shareholder of the North Perth Community Bendigo Bank in which the Town has shares.

At 6.49pm Mayor Nick Catania departed the Chamber whilst his declaration of interest was being considered. Cr Farrell assumed the Chair.

Moved Cr Messina, Seconded Cr Doran-Wu

That Mayor Catania's request to participate in debate and vote on matters other than Forrest Street in Item 9.1.11 – Amendment No. 43 to Planning and Building Policies – Draft Policy Relating to Residential Streetscapes, be approved.

CARRIED (5-0)

(Mayor Nick Catania was absent from the Chamber and did not speak or vote on the matter. Cr Ker and Cr Youngman on approved leave of absence. Cr Burns was an apology for the meeting.)

At 6.51pm Mayor Nick Catania returned to the Chamber.

The Chief Executive Officer advised Mayor Nick Catania that his request was Carried 5-0.

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

Nil.

10. REPORTS

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

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

Items 9.1.1, 9.1.11, 9.1.3, 9.1.16, 9.1.4, 9.1.7, 9.1.8, 9.1.6 and 10.1.

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 9.4.2 and 14.2.

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

Items 9.3.1 and 9.1.11.

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

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

Cr Farrell	Nil.
Cr Messina	Item 9.4.5.
Cr Doran-Wu	Nil.
Cr Lake	Items 9.1.12, 9.1.14 and 9.1.10.
Cr Maier	Item 9.1.13.
Mayor Catania	Nil.

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

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

Items 9.1.2, 9.1.5, 9.1.9, 9.1.15, 9.2.1, 9.2.2, 9.2.3, 9.3.2, 9.3.3, 9.4.1, 9.4.3 and 9.4.4.

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

Items 14.1, 14.2 and 14.3.

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

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

Items 9.1.2, 9.1.5, 9.1.9, 9.1.15, 9.2.1, 9.2.2, 9.2.3, 9.3.2, 9.3.3, 9.4.1, 9.4.3 and 9.4.4.

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

Items 9.1.1, 9.1.11, 9.1.3, 9.1.16, 9.1.4, 9.1.7, 9.1.8, 9.1.6 and 10.1.

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

Moved Cr Farrell, Seconded Cr Maier

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

Items 9.1.2, 9.1.5, 9.1.9, 9.1.15, 9.2.1, 9.2.2, 9.2.3, 9.3.2, 9.3.3, 9.4.1, 9.4.3 and 9.4.4.

CARRIED (6-0)

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

9.1.2 No. 68 (Lot: 1 D/P: 9096) Alma Road, Mount Lawley – Proposed Two (2) Two-Storey Single Houses – Reconsideration of Condition

Ward:	South	Date:	20 April 2009
Precinct:	Norfolk; P10	File Ref:	PRO3942; 5.2009.129.1
Attachments:	001		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by David Reid Homes on behalf of the owner M T Nguyen for proposed Two (2) Two-Storey Single Houses – Reconsideration of Condition, at No. 68 (Lot: 1 D/P: 9096) Alma Road, Mount Lawley, and as shown on plans stamp-dated 20 April 2009, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate within the Alma Road setback area including along the side boundaries within this street setback area, shall comply with the following:*
 - (a) the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (e) the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
 - (f) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *each carport being one hundred (100) per cent open on all sides and at all times (open style gates/panels with a visual permeability of eighty (80) per cent are permitted), except where it abuts the main dwellings;*
 - (b) *the ponds shown on the ground floor plan being deleted from the proposal and the proposed carports being reduced to a width of 5.4 metres;*
 - (c) *the maximum overall building height for each dwelling being 7 metres above the natural ground level;*
 - (d) *the two-storey dividing wall between the dwellings on the Alma Road elevation being reduced to a maximum height of 4 metres above the natural ground level or being setback a minimum of 6 metres from the Alma Road boundary;*
 - (e) *the crossover and driveway for House 1 being reduced to a maximum width of 3 metres and 4 metres, respectively, and being no more than 300 millimetres above the existing crown of the adjacent road; and*
 - (f) *the crossover and driveway for House 2 being setback a minimum of 0.5 metre from the trunk of the verge tree, reduced to a maximum width of 3 metres and 4 metres, respectively, and being no more than 300 millimetres above the existing crown of the adjacent road.*

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

- (iv) *a detailed landscaping plan, including a list of plants and the landscaping of the Alma Road verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (v) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s).*

COUNCIL DECISION ITEM 9.1.2

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

CARRIED "EN BLOC" (6-0)

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

Landowner:	M T Nguyen
Applicant:	David Reid Homes
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R40
Existing Land Use:	Vacant Land
Use Class:	Single House
Use Classification:	"P"
Lot Area:	507 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

13 December 2007 Demolition Licence issued for the demolition of the existing single house. A Planning Approval was not required in this instance as the Town's Officers determined that the house was unfit for human habitation and had the potential to cause danger to the community.

20 August 2008 The Town under delegated authority from the Council approved an application for two (2) two-storey single houses subject to several conditions, including the following:

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

(b) the ponds shown on the ground floor plan being deleted from the proposal and the total width of both carports being a maximum of 10.06 metres and in accordance with AS2890.1 – "Off Street Parking";"

15 January 2009 A Building Licence Application for the Planning Approval granted on 20 August 2008 was submitted to the Town.

DETAILS:

The proposal involves the reconsideration of the following condition *(iii)(b)* of the Planning Approval granted on 20 August 2009 for proposed two (2) two-storey single houses:

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

(b) the ponds shown on the ground floor plan being deleted from the proposal and the total width of both carports being a maximum of 10.06 metres and in accordance with AS2890.1 – "Off Street Parking";"

In the context of a double carport, this condition cannot be achieved as the Australian Standard states that the minimum width of a double carport is to 5.4 metres, and with both carports, equals a total width of 10.8 metres, which is more than the required 10.06 metres stated in the condition.

At Building Licence stage, if the applicant was to amend the application to include a single carport and an open car bay to comply with the above condition, it would more than likely result in a major redesign to the front elevation of the proposed dwellings and not in an aesthetically positive way.

The applicant is proposing that this condition be deleted from the Approval and a new condition be applied stating the following:

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

(b) the ponds shown on the ground floor plan being deleted from the proposal and the proposed carports being reduced to a width of 5.4 metres.”

This condition will allow for the carports to comply with the Australian Standard requirement and will not have an undue impact on the amenity of the streetscape.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density:	2.3 dwellings	2 dwellings	Noted – no variation.
Plot Ratio:	N/A	N/A	Noted – no variation.
Carports and Garages:	The total width of the carports should not exceed more than 50 per cent (10.06 metres) of the width of the frontage.	Total width = 10.8 metres or 53.68 per cent of the width of the frontage.	Supported – not considered to have an undue impact on the amenity of the area and 5.4 metres is the minimum width of a carport to comply with the Australian Standards.
Consultation Submissions			
Further consultation was not required in this instance as the proposed variation to the carport and garage requirements is a streetscape issue and will not directly affect any particular neighbouring properties. The previous application received one submission of support and one objection relating to a number of issues. With regard to the carports, a comment was made on the setback of the carports being too close to the boundary. The Town’s Officers did not support that objection as carports can be built up to the front boundary in terms of the R Codes. The objector to the previous application has been advised that the subject application is to be reconsidered by the Council.			
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Sustainability Implications			Nil
Financial/Budget Implications			Nil

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

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

COMMENTS:

In light of the above, it is recommended that the Council approve the application to reconsider condition *(iii)(b)* of the Planning Approval granted on 20 August 2008 and apply an appropriate condition requiring compliance with the Australian Standards for Car Parking.

9.1.5 Nos. 394-398 (Lot: 123 D/P: 4069) Newcastle Street, West Perth - Proposed Demolition of Existing Warehouse and Construction of Five-Storey Office Building and Associated Car Parking

Ward:	South	Date:	20 April 2009
Precinct:	Beaufort; P13	File Ref:	PRO3657; 5.2008.553.1
Attachments:	001		
Reporting Officer(s):	R Rasiah, D Pirone		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Banham Architects on behalf of the owner Vandar Properties Pty Ltd for the proposed Demolition of Existing Warehouse and Construction of Five-Storey Office Building and Associated Car Parking, at Nos. 394-398 (Lot: 123 D/P: 4069) Newcastle Street, West Perth, and as shown on amended plans stamp-dated 2 April 2009, subject to the following conditions:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *any proposed vehicular entry gates to the car parking area shall have a minimum 50 per cent visual permeability and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors of the commercial tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
- (iii) *the owner(s), or the applicant on behalf of the owner(s), shall comply with the Town of Vincent Percent for Public Art Policy No. 3.5.13 and the Percent for Public Art Guidelines for Developers, including:*
 - (a) *within twenty – eight (28) days of the issue date of this ‘Approval to Commence Development’, elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash in Lieu Percent for Public Art Contribution, of \$130,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$13,000,000); and*
 - (b) *in conjunction with the above chosen option;*
 - (1) *Option 1 –*
prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and

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

OR

- (2) *Option 2 –
prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the Town for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;*
- (iv) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (v) *first obtaining the consent of the owners of Nos. 406 Newcastle Street and No. 141 Fitzgerald Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 406 Newcastle Street and No. 141 Fitzgerald Street in a good and clean condition;*
- (vi) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (vii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access via Newcastle Street and the side right-of-way (ROW), dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town;*
- (viii) *prior to the first occupation of the development, thirty four (34) class one or two class plus eight (8) class three bicycle parking facilities, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (ix) *doors, windows and adjacent floor areas of the office fronting Newcastle Street and the side right-of-way shall maintain an active and interactive relationship with this street and the side right-of-way;*
- (x) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (xi) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (xii) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (xiii) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (xiv) *the car parking area shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*

- (xv) *any new street/front wall, fence and gate within the Newcastle Street setback area including along the side boundaries within this street setback area, shall comply with the following:*
- (a) *the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
 - (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (xvi) *all car-parking bays shall be dimensioned on the Building Licence application working drawings and all car parking facilities shall comply with the minimum specifications and dimensions specified in the Town's Parking and Access Policy and Australian Standards AS2890.1 – "Off Street Parking";*
- (xvii) *prior to the issue of a Building Licence, a legal right of access through the adjacent private right of way shall be established and endorsed on the title of the development lot, to the satisfaction of the Town;*
- (xviii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *continuous and complementary awnings being provided over the Newcastle Street footpath and adjacent to the lift lobby, end of trip area and fire escape area, in accordance with the Town's Local Laws relating to Verandahs and Awnings over Streets, with the awnings being a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 500 millimetres from the kerb line of Newcastle Street ;*
 - (b) *the provision of end of trip facilities for bicycle users in accordance with the Town's Policy relating to Parking and Access;*
 - (c) *a bin compound being provided in accordance with the Town's Health Services Specifications, based on 1 x mobile garbage bin per unit and 1 x recycle bin per unit, or per 200 square metres of floor space; and*

- (d) *the right-of-way being widened by a minimum of 1.5 metres, a 1.5 metres by 1.5metres truncation being provided at the intersection of the right of way and Newcastle Street, and such land ceded to the Town at the applicant's/owner's expense.*

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

- (xix) *prior to the first occupation of the development, the street light located near the proposed vehicle access shall be relocated, with the consent of Western Power, at the full expense of the applicant's/owners; and*
- (xx) *the car park shall be used only by employees, tenants, and visitors directly associated with the development.*

COUNCIL DECISION ITEM 9.1.5

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

CARRIED "EN BLOC" (6-0)

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

Landowner:	Vandar Properties Pty Ltd
Applicant:	Banham Architects Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Office/Warehouse
Use Class:	Office Building
Use Classification:	"P"
Lot Area:	3051 square metres
Access to Right of Way	East side, 3 metres wide, unsealed and privately owned

BACKGROUND:

27 May 2008

The Council at its Ordinary Meeting conditionally approved an application for demolition of existing warehouse and construction of a five-storey office building.

DETAILS:

The proposal involves the demolition of the existing office/warehouse and the construction of a five-storey office building with a 2 storey car park at the rear. Access to the site is via a side right of way (ROW) off Newcastle Street and a side ROW off Fitzgerald 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
Plot Ratio:	N/A	N/A	Noted – plot ratio is not applicable for commercial development in a commercial zone.
No. of Storeys	4 storeys (plus loft)	5 storeys	Supported – as the height and overall design of the proposal is not considered to create an unacceptable bulk and scale issue. Moreover, the building is setback 17.5 metres from the rear boundary.
Non-Residential Adjacent to Residential Area	2 storeys	2 to 5 storeys	Supported- as the height and overall design of the proposal is not considered to create an unacceptable bulk and scale issue.
Building Setbacks: Front	Nil	Nil to 1.5 metres	Supported - as the front setback is not considered to create an undue, adverse effect on the existing streetscape.
Rear-Ramp	6 metres	Nil	Supported- as the rear setback is not considered to create an undue, adverse effect on the amenity of the adjoining multi - residential unit development.
Car Parking			
Car parking requirement (nearest whole number) Office: 1 car bay per 50 square metres gross office floor area (proposed 6,727 square metres) = 134.54 car bays.			135 car bays
Apply the parking adjustment factors. <ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.85 (within 400 metres of one or more public car parks in excess of 75 spaces) 			(0.7225) 97.54 car bays
Minus the car parking provided on-site			140 car bays
Minus the most recently approved on-site car parking shortfall			N/A
Resultant surplus			42.46 car bays
Bicycle Parking Facilities			
Offices <ul style="list-style-type: none"> • 1 space per 200 square metres gross floor area (class 1 or 2) – 33.64 spaces = 34 spaces; and • 1 space per 750 square metres over 1000 square metres for visitors (class 3) – 7.64 spaces = 8 spaces 			

Consultation Submissions		
Support	Nil.	Noted.
Objection (3)	The development is considered too large in scale and height.	Not supported – the proposed development is not considered to have an undue impact on the amenity of the surrounding properties and the area.
	The rear setback from the ramp is insufficient.	Not supported – the proposed setback is not considered to have an undue impact on the amenity of the surrounding properties.
	Insufficient front setbacks.	Not supported – the proposed development is not considered to have an undue impact on the amenity of the surrounding properties and the area.
	Plot ratio is supported based on similar plot ratio approved by the Council in the near vicinity.	Noted.
	Height is supported.	Noted.
	Due to the size of the development, seek assurance that the western walls are aesthetically finished.	Supported – a condition has been applied to ensure the boundary walls are finished in a good and clean condition.
	The setback for the car parking area to conform with the Building Code of Australia requirements and does not preclude any buildings on the adjoining lot to the west of the subject site being built with nil setbacks to the common boundary.	Noted – this will be addressed by the Town’s Building Surveyor’s at the Building Licence stage.
	Noxious fumes issuing from the open sided car park will seriously affect the health and welfare of present and future occupants of the adjoining lot on the western side.	Noted – this is a health issue.
	The open nature of the car park will have an “ugly” appearance to the western aspect and will have a serious depreciating affect upon the enjoyment and value of the owners of the western side property.	Noted – this is an opinion and not considered as a planning matter.
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial Implications		Nil
Sustainability 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 Town's Heritage Officers have advised that the existing commercial premises has been built around the original dwelling which was constructed in 1897.

A full heritage assessment (attached) was undertaken for Nos. 394-398 Newcastle Street which indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory.

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

Heritage Council of Western Australia

The subject property is to the immediate north-west of a heritage building at No. 382 Newcastle Street, which is both listed on the Town of Vincent Municipal Heritage Inventory (MHI) as Management Category A – Conservation Essential and on the Heritage Council of Western Australia Assessment Program. As such, the proposed development was required to be referred to the Heritage Council of Western Australia for comment.

The Heritage Council advised that they believe the proposed development is within the scale of development consistent with the surrounding urban fabric. The Heritage Council also advised that they are to be immediately notified in the event of any significant damage occurring to the adjacent State Registered building during the works process.

Technical Services

Technical Services have advised that the applicant/owner of the above site is aware that the subject site does not have a right of access over the adjacent right of way, and have engaged a private consultant with a view to secure an expressed access right to the right-of way. The applicant/owner's consultant has advised the Town that they have successfully identified the executor of the estate of the deceased owner, and will make a formal application for the required expressed right of access. Similar situations have been dealt with in the same manner in the past, without any problem; however, it must be stressed that the Town will not be able to issue a Building Licence until the access right is secured. Hence, an appropriate condition to this effect has been recommended by the Officers.

Conclusion

The proposal is considered acceptable and it is anticipated that the proposal will be a positive catalyst for future developments for this area of Newcastle Street. The application is therefore supported, subject to standard and appropriate conditions to address the above matters, and the scale and nature of the development.

9.1.9 No. 49A (Lot: 1 D/P: 672) Vincent Street, Mount Lawley - Proposed Demolition of Existing Shed and Construction of Two-Storey Single House

Ward:	South	Date:	21 April 2009
Precinct:	Hyde Park; P12	File Ref:	PRO3581; 5.2008.590.1
Attachments:	001 002		
Reporting Officer(s):	D Bothwell, H Au		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Perrine Architecture on behalf of the owner Catholic Women's League of WA for the proposed Demolition of Existing Shed and Construction of Two-Storey Single House at No. 49A (Lot: 1 D/P:672) Vincent Street, Mount Lawley, and as shown on plans stamp-dated 16 April 2009 at Appendix 9.1.9, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front fence and gate within the Vincent Street area, including along the side boundaries within this street setback area, complying with the following:*
 - (a) the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (e) the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
 - (f) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

- (iii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (iv) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating all car-parking bays being dimensioned on the Building Licence application working drawings and all car parking facilities shall comply with the minimum specifications and dimensions specified in the Town's Parking and Access Policy and Australian Standards AS2890.1 – "Off Street Parking", particularly:*
- (a) *the parking bays shall be redesigned to meet the manoeuvring and safety requirements to the satisfaction of the Town's Technical Services Division. The redesign shall be such as to ensure both access and egress to the parking bays shall be in forward gear; and*
- (b) *the proposed crossovers shall be positioned in consultation with and as directed by the Town's Technical Services Division. The current crossover from Vincent Street, if retained, shall be moved west, clear of the power pole within the verge area.*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
- (vi) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s).*

COUNCIL DECISION ITEM 9.1.9

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

CARRIED "EN BLOC" (6-0)

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

Landowner:	Catholic Women's League of WA
Applicant:	Perrine Architecture
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
Existing Land Use:	Residential
Use Class:	Single House
Use Classification:	"P"
Lot Area:	181 square metres
Access to Right of Way	South side, 2.5 metres wide, sealed, Town owned

BACKGROUND:

On 15 April 2008, the Town recommended approval of a subdivision of the subject property into two (2) lots, subject to appropriate conditions. On 7 August 2008, the Western Australian Planning Commission (WAPC) approved the subdivision subject to conditions.

In a letter dated 7 October 2008, the WAPC sought the Town’s comments regarding the applicants request for reconsideration of several conditions relating to provision of car parking, courtyard, open space, truncation, right of way widening and plate height. The Council at its Ordinary Meeting held on 4 November 2008 advised the WAPC of the following in relation to the reconsideration of the WAPC’s conditions:

- “(i) Condition 6 – Advise 5(i) to be deleted;
- (ii) Condition 6 – Advise 5(ii) to be deleted;
- (iii) Condition 6 – Advise 5(iii) to be deleted;
- (iv) Condition 7 to be retained;
- (v) Condition 8 to be deleted; and
- (vi) Condition 12 to be retained.”

On 10 February 2009, the WAPC approved the subdivision of the subject property following the recommendation of the Council in terms of the reconsideration of the conditions.

DETAILS:

The proposal involves the demolition of an existing shed and the construction of a Two- Storey Single House.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	N/A	N/A	Noted.
Plot Ratio	N/A	N/A	Noted.
Front Setbacks: Ground Floor-	The primary street setback is to reflect the predominant streetscape pattern for the immediate locality, which is defined as being within 5 adjoining properties on each side of the development (calculated average 2.7 metres)	Amended plans have been submitted to the Town demonstrating a 1.9 metre setback.	Supported – see “comments”.

Upper Floor-	Building walls on upper floor to be setbacks a minimum of 2 metres behind the ground floor setback Balconies on upper floor to be setback a minimum of 2 metres behind the ground floor setback.	Amended plans have since been submitted to the Town demonstrating the upper floor setback being in line with the ground floor setback. Amended plans have since been submitted to the Town demonstrating the balcony on the upper floor being deleted.	Supported – see “comments”. Noted.
Roof Forms:	The use of lower pitched roofs where they are compatible with the existing development and streetscape.	Proposed dwelling has a concealed roof.	Supported – not considered to have undue impact on the streetscape or surrounding amenity as Vincent Street has an eclectic mix of development and is not considered a recognised streetscape. There are existing examples of concealed roofs at No. 47 Vincent Street and the block of flats on the corner of Vincent Street and William Street.
Car Parking:	2 Car bays	Amended plans have since been submitted to the Town demonstrating 2 car bays being provided on-site.	Supported - no variation.
Consultation Submissions			
Support	Nil		Noted.
Objection (2)	Front Setbacks – non-complying front setbacks will negatively impact the streetscape and the visual and spatial environment. Roof Forms – not consistent with existing streetscape and conflicts with existing development in the area.		Not supported – see “comments”. Not supported – not considered to have undue impact on the streetscape or surrounding amenity as Vincent Street has an eclectic mix of development and is not considered a recognised streetscape. There are existing examples of concealed roofs at No. 47 Vincent Street, and the block of flats on the corner of Vincent Street and William Street.

	<p>Privacy – upper storey of proposed dwelling overlooks into their property.</p> <p>Overshadowing – proposed dwelling will overshadow their property.</p> <p>Loss of amenity – design, scale, relationship to existing buildings will have an undue impact on amenity of the area.</p> <p>Heritage – concern that the design of the proposed is contradictory to the Council’s heritage area focus.</p> <p>Car Parking – concern over only one car bay being provided, lack of on-street parking.</p> <p>Design – concern that the house looks like a “box” and does not match the houses in the street.</p> <p>Street Setbacks – proposed dwelling is positioned too close to Vincent Street and not setback far enough from street.</p>	<p>Not supported – the proposed dwelling complies with the privacy requirements of the Residential Design Codes.</p> <p>Not supported – the proposed dwelling complies with the overshadowing requirements of the Residential Design Codes.</p> <p>Not supported – See “comments”.</p> <p>Not supported – See “comments”.</p> <p>Noted – amended plans have since been submitted to the Town demonstrating two car bays being provided on-site.</p> <p>Not supported – see “comments”.</p> <p>Not supported – see “comments”.</p>
Other Implications		
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications	Nil	
Sustainability Implications	Nil	
Financial/Budget Implications	Nil	

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

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

COMMENTS:

Street Setbacks

The street setback variations proposed are not considered to have an undue impact on the amenity of the streetscape as Vincent Street does not have a consistent established streetscape and the subject site is an awkward shape and small in size. The Town’s Policy relating to Residential Design Elements (RDE’s) under clause 6.4.1, states that residential development should harmonise with the streetscape and adjoining properties. Importantly in this case, the ground floor setback of 1.9 metres is in line with the verandah of the existing dwelling immediately to the east.

Residential development along Vincent Street is inconsistent in architectural style and contains a mix of development varying in height, style and building materials. The required street setbacks as set out in the RDE's are designed to create articulation to the street and to provide an interesting elevation. Although the upper floor is not setback behind the ground floor, it is considered that the proposed dwelling allows for an adequate level of passive surveillance of the street and achieves an interesting front elevation. Moreover, the contemporary design of the dwelling provides a point of difference in the streetscape.

Heritage

A Heritage Impact Statement was undertaken on 20 April 2009 based on the plans dated 17 April 2009 to assess the impact of the proposed development on the cultural heritage value of the subject building. The Heritage Impact Statement indicated that the proposed development will not detract from the prominence and character of the heritage building or undermine the existing spatial and visual characteristics of the Federation Bungalow.

In light of the above, the Town's Officers have no objection to the demolition of existing sheds and construction of a two-storey single house on the subject site.

Conclusion

In light of the above, it is recommended that the Council approve the proposed two-storey single house, subject to standard and appropriate conditions.

9.1.15 Proposed Amendments to the Water Services Licensing Act 1995 by the Plumbers Licensing Board

Ward:	Both Wards	Date:	20 April 2009
Precinct:	All Precincts	File Ref:	TES0553
Attachments:	-		
Reporting Officer(s):	B Tran, S Teymant		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Plumbers Licencing Board correspondence entitled “Management of As Constructed Sanitary Drainage Diagram”, received by the Town on 3 April 2009, as ‘Laid on the Table’;*
- (ii) *ADVISES the Board that the Council SUPPORTS IN PRINCIPLE the proposed amendments to the Water Services Licensing Act 1995; and*
- (iii) *ADVISES the Board that the Town of Vincent IS NOT AFFECTED by the proposed amendments as the majority, if not all, properties within its boundaries are by now, connected to the Minister’s main sewer.*

COUNCIL DECISION ITEM 9.1.15

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

CARRIED “EN BLOC” (6-0)

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

PURPOSE OF REPORT:

This report is to inform the Council of the proposed amendments by the Plumbers Licencing Board relating to the requirement for Local Authorities to supply to the Board copies of the “As Constructed Sanitary Drainage Diagram”.

BACKGROUND:

In early April 2009, a letter entitled “Management of As Constructed Sanitary Drainage Diagram” was circulated by the Plumbers Licencing Board to Local Governments for comment. The Board has requested comments by 5 May 2009.

DETAILS:

Key Issues

What is Plumbing Work

Plumbing work comprises water supply, sanitary and drainage plumbing and is defined as follows:

- (a) Water Supply plumbing, other than exempt work, that involves the installation, alteration, extension, disconnection, repair or maintenance of pipes and other fittings used or intended to be used for the supply of **potable water from a meter assembly** to the points of use within any property;

- (b) Sanitary plumbing is work, other than exempt work, that involves the installation, alteration, extension, disconnection, ventilation, repair or maintenance of fittings or fixtures used or intended to be used for the carrying of wastewater or other waste, but does not include drainage plumbing; and
- (c) Drainage plumbing is work, other than exempt work, that involves the installation, alteration, extension, disconnection, repair or maintenance of **underground pipes and other fittings** used or intended to be used for the carrying of:
 - (i) Wastewater to a sewer; or
 - (ii) Wastewater or other waste to an apparatus for the treatment of sewerage.

Exempt work is defined as: *Work carried out by or on behalf of the holder of an operating licence in connection with the undertaking, maintenance and operation of water services works owned or operated by that holder.*

As Constructed Property Drainage Installation Diagrams (As Cons)

The Board's current jurisdiction does not require the licenced plumber to supply the Board with 'As Cons', neither is it involved in managing the information content, standards, storage or distribution of the 'As Cons'.

However, there is a requirement to submit 'as constructed' property drainage installation diagrams to the relevant licensed water services provider (WSP) in sewerred areas and the local government authority (LGA) in non-sewerred areas.

While responsibility for the performance of plumbing work was transferred to the Plumbers Licensing Board on 1 July 2004, responsibility for the administration of 'as constructed' diagrams remains with licensed water service providers and local government authorities.

It is intended that in the longer term the Board will become a 'one-stop-shop' dealing with all matters associated with plumbing work. Further consultation has been undertaken with stakeholders to determine the scope of the Board to either:

- (i) Seek approval to change its Act to assume those responsibilities or to improve existing arrangements; or
- (ii) To establish partnership/information sharing or Memorandum of Understanding arrangements with affected LGA's and WSP's to provide advice to the Government on the properties.

In addition to the above items (i) and (ii), comments from Local Governments are sought by Board, who have suggested the following questions:

- (iii) *What are the current arrangements that exist within your jurisdiction with respect to the collection and distribution of 'As Cons' or the equivalent format and what provisions an authority exist for the capture, standard and distribution (and possibly changes) that apply to access these Diagrams?;*
- (iv) *Do you retain this property information in a hardcopy or scanned format and what are your views on using a common electronic platform to function as the repository for the As Cons for access by regulators and distribution to users of property information?*

- (v) *Under such an arrangement what conditions would you require to be imposed on the distribution of the Diagrams or any exemptions to access this property information by regulators and/or the community?; and*
- (vi) *How prevalent is non compliance by (licensed) plumbers in supplying As Cons in your jurisdiction and do you have any recent statistics to identify these plumbers or taken action against these plumbers?*

Considerations

Currently, 'as constructed' diagrams will continue to remain the responsibility of licensed water services providers (WSP's) and local government authorities (LGA's).

Non-Sewered Areas: Where drainage plumbing work is carried out in non-sewered areas and an 'as constructed' diagram is required to be submitted to the relevant LGA, with the certificate of compliance relating to the work.

Sewered Areas: In sewered areas, where drainage plumbing work that requires the submission of an 'as constructed' diagram is carried out, plumbing contractors are to forward the 'as constructed' diagram directly to the licensed WSP servicing the property. In areas serviced by the Water Corporation, the Plumbers Licensing Board will accept 'as constructed' diagrams with the associated certificate of compliance. This means that the Board will forward 'as constructed' diagrams received to the Corporation however, the Corporation will remain responsible for following-up any diagrams not lodged.

Under section 107(2) of the Health Act 1911 it is an offence to start work on the construction or installation of an apparatus without approval. Before sealing the septic tank or covering the drains, the local government Environmental Health Officer is notified by the Licenced/Installed Plumber, so that the apparatus can be inspected and then a permit to use the apparatus can be issued.

Approval will not be given for the installation of an apparatus where sewer connection is available as provided for by either section 72 or section 81 of the Health Act 1911.

It is noted that within the Town of Vincent boundary the existing properties, both residential and non-residential, are fully connected to a sewered system (Minister's Sewer).

Therefore, the suggested questions (iii), (iv), (v), and (vi) by the Board are effectively and practically insignificant to the Town of Vincent. Nevertheless, the Town's Officers are of the view that clauses (i) and (ii) are highly supported; in terms of proper management of essential information relating to subsequent plumbing work for consumers, plumbers, builders and regulators.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Health Act 1911 (as amended), Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974, Local Government (Miscellaneous Provisions) Act 1960, Building Regulations 1989, and the Building Code of Australia.

STRATEGIC IMPLICATIONS:

This matter is in keeping with the Town's Strategic Plan 2006 – 2011 Objective 4.1- *“Provide good strategic decision-making, governance, leadership and professional management.”*

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

Under the current arrangements, it is acknowledged that the Board has authority to regulate the performance of water supply, sanitary and drainage plumbing work within a property boundary and the licensing of plumbers to accomplish that work, but the Board does not have power to require the licenced plumber to supply the 'As Cons'. Therefore, the Board's proposal to change and improve the current arrangements is considered appropriate.

In light of the above, it is recommended that the Council receives, and supports in principle, the proposed amendment requiring the 'As Cons' to be provided to and managed by the Board. These changes, with anticipation, may improve the necessary plumbing safety and satisfaction to property owners undertaking maintenance, building development and subsequent plumbing work.

9.2.1 Proposed Introduction of an ACROD Parking Bay in Front of 10 Knebworth Ave, Perth

Ward:	South	Date:	21 April 2009
Precinct:	Hyde Park Precinct (P12)	File Ref:	PKG0100
Attachments:	-		
Reporting Officer(s):	T Blankenburg		
Checked/Endorsed by:	R Lotznicher	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the proposed introduction of an additional ACROD Parking Bay in front of 10 Knebworth Avenue;*
- (ii) *APPROVES the introduction of one (1) ACROD parking bay at an approximate cost of \$300;*
- (iii) *PLACES a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs;*
- (iv) *REVIEWS the requirement for this facility annually; and*
- (v) *ADVISES the applicant of its decision.*

COUNCIL DECISION ITEM 9.2.1

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

CARRIED "EN BLOC" (6-0)

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

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval for the introduction of an ACROD parking bay in front of the property at 10 Knebworth Avenue, Perth.

BACKGROUND:

The Town has a policy enabling the creation of ACROD 2.5 parking bays to serve residents in need. These parking bays are useable by anybody who has a current ACROD permit, however, they are most beneficial to the adjacent resident. In order to ensure these bays are still required, the Town requires the applicant to renew the application annually and reminder notices are sent out.

DETAILS:

A request has been received from the resident of 10 Knebworth Avenue, requesting that the Town consider creating an ACROD parking bay in front of his residence.

An excerpt of the applicant's letter reads:

"I am writing to apply for a disabled parking bay outside my residence due to the constant lack of parking available in the street. I have renal failure and emphysema, so I would like to please have a disabled bay at the earliest convenience."

Knebworth Avenue is a small street with limited opportunities for parking. The property at 10 Knebworth Avenue does not have parking access from the street. The right of way at the rear of the property does offer access to the property, however, it is both narrow and unsealed and therefore access is limited.

It is therefore proposed that an ACROD parking bay be installed in front of this property.

Should the Council approve the installation of the ACROD bay, the bay would be available for use by any holder of an ACROD permit, however, it would be of particular benefit to the resident of 10 Knebworth Avenue.

CONSULTATION/ADVERTISING:

There is no requirement to consult regarding the installation of ACROD bays.

LEGAL/POLICY:

There is no legal impediment to the introduction of the ACROD bay. A two (2) week moratorium from infringement will be in place following the installation of the ACROD bay.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *"(p) Develop a strategy for parking management in business, residential and mixed use precincts, that includes - parking facilities that are appropriate to public needs;"*

FINANCIAL/BUDGET IMPLICATIONS:

The cost of the ACROD bay would be approximately \$300.00.

COMMENTS:

The applicant has a current ACROD permit and the parking amenity in the street is limited. These factors, when taken into account, support the approval of an ACROD parking bay to assist this resident.

9.2.2 Relocation of Loading Zone Adjacent to Nos 113 to 117 Oxford Street, Leederville

Ward:	South	Date:	21 April 2009
Precinct:	Oxford Centre P4	File Ref:	PKG0015
Attachments:	001		
Reporting Officer(s):	R Ostle		
Checked/Endorsed by:	R Lotznicker	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the relocation of the “loading zone” adjacent to 113 to 117 Oxford St, Leederville, as illustrated in attached Plan 2517.LM.01;*
- (ii) *APPROVES the relocation of the “loading zone” as illustrated in attached Plan 2517.LM.01; and*
- (iii) *ADVISES the adjacent residents and business proprietors and respondents of its decision.*

COUNCIL DECISION ITEM 9.2.2

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

CARRIED “EN BLOC” (6-0)

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

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval for the relocation of the loading zone adjacent to Nos 113 to 117 Oxford Street, Leederville.

BACKGROUND:

Acting on a complaint from a business proprietor adjacent to the “loading zone” at 113 to 117 Oxford Street, that trucks had on several occasions collided with the awning, causing damage to the property and the possibility of injury to persons in the vicinity, Officers from the Town inspected the area to assess the situation to see if improvements could be made.

DETAILS:

Officers from the Town attended the site and noted damage to the street side of the awning. Witnesses said that the trucks hit the awning when parking or leaving the “loading zone” when the overhang prescribed an arc as they manoeuvred. The problem is exacerbated by the camber of the road, and that the awning is not set back the required 500mm from the face of the kerb. It has been noted that the relocation of the loading zone further south, next to a property that does not currently have an awning, would remove the potential for future incidents.

