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(9 May 2006)

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15. CLOSURE 203

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 9 May 2006, commencing at 6.05pm.

1. DECLARATION OF OPENING

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

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Nil.

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward
Cr Simon Chester	North Ward (until 9.58pm)
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Maddalena Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager, Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Dan Hatch	Journalist - Guardian Express (until 8.30pm)
Giovanni Torre	Journalist – Perth Voice (until 9.56pm)

Approximately 22 Members of the Public

(c) Members on Leave of Absence:

Cr Helen Doran-Wu North Ward

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

Cr Torre entered the meeting at 6.06pm.

1. Andrea Porter of 82 Chelmsford Road, Mt Lawley – Item 10.1.12 – Requested that the Council approve the application for a Carport. Stated that the main reason for the development is to make their home and vehicles safer. Outlined incidences of unsafe situations they have experienced. Stated that the recommendation was not practical for their property and highlighted reasons. Stated that the structure adheres to the Town's guidelines and would be created in the same style as the existing home. Noted that many nearby properties have similar structures.
2. Teresa Edmonds of 20 Marlborough Street, Perth – Item 10.1.3 – Stated that there are no objecting neighbours with regards to her application. Stated that she understands that the Council may need to place conditions on the approval, but requested that they would not be so prohibitive as to stop her home business from having the opportunity to be successful.

3. Charlie Surace of 79 Auckland Street, North Perth – Item 10.1.2 – Stated that the intent of the R-codes is to protect neighbours' amenity as well as act as a guide for developers. Believes ~~Stated~~ that the application does not meet the R-codes in 6 different areas and has had some of his findings confirmed by professional planners at the WAPC and his lawyer. and this has been confirmed in writing by his lawyer (and on some issues, the West Australian Planning Commission). Noted that his lawyer believes ~~Stated~~ that the WAPC has misapplied the R-codes in several areas including one that deems the conditional approval an error of law. Further believes that ~~Stated that he feels that~~ the Town is ~~willing~~ prepared to compromise ~~his~~ their amenity. Stated that overshadowing is a major point of contention and a meeting was held with the developer. Advised that he has not heard from the developer since. Referred to a recent SAT decision where the development complied entirely with the acceptable development provisions of the codes, and the determining authority retained a discretion to refuse the application for planning based on its Scheme. Outlined the reasons for his objection to the proposal. Advised that if the application is approved they will be forced to claim compensation for the loss of amenity and devaluation of their property. Urged the Council to reject the proposal.
(Amended at 23 May 2006 Council Meeting)
4. Claude Ambrogio of 18 Stirling Highway, Nedlands – Item 10.1.11 – Stated that a large amount of effort has gone into ensuring the development is designed in accordance with the Town's Planning Department's advice and requirements. Requested that (iii)(a) be removed from the recommendation as the windows in question will not encroach on neighbours privacy as they currently overlook roofing and a screened window. Outlined the non-compliant areas and their reasons.
5. Anne Courtley of 6 St Alban's Avenue, Highgate – Item 10.1.9 – Explained that the application is contentious due to the short fall in car parking. Noted that there are well documented existing parking issues in the area and stated that it would be prudent to alleviate the problem where possible. Stated that the new business will be welcomed into the area if issues are addressed. Asked the Council if it were possible to encourage the owner to replace the missing awning from the front of the building, for both environmental and aesthetic value.
6. Elias Soosven of 11A Selden Street, North Perth - Item 14.2 - Presented a set of drawings to the Council clarifying the changes and impact of the proposal. Stated that he and his wife really enjoy the area in which they live and present this amended application to the Council to solve the parking issues they have at the property. Thanked Crs Messina, Lake and Maier for their assistance, guidance and time on this proposal.
7. Andrew King of 41 Harbourne Street, Wembley - Item 10.1.6 - Stated that they are seeking approval to partially demolish and extend after being rejected at a previous meeting on the issue of ancillary accommodation. Stated that they do not intend to rent the attached dwelling at all, but use it for the accommodation of a grandparent.
8. Anthony Rechichi of 218 William Street, Northbridge - Item 14.2 - Stated that the Item is currently before the State Administrative Tribunal under Appeal. Stated that the amended plans submitted address the previous issues raised by the Council. Noted that the design adopts crime prevention through environmental design principles and outlined these principles. Stated that he hoped Council would support the application.

9. Steven Kuhn of 11 Victoria Street, West Perth - Item 10.2.3 - Stated that he is in support of the recommendation. Thanked the Executive Manger Technical Services, Rick Lotznicher, for acting so promptly after receipt of the petition.
10. Leanne Surace of 79 Auckland Street, North Perth - Item 10.1.2 - Stated that she and her family are extremely disappointed with the Town's Planning Department's recommendation for approval. Noted that they have lived at their property for 23 years and when it was purchased, the area had a zoning of R20. Stated that the development will adversely effect their amenity and privacy. Noted that the developer does not reside in the Town. Stated that to date, the Town has given no consideration to the key issues raised as a result of the proposal and outlined these issues. Urged the Council to reject the proposal.
11. Kelly Kent of 9 Victoria Street, West Perth - Item 10.2.3 - Stated that she is in support of the recommendation and thanked the Executive Manger Technical Services, Rick Lotznicher, for his time.
12. Cosi Schirripa of 66 Auckland Street , North Perth, on behalf of the North Perth Precinct Group - Item 10.1.2 - Respectfully requested that the Council reject the proposal or in the very least, deferred, and outlined the reasons for his request. Noted that he was disappointed with the Officer's Report as it addressed some very serious issues with only a paragraph. Discussed the issue of common property and highlighted the application's ill attempt at addressing this issue. Noted that the plans submitted to the Western Australian Planning Commission differed from those submitted to the Council.

There being no further questions from the public, the Presiding Member, Mayor Nick Catania closed Public Question Time at 6.36pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

1. Cr Ian Ker for the Ordinary Council Meeting to be held 23 May 2006, for work reasons.

Moved Cr Chester, Seconded Cr Farrell

That Cr Ker's application for leave of absence be approved.