Note: Since the compilation of this report, the awning has again been hit by a truck causing distress to those in the vicinity.

CONSULTATION/ADVERTISING:

A letter was delivered to businesses in the vicinity seeking the opinion of the proprietors affected by moving the “loading zone”. Five (5) replies were received, all in favour of moving the “loading zone”.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.6 Enhance and maintain the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment. *“Develop and implement a Transport and Car Parking Strategy”*.

SUSTAINABILITY IMPLICATIONS:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

The cost of line marking and signage to implement the changes is estimated to be \$500.00.

COMMENTS:

It is considered that moving the “loading zone” to the south where there is no building adjacent will prevent damage and possible injury to the public, and have the added benefits of freeing up one (1) extra street parking bay, and improve the amenity of that area of Oxford Street.

9.2.3 Sustainability Strategy Progress Report

Ward:	Both Wards	Date:	21 April 2009
Precinct:	All Precincts	File Ref:	PLA096
Attachments:	001		
Reporting Officer(s):	T Mouritz, J Lockley		
Checked/Endorsed by:	R Lotznicker	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES progress report No. 1 relating to the Sustainability Strategy;*
- (ii) *NOTES:*
 - (a) *that an internal Sustainability Working Group has been established to oversee the implementation and continuing progress of the Sustainability Strategy; and*
 - (b) *the actions taken by the Sustainability Working Group thus far in developing the Sustainability Strategy as outlined in the report; and*
- (iii) *Receives further progress reports on a quarterly basis, the next report being due in July 2009.*

COUNCIL DECISION ITEM 9.2.3

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

CARRIED “EN BLOC” (6-0)

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

PURPOSE OF REPORT:

To provide to Council a progress report on the actions that have been undertaken in regards to the development and implementation of a Sustainability Strategy for the Town, and to outline the next steps.

BACKGROUND:

Jan 2004 - Oct 2005: Consultant Omega Environmental developed a framework for a Sustainability Management System (SMS).

Late 2005: SMS stalls at the implementation stage.

March – June 2008: Internal review performed relating to: the documentation concerning the Town's SMS; the success of environmental management systems in local government in Australia; the appropriateness of the SMS framework for the Town in its pursuit of Sustainability.

A new approach is formulated involving three elements, being a Sustainability Strategy, Sustainability Working Group and a Sustainability Report.

24 June 2008: Report relating to SMS review submitted to Ordinary Meeting of Council, where Council endorsed the following:

“(a) preparation of a ‘Sustainability Strategy’ which will set out the sustainability objectives of the Town, and incorporate all initiatives/actions relating to the International Council for Local Environmental Initiatives (ICLEI)/Cities for Climate Protection (CCP™) including the adopted Sustainable Environment Plan 2007-2012;

(b) creation of an internal Sustainability Working Group comprising key Town Officers from a number of service areas and jointly Chaired by the Director Technical Services and Director Development Services to oversee the implementation and continuing progression of the Sustainability Strategy;

(c) publication of an annual Sustainability Report (as part of the Annual Report) detailing the progression of sustainability objectives and setting out key actions to deliver future progress.”

As well as noting that:

“Quarterly reports will be submitted to the Council on the progress of the actions associated with the preparation/development of the ‘Sustainability Strategy’.”

DETAILS:

In early March 2009, work began on the development of the Sustainability Strategy. This started with research into the approaches towards sustainability that have been taken on by other Local Government authorities within Australia and internationally. Characteristics of several approaches were identified as useful to help guide the development of the Town's own Sustainability Strategy. These included the Sustainability Strategy prepared in 2006 by Manly Council in NSW, and the City of South Perth's Sustainability Strategy and Sustainability Action Plan.

Soon after commencement of the research process, an internal Sustainability Working Group (SWG) was formed, jointly chaired by the Director Technical Services and Director Development Services and comprising key officers from the Town's sections to ensure representation and input from across the organisation. This also guarantees a multi-faceted approach to sustainability beyond the traditional, narrow environmental focus.

The emphasis within the SWG is for mutual input and shared ownership of the Sustainability Strategy.

Early in the process, a set of informal working milestones was created to help guide the SWG. These are being used to measure progress and help add clarity to the direction that is being pursued. The milestones, and their progress to date, have been included in the attachment. The actions of the SWG so far are described in more detail below.

Since its inception, the SWG has decided to develop the Sustainability Strategy along a framework called “The Vincent Principles” – a set of six categories that encompass the various environmental initiatives, economic strategies, community development programs and governance mechanisms that are currently operating or planned for the future.

Similarly to “The Manly Principles”, the Principles are based on the Melbourne Principles for Sustainable Cities that were developed at a forum of United Nations Environment Program members in 2002.

A draft list of the values which will help to define the Sustainability Strategy, and are strongly influenced by the Melbourne Principles, include the following:

- A shared long-term vision for Vincent based on: sustainability, intergenerational, social, economic and political equity; and our individuality.
- Achieve long term social and economic security.
- Recognise the intrinsic value of Vincent’s geodiversity, biodiversity and natural ecosystems, and protect and restore them.
- Enable Vincent’s community to minimise its ecological footprint.
- Promote sustainable production and consumption, through appropriate use of environmentally sound technologies and effective demand management.
- Build on the characteristics of ecosystems in the development and nurturing of a healthy and sustainable Vincent.
- Recognise and build on the distinctive characteristics of Vincent, including its human and cultural values, history and natural systems.
- Build capacity and engage the community.
- Expand and enable cooperative networks to work towards a common, sustainable future.
- Enable continual improvement, based on accountability, transparency, and good governance.

The SWG has also resolved to aim to produce a Sustainability Strategy that is concise and accessible, rather than a large policy document that is difficult to understand and likely to be neglected. If necessary, the Strategy may be accompanied by an Action Plan to specify detail and explanation of particular programs and strategies.

An inventory of existing sustainability related programs from all of the service areas in the Town has been compiled to help begin developing the Sustainability Strategy, with new and planned programs also to be included. This list of programs was created using an open document method where all SWG members were able to contribute from their own service area.

The next step is to finalise and review the inventory of sustainability related programs, and then begin to develop more fully the document of the Sustainability Strategy as a whole, and with it the specific objectives and targets that will accompany all initiatives. A draft document will be included in the next quarterly report to Council.

Suggestions have also been raised to ensure community input into the process, and steps are being taken to reconvene and consult the Sustainability Advisory Group.

CONSULTATION/ADVERTISING:

At this stage consultation will be limited to engaging with the Sustainability Advisory Group.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Town of Vincent Plan for the Future: Strategic Plan 2006 – 2011:

Natural and Built Environment –

“1.1.1 *Improve and maintain environment and infrastructure.*

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

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

Economic Development –

“2.1 *Progress economic development with adequate financial resources.*

“2.1.6 *Develop business strategies that provide a positive triple bottom line return for the Town.*”

Community Development –

“3.1 *Enhance community development and wellbeing.*”

Leadership, Governance and Management –

“4.1 *Provide good strategic decision-making, governance, leadership.*”

SUSTAINABILITY IMPLICATIONS:

The Sustainability Strategy is intended to be an overarching sustainability policy for the Town, involving all of the Town's service areas. The document will set out the key sustainability objectives for the Town.

The Strategy will establish the Town's commitment to its sustainability performance, and will act as an umbrella document to streamline all current and planned sustainability initiatives. The SWG will be responsible for ensuring the implementation and review of the Strategy and (eventually) in producing an annual Sustainability Report. The development of the Sustainability Strategy will improve the sustainability performance of the organisation as a whole, and pass on benefits to the entire Town and local community.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

In accordance with the Council's decision at its meeting held on 24 June 2008, an internal Working Group has been established to progress the sustainability strategy. Considerable progress has been made whereby the draft guiding principles have been developed.

As resolved by the Council, further quarterly reports will be prepared for the Council's consideration as the strategy develops.

9.3.2 Financial Statements as at 31 March 2009

Ward:	Both	Date:	9 April 2009
Precinct:	All	File Ref:	FIN0026
Attachments:	001 ; 002		
Reporting Officer(s):	B Tan		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Financial Statements for the month ended 31 March 2009 as shown in Appendix 9.3.2.

COUNCIL DECISION ITEM 9.3.2

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

CARRIED “EN BLOC” (6-0)

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

PURPOSE OF REPORT:

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

BACKGROUND:

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

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

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

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

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

DETAILS:

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

- Income Statement;
- Summary of Programmes/Activities (pages 1-17);
- Income Statement by Nature & Type Report (page 18)
- Capital Works Schedule (pages 19-25);
- Balance Sheet and Statement of Changes in Equity (pages 26-27);
- Reserve Schedule (page 28);
- Debtor Report (page 29);
- Rate Report (page 30);
- Statement of Financial Activity (page 31);
- Net Current Asset Position (page 32);
- Beatty Park Report – Financial Position (page 33);
- Variance Comment Report (page 34-37).

Comments on the financial performance are set out below:

Income Statement and Detailed Summary of Programmes/Activities

Operating Result

The operating result is Operating Revenue – Operating Expenses

YTD Actual	\$6.5 million
YTD Budget	\$5.1 million
Variance	\$1.4 million
Full Year Budget	\$4.9 million

Summary Comments:

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

Operating Revenue

YTD Actual	\$30.4 million
YTD Budget	\$30.1 million
YTD Variance	\$0.3 million
Full Year Budget	\$32.8 million

Summary Comments:

The total operating revenue is currently on budget.

Major variances are to be found in the following programmes:

Governance - 29% over budget;

Education and Welfare - 42% under budget;

Other Property & Services - 29% over budget;

Administration General -10% under budget;

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

Operating Expenditure

YTD Actual	\$24.9 million
YTD Budget	\$25.8 million
YTD Variance	\$0.9 million
Full Year Budget	\$33.7 million

Summary Comments:

The operating expenditure is currently operating at 3% under the year to date budget.

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

Law Order and Public Safety- 12% below budget;

Education & Welfare – 15% below budget;

Community Amenities – 11% below budget;

Transport – 10% below budget

Other Property & Services – 16% over budget;

Administration General- 25% below budget.

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

Income Statement by Nature and Type Report

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

Capital Expenditure Summary

The Capital Expenditure summary details projects included in the 2008/09 budget and reports the original budget and compares actual expenditure to date against these.

Capital Works shows total expenditure including commitment for year to date at the 31 March 2009 of \$5,497,852 which represents 44 % of the revised budget of \$12,385,363.

	Budget	Revised Budget	Actual to Date	%
Furniture & Equipment	163,850	213,687	124,166	58%
Plant & Equipment	1,520,700	974,345	137,006	14%
Land & Building	3,952,834	2,936,664	1,413,412	51%
Infrastructure	8,502,612	8,260,667	3,515,138	45%
Total	14,139,996	12,385,363	5,189,722	44%

Balance Sheet and Statement of Changes in Equity

The statement shows the current assets of \$18,005,404 and non current assets of \$142,073,524 for total assets of \$160,078,927.

The current liabilities amount to \$6,953,476 and non current liabilities of \$13,120,031 for the total liabilities of \$20,073,507. The net asset of the Town or Equity is \$140,005,421.

Restricted Cash Reserves

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

The balance as at 31 March 2009 is \$8.1m. The balance as at 30 June 2008 was \$6.8m.

General Debtors

Other Sundry Debtors are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts. Sundry Debtors of \$277,751 is outstanding at the end of March 2009.

Of the total debt \$189,010 (68%) relates to debts outstanding for over 60 days, of which \$123,746 is related to Cash in lieu Parking.

The Debtor Report identifies significant balances that are well overdue.

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

Rate Debtors

The notices for rates and charges levied for 2008/09 were issued on the 6 August 2008.

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

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

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

Instalment Administration Charge	\$5.00
(to apply to second, third, and fourth instalment)	
Instalment Interest Rate	5.5% per annum
Late Payment Penalty Interest	11% per annum

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

Rates outstanding as at 31 March 2009 was \$711,103 which represents 3.83% of the outstanding collectable income compared to 4.73% at the same time last year.

Summary Comments:

The reduced percentage amount of outstanding rates in comparison to last year is due to the fact that the Rates Notices were distributed approximately one (1) month earlier than last year and a more efficient debt collection process.

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

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

Statement of Financial Activity

The closing surplus carry forward for the year to date 31 March 2009 was \$3,883,240.

Net Current Asset Position

The net current asset position \$3,883,240.

Beatty Park – Financial Position Report

As at 31 March 2009 the operating deficit for the Centre was \$265,578 in comparison to the annual budgeted deficit of \$524,517.

The cash position showed a current cash surplus of \$59,771 in comparison annual budget estimate of a cash deficit of \$65,488. The cash position is calculated by adding back depreciation to the operating position.

Variance Comment Report

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

9.3.3 Authorisation of Expenditure For The Period 1 – 31 March 2009

Ward:	Both	Date:	3 April 2009
Precinct:	All	File Ref:	FIN0009
Attachments:	001		
Reporting Officer(s):	Kara Ball		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

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

as shown in Appendix 9.3.3.

DECLARATION OF INTEREST

Members/Officers	Voucher	Extent of Interest
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Nil.

COUNCIL DECISION ITEM 9.3.3

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

CARRIED “EN BLOC” (6-0)

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

PURPOSE OF REPORT:

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

BACKGROUND:

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Town of Vincent Advance Account	EFT	\$273,788.59
Total Municipal Account		\$273,788.59
Advance Account		
Automatic Cheques	64928-65648	\$341,258.17
EFT Batch		\$0.00
Municipal Account		
Transfer of Creditors by EFT Batch	897-899, 901-905	\$2,429,060.86
Transfer of PAYG Tax by EFT	March 2009	\$188,010.20
Transfer of GST by EFT	March 2009	\$0.00
Transfer of Child Support by EFT	March 2009	\$751.42
Transfer of Superannuation by EFT:		
• City of Perth	March 2009	\$0.00
• Local Government	March 2009	\$0.00
Total		\$2,959,080.65
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$3,958.70
Lease Fees		\$3,419.33
Corporate Master Cards		\$5,373.26
Folding Machine Lease Equipment		\$0.00
Trace Fees – Audit Certificate		
Loan Repayment		\$59,208.28
Rejection Fees		\$15.00
System Disk Fee		\$0.00
Beatty Park - miscellaneous deposit		\$0.00
Total Bank Charges & Other Direct Debits		\$71,974.57
Less GST effect on Advance Account		-\$50,495.00
Total Payments		\$3,254,348.81

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 – Key Result Area 4.2 – Governance and Management

“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.”

ADVERTISING/CONSULTATION:

Nil.

COMMENT:

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

9.4.1 Strategic Plan 2006-2011 – Progress Report for the Period 1 January 2009 – 31 March 2009

Ward:	Both	Date:	21 March 2009
Precinct:	All	File Ref:	ADM0038
Attachments:	001		
Reporting Officer(s):	Managers, Directors		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES the progress report on the Strategic Plan 2006-2011 for the period 1 January 2009 – 31 March 2009 as shown in Appendix 9.4.1.

COUNCIL DECISION ITEM 9.4.1

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

CARRIED “EN BLOC” (6-0)

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

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly update on the Strategic Plan for the period 1 January 2009 – 31 March 2009.

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:

The Council adopted a Plan for the Future at the Ordinary Meeting of Council held on 21 November 2006. The Town’s Strategic Plan forms part of the Plan for the Future. 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 2006-2011. The reporting on a quarterly basis is in accordance with the Strategic Plan 2006-2011 Key Result Area.

This is in keeping with the Town's Strategic Plan 2006-2011 - *"Leadership, Governance and Management"*, in particular, Objective 4.1.2 - *"Manage the Organisation in a responsible, efficient and accountable manner"*.

SUSTAINABILITY IMPLICATIONS:

Nil.

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.

9.4.3 Members Equity Stadium Committee Meeting - Receiving of Unconfirmed Minutes - 20 April 2009

Ward:	South	Date:	21 April 2009
Precinct:	Beaufort, P13	File Ref:	RES0082
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES the Unconfirmed Minutes of the Stadium Committee meeting held on 20 April 2009, as shown in Appendix 9.4.3.

COUNCIL DECISION ITEM 9.4.3

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

CARRIED "EN BLOC" (6-0)

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

PURPOSE OF REPORT:

The purpose of the report is for the Council to receive the Unconfirmed Minutes of the Members Equity Stadium Committee meeting held on 20 April 2009.

BACKGROUND:

At the Ordinary Meeting of Council held on 14 September 2004, the Council considered the establishment of a Committee for the management of the Stadium (known as "Members Equity Stadium") and resolved inter alia as follows;

"That the Council APPROVES BY AN ABSOLUTE MAJORITY; ...

- (iii) *to delegate the following functions to the Committee;*
 - (a) *to establish and review the Heads of Agreement (HOA) Key Performance Indicators (KPIs) in conjunction with Allia;*
 - (b) *to assess whether each proposed Licensing Agreement is consistent with the KPIs and the provisions of the HOA and to approve the proposed Licensing Agreement if it is consistent;*
 - (c) *to supervise the performance of the Services by Allia and to ensure that Allia performs the Services in accordance with the KPIs and the HOA;*
 - (d) *to receive and consider Performance Reports;*

- (e) *to advise the Council on Capital Improvements required for the Stadium and to make recommendations to the Council about the use of the Reserve Fund;*
- (f) *to review Naming Signage; and*
- (g) *to review the Risk Management Plan;*

(For the purpose of avoidance of doubt, it is acknowledged that the Committee's functions do not include carrying out any of the Operational Management Services which are to be provided by Allia)."

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The Local Government Act Regulations 1996 requires that Committee Meeting Minutes be reported to the Council.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2006-2011 – "*Leadership, Governance and Management*", in particular, Objective 4.1.2 – "*Manage the Organisation in a responsible, efficient and accountable manner*".

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

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

9.4.4 Western Central Local Emergency Management Arrangements 2009

Ward:	Both Wards	Date:	21 April 2009
Precinct:	All Precincts	File Ref:	ENS0071
Attachments:	-		
Reporting Officer(s):	J MacLean, M Wood		
Checked/Endorsed by:	R Boardman, John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Report from the Western Central Local Emergency Management Committee, relating to the Emergency Management Arrangements 2009; as 'Laid on the Table' and available at the Town of Vincent website <http://www.vincent.wa.gov.au> under 'Public Documents';*
- (ii) *ADOPTS the Western Central Local Emergency Management Arrangements 2009; and*
- (iii) *NOTES that, in the event of an emergency situation, where the Chief Executive Officer is unavailable or un-contactable, the current Manager Ranger and Community Safety Services, in his capacity as the Town's Emergency Manager, may incur essential costs, for which no budget item has been identified.*

COUNCIL DECISION ITEM 9.4.4

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

CARRIED "EN BLOC" (6-0)

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

PURPOSE OF REPORT:

To report to the Council the adoption of the Western Central Local Emergency Management Arrangements 2009.

BACKGROUND:

When the Town of Vincent commenced operation in 1995, it was recognised that there was a need to adopt a Local Emergency Management Plan, to ensure that the community were prepared to meet the challenge of an emergency. As a result, because the Town of Vincent was a relatively small community, the Town combined with the Cities of Subiaco and Nedlands and the Town of Cambridge, to form the Central Councils Local Emergency Management Committee (CC LEMC).

At the Ordinary Meeting of Council held on 26 July 1999, the Council formally adopted the current Local Emergency Management Plan and, while there have been minor modifications since that time; it is ostensibly as it was nine (9) years ago. However, the way that the Plan was written no longer fully meets the needs of the community, nor does it comply with current Emergency Management Legislation.

The Western Australian Emergency Management Act 2005 received Parliamentary Assent on 27 September 2005, with clause 41 of the Act stating the following:

"41. Emergency Management Arrangements In Local Government District

(1) A local government is to ensure that arrangements ("local emergency management arrangements") for emergency management in the local government's district are prepared."

DETAILS:

In 2003/4, the Central Councils LEMC agreed to include the Towns of Claremont, Cottesloe and Mosman Park, along with the Shire of Peppermint Grove, as part of the Committee and the name was changed to Western Central Local Emergency Management Committee (WC LEMC). With the formation of the WC LEMC, because of the increased diversity of the needs and expectations of the expanded local government area, it was necessary to completely re-develop the local arrangements. This process coincided with the introduction of the new Emergency Management Act 2005, so a combined working party was formed to create Local Emergency Management Arrangements (LEMA) that were appropriate for the whole area and that were compliant with the State Government Legislation.

The proposed Local Emergency Management Arrangements 2009, have now been completed and have been approved by the full WC LEMC. Since it affects the ratepayers of the eight (8) Local Governments, it is appropriate for it to be formally adopted by each Council. The Arrangements have been created, with input from all eight (8) Local Governments, a number of State Government Agencies and a number of Non-government Agencies, which would normally respond to an emergency. The document comprehensively outlines the responsibilities of the individual stakeholders as well as defining Hazard Management Agencies and Incident Management.

The Chairmanship of the WC LEMC changes approximately every two (2) years, with the Town's Manager Ranger and Community Safety Services being the current Chairman and the Co-ordinator Safer Vincent being the Executive Officer. The Chair should be transferred to another local government, probably the City of Subiaco, during 2009/2010.

The attached Arrangements are the result of approximately two (2) years work, primarily by representatives of the eight (8) local governments and Police and should be read in conjunction with the Town's Local Recovery Management Arrangements, which were adopted by the Council at the Ordinary Meeting of Council held on 22 May 2007.

Action to be Taken in an Emergency

In the event of an emergency within the Town's boundaries, it may be necessary to commit resources, financial and/or human, to immediate measures, which will reduce the impact, or minimise the consequences of the occurrence. The Manager Ranger and Community Safety Services is the current Town of Vincent Emergency Manager and would be called out by whichever Hazard Management Agency has incident management responsibility for the emergency. Initially, his role would be to integrate the Local Emergency Management Arrangements and the Local Emergency Recovery Management Arrangements into the way that the other responder agencies operate and to ensure that the short-term and long-term recovery processes are not adversely affected by their actions.

Clause (iii) of the Officer Recommendation above is a contingency issue and, in reality, the Manager Ranger and Community Safety Services would only make decisions, which would incur the expenditure of financial or human resources, if he is unable to contact the Chief Executive Officer for approval. If an emergency occurs on a weekend and the telephone network is affected, it is possible that the Chief Executive Officer will not be contactable, at least for a few hours, so if there is a need to make an immediate decision about expenditure, the Manager Ranger and Community Safety Services will do so and have the decision ratified as soon as he can.

LEGAL/POLICY:

The Emergency Management Act 2005 requires Local Governments to ensure the preparation of Local Emergency Management Arrangements and prescribes the required content of these arrangements. The document is compliant with this legislation.

It should also be noted that the document will be a "controlled document" whereby any modifications, or amendments, except those considered by the Committee to be of a minor and non-consequential nature, will require to be formally approved by all members of the WC LEMC, including the Local Governments, before any changes are made.

Clause 36 Of the Emergency Management Act 2005 states:

“36. Functions of local government

It is a function of a local government —

- (a) subject to this Act, to ensure that effective local emergency management arrangements are prepared and maintained for its district;*
- (b) to manage recovery following an emergency affecting the community in its district; and*
- (c) to perform other functions given to the local government under this Act.”*

STRATEGIC IMPLICATIONS:

This report is in keeping with the Town’s Strategic Plan 2006-2011, as follows:

- “1.1.4(h) Develop Emergency Response and Recovery Management Plans, to promote a Prepared community.*
- 3.1.2(j) Promote the Emergency Management Plan and educate residents and ratepayers to be able to respond to emergencies.*
- 4.1.4 Deliver Services in ways that accord with the expectations of the community, whilst maintaining statutory compliance.”*

SUSTAINABILITY IMPLICATIONS:

The Local Emergency Management Arrangements have been compiled as a way to ensure the sustainability of the community in the event of an emergency, and the recommended procedures and processes are designed to maintain a consistent approach to all actions.

CONSULTATION/ADVERTISING:

There will be a need to advertise the Arrangements and this can be achieved by advertising it in the Town of Vincent News, which is delivered to all properties in the Town and by having the document included on the Town of Vincent Website. The Arrangements document was tabled at the Town’s Safer Vincent Crime Prevention Partnership, on the 1 April 2009.

FINANCIAL/BUDGET IMPLICATIONS:

There will be a cost associated with the printing and binding of the document and then some distribution costs to ensure that all stakeholders are given a copy. These costs have been budgeted for in the current financial year.

COMMENTS:

The Western Central Local Emergency Management Arrangements have been compiled to ensure that the Town of Vincent Community is afforded appropriate preparation for and protection from both natural and man-made emergencies. Its adoption will ensure that the Town can continue to meet the expectations of the community and it provides a framework, which can be established, in the event of an emergency. The report is recommended for approval.

9.1.1 Further Report – No. 262 (Lot: 3 D/P: 1044) Oxford Street, Leederville - Proposed Two-Storey Mixed Use Development Comprising Three (3) Multiple Dwellings, One (1) Single Bedroom Multiple Dwelling, Offices and Associated Car Parking

Ward:	North	Date:	20 April 2009
Precinct:	Leederville; P03	File Ref:	PRO2066; 5.2008.599.1
Attachments:	001		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Evolve Planning & Design Studio on behalf of the owner B Meyer & S McKay for proposed Two- Storey Mixed Use Development Comprising Three (3) Multiple Dwellings, One (1) Single Bedroom Multiple Dwelling, Offices and Associated Car Parking, at No. 262 (Lot: 3 D/P: 1044) Oxford Street, Leederville, and as shown on plans stamp-dated 23 March 2009, subject to the following conditions:

- (i) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating a bin compound being provided in accordance with the Town’s Health Services specifications, divided into commercial and residential areas and sized to contain:-*

Residential Properties

- *General Waste: One (1) Mobile Garbage Bin or equal to 240 litres per unit (collected weekly); and*
- *Recycle Waste: One (1) Mobile Recycle Bin or equal to 240 litres per unit (collected fortnightly).*

Commercial Properties

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

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

- (ii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*

- (iii) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
- (iv) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (v) *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 dwellings that:*
- (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*
- (b) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential unit/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*
- This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the dwellings;*
- (vi) *first obtaining the consent of the owners of Nos. 264 and 256 Oxford 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. 264 and 256 Oxford Street in a good and clean condition;*
- (vii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (viii) *the doors, windows and adjacent floor areas on the ground floor fronting Oxford Street shall maintain an active and interactive relationship with this street;*
- (ix) *the total gross floor area of the offices shall be limited to 160 square metres. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
- (x) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (xi) *prior to the first occupation of the development a minimum of 2 car parking spaces for the commercial component of the development, shall be clearly marked and signposted for the exclusive use of the staff/customers of the development;*

- (xii) *the on-site car parking area for the offices/non-residential component shall be available for the occupiers and visitors of the residential component outside normal business hours;*
- (xiii) *the car parking area shown for the offices/non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xiv) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (xv) *any proposed vehicular entry gates to the car parking area shall have a minimum 50 per cent visually permeable and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
- (xvi) *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 of the development. Details of the design and layout of the bicycle parking facility shall be submitted and approved prior to the installation of such facility;*
- (xvii) *prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;*
- (xviii) *any new street/front wall, fence and gate within the Oxford Street setback areas, including along the side boundaries within this street setback area, shall comply with the following:*
 - (a) *the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
 - (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*

(xix) prior to the issue of a Building Licence for the single bedroom dwelling (unit 2), the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the single bedroom dwelling (unit 2) that:

(a) a maximum of one (1) bedroom and two (2) occupants are permitted in each single bedroom dwelling at any one time; and

(b) the floor plan layout of each single bedroom dwelling shall be maintained in accordance with the Planning Approval plans.

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

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

Cr Messina departed the Chamber at 6.56pm.

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Cr Messina returned to the Chamber at 6.58pm.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Farrell

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

“(xx) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating appropriate design features being incorporated into the boundary wall on the southern elevation.”

AMENDMENT PUT AND CARRIED (6-0)

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

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (5-1)

For

Mayor Catania

Cr Doran-Wu

Cr Farrell

Cr Lake

Cr Maier

Against

Cr Messina

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

COUNCIL DECISION ITEM 9.1.1

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Evolve Planning & Design Studio on behalf of the owner B Meyer & S McKay for proposed Two- Storey Mixed Use Development Comprising Three (3) Multiple Dwellings, One (1) Single Bedroom Multiple Dwelling, Offices and Associated Car Parking, at No. 262 (Lot: 3 D/P: 1044) Oxford Street, Leederville, and as shown on plans stamp-dated 23 March 2009, subject to the following conditions:

- (i) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating a bin compound being provided in accordance with the Town's Health Services specifications, divided into commercial and residential areas and sized to contain:-*

Residential Properties

- *General Waste: One (1) Mobile Garbage Bin or equal to 240 litres per unit (collected weekly); and*
- *Recycle Waste: One (1) Mobile Recycle Bin or equal to 240 litres per unit (collected fortnightly).*

Commercial Properties

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

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

- (ii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (iii) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
- (iv) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*

- (v) *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 dwellings that:*
- (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*
 - (b) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential unit/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

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

- (vi) *first obtaining the consent of the owners of Nos. 264 and 256 Oxford 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. 264 and 256 Oxford Street in a good and clean condition;*
- (vii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (viii) *the doors, windows and adjacent floor areas on the ground floor fronting Oxford Street shall maintain an active and interactive relationship with this street;*
- (ix) *the total gross floor area of the offices shall be limited to 160 square metres. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
- (x) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (xi) *prior to the first occupation of the development a minimum of 2 car parking spaces for the commercial component of the development, shall be clearly marked and signposted for the exclusive use of the staff/customers of the development;*
- (xii) *the on-site car parking area for the offices/non-residential component shall be available for the occupiers and visitors of the residential component outside normal business hours;*
- (xiii) *the car parking area shown for the offices/non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xiv) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*

- (xv) *any proposed vehicular entry gates to the car parking area shall have a minimum 50 per cent visually permeable and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
- (xvi) *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 of the development. Details of the design and layout of the bicycle parking facility shall be submitted and approved prior to the installation of such facility;*
- (xvii) *prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;*
- (xviii) *any new street/front wall, fence and gate within the Oxford Street setback areas, including along the side boundaries within this street setback area, shall comply with the following:*
- (a) *the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
 - (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (xix) *prior to the issue of a Building Licence for the single bedroom dwelling (unit 2), the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the single bedroom dwelling (unit 2) that:*
- (a) *a maximum of one (1) bedroom and two (2) occupants are permitted in each single bedroom dwelling at any one time; and*
 - (b) *the floor plan layout of each single bedroom dwelling shall be maintained in accordance with the Planning Approval plans.*

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

- (xx) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating appropriate design features being incorporated into the boundary wall on the southern elevation.*

FURTHER REPORT:

The Council considered a proposal for proposed two-storey mixed use development comprising of offices on the ground floor, and three multiple dwellings and one single bedroom multiple dwelling on the upper floor at its Ordinary Meeting held on 14 April 2009 and resolved as follows:

“That the item be DEFERRED for further consideration and to clarify the objections received.”

In light of the reason for deferral, the owner of the neighbouring property has advised the Town’s Officers of their objections to the proposed development. These are included in a ‘Further Assessment Table.’

Further Assessment Table

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density:	3 multiple dwellings and 0.98 single bedroom multiple dwelling at R60.	3 multiple dwellings and 1 single bedroom multiple dwelling.	Supported – this is a minor variation and has not resulted in a variation to the plot ratio requirements of the R Codes.
Plot Ratio:	0.7 or 424.0 square metres	0.54 or 331.75 square metres	Noted – no variation.
Single Bedroom Dwelling Plot Ratio:	70 square metres	58.55 square metres	Noted – no variation.
Building Setbacks: Ground Floor -West (Oxford Street)	Average setback = 3.53 metres	Nil – 1.73 metres	Supported – the proposed setback is not considered to have an undue impact on the streetscape as Oxford Street is characterised by diverse setbacks ranging from nil to 9.2 metres.
-North Driveway wall	1.5 metres	Nil	Supported – not considered to have an undue impact on the neighbouring property and no objections received from the effected land owner.
Car bay wall	1 metre	Nil	Supported – not considered to have an undue impact on the neighbouring property and no objections received from the effected land owner.

-South	1.5 metres	Nil	Supported – not considered to have an undue impact on the neighbouring property. and no objections received from the effected land owner.
-East	6 metres	1.69 metres	Supported – not considered to have an undue impact on the neighbouring property and no objections received from the effected land owner.
Upper Floor -West (Oxford Street) Balcony	1 metre behind the ground floor main building.	0.31 metre to 1.7 metres in front of the ground floor main building.	Supported – the proposed setback is not considered to have an undue impact on the streetscape as Oxford Street is characterised by diverse setbacks ranging from nil to 9.2 metres.
Main Building	2 metres behind the ground floor main building.	0.195 metre to 2.5 metres behind the ground floor main building.	Supported – the proposed setback is not considered to have an undue impact on the streetscape as Oxford Street is characterised by diverse setbacks ranging from nil to 9.2 metres.
-North (Unit 1-3)	6.6 metres	3 metres – 4.78 metres	Supported – not considered to have an undue impact on the neighbouring property and no objections received from the effected land owner.
-South	3 metres	Nil – 2.36 metres	Supported – not considered to have an undue impact on the neighbouring property. and no objections received from the effected land owner.
-East	6 metres	1.69 metres – 2.4 metres	Supported – not considered to have an undue impact on the neighbouring property and no objections received from the effected land owner.

Buildings on Boundary:	Walls not higher than 3.5 metres with average of 3 metres for 2/3 (26.82 metres) the length of the balance of the boundary behind the front setback, to one side boundary.	Two boundary walls proposed. -South Height = 5 metres – 7.2 metres (average height = 6.1 metres) Length = 38.4 metres -North (car bay) Height = 2.6 metres – 2.8 metres (average height = 2.7 metres) Length = 6.2 metres	Supported – not considered to have an undue impact on the neighbouring property. and no objections received from the effected land owner. Supported – the northern boundary wall is compliant with the requirements of the R Codes.
Overshadowing:	Overshadowing shall not exceed a maximum of 50 per cent of the lot area of the neighbouring property.	66 per cent of the lot area of the neighbouring property.	Supported – not considered to have an undue impact on the neighbouring property and no objections received from the effected land owner. <u>See comments on overshadowing.</u>
Town of Vincent Economic Development Strategy:	No requirement to add new commercial precincts or nodes as all Vincent’s residents live within 1 kilometre of a commercial centre.	Commercial use in a residential zone.	Supported – see “Comments”.
Multiple Dwellings Policy:	Multiple dwelling developments are to have a minimum total lot area of 1000 square metres.	Lot area = 607 square metres.	Supported – this variation is not considered to have an undue impact on the amenity of area. Note: The Multiple Dwellings Policy is under review, whereby the 1000 square metre minimum lot size required, is proposed to be no longer applicable to the Leederville Precinct.
Consultation Submissions			
Support (2)	<ul style="list-style-type: none"> • This development is appropriate for this site which has been left vacant for a number of years. • Mixed-use development should be encouraged on main roads. 	<ul style="list-style-type: none"> • Noted. • Noted. 	

<p>Objection (1)</p>	<p>No comments provided.</p> <ul style="list-style-type: none"> • Overshadowing • Two-storey boundary wall on southern elevation • Vehicle manoeuvring and visual sightlines. 	<p>Noted.</p> <ul style="list-style-type: none"> • Not supported – see comments on overshadowing. • Not supported – the proposed boundary wall is not considered to have an undue impact on the neighbouring property. • Not supported – the Town’s Technical Services Officers have assessed the application and have advised that the vehicle manoeuvring and visual sightlines requirements are compliant with the Australian Standards and the Town’s Policies.
Other Implications		
<p>Legal/Policy</p>	<p>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</p>	
<p>Strategic Implications</p>	<p>Nil</p>	
<p>Financial/Budget Implications</p>	<p>Nil</p>	
<p>Sustainability Implications</p>	<p>Nil</p>	

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

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

Overshadowing

The Explanatory Notes (page 32) of the R Codes, states the following:

“In terms of residential development, the three main aims of climate-sensitive design are to reduce energy consumption, optimise on-site solar access and protect solar access for neighbouring properties...”

It is evident in the design of the proposed mixed use development, that the applicant has met the terms of the first two aims of climate-sensitive design, being to reduce energy consumption and optimise on-site solar access. It is the view of the neighbouring landowner however, that the third aim has not been met. Whilst the Town’s Officers concur, the next paragraph of the Explanatory Notes (page 32) of the R Codes, states the following:

“...However, it is difficult to translate these aims into development provisions. This is not because the issues are subjective, but because conditions vary greatly from one situation to another, making it difficult to establish universally valid rules. To give an obvious example, a narrow east-west facing orientated lot on the south side of the development site, especially where the terrain slopes toward the south, is highly vulnerable to being overshadowed, even by a relatively low building setback from the common boundary.”

The Town’s Heritage Officers have confirmed that the subject portion of Leederville was subdivided in 1885, when climate-sensitive design was highly unlikely to be a consideration in subdivision approval. The Liveable Neighbourhoods Policy, adopted by the Western Australian Planning Commission for all subdivision design, states clearly that for new subdivisions all lots should be north-south orientated to avoid issues of overshadowing onto neighbouring properties. In this instance, the subject east-west lot orientation is out of the Town’s control and as stated in the R Codes it *“is highly vulnerable to being overshadowed”*.

Furthermore, in context with the Residential Design Elements Policy, it is acknowledged that physical factors may minimise energy efficiency principles from being implemented. In this particular instance, the existing lot orientation, streetscape and the existing urban form along Oxford Street has resulted in a proposed development that is non-compliant with the overshadowing requirements. However, it should be noted that the northern side of the neighbouring property, where a majority of the overshadowing occurs, consists of a 3 metre wide driveway and further along a 6 metre wide carpark. Whilst there is a residence above the ground floor shop, there is no outdoor living area in the form of a courtyard or balcony that is overshadowed. Therefore, the proposed variation is considered acceptable in this particular instance.

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

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 14 April 2009.

“OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Evolve Planning & Design Studio on behalf of the owner B Meyer & S McKay for proposed Two-Storey Mixed Use Development Comprising Three (3) Multiple Dwellings, One (1) Single Bedroom Multiple Dwelling, Offices and Associated Car Parking, at No. 262 (Lot: 3 D/P: 1044) Oxford Street, Leederville, and as shown on plans stamp-dated 23 March 2009, subject to the following conditions:

- (i) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating a bin compound being provided in accordance with the Town’s Health Services specifications, divided into commercial and residential areas and sized to contain:*

Residential Properties

- *General Waste: One (1) Mobile Garbage Bin or equal to 240 litres per unit (collected weekly); and*
- *Recycle Waste: One (1) Mobile Recycle Bin or equal to 240 litres per unit (collected fortnightly).*

Commercial Properties

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

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

- (ii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*

- (iii) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
 - (iv) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
 - (v) *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 dwellings that:*
 - (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*
 - (b) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential unit/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*
- This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the dwellings;*
- (vi) *first obtaining the consent of the owners of Nos. 264 and 256 Oxford 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. 264 and 256 Oxford Street in a good and clean condition;*
 - (vii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
 - (viii) *the doors, windows and adjacent floor areas on the ground floor fronting Oxford Street shall maintain an active and interactive relationship with this street;*
 - (ix) *the total gross floor area of the offices shall be limited to 160 square metres. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
 - (x) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
 - (xi) *prior to the first occupation of the development a minimum of 2 car parking spaces for the commercial component of the development, shall be clearly marked and signposted for the exclusive use of the staff/customers of the development;*

- (xii) *the on-site car parking area for the offices/non-residential component shall be available for the occupiers and visitors of the residential component outside normal business hours;*
- (xiii) *the car parking area shown for the offices/non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xiv) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (xv) *any proposed vehicular entry gates to the car parking area shall have a minimum 50 per cent visually permeable and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
- (xvi) *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 of the development. Details of the design and layout of the bicycle parking facility shall be submitted and approved prior to the installation of such facility;*
- (xvii) *prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer; and*
- (xviii) *any new street/front wall, fence and gate within the Oxford Street setback areas, including along the side boundaries within this street setback area, shall comply with the following:*
 - (a) *the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
 - (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

COUNCIL DECISION ITEM 9.1.8

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Messina, Seconded Cr Farrell

That the item be DEFERRED for further consideration and to clarify the objections received.

PROCEDURAL MOTION PUT AND CARRIED (7-0)

(Cr Ker and Cr Youngman on approved leave of absence.)

<i>Landowner:</i>	<i>B Meyer & S McKay</i>
<i>Applicant:</i>	<i>Evolve Planning & Design Studio</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60</i>
<i>Existing Land Use:</i>	<i>Vacant Land</i>
<i>Use Class:</i>	<i>Office and Multiple Dwellings</i>
<i>Use Classification:</i>	<i>“SA” and “P”</i>
<i>Lot Area:</i>	<i>607 square metres</i>
<i>Access to Right of Way</i>	<i>Not Applicable</i>

BACKGROUND:

- 23 July 2002 *The Council at its Ordinary Meeting resolved to refuse an application for the construction of three (3) three-storey grouped dwellings at the subject site.*
- 8 April 2003 *The Council at its Ordinary Meeting resolved to refuse an application for a three storey mixed use development comprising four offices, three multiple dwellings and associated car parking at the subject site.*
- 25 May 2004 *The Town under delegated authority from the Council resolved to conditionally approve an application for four (4) two-storey single bedroom grouped dwellings at the subject site.*
- 9 October 2007 *The Council at its Ordinary Meeting resolved to approve a proposed mixed-use development comprising two (2), two-storey grouped dwellings and a two-storey office building.*

DETAILS:

The proposal involves the construction of mixed use development comprising of offices and car parking on the ground floor, three multiple dwellings and one single bedroom multiple dwelling on the first floor.

The applicant's submission is "Laid on the Table" and is summarised below:

- The development provides a mixed-use development that is appropriate for its location on a District Distributor Road and its position between two commercial zoned areas (Leederville and Mount Hawthorn).
- The development will complement other development proposed within the Leederville Masterplan and provide accommodation targeted at the indentified age group (20 – 34 years old).
- The development will provide a contemporary and innovative development that complements and responds to the established residential and mixed-use character of the area and the immediate surroundings.
- Maintain the rhythm of frontages and built form, scale and bulk within the immediate Oxford Street vicinity.
- Provide quality residential development commensurate with the property location.
- Provide an appropriate mixed-use interface with Oxford Street that it compatible with the adjoining and adjacent land uses and provide passive surveillance of the street during non-business hours.
- Provide the required on-site parking for vehicles and bicycles whilst being within close proximity to public transport.
- The development will not have an undue impact on the privacy of adjoining sites.
- Add colour and vibrancy to the Oxford Street locality through the provision of artwork.

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Density:</i>	<i>3 multiple dwellings and 0.98 single bedroom multiple dwelling at R60.</i>	<i>3 multiple dwellings and 1 single bedroom multiple dwelling.</i>	<i>Supported – this is a minor variation and has not resulted in a variation to the plot ratio requirements of the R Codes.</i>
<i>Plot Ratio:</i>	<i>0.7 or 424.0 square metres</i>	<i>0.54 or 331.75 square metres</i>	<i>Noted – no variation.</i>
<i>Single Bedroom Dwelling Plot Ratio:</i>	<i>70 square metres</i>	<i>58.55 square metres</i>	<i>Noted – no variation.</i>
<i>Building Setbacks: Ground Floor -West (Oxford Street)</i>	<i>Average setback = 3.53 metres</i>	<i>Nil – 1.73 metres</i>	<i>Supported – the proposed setback is not considered to have an undue impact on the streetscape as Oxford Street is characterised by diverse setbacks ranging from nil to 9.2 metres.</i>
<i>-North Driveway wall</i>	<i>1.5 metres</i>	<i>Nil</i>	<i>Supported – not considered to have an undue impact on the neighbouring property and no objections received from the effected land owner.</i>

<i>Car bay wall</i>	<i>1 metre</i>	<i>Nil</i>	<i>Supported – not considered to have an undue impact on the neighbouring property and no objections received from the effected land owner.</i>
<i>-South</i>	<i>1.5 metres</i>	<i>Nil</i>	<i>Supported – not considered to have an undue impact on the neighbouring property and no objections received from the effected land owner.</i>
<i>-East</i>	<i>6 metres</i>	<i>1.69 metres</i>	<i>Supported – not considered to have an undue impact on the neighbouring property and no objections received from the effected land owner.</i>
<i>Upper Floor -West (Oxford Street) Balcony</i>	<i>1 metre behind the ground floor main building.</i>	<i>0.31 metre to 1.7 metres in front of the ground floor main building.</i>	<i>Supported – the proposed setback is not considered to have an undue impact on the streetscape as Oxford Street is characterised by diverse setbacks ranging from nil to 9.2 metres.</i>
<i>Main Building</i>	<i>2 metres behind the ground floor main building.</i>	<i>0.195 metre to 2.5 metres behind the ground floor main building.</i>	<i>Supported – the proposed setback is not considered to have an undue impact on the streetscape as Oxford Street is characterised by diverse setbacks ranging from nil to 9.2 metres.</i>
<i>-North (Unit 1-3)</i>	<i>6.6 metres</i>	<i>3 metres – 4.78 metres</i>	<i>Supported – not considered to have an undue impact on the neighbouring property and no objections received from the effected land owner.</i>
<i>-South</i>	<i>3 metres</i>	<i>Nil – 2.36 metres</i>	<i>Supported – not considered to have an undue impact on the neighbouring property and no objections received from the effected land owner.</i>
<i>-East</i>	<i>6 metres</i>	<i>1.69 metres – 2.4 metres</i>	<i>Supported – not considered to have an undue impact on the neighbouring property and no objections received from the effected land owner.</i>

<p><i>Buildings on Boundary:</i></p>	<p><i>Walls not higher than 3.5 metres with average of 3 metres for 2/3 (26.82 metres) the length of the balance of the boundary behind the front setback, to one side boundary.</i></p>	<p><i>Two boundary walls proposed.</i></p> <p><i>-South</i> <i>Height = 5 metres – 7.2 metres (average height = 6.1 metres)</i> <i>Length = 38.4 metres</i></p> <p><i>-North (car bay)</i> <i>Height = 2.6 metres – 2.8 metres (average height = 2.7 metres)</i> <i>Length = 6.2 metres</i></p>	<p><i>Supported – not considered to have an undue impact on the neighbouring property and no objections received from the effected land owner.</i></p> <p><i>Supported – the northern boundary wall is compliant with the requirements of the R Codes.</i></p>
<p><i>Overshadowing:</i></p>	<p><i>Overshadowing shall not exceed a maximum of 50 per cent of the lot area of the neighbouring property.</i></p>	<p><i>66 per cent of the lot area of the neighbouring property.</i></p>	<p><i>Supported – not considered to have an undue impact on the neighbouring property and no objections received from the effected land owner.</i></p>
<p><i>Town of Vincent Economic Development Strategy:</i></p>	<p><i>No requirement to add new commercial precincts or nodes as all Vincent’s residents live within 1 kilometre of a commercial centre.</i></p>	<p><i>Commercial use in a residential zone.</i></p>	<p><i>Supported – see “Comments”.</i></p>
<p><i>Multiple Dwellings Policy:</i></p>	<p><i>Multiple dwelling developments are to have a minimum total lot area of 1000 square metres.</i></p>	<p><i>Lot area = 607 square metres.</i></p>	<p><i>Supported – this variation is not considered to have an undue impact on the amenity of area. Note: The Multiple Dwellings Policy is under review, whereby the 1000 square metre minimum lot size required, is proposed to be no longer applicable to the Leederville Precinct.</i></p>
<p><i>Consultation Submissions</i></p>			
<p><i>Support (2)</i></p>	<ul style="list-style-type: none"> • <i>This development is appropriate for this site which has been left vacant for a number of years.</i> • <i>Mixed-use development should be encouraged on main roads.</i> 		<ul style="list-style-type: none"> • <i>Noted.</i> • <i>Noted.</i>
<p><i>Objection (1)</i></p>	<p><i>No comments provided.</i></p>		<p><i>Noted.</i></p>

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

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

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

COMMENTS:

The Town's Officers have considered that the commercial use of the ground floor is supported given the predominance of commercial land uses within the immediate proximity.

For the following reasons, the proposal is recommended for approval:

- *There is precedence set with adjoining and nearby offices and other commercial uses;*
- *The proposal in this instance is considered to be compatible with the uses of the immediate surrounding area and do not unduly intrude on the amenity of the neighbouring properties;*
- *The proposal is considered to display an appropriate transitional mix of use as it is situated along a district distributor road and is in an area between two town centres;*
- *No objections were received during the consultation period in relation to the uses proposed ;*
- *The residential component is the predominate use on-site;*
- *The Economic Development Strategy discourages commercial development outside of the established Town Centres; however, given the nature of surrounding mixed uses in this instance, it is not considered that the proposal will detrimentally alter the encouragement of uses in the Mount Hawthorn or Leederville Town Centres;*
- *The proposal in this instance promotes the integration of the work place and residences thus, diversifying the land use and providing casual surveillance through day and night time activity of the area;*
- *The proposal to develop vacant land will enhance and improve the streetscape and surrounding area; and*
- *Adequate parking is provided.*

Furthermore, the Town of Vincent Draft Local Planning Strategy has indentified Oxford Street has an 'Activity Corridor' between the Leederville and Mount Hawthorn Town Centres. The proposed design guidelines for the Oxford Street Activity Corridor promote a variety of commercial and combined high density residential/commercial zones to focus higher density residential development along Oxford Street to activate the street and promote redevelopment through mixed-use schemes.

Conclusion

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

9.1.11 Amendment No. 43 to Planning and Building Policies – Draft Policy Relating to Residential Streetscapes

Ward:	Both	Date:	21 April 2009
Precinct:	All Precincts	File Ref:	PLA0197
Attachments:	001		
Reporting Officer(s):	E Saraceni, T Woodhouse		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

(i) *RECEIVES the further Amended Draft Policy relating to Residential Streetscapes, as shown at Appendix 9.1.11, resulting from the advertised version having been reviewed and with regard to six hundred and fifty six (656) submissions received during the formal advertising, subject to the Policy being amended as follows;*

(a) *The list of recognised streetscape outlined in Schedule 1 be amended to read as follows:*

- 1. Alma Road, North Perth (Numbers 89-140, inclusive);*
- 2. Baker Avenue, Perth;*
- 3. Brisbane Street, Perth (Between Palmerston Street and Lake Street);*
- 4. Cantle Street, Perth;*
- 5. Carr Street, West Perth (Between Cleaver Street and Charles Street);*
- 6. Chapman Street, Perth;*
- 7. Coronation Street, North Perth;*
- 8. Daphne Street, North Perth;*
- 9. Doris Street, North Perth;*
- 10. Hammond Street, West Perth;*
- 11. Janet Street, West Perth ;*
- 12. Lawler Street, North Perth;*
- 13. Myrtle Street, Perth;*
- 14. St Albans Avenue, Highgate;*
- 15. Throssel Street, Perth; ~~and~~*
- 16. Wade Street, Perth; and*
- 17. Wilberforce Street, Mount Hawthorn;”*

(ii) *ADVERTISES the further Amended Draft Policy relating to Residential Streetscapes, as shown in Attachment 001, 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) *NOTES that during the advertising period, the Town's Officers will be available for one-on-one meetings with affected/interested landowners;*
- (iv) *after the expiry of the period for submissions:*
 - (a) *REVIEWS the further Amended Draft Policy relating to Residential Streetscapes, having regard to any written submissions and feedback received from the workshops; and*
 - (b) *DETERMINES the further Amended Draft Policy relating to Residential Streetscapes, with or without amendment, to or not to proceed with it;*
- (v) *APPROVES the procedure for streets wanting to "opt in" and be bound by the Policy at a later date as outlined in clause 2) iv) of the further Amended Draft Policy relating to Residential Streetscapes; and*
- (vi) *FURTHER CONSIDERS the matter of adopting the Residential Streetscapes Policy for the streets specified in Schedule 1 in a further Draft Amended Policy relating to Residential Streetscapes, based on the submissions received as a result of the further consultation by no later than August 2009.*

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

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

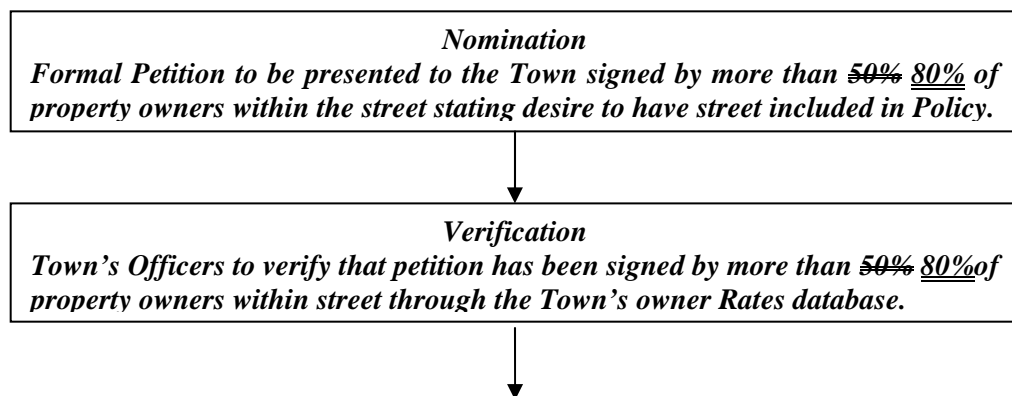
AMENDMENT NO 1

Moved Cr Farrell, Seconded Cr Doran-Wu

That a new subclause (i)(b) be inserted as follows:

"(b) Figure 1 on page 7 being amended to read as follows:

"Figure 1: Flow Chart illustrating the process for how streets may nominate for inclusion in the Policy



..."

Debate ensued.

AMENDMENT NO 1 PUT AND CARRIED (4-2)

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

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

AMENDMENT NO 2

Moved Cr Maier, Seconded Cr Lake

That;

1. a new subclause (i)(c) be inserted to read as follows:

“(c) The introduction on Page 1 of the Draft Policy being amended to read as follows:

“...Vincent Vision 2024 validated the value that residents place on the individuality and uniqueness of their residential areas and in particular those streetscapes that are predominantly intact with respect to the character attributes that they exhibit, single storey streetscapes.”;

2. a new subclause (i)(d) be inserted to read as follows:

“(d) Objective 2 being amended to read as follows:

“(2) To preserve the existing development patterns of those residential streetscapes identified in the 'Local Housing Survey' as predominantly being intact.”;

3. a new subclause (i)(e) be inserted to read as follows:

“(e) Objective 4 being amended to read as follows:

“(e) To ensure that future development within the recognised streetscapes is ~~consistent with~~ sympathetic to the character, rhythm and scale of existing residential development.”;

4. a new subclause (i)(f) be inserted to read as follows:

“(f) A new Figure 1 being inserted to clause (iii) (a) as follows:



Figure 1: Example of a Federation Bungalow.”;

5. a new subclause (i)(g) be inserted to read as follows:

“(g) Clause (iii) (b) being amended to read as follows:
“...
””



Figure 2: Example of an Inter-War Bungalow.”;

6. a new subclause (i)(h) be inserted to read as follows:

“(h) Clause (iii) (c) being amended to read as follows:
“...
””



Figure 3: Example of a California Bungalow.”;

7. a new subclause (i)(i) be inserted to read as follows:

“(i) Figure 1 on page 7 being amended to read as follows:

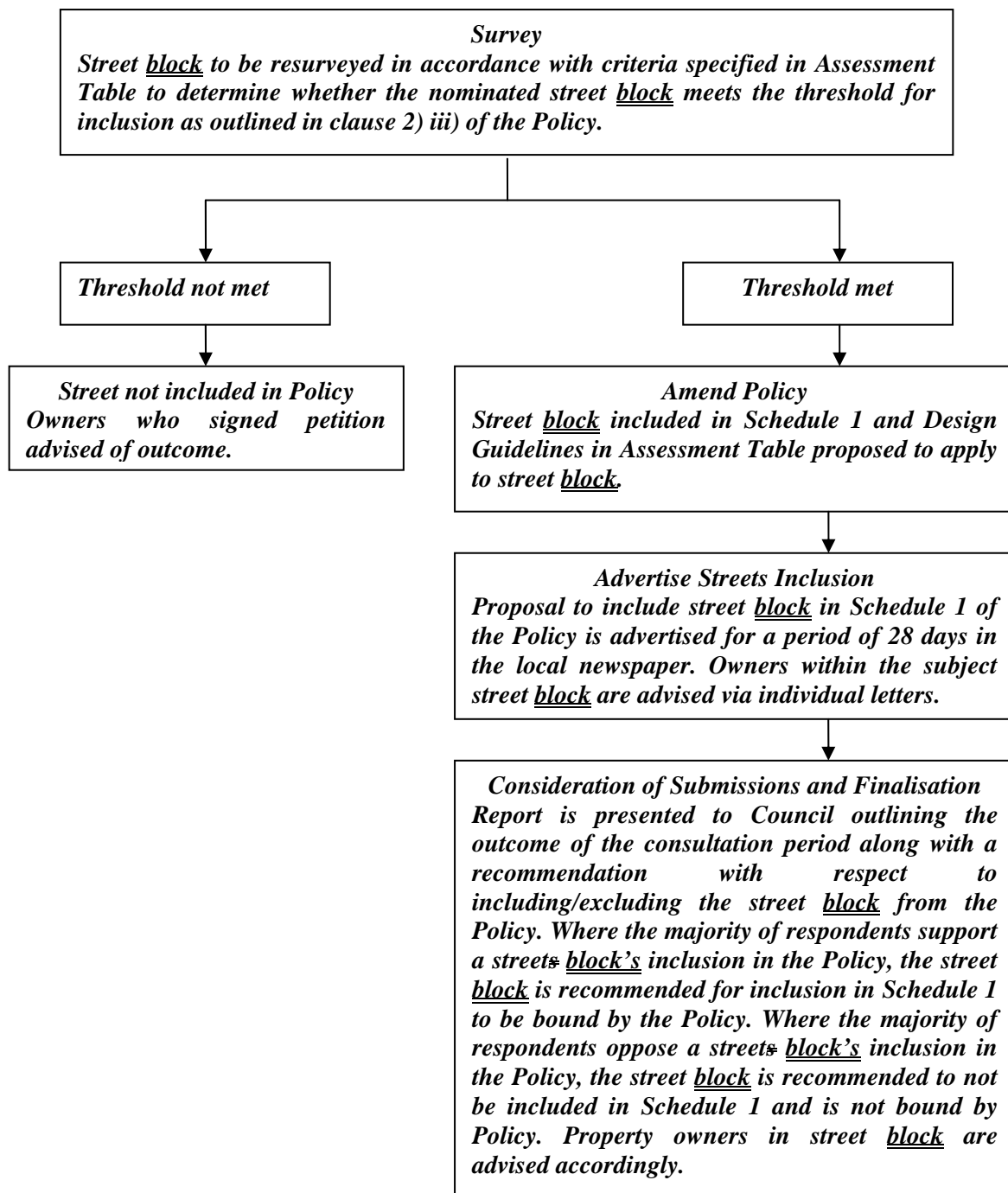
“Figure 1: Flow Chart illustrating the process for how streets may nominate for inclusion in the Policy

Nomination
Formal Petition to be presented to the Town signed by **the owners of more than 80% of properties** ~~property owners~~ within the street **block** stating desire to have street included in Policy.



Verification
Town’s Officers to verify that petition has been signed by **the owners of more than 80% of properties** ~~property owners~~ within the street **block** through the Town’s owner Rates database.





”

8. a new subclause (i)(j) be inserted to read as follows:

“(j) Clause (v) being amended to read as follows:

“... ”

Where the ~~Performance~~ Acceptable Development Criteria is not met, development will be assessed against the relevant ~~Acceptable Development~~ Performance Criteria...”;

9. a new subclause (i)(k) be inserted to read as follows:

“(k) Clause ADC2 (b) being amended to read as follows:

“(b) The ridge and wall heights for new dwellings, when viewed from the street, are to be consistent with the ridge and wall heights of the dominant existing dwellings within the street.”;”

10. a new subclause (i)(l) be inserted to read as follows:

“(l) Clause ADC2 (d) being amended to read as follows:

“(d) Variations to the abovementioned ~~table~~ clauses may be considered where it is demonstrated that the variations facilitate traditional ceiling heights, to the satisfaction of the Town.”;”

11. a new subclause (i)(m) be inserted to read as follows:

“(m) Clause ADC3 (c) being amended to read as follows:

“(c) ...

- Why the building is not a typical example of a specific architectural style or building type., or is not an example of a building containing unusually or finely executed detailing...’;and

12. a new subclause (i)(n) be inserted to read as follows:

“(n) Clause P4 (i) being amended to read as follows:

“(i)...

- maintaining the existing street pattern in terms of ~~design~~, setback, lot width and orientation; and
- Being of a design that does not visually dominate or detract from the existing streetscape.”

The Presiding Member, Mayor Nick Catania ruled that he would consider and vote on the amendments separately in various parts.

Debate ensued.

AMENDMENT NO 2 CLAUSE (i)(c) AND (d) PUT AND LOST (2-4)

For
Cr Lake
Cr Maier

Against
Mayor Catania
Cr Doran-Wu
Cr Farrell
Cr Messina

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

Debate ensued.

AMENDMENT NO 2 CLAUSE (i)(e) PUT AND CARRIED (5-1)

For

Mayor Catania
Cr Farrell
Cr Lake
Cr Maier
Cr Messina

Against

Cr Doran-Wu

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

Debate ensued.

AMENDMENT NO 2 CLAUSE (i)(f), (g) AND (h) PUT AND CARRIED (6-0)

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

Debate ensued.

**AMENDMENT NO 2 CLAUSE (i)(i) PUT AND LOST ON THE
CASTING VOTE OF THE PRESIDING MEMBER (3-4)**

For

Cr Lake
Cr Maier
Cr Messina

Against

Mayor Catania (two votes – deliberative and casting vote)
Cr Doran-Wu
Cr Farrell

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

Debate ensued.

Cr Farrell departed the Chamber at 7.35pm.

Debate ensued.

AMENDMENT NO 2 CLAUSE (i)(j) PUT AND CARRIED (5-0)

(Cr Ker and Cr Youngman on approved leave of absence. Cr Burns was an apology for the meeting. Cr Farrell was absent from the Chamber and did not vote.)

Debate ensued.

AMENDMENT NO 2 CLAUSE (i)(k) PUT AND CARRIED (4-1)

For

Cr Doran-Wu
Cr Lake
Cr Maier
Cr Messina

Against

Mayor Catania

(Cr Ker and Cr Youngman on approved leave of absence. Cr Burns was an apology for the meeting. Cr Farrell was absent from the Chamber and did not vote.)

Cr Farrell returned to the Chamber at 7.36pm.

Debate ensued.

AMENDMENT NO 2 CLAUSE (i)(l) PUT AND CARRIED (4-2)

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

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

Debate ensued.

AMENDMENT NO 2 CLAUSE (i)(m) PUT AND LOST (2-4)

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

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

Debate ensued.

**AMENDMENT NO 2 CLAUSE (i)(n) PUT AND LOST ON THE
CASTING VOTE OF THE PRESIDING MEMBER (3-4)**

<u>For</u>	<u>Against</u>
Cr Lake	Mayor Catania (two votes – deliberative and casting vote)
Cr Maier	Cr Doran-Wu
Cr Farrell	Cr Messina

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

**MOTION AS AMENDED FOR ALL MATTERS OTHER THAN
FORREST STREET, NORTH PERTH PUT AND CARRIED (6-0)**

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

The Chief Executive Officer advised that Mayor Nick Catania had declared a proximity interest in Item 9.1.11 in relation to the deletion of Forrest Street. Mayor Nick Catania departed the Chamber at 7.43pm.

Deputy Mayor, Cr Steed Farrell assumed the chair at 7.43pm.

**MOTION AS AMENDED FOR MATTERS RELATING
TO FORREST STREET, NORTH PERTH PUT AND CARRIED (4-1)**

For

Cr Farrell
Cr Doran-Wu
Cr Lake
Cr Maier

Against

Cr Messina

(Mayor Catania was absent from the Chamber and did not vote on this matter. Cr Ker and Cr Youngman on approved leave of absence. Cr Burns was an apology for the meeting.)

Mayor Nick Catania returned to the Chamber at 7.44pm. The Chief Executive Officer advised that the item was carried.

Mayor Nick Catania, assumed the Chair.

COUNCIL DECISION ITEM 9.1.11

That the Council;

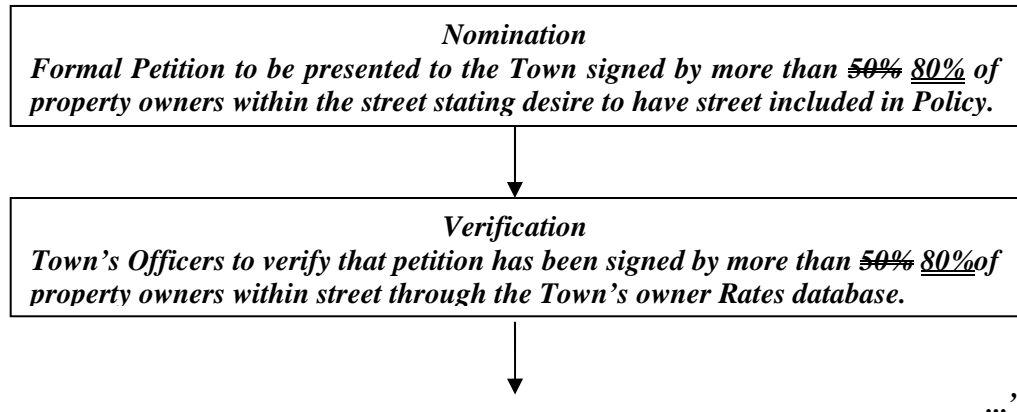
(i) *RECEIVES the further Amended Draft Policy relating to Residential Streetscapes, as shown at Appendix 9.1.11, resulting from the advertised version having been reviewed and with regard to six hundred and fifty six (656) submissions received during the formal advertising, subject to the Policy being amended as follows;*

(a) *The list of recognised streetscape outlined in Schedule 1 be amended to read as follows:*

- “1. Alma Road, North Perth (Numbers 89-140, inclusive);*
- 2. Baker Avenue, Perth;*
- 3. Brisbane Street, Perth (Between Palmerston Street and Lake Street);*
- 4. Cantle Street, Perth;*
- 5. Carr Street, West Perth (Between Cleaver Street and Charles Street);*
- 6. Chapman Street, Perth;*
- 7. Coronation Street, North Perth;*
- 8. Daphne Street, North Perth;*
- 9. Doris Street, North Perth;*
- 10. Hammond Street, West Perth;*
- 11. Janet Street, West Perth ;*
- 12. Lawler Street, North Perth;*
- 13. Myrtle Street, Perth;*
- 14. St Albans Avenue, Highgate;*
- 15. Throssel Street, Perth; ~~and~~*
- 16. Wade Street, Perth; and*
- 17. Wilberforce Street, Mount Hawthorn;”*

(b) *Figure 1 on page 7 being amended to read as follows:*

“Figure 1: Flow Chart illustrating the process for how streets may nominate for inclusion in the Policy



(c) *Objective 4 being amended to read as follows:*

“(6)4) To ensure that future development within the recognised streetscapes is ~~consistent with~~ sympathetic to the character, rhythm and scale of existing residential development.”;

(d) *A new Figure 1 being inserted to clause (iii) (a) as follows:*



Figure 1: Example of a Federation Bungalow.”;

(e) *Clause (iii) (b) being amended to read as follows:*
“... ”



Figure 2: Example of an Inter-War Bungalow.”;

- (f) *Clause (iii) (c) being amended to read as follows:*
“...
“...



Figure 3: Example of a California Bungalow.”;

- (g) *Clause (v) being amended to read as follows:*

“...
Where the ~~Performance~~ Acceptable Development Criteria is not met, development will be assessed against the relevant ~~Acceptable Development~~ Performance Criteria...”;

- (h) *Clause ADC2 (b) being amended to read as follows:*

“(b) The ridge and wall heights for new dwellings, when viewed from the street, are to be consistent with the ridge and wall heights of the dominant existing dwellings within the street.”; and

- (i) *Clause ADC2 (d) being amended to read as follows:*

“(d) Variations to the abovementioned ~~table~~ clauses may be considered where it is demonstrated that the variations facilitate traditional ceiling heights, to the satisfaction of the Town.”;

- (ii) **ADVERTISES** the further Amended Draft Policy relating to Residential Streetscapes, as shown in Attachment 001, 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) **NOTES** that during the advertising period, the Town's Officers will be available for one-on-one meetings with affected/interested landowners;
- (iv) **after the expiry of the period for submissions:**
 - (a) **REVIEWS** the further Amended Draft Policy relating to Residential Streetscapes, having regard to any written submissions and feedback received from the workshops; and
 - (b) **DETERMINES** the further Amended Draft Policy relating to Residential Streetscapes, with or without amendment, to or not to proceed with it;
- (v) **APPROVES** the procedure for streets wanting to "opt in" and be bound by the Policy at a later date as outlined in clause 2) iv) of the further Amended Draft Policy relating to Residential Streetscapes; and
- (vi) **FURTHER CONSIDERS** the matter of adopting the Residential Streetscapes Policy for the streets specified in Schedule 1 in a further Draft Amended Policy relating to Residential Streetscapes, based on the submissions received as a result of the further consultation by no later than August 2009.