CARRIED (8-0)

(Cr Doran-Wu on leave of absence.)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

1. The Chief Executive Officer advised that a petition of complaint had been received from Mr V Carlino on behalf of the residents of Alma Road, North Perth, with 29 signatories regarding the ongoing anti-social activity of residents at No. 91 Alma Road, North Perth.

Moved Cr Farrell, Seconded Cr Torre

That the petition be received and referred to the Executive Manager Environmental and Development Services, for investigation and report.

CARRIED (8-0)

(Cr Doran-Wu on leave of absence.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved Cr Torre, Seconded Cr Ker

That the Minutes of the Ordinary Meeting of Council held on 26 April 2006 be confirmed as a true and correct record subject to:

- (i) *Item 10.1.9 – the words “to Elected Members” being added to the end of clause (ii) in the amendment and the Council Decision.*

CARRIED (8-0)

(Cr Doran-Wu on leave of absence.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

1. EMPLOYEE OF THE MONTH AWARD FOR THE TOWN OF VINCENT FOR MAY 2006

As members of the public will know, the Council recognises its employees by giving a monthly award for outstanding service to the Ratepayers and Residents of the Town. The recipients receive a \$75 voucher and a Certificate. Also their photograph is displayed in the Town's Administration Centre Foyer, in the Library and at Beatty Park Leisure Centre.

For MAY 2006, the award is presented to Keith Steicke, the Town's Property Maintenance Officer.

Keith was nominated for this Award as a result of a number of emails of appreciation received several of the Town's lessees, including Peter Gibson, Manager Administration for the Department of Sport and Recreation, who stated as follows;

"I would like to take this opportunity to let you know how much I appreciate the assistance I receive from Keith Steicke in relation to building issues that crop up from time to time.

Keith is very efficient and a pleasure to deal with."

The Chief Executive Officer endorses these comments as Keith is a very helpful and obliging employee, who goes out of his way to make sure things get done.

The Employee of the Month award is in recognition of Keith's exceptional service.

Well done Keith - Keep up the good work!!

Received with acclamation.

2. HIGHGATE FORREST PARK PLAYGROUP - FUN DAY

Mayor Catania was very pleased to advise that he was invited to attend the Highgate Forrest Park Playgroup "Family Fun Day" which was held on Saturday 29 April 2006.

The Playgroup presented the Town with a BIG "Thank You" card in appreciation of the Town's recent provision of a new playground facility and asked that the Mayor present this to the next Council Meeting.

8. DECLARATION OF INTERESTS

1. Mayor Catania declared a financial interest in Item 10.1.13 - Amendment No. 39 to Planning and Building Policies- Draft Policy Relating to Heritage Management - Municipal Heritage Inventory (MHI) Incentives and Development Bonuses. The nature of his interest being that he may own property which may be eligible for this scheme. *(Mayor Catania has Minister for Local Government approval to participate in debate and vote on this matter and to preside at Council meetings where the matter is discussed.)*
2. Mayor Catania declared a financial interest in Item 10.1.17 - Heritage Plaque Scheme - Proposal for Partnership with North Perth Community Financial Services Limited. The nature of his interest being that he is the Chairman of the North Perth Community Bank who are a co-sponsor of this scheme. *Note: Mayor Catania subsequently changed his interest to that of impartiality.*
3. Mayor Catania declared a financial interest in Item 10.3.1 - Investment Report as at 30 April 2006. The nature of his interest being that he is the Chairman of the North Perth Community Bank of which the Town has investment shares.
4. Cr Messina declared an impartiality interest in Item 10.1.17 - Heritage Plaque Scheme - Proposal for Partnership with North Perth Community Financial Services Limited. The nature of his interest being that he a Director and Shareholder of the North Perth Community Bank who are a co-sponsor of this scheme.
5. Cr Messina declared a financial interest in Item 10.3.1 - Investment Report as at 30 April 2006. The nature of his interest being that he a Director and Shareholder of the North Perth Community Bank of which the Town has investment shares.

6. Cr Maier declared a financial interest in Item 10.1.13 - Amendment No. 39 to Planning and Building Policies- Draft Policy Relating to Heritage Management - Municipal Heritage Inventory (MHI) Incentives and Development Bonuses. The nature of his interest being that he owns property listed on the Town's Municipal Heritage Inventory. He requested that he be permitted to remain in the Chamber but not participate in debate or vote on the matter.
7. Cr Lake declared a financial interest in Item 10.1.13 - Amendment No. 39 to Planning and Building Policies- Draft Policy Relating to Heritage Management - Municipal Heritage Inventory (MHI) Incentives and Development Bonuses. The nature of her interest being that she owns property listed on the Town's Municipal Heritage Inventory. She requested that she be permitted to remain in the Chamber but not participate in debate or vote on the matter.
8. Cr Chester declared a financial interest in Item 10.1.13 - Amendment No. 39 to Planning and Building Policies- Draft Policy Relating to Heritage Management - Municipal Heritage Inventory (MHI) Incentives and Development Bonuses. The nature of his interest being that he co-owns property that may be considered for listing on the Town's Municipal Heritage Inventory. *(Cr Chester has Minister for Local Government approval to participate in debate and vote on this matter.)*
9. Cr Torre declared an impartiality interest in Item 10.4.2 - City of Perth Proposal to Obtain a Part of the Town of Vincent. The nature of her interest being that should the City of Perth proposal be successful, this would affect her eligibility to nominate for election for the Town of Vincent Council.
10. Cr Ker declared a financial interest in Item 10.1.13 - Amendment No. 39 to Planning and Building Policies- Draft Policy Relating to Heritage Management - Municipal Heritage Inventory (MHI) Incentives and Development Bonuses. The nature of his interest being that he owns property that is listed on the Town's Municipal Heritage Inventory. *(Cr Ker has Minister for Local Government approval to participate in debate and vote on this matter.)*
11. Cr Lake declared an impartiality interest in Item 10.1.16 – Research Program for Historic Significance of Places Included on the Town of Vincent Municipal Heritage Inventory – and Item 10.1.17 – Heritage Plaque Scheme - Proposal for Partnership with North Perth Community Financial Services Limited. The nature of her interest being that she owns property listed on the Town's Municipal Heritage Inventory that is over 100 years old.
12. Cr Maier declared an impartiality interest in Item 10.1.16 – Research Program for Historic Significance of Places Included on the Town of Vincent Municipal Heritage Inventory – and Item 10.1.17 – Heritage Plaque Scheme - Proposal for Partnership with North Perth Community Financial Services Limited. The nature of his interest being that he owns property listed on the Town's Municipal Heritage Inventory that is over 100 years old.