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with the amended Draft Policy relating to Residential Streetscapes resulting from the submissions received during the consultation period and the Council Resolution of 28 October 2008. The report also outlines the procedure for the further consultation of the Draft Policy and provides a progress update with respect to the aforementioned Council Resolution.

BACKGROUND:

23 January 2007 The Council at its Ordinary Meeting resolved the following:

"That the Council;

- (ii) **ADOPTS** the following actions in relation to the future development and progression of the draft Residential Design Elements Policy;
 - (c) a new Policy relating to Streetscapes, independent but inherently linked to the draft Residential Design Elements Policy and future Town Planning Scheme, be prepared, and that a report and draft Policy be referred to the Council no later than February 2007;

..."

29 March 2007 The Town Planning Scheme Review Committee Meeting considered and discussed residential streetscapes.

19 May 2007 The Town Planning Scheme Review Elected Members Meeting considered and discussed residential streetscapes.

12 June 2007 The Council at its Ordinary Meeting resolved the following in relation to the proposed Residential Streetscapes Policy, Residential Subdivisions Policy and Single Bedroom Dwellings Policy:

“That the Council RECEIVES Progress Report No. 1 - Proposed Residential Streetscapes Policy, Residential Subdivisions Policy, and Single Bedroom Dwellings Policy.”

9 October 2007 The Council at its Ordinary Meeting resolved the following in relation to the proposed Draft Residential Streetscapes Policy:

“That the Council RECEIVES Progress Report No. 2 – Amendment No. 43 to Planning and Building Policies – Draft Policy Relating to Residential Streetscapes.”

12 February 2008 The Council at its Ordinary Meeting resolved the following in relation to the proposed Draft Residential Streetscapes Policy:

“That the Council RECEIVES Progress Report No. 3 – Amendment No. 43 to Planning and Building Policies – Draft Policy Relating to Residential Streetscapes.”

27 May 2008 The Council at its Ordinary Meeting resolved the following in relation to the proposed Draft Residential Streetscapes Policy:

“That the Council;

(i) RECEIVES the Draft Policy relating to Residential Streetscapes, as shown in Attachment 10.1.20; subject to the Draft Policy being amended as follows:

(a) The list of recognised streetscapes be amended to read as follows:

<i>‘Category 1 Streetscapes</i>	<i>Category 2 Streetscapes</i>
<i>Leederville Anzac Road (between Loftus Street and Oxford Street); Salisbury Street; and Muriel Place (Note: separate Guidelines included as Appendix 6). Mount Hawthorn Faraday Street; Harrow Street ; and Wilberforce Street . Mount Lawley/Highgate Cantle Street, Perth; Chapman Street, Perth; Chertsey Street, Mount Lawley;</i>	<i>Leederville Bourke Street (between Oxford Street and Loftus Street); Byron Street; Franklin Street (between Shakespeare Street and Loftus Street); Galwey Street; Marian Street; Rae Street; and Shakespeare Street (between Bourke Street and Salisbury Street). Mount Hawthorn Anzac Road (between Loftus Street and Sasse Avenue);</i>

<p><i>Mary Street, Highgate;</i> <i>Pakenham Street, Perth;</i> <i>St Albans Ave, Highgate;</i> <i>Stanley Street, Mount Lawley;</i> <i>Vincent Street, North Perth (between Norfolk Street and William Street); and</i> <i>West Parade, Perth.</i></p> <p><i>North Perth</i> <i>Alfonso Street;</i> <i>Alma Road;</i> <i>Burt Street;</i> <i>Camelia Street;</i> <i>Chamberlain Street;</i> <i>Commonwealth Avenue;</i> <i>Coronation Street;</i> <i>Daphne Street;</i> <i>Doris Street;</i> <i>Lawler Street;</i> <i>Pennant Street;</i> <i>Persimmon Street (Numbers 1-8 inclusive);</i> <i>Vine Street (Numbers 9-26 inclusive);</i> <i>Wagh Street; and</i> <i>Woodville Street.</i></p> <p><i>Perth</i> <i>Baker Avenue, Perth;</i> <i>Brisbane Street, Perth (between Palmerston Street and Lake Street);</i> <i>Bulwer Avenue, Highgate;</i> <i>Carr Street, North Perth (between Cleaver Street and Charles Street);</i> <i>Fitzroy Street, North Perth;</i> <i>Hammond Street, North Perth;</i> <i>Janet Street, North Perth;</i> <i>McCarthy Street, Highgate;</i> <i>Myrtle Street, Perth;</i> <i>Strathcona Street, West Perth;</i> <i>Stuart Street, Perth (Numbers 6-22, inclusive);</i> <i>Throssel Street; and</i> <i>Wade Street (Numbers 2-12, inclusive).</i></p>	<p><i>Birrell Street;</i> <i>Blackford Street;</i> <i>Buxton Street;</i> <i>Coogee Street;</i> <i>Dunedin Street;</i> <i>East Street;</i> <i>Edinboro Street;</i> <i>Egina Street;</i> <i>Ellesmere Street;</i> <i>Eucla Street;</i> <i>Fairfield Street;</i> <i>Federation Street;</i> <i>Flinders Street (between Anzac Road and Scarborough Beach Road);</i> <i>Kalgoorlie Street;</i> <i>Killarney Street;</i> <i>Lynton Street;</i> <i>Matlock Street;</i> <i>Milton Street ;</i> <i>Sasse Street;</i> <i>Seabrook Street;</i> <i>Shakespeare Street; and</i> <i>The Boulevarde .</i></p> <p><i>Mount Lawley/Highgate</i> <i>Cavendish Street, Highgate;</i> <i>Chatsworth Road, Highgate;</i> <i>Chelmsford Road, Mount Lawley;</i> <i>Gardiner Street, Perth;</i> <i>Grosvenor Road, Mount Lawley;</i> <i>Harley Street, Highgate;</i> <i>Harold Street, Mount Lawley (all single terrace and grouped dwellings between Vincent Street and Lord Street);</i> <i>Hyde Street, North Perth;</i> <i>Raglan Road, Mount Lawley;</i> <i>Summers Street, Perth; and</i> <i>Wasley Street, North Perth (between William Street and Norfolk Streets).</i></p> <p><i>North Perth</i> <i>Albert Street (Numbers 16- 41, inclusive);</i> <i>Alma Road (Numbers 89-140, inclusive);</i> <i>Auckland Street;</i> <i>Barnet Street;</i> <i>Clieveden Street;</i> <i>Elizabeth Street;</i> <i>Ethel Street;</i> <i>Eton Street;</i> <i>Farmer Street;</i> <i>Forrest Street (Numbers 82-121, inclusive);</i> <i>Grosvenor Road (between Fitzgerald Street and Norfolk Street);</i> <i>Hobart Street;</i> <i>Knutsford Street;</i></p>
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	<p><i>Mabel Street;</i> <i>Marmion Street (Numbers 1-41, inclusive);</i> <i>Monmouth Street (Numbers 90-103, inclusive);</i> <i>Namur Street;</i> <i>Paddington Street;</i> <i>Raglan Road (between Fitzgerald Street and Norfolk Streets);</i> <i>Richmond Street (Numbers 3-48, inclusive);</i> <i>Selkirk Street;</i> <i>Sydney Street;</i> <i>Venn Street (Numbers 18-49, inclusive);</i> <i>Vincent Street, (between Fitzgerald Street and Norfolk Street); and</i> <i>Vine Street (south of View Street).</i></p> <p><i>Perth</i> <i>Bulwer Street, North Perth (between Vincent Street and Fitzgerald Street);</i> <i>Cleaver Street, West Perth;</i> <i>Florence Street, North Perth;</i> <i>Glendower Street, Perth;</i> <i>Grant Street, Highgate;</i> <i>Kingston Avenue, West Perth;</i> <i>Lane Street, Perth;</i> <i>Orange Avenue, Perth; and</i> <i>Palmerston Street, Perth (between Glendower Street and Stuart Street).”</i></p>
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- (ii) *ADVERTISES the Draft Policy relating to Residential Streetscapes for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
 - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iii) *after the expiry of the period for submissions:*
 - (a) *REVIEWS the Draft Policy relating to Residential Streetscapes, having regard to any written submissions; and*
 - (b) *DETERMINES the Draft Policy relating to Residential Streetscapes, with or without amendment, to or not to proceed with them.”*

- 19 August 2008 The Town's Officers presented an overview of the Draft Policy, a brief summary of the submissions and options to proceed with the Draft Policy to a Council Members Forum.
- 28 October 2008 The Council at its Ordinary Meeting resolved the following in relation to the proposed Draft Residential Streetscapes Policy:
- “That the Council;*
- (i) *RECEIVES Amendment No. 43 to Planning and Building Policies – Draft Policy relating to Residential Streetscapes – Progress Report No. 1;*
- (ii) *CONSIDERS the submissions received during the community consultation period regarding the Draft Policy relating to Residential Streetscapes, as “Laid on the Table” and shown at Appendix 7.3;*
- (iii) *DOES NOT ADOPT the Draft Policy relating to Residential Streetscapes in its present form, due to the significant number of objections received;*
- (iv) *REQUESTS a further report on the amendments to the Draft Policy on Residential Streetscapes in response to comments received during the community consultation by no later than April 2009 and provides the Council with some recommendations and timelines as to how any amended Draft Policy would be advertised, including but not limited to;*
- *which streets would be included;*
 - *how any street not automatically included may be included in the consultation period; and*
 - *further provides some recommendations as to how any streets may “opt in” to be bound by the policy at a later date;*
- (v) *NOTES that a number of submissions in some specific streets support their street being the subject of the Draft Residential Streetscapes Policy;*
- (vi) *subject to clause (iii) above being approved, AUTHORISES the Chief Executive Officer to:*
- (a) *FURTHER CONSULT with the owners of properties (in writing) seeking their views as to whether they desire their street to be the subject of the Draft Residential Streetscapes Policy, for the following streets:*
1. *Wilberforce Street, Mt Hawthorn*
 2. *Cantle Street, Perth*
 3. *Chapman Street, Perth*
 4. *Chertsey Street, Mount Lawley*
 5. *Pakenham Street, Mount Lawley*
 6. *St Albans Avenue, Highgate*
 7. *Summers Street, Perth*
 8. *Coronation Street, North Perth*
 9. *Alma Road, North Perth*
 10. *Daphne Street, North Perth*
 11. *Doris Street, North Perth*

12. Lawler Street, North Perth
13. Baker Avenue, Perth
14. Brisbane Street, Perth
15. Carr Street, West Perth
16. Fitzroy Street, West Perth
17. Hammond Street, West Perth
18. Janet Street, West Perth
19. McCarthy Street, Perth
20. Myrtle Street, Perth
21. Throssel Street, Perth
22. Wade Street, Perth; and

(b) *FURTHER CONSIDER the matter of adopting the Residential Streetscapes Policy for the streets (where the majority of owners have indicated their support) specified in clause (v)(a) above, based on the submissions received as a result of the further consultation by no later than April 2009; and*

(vii) *AMENDS the Town's Residential Design Elements Policy to delete reference to "maintaining a single storey presentation to street" or similar wording (wherever it appears) and AUTHORIZES the Chief Executive Officer to amend the document accordingly to reflect Council decision."*

DETAILS:

This report outlines the amendments made to the Draft Residential Streetscapes Policy as a result of the feedback received during the consultation period and outlines the process for further consultation, including which streets are to be included in the consultation, as well as the methodology for how streets not subject to the Policy may "opt in" to be bound by the Policy at a later date, in line with clause (iv) of the previous Council Resolution. The report also provides a progress update with respect to clause (vi) of the previous Council Resolution.

Amended Policy

Following the completion of the advertising period, the submissions received were reviewed, along with the feedback received from the Council Members at the Council Member Forum held on 19 August 2008. As a result, the Draft Policy has been significantly amended. The revised Policy format is as follows:

- Introduction;
- Objectives;
- Definitions;
- Policy Statement;
 - Clause 1
 - Clause 2
 - Clause 2 (i)
 - Clause 2 (ii)
 - Clause 2 (iii) (a) to (c)
 - Clause 2 (iv)
 - Clause 2 (v)

The major changes to each section are outlined below, and where necessary highlighted using strikethrough and underline:

Objectives:

The Objectives of the Draft Policy have been amended to read as follows:

- “1) To create a Policy that embraces the outcomes of the community visioning of Vincent Vision 2024 (i.e. the preservation of streetscape character where appropriate).
- 2) To preserve the existing development patterns of those residential streetscapes identified in the 'Local Housing Survey' as being intact.
- 3) To identify a list of streetscapes that contribute to the overall character of the Town of Vincent.
- ~~4) To recognise that there are two different categories of recognised streetscapes requiring protection, based on the character and amenity of the existing streetscape.~~
- ~~5) To clarify the difference between the two categories and outline the recognised streetscapes by category.~~
- ~~6)4) To ensure that future development within the recognised streetscapes is consistent with the character, rhythm and scale of existing residential development.~~
- ~~7)5) To facilitate development that respects the dominant design elements of the recognised streetscapes and prevents the loss of amenity for surrounding development.~~
- ~~8)6) To inform the community that the Town of Vincent values the contribution that streetscapes make to the character of neighbourhoods and will give appropriate consideration when determining applications for future development proposals in those recognised streetscapes.”~~

Definitions:

A new section relating to definitions is proposed to be added to define the following terms; Recognised Streetscape, Character, Streetscape and Surrounding Development.

Policy Statement:

The Policy statement has been significantly amended to reflect the format of the Town's existing Policies, with the main amendments relating to the addition of new clauses 1 and 2. The new clause 1 relates to how the Draft Policy is to function with respect to State Planning Policies and the Town's existing Policy Manual.

The new clause 2 relates to the recognised streetscapes and is separated into four (4) sub clauses which are outlined below:

- The new clause 2 (i) relates to the recognised streetscapes to which the Draft Policy applies. This has been amended from 109 to 17 and the recognised streetscapes are now included in Schedule 1 of the Draft Policy;
- The new clause 2 (ii) outlines and provides justification for why the recognised streetscapes are considered to be significant and exhibit specific character qualities, particularly with respect to the built form.

- The new clause 2 (iii) outlines the predominant architectural styles within the recognised streetscapes and is separated into 3 sub-clauses; sub-clause 2 (iii) (a) relates to Federation Bungalows and Cottages and outlines the key characteristics of these styles and the recognised streetscapes in which this is the predominant architectural style, sub-clause 2 (iii) (b) relates to Inter - War Bungalows and Cottages and outlines the key characteristics of these styles and the recognised streetscapes in which this is the predominant architectural style; sub-clause (iii) (c) relates to Inter – War Californian Bungalows and outlines the key characteristics of this style and the recognised streetscapes in which this is the predominant architectural style.
- The new clause 2 (iv) outlines the procedure, via a flow chart, for amendments to Schedule 1 and how streets may opt in to be bound by the Policy at a later date.
- The new clause 2 (v) relates to the assessment of development applications within the recognised streetscapes and includes an Assessment Table comprising of Performance Criteria and Acceptable Development Criteria for the following design elements; Street Setbacks, Building Height, Alterations and Additions to Existing Dwellings and New Dwellings.

The Policy Statement in the previous Draft Policy is proposed to be deleted, as are Appendices 1 to 6 relating to the place based area design guidelines for the recognised streetscapes.

Further Consultation with 22 Streets Listed in the Previous Council Resolution:

Clause (vi) of the Council Resolution of 28 October 2008 stated as follows:

“That the Council;

...

(vi) subject to clause (iii) above being approved, AUTHORISES the Chief Executive Officer to:

(a) FURTHER CONSULT with the owners of properties (in writing) seeking their views as to whether they desire their street to be the subject of the Draft Residential Streetscapes Policy, for the following streets:

- 1. Wilberforce Street, Mt Hawthorn*
- 2. Cantle Street, Perth*
- 3. Chapman Street, Perth*
- 4. Chertsey Street, Mount Lawley*
- 5. Pakenham Street, Mount Lawley*
- 6. St Albans Avenue, Highgate*
- 7. Summers Street, Perth*
- 8. Coronation Street, North Perth*
- 9. Alma Road, North Perth*
- 10. Daphne Street, North Perth*
- 11. Doris Street, North Perth*
- 12. Lawler Street, North Perth*
- 13. Baker Avenue, Perth*
- 14. Brisbane Street, Perth*
- 15. Carr Street, West Perth*
- 16. Fitzroy Street, West Perth*
- 17. Hammond Street, West Perth*
- 18. Janet Street, West Perth*
- 19. McCarthy Street, Perth*
- 20. Myrtle Street, Perth*
- 21. Throssel Street, Perth*
- 22. Wade Street, Perth; and*

(b) FURTHER CONSIDER the matter of adopting the Residential Streetscapes Policy for the streets (where the majority of owners have indicated their support) specified in clause (v)(a) above, based on the submissions received as a result of the further consultation by no later than April 2009; and...”

To-date this clause has not been completed as the Town's Officers are of the opinion that the owners of properties within the abovementioned streets could not be further consulted with until the Draft Policy had been amended. The Amendments to the Draft Policy have required a significant amount of work including the resurveying of each of the 22 listed streets, significant research into similar Policies, locally and nationally and the reformatting of the Draft Policy.

It is noted that the dates specified in clause (iv) of the previous Council Resolution relating to the amended Draft Policy and the abovementioned clause are both April 2009.

In summary, clause (vi) of the previous Council Resolution cannot be achieved until such time as clause (iv) of the same Resolution is completed. Clause (vi) (b) will then be addressed as part of the further report to be presented to the Council in relation to the results of the further consultation outlined in clause (iv) of the Officer Recommendation and has been addressed in clause (vi) of the Officer Recommendation.

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.

It is noted that clause (iv) of the previous Council Resolution stated the following:

“That the Council

...

REQUESTS a further report on the amendments to the Draft Policy on Residential Streetscapes in response to comments received during the community consultation by no later than April 2009 and provides the Council with some recommendations and timelines as to how any amended Draft Policy would be advertised, including but not limited to;

- which streets would be included;*
- how any street not automatically included may be included in the consultation period; and*
- further provides some recommendations as to how any streets may “opt in” to be bound by the policy at a later date;...”*

The owners of properties within the revised 17 recognised streetscapes will be notified in writing of the Draft Policy, as this is considered to be in line with Clause 47 (3) (b) of the Town's Town Planning Scheme No. 1.

During the advertising period, the Town's Officers will also be available to answer telephone calls and counter enquiries relating to the Draft Amended Policy, as is the standard practice of the Town. The Town's Officers will also stipulate in the letter sent out to affected land owners that the responsible Officer will be available for one-on-one meetings should any affected land owners wish to discuss the Policy further.

At this stage, it is not considered practicable to include streets not included within the Draft Amended Policy, as the Draft Policy does not directly affect them, and the Town's residents will be notified of the Amendment as a result of Newspaper Advertisements required under Clause 47 (3) (a) of the Town's Town Planning Scheme No. 1.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 – Strategic Objectives: Natural and Built Environment:

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

1.1.4 Minimise negative impacts on the community and environment".

SUSTAINABILITY IMPLICATIONS:

It is considered that the proposed Draft Residential Streetscapes Policy will direct future development to occur in a manner that meets the community’s changing needs through the provision of appropriate housing, and encourages the retention and enhancement of character and heritage in the Town, while minimising undue negative impacts on the community and environment.

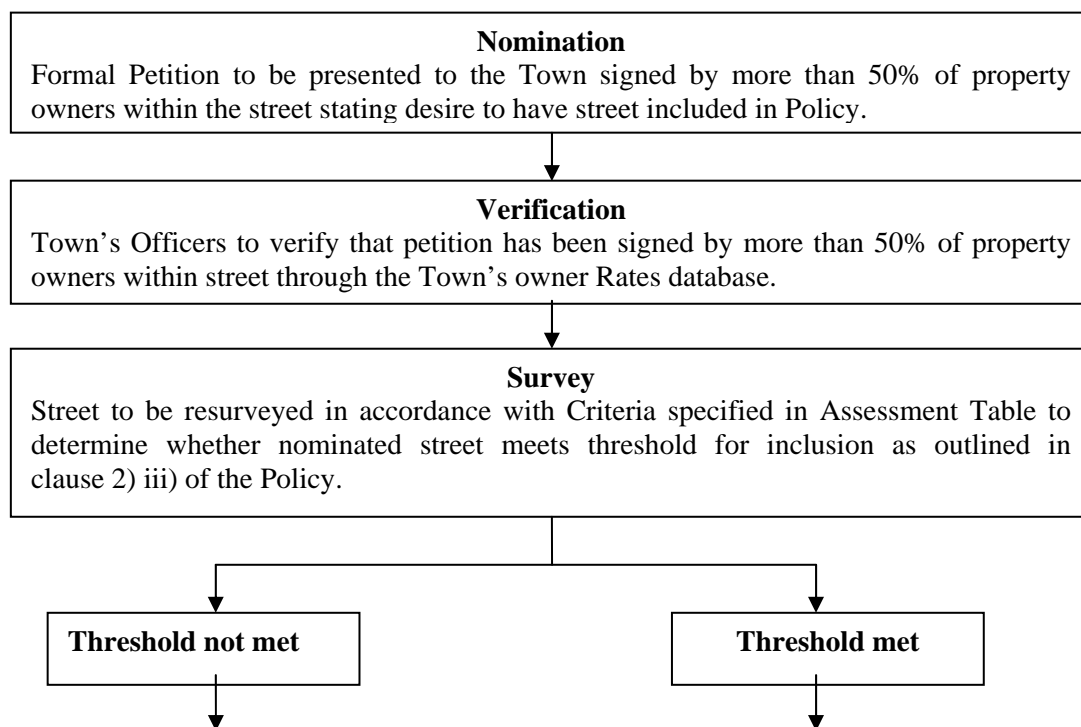
FINANCIAL/BUDGET IMPLICATIONS:

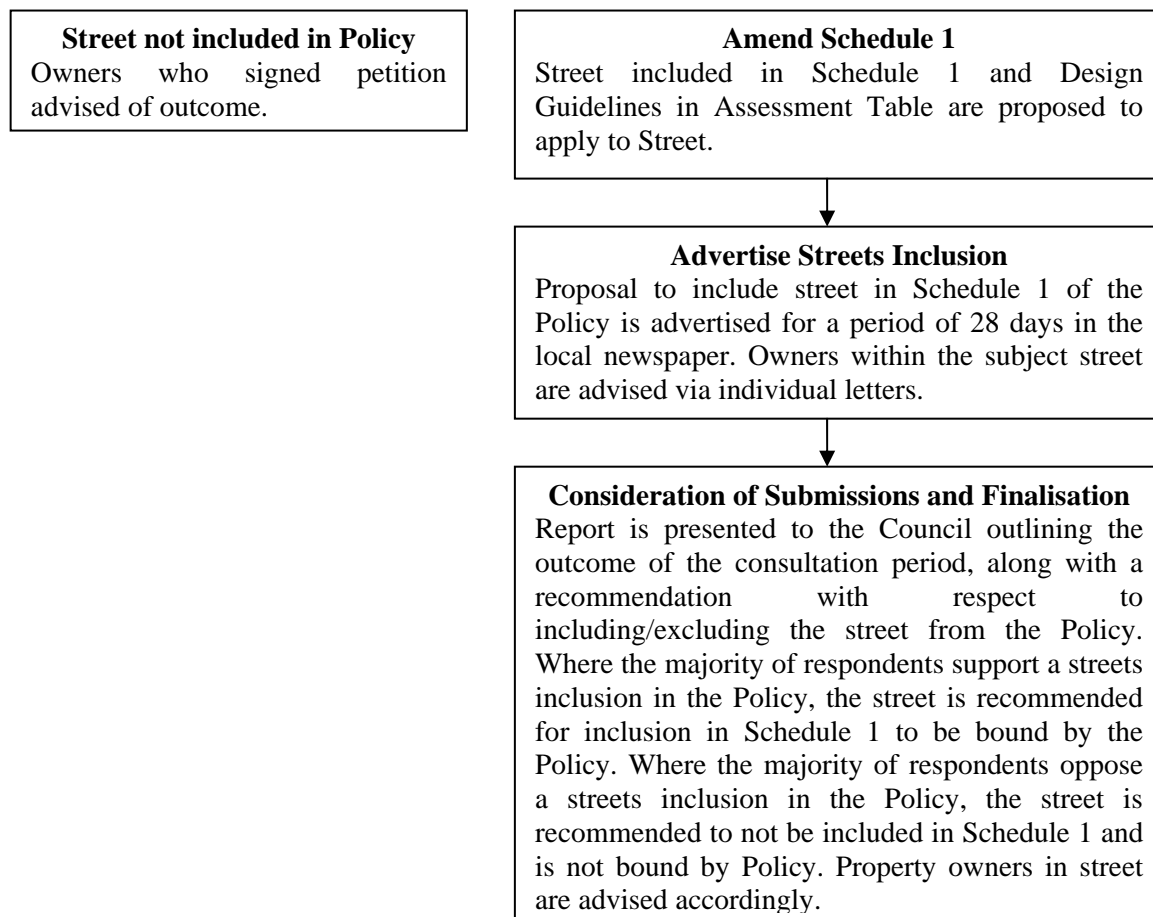
The current 2008/2009 Budget allocates \$62,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

The Draft Policy has been amended with respect to Policy Format, Objectives, Definitions, Policy Statement and the Assessment Table. In addition to this, the Town’s Officers have proposed a new clause 2 (iv) to address clause (iv) of the previous Council Resolution, which requested the Town’s Officers to “make some recommendations with regard to how any street may “opt in” to be bound by the Policy at a later date.”

The following process is proposed to address the above and included as Figure 1 in the Policy:





The above process illustrates that those streets where residents have expressed a desire to be included in the Draft Policy relating to Residential Streetscapes, and where it is deemed appropriate to include the street as a recognised streetscape by the Town's Officers as outlined above, will be included in the Draft Amended Policy via an Amendment to the Schedule 1 of the Policy and appropriate advertising to affected owners to notify them of the proposed inclusion.

It is considered that amending Schedule 1, rather than undertaking a Policy Amendment in line with the Policy Amendment Process, is more feasible and efficient in the ongoing management of the Policy. The process ensures appropriate consultation is undertaken in a fair and democratic manner, whilst ensuring that the process for inclusion is not convoluted and overly excessive with respect to the work required by the Town's Officers for including a street on the recognised streetscapes list.

Summary

It is considered that the Draft Amended Policy is clear and concise and will operate well within the context of the Town's existing Policies and provisions relating to residential development, and clearly addresses the concerns raised during the consultation period and the previous Council Resolution.

In light of the above, it is recommended that the Council receives and advertises the Draft Amended Policy in accordance with the Officer Recommendation.

9.1.3 No. 37 (Lot: 543 D/P: 2177) Federation Street, Mount Hawthorn - Proposed Two-Storey Single House (Reconsideration of Condition)

Ward:	North	Date:	21 April 2009
Precinct:	Mount Hawthorn; P01	File Ref:	PRO3493; 5.2009.108.1
Attachments:	001		
Reporting Officer(s):	E Storm		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Atrium Homes on behalf of the owner C J Tonge for proposed Two-Storey Single House (Reconsideration of Condition) at No. 37 (Lot: 543 D/P: 2177) Federation Street, Mount Hawthorn, and as shown on plans stamp-dated 1 April 2009, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) first obtaining the consent of the owners of No. 39 Federation 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. 39 Federation Street in a good and clean condition;*
- (iii) any new street/front wall, fence and gate within the Federation Street setback area, including along the side boundaries within this street setback area, shall comply with the following:*
 - (a) the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) the maximum height of piers with decorative capping being 2 metres above the adjacent footpath level;*
 - (c) the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) the posts and piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (e) the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
 - (f) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*

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

COUNCIL DECISION ITEM 9.1.3

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (6-0)

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

Landowner:	C J Tonge
Applicant:	Atrium Homes
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1: Residential R 30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	490 square metres
Access to Right of Way	N/A

BACKGROUND:

20 November 2008 An application for a Two-Storey Single House was approved by the Town under delegated authority from the Council. Condition (v)(b) stated the following:

- “(v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (b) *the porch and planter structure being setback a minimum of 6 metres from the Federation Street boundary.*”

DETAILS:

The proposal involves the construction of a two-storey single house. This application has been referred to the Council as it proposes a variation to street setbacks.

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

ASSESSMENT:

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

Building Setbacks: Ground Floor -South	1.5 metres	1.0 – 1.5 metres	Supported—not considered to have any undue impact on the amenity of the adjoining property. No objections received during advertising.
First Floor -South	3.5 metres	1.22 – 1.7 metres	Supported—not considered to have any undue impact on the amenity of the adjoining property. No objections received during advertising.
-North	3.5 metres	1.22 – 1.7 metres	Supported—not considered to have any undue impact on the amenity of the adjoining property. No objections received during advertising.
Front Setback	Where a predominant setback pattern required a setback distance that is less than the required minimum, the lesser setback will be required (Main building line at 6 metres).	Front main building line proposed at 6 metres, with porch and planter structure at 4.9 metres	Supported – see ‘Comments’ section.

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
Sustainability Implications	Nil
Financial/Budget Implications	Nil

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

COMMENTS:

Condition (v) (b)

This condition was originally imposed to ensure the proposal was compliant with SADC 5 of the Residential Design Elements Policy relating to Street Setbacks, as the porch and planter structure was considered to be the front main building line due to its ‘bulky’ appearance.

The applicant has applied to the Town to reconsider this condition for the following reasons:

- *"The original concept was to create a sufficient rear yard suitable for clients needs without the necessity of front yard fencing which would have a greater visual impact on the streetscape as front fencing would be more visually obtrusive than the proposed porch/planter structure. Complying with the condition will result in the loss of 1.3 metres of secure backyard area.*
- *Property at No. 39 Federation Street (adjoining property to the north) is setback approximately 4.2 metres and runs the entire length of the home. This should be more influential in the calculation of proposed setbacks for No. 37 Federation Street.*
- *Reduced setback results in the loss of access to the bore system, forcing the owners to use the main water system to maintain the garden."*

The Town's Officers are of the opinion that the reduced setback will not detrimentally affect the Federation Street streetscape as the immediate adjoining properties have similar street setbacks. During the original Community Consultation, no objections were received from the adjoining landowners regarding the proposal.

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

9.1.16 LATE REPORT – Nos. 639 - 643 (Lot 1) Beaufort Street, Mount Lawley – Public Meeting to Discuss Parking and Antisocial Behaviour in the Mount Lawley Precinct and the Renewal of Extended Trading Permit for the Flying Scotsman Tavern

Ward:	South	Date:	28 April 2009
Precinct:	Mount Lawley; P11	File Ref:	ENS0053; PRO0638
Attachments:	001		
Reporting Officer(s):	J Maclean, A Giles, S Teymant		
Checked/Endorsed by:	R Boardman, John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report and Minutes as shown in Appendix 9.1.16 regarding outcomes of the Public Meeting held at the Town's Administration and Civic Centre at 6.00pm Thursday, 23 April 2009, to discuss parking issues and alleged antisocial behaviour in the Mount Lawley Precinct, and the renewal of the Extended Trading Permit for the Flying Scotsman Tavern;*
- (ii) *OBJECTS to the Extended Trading Permit renewal in its current format due to consideration of concerns expressed by community members' concerns regarding parking congestion, noise and antisocial behaviour in the Mount Lawley Precinct;*
- (iii) *RECOMMENDS to the Department of Racing, Gaming and Liquor that the Licencee of the Flying Scotsman Tavern be requested to work closely with WA Police, local residents and businesses in the Mount Lawley Precinct, the Town of Vincent and Department of Racing, Gaming and Liquor to implement suggested changes relating to licence conditions, such as security, closed circuit television and other proactive steps in line with Vincent Liquor Accord principles to assist in minimising the concerns raised in the objections; and*
- (iv) *REVIEWS the matter in November 2009; and*
- (v) *NOTES that;*
 - (a) *the Town's Chief Executive Officer and the Mayor will request a meeting with the Hon. T. Waldron - Minister for Sport and Recreation; Racing and Gaming, to discuss concerns relating to correspondence received from the Director Racing, Gaming and Liquor on 15 April 2009;*
 - (b) *the Town's Chief Executive Officer will address further concerns regarding advertising processes identified in the correspondence received from the Director Racing, Gaming and Liquor on 15 April 2009, in writing and advise of the Town's current position in relation to the Extended Trading Permit; and*
 - (c) *the Town will investigate and report on the provision of street litter bins, public toilet, street lighting and carpark lighting levels in the Mount Lawley Precinct.*

COUNCIL DECISION ITEM 9.1.16

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (6-0)

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

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of details from the Public Meeting held at the Town's Administration and Civic Centre at 6.00pm on Thursday, 23 April 2009 to discuss parking issues and alleged antisocial behaviour in the Mount Lawley Precinct as well as the renewal of the Extended Trading Permit for the Flying Scotsman Tavern.

BACKGROUND:

At the Ordinary Meeting of Council held on 24 March 2009, the Council resolved as follows:

"That;

- (i) (a) the Council RECEIVES the report regarding the Renewal of the Ongoing Extended Trading Permit (ETP) for the Flying Scotsman Tavern, located at Nos. 639 - 643 Beaufort Street, Mount Lawley;*
- (b) the Council EXPRESSES its strong concern to the Department of Racing, Gaming and Liquor and relevant Minister at the insufficient time provided to respond to the application for renewal of the Extended Trading Permit; and*
- (c) the Council REQUESTS that the Department of Racing, Gaming and Liquor to DEFER its decision to renew the existing extended trading permit for the Flying Scotsman Tavern in order to allow the Licensee, Town and Objectors "procedural fairness" to make submissions concerning the objections received during the recent consultation period and any other relevant matters;*
- (ii) in the event that the Department of Racing, Gaming & Liquor DOES NOT AGREE TO DEFER its decision as detailed in clause (i)(c) above;*
 - (a) the Council STRONGLY OBJECTS to the ongoing Extended Trading Permit Application as submitted due to consideration of the twelve (12) objections received from local residents; and*
 - (b) the Council STRONGLY REQUESTS the Department of Racing, Gaming and Liquor not to renew the existing Extended Trading Permit for the Flying Scotsman Tavern, for a minimum period of 12 months, in order to allow the Licensee sufficient time to implement appropriate measures to resolve objections/complaints on a long term basis;*
- (iii) the Town calls a public meeting of the licensee of the Flying Scotsman Tavern, ratepayers, residents, all proprietors of other licensed premises and other interested late trading business proprietors to discuss parking issues and alleged antisocial behaviour in the Mt Lawley Precinct (including an invitation to those located in the City of Stirling);*
- (iv) the Council DEFERS the implementation of the introduction of parking restrictions, until the survey of the area is completed in accordance with the Council Decision at Item 9.1.12 of the Ordinary Meeting of Council held on 10 February 2009 and in conjunction with the Consultants' Precinct Parking Management Report, currently being undertaken by Luxmore Consultants;*

- (v) *the Council NOTES that the Town's Rangers have been instructed to increase their patrols to the area bounded by Walcott Street, Curtis Avenue, Harold Street and William Street, to identify whether there is evidence that existing problems are related to the Flying Scotsman Tavern and proactively deal with any parking issues; and*
- (vi) *the Council ADVISES the Department of Racing, Gaming & Liquor, WA Police, the licensee of the Flying Scotsman Tavern, City of Stirling and objectors of the Council's Decision.*

REASONS FOR SIGNIFICANTLY CHANGING THE OFFICER RECOMMENDATION:

1. *The Licensee of the Flying Scotsman Tavern, Town and Objectors have been denied "procedural fairness" in this process, which would allow them reasonable time to make submissions on the objections received.*
2. *The Council is concerned that as the Department of Racing, Gaming & Liquor has only provided a very short period of time in which to deal with the matter, it is has resulted in insufficient time for all parties to properly prepare their submissions concerning the application.*
3. *The Council is concerned that there is insufficient time to properly investigate the objections received and that it needs further information in which to make an informed decision."*

DETAILS:

The Public Meeting held at the Town's Administration and Civic Centre on Thursday, 23 April 2009 was attended by 50 persons including:

- Council Members and Town of Vincent Administrative Staff;
- Licensee and representatives from the Flying Scotsman;
- WA Police, including the Licensing Enforcement Division;
- Local Community Members, residents and businesses; and
- Other Licensed Premises representatives.

Minutes are attached to this Agenda Report; however, during discussion the key issues identified were as follows:

- Residents concerned regarding parking within residential streets, requesting 'residents only' parking;
- Noise from patrons of the Mount Lawley Precinct returning to vehicles within surrounding residential streets;
- Litter in surrounding streets of the Mount Lawley Precinct, and the impact on the Town's resources;
- Acknowledgement that environmental factors, such as flow-on from other licensed premises and people exiting Northbridge along Beaufort Street, are a contributing factor;
- Requests for increased patrols by Rangers, and increased Ranger numbers;
- Residents/businesses encouraged to contact WA Police should antisocial behaviour be evident, and to keep a diary of events;
- Need for collective approach to resolve issues from all stakeholders;
- Mount Lawley Precinct a vibrant area, positive reflection, lack of violence compared to other entertainment precincts;
- Need for strict Responsible Service of Alcohol and adoption of initiatives of the *Vincent Accord*;

- Vehicles regularly driving contrary to the direction of traffic on Chelmsford Road (one-way);
- Lack of short term parking bays;
- Request for a Public Toilet within Mount Lawley business Precinct;
- Clarification of amended hours being sought (detailed further below);
- Request for ticketed parking and review of restrictions in Council carparks;
- Concern regarding street lighting levels in Walcott Street; and
- Request for clarification from Licensee in terms of advertising requirements specified by Department of Racing, Gaming and Liquor.

Amended Extended Trading Permit

A/Sergeant Starkey from the Licensing Enforcement Division (LED) and Chris Vivian, Licensee of the Flying Scotsman, confirmed that an amended Extended Trading Permit was being considered, that being no extended hours in the downstairs area, and an extension until 2.00am Wednesday to Saturday, and 10.00pm to 12 midnight on Sundays in the upstairs area only. Benefits of this were explained to be that the upstairs area holds 200 persons maximum, requires patrons to enter via Beaufort Street past security personnel, and that the upstairs area is sound proofed with limited interaction with passers by on the street.

A/Sgt Starkey advised that the LED does not have evidence to submit an objection to the application for renewal of extended trading hours, and that during discussions with Mr Vivian, it was acknowledged that conditions relating to security personnel, closed circuit television and the like could be made a condition of the Liquor Licence. Sgt Starkey advised that the Mount Lawley Precinct was being monitored (including undercover operations), the impact of residents was understood, and that statistically the area was not problematic.

Mr Vivian also advised he was willing to install floodlighting at his expense to assist reducing antisocial behaviour in the rear carpark, which may be exacerbated by poor lighting. Lighting will be subject to compliance with Council requirements, and is considered a key principle of crime prevention through environmental design.

The Town has provided an undertaking to have a Dayshift Ranger in the Mount Lawley area in addition to weekends, and will increase night time patrols.

Parking

A number of questions were asked, regarding Rangers' shifts and number of Rangers available to assist. It was explained that the Town employs nine (9) Shift Rangers, who are on duty from 7:00am every morning and finish at 8:00pm on Mondays and Tuesdays and at midnight for the remainder of the week.

It was explained that, following a previous ETP Application, when parking complaints were received from local residents, Rangers undertook a survey of the streets close to the Flying Scotsman. The results suggested that, while there was some parking congestion, Rangers established that some parking was always available, although it was acknowledged that available bays were not always immediately outside a specific property.

It was confirmed that Rangers had been asked to increase their patrols of the Mount Lawley area and, where possible, to deal with residents' concerns as quickly as practicable. There have been 592 infringement notices issued since 1 July 2008, which represents a substantial investment of Rangers' time and confirms that the area receives a lot of attention.

However, it was pointed out to those attending the meeting that, while some of the current parking issues may emanate from the Flying Scotsman, there are a large number of other licenced premises, situated in close proximity to the Flying Scotsman and many of which trade till at least midnight. As a result, it is difficult to confirm whether the problems would be exacerbated, by the ETP, or whether they resulted from other local premises.

It was explained that, in response to a request from business proprietors, the Council had approved a period of public consultation, in the Mount Lawley area, to establish whether residents would support paid parking, in Raglan Road and Chelmsford Road Car Parks, along with two hours (2P) parking time restrictions in Raglan, Grosvenor and Chelmsford Roads, between Beaufort Street and Hutt Street. However, because this area formed part of the study being undertaken by Luxmoore Parking Consultants, to produce a Mount Lawley Parking Management Plan (MLPMP), the survey should be deferred until this was completed. It is anticipated that the report will be completed and presented to the Council, for their approval, before 30 June 2009.

Three (3) people took up the offer to participate in the MLPMP Study and these details have been passed to the consultants.

CONSULTATION/ADVERTISING:

The Department of Racing, Gaming and Liquor issued a General Notice advertising the Flying Scotsman's intentions to apply for an ongoing Extended Trading Permit, which was erroneously sent to the City of Stirling rather than the Town of Vincent. The Town of Vincent received notification via consultation being undertaken by the Drug and Alcohol Office, and after contacting the DRGL, a belated circular was received by the Town on 5 March 2009 requesting that any objections or interventions be submitted by 17 March 2009.

To ensure compliance with the Town's consultation policy, Health Services requested an extension of time be provided to comment. A letter drop seeking comment was undertaken to all owners and occupiers within a 200 metre radius of the premises on 9 March 2009, requesting responses by close of business 16 March 2009, to enable the matter to be reported to the Ordinary Meeting of Council on 24 March 2009. Responses received on 17 March 2009 were also included in the report, given the short timeframe available to the Town to seek comment. A number of concerns were raised by residents regarding the short timeframe for responses. Residents were subsequently advised of the reasons behind this, as the referral of matters to other local authorities by the DRGL is not an isolated incident.

Following the report to the Ordinary Meeting of Council on 24 March 2009, the Town wrote to Barry Sargeant, Director Racing, Gaming & Liquor expressing concerns with the limited time provided to the Town to consult with the public, and make comment on the Flying Scotsman Tavern's Extended Trading Permit Application. The following reply was received from Barry Sargeant Director General:

"I refer to your letter of 27 March 2009, also copied to the Minister for Racing and Gaming, regarding this Department's request for the Town of Vincent to comment on the application for extended trading hours at premises known as The Flying Scotsman. The Minister has asked that I also respond on his behalf.

Extended trading permits have been granted in respect of this premises since 1995. Therefore, rather than seeking the Town of Vincent's formal approval of the application, this department was simply consulting with Council as an interested party.

With respect to the wide advertising of the application under the provisions of the Liquor Control Act 1988 (“the Act”), the applicant was required to:

1. *serve notice of the application and intended manner of trade on all schools and educational institutions; hospitals; hospices; aged care facilities; any drug and alcohol treatment centres; any short term accommodations or refuges for young people; child care centres; churches; any local government authority; and any local police stations, which may be situated in the 2k locality of the premises, prior to the first day of the advertising period and must identify the last date by which objections may be lodged with the licensing authority;*
2. *serve notice of the application and intended manner of trade on any local aboriginal community, and where applicable, on a Regional Office of the Department of Indigenous Affairs;*
3. *advertise the application (notice enclosed) using the banner on the site of the premises for a period of 14 days;*
4. *advertise the application in The West Australian newspaper;*
5. *undertake a letter drop to residents and businesses within a 200 metre radius of the premises, giving notice of the application and the intended manner of trade; and*
6. *make a copy of the Public Interest Assessment available for public inspection at the venue identified in the letter drop.*

However, notwithstanding my view that the period provided for Council to make comment was sufficient in the circumstances, Council is now afforded the opportunity to make comment about the application until 30 April 2009”.

The final phase of public consultation resulted in a public meeting being conducted at the Town of Vincent Administration and Civic Centre on 23 April 2009, which was attended by 50 persons including:

- Council Members and Town of Vincent Administrative Staff;
- Licensee and representatives from The Flying Scotsman;
- WA Police, including the Licensing Enforcement Division;
- Local Community Members, residents and businesses; and
- Other Licensed Premises representatives.

Following the Ordinary Meeting of Council on 24 March 2009, further letters of both support, and objection, regarding the ETP application were submitted to the Town. This information is tabled below:

Consultation Comments	Officer Comments
<p><i>1. Letter of Support – long term customer of the Flying Scotsman Tavern, resides on Grosvenor Road, Mt Lawley.</i></p> <p>Letter claimed noise, antisocial behaviour, rubbish and hoon driving within the vicinity of his residence is more attributable to being located in the vicinity of main roads such as Walcott, Beaufort and William Streets.</p>	<p>Main roads contribute towards heightened noise levels, hoon driving and rubbish due to large traffic volumes; however, late night businesses operating in the Mount Lawley Precinct contribute to the number of persons present on the streets during the night, exposing nearby residents to the undesirable behavioural traits of those visiting the area for entertainment purposes.</p>

<p>2. <i>Letter of Support – Beaufort Street business owner and resident</i></p> <p>Letter claimed as follows:</p> <p>Noise levels are negligible from the Tavern with road noise being the major contributor.</p> <p>Never had problems with parking, although off street parking is available to him.</p> <p>Antisocial behaviour including public urination and littering, attributable to lack of public toilet facilities and the need for additional public litter bins in the vicinity.</p>	<p>As stated by the Mayor at the Public Meeting held on 23 April 2009, the issues of public toilet provisions will be reviewed. It is also recommended that a review of litter bin provisions be undertaken by the Town's Technical Services.</p>
<p>3. <i>Letter of Objection - Beaufort Street business owner</i></p> <p>Drunk patrons behaving antisocially in the vicinity and within the confines of the proprietor's business.</p>	<p>It is recommended that measures be examined for the Tavern and local business proprietors to communicate and work collectively, to mitigate or abate antisocial behaviour within the vicinity of the Mount Lawley Precinct.</p>

LEGAL POLICY:

- Liquor Control Act 1988; and
- Environmental Protection (Noise) Regulations 1997.

STRATEGIC IMPLICATIONS:

Town of Vincent Strategic Plan 2006 – 2011:

“Natural and Built Environment:

1.1.4 - Minimise negative impacts on the community and environment.

SUSTAINABILITY IMPLICATIONS:

It is essential for sustainable coexistence that the Town supports the needs of both residents and business' whilst facilitating a compromise where conflicts that arise from mixed land use interface exists.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Whilst statistical evidence from both the WA Police and the Town's records do not indicate significant issues relating to the Flying Scotsman, the problems experienced by the Town's residents and surrounding business owners relating to parking and antisocial behaviour are likely to be exacerbated by extended trading hours, and as such the Town does not support renewal of extended trading hours at this point in time. The increased patronage to the area since the opening of the upstairs cocktail bar appears to be a contributing factor in relation to the parking and antisocial behaviour problems reported.

At the public meeting held on 23 April 2009, residents spoke about problems currently being experienced. Based on these comments, it is considered there is sufficient information to reasonably conclude that the complaints are attributed to the Flying Scotsman Tavern. Accordingly, it is recommended that the Council objects to the renewal of the Extended Trading Permit in its current format.

Subsequently, it is also recommended that the licensee of The Flying Scotsman Tavern work closely with the WA Police, local residents and businesses in the Mount Lawley Precinct, the Town of Vincent and Department of Racing, Gaming and Liquor to implement suggested changes relating to licence conditions regarding security, closed circuit television and other proactive steps in line with *Vincent Accord* principles, and that the Council reconsider their position after a six month period.

9.1.4 No. 5 (Lot 8, Strata Lot: 2 STR: 47108) Tennyson Street, Leederville - Proposed Two-Storey Single House – State Administrative Tribunal (SAT) Review Matter No. DR 91 of 2009

Ward:	North	Date:	20 April 2009
Precinct:	Leederville; P03	File Ref:	PRO3121; 5.2008.508.1
Attachments:	001_002		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to No. 5 (Lot 8, Strata Lot 2, STR: 47108) Tennyson Street, Leederville for Proposed Two-Storey Single House – State Administrative Tribunal (SAT) Review Matter No. DR 91 of 2009; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by R. I. Allan Architect Pty Ltd on behalf of the owner P Dafinkas for proposed Two-Storey Single House – State Administrative Tribunal (SAT) Review Matter No. DR 91 of 2009, at No. 5 (Lot 8, Strata Lot: 2 STR: 47108) Tennyson Street, Leederville, and as shown on plans stamp-dated 1 April 2009, subject to the following conditions:*
 - (a) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
 - (b) *any new street/front wall, fence and gate within the Tennyson Street setback area including along the side boundaries within this street setback areas, shall comply with the following:*
 - (1) *the maximum height being 1.8 metres above the adjacent footpath level;*
 - (2) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (3) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (4) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (5) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*

- (6) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (c) *first obtaining the consent of the owners of No. 6 Galwey Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 6 Galwey 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 following:*
- (1) *the living room window on the upper floor on the southern 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 windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 2 Galwey Street stating no objection to the respective proposed privacy encroachments;*
- (2) *the proposed driveway being reduced to a maximum width of 4.828 metres; and*
- (3) *the pillars of the carport on the Tennyson Street boundary being setback 0.5 metre from the Tennyson Street boundary.*

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

- (e) *the carport shall be one hundred (100) per cent open on all sides and at all times (open style gates/panels with a visual permeability of eighty (80) per cent are permitted), except where it abuts the main dwelling;*
- (f) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s); and*
- (g) *the proposed spa does not form part of this approval and is subject to a separate Swimming Pool Licence being applied to and obtained from the Town.*

COUNCIL DECISION ITEM 9.1.4

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (6-0)

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

ADDITIONAL INFORMATION:

Attached are the elevations for the proposed two-storey single house at No. 5 Tennyson Street that were inadvertently omitted from the Agenda for the Ordinary Meeting of Council to be held on 28 April 2009.

Landowner:	P Dafinkas
Applicant:	R. I. Allan Architect Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R30
Existing Land Use:	Vacant Land
Use Class:	Single House
Use Classification:	"P"
Lot Area:	310 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

15 March 2004 The Western Australian Planning Commission approved a survey strata subdivision at No. 4 Galwey Street (rear of No. 5 Tennyson Street).

17 August 2007 The Town under delegated authority from the Council conditionally approved a proposed two-storey single house.

9 February 2009 The Town under delegated authority from the Council refused an application for a proposed two-storey single house for the following reasons:

- “(i) *the proposed development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) *the non-compliance with clause SADC 8 (c)(2) of the Town’s Residential Design Elements Policy as the proposed garage is located 4 metres in front (not 0.5 metre behind) of the main building line of the dwelling;*

- (iii) *the non-compliance with clause SADC 10 (a)(1) of the Town's Residential Design Elements Policy as the proposed balcony is setback 1.5 metres (not 3 metres) from Tennyson Street and the upper floor is setback 3.1 metres (not 4.5 metres) to 4.5 metres from the Tennyson Street boundary;*
- (iv) *the non-compliance with clause SADC 15 of the Town's Residential Design Elements Policy as the proposed driveway occupies 53.52 per cent (not 40 per cent) of the frontage width of the lot;*
- (v) *the non-compliance with clause BDADC 5 of the Town's Residential Design Elements Policy as the proposed maximum height is 7.9 metres (not 7 metres) for a concealed roof;*
- (vi) *the non-compliance with the Privacy Setback requirements of the Residential Design Codes; and*
- (vii) *consideration of the objections received."*

6 March 2009 The applicant lodged a review application with the SAT in relation to the planning application, which was refused under delegated authority from the Council on 9 February 2009.

18 March 2009 Directions Hearing at the SAT.

26 March 2009 Mediation at the SAT.

1 April 2009 The applicant submitted a set of amended plans to address the issues discussed at the Mediation held on 26 March 2009.

6 April 2009 Further Mediation at the SAT.

DETAILS:

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

The applicant has submitted amended plans dated 1 April 2009 as a result of the Mediation at the SAT held on 26 March 2009. The subject amended plans indicate the following:

- The garage be amended to reflect a carport;
- The carport being built up to the Tennyson Street boundary and the western boundary;
- A portion of the roof of the carport being an open style pergola;
- The balcony has been deleted from the upper floor and the upper floor main building is setback 3.1 metres; and
- The building height has been reduced to comply with the building height requirements of the R Codes.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio:	N/A	N/A	Noted – no variation.
Building Setbacks: Ground Floor -East	1.5 metres	1.2 metres – 3.5 metres	Supported – not considered to have an undue impact on the neighbouring property.
-West Carport/Laundry	1 metre	Nil	Supported – not considered to have an undue impact on the neighbouring property.
Upper Floor -North (Tennyson Street) Main Building	4 metres	3.1 metres – 6 metres	Supported – see “Comments”.
-East	2.1 metres	1.2 metres – 2.43 metres	Supported – not considered to have an undue impact on the neighbouring property.
-West	2.1 metres	1.2 metres – 2.01 metres	Supported – not considered to have an undue impact on the neighbouring property.
Vehicular Access:	Driveways are not to occupy more than 40 per cent (4.828 metres) of the width of the frontage.	The proposed driveway occupies 41.42 per cent (5 metres) of the width of the frontage.	Not supported – considered to have an undue impact on the amenity of the area. Condition applied to reduce the driveway to a maximum of 4.828 metres.
Privacy Setbacks: Living Room 2 -South	6 metres	2 metres to the eastern neighbouring property.	Not supported – considered to have an undue impact on the neighbouring property. Condition applied for the window to be screened to a minimum height of 1.6 metres.
Consultation Submissions			
Support	Nil	Noted.	
Objection (3)	<ul style="list-style-type: none"> Boundary walls. 	<ul style="list-style-type: none"> Not supported – the proposed boundary wall is compliant with the requirements of the R Codes. 	

	<ul style="list-style-type: none"> • Building side setbacks. • Overshadowing. • Bulk and scale. • Building height. • Privacy setbacks. 	<ul style="list-style-type: none"> • Not supported – the proposed side setbacks are not considered to have an undue impact on the neighbouring properties. • Not supported – the proposal is compliant with the overshadowing requirements of the R Codes. • Not supported – the proposal is compliant with the open space requirements of the R Codes and plot ratio is not applicable in this instance. • Not Supported – the applicant has amended the plans to comply with the building height requirements of the R Codes. • Supported – a condition has been applied to ensure all major openings to habitable rooms on the upper floor are screened in accordance with the R Codes.
Other Implications		
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications	Nil	
Financial Implications	Nil	
Sustainability Implications	Nil	

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

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

COMMENTS:

State Administrative Tribunal Act 2004

Section 31 states as follows:

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

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

Under Section 31 of the SAT Act 2004, the Town has been invited to determine the subject application; that is, to (a) affirm the decision; (b) vary the decision; or (c) set aside the decision and substitute its new decision. After the Ordinary Meeting of Council scheduled to be held on 28 April 2009, the Town’s Officers and the Applicant are to attend a further Directions Hearing at the SAT on 5 May 2009. If the Applicant is satisfied with the determination made by the Council at its Ordinary Meeting scheduled to be held on 28 April 2009, the applicant will consider withdrawing their current Review application with the State Administrative Tribunal.

Street Setbacks

The subject development has been assessed in accordance with the dual frontage setbacks outlined in the Town's Residential Design Elements Policy. This is due to the majority of dwellings fronting Tennyson Street having reduced setbacks to the street. Furthermore, the two dwellings on either side of the subject development have not yet been subdivided and each have a single dwelling fronting Galwey Street. It is considered that the proposed setbacks of the subject development set a positive position for the development of the two adjacent lots.

The required setbacks as set out in the Town's Residential Design Elements Policy are designed to create articulation to the street and to provide an interesting elevation that is free of flush type walls. Whilst the proposal illustrates variations to these minimum setback requirements, the proposal demonstrates a reasonable amount of horizontal articulation that provides interest in the elevation fronting Tennyson Street. In this instance, the reduced upper floor setbacks are considered to be supportable.

Conclusion

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

9.1.7 Nos. 102- 104 (Lot: 145 & 146 D/P: 1237) Grosvenor Road corner Hyde Street, Mount Lawley - Proposed Change of Use from Local Shop to Eating House and Associated Alterations (Reconsideration of Conditions)

Ward:	South	Date:	20 April 2009
Precinct:	Norfolk; P 10	File Ref:	PRO0676; 5.2009.51.1
Attachments:	001		
Reporting Officer(s):	E Storm		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by L R Crowe on behalf of the owner G Anile for proposed Change of Use from Local Shop to Eating House and Associated Alterations (Reconsideration of Conditions), at Nos. 102 – 104 (Lots: 145 & 146 D/P: 1237) Grosvenor Road, corner Hyde Street, Mount Lawley and as shown on plans stamp-dated 17 February 2009, subject to the following conditions:

- (i) *within twenty-eight (28) days of the issue date of this ‘Approval to Commence Development’, the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:*
 - (a) *pay a cash-in-lieu contribution of \$15,092 for the equivalent value of 5.39 car parking spaces, based on the cost of \$2,800 per bay as set out in the Town’s 2008/2009 Budget; OR*
 - (b) *lodge an appropriate assurance bond/bank guarantee of a value of \$15,092 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*
 - (1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
 - (2) *to the owner(s)/applicant following receipt by the Town of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject ‘Approval to Commence Development’; or*
 - (3) *to the owner(s)/applicant where the subject ‘Approval to Commence Development’ did not commence and subsequently expired.*
- The car parking shortfall and consequent cash-in-lieu contribution can be reduced as a result of a greater number of car bays being provided on-site and to reflect the new changes in the car parking requirements; and*
- (c) *pay the outstanding application for retrospective approval fees of \$492.00;*
- (ii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*

- (iii) *the public floor area of the eating house shall be limited to 60 square metres;*
- (iv) *the windows, doors and adjacent floor area facing Grosvenor Road and Hyde Street shall maintain an active and interactive frontage to these streets;*
- (v) *all proposed parking on the site shall comply with AS2890.1 and any resultant reduction in onsite car parking spaces will require an additional cash-in-lieu payment determined by the Town;*
- (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) *within twenty-eight (28) days of the issue date of this ‘Approval to Commence Development’, a bin compound shall be constructed in accordance with the Town’s Health Services specifications, divided into commercial and residential areas and sized to contain:*
- *Residential*
1 x mobile garbage bin per unit, and
1 x general recycle bin per 2 units; and
 - *Commercial*
1 x mobile garbage bin per unit; and
1 x general recycle bin per unit, or per 200 square metres of floor space;
- (viii) *within thirty-five (35) days of the issue date of this ‘Approval to Commence Development’, 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 date of this ‘Approval to Commence Development’. All costs associated with this condition shall be borne by the applicant/owner(s); and*
- (ix) *the maximum number of staff permitted at the eating house shall be 3 persons at any one time.*

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT NO 1

Moved Cr Maier, Seconded Cr Messina

That clause (i) be deleted and replaced with a new clause (i) as follows:

- “(i) (a) approval for the eating house is for a period of two years only. Should the applicant wish to continue the use after that period, it shall be necessary to re-apply to and obtain approval from the Town prior to continuation of the use; and

(b) within twenty-eight (28) days of the issue date of this 'Approval to Commence Development', the owner(s) or the applicant on behalf of the owner(s) pay the outstanding application for retrospective approval fees of \$492.00;"

AMENDMENT NO 1 PUT AND CARRIED (6-0)

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

Debate ensued.

AMENDMENT NO 2

Moved Cr Farrell, Seconded Cr Lake

That clause (viii) be deleted and the remaining clause renumbered.

AMENDMENT NO 2 PUT AND CARRIED (6-0)

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

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (5-1)

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

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

COUNCIL DECISION ITEM 9.1.7

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by L R Crowe on behalf of the owner G Anile for proposed Change of Use from Local Shop to Eating House and Associated Alterations (Reconsideration of Conditions), at Nos. 102 – 104 (Lots: 145 & 146 D/P: 1237) Grosvenor Road, corner Hyde Street, Mount Lawley and as shown on plans stamp-dated 17 February 2009, subject to the following conditions:

- (i) (a) *approval for the eating house is for a period of two years only. Should the applicant wish to continue the use after that period, it shall be necessary to re-apply to and obtain approval from the Town prior to continuation of the use; and*
- (b) *within twenty-eight (28) days of the issue date of this 'Approval to Commence Development', the owner(s) or the applicant on behalf of the owner(s) pay the outstanding application for retrospective approval fees of \$492.00;*

- (ii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (iii) *the public floor area of the eating house shall be limited to 60 square metres;*
- (iv) *the windows, doors and adjacent floor area facing Grosvenor Road and Hyde Street shall maintain an active and interactive frontage to these streets;*
- (v) *all proposed parking on the site shall comply with AS2890.1 and any resultant reduction in onsite car parking spaces will require an additional cash-in-lieu payment determined by the Town;*
- (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) *within twenty-eight (28) days of the issue date of this 'Approval to Commence Development', a bin compound shall be constructed in accordance with the Town's Health Services specifications, divided into commercial and residential areas and sized to contain:*
 - *Residential*
1 x mobile garbage bin per unit, and
1 x general recycle bin per 2 units; and
 - *Commercial*
1 x mobile garbage bin per unit; and
1 x general recycle bin per unit, or per 200 square metres of floor space; and
- (viii) *the maximum number of staff permitted at the eating house shall be 3 persons at any one time.*

Landowner:	G Anile
Applicant:	L R Crowe
Zoning:	Metropolitan Region Scheme: (MRS): Urban Town Planning Scheme No. 1 (TPS 1): Residential R 80
Existing Land Use:	Eating House
Use Class:	Eating House
Use Classification:	"SA"
Lot Area:	596 square metres
Access to Right of Way	N/A

BACKGROUND:

26 August 2008

The Council at its Ordinary Meeting conditionally approved a change of use from local shop to eating house and associated alterations and additions at the subject property (application for retrospective approval).

DETAILS:

The proposal involves the reconsideration of the conditions (i), (viii), (ix) and (x) of the planning approval for change of use from local shop to eating house dated 26 August 2008. The subject conditions are outlined as follows:

- “(i) *within twenty-eight (28) days of the issue date of this ‘Approval to Commence Development,’ the owner(s), or the applicant on behalf of the owner(s) shall comply with the following requirements:*
- (a) *pay a cash-in-lieu contribution of \$15,768 for the equivalent value of 5.84 car parking spaces, based on the cost of \$2,700 per bay as set out in the Town’s 2007/2008 Budget; OR*
 - (b) *lodge an appropriate assurance bond/bank guarantee of a value of \$15,768 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*
 - (1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
 - (2) *to the owner(s)/applicant following receipt by the Town with a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject ‘Approval to Commence Development,’; or*
 - (3) *to the owner(s)/applicant where the subject ‘Approval to Commence Development,’ did not commence and subsequently expired.*
- The car parking shortfall and consequent cash-in-lieu contribution can be reduced as a result of a greater number of car bays being provided on site and to reflect the new changes in the car parking requirements;*
- (c) *pay the outstanding application for retrospective approval fees of \$492.00 based on the Town’s 2007/2008 Budget;*
- (viii) *within thirty-five (35) days of the issue date of this ‘Approval to Commence Development’, 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 date of this ‘Approval to Commence Development’. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (ix) *within twenty-eight (28) days of the issue date of this ‘Approval to Commence Development’, an acoustic report prepared in accordance with the Town’s Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken within twenty-eight (28) days of the date which the Town approves the acoustic report and the applicant/owners shall submit a further report from an acoustic consultant 6 months from the date which the Town approves the acoustic report that the development is continuing to comply with the measures of the subject acoustic report; and*
- (x) *the hours of operation for the eating house shall be limited to 6:00pm to 9:30pm, Tuesday to Saturday inclusive;”*

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
Consultation Submissions from 5.2008.171.1			
Support (6), including supporting petition signed by 25 local residents.	Restaurant has been operating for 3 years as 'Sweet Java'.		Noted.
	Acts as a community meeting place.		Noted.
	There are no problems with cooking smells.		Noted.
	Noise is not an issue and the restaurant closes early.		Noted.
	Street parking is adequate.		Noted.
	This is the last remaining corner shop of the three which existed on the corner of Grosvenor Road and Hyde Street (butcher and post office).		Noted.
	Concerned about what use will occupy the premises if this use is refused.		Not supported – this is not relevant to the assessment of this proposal.
Objection (3)	Sandwich board is placed on footpath to promote restaurant.		Not supported – a condition of approval will require a planning application for all non-compliant signage. 'A' Frame signs on footpaths do not require Planning Approval, but require a Licence from the Town's Rangers and Community Safety Services under the Town's local laws.
	Restaurant front doors are left open, such that noise is not controlled, particularly when patrons are leaving premises.		Not supported in part – this premises has not been deemed to be in non-compliance with the <i>Environmental Protection (Noise) Regulations 1997</i> by the Town as no formal complaints have been received. The Town's Health Services do not require an attention report for these reasons.

	<p>The garbage bin which existed outside the shop has been removed such that patrons rubbish is left on the ground.</p> <p>Parking on grass verge is restricting resident parking and damaging reticulation system.</p>	<p>Not supported – not a valid planning consideration.</p> <p>Not supported - the Town's Ranger Services have not received any formal complaints about parking at the subject site, and have issued no infringements at the site since 2006.</p>
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Sustainability Implications		Nil
Financial/Budget Implications		Nil
Car Parking - Commercial		
<ul style="list-style-type: none"> Eating House – 1 space per 4.5 metres of public area (60 square metres) = 13.33 car bays 		= 13 bays (nearest whole number)
<p>Apply the parking adjustment factors</p> <ul style="list-style-type: none"> 0.85 (within 400 metres of a bus stop/station) 0.80 (the proposed development contains a mix of uses, where at least 45 percent of the gross floor area is residential) 0.95 (secure on-site street bicycle parking) 		(0.646) 8.39 car bays
Minus the car parking provided on-site		3 bays
Minus the most recently approved on-site car parking shortfall		Nil
Resultant Shortfall		5.39 car bays
Bicycle Parking		
<p>Eating House – Public Area = 60 square metres</p> <p>Class 1 or 2 – 1 space per 100 square metres of Gross Floor Area = 0.60 space</p> <p>Class 1 or 2 = 1 space required</p>		1 space provided

* 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:

Planning Services Comments

Condition (i)

A reassessment and site inspection of the car parking on both properties revealed that there were three (3) bays that could be considered as part of the application. The proposal is therefore non-compliant with the parking requirements of the Parking and Access Policy and condition (i) is still recommended to be imposed.

It is recognised there is informal parking on the Hyde Street verge; however, as this parking is not contained within the lot boundaries it can not be considered in the car parking assessment. Tandem car parking for commercial premises is also not permitted as this poses management issues. Three (3) bays are supportable on the Grosvenor Road frontage, adjacent to the dwelling (numbered 1,2 & 3 on the attached plans).

As bicycle car parking is already provided on-site a further adjustment factor is applicable, hence the reduction in the cash-in-lieu for car parking payment.

Condition (viii)

The Town's Policy No. 3.5.19 relating to Amalgamation Conditions on Planning Approvals states that the Town may require the amalgamation of land when planning applications are received and approved where the subject development straddles two or more lots. Specifically, such a condition is required where car parking bays and car parking manoeuvring areas straddle a lot boundary, as is the case in this instance. Condition (viii) was imposed in order to ensure that the allocated approved car parking for the Eating House is legally and continually secured and to avoid any future potential conflict should the properties change ownership. In this instance, due to the unusual layout of car parking bays across the two sites, a grant of easement was not considered appropriate.

Condition (x)

The opening hours the applicant stated in the original approval were based on the winter season and did not account for longer opening hours in the summer months, including breakfast and lunch time. The condition can be removed from the approval to allow the business to be more flexible in their operation.

Health Services Comments

Condition (ix)

Health Services have not received any substantiated noise or food safety complaints regarding Sweet Java and, therefore, do not object to this application on these grounds. It is however, expected that should approval be given, that the applicant and/or proprietor(s) of the premises ensure that compliance with all relevant health legislation and Town Policies is achieved, including the *Health Act 1911 (as amended)* and associated regulations, the *Food Act 2008*, *Building Code of Australia*, *Environmental Protection Act 1986 and associated regulations*, *Town of Vincent Health (Eating House) Local Law 2004* and *Town of Vincent Policy 3.8.1 – Outdoor Eating Areas (Alfresco Dining)*. The Town's Officers are in a position to reconsider this condition as any subsequent noise issues can be dealt with in accordance with the *Environmental Protection (Noise) Regulations 1997*.

Summary

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

9.1.8 No. 12 (Lot: 9 D/P: 1591) Janet Street, West Perth - Proposed Demolition of Existing Single House and Construction of Two-Storey Single House

Ward:	South	Date:	21 April 2009
Precinct:	Cleaver; P 05	File Ref:	PRO4666; 5.2009.33.1
Attachments:	001		
Reporting Officer(s):	E Storm		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Domination Homes on behalf of the owner H Yip for proposed Demolition of Existing Single House and Construction of Two-Storey Single House, at No. 12 (Lot: 9 D/P: 1591) Janet Street, West Perth, and as shown on plans stamp-dated 15 April 2009, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) first obtaining the consent of the owners of No. 14 Janet 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. 14 Janet Street in a good and clean condition;*
- (iii) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (iv) any new street/front wall, fence and gate within the Janet Street setback area including along the side boundaries within this street setback area, shall comply with the following:*
 - (a) the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) the maximum height of piers with decorative capping being 2 metres above the adjacent footpath level;*
 - (c) the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) the posts and piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (e) the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*

- (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (v) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site; and*
- (vi) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence.*

COUNCIL DECISION ITEM 9.1.8

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Cr Doran-Wu departed the Chamber at 8.12pm.

Debate ensued.

Cr Doran-Wu returned to the Chamber at 8.23pm.

Debate ensued.

MOTION PUT AND CARRIED (6-0)

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

Landowner:	H Yip
Applicant:	Domination Homes
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	319 square metres
Access to Right of Way	Privately owned, approximately 6.25 metres.

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of an existing single dwelling and construction of a two storey dwelling.