The Presiding Member advised Crs Lake and Maier that their request would now be considered.

Crs Lake and Maier departed the chamber at 6.49pm.

Moved Cr Torre, Seconded Cr Ker

That Crs Lake and Maier be permitted to remain in the chamber during Item 10.1.13, but not participate in, debate or vote on the matter.

CARRIED (4-2)

<u>For</u>	<u>Against</u>
Cr Chester	Mayor Catania
Cr Ker	Cr Farrell
Cr Messina	
Cr Torre	

(Cr Doran-Wu on leave of absence. Crs Lake and Maier were absent from the chamber and did not vote.)

Crs Lake and Maier returned to the chamber at 6.50pm.

The Presiding Member advised Crs Lake and Maier that their request had been approved.

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

Nil.

10. REPORTS

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

The Agenda Items were categorised as follows:

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

Items 10.1.12; 10.1.3; 10.1.2; 10.1.11; 10.1.9; 10.1.6 and 10.2.3

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

Items 10.1.19

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

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

Cr Farrell	Item 10.1.4
Cr Chester	Items 10.1.1; 10.1.14; 10.1.16 and 10.4.1
Cr Ker	Items 10.1.10 and 10.1.15
Cr Torre	Nil
Cr Lake	Item 10.2.5
Cr Messina	Nil
Cr Maier	Items 10.1.5; 10.1.7; 10.1.8; 10.4.2 and 10.4.4
Mayor Catania	Nil

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

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

Items 10.1.13; 10.1.16; 10.1.17 and 10.3.1

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

Items 10.1.18; 10.2.2; 10.2.4; 10.2.6 and 10.4.3

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

Items

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

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

Items 10.1.18; 10.2.2; 10.2.4; 10.2.6 and 10.4.3

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

Items 10.1.12; 10.1.3; 10.1.2; 10.1.11; 10.1.9; 10.1.6 and 10.2.3

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

Moved Cr Torre, Seconded Cr Maier

That the following unopposed items be moved en bloc;

Items 10.1.18; 10.2.2; 10.2.4; 10.2.6 and 10.4.3

CARRIED (8-0)

(Cr Doran-Wu on leave of absence.)

Note: The Presiding Member advised that Item 10.2.1 - Proposed Implementation Program - Wetland Heritage Trail / Greenway - had been WITHDRAWN at the request of the Chief Executive Officer and the matter will be presented in a new Item on the Agenda for the meeting to be held on 23 May 2006.

The Presiding Member advised that this Item had been **WITHDRAWN** at the request of the Chief Executive Officer and the matter will be presented in a new Item on the Agenda for the meeting to be held on 23 May 2006.

10.2.1 Proposed Implementation Program - Wetland Heritage Trail / Greenway

Ward:	Both	Date:	1 May 2006
Precinct:	All	File Ref:	CMS0071
Attachments:	001		
Reporting Officer(s):	J. van den Bok, R Lotznicher, R Gunning		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report in relation to the implementation of the Wetlands Heritage Trail / Greenway works program;
- (ii) **NOTES** that the Wetlands Heritage Trail / Greenway Working Group has determined the proposal (refer appendix 10.2.1 - copy of Powerpoint presentation is laid on the table) and has developed an implementation program;
- (iii) **in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to Section 5.25(e) of the Local Government Act 1995, Councillor** **MOVES** a motion to **REVOKE** the decision adopted by the Council at its Ordinary Meeting held on 22 November 2005 (Item 10.1.7); by deleting the following:

"That the Council;

APPROVES the implementation of sections of dual use path and lighting for sections 2 and 8 of the Wetlands Heritage Trail through Beatty Park Reserve and Stuart Street Reserve estimated to cost \$80,000"

- (iv) **in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three (3) Elected Members, namely Councillors, being one third of the number of officers of members of the Council, SUPPORT** this motion; and
- (v) **APPROVES BY AN ABSOLUTE MAJORITY** of the following:

"APPROVES the implementation of sections of dual use path and lighting for sections of the Wetlands Heritage Trail along Palmerston Street between Robertson Park and Hyde Park (Hyde Park Spur) and along Victoria Street (from the ROW to the Dorrien Gardens Link) estimated to cost \$80,000"
- (vi) **APPROVES IN PRINCIPLE** the program of works and annual cost estimates for years 2006/2007 to 2011/2012, as indicated in the report, to be implemented over an six year (6) year period;
- (vii) **LISTS** for consideration in the 2006/2007 draft budget an amount of \$190,000 for the implementation of year 2 (2006/2007) of the project;

- (viii) *CONSULTS with the various stakeholders prior to implementing the various sections of the Wetland Heritage Trail / Greenway and associated works in accordance with the Town's consultation policy; and*
- (ix) *RECEIVES further progress reports on the project/s as required.*

PURPOSE OF REPORT:

The purpose of this report is to advise the Council on the progress to date with regard to the Wetlands Heritage Trail and to seek approval "in principle" for a long term Wetland Heritage Trail / Greenway implementation program depending on the availability of annual funding.