The application has been referred to the Council in accordance with the Community Consultation Policy as more than five (5) objections were received by the Town.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
Minor Incursion. -South (Porch)	1 metre into front/street setback area	2.4 metres into front/street setback area	Supported – not considered to have an undue impact on the amenity of the street as the roof cover of the porch structure protrudes into the street setback area by 1 metre, as allowed. The additional 1.4 metres into the street setback area is a low paved area of 0.4 metres above natural ground level and this structure is considered acceptable as it is designed as an entry point to the dwelling and will not impact on the amenity of the street.
Consultation Submissions			
Support	Nil		Noted.
Objection (7)	<ul style="list-style-type: none"> Bedroom 4 privacy to northern boundary 		Not supported – Bedrooms require a 4.5 metre privacy setback and in this instance, a setback of approximately 7.252 metres has been proposed to the property at No. 5 Sheridan Lane.
	<ul style="list-style-type: none"> Overlooking to No. 14 Janet Street 		Not supported – the proposal is compliant with the privacy requirements of the Residential Design Codes. Obscured glass and highlight windows are indicated on the western elevation facing No. 14 Janet Street.
	<ul style="list-style-type: none"> Sewerage connection 		Not supported – not a planning related consideration.

	<ul style="list-style-type: none"> Streetscape and two storey proposal 	Not supported – the proposal is compliant with the height and upper floor setback requirements of the Residential Design Elements Policy.
	<ul style="list-style-type: none"> Bulk and scale 	Not supported – the proposal is compliant with the building wall height requirements of the R Codes and the Town’s Policies; amended plans have been received showing compliant upper floor front setbacks.
	<ul style="list-style-type: none"> Overlooking to street and front setback area of properties opposite 	Not supported – the proposed balcony has been deleted from the amended plans.
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Sustainability Implications		Nil
Financial/Budget Implications		Nil

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

COMMENTS:

The applicant lodged amended plans addressing all variations listed in the advertised non-compliance table; the proposal is now compliant, with the exception of the southern porch setback which is considered supportable. The applicant also considered the amenity of the adjoining properties and streetscape by deleting the boundary wall on the eastern boundary and the balcony, and amending the upper floor front setbacks to comply.

Section 2.5.4 of the R Codes states that the Council shall not refuse to grant approval to an application in respect of any matter where the application complies with the relevant acceptable development provisions. Whilst seven objections were received, it is to be noted that the objections relate to issues that are compliant with the R Code requirements and the Town's Residential Design Codes. In light of the above, the proposal is recommended for approval, subject to standard and appropriate conditions.

9.1.6 No. 58 (Lot: Y374 D/P: 2001) Joel Terrace East Perth - Proposed Demolition of Existing Single House and Construction of Four Three-Storey Grouped Dwellings, One Two-Storey with Basement Grouped Dwelling and One Two-Storey Grouped Dwelling

Ward:	South	Date:	20 April 2008
Precinct:	Banks; P15	File Ref:	PRO4190; 5.2008.203.1
Attachments:	001 , 002		
Reporting Officer(s):	R Narroo, H Au		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by K W McFarlane on behalf of the owner FDS Enterprises Pty Ltd for proposed Demolition of Existing Single House and Construction of Four (4) Three-Storey Grouped Dwellings, One (1) Two-Storey with Basement Grouped Dwelling and One (1) Two-Storey Grouped Dwelling, at No. 58 (Lot: Y374 D/P: 2001) Joel Terrace, East Perth, and as shown on plans stamp-dated 12 March 2009 and demolition plan dated 30 April 2008, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (iii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the bin compound being redesigned to accommodate the following bins:*

Dwellings

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

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

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

- (iv) prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access via Joel Terrace, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town;*

- (v) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (vi) *prior to the issue of a Building Licence, a landscape management plan shall be prepared to the satisfaction of the General Manager, Swan River Trust on advice from the Town of Vincent. A detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Joel Terrace verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (vii) *prior to the issue of a Building Licence, the applicant shall provide the Town of Vincent with a financial contribution of \$9,750 for the implementation of screening landscaping within Banks Reserve, in accordance with the approved landscape management plan;*
- (viii) *stormwater drainage shall be contained on-site , or connected to the Local Government stormwater drainage system, to the satisfaction of the General Manager, Swan River Trust, on advice from the Town of Vincent;*
- (ix) *prior to the issue of a Building Licence , a hydrological report and/or geotechnical report is to be submitted to the satisfaction of the Town of Vincent, on advice of the Swan River Trust, to demonstrate that the proposed development and associated construction works will not result in a detrimental impact on the groundwater expression and associated vegetation in the adjoining reserve;*
- (x) *no development, fill, building materials, rubbish or any other deleterious matter shall be placed on the Parks and Recreational Reserve or allowed to enter the Swan River as a result of the development;*
- (xi) *retaining walls and other structures on the basement level fronting Banks Reserve and the river shall be constructed of materials with dark earthy tones to the satisfaction of the Town of Vincent, on advice from the General Manager, Swan River Trust;*
- (xii) *the development shall be connected to the reticulated sewerage system prior to occupation;*
- (xiii) *upon completion of the development, all waste materials shall be removed and the site cleaned-up to the satisfaction of the General Manager, Swan River Trust;*
- (xiv) *no vehicular access is permitted on the Parks and Recreation Reserve without the approval of the General Manager, Swan River Trust;*
- (xv) *first obtaining the consent of the owners of No. 56 and No. 60 Joel Terrace for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls and retaining walls facing No. 56 and No. 60 Joel Terrace in a good and clean condition; and*

(xvi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front fence and gate within the Joel Terrace area, including along the side boundaries within this street setback area, complying with the following:*

- (a) *the maximum height being 1.8 metres above the adjacent footpath level;*
- (b) *maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
- (c) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
- (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
- (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
- (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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 9.1.6

Moved Cr Farrell, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (6-0)

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

Landowner:	FDS Enterprises Pty Ltd
Applicant:	K W McFarlane
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 : Residential R60
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	1,497 square metres
Access to Right of Way	Not applicable

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of an existing single house and construction of four (4) three-storey grouped dwellings, one (1) two-storey with basement grouped dwelling and one (1) two-storey grouped dwelling.

The applicant had preliminary discussions with the Town's Senior Officers about this proposal in October 2007. Following this meeting, the applicant started designing the proposal and submitted the application on 30 April 2008. In a letter to the Town, the applicant stated that the submission of the application was delayed as he had to produce an acceptable design to comply with the majority of authorities, being the Town, the Swan River Trust, Western Power and Water Corporation.

Given the above, the Town's Officer undertook an assessment of the proposal in accordance with the Riverside Locality Statement, which was in place prior to the adoption of the Residential Design Elements Policy.

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

ASSESSMENT:

In light of the above, the Assessment Table is based on the Riverside Locality Plan.

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	R60- 8 grouped dwellings	R40-6 grouped dwellings	Noted- No variation.
Plot Ratio	N/A	N/A	Noted.
Building Setbacks: <u>Western Boundary</u> First Floor- Unit 1	Balcony=5 metres Main Building= 6 metres	Balcony=3.2 metres Main Building =4 metres Amended plans submitted: Balcony= 5 metres Main Building= 6 metres	Supported-the amended plans comply with the requirements of the Locality Statement.
<u>Northern Boundary</u> Ground Floor	1.5 metres	0.4 metre to 1 metre	Supported- there is existing parkland along the northern boundary and, therefore, the setback variations are not considered to create an undue adverse effect on the adjoining property.
First Floor	6.3 metres	0.4 metre to 1.6 metre	
Second Floor	7.7 metres	1.7 metres	

<p><u>Southern Boundary</u></p> <p>First Floor</p> <p>Second Floor</p> <p>Terrace</p>	<p>6.3 metres</p> <p>7.7 metres</p> <p>1.5 metres</p>	<p>4.8 metres to 8.5 metres</p> <p>5.4 metres to 8.7 metres</p> <p>Nil</p>	<p>Supported- the site adjoins land used for Western Power purposes along the southern boundary and the development complies with the overshadowing requirement. The setback variations are not considered to create an undue adverse impact on the adjoining property.</p>
<p>Street Walls and Fences</p>	<p>Front Walls and fences within the primary street setback area to be visually permeable 1.2 metres above natural ground level.</p>	<p>Amended plans showing the front wall with 1.2 solid wall above the footpath level.</p>	<p>Supported- amended plans comply with the fencing requirements.</p>
<p>Number of Storeys and Height</p>	<p>Two Storeys</p> <p>Wall Height= 6 metres</p> <p>Roof Height= 9 metres</p>	<p>Three Storeys</p> <p>Maximum Wall Height= 8.3 metres</p> <p>Maximum Roof Height= 10 metres</p>	<p>Supported- refer to "Comments" below.</p>
<p>Privacy</p>	<p>Cone of vision from terrace is to be setback at 7.5 metres from boundary.</p> <p>Cone of vision from habitable rooms other than bedrooms and studies</p>	<p>Terrace- Nil from the southern boundary.</p> <p>Unit 5-Kitchen- 5.2 metres from the southern boundary</p>	<p>Supported- the land to the south is used for Western Power purposes and accordingly, no impact on privacy.</p> <p>Supported- as per above.</p>
<p>Driveway</p>	<p>Driveway no closer than 0.5 metre to a side boundary</p>	<p>Amended plan showing a setback of 0.5 metre from the southern boundary</p>	<p>Supported- amended plan complies with the requirements of the R- Codes.</p>
<p>Site Works</p> <p>Retaining Walls</p>	<p>Not more than 0.5 metre above natural ground level</p>	<p>Height of retaining wall along the southern, northern and eastern boundaries= 0.5metre to 3.5 metres</p> <p>Height of retaining wall in front of Unit 1 on the northern side= 1 metre</p>	<p>Supported- the retaining walls will not have any undue impact on the amenity of the adjoining properties. The Swan River Trust supports the retaining walls subject to appropriate screening.</p> <p>Supported- no undue impact on the streetscape.</p>

	<p>Setbacks of retaining walls:</p> <p>1.5 metres from the southern boundary</p> <p>1.5 metres from the northern boundary</p> <p>Unit 1 on the northern side=1.5 metres from</p> <p>Fill</p> <p>Not more than 0.5 metre within the front setback</p> <p>Not more than 0.5 metre above natural ground level</p>	<p>Nil</p> <p>Nil</p> <p>Nil</p> <p>1 metre to 3.5 metres on the northern side</p> <p>0.5 to 3.5 metres along the southern, northern and eastern boundaries</p>	<p>Supported- the retaining walls will not have any undue impact on the amenity of the adjoining properties.</p> <p>Supported- the retaining walls will not have any undue impact on the amenity of the adjoining properties.</p> <p>Supported- the retaining walls will not have any undue impact on the amenity of the adjoining properties.</p> <p>Supported- no undue impact on the streetscape and adjoining parkland.</p> <p>Supported- no undue impact on the amenity of the adjoining properties.</p>
Consultation Submissions			
Support	Nil		Noted.
<p>Objection</p> <p>12 objections, including a petition signed by 17 people</p>	<ul style="list-style-type: none"> • Traffic and Parking <p>The proposed development will add more off-street parking along Joel Terrace, which will create a potential hazard to vehicles</p> <p>The subject lot is located on an acute bend in the road. There have been numerous accidents on the corner of Joel Terrace and Westralia Street. The proposed development will exacerbate the traffic impact on Joel Terrace</p>	<p>Not supported- the proposed development complies with the parking requirements. No changes are proposed for the parking restriction on Joel Terrace in the vicinity of this development, where currently parking is prohibited on both sides of the road. The proposed development will have to comply with the sightlines to Australian Standards, which will minimise traffic conflict along Joel Terrace.</p>	

	<ul style="list-style-type: none"> • Setbacks <ol style="list-style-type: none"> 1. The retaining walls and boundary walls will be visually obtrusive. 2. The developer should not get a concession to build on the boundary of Banks Reserve. 3. By not complying with the required front setback, the bulk and scale of the building dominate the streetscape. <ul style="list-style-type: none"> • Open Space <p>Open space is not identified in the advertising letter as a variation.</p> <ul style="list-style-type: none"> • Number of storeys <p>Three storeys are proposed where two storeys are permitted. The height of the dwellings will have a visual impact on the adjoining neighbours. The setbacks and the height will contribute to block views which have been enjoyed by the residents of Joel Terrace.</p> <ul style="list-style-type: none"> • Hydrological and Geotechnical survey of site. <p>There are natural springs present on-site, which will be impacted by the proposed development.</p>	<p>Not supported- as a condition of planning approval, the applicant is required to submit a landscaping management plan demonstrating screening of walls facing Banks Reserve.</p> <p>Not supported- the R- Codes allows for construction of boundary walls. The Swan River Trust has recommended approval of the development.</p> <p>Not supported- applicant has amended the plans to comply with the required front setbacks.</p> <p>Noted- the proposed development complies with the requirements of the R-Codes with respect to open space.</p> <p>Not supported- refer to “Comments” below.</p> <p>Not supported- as part of the planning condition, the applicant is required to submit a hydrological report and/or geotechnical report to demonstrate proposed development will not result in a detrimental impact on the groundwater and associated vegetation.</p>
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	<ul style="list-style-type: none"> • Consultation <p>This application should have wider community consultation as the development will have a big impact on the public open space.</p> <ul style="list-style-type: none"> • Create a Precedent <p>If this application is approved, it will create a precedent.</p>	<p>Not supported- this application was advertised in accordance with the Town's Community Consultation Policy No. 4.1.5.</p> <p>Not supported- each application is assessed on its planning merits.</p>
Western Power	<p>As an adjoining neighbour, Western Power was consulted about the proposal. In a letter dated 28 July 2008, Western Power advised that there is a easement/restriction zone associated with the transmission line traversing the property. According to Western Power, the proposed plans do not comply with this easement/restriction zone.</p> <p>The applicant was informed by the Town about the advice received from Western Power. In October 2008, the applicant submitted amended plans to Western Power. In a letter dated 3 December 2008 addressed to the applicant, the plans were found acceptable by Western Power, except that an outage may be required when building Units 1 and 6.</p>	Noted.
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Sustainability Implications		Nil
Financial/Budget Implications		Nil

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

COMMENTS:

Demolition

The subject dwelling at No. 58 Joel Terrace, East Perth is an example of a brick and tile Federation Style Bungalow constructed circa 1905. The dwelling has a double room frontage with the southern room projecting under a gabled roof form.

The Wise's Post Office Directories first list the subject dwelling in 1906 and 1907 with George Powell as the proprietor. Since then the subject dwelling has been transferred several times to new owners and occupiers.

A full heritage assessment was undertaken for No. 58 Joel Terrace, East Perth, which indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory.

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

Redevelopment- Swan River Trust

As per the statutory requirements, this application was referred to the Swan River Trust for their comments and recommendation. In a letter dated 13 August 2008 the Swan River Trust stated that they did not have any objections to the plans subject to appropriate conditions to address landscaping, drainage, the presence of water springs and others.

For the information of Council Members, as per the Swan River Trust Development Control Procedures, where a recommendation made by the Trust is not supported by the Local Government, then the application shall be forwarded to the Western Australian Planning Commission for determination.

Number of Storeys

Following feedback from the consultation process, the Town's Officers requested the applicant to amend the plans. The applicant submitted amended plans showing all the floor levels at the basement of all the proposed dwellings being lowered by 1 metre. From Joel Terrace, Unit 1 will be viewed as two storeys, hence complying with the overall height requirements of 9 metres. The pitched roof of the remaining four units behind unit 2 will be partly outside the 9 metres pitched roof height as demonstrated on the elevation plans.

The site slopes a total of 13 metres from Joel Terrace to the rear boundary of the lot. Given the constraining topography of the site, it is difficult to achieve aesthetically appealing dwellings to suit the character of the area, and at the same time compliance with the required wall and pitched roof heights. Unit 1 complies with the required height and front setback and it is considered there will be no impact on the streetscape. Moreover, for the units behind Unit 2, a relatively small portion of the roof will be outside the 9 metres height which will not have a major visual impact on the surrounding area.

With respect to blocking of views to properties along Joel Terrace, the main buildings are setback at least 1 metre from the northern side and 6 metres from the eastern side. Moreover, the units which exceed the 9 metres pitched roof height will be located at relatively lower levels to those properties along Joel Terrace. Accordingly, no loss of views from properties on Joel Terrace will be affected. It is noted however, that there are no development restrictions which protect existing views afforded by properties within the Town of Vincent.

In light of the above, it is considered the proposed three storeys will not have an undue impact on the surrounding area. Further, given the topographical site constraints, the application is considered acceptable as the development will not result in any undue impact on the amenity of the surrounding area. The application is therefore supported, subject to standard and appropriate conditions to address the above matters.

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

Ward:	South	Date:	20 April 2009
Precinct:	Hyde Park; P12	File Ref:	PRO4594; 5.2009.70.1
Attachments:	001 002		
Reporting Officer(s):	D Pirone, T Woodhouse		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by Niche Building on behalf of the owner A & T L Comito for proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Plus Loft Single Houses – State Administrative Tribunal (SAT) Review Matter No. DR 44 of 2009 at No. 10 (Lot: 30 D/P: 672) Mary Street, Highgate, and as shown on plans stamp-dated 6 March 2009 and 14 April 2009 at Appendix 9.1.10, for the following reasons:

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

COUNCIL DECISION ITEM 9.1.10

Moved Cr Farrell, Seconded Cr Messina

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

PROCEDURAL MOTION PUT AND CARRIED (6-0)

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

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

BACKGROUND:

- 16 December 2008 The Council at its Ordinary Meeting refused an application for demolition of existing single house and construction of two (2) three-storey single houses for the following reasons:
- “(i) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) *the non-compliance with the Building Setbacks, Buildings on Boundary, Carports and Garages, Street Walls and Fences, Building Bulk, Building Height, Number of Storeys and Privacy Setback requirements of the Residential Design Codes, and the Town's Policy relating to Residential Design Elements, respectively; and*
- (iii) *consideration of the objections received.”*
- 28 January 2009 The applicant lodged a review application with the SAT in relation to the planning application, which was refused by the Council at its Ordinary Meeting held on 16 December 2008.
- 6 February 2009 Directions Hearing at the SAT.
- 6 March 2009 As a result of the Directions Hearing, the applicant lodged a new planning application for demolition of existing single house and construction of two (2) two-storey plus loft single houses.

DETAILS:

The application involves the demolition of the existing single house and the construction of two (2) two-storey plus loft single houses at the subject property. Under section 252 (1) of the Planning and Development Act 2005, the owner of the subject property submitted an application for review to the SAT regarding the decision of the Council at its Ordinary Meeting held on 16 December 2008.

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

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

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

The applicant’s submission is “*Laid on the Table*”.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density:	2.26 grouped dwellings	2 dwellings	Noted – no variation.
Plot Ratio:	N/A	N/A	Noted – no variation.
Building Setbacks: Ground Floor -North-West	1.5 metres	Nil – 1.7 metres	Supported – not considered to have an undue impact on the amenity of the neighbouring property.
-South-East	1.5 metres	Nil – 1.7 metres	Supported – not considered to have an undue impact on the amenity of the neighbouring property.
First Floor -South-West Balcony	1 metre behind all portions of the ground floor.	0.5 metre in front of the ground floor.	Not supported – considered to have an undue impact on the amenity the area.
Main Building	2 metres behind all portions of the ground floor.	In line to 2 metres behind all portions of the ground floor.	Not supported – considered to have an undue impact on the amenity the area.
-North-West	2.1 metres	Nil – 1 metre	Not supported – the boundary wall is considered to have an undue impact on the amenity of the neighbouring property.
-South-East	2.1 metres	Nil – 1 metre	Not supported – the boundary wall is considered to have an undue impact on the amenity of the neighbouring property.
Buildings on Boundary:	Walls not higher than 3.5 metres with average of 3 metres for 2/3 (26.9 metres) of the length of the balance of the boundary behind the front setback, to one side boundary.	Walls proposed on two boundaries. -North-West Wall Height = 6 metres Wall Length – 11.61 metres -South-East Wall Height = 6.2 metres Wall Length – 11.61 metres	Not supported – the boundary wall is considered to have an undue impact on the amenity of the neighbouring property. Not supported – the boundary wall is considered to have an undue impact on the amenity of the neighbouring property.

Articulation:	Walls longer than 9 metres on the upper floor that involve a setback variation are required to incorporate horizontal or vertical articulation.	North-West Wall = 11.61 metres with no articulation. South-East Wall = 11.61 metres with no articulation.	Not supported – the boundary walls with no articulation is considered to have an undue impact on the amenity of the neighbouring property.
Carpports and Garages:	The total width of the garages shall not exceed 50 per cent (5.06 metres) of the width of the frontage.	The total width of the garages is 55.33 per cent (5.6 metres) of the width of the frontage.	Supported – this variation is not considered to have an undue impact on the amenity of the area as the garages are at the absolute minimum width and are setback 1.5 metres behind the porch and 6.895 metres from Mary Street.
Crossovers:	Town of Vincent Trees of Significance Register states that all trees listed on the register are required to be retained and preserved.	The proposed crossovers to be constructed on both sides of the street tree would be detrimental to the trees long term health and vigour.	Not supported – the extent of root pruning that would be required to allow for the construction of these two crossovers will also have the potential to compromise the tree’s structural integrity due to the loss of the trees roots.
Lofts:	The roof pitch of a loft shall be no greater than 45 degrees.	60 degrees roof pitch.	Not supported – the proposed loft in a 60 degree roof pitch is considered to have the same impact as a third storey.
Privacy Setbacks: Unit 1 Balcony to the family room -North-West -North-East Unit 2 Balcony to the family room -South-East -North-East	7.5 metres 7.5 metres 7.5 metres 7.5 metres	1 metre to the north-western boundary. 1.5 metres to the north-western boundary. 1 metre to the south-eastern boundary. 1.5 metres to the south-eastern boundary.	Not supported – the minimum height of the screening is required to be 1.6 metres. Not supported – the minimum height of the screening is required to be 1.6 metres. Not supported – the minimum height of the screening is required to be 1.6 metres. Not supported – the minimum height of the screening is required to be 1.6 metres.

Consultation Submissions		
Support	Nil.	Noted.
Objection (4)	<ul style="list-style-type: none"> • Boundary walls. • Garage dominating the streetscape. • Front fence does not engage the streetscape. • Loft is considered as a third storey. • Privacy setbacks. • Lack of design quality. 	<ul style="list-style-type: none"> • Supported – the two-storey boundary walls are considered to have an undue impact on the neighbouring properties. • Not supported – this variation is not considered to have an undue impact on the amenity of the area as the garages are at the absolute minimum width and are setback 1.5 metres behind the porch and 6.895 metres from Mary Street. • Not supported – the proposed front fence has been redesigned to comply with the fencing requirements of the Residential Design Elements Policy. • Supported in part – as the loft area is fully contained within roof space, the area is considered as a loft. However the maximum roof pitch for a development with a loft is 45 degrees and the proposed is 60 degrees. • Supported – the proposed privacy setback variations is considered to have an undue impact on the neighbouring properties. • Not supported – this is an opinion and not planning related.
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil
Sustainability Implications		Nil

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

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

COMMENTS:

Demolition

The subject brick and iron dwelling at No. 10 Mary Street, Highgate was constructed circa 1897 and is an example of the Federation Georgian Bungalow style of architecture. The subject dwelling has a hipped corrugated iron roof at the street frontage and a twin hipped corrugated iron roof at the rear.

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

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

Parks Services

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

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

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

Redevelopment

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

**10.1 Cr Dudley Maier – Relating to the reporters of “The Perth Voice”
Newspaper**

The Council requests that reporters from "The Perth Voice" be given the same privileges as reporters from any other media organisation.

Moved Cr Maier, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be amended as follows:

“That the Council;

(i) NOTES that;

(a) there is no legal or moral obligation for any organisation to provide privileges to or respond to any questions from any reporters/journalists;

(b) the action taken against the reporters of "The Perth Voice" newspaper to remove their privilege of using the Media Desk in the Town of Vincent Council Chamber on 19 March 2009 was justified on the basis of their;

1. continued failure to comply with the Australian Journalists' Code of Ethics when reporting on matters concerning the Town and when dealing with the Town;

2. continued failure to follow and comply with the Town's Media protocol;

3. repeated failure to report accurately and objectively in their articles relating to the Town; and

4. failure to correct or amend such incorrect Articles; and

(ii) REQUESTS the Chief Executive Officer to restore the privilege of using the media desk in the Town of Vincent Council Chamber to the reporters of "The Perth Voice" newspaper subject to them agreeing to comply with the;

(a) Australian Journalists' Code of Ethics when dealing with the Town, the Council Members and the Town's employees; and

(b) Town's Media protocol and procedures.”

Debate ensued.

The Presiding Member, Mayor Catania spoke for five minutes.

The Chief Executive Officer informed the Presiding Member that he had spoken for five minutes.

PROCEDURAL MOTION

Moved Cr Farrell, Seconded Cr Doran-Wu

That the time for the Presiding Member to speak be extended for a further five minutes.

PROCEDURAL MOTION PUT AND CARRIED (6-0)

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

Debate ensued.

AMENDMENT PUT AND CARRIED (4-2)

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

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

PROCEDURAL MOTION

Moved Cr Maier, Seconded Cr Lake

That clause (i) be DEFERRED in order to allow The Voice to respond.

Debate ensued.

PROCEDURAL MOTION PUT AND LOST (2-4)

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

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

MOTION AS AMENDED PUT AND CARRIED (4-2)

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

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

COUNCIL DECISION ITEM 10.1

That the Council;

(i) *NOTES that;*

(a) *there is no legal or moral obligation for any organisation to provide privileges to or respond to any questions from any reporters/journalists;*

(b) *the action taken against the reporters of "The Perth Voice" newspaper to remove their privilege of using the Media Desk in the Town of Vincent Council Chamber on 19 March 2009 was justified on the basis of their;*

1. *continued failure to comply with the Australian Journalists' Code of Ethics when reporting on matters concerning the Town and when dealing with the Town;*

2. *continued failure to follow and comply with the Town's Media protocol;*

3. *repeated failure to report accurately and objectively in their articles relating to the Town; and*

4. *failure to correct or amend such incorrect Articles; and*

(ii) *REQUESTS the Chief Executive Officer to restore the privilege of using the media desk in the Town of Vincent Council Chamber to the reporters of "The Perth Voice" newspaper subject to them agreeing to comply with the;*

(a) *Australian Journalists' Code of Ethics when dealing with the Town, the Council Members and the Town's employees; and*

(b) *Town's Media protocol and procedures.*

9.1.12 Amendment No. 57 to Planning and Building Policies – Draft Policy Relating to Development Contributions for Infrastructure

Ward:	Both Wards	Date:	21 April 2009
Precinct:	All Precincts	File Ref:	PLA0206
Attachments:	001		
Reporting Officer(s):	E Saraceni, T Woodhouse		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Draft Policy relating to Development Contributions for Infrastructure, as shown in Appendix 9.1.12;*
- (ii) *ADVERTISES the Draft Policy relating to Development Contributions for Infrastructure 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) *after the expiry of the period for submissions:*
 - (a) *REVIEWS the Draft Policy relating to Development Contributions for Infrastructure, having regard to any written submissions; and*
 - (b) *DETERMINES the Draft Policy relating to Development Contributions for Infrastructure, with or without amendment, to or not to proceed with them; and*
- (iv) *NOTES that the Chief Executive Officer will seek legal advice in respect of the Policy's applicability whilst being advertised.*

COUNCIL DECISION ITEM 9.1.12

Moved Cr Farrell, Seconded Cr Lake

That the recommendation be adopted.

Cr Messina departed the Chamber at 9.01pm.

Debate ensued.

Cr Messina returned to the Chamber at 9.02pm.

Debate ensued.

Mayor Catania departed the Chamber and Deputy Mayor, Cr Farrell assumed the Chair at 9.04pm.

Debate ensued.

Mayor Catania returned to the Chamber and assumed the Chair at 9.10pm.

Debate ensued.

Cr Farrell departed the Chamber at 9.14pm.

Debate ensued.

Cr Farrell returned to the Chamber at 9.15pm.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Messina, Seconded Cr Doran-Wu

That the item be DEFERRED for further consideration at a future time.

PROCEDURAL MOTION PUT AND CARRIED (6-0)

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

PURPOSE OF REPORT:

The purpose of this report is to present the Draft Policy relating to Development Contributions for Infrastructure and to seek the Council's approval to advertise the Draft Policy.

BACKGROUND:

20 November 2008

The Town's Officers prepared a discussion paper on the matter that was presented to the Executive Management Team Meeting.

16 December 2008

The Council at its Ordinary Meeting resolved the following in relation to the matter:

“That the Council;

- (i) RECEIVES the report relating to Draft Policy relating to Development Contributions for Infrastructure;*
- (ii) APPROVES IN PRINCIPLE the development of a Policy relating to Development Contributions for Infrastructure, specifically relating to the Leederville Masterplan and West Perth Regeneration Masterplan Areas and any other areas the Council nominates as being appropriate for inclusion; and*
- (iii) AUTHORISES the Chief Executive Officer to prepare the Policy relating to Development Contributions for Infrastructure.”*

DETAILS:

In light of the above resolution, the research undertaken and further discussions amongst the Town's Officers, a Draft Policy relating to Development Contributions for Infrastructure for the Leederville Masterplan Area, the District and Local Centres, and Commercial zones within the Town has been prepared.

It is noted that the report presented to the Ordinary Meeting of Council held on 16 December 2008 specified that the Policy would also apply to the West Perth Regeneration Masterplan Area. The Town's Officers have considered and researched developing a Policy for this area; however, in light of the fact that the West Perth Regeneration Masterplan Area has not been incorporated into the Town's Town Planning Scheme No. 1, it is not possible to incorporate the area into a Policy that is adopted pursuant to Town Planning Scheme No. 1.

The Draft Policy relating to Development Contributions for infrastructure was also further considered at the Executive Management Team Meeting held on 11 March 2009, where it was decided that the Draft Policy would apply to all District Centres, Local Centres and Commercial zones within each Precinct in the Town, in order to facilitate the infrastructure requirements and upgrades required as a result of large scale developments within each of these Precincts. It is considered appropriate for the Draft Policy apply to the aforementioned zones within each Precinct as, under the Town's Policies, these zones have the potential to undergo significant changes in the type and intensity of land uses. It is noted that the guidelines relating to development in the Residential and Residential/Commercial zones do not allow for the aforementioned zoned lots within the Town to undergo significant changes in the type and intensity of land uses, and therefore these zones do not warrant inclusion in such a Policy.

In light of the above, it is considered appropriate to proceed with the Draft Policy in respect to the Leederville Masterplan Area, District and Local Centres and Commercial zones within each Precinct.

The objectives of the Draft Policy state as follows:

- “1) *To facilitate appropriate and equitable developer contributions for infrastructure provision within the Town's Masterplan Area of Leederville, District Centre, Local Centre and Commercial zones.*
- 2) *To provide for the equitable sharing of the costs of infrastructure and administrative costs between owners in the Town's Masterplan Area of Leederville, District Centre, Local Centre and Commercial zones.*
- 3) *To ensure that cost contributions are reasonably required as a result of the development of land in the Town's Masterplan Area of Leederville, District Centre, Local Centre and Commercial zones.*
- 4) *To coordinate the timely provision of infrastructure in the Town's Masterplan Area of Leederville, District Centre, Local Centre and Commercial zones.*
- 5) *To ensure consistency and transparency in the process of calculating and administering funds for development contributions.”*

The Draft Policy has been developed in accordance with the Model Scheme Text Provisions outlined in State Planning Policy No. 3.6 (SPP 3.6) relating to Development Contributions for Infrastructure and specifically outlines provisions relating to the value of infrastructure, determining the value of land for the purposes of determining the value of land to be acquired for infrastructure, the method of calculation, the payment and administration of funds and the method of dealing with disputes. A copy of the Draft Policy has been included as an attachment to this report.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 states:

“Natural and Built Environment

Objective 1.1 Improve and maintain environment and infrastructure

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

1.1.3 Enhance and maintain the character and heritage of the Town.

1.1.4 Minimise negative impacts on the community and environment.”

SUSTAINABILITY IMPLICATIONS:

The incorporation of provisions for development contributions as part of the development of the Leederville Masterplan area and District Centre, Local Centre and Commercial Zones within each Precinct will ensure that the subject areas develop in an orderly and sustainable fashion.

FINANCIAL/BUDGET IMPLICATIONS:

The current 2008/2009 Budget allocates \$62,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

The Draft Policy has been developed for the Leederville Masterplan Area and District Centre, Local Centre and Commercial Zones within each Precinct in accordance with the Model Scheme Text Provisions specified in SPP 3.6, and as a result, the majority of the text is standard. Two formulas have been developed to specifically relate to the District Centre, Local Centre and Commercial zones within each Precinct and the Leederville Masterplan Area, in order to ensure a feasible outcome for the Town and an equitable outcome for land owners. The methodology with regards to the formulas are outlined below:

Methodology for District Centre, Local Centre and Commercial Zones within Each Precinct:

This formula has been determined taking into consideration the existing context of the Town's Town Planning Scheme No. 1 and Planning and Building Policy Manual, and is proposed as follows:

$$\frac{\text{GFAD}}{\text{TPGFAP}} \times \text{TPIC}$$

Where:

GFAD = Gross Floor Area of Development;

TPGFAP = Total Maximum Potential Gross Floor Area of District Centre, Local Centre and Commercial Zoned Land within the Subject Precinct; and

TPIC = Total Precinct Infrastructure Costs.

This formula ensures that the proportion of infrastructure costs that the developer pays is relative to the proportion of the development in relation to the total potential developable area of the District Centre, Local Centre and Commercial zoned land within the subject Precinct. The decision has been made to separate these zones into their subject Precincts in order to be consistent with Town Planning Scheme No. 1.

This formula is also considered appropriate as a result of the fact that each Precinct has varying areas of land that are zoned District Centre, Local Centre and Commercial and each Precinct Policy specifies different requirements for the aforementioned zoned land; therefore, each Precinct will have different infrastructure requirements. It is reasonable to assume that landowners will benefit from the infrastructure within their immediate Precinct and are unlikely to benefit from infrastructure in other Precincts; therefore, it is not fair and equitable for landowners to be paying for infrastructure in other Precincts.

It is noted that the Total Potential Gross Floor Area of the Precinct is to be determined using the height and setback requirements specified for each Precinct in the relevant Precinct Policies to determine the maximum development potential of each individual District Centre, Local Centre and Commercial zoned lot within each Precinct. These figures are then added together to ascertain the total maximum potential gross floor area of the precinct.

Methodology for Leederville Masterplan Area Calculation

As a result of the size and complexity of the Leederville Masterplan Area in comparison to the District Centre, Local Centre and Commercial Zones within each Precinct, the Town's Officers considered four (4) possible formulas for the purposes of determining the Infrastructure Contribution to be paid by each landowner upon development of their land in the Leederville Masterplan Area. The formulas along with an explanation of the positives and negatives of each are outlined below:

1.
$$\frac{\text{GFAD}}{\text{TPGFAM}} \times \text{TIC}$$

Where:

GFAD = Gross Floor Area of Development;

TPGFAM = Total Maximum Potential Gross Floor Area of Masterplan Area; and

TIC = Total Infrastructure Costs.

This formula ensures that the proportion of infrastructure costs that the developer pays is relative to the proportion of the development in relation to the total potential developable area of the Masterplan as a whole.

This formula does not encourage the site to be developed to its full potential and the negative with this formula is that if someone underdevelops, it may leave the Town with a shortfall in infrastructure payments as the Total Infrastructure Costs are based on the maximum development potential of the Masterplan Area. Therefore, if a land owner does not develop to the full potential of the site, the Council may not make the full return on the amount of infrastructure that needs to be expended to facilitate development.

By not encouraging sites to be developed to their full potential, the Town risks the scenario that once a particular site has been underdeveloped, it may not be developed to its full potential for another 30 years; therefore, there may be a shortfall in infrastructure contributions for 30 years.

2. In light of the above, the following formula may be considered more appropriate:

$$\frac{\text{TPGFAS}}{\text{TPGFAM}} \quad \times \quad \text{TIC}$$

Where:

TPGFAS = Total Potential Gross Floor Area of Site;
TPGFAM = Total Maximum Potential Gross Floor Area of Masterplan Area; and
TIC = Total Infrastructure Costs.

This formula may ameliorate the above by applying a contribution based on the total potential development proportion of their site in relation to the total additional developable area of the Masterplan Area as a whole. As the infrastructure costs are based on the total development potential of the area, all landowners would pay their proportion of this cost relative to their site. The Town would therefore not risk a shortfall in infrastructure contributions, as all landowners would be contributing equitably in terms of the development potential of their site.

An owner may therefore choose to wait until they have the required funds to develop the site to its full potential and the negative of this formula is that a land owner may choose not to develop, as regardless of what they choose to develop, they would have to pay the full amount for the development potential of their site; therefore, the Town risks no development occurring as the costs may be too high.

3. The formula can also be based on a Precinct by Precinct basis, given the fact that the Leederville Masterplan Area is divided into Precincts. This formula is as follows:

$$\frac{\text{GFAD}}{\text{TPGFAP}} \quad \times \quad \text{TPIC}$$

Where:

GFAD = Gross Floor Area of Development;
TPGFAP = Total Maximum Potential Gross Floor Area of Precinct; and
TPIC = Total Precinct Infrastructure Costs.

4. The formula based on a precinct by precinct basis can also be applied in a similar manner to the formula outlined in Option 2:

$$\frac{\text{TPGFAS}}{\text{TPGFAP}} \quad \times \quad \text{TPIC}$$

Where:

TPGFAS = Total Potential Gross Floor Area of Site;
TPGFAP = Total Maximum Potential Gross Floor Area of Precinct; and
TPIC = Total Precinct Infrastructure Costs.

The positives and negatives with regard to the Town recovering the total cost of infrastructure and not promoting underdevelopment are the same for Options 3 and 4 as outlined for Options 1 and 2. The benefit of basing the calculation on a Precinct basis is that the infrastructure costs in each of the Precincts may be varied and landowners in each Precinct would only be paying the proportion of infrastructure costs that are relative to the proportion of the development in relation to the total potential developable area of the Precinct as a whole.

Conversely, there is also the argument that the entire Masterplan Area will benefit from the development and the additional infrastructure of the Area as a whole; therefore, developments should contribute to the total cost of infrastructure for the area as a whole.

The Town's Officers have considered the above benefits and costs of each of the formulas outlined above and are of the opinion that Option 3 provides the most realistic and equitable formula.

$$\frac{\text{GFAD}}{\text{TPGFAP}} \quad \times \quad \text{TPIC}$$

Where:

- GFAD** = Gross Floor Area of Development;
- TPGFAP** = Total Maximum Potential Gross Floor Area of Precinct; and
- TPIC** = Total Precinct Infrastructure Costs.

It is considered that this formula provides a most realistic and equitable approach, as the infrastructure costs that landowners will be paying is relative to the proportion of the development in relation to the total additional developable area of the Precinct as a whole. The formula results in a limited risk of landowners choosing not to develop as a result of the increased infrastructure costs of not developing the site to its full potential, as the formulas that base the calculation on the total potential gross floor area of the site penalise landowners for underdevelopment. The formula also ensures that landowners are not forced to pay for infrastructure capacity that may not be utilised in the Precinct.

It is noted that the Total Maximum Potential Gross Floor Area of the Precinct is to be determined using the height and setback requirements specified for each Precinct in the Draft Built Form Guidelines to determine the maximum development potential of each individual lot within each Precinct. These figures are then added together to ascertain the total maximum potential gross floor area of the Precinct.

Examples of Calculation for Leederville Masterplan Area

In order to demonstrate that the chosen formula is equitable, the Town's Officers have provided examples of how the calculation will work for lots located in two different Precincts within the Masterplan Area based on the development potential of the lots as specified in the Draft Built Form Guidelines. It is noted that the lots were chosen at random and that the gross floor area of the development has been determined by using the Draft Built Form Guidelines to determine the maximum development potential of the lot using the height and setback requirements.

Example 1 – Oxford Street North Precinct

A.

Lot Size	412 square metres
Gross Floor Area of Development	1439.2 square metres
Total Potential Gross Floor Area of the Precinct	67 142.9 square metres
Total Precinct Infrastructure Costs	

$$\frac{\text{GFAD}}{\text{TPGFAP}} \quad \times \quad \text{TPIC}$$

$$\frac{1439.2}{67\ 142.9} = 0.0214$$

$$0.0214 \times 329\ 586.8 = \$7,053.16$$

Therefore, the cost contribution for development A is \$7,053.16.

B.

Lot Size	1728 square metres
Gross Floor Area of Development	8423.2 square metres
Total Potential Gross Floor Area of the Precinct	67 142.9 square metres
Total Precinct Infrastructure Costs	

$$\frac{\text{GFAD}}{\text{TPGFAP}} \times \text{TPIC}$$

$$\frac{8423.2}{67\,142.9} = 0.125$$

$$0.125 \times 329,586.8 = \$41,198.35.$$

Therefore, the cost contribution for development B is \$41,198.35.

It is evident from the above example that example B is larger than example A and therefore, has greater development potential. The above example clearly illustrates that the infrastructure costs each developer pays are relative to the proportion of the development in relation to the total potential developable area of the Precinct as a whole.

Example 2 – Oxford Market Precinct

A.

Lot Size	3479 square metres
Gross Floor Area of Development	25 206.1 square metres
Total Potential Gross Floor Area of the Precinct	36 032.4 square metres
Total Precinct Infrastructure Costs	\$492 548.55

$$\frac{\text{GFAD}}{\text{TPGFAP}} \times \text{TPIC}$$

$$\frac{25\,206.1}{36\,032.4} = 0.7$$

$$0.7 \times 492\,548.55 = \$344,783.98$$

Therefore, the cost contribution for development A is \$344,783.98.

B.

Lot Size	971 square metres
Gross Floor Area of Development	2913 square metres
Total Potential Gross Floor Area of the Precinct	36 032.4 square metres
Total Precinct Infrastructure Costs	\$492, 548.55

$$\frac{\text{GFAD}}{\text{TPGFAP}} \times \text{TPIC}$$

$$\frac{2913}{36\,032.4} = 0.08$$

$$0.08 \times 492\,548.55 = \$39,403.88$$

Therefore, the cost contribution for development B is \$39,403.88.

It is evident from the above example that whilst the lot size of example A is not that much larger than that specified in example B, example A pays the greater contribution as they are developing 70% of the total potential developable area of the Precinct, whilst example B pays significantly less as they are only developing 8% of the total potential developable area of the Precinct. The above example clearly illustrates that whilst the difference in lot sizes are not overly significant, Example A has a much greater development potential as a result of the requirements of the Draft Built Form Guidelines and therefore, pays a greater amount.

Accordingly, it is considered appropriate that contributions in the Leederville Masterplan area are calculated using the methods specified.

Summary

In light of the above, it is recommended that the Council receive and approve the Draft Policy for advertising in accordance with Clause 47 of Town Planning Scheme No. 1.

9.1.13 Amendment No. 60 to Planning and Building Policies – Draft Amended Policy Relating to Ancillary Accommodation

Ward:	Both Wards	Date:	21 April 2009
Precinct:	All Precincts	File Ref:	PLA 0210
Attachments:	001		
Reporting Officer(s):	A Fox, T Woodhouse		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Draft Amended Policy relating to Ancillary Accommodation, as shown in Attachment 001;*
- (ii) *ADVERTISES the following Draft Amended Policy Relating to Ancillary Accommodation for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
 - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iii) *after the expiry of the period for submissions:*
 - (a) *REVIEWS the following Draft Amended Policy Relating to Ancillary Accommodation, having regard to any written submissions; and*
 - (b) *DETERMINES the Draft Amended Policy Relating to Ancillary Accommodation, with or without amendment, to or not to proceed with them.*

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Messina

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

- “(i) *RECEIVES the Draft Amended Policy relating to Ancillary Accommodation, as shown in Attachment 001; subject to the Policy being further amended as follows:*

(a) *Clause 4) of the Policy Statement be amended to read as follows:*

'34) Where approval has been granted by the Town of Vincent for ancillary accommodation and its structure, a minimum of one car parking space in addition to the spaces required for the main dwelling is to be provided; or a Section 70A Transfer of Land Act 1893 Notification shall be registered against the Certificate of Title for the land advising the proprietors or prospective proprietors that the Town of Vincent will not issue a residential car parking permit to any owner or occupier of the residential unit/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development. This notification shall be prepared and registered by the Town's solicitors or other solicitors agreed upon by the Town at the cost of the applicant/owner.'

AMENDMENT PUT AND CARRIED (5-1)

For
Cr Doran-Wu
Cr Farrell
Cr Lake
Cr Maier
Cr Messina

Against
Mayor Catania

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

MOTION AS AMENDED PUT AND CARRIED (6-0)

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

COUNCIL DECISION ITEM 9.1.3

That the Council;

(i) *RECEIVES the Draft Amended Policy relating to Ancillary Accommodation, as shown in Attachment 001, subject to the Policy being further amended as follows;:*

(a) *Clause 4) of the Policy Statement be amended to read as follows:*

'34) Where approval has been granted by the Town of Vincent for ancillary accommodation and its structure, a minimum of one car parking space in addition to the spaces required for the main dwelling is to be provided; or a Section 70A Transfer of Land Act 1893 Notification shall be registered against the Certificate of Title for the land advising the proprietors or prospective proprietors that the Town of Vincent will not issue a residential car parking permit to any owner or occupier of the residential unit/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development. This notification shall be prepared and registered by the Town's solicitors or other solicitors agreed upon by the Town at the cost of the applicant/owner.'

-
- (ii) ***ADVERTISES the following Draft Amended Policy Relating to Ancillary Accommodation for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:***
- (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
 - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iii) ***after the expiry of the period for submissions:***
- (a) ***REVIEWS the following Draft Amended Policy Relating to Ancillary Accommodation, having regard to any written submissions; and***
 - (b) ***DETERMINES the Draft Amended Policy Relating to Ancillary Accommodation, with or without amendment, to or not to proceed with them.***
-

PURPOSE OF REPORT:

The purpose of this report is to present a Draft Amended Policy relating to Ancillary Accommodation, and to seek the Council's approval to advertise the Draft Amended Policy.

BACKGROUND:

- 27 March 2007 The Council at its Ordinary Meeting resolved to authorise the Chief Executive Officer to proceed with an Affordable Housing Strategy Project, to approve a Project Brief and to re-allocate \$12,000 to finance an Affordable Housing Strategy.
- 4 December 2007 The Council approved a quotation submitted by HURIWA for the preparation of an Affordable Housing Strategy for the Town of Vincent, for the sum of \$54,633.72.
- 2 January 2008 A Contract between the Town of Vincent and HURIWA for the preparation of an Affordable Housing Strategy was accepted and signed by the Consultants.
- 24 June 2008 The Council at its Ordinary Meeting resolved the following in respect of the Draft Affordable Strategy:
- “That the Council;*
- (i) ***RECEIVES the Draft Affordable Housing Strategy prepared by the Housing and Urban Research Institute of Western Australia (HURIWA), Curtin University dated June 2008, as "Laid on the Table" and circulated separately to Council Members;***

- (ii) *ACKNOWLEDGES the dimensions of the affordability crisis being experienced in the housing market both regionally and locally;*
- (iii) *LISTS the matter for further consideration and discussion at a Council Member Forum scheduled for 15 July 2008;*
- (iv) *NOTES that the Town's Administration will be providing additional information and comment in a further report on the timeline, financial/budget implications and implementation of the Recommendations which is to be submitted to a Council Meeting in September 2008; and*
- (vi) *FORWARDS the Draft 'Analysis and Prospects Discussion paper' prepared by the Housing and Urban Research Institute of Western Australia (HURIWA), Curtin University to the Department for Planning and Infrastructure for use in their Affordable Housing Project."*

15 July 2008

The Consultants presented their findings and outcomes to a Council Member Forum.

14 October 2008

The Council at its Ordinary Meeting resolved the following in relation to the Draft Affordable Housing Strategy:

- “(i) *RECEIVES the Draft Town of Vincent Affordable Housing Strategy dated October 2008 prepared by Housing and Urban Research Institute, Western Australia (HURIWA), Curtin University, as “Laid on the Table” and circulated separately to Council Members;*
- (ii) *NOTES the recommendations outlined in the Affordable Housing Strategy;*
- (iii) *NOTES that the Town's Administration does not have the current employee resources to carry out the full recommendations of the Affordable Housing Strategy and therefore DOES NOT SUPPORT the diversion of existing resources at this stage, to:*
 - (a) *create an inter-departmental team (task group) to advance the Affordable Housing Strategy through to implementation; and*
 - (b) *investigate strategies to meet the need for an expanded role in leading and coordinating locally appropriate housing reform, and with a strong focus on housing affordability; for the following reasons:*
 - (1) *the reallocation of existing resources will cause a delay in the finalisation of other Council projects, which are deemed a "higher" priority (for example, the Town Planning Scheme Review, Local Planning Strategy, and associated Policies);*
 - (2) *it is not deemed a high priority at this stage given the above context; and*
 - (3) *the financial and cost implications require further investigation and consideration;*

- (iv) *FURTHER CONSIDERS 'affordable housing' options relating to non-familial ancillary housing and 'strategic development sites' in the Town Planning Scheme Review and the Local Planning Strategy;*
- (v) *SUPPORTS the Town entering into discussions with Local Service Providers and Institutions to define mutually beneficial partnership arrangements, where appropriate, on strategic development sites; and*
- (vi) *ADVERTISES the Affordable Housing Strategy (including the four detailed briefs) for a period of twenty-eight (28) days, and considers the submissions received at the end of the Community Consultation period."*

14 February 2009

The Council at its Ordinary Meeting resolved the following in relation to the Draft Affordable Housing Strategy:

"That the Council;

- (i) *RECEIVES the progress report relating to the Draft Affordable Housing Strategy;*
- (ii) *CONSIDERS the four (4) written submissions in relation to the Draft Affordable Housing Strategy forwarded to the Town during the Community Consultation Period, as shown in Appendix 9.1.13;*
- (iii) *AUTHORISES the Chief Executive Officer to endorse the Draft Affordable Housing Strategy and associated briefs and recommendations, as 'Laid on the Table', as working documents to assist in the preparation of the Local Planning Strategy, Town Planning Scheme review and in the development of the Town's Policies; and*
- (iv) *AUTHORISES the Chief Executive Officer to investigate the possibility to initiate an amendment to the Planning and Building Policy No. 3.4.1 relating to Ancillary Accommodation to allow non-familial accommodation, and that a report and a draft amended Policy be referred to the Council no later than April 2009."*

14 April 2009

The Council at its Ordinary Meeting resolved to endorse the Draft Local Planning Strategy which draws reference to the opportunities to encourage the provision of non-familial ancillary accommodation to facilitate greater affordable housing options in the Town.

DETAILS:

As part of the above decision of the Ordinary Meeting of Council held on 14 February 2009, the Council endorsed the use of the Draft Affordable Housing Strategy and associated briefs as working documents to assist in the preparation of the Town's Local Planning Strategy, new Town Planning Scheme and associated Policies. As part of the draft Affordable Housing Strategy, the consultants prepared a specific brief relating to Ancillary Housing and proposed that there was scope within the Town's existing Ancillary Housing Policy to make provisions for non-familial accommodation. In direct response to this brief and recommendations, the Council, in clause (iv) of the above decision, authorised the investigation of the Town's Planning and Building Policy No. 3.4.1 relating to Ancillary Accommodation.

Further to this, the amendment to the Policy relating to Ancillary Accommodation is consistent with the recommendations detailed within the Draft Local Planning Strategy endorsed by the Council at the Ordinary Meeting held on 14 April 2009, which recognises the importance of investigating the provision of non-familial ancillary accommodation in the Town.

In order to address clause (iv) of the Council decision on 14 February 2009 and the recommendations detailed within the Draft Local Planning Strategy endorsed by the Council on 14 April 2009, the Town's Officers have investigated the possibility of initiating an amendment to the Town's Ancillary Accommodation Policy in relation to non-familial accommodation.

Context

Generally speaking, ancillary accommodation has, for many years in Australia and overseas, been proposed as a housing opportunity specifically for members of the family such as elderly parents or young adult members of the family occupying the main dwelling. Facilitating such accommodation for non-family members was a key recommendation detailed by the Consultants in preparing the draft Affordable Housing Strategy and associated briefs as a means to provide further affordable housing options within the Town.

The Town's Officers have conducted investigations into the amending the Town's existing Ancillary Accommodation Policy, which will provide an opportunity to overcome regulatory barriers that prohibit non-familial ancillary accommodation. The results of this investigation have benefited the Town in assessing the suitability of non-familial ancillary accommodation within the Town. The following matters have been considered in this investigation.

Defining Ancillary Accommodation

The Consultants in preparing the draft Affordable Housing Strategy have defined Ancillary Housing as an additional dwelling or accommodation associated with a single house on the same lot. It may exist as a separate building, or integrated within the structure of the main residence. The Residential Design Codes 2008 (R Codes) have further defined Ancillary Housing as *'self contained living accommodation on the same lot as a single house that may be attached or detached from the single house occupied by members of the same family as the occupiers of the main dwelling'*.

Under the R Codes, 7.1.1 Ancillary Accommodation, the following provisions apply:

“Performance Criteria

Ancillary dwellings that accommodate the needs of large or extended families without compromising the amenity of adjoining properties.

Acceptable Development

An additional dwelling or independent accommodation associated with a single house and on the same lot where:

- i. The sole occupant or occupants are members of the family of the occupiers of the main dwelling;*
- ii. The lot is not less than 450 sq m in area;*
- iii. The open space requirements of table 1 are met;*
- iv. There is a maximum floor area of 60 sq. m; and*
- v. One additional car space is provided.”*

Applying Ancillary Housing at the Town

Under the provisions of the R Codes (Clause 5.1 and 5.3.1), Local Planning Policies may contain provisions that vary or replace the acceptable development provisions set out in the codes for a number of areas of residential development including ancillary accommodation. The Council has exercised some discretion in respect to varying the required provisions of ancillary accommodation under the R Codes. This has been achieved through Town Planning Scheme No. 1 in the form of the Town's Planning and Building Policy 3.4.1 relating to Ancillary Accommodation. While the Town's Ancillary Accommodation Policy has varied the above acceptable development criteria (iv) relating to maximum floor area from 60 to 70 square metres, the remaining acceptable development requirements are as specified in the R Codes as above.

The Consultant, in preparing the draft Affordable Housing Strategy has suggested that some of the requirements of the R Codes act as a barrier limiting the developments of ancillary housing and its use in readily available low impact affordable rental housing. Specifically:

- *“Prohibiting non family members from occupying (renting) the ancillary accommodation*
- *Onerous requirements for extra parking.”*

In considering the above, the Town's Officers have commenced investigation into potential variations to the existing Ancillary Accommodation Policy to allow for a broader application of this Policy with the primary purpose of providing affordable housing opportunities within the Town.

Non-familial Accommodation

The Town's Officers consider that there is scope within the Policy to vary this provision in respect to clause i. of the R Codes provisions for ancillary accommodation that states, *‘The sole occupant or occupants are members of the family of the occupiers of the main dwelling.’* The Town's current Ancillary Accommodation Policy has been amended to remove restrictions applying to family members.

Car Parking Requirements

In reviewing the Town's Ancillary Accommodation Policy in relation to the car parking requirements, the Town's Officers note that where approval has been granted for ancillary accommodation, a minimum of one car parking space in addition to the spaces required by the main dwelling is to be provided. While it is acknowledged that this requirement may be restrictive in some instances, the Town's Officers consider it a necessary requirement to provide off-street parking for non-familial ancillary accommodation.

Local Governments Comparisons

Officer investigations have revealed that following the adoption of the *City of Subiaco Social Housing Policy*, a significant amount of research was undertaken into affordable housing in Subiaco. One initiative to address this issue was the development of a draft Subsidiary Accommodation Policy. Much like the provisions for 'Ancillary Accommodation' allowed for in the Residential Design Codes, the draft Subsidiary Accommodation Policy removed the requirement for occupancy to be restricted to family members. The change in terminology to *‘Subsidiary Accommodation’* acted to reduce confusion between the definition of Ancillary Accommodation in the R Codes. The draft policy was approved for advertising in March 2005; however, due to significant staff turnover at the time, the policy did not progress to final adoption.

It should be noted that to-date, investigations have not found any Local Authorities in Western Australia with adopted policies that relate to ancillary accommodation for non-familial purposes. Further research of local government initiatives interstate and overseas has indicated that this type of 'subsidiary/accessory' accommodation is generally well accepted and is used as an effective means of providing housing diversity and housing affordability.

Conclusion

While the Town's Officers appreciate that there are some concerns in relation to ancillary/subsidiary accommodation, there are also considerable advantages to this type of accommodation, as follows;

- Provides an affordable housing opportunity to the occupier of the ancillary accommodation;
- Provides a mix of housing opportunities for a growing, diverse population;
- Construction does not consume additional land as the ancillary accommodation is constructed within a single dwelling lot;
- Construction costs can be significantly less than other types of grouped or multiple dwelling accommodation;
- It provides a modest, but comfortable rental dwelling in a desirable neighbourhood for young singles or elderly persons who could not otherwise afford to be there;
- Provides elderly homeowners additional income to relieve the high costs of owning and maintaining a large house as home prices and expenses continue to rise and affords them the opportunities to remain within the area; and
- Ancillary accommodation leads to increased diversity of residents and household types in neighbourhoods.

It is considered that amending the Town's Policy relating to Ancillary Accommodation to remove barriers for occupants will facilitate greater opportunities for housing diversity and affordable housing opportunities. It is appreciated that the wider application of ancillary housing for non-familial purposes may meet with initial objection from some members of the community; however, it is noted that this type of housing will not be suitable for everyone, but where it is appropriate, it should be facilitated within the Town.

CONSULTATION/ADVERTISING:

Nil.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 - Key Result Area One: Environment and Infrastructure:

"1.3 Develop, implement and promote sustainable urban design . . .

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

FINANCIAL/BUDGET IMPLICATIONS:

The current 2007/2008 Budget lists \$62,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

The Town's Officers note that while the definition of 'Ancillary Accommodation' in the R Codes does not provide for non-familial Ancillary Accommodation, the R Codes do enable local councils to vary certain code provisions by the adoption of local planning policies that are properly advertised and adopted pursuant to a Town Planning Scheme.

In light of the above, it is recommended that the Council receives and advertises the Draft Amended Planning and Building Policy No. 3.4.1 relating to Ancillary Accommodation as outlined in this report.

9.1.14 Perth Parking Policy - Advertising of Proposed Revisions

Ward:	South Ward	Date:	21 April 2009
Precinct:	Hamilton, P11 (CPS No. 2); East Perth, P15; EPRA	File Ref:	ORG0016
Attachments:	001 , 002		
Reporting Officer(s):	R Marie, T Woodhouse, J Maclean		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECIEVES** the report relating to the Advertising of the Proposed Revision to the Perth Parking Policy;
- (ii) **ADVISES** the Department for Planning and Infrastructure that the Town of Vincent **SUPPORTS IN PRINCIPLE** the proposed revisions to the Perth Parking Policy as shown in Attachment 001 for the purposes of improving the management of parking within the Perth Parking Management Area, and should the Town of Vincent remain within the Perth Parking Management Area, offers the following recommendations;
 - (a) clauses (8.1), (8.5) and (8.6) of the Policy relating to Special Provisions be amended to include reference to the Town of Vincent;
 - (b) the Introduction of the Policy be amended to include reference to the Town of Vincent and greater detail in the implementation of the Policy, including the revenue raised through the licensing system as detailed in the Perth Parking Management Act 1999;
 - (b) the Policy be amended to include a definition of 'Central Perth' for the purposes of administrating the Policy; and
 - (d) the key objectives of the Policy be amended to demonstrate a greater emphasis on linkages and integration of parking management within the Perth Parking Management Area and surrounding Local Government Authorities; and
- (iii) **AUTHORISES** the Chief Executive Officer to recommend to the Department for Planning and Infrastructure in relation to the Boundary of the Perth Parking Management Area Discussion Paper dated June 200,8 as shown in Appendix 9.1.14, that;
 - (a) the Town supports Option 2 that stipulates a minor contraction of the Perth Parking Management Plan to reflect adjustments in the Local Government boundary between the City of Perth and the Town of Vincent, in effect excising the Town from the Perth Parking Management Area; and
 - (b) the Town requests that Options 3 and 4 are further investigated in the longer term to encourage expansion of the Perth Parking Management Boundary to encompass parts of the Local Government Areas of the City of Subiaco and the Towns of Vincent and Victoria Park, to ensure that the 'balanced transport' outcomes sought for Central Perth are not compromised.

COUNCIL DECISION ITEM 9.1.14

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (5-1)

For

**Mayor Catania
Cr Doran-Wu
Cr Farrell
Cr Maier
Cr Messina**

Against

Cr Lake

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

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the proposed revisions to the Perth Parking Policy for public comment, and to provide a summary of the proposed changes to the Council. The report also provides a summary of the recommendations contained within the *Boundary of the Perth Parking Management Area* Discussion Paper dated June 2008.

BACKGROUND:

- | | |
|------------------|--|
| 1 July 2007 | The Town of Vincent acquired new land from the City of Perth, which encompasses land within the Perth Parking Management Area (PPMA) as detailed in Schedule 1 of the <i>Perth Parking Management Regulations 1999</i> . |
| 24 February 2009 | The Town received a formal invitation from the Department for Planning and Infrastructure, inviting comment from the Town in relation to the proposed revision of the <i>Perth Parking Policy</i> and recommendations relating to the <i>Boundary of the Perth Parking Management Area</i> Discussion Paper. |
| 15 April 2009 | The Town's Officers met with a representative of the Department for Planning and Infrastructure to discuss the proposed changes to the Policy and the wider implications relating to the inclusion of the Town of Vincent into the <i>Perth Parking Management Area</i> and associated licensing fees. |
| 29 April 2009 | Submissions for the proposed revision of the <i>Perth Parking Policy</i> and <i>Boundary of the Perth Parking Management Area</i> Discussion Paper close. |

DETAILS:

The Town received a formal invitation from the Department for Planning and Infrastructure, dated 24 February 2009, advising the Town that they were advertising proposed changes to the *Perth Parking Policy* and recommendations relating to boundaries of the *Perth Parking Management Area* for public comment. For the purpose of this report, the documents have been considered separately.

The Perth Parking Management Act 1999

The intent of the *Perth Parking Management Act 1999* (the Act) is twofold; to give effect to the *Perth Parking Policy* (as detailed in section 5 of the Act) and to administer the licensing of parking within the Perth Parking Management area. Schedule 1 of the *Perth Parking Management Regulations 1999* defines the *Perth Parking Management Area*. The Act, the *Perth Parking Management Regulations 1999* and the *Perth Parking Policy* were created on the premise of being administered by the City of Perth only. However, as a result of the boundary changes undertaken in July 2007, portions of the *Perth Parking Management Area* within West Perth and East Perth respectively, have been excised from the City of Perth and included in the Town of Vincent jurisdiction.

The underlying rationale for the *Perth Parking Management Area* boundary was to allow the application of a parking management and land use strategy that supported a set of 'balanced transport' outcomes, as follows;

- ensuring that 'Central Perth' is accessible to all;
- private car access to and around the 'Central Perth' does not compromise cross Metropolitan regional access and mobility; and
- Central Perth's economic and social attractiveness is maintained, if not enhanced, and at the very least not compromised by parking activity or infrastructure.

Sinclair Knight Merz (SKM) Review of the Perth Parking Policy

A review of the *Perth Parking Policy* was conducted by Sinclair Knight Merz (SKM) in 2007, to determine the operation and the achievements of the Policy since its implementation. Section 7.3 of the review relates to the *Perth Parking Management Area Boundary*. The review acknowledged that as more intense development spreads outwards from the centre of Perth, a case could be made for expanding the *Perth Parking Management Area*; however, it was noted that the affected Councils would have to weigh up the following issues:

- potential for reducing congestions through a continuation of constraint on parking supply and the prices of parking;
- ability to utilise revenue from parking licence fees to improve public transport, walking and cycling within the area;
- potential impacts of an increase in user costs of private travel to the area and perceived or real impacts on business viability; and
- the extent to which the Free Transit Zone and the CAT service would provide benefits to these areas.

In the short term, SKM advised that the implications for the ratepayers, off-street parking facilities and the Town of Vincent as a result of the boundary realignments effected on 1 July 2007, would be as follows;

- Developments within the areas of the Town of Vincent that are within the *Perth Parking Management Areas* will be subject to a maximum amount of tenant parking bays per hectare of development land; and
- The owners of both public and private parking within the *Perth Parking Management Area* transferred to the Town of Vincent will be required to pay licence fees for parking. Whilst this will result in no changes to the private owners, the Town of Vincent is to make a payment for parking under its control - principally on-street parking estimated at \$73,000 per year.

The review of the Policy by SKM identified three options available to the Town including:

- Reduce the *Perth Parking Management Area* to exclude all areas within the Town of Vincent;
- Increase the *Perth Parking Management Area* to include the area south of Bulwer Street and Vincent Street to the east of the Mitchell Freeway; and
- A more localised expansion of the *Perth Parking Management Area* in and around the Leederville Village Centre.

Leederville Masterplan Integrated Transport Study

As part of the Leederville Masterplan project, an Integrated Transport Study dated 14 October 2008 was prepared by Connell Wagner Pty Ltd for the Department for Planning and Infrastructure. As part of this study, the consultants reviewed the viability of extending a CAT service and/or the Free Transit Zone (FTZ) into the Leederville Masterplan area, and concluded that due to inadequate commercial and residential patronage, both existing and proposed development is expected to be insufficient to justify the extension of the FTZ or CAT buses. Further to this, the report advised that public transport between the Perth CBD and Leederville and Subiaco areas is generally covered by one or two zone fares. This is considered to be a cheap method of transport, and extension of the 'free to user' services may not bring about a significant increase in patronage.

The report also noted that the revenue generated through the levy imposed by the *Perth Parking Management Act 1999* to parking bays within the *Perth Parking Management Area* is used primarily to fund the Perth CAT bus system and to compensate Transperth for the loss of fare revenue within the FTZ.

Given the above, it is assumed that the Town is currently receiving limited return for the licensing fee of \$73,000 annually.

Draft Perth Parking Policy and Boundary of the Perth Parking Management Area

Within this context, a summary and critique of the revised Draft *Perth Parking Policy and Boundary of the Perth Parking Management Area* Discussion Paper is detailed within the 'Comments' section of this report.

CONSULTATION/ADVERTISING:

The Department for Planning and Infrastructure is currently advertising the proposed revisions to the *Perth Parking Policy* and the *Boundary of the Perth Parking Management Area* Discussion Paper for public comment, which closes on 29 April 2009.

LEGAL/POLICY:

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

Perth Parking Policy, Perth Parking Management Act 1999, Perth Parking Management Regulations 1999, City of Perth City Planning Scheme No. 2, and East Perth Redevelopment Authority Town Planning Scheme.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 states:

“Natural and Built Environment

Objective 1.1 Improve and maintain environment and infrastructure

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

1.1.6 Enhance and maintain the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment.

Community Development

Objective 3.1 Enhance community development and wellbeing

3.1.3 Determine the requirements of the community.”

SUSTAINABILITY IMPLICATIONS:

It is considered that the key objectives of the *Perth Parking Policy* promote the use of public transport within the inner City. The objectives of the Policy support sustainability principles by ensuring economic vitality, accessibility, improving the environment, reducing the effects of global warming, encouraging efficiency, providing a framework for parking and reducing the impact of traffic.

FINANCIAL/BUDGET IMPLICATIONS:

The Town contributes \$73,000 of annual licensing fees to the State Government in accordance with the *Perth Parking Management Act 1999* and *Perth Parking Management Regulations 1999*. The Town derives little benefit from these fees and the money would be better utilised in the provision of local services for the local community.

COMMENTS:

A summary and Officer Comments relating to the Revised *Perth Parking Policy* and the *Boundary of the Perth Parking Management Area* is detailed below.

Perth Parking Policy Review

As outlined in the correspondence sent to the Town dated 24 February 2009, the key changes to the Policy are;

- *“an extension of the Pedestrian Priority Zone, including the length of Hay Street;*
- *simplification of the Tenant Parking Allowance by removing the categories of ‘Grade Separated Access’ and ‘Desirable allowance’;*
- *simplification of the street hierarchy from four categories to three;*
- *clarification to a number of definitions; and*
- *expanded criteria to be used to increase planning control over the development of long stay public parking.”*

Officer Comment

It is considered that the current classification of the general Parking Zone and Category 3 Street, as shown in Attachment 001, is appropriate in which the majority of the Town of Vincent areas fall. Given that the level of activity is generally lower than within the city centre, the area should provide a range of parking choice. The area currently within EPRA’s control is undergoing redevelopment. Whilst it is acknowledged that there may be a need for changes to the future parking management, there is currently no need to change the parking zone or street category in this area. Similarly for West Perth, the current land use intensity is low and whilst in the future this is proposed to change via the West Perth Regeneration Masterplan, it is considered unnecessary for any modifications given that detailed planning guidelines, including parking requirements, will be prepared specific to the Masterplan area.

As acknowledged in the Officer Recommendations of this report, it is considered that the review of the Policy assists in improving the management of parking within the City of Perth and the management of parking in the inner city; however, there is little reference to accommodating benefits or application to the portions that fall within the Town of Vincent or integration of transport and parking systems to abutting Local Government Authorities.

Boundary of the Perth Parking Management Area

The Discussion Paper *Boundary of the Perth Parking Management Area* provides four options in relation to the boundary of the management area. A summary with Officer Comments is provided below.