BACKGROUND:

At the Ordinary Meeting of Council held on 12 July 2005, the Council considered a comprehensive report in relation to the Wetlands Heritage Trail / Greenway and was advised that as part of community involvement, a logo for the Wetlands Heritage Trail was officially unveiled at the opening of the Smith's Lake and Stuart Street Reserve artworks in December 2001.

Further, on 28 August 2001, the Council adopted in principle the Maher Brampton Wetlands Interpretive Trail and Aboriginal Heritage Trail Master Plans report.

An update of the projects implemented to date was provided and following consideration of the report, the following decisions were made (in part):

That the Council;

- (v) *NOTES that:*
 - (a) *\$80,000 was allocated in the 2004/2005 financial year for construction of recreational Greenway paths and has been carried forward in the 2005/2006 draft budget;*
 - (b) *\$50,000 was allocated in the 2004/2005 financial year for Aboriginal heritage Trail and has been carried forward in the 2005/2006 draft budget; and*
 - (c) *\$50,000 was allocated in the 2004/2005 financial year for Wetlands Signage and has been carried forward in the 2005/2006 draft budget;*
- (vi) *APPROVES the implementation of sections of dual use path and lighting for sections Sections 2 and 8 of the Wetlands Heritage Trail through Beatty Park Reserve and Stuart Street Reserve estimated to cost \$80,000;*
- (vii) *APPROVES the formation of a Working Group comprising of two (2) Elected Members (Crs Chester and Maier) and officers from the Town's Technical Services Division and Community Development Section to progress the following:*
 - (a) *investigate Sections 5 and 6 of the Wetlands Heritage Trail Dorrien Gardens and Cowle to Fitzgerald Street, in consultation with several stakeholders including, but not limited to, Perth Soccer Club, the WA Italian Club and possibly the Local Precinct Group;*
 - (b) *investigate the most suitable method to provide legibility to the Wetland Heritage Trail; and*

- (c) *develop a program for the completion of the Wetland Heritage Trail and determine annual funding requirements associated with the program; and*

DETAILS:

Working Group

The Wetlands Heritage Trail / Greenway Working Group has met on numerous occasions since November 2005 to discuss and resolve the various options presented in terms of the final trail route, infrastructure improvements, artworks and signage.

At the most recent meeting of the group, held on 20 March 2006, a Power Point presentation was presented outlining the proposed trail route and cost estimates for implementation and the various components of the trail, including artworks and signage locations/ designs. The group decided to present the proposal to a Council forum.

Council Forum - 21 March 2006

The proposal was presented to the Council via a power point presentation. The overall greenway link (between Lake Monger and the Swan River) was outlined, with the existing links and proposed links illustrated, including a long term implementation program.

Each of the proposed projects comprises three separate items as follows:

- Greenway Implementation - Construction of "physical links" eg paths, lighting, furniture etc;
- Wetlands Heritage Trail - Artworks and signage component of the trail; and
- Aboriginal Heritage Trail

The long term implementation program (as presented at the forum) has now been extended over a longer period. A brief description of each project in the proposed long term implementation program is outlined below:

Long Term Wetlands Heritage Trail / Greenway Implementation Program

The Council allocated \$220,000 in the 2005/2006 financial year for the overall project.

2005/2006

With regard to the Greenway Implementation component of the project, the Council previously decided to *approve the implementation of sections of dual use path and lighting for sections of the Wetlands Heritage Trail through Beatty Park Reserve and Stuart Street Reserve estimated to cost \$80,000.*

It has been considered by the officers that the Beatty Park link should be deferred until the future redevelopment/development of the facility (and 'possibly' its surrounds) has been better defined and the Smith's Lake link be deferred until the Len Fletcher pavilion has been demolished. Therefore, the revised Implementation proposal for 2005/2006 is as follows:

Greenway Implementation:

- *Victoria Street Link* - This comprises the construction of a small retaining wall and section of Dual Use Path (DUP) along the western boundary of Dorrien Gardens. The path will link the access via an existing Right of Way to the existing section of dual use path along the northern edge of Dorrien Gardens.
- *Hyde Park Spur* - The above section of trail will provide a link to Hyde Park from the corner of Palmerston / Randell Street along Palmerston Street. The DUP will be constructed along the western verge of Palmerston Street, consisting of red asphalt and will be continued across intersections to provide legibility

Wetlands Heritage Trail

The following works are proposed for 2005-2006

- *Artworks (Hyde Park)* - The artworks are nearing completion and will be installed within the next few weeks and consist of various components pertaining to the Hyde Park area and its history. A bronze sculpture has been commissioned with input from the community and with reference to the cultural and social history of the park. The installation will be completed prior to the end of the 2005/2006 financial year.
- *Signage (Trail head & directional)* - The signage designs have been finalised and trailhead and directional signage will be ready for installation along the completed sections of the trail within the next few months. The signage will complement current trail headers, providing information on the heritage trail, including maps and history of the area.

Aboriginal Heritage Trail

The type, extent and location of this project is still to be determined, however, Hyde Park or Robertson Park are likely locations. Currently consultation protocols are being established with significant Aboriginal community members which will direct the project over the next two years. The plan is to present two trail headers which will reflect the indigenous history at significant locations in the Town, as identified by the Aboriginal community members.

Seven year program (2006-2013)

The following outlines a 'draft' Wetlands Heritage Trail / Greenway Implementation Program. The average annual expenditure is approximately \$250,000 per annum

2006-2007

Greenway Implementation

- *Forbes Road Improvements* - This proposal includes the construction of a dual use path on the south side of Forbes Road including new kerbing, road resurfacing and parking and safety improvements.
- *Stuart St Reserve DUP* - This section of the trail will complete the link from Robertson Park to Forbes Road and will consist of a DUP through Stuart Street Reserve. Funding for this section of the path is available through Bikewest for Perth Bicycle Network improvements.

Wetlands Heritage Trail

- Artworks (Dorrien Gardens) Stage 1- The concept is to produce a major mosaic mural on the Dorrien Gardens wall that extends along the south side of Lawley Street. Adjacent to the mural there will be a pedestrian and cycle path which will form part of the Wetlands Heritage Trail. The mural would be seen as an artwork.

Aboriginal Heritage Trail

2007/2008

Greenway Implementation

- Little Parry St - This will involve resurfacing (red asphalt) and lighting.
- Smiths Lake Reserve - The infrastructure improvements around Smith's Lake have been previously approved by the Council and include the construction of a DUP, lighting and completion of the landscaping around the southern end of the lake.

Wetlands Heritage Trail

- Artworks (Dorrien Gardens) Stage 2 - This work will follow through from Stage 1 and present further sub-themes to reflect the history of the area and complement the primary artworks completed in Stage 1.
- Trail signage (Little Parry St) Additional signage requirements along this section of the trail to provide legibility.

Aboriginal Heritage Trail

- Artwork first site - The first site will be determined by the consultations held with Aboriginal community members and will reflect the indigenous history and significant stories that will be contributed by the members.

2008/2009

Greenway Implementation

- Charles Veryard Reserve - This section, whilst not a part of the original trail, was part of the proposed Greenway and will continue with the eventual link through to Lake Monger. Commencing from Smith's Lake at the corner of Bourke and Kayle Streets, the path will meander through the reserve across to Tay Place, where it will link up with a piece of existing DUP.
- Lawley Street – Parking / DUP - The route along this section of Lawley Street was the preferred option. The DUP will be constructed adjacent to the northern wall along Dorrien Gardens and meander in sections to slow bicycle traffic. Landscaping with trees and shrubs in these areas will soften and enhance the streetscape.

Wetlands Heritage Trail

- Artworks (Dorrien Gardens) Stage 3 - This work will follow through from Stages 1 and 2, presenting and expanding further sub-themes to reflect the history of the area and complement the artworks completed in Stages 1 and 2.
- Artwork (Italian Club) - Given the significant history of the club and the community being the largest multicultural community in the Town of Vincent, an artwork will be developed to commemorate the cultural and social history of the community with specific reference to the site.
- Signage (Charles Veryard) - Additional signage requirements along this section of the trail to provide legibility.

Aboriginal Heritage Trail

- Artworks – (2nd site commence) - The second site will be determined by the consultations held with Aboriginal community members and will reflect the indigenous history and significant stories that will be contributed by the members. Given the complexity of consulting with and sourcing stories from the Aboriginal community, this project will be developed and completed over a two-year period.

2009-2010

Greenway Implementation

- Beatty Park Reserve - This section will provide the link from Smith's Lake around the northern edge of Beatty Park Reserve linking up with the existing DUP down the Vincent Street frontage across to Royal Park. Lighting will be installed along this section of the trail.
- Fitzgerald/Randell Crossing - This proposal will include provision of pedestrian refuge islands at Fitzgerald Street and Randell Street. Widening of the Fitzgerald Street carriageway will be required including major service relocations

Wetlands Heritage Trail

- Signage (Beatty Park Reserve) - Additional signage requirements along this section of the trail to provide legibility.
- Entry Trail header signage (Charles Veryard Reserve) - Additional signage requirements along this section of the trail to provide legibility.

Aboriginal Heritage Trail

- Artworks – (2nd site complete) - Completion of artwork for the second site.
- Signage (Brentham St Reserve) Additional signage requirements along this section of the trail to provide legibility.

2010- 2011

Greenway Implementation

- Brentham St Reserve - Continuing the Greenway through to Lake Monger this section will include a DUP with lighting through the reserve. Native landscaping will be provided where appropriate.

Wetlands Heritage Trail

- Signage (Brentham St Reserve) - Additional signage requirements along this section of the trail to provide legibility.
- Entry Trail header (Brentham St Reserve) Additional signage requirements along this section of the trail to provide legibility.

2011- 2012

Greenway Implementation

- Britannia Road Reserve - Continuing the Greenway through to Lake Monger, this section will include a DUP with lighting through the reserve. Native landscaping will be provided where appropriate.

Wetlands Heritage Trail

- Signage (Britannia St Reserve and links) - Additional signage requirements along this section of the trail to provide legibility.
- Entry Trail header (Britannia Reserve) - Additional signage requirements along this section of the trail to provide legibility.

2012- 2013

Greenway Implementation

- Charles Veryard to Brentham Street Reserve. To be determined. Various options will be further explored and considered by the Working Group.

Wetlands Heritage Trail

- Signage (Britannia Street Reserve and links - Additional signage requirements along this section of the trail to provide legibility.

The following table outlines the proposed projects (discussed above) and estimated implementation costs.

Year	Item	Greenway	Wetlands Heritage Trail	Aboriginal Heritage Trail	Total
2005-2006	Victoria St link	\$31,000			
	Hyde park link	\$49,000			
	Artworks - Hyde Park		\$40,000		
	Signage - various		\$50,000		
				\$50,000	
	Total	\$80,000	\$90,000	\$50,000	\$220,000
2006-2007	Forbes Rd	\$120,000			
	Stuart St Reserve	\$39,000			
	Artworks - Hyde Park		\$40,000	Nil	
				Nil	
	Total	\$159,000	\$40,000	Nil	\$190,000
2007-2008	Charles Veryard Res	\$90,000			
	Lawley St - Parking DUP	\$100,000			
	Artworks Dorrien Gds (stage 3)		\$20,000		
	Artwork Italian Club		\$5,000		
	Signage - Charles Veryard		\$25,000		
	Artwork - 2nd site (commence wks)			\$25,000	
		Total	\$225,000	\$50,000	\$25,000
2008-2009	Beatty Park Res	\$90,000			
	Fitzgerald / Randell	\$135,000			
	Signage - Beatty Park Res		\$5,000		
	Entry Trail header - Charles Veryard		\$25,000		
	Artwork - 2nd site (complete wks)			\$25,000	
		Total	\$225,000	\$35,000	\$25,000
2009-2010	Brentham St Res	\$180,000			
	Signage - Brentham St Res		\$10,000		
	Entry Trail header - Brentham Street Res		\$25,000		
		Total	\$180,000	\$35,000	

Year	Item	Greenway	Wetlands Heritage Trail	Aboriginal Heritage Trail	Total
2010-2011	Britannia St Res	\$185,000			
	Signage - Britannia St Res & links		\$10,000		
	Entry Trail header - Britannia Res		\$25,000		
	Total	\$185,000	\$35,000		\$220,000
2011-2012	Charles Veryard - Brentham	\$210,000			
	Signage - Britannia St Res & links		\$10,000		
	Total	\$210,000	\$10,000		\$220,000

CONSULTATION/ADVERTISING:

Where required, all works associated with the Wetlands Heritage Trail / Greenway, including artworks and signage that may impact on adjoining residents or stakeholders, will be advertised in accordance with the Town’s consultation policy.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One & Two of Strategic Plan 2005-2010

1.1 Protect and enhance the environment and biodiversity; (c) *“Enhance and protect our natural environment, improve natural habitats, increase biodiversity in parks, reserves, wetlands and river foreshore areas, link Greenways of vegetation, enhance the Significant Trees Inventory to encourage their protection and increase and promote the use of local native vegetation, by Council and residents”*.

1.4 Maintain and enhance the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment; (f) *“Ensure the current and future efficient use of the Town’s parks, reserves and facilities and continue to design and implement infrastructure improvements for public open space. Develop Greenways to link together parks with ecology, arts, recreation and culture”*.

2.1 Celebrate and acknowledge the Town’s cultural diversity; (a) *“Develop, financially support, promote and organise community events and initiatives (including those generated by community groups) that engage the community and celebrate the cultural diversity of the Town”*.

2.3 Develop and implement initiatives for universal access. (c) *“Develop creative solutions to access and equity issues, relevant to the Town’s diverse community”*.

FINANCIAL/BUDGET IMPLICATIONS:

As previously mentioned in the report, the Council has allocated \$220,000 in the 2005/2006 financial year for the project.

The estimated costs associated with implementing the works for completion of the Town’s Wetlands Heritage Trail / Greenway between 2005 and 2013 are as follows:

Year	Financial Year	Greenway	Wetlands Heritage Trail	Aboriginal Heritage Trail	Total
1	2005-2006	\$80,000	\$90,000	\$50,000	\$220,000
2	2006-2007	\$159,000	\$40,000	Nil	\$190,000
3	2007-2008	\$225,000	\$50,000	\$25,000	\$300,000
4	2008-2009	\$225,000	\$35,000	\$25,000	\$285,000
5	2009-2010	\$180,000	\$35,000	Nil	\$215,000
6	2010-2011	\$185,000	\$35,000	Nil	\$220,000
7	2011-2012	\$210,000	\$10,000	Nil	\$220,000

Allocations for years 2 to 7 may change depending on other budgetary requirements.

COMMENTS:

As indicated in the previous report presented to the Council in July 2005, the completed projects have contributed greatly to highlighting the cultural and environmental richness within the Town and, in particular, the land pertaining to the former wetlands system. The sections of the trail previously completed, in particular the path network through Robertson Park, are very popular and have attracted many more patrons to these areas.

Artworks and audio presentations along the trail have also proven popular and with many further artworks proposed, this will greatly enhance the richness, as will the interpretive signage, as it will ultimately link all the cultural and environmental assets of the trail into a comprehensive framework.

This project will not only create purposeful links but will also provide the following added value in the Town.

- Improvements to Parks and Reserves (access, lighting and furniture)
- Cultural benefits
- Recreational benefits (walking, cycling)
- Tourism incentives
- Improvements to degraded infrastructure associated with the project

It is therefore recommended that the Council gives its "in principle" approval to the program of works and that the estimated annual funding be listed for consideration in future budgets so that the trail can be progressively implemented.

10.1.18 Influenza Pandemic Planning – Identification of Key Services and Staff

Ward:	Both	Date:	2 May 2006
Precinct:	All	File Ref:	ENS0045
Attachments:	Nil		
Reporting Officer(s):	A Bosworth		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to the Influenza Pandemic Planning process, involving the identification of essential services and critical staff, as requested by the Department of Health; and*
- (ii) *NOTES that;*
 - (a) *an internal Influenza Pandemic Planning Committee has been established, and has formulated an Influenza Pandemic Plan based on the Department of Health Guidelines; and*
 - (b) *the Town’s Influenza Pandemic Plan has been submitted to the Department of Health, and will be reviewed by the Committee as necessary, and when further information is provided to the Town by the Department of Health.*

COUNCIL DECISION ITEM 10.1.18

Moved Cr Torre, Seconded Cr Maier

That the recommendation be adopted.

CARRIED (8-0)

(Cr Doran-Wu on leave of absence.)

PURPOSE OF REPORT:

The purpose of the report is to advise the Council of the Influenza Pandemic Planning process that has been undertaken by the Town at the request of the Department of Health.

BACKGROUND:

The Department of Health has provided correspondence to all “key organisations” within the State requesting submission of an Influenza Pandemic Plan which involved the establishment of an internal committee and the subsequent identification of essential services, and critical staff in the event of an Influenza Pandemic (worldwide Influenza outbreak).

The Department of Health advised that:

“A recent outbreak of Avian Influenza in various parts of the world has heightened concern of the potential for an influenza pandemic. The Department of Health (DOH), in its capacity as the Hazard Management Agency for human epidemics has been establishing plans and processes in preparedness for a pandemic.

Avian Influenza is a virus (H5N1) affecting birds. As such Avian Influenza should not be confused with Pandemic Influenza which affects humans. To date, the H5N1 strain has, in fact, never previously mutated to a human transmissible strain. Human infections and deaths experienced in South East Asia have resulted from close contact with infected poultry or their secretions. Avian Influenza or ‘bird flu’ is being monitored by the Department of Agriculture in its capacity as the Hazard Management Agency for animal diseases.

Part of the DOH planning involves identifying those staff positions within key organisations, which are considered essential to the provision of ongoing services to the Western Australian community. Local Government Authorities will play a role in assisting the State Government during a pandemic as well as ensuring continuity of essential services to the community. Attached is an Information Sheet which provides information on the role of Local Government Authorities during a pandemic and a proforma planning template which may assist you in your local planning.

Essential services staff will be given priority during the distribution of antiviral drugs and associated personal protective equipment (PPE) from the Australian National Medical Stockpile in the event of a pandemic.”

DETAILS:

An internal Influenza Pandemic Planning Committee was established, and chaired by the Acting Manager, Health Services. A key representative from each service area (including Administration and Civic Centre, Library, Beatty Park Leisure Centre, and the Depot) attended the Committee meetings and was responsible for providing information on essential services, and key staffing levels and personnel to the Acting Manager, Health Services, to create an Influenza Plan.

The information provided was collated and further discussed by the Committee, and was widely circulated for comment internally prior to submission to the Department of Health on 20 April 2006.

Officer Comment:

The Influenza Plan identifies the essential service areas which must continue to function in the event of a Pandemic, and the key roles/positions required to ensure that these service areas function adequately. It also takes into account the following aspects:

- Emergency Management, and consultation with the Local Emergency Management Committee (LEMC);
- Other external agencies incorporated with the Plan (for example, Leederville Gardens, suppliers and contractors, cleaning contractors, Commonwealth Bank, software companies, vehicle repairers and the like);
- Influenza Vaccination/Antiviral distribution process;
- Human Resources Plan to manage up to 30% absenteeism;
- Plans for Service Closures;
- Planning for alternative work schedules;

- Explore large scale telecommuting for maintaining some administrative processes;
- Developing contingencies for maintaining business functions during a loss of any of the essential services;
- A Communications Plan for staff, community and media;
- A Security Plan for facilities;
- Use of Local Government Facilities (for healthcare purposes); and
- Use of Local Government Authority Staff (that is, health professionals, senior first aiders, persons proficient in other languages).

CONSULTATION/ADVERTISING:

External consultation is being undertaken with all “key organisations” within the State, by the Department of Health.

Internally, a memorandum from the Chief Executive Officer was sent to Executive Managers, Managers, Coordinators/Supervisors, and the Public Relations Officer, requesting that they nominate a representative from their respective service area to sit on the Influenza Pandemic Planning Committee.

The information provided was collated and further discussed by the Influenza Pandemic Planning Committee, and was widely circulated for comment internally prior to submission to the Department of Health on 20 April 2006.

LEGAL/POLICY IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010.

Key Result Area Two: Community Development

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

Key Result Area Four: Governance and Management

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

4.4 Maintain and enhance a positive and safe work environment that motivates and empowers employees to give their best.

FINANCIAL IMPLICATIONS:

Nil.

COMMENT:

An Influenza Plan for the Town of Vincent has been submitted to the Department of Health as per their request. This Plan will be reviewed and updated accordingly should additional information be forthcoming or there be internal changes that will impact on the Plan.

**10.2.2 Lake Monger Vegetated Channel Management - Town of Cambridge
Request for Increased Funding Contribution**

Ward:	Both	Date:	2 May 2006
Precinct:	-	File Ref:	ORG0016
Attachments:	001		
Reporting Officer(s):	J van den Bok		
Checked/Endorsed by:	R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report in relation to the management of the vegetated channel at Lake Monger within the Town of Cambridge;*
- (ii) *APPROVES the ongoing support to the Town of Cambridge, in partnership with Main Roads WA, for its management of the vegetated channel that filters stormwater discharging in Lake Monger via a number of stormwater drains from the Mitchell Freeway and from the western portion of the Town of Vincent;*
- (iii) *NOTES the Town of Cambridge proposed operating budget estimate for the "channel management" in 2006/2007 is \$40,025 (refer appendix 10.2.2) and that this Town has been providing an annual contribution to the Town of Cambridge since 2003/2004;*
- (iv) *LISTS for consideration an amount of \$13,300 in the 2006/07 draft "operating budget" and subsequent budgets as the Town's ongoing contribution towards the management of the vegetated channel at Lake Monger; and*
- (v) *ADVISES the Town of Cambridge and Main Roads WA of its decision.*

COUNCIL DECISION ITEM 10.2.2

Moved Cr Torre, Seconded Cr Maier

That the recommendation be adopted.

CARRIED (8-0)

(Cr Doran-Wu on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the recent letter received from the Town of Cambridge and seek approval for consideration of additional funding to be listed in the 2006/2007 draft budget for the maintenance of the vegetated channel that is located within the Town of Cambridge adjacent to Lake Monger.

BACKGROUND:

In late 1998 the Town's officers attended a workshop at Lake Monger with Elected Members and officers from the Town of Cambridge, including representatives from Main Roads WA, CSIRO, Water Corporation, Waters and Rivers Commission and the Centre of Water Research.

The purpose of the workshop was to discuss and inspect rehabilitation works carried out since the previous workshop, held in late 1996, and to discuss future improvements at Lake Monger.

Four (4) Town of Vincent stormwater drains discharge into Lake Monger via an open vegetation drain located on the western side of the Mitchell Freeway reserve, which was constructed as part of the Lake rehabilitation works.

The Town of Cambridge previously requested that the Town of Vincent consider options to treat stormwater which enters the Lake from the east side of the freeway prior to entering the open vegetation drains.

It was considered at the time that the most economical and effective solution, given the area available on the adjacent Britannia Road Reserve, would have been the installation of a continuous deflection separator (CDS) unit or gross pollutant trap at some point within the existing Town of Vincent drainage system.

The Council considered a report on the matter in 2000 where it decided:

"That;

- (i) the Council receives the report on the progress of the Lake Monger Improvement Program; and*
- (ii) lists \$80,000 for consideration in the 2001-2002 draft capital works budget for the installation of a continuous deflective separation (CDS) or similar unit to filter storm water entering Lake Monger via the Town of Vincent Drainage systems."*

Subsequently, the Town was advised by the Town of Cambridge that the installation of Gross Pollutant Traps was not the preferred option. It was considered that 1/3 contribution by Main Roads WA (MRWA) and the Towns of Vincent and Cambridge towards the maintenance of the open vegetated channel or biological filter would be the most effective way of contributing to the health of the Lake.

The Council subsequently listed an amount of \$6,700 in the drainage budget titled "Lake Monger Stormwater Management" in 2002/2003 and forwarded this amount to the Town of Cambridge upon receipt of an invoice for the various maintenance activities undertaken to maintain the channel. This amount was increased to \$10,000 in 2003/2004 following completion of further works around the eastern edge of Lake Monger.

DETAILS:

History

Lake Monger forms a permanent wetland located approximately five (5) kilometres to the northwest of the Perth Central Business District within the Town of Cambridge. The Lake originally comprised a large irregular wetland with extensive reed beds and seasonally inundated areas. Alterations to the wetland commenced around 1904 when the reeds were cleared and channels were cut for boating access.

Subsequent activities at the wetland have included waste disposal/sanitary land filling of significant areas along the north, east and south sides of the existing lake and dredging for reclamation works.

Today the Lake is about half its original size and almost all of its original vegetation has been removed. It is surrounded by residential lots and a heavily used road network including the Mitchell Freeway to the east.

Water Conveyance and Quality

As a result of the various activities within the Lake Monger catchment area, the water and sediment quality in the wetland is severely degraded. Nutrients and heavy metals are entering the wetland via surface water inflows (including sediment inflows), groundwater inflows and the feeding of water birds.

Twenty six (26) drains were identified as flowing into the Lake and one outlet pipe flowing from the Lake. The majority of the drains flowing into the Lake are minor urban drains (local stormwater drains) which are controlled by the Town of Vincent and the Town of Cambridge. The other drains are controlled by MRWA and the Water Corporation.

The Water Corporation also controls an out-flowing drain which is used to maintain the water level of the wetland during summer to prevent the Lake from drying up and in the winter to prevent inundation of the surround area. It is found that stormwater runoff to the Lake is contributing significantly to the nutrient loadings of the wetland.

Rehabilitation

As part of the rehabilitation of Lake Monger, stormwater outlets into the Lake were redesigned as meandering, vegetated channels running parallel to the Lake shore on the eastern side (Freeway side) of the Lake. The rehabilitation program also involved the removal of exotic trees, bamboo and introduced grasses. These were replaced with local native wetland trees and shrubs.

The purpose of the open drain is to collect and trap rubbish and sediment, including the uptake of nutrients by native plants, from stormwater runoff prior to it entering the Lake.

Letter form Town of Cambridge

A letter was received from the Town of Cambridge on the 27 April 2006 requesting an increase in the Town's contribution to the management of the vegetated channel *due to increases in the cost of fuels, labour and materials* and advising that the *current maintenance program cannot be adequately completed within the \$30,000 budget allocation*.

The Town of Cambridge has acknowledged the Town's previous contributions to the management of this area and have requested an additional \$3,300 per annum be allocated by the Town as our contribution towards the maintenance of the vegetated channel.

The proposed increase has also been requested from Main Roads WA as the proposal is based on a three way split in funding of \$13,300 per authority to provide a total budget of around \$40,000 per annum to carry out the works.

Note: Details of the proposed operating budget for the 'channel management' is attached (*refer appendix 10.2.2*)

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Nil

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.1 Protect and enhance the environment and biodiversity.

FINANCIAL/BUDGET IMPLICATIONS:

As noted above, the Town has budgeted for and contributed towards the maintenance of the Town of Cambridge's vegetated channel at Lake Monger as follows.

- 2001/02 No contribution by the Town*
- 2002/03 \$6,700.00**
- 2003/04 \$10,000.00
- 2004/05 \$10,000.00
- 2005/04 \$10,000.00
- 2006/07 \$13,300.00 (subject to Council approval)

Note: * MRWA contribution \$6,700, Cambridge contribution \$11,639

** MRWA contribution \$6,700, Cambridge contribution \$10,442

For each of the subsequent years the Cambridge contribution has exceeded the contributions from both MRWA and the Town.

COMMENTS:

The Town of Cambridge is committed to the rehabilitation, continued improvement and management of Lake Monger and its associated recreational facilities.

The channel has to date made a difference to the ecology of the Lake, including increased fauna nesting sites, reduced blue/green algae incidents and a lowering of midge numbers, however, as the vegetated channel was only fully completed in 2003, more time is required to gauge its full potential and effectiveness.

It is noted that when environmental conditions are favourable (*warm temperatures with rainfall*), the changes of blue/green algae outbreaks and an increase in midge numbers are increased. The Town of Cambridge has been monitoring the quality of the water entering and exiting the vegetated channel and the Lake itself over a number of years and will soon be analysing the data to produce meaningful reports, which can be provided to you, to monitor and provide evidence of any improvements in Lake water quality.

To ensure necessary programmed works are completed each year, a total of \$13,300 per annum has been requested from the Town of Vincent. A similar amount has been requested from Main Roads WA, and the Town of Cambridge will also include this amount in its draft budget.

It is considered that assistance should be offered to the Town of Cambridge as a considerable volume of stormwater entering Lake Monger emanates from areas within the Town of Vincent and therefore it is requested that the Council supports officer recommendation.

10.2.4 Proposed Parking Restriction Changes in Lake Street between Stuart Street and Newcastle Street, Perth

Ward:	South	Date:	05/01/06
Precinct:	Hyde Park Precinct (P12)	File Ref:	PKG0007
Attachments:	001		
Reporting