1. Status Quo

This option proposes to leave the current boundary as it is. The reasoning behind this proposal is that the growth and change that has occurred within the *Perth Parking Management Area* “has not as yet spilled over, or at best has had minimal impact on adjacent areas.” By retaining the current boundaries, it allows current free transit zone facilities to continue, and provides scope for providing infrastructure such as the CAT bus to the new Museum site in East Perth.

Officer Comment

Whilst the Department for Planning and Infrastructure acknowledge this as the preferred option, it is considered that as the Policy and associated legislation stands at the moment, there is very little incentive for the Town of Vincent to remain within the *Perth Parking Management Area*. As acknowledged by the Connell Wagner Integrated Transport Study 2008, the viability of increasing the patronage of the FTZ and the implementation of a CAT system is not considered appropriate in the Town's acquired portions of the *Perth Parking Management Area* or surrounding areas, and thus there remains little incentive for the Town to continue to pay the licensing fee of \$73,000 per annum.

2. Minor contraction of the PPMA to reflect adjustments in the Local Government boundary between City of Perth and Town of Vincent.

This approach is a minimalist approach. This option would propose that the *Perth Parking Management Area* lie within one Council area. This option would exempt the Town of Vincent from the parking tax payment for on-and off-street parking and therefore, apply the Town's own Town Planning Scheme to areas now within the *Perth Parking Management Area*, and not have to consider the *Perth Parking Policy*. Under this option, the Free Transit Zone and CAT bus would no longer be applicable to these areas.

Officer Comment

In the short term, it is considered that this is the best approach to be undertaken by the Town. As the Policy and associated legislation stands at the moment, the focus is essentially on managing parking within the inner City of Perth itself and very little scope is provided to improve access and parking for the northern areas of the Perth Parking Management Plan or integration with surrounding areas, beyond what is stipulated in the Town's own Policies and Draft Car Parking Strategy. Furthermore, it is considered that from an administrative perspective, the provisions of the Parking Policy are specific to the City of Perth and its associated Policies, and the Town would operate more efficiently in line with its own Policies and provisions relating to parking and transport management.

3. *Limited expansion into the immediately adjacent areas of Vincent or Subiaco where parking activity may impact on achieving the 'balanced transport' outcomes sought for Central Perth.*

This option proposes that the boundaries of the PPMA be expanded to include areas within the Town of Vincent and City of Subiaco. It would need to be justified that the levels of development or of spill-over impacts creating parking issues and demands immediately outside the PPMA is of sufficient scale and complexity that they cannot be managed by the Town of Vincent or City of Subiaco.

Officer Comment

It is considered that this approach may be appropriate in the long term. Given the infancy of the proposed intensification within the adjacent areas and the observation detailed within the Connell Wagner Integrated Transport Study 2008 (that current commercial and residential densities and patronage levels are insufficient to justify the extension of the FTZ or CAT buses), it is recommended that further investigation into expanding the *Perth Parking Management Area* is undertaken following further consolidation and implementation of the relevant land use studies currently being undertaken, and other transport and parking options being explored specific to these areas.

4. *Substantial expansion to encompass parts of the LGA's of Subiaco, Vincent and Victoria Park to ensure that the 'balanced transport' outcomes sought for Central Perth are not compromised.*

This option is a strategic approach that recognises that whilst the scale of development in Subiaco, Leederville and Victoria Park (especially employment), is still relatively small in comparison to that within the PPMA, there are plans or proposals for substantial growth to occur in the future, including expected growth detailed within the West Perth Regeneration Plan and the Leederville Masterplan.

Officer Comment

It is considered that this strategic long term approach is the most appropriate to the Town of Vincent. Currently, the Town of Vincent, together with the Town of Victoria Park and the Town of Cambridge, have plans to intensify development and commercial occupancy that will require modifications to existing parking and transport management. It is recommended that further investigation into expanding the *Perth Parking Management Area* is undertaken following further consolidation and implementation of the relevant land use studies currently being undertaken and other transport and parking options being explored specific to these areas that demonstrate greater attention to a truly integrated transport and parking system.

CONCLUSION:

In light of the above, it is recommended that the Council support the Officer Recommendation and respond to the Department for Planning and Infrastructure accordingly.

9.3.1 Investment Report as at 31 March 2009

Ward:	Both	Date:	1 April 2009
Precinct:	All	File Ref:	FIN0033
Attachments:	001 ; 002		
Reporting Officer(s):	B Wong		
Checked/Endorsed by:	B Tan	Amended by:	

OFFICER RECOMMENDATION:

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

COUNCIL DECISION ITEM 9.3.1

PROCEDURAL MOTION

Moved Cr Farrell, Seconded Cr Maier

That the item be DEFERRED to the next meeting, as a lack of a quorum will occur when Mayor Catania and Cr Messina depart the Chamber.

PROCEDURAL MOTION PUT AND CARRIED (6-0)

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

PURPOSE OF REPORT:

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

BACKGROUND:

Interest from investments is a significant source of funds for the Town, where surplus funds are deposited in the short term money market for various terms. Details are attached in Appendix 9.3.1.

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

DETAILS:

Total Investments for the period ended 31 March 2009 were \$13,973,265 compared with \$14,973,265 at 28 February 2009. At 31 March 2008, \$16,689,958 was invested.

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

	Budget	Actual	%
	\$	\$	
Municipal	650,000	417,758	64.27
Reserve	485,710	400,878	82.53

COMMENT:

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

The report comprises of:

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

9.4.2 Delegations for the Period 1 January 2009 to 31 March 2009

Ward:	Both	Date:	7 April 2009
Precinct:	All	File Ref:	ADM0018
Attachments:	001		
Reporting Officer(s):	J MacLean, S Beanland, S Giles		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *ENDORSES the delegations for the period 1 January 2009 to 31 March 2009 as shown at Appendix 9.4.2; and*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to write-off infringement notices/costs to the value of \$46,630.00 for the reasons as detailed below:*

<u>Description</u>	<u>Amount</u>
<i>Breakdown/Stolen (Proof Produced)</i>	<i>\$1,245.00</i>
<i>Details Unknown/Vehicle Mismatched</i>	<i>\$5,010.00</i>
<i>Equipment Faulty (Confirmed by Technicians)</i>	<i>\$480.00</i>
<i>Failure to Display Resident or Visitor Permit</i>	<i>\$8,560.00</i>
<i>Interstate or Overseas Driver</i>	<i>\$7,730.00</i>
<i>Ranger/Clerical Error</i>	<i>\$13,445.00</i>
<i>Signage Incorrect or Insufficient</i>	<i>\$855.00</i>
<i>Ticket Purchased but not Displayed (Valid Ticket Produced)</i>	<i>\$1,860.00</i>
<i>Other (Financial Hardship, Disability, Police On-duty, Etc)</i>	<i>\$4,345.00</i>
<i>Penalties Modified</i>	<i>\$415.00</i>
<i>Litter Act</i>	<i>\$2,600.00</i>
<i>Dog Act</i>	<i>\$0.00</i>
<i>Pound Fees Modified</i>	<i>\$85.00</i>
TOTAL	\$46,630.00

COUNCIL DECISION ITEM 9.4.2

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (6-0)

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

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly progress report of the delegations exercised by the Town's Administration for the period 1 January 2009 to 31 March 2009 and to obtain the Council's approval to write-off infringement notices.

BACKGROUND:

The Local Government Act 1995, at Section 5.42, allows for a Council to delegate to the Chief Executive Officer its powers and functions.

The purpose of delegating authority to the Chief Executive Officer is to provide for the efficient and orderly administration of the day to day functions of the Local Government. The Chief Executive Officer, Directors and specific Managers exercise the delegated authority in accordance with the Council's policies.

DETAILS:

The area which results in most infringement notices being withdrawn for this quarter is that of "*Ranger/Clerical Error*"; however, it should be noted that in most cases the infringement notices were re-issued to the offending vehicle, on the spot, when the error was identified. It should also be noted that, on one day, the times recorded on the Autocite were incorrect by one hour. Where possible, these infringement notices were all re-issued through the post.

Other than the above category, the next most prevalent withdrawal class is that of where a resident or visitor was not displaying the necessary permits. While the offence is "*Failure to Display a Valid Permit*", it is not considered appropriate to penalise residents and their visitors, since the primary purpose of introducing Residential Parking Zones is to provide respite to them.

ADVERTISING/CONSULTATION:

Not applicable.

LEGAL/POLICY:

Section 5.42 of the Local Government Act 1995 gives power to a Council to delegate to the CEO the exercise of its powers and functions; prescribes those functions and powers which cannot be delegated; allows for a CEO to further delegate to an employee of the Town; and states that the CEO is to keep a register of delegations. The delegations are to be reviewed at least once each financial year by the Council and the person exercising a delegated power is to keep appropriate records.

It is considered appropriate to report to the Council on a quarterly basis on the delegations utilised by the Town's Administration. A copy of these for the quarter is shown at Appendix 9.4.2.

STRATEGIC IMPLICATIONS:

The above is in accordance with Strategic Objective 4.1.4(a) "*Achieve best Practice corporate governance standards and statutory compliance including effective delegations and independent review of processes.*"

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The Council's Auditors recommend that infringement notices be reported to the Council for a decision to write-off the value of the infringement notice. In these cases, it is the opinion of the Co-ordinator Ranger Services and/or the Parking Appeals Review Panel that infringement notices cannot be legally pursued to recover the money or it is uneconomical to take action as this will exceed the value of the infringement notice.

The details of the Infringement Notices are as follows:

<u>Description</u>	<u>Amount</u>
Breakdown/Stolen (Proof Produced)	\$1,245.00
Details Unknown/Vehicle Mismatched	\$5,010.00
Equipment Faulty (Confirmed by Technicians)	\$480.00
Failure to Display Resident or Visitor Permit	\$8,560.00
Interstate or Overseas Driver	\$7,730.00
Ranger/Clerical Error	\$13,445.00
Signage Incorrect or Insufficient	\$855.00
Ticket Purchased but not Displayed (Valid Ticket Produced)	\$1,860.00
Other (Financial Hardship, Disability, Police On-duty, Etc)	\$4,345.00
Penalties Modified	\$415.00
Litter Act	\$2,600.00
Dog Act	\$0.00
Pound Fees Modified	\$85.00
TOTAL	\$46,630.00

COMMENTS:

It is recommended that the delegations be endorsed by the Council.

9.4.5 Information Bulletin

Ward:	-	Date:	21 April 2009
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Radici		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 21 April 2009, as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 9.4.5

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (6-0)

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

DETAILS:

The items included in the Information Bulletin dated 21 April 2009 are as follows:

ITEM	DESCRIPTION
IB01	Letter from Department of Treasury and Finance regarding Building The Education Revolution – Delegated Planning Approval Authority for Primary School Developments
IB02	Letter from Department of Education and Training regarding Building the Education Revolution Economic Stimulus Package – List of Schools in the Town
IB03	Letter from Western Australian Local Government Association (WALGA) regarding Public Library Stocktakes
IB04	Letter from RAC regarding Recent Risky Roads Campaign
IB05	Letter from Department of Racing, Gaming & Liquor regarding Concerns Regarding Renewal of Extended Trading Permit – The Flying Scotsman
IB06	Letter from Commercial Radio Australia regarding Digital Radio
IB07	Letter from Department of Local Government regarding Local Government Reform Steering Committee
IB08	Letter from Western Power regarding Proposal to Underground Power to Walcott Street
IB09	Email from Australian Local Government Association regarding Important Update from the President of the Australian Local Government Association, Cr Geoff Lake
IB10	Email of Appreciation from Trinity Theological College regarding Repair of Broken Wheel on Recycling Bin
IB11	Letter of Appreciation from WWF regarding Earth Hour
IB12	Letter of Appreciation from Thomas G Pearce regarding Beatty Park Staff
IB13	Ranger Services Statistics for January, February and March 2009 (PER0018)

9.4.6 LATE ITEM: Donation to the Italian Earthquake Appeal 2009

Ward:	-	Date:	28 April 2009
Precinct:	-	File Ref:	FIN0008
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council:

- (i) *EXPRESSES its condolences and deepest sympathy to the victims and all those affected by the Italian Earthquake, which occurred on 6 April 2009; and*
- (ii) *APPROVES a donation of \$3,000 (three thousand dollars) to the Italian Earthquake Appeal 2009.*

COUNCIL DECISION ITEM 9.4.6

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

MOTION PUT AND CARRIED (6-0)

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

PURPOSE OF REPORT:

To approve of a financial donation to the Italian Earthquake Appeal 2009 to support communities impacted by the devastating earthquake, which occurred on 6 April 2009.

BACKGROUND:

On 6 April 2009 a severe earthquake (measuring 6.3 on the Richter scale) struck L'Aquila, the capital of the Abruzzo region of Italy and surrounding villages. It caused 294 deaths, in excess of 1,000 injured, resulted in 39,500 being made homeless and severely damaged up to 11,000 buildings, many of which were historic. The deaths included people from Italy, Europe, Middle East and South America. Damage is estimated to be A\$16 billion.

A high proportion of the Town's population are from Italy and/or have strong ties to Italy and it is therefore appropriate that the Town consider making a donation to assist the victims. An Australian wide appeal has been organised by "Il Globo" Newspaper and this will be launched on 1 May 2009 at Members Equity Stadium. The Town's Mayor, Mr Nick Catania, has been requested to co-ordinate the Appeal in Western Australia. Donations can be made to the WA Italian Club and/or the North Perth Community Bank. All donations will be placed in trust until a suitable project has been identified.

DETAILS:**Previous Donations**

The Town of Vincent has previously provided donations for disaster relief as follows:

Date	Details	Amount
January 1998	Lord Mayor's Distress Relief Fund for the Brookton/Pingelly Bush Fire	\$ 500
April 1999	<ul style="list-style-type: none">• Lord Mayor's Moora Flood Appeal• Lord Mayor's Exmouth Cyclone Appeal	\$1,000 \$1,000
November 2002	Lord Mayor's Distress Relief Fund for the Victims of the Bali Bombing	\$5,000
January 2005	Tsunami Appeal to CARE Australia	\$5,000
November 2005	Earthquake Relief Appeal - Afghanistan, India, Pakistan and Kashmir	\$2,500
March 2006	Lord Mayor's Distress Disaster Relief Fund (<i>General request for Donations</i>)	\$ 500
April 2006	Premier's Disaster Relief Appeal Fund for the communities affected by Cyclone Larry in North Queensland	\$2,500
June 2006	Australian Red Cross - Indonesian Earthquake Appeal Fund	\$2,000
February 2007	Lord Mayor's Disaster Relief Fund – Dwellingup Fires Appeal	\$2,500
May 2008	CARE Australia – Myanmar (Burma) Cyclone Nargis Appeal	\$,3500
May 2008	Australian Red Cross - China Sichuan Earthquake Appeal 2008	\$3,500
February 2009	Australian Red Cross - Victorian Bushfire Appeal 2008	\$10,000

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The Town's Policy No. 4.1.27 - "Disaster Appeals - Donations and Assistance" states;

"OBJECTIVES

To provide guidance to the Council when considering requests for the provision of financial assistance and other support to alleviate the impact of disasters and other significant emergencies.

POLICY STATEMENT

1. *Council to Approve Requests*

All requests to provide financial assistance and other support to alleviate the impact of disasters and other significant emergencies shall be in response to an appeal launched by the Federal, State, Local Government or other bona fide agency and shall be reported to the Council for consideration and determination.

2. *Financial Support*

(a) *Financial support shall be limited to a maximum of \$5,600 to any one disaster or other significant emergency appeal.*

(b) *In the event of more than one relief organisation/agency being involved in the Disaster Appeal, the Council shall determine the most appropriate relief organisation to receive the support.*

(c) *Financial support will only be made to approved agencies/organisations and cash donations will not be made directly to individuals."*

3. *Non-Financial Support.*

The Council will consider support, other than financial, which includes but is not limited to:

(a) *the provision and use of the Town's resources, machinery, vehicles, equipment for disasters which occur within Australia;*

(b) *the use of the Town's buildings and facilities for emergency accommodation and other approved purposes;*

(c) *support for employees with professional expertise who wish to assist in the disaster by releasing the person on payment of their current salary and conditions, assistance to travel costs and incidental costs, provision of emergency clothing, equipment and the like which is necessary for the duration of the employees absence to a maximum of \$5,000;*

(d) *the use of Town as a receiving agent for any donations by the public; and*

(e) *any other bona fide requests which may arise from a disaster or emergency.*

STRATEGIC IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$3,000 (three thousand dollars) would be expended from the Donation Account 2008-09.

COMMENTS:

The donation is in accordance with the Town's Policy. Whilst it is always difficult to quantify a donation in terms of dollars/victims, the extensive damage caused (in excess of A\$16 billion) is substantial. Therefore, a donation of \$3,000 is considered appropriate.

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

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

12.1 WALGA Nominations – WA State Graffiti Taskforce; FESA Fire & Rescue Consultative Committee; Alliance for the Prevention of Elder Abuse; Environmental Regulation Stakeholder Reference Group; Genetically Modified Labelling and Compliance Committee; Animal Biosecurity Reference Group; Plant Biosecurity Reference Group

Ward:	-	Date:	21 April 2009
Precinct:	-	File Ref:	ORG0045
Attachments:	001		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) _____ *be nominated as WALGA Metropolitan Member - WA State Graffiti Taskforce;*
- (ii) _____ *be nominated as WALGA Member - FESA Fire and Rescue Consultative Committee (Ministerial Appointment - Panel of 3);*
- (iii) _____ *be nominated as WALGA Member - Alliance for the Prevention of Elder Abuse;*
- (iv) _____ *be nominated as WALGA Member - Environmental Regulation Stakeholder Reference Group;*
- (v) _____ *be nominated as WALGA Member - Genetically Modified Labelling and Compliance Committee;*
- (vi) _____ *be nominated as WALGA Member - Animal Biosecurity Reference Group; and*
- (vii) _____ *be nominated as WALGA Member - Plant Biosecurity Reference Group.*

COUNCIL DECISION ITEM 12.1

The Presiding Member called for nominations. Nil nominations were received.

Moved Cr Farrell, Seconded Cr Messina

That no nominations be submitted.

DETAILS:

Please see Appendix 12.1 for further details.

N.B.:

NOMINATIONS CLOSE 4PM THURSDAY 13 MAY 2009

13. URGENT BUSINESS

13.1 URGENT BUSINESS: Cr Messina - Investigate the provision of a Toilet in Mount Lawley Business District

That the Council requests the Chief Executive Officer to investigate the installation of a self-cleaning toilet at a suitable location (to be determined), in the Mount Lawley Business District.

COUNCIL DECISION ITEM 13.1

Moved Cr Messina, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (6-0)

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

BACKGROUND:

Following a Public Meeting held on Thursday 23 April 2009 concerning the "Flying Scotsman" Extended Trading Permit, the lack of a Public Toilet in the Mount Lawley Business Precinct was raised by a number of residents. It was suggested that if a self-cleaning Public Toilet was installed in close proximity to the licensed premises, this would alleviate a number of complaints.

A self-cleaning toilet is considered to be less prone to vandalism, graffiti and has minimal cleaning costs.

CHIEF EXECUTIVE OFFICER'S COMMENT:

The Town's Administration is well advanced with the preparation of the 2009-2010 Draft Budget and it is considered appropriate that Council give direction concerning this matter, as it will have Budget implications.

13.2 URGENT BUSINESS: Cr Messina - Parking Strategy

That the Council REQUESTS its Parking Consultants to specifically investigate and address the possibility of making all streets in the Mount Lawley Business District "Residential Parking" only and this matter be included in their final report, which is due in mid-2009.

COUNCIL DECISION ITEM 13.2

Moved Cr Messina, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (6-0)

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

BACKGROUND:

The Council has commissioned Luxmoore Consultants to prepare a Parking Strategy for the Town. Specific Precinct Plans are being prepared. Following a Public Meeting held on Thursday 23 April 2009 concerning the "Flying Scotsman" Extended Trading Permit, the lack of parking in the Mount Lawley Business District and along the Beaufort Street strip was raised by a considerable number of residents. It is therefore considered appropriate to request Luxmoore Consultants to specifically investigate and report on this matter.

CHIEF EXECUTIVE OFFICER'S COMMENT:

Luxmoore Consultants are well advanced with the preparation of the Parking Strategy and it is considered appropriate that Council give direction concerning this matter, as it will require the Consultants to carry out further research into the matter.

PROCEDURAL MOTION

At 9.39pm **Moved** Cr Farrell, **Seconded** Cr Messina

That Council proceed “behind closed doors” to consider confidential items 14.1, 14.2 and 14.3 as these matters contain legal advice obtained or which may be obtained by the local government and which relates to a matter to be discussed at the meeting.

PROCEDURAL MOTION PUT AND CARRIED (6-0)

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

No members of the public or journalists were present.

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

14.1 CONFIDENTIAL REPORT – Alleged Subsidence in Residences Built on Unstable Ground along Charles Street, North Perth – Progress Report

Ward:	South	Date:	21 April 2009
Precinct:	Smith’s Lake; P6	File Ref:	FIN0170
Attachments:	-		
Reporting Officer(s):	B Tran		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report regarding two (2) written advice letters, dated 13 February 2009 and 13 March 2009, received from the Town’s Insurer – Local Government Insurance Services (LGIS), formally denying the claims in relation to the Town of Vincent and the City of Perth’s liability concerning alleged subsidence in residences built on unstable ground along Charles Street, North Perth;*
- (ii) *NOTES that apart from action in clauses (iii) and (iv) no further action will be taken by the Town;*
- (iii) *AUTHORISES the Chief Executive Officer to seek independent legal advice for the Plaintiffs, up to a maximum of \$5,000, and inform the various affected property owners of the Town’s independent legal advice; and*
- (iv) *AUTHORISES the Chief Executive Officer to:*
 - (a) *write to reaffirm the matter in (i) and (ii) above to the City of Perth and the respective property owners advising of the insurers legal advice; and*
 - (b) *inform the various affected property owners of the Town’s independent legal advice and also recommending that they should seek their own legal advice, if they wish, to pursue the matter.*

COUNCIL DECISION ITEM 14.1

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

MOTION AS AMENDED PUT AND CARRIED (6-0)

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

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it relates to the Council considering a course of action to be taken in relation to the Town receiving a petition on 2 December 2005, requesting assistance from the Council regarding alleged subsidence and cracks appearing in the dwellings; quotations for building inspections; seeking the City of Perth's cooperation to progress the matter as expeditiously as possible to finalise the matter and without the involvement of lawyers and consultants; and subsequent advice from the City of Perth Chief Executive Officer relating to the subject properties. It contains potential financial and legal implications to the Town.

LEGAL/POLICY:

The Town of Vincent Local Law Relating to Standing Orders states the following:

"2.15 Confidential business

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is –*
- (i) *to be treated as strictly confidential; and*
 - (ii) *not, without the authority of Council, to be disclosed to any person other than–*
 - (a) *the Members; and*
 - (b) *Officers of the Council but only to the extent necessary for the purpose of carrying out their duties;*
- prior to the discussion of that matter at a meeting of the council held with open doors.*
- (2) *Any report, document or correspondence which is to be placed before the Council or any committee and which is in the opinion of the Chief Executive Officer of a confidential nature, may at his or her discretion be marked as such and –*
- (i) *then to be treated as strictly confidential; and*
 - (ii) *is not without the authority of the Council to be disclosed to any person other than the Mayor, Councillors or the Officers of the Council referred to in sub-clause (1)."*

COMMENTS:

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

At the conclusion of this matter, the Council may wish to make some details available to the public.

14.2 CONFIDENTIAL REPORT – Disposal of the Property at No. 202 Scarborough Beach Road (Mount Hawthorn Pre-Primary Centre) – Major Land Transaction

Ward:	North Ward	Date:	22 April 2009
Precinct:	Mount Hawthorn, P1	File Ref:	CMS0009
Attachments:	001 002		
Reporting Officer(s):	M. Rootsey		
Checked/Endorsed by:	John Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) (a) *APPROVES BY AN ABSOLUTE MAJORITY the sale of Lot 1 on Plan 3845 being all of the land as contained within Certificate of Title Volume 1015 Folio 73, Lots 226 and 227 on Plan 3845 being all of the land as contained within Certificate of Title Volume 969 Folio 163 and known as the Mt Hawthorn Pre Primary Centre, as shown in Appendix 1, to the Department of Education and Training for an amount specified in this report (excl GST) as shown in Appendix 1; and*
- (b) *ADVERTISES the Major Land Transaction Business Plan as shown in Appendix 14.2 for six (6) weeks as required by Section 3.59 of the Local Government Act 1995;*
- (ii) *AUTHORISES the Chief Executive Officer to;*
 - (a) *progress and negotiate the sale of the property at 202 Scarborough Beach Road as detailed in this report; and*
 - (b) *upon settlement, place the funds in the Beatty Park Reserve Fund;*
- (iii) *ADVISES the Department of Education and Training of the Council's decision;*
- (iv) *NOTES that a further report is to be submitted to the Council at the end of the consultation period; and*
- (v) *DIRECTS this matter is to remain confidential until the negotiations with the Department of Education and Training are finalised and the Business Plan is advertised for public comment.*

COUNCIL DECISION ITEM 14.2

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (6-0)

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

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

PURPOSE OF REPORT:

The purpose of the report is to provide the Council details of the offer received from the Department of Education and Training for the property at 202 Scarborough Beach Road and obtain approval for the sale of this land.

BACKGROUND:

At the Ordinary Meeting of Council, held on 8 April 2008, the Council considers an Item No. 10.4.8 - Proposed Relocation of the Leederville Early Childhood Centre and the Margaret Kindergarten. Proposed WALGA Office Building – Progress Report No. 2. The Council resolved (in part) as follows:

“(vii) *subject to (vi) being approved AUTHORIZES the Chief Executive Officer to:*

- (a) *obtain valuations for the Mount Hawthorn Pre-Primary School site and the Highgate Pre-Primary School sites; and*
- (b) *enter into negotiations with Department of Education and Training to facilitate the termination of the existing leases and sale of the Mount Hawthorn Pre-Primary School and Highgate Pre-Primary School;”*

DETAILS:

The Town engaged Real Estate Valuer, Murray R. Stubbs, to provide a valuation of the property site known as 202 Scarborough Beach Road, Mount Hawthorn.

This valuation included Lot 7681 on Deposited Plan 169433 which, is held by the Town of Vincent as a Crown Grant in Trust and as such does not form part of the current offer from the Department of Education and Training. The Town does not own Lot 7681.

If the offer is accepted, the Department will make arrangements to acquire Lot 7681 from the State of Western Australia.

Highgate Pre-Primary School

The Council resolution of OMC 8 April 2008, resolved that valuations be obtained for the Mount Hawthorn and Highgate Pre-Primary School sites.

However, the Town’s administration have not progressed the obtaining of a valuation for the Highgate Pre-Primary School site as the focus has been on the Mount Hawthorn Pre-Primary Centre as the Council resolution resolved that this site is to be sold. The Department of Education and Training have supported a priority being placed on the Mount Hawthorn Pre-Primary Centre site, as they have funding in their current budget for the purchase of this site. They have advised that they do not have funding to purchase the Highgate Pre-Primary School site.

A valuation for Highgate Pre-Primary School will be obtained prior to the end of this financial year. The current Highgate Pre-Primary School lease expires on 30 June 2011 and it is considered that there is sufficient time over the forthcoming 12 months to progress this matter.

Mount Hawthorn Pre Primary Centre

Meetings

The Town's Director Development Services and Director Corporate Services met with Mal Parr, Acting Executive Director Infrastructure in July 2008 to discuss the position of the Department of Education and Training on this matter.

The Town subsequently received a letter, dated 15 August 2008 from Mal Parr, Acting Executive Director Infrastructure which states in part as follows:

“Further to Council’s resolution at its Ordinary Meeting held on 8 April 2008 regarding Leederville Early Childhood Centre and the Margaret Kindergarten, and in particular clauses (vi) and (vii), and the meeting in your office on 24 July 2008, it is confirmed that the Department of Education and Training gives an in-principle undertaking to purchase the property at 202 Scarborough Beach Road at a price yet to be determined.

It is noted that the land is subject to a lease by the Department which is due to expire on 24 September 2011. At this stage, it is likely that the Department will proceed with the actual purchase of the subject land in the period July-September 2011. However, the Department’s funding situation will be reviewed from time to time to ascertain whether it may be possible to complete the purchase in the period March-June 2009, 2010 or 2011.

In the meantime, the Department will arrange for an independent valuation of the property to be undertaken. Once this information is available, I will contact you further.”

On the 27 March 2009, a further meeting was held with the Director Development Services, Director Corporate Services, Acting Director Infrastructure of Education and Training, Mal Parr and Acting Principal Consultant Property Asset Planning Phillip Newnham following a request from the Department of Education and Training that they were in a position to further progress the matter. At the meeting they outlined their offer, associated conditions and their proposed timeframe.

Department of Education and Training Valuation

On the 30 March 2009, the Town received a letter from Phillip Newnham, Acting Principal Consultant, Property Asset Planning for the Department of Education and Training, which stated in part as follows:

*“Acting on the valuation advice the Department of Education and Training is offering the Town of Vincent the sum of **\$1,470,000** exclusive of GST for the purchase of the above detailed land holdings. GST is to be calculated at the full rate of 10% giving a total purchase price of \$1,617,000. Should this offer be accepted the Department is in a position to settle before the end of the 2008/09 financial year.*

This offer is based on the Town of Vincent providing an unencumbered freehold title at settlement.”

The Town requested a copy of the valuation provided to the Department of Education and Training as the Town had provided the Department a copy of their previous valuation dated 27 February 2009. This valuation received on 8 April 2009, for the whole site was \$1,745,000 (excl GST).

The valuation for the site (excluding lot 7681) was \$1,470,000 (excl GST).

Town of Vincent Valuation

As a result of the above, the Town requested its valuer, Murray R. Stubbs to update his valuation, given the significant changes in the economic and the property market since the previous valuation was undertaken in July 2008.

A revised valuation submitted by Murray Stubbs on 15 April 2009 in the amount of \$2,045,000 was the same valuation as previously advised. This valuation again included Lot 7681, however the valuation for the property excluding Lot 7681 based on the square metre rate submitted equates to **\$1,807,778** (excl GST).

Both valuations are “Laid on the Table”.

CONSULTATION/ADVERTISING:

The Major Land Transaction under Section 3.59(3) of the Local Government Act (1995).is required to be advertised for a period of six (6) weeks.

Indicative Timeline

Item	Time Period
Negotiate/counteroffer with the Department of Education and Training	29 April – 1 May 2009
Advertise Major Land Transaction Business Plan	6 May 2009
Major Land Transaction Consultation closes	17 June 2009
Council Meeting/decision to consider submissions and decide whether to proceed with land sale	23 June 2009

The time period to finalise this matter before 30 June 2009 is very tight. However, as there are only 2 parties involved it is expected that this can be achieved.

LEGAL/POLICY:

Compliance with Section 3.59(3) of the Local Government Act (1995).

STRATEGIC IMPLICATIONS:

Plan for the Future - Strategic Plan 2009 – 2014 – Key Result Area: Leadership, Governance and Management:

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

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

SUSTAINABILITY IMPLICATION:

The land would continue to be used as a Pre-Primary Centre, if the sale proceeds to the Department of Education and Training.

FINANCIAL/BUDGET IMPLICATIONS:

The sale of this property has not been included in the Annual Budget 2008/09, as the matter arose after the 2008/09 Budget was approved.

If the counter-offer is accepted, it is recommended that the proceeds from the sale be allocated to the Beatty Park Reserve Fund for it’s future development.

COMMENTS:

The Department of Education and Training's offer is lower than the Town's valuation however, it should be noted that **the Department of Education and Training is the only potential purchaser of this property, as it is unlikely that the Town would sell the land for redevelopment to another party.** It is attractive to the Town that the Department of Education and Training are keen to have this sale settled by the end of this financial year. It is therefore recommended that the Council approve the sale of the land and authorise the Chief Executive Officer to;

- (i) submit a counter-offer to the Department of Education and Training for \$1,638,889 (excl GST) – which is the mid point between both valuations; and
- (ii) negotiate and finalise the sale of the land between the range \$1,470,000 (excl GST) and \$1,807,778 (excl GST) and in any event, not less than \$1,554,444 (excl GST) and determine any sale terms and conditions and date of settlement. This is subject to the Chief Executive Officer liaising with Mayor Catania prior to acceptance of the final sale price, terms and conditions and date of settlement.

It should be noted that there is some risk in negotiating, as the Department of Education and Training have stated that they have limited funds and cannot guarantee that funds will be available after 30 June 2009.

14.3 CONFIDENTIAL REPORT: Local Government Reform Strategies 2009

Ward:	-	Date:	22 April 2009
Precinct:	-	File Ref:	ORG0031
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the Local Government Reform Strategies 2009, as at 22 April 2009;*
- (ii) *APPOINTS a Project Team to progress matters, as outlined in this report, to comprise the following;*
 - *Mayor*
 - *Chief Executive Officer*
 - *Councillor Steed Farrell, North Ward*
 - *Councillor Anka Burns, South Ward;*
- (iii) *NOTES that;*
 - (a) *the Chief Executive Officer will be submitting the Checklist to the Chair of the Local Government Reform Steering Committee by 30 April 2009; and*
 - (b) *further progress reports will be submitted to the Council as required concerning the matter; and*
- (iv) *RESOLVES that until the Chief Executive Officer makes public the final confidential report to the Chair of the Local Government Reform Steering Committee, or any part of it, concerning the Council's response to the Minister for Local Government's directive of 5 February 2009 for Councils to advise him of their intentions to amalgamate or reduce the number of Council elected members, this report and any subsequent reports and/or matters relating to it, be kept confidential.*

COUNCIL DECISION ITEM 14.3

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (4-2)

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

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

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains matters affecting an employee or employees. In accordance with Section 5.23 of the Local Government Act, the report is to be kept confidential until determined by the Council to be released for public information.

LEGAL:

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

Section 5.94 of the Act provides the public is entitled to inspect a wide range of information about the Town. Section 5.95(6) excludes information that has been prescribed as confidential from this entitlement.

In the interests of enabling the Council to engage in free and open debate in determining the Town's response to the Minister's directive of 5 February 2009, it is suggested information which is to be considered during deliberations be prescribed as confidential.

The Town of Vincent Local Law Relating to Standing Orders states the following:

“2.15 Confidential business

(1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

At the conclusion of these matters, the Chief Executive Officer may wish to make some details available to the public.

PROCEDURAL MOTION

At 10.14pm Moved Cr Farrell, Seconded Cr Messina

That an “open meeting” be resumed.

PROCEDURAL MOTION PUT AND CARRIED (6-0)

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

15. CLOSURE

The Presiding Member, Mayor Nick Catania, declared the meeting closed at 10.15pm with the following persons present:

Mayor Nick Catania, JP	Presiding Member
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services

No Members of the Public or journalists present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 28 April 2009.

Signed:Presiding Member
Mayor Nick Catania

Dated this day of 2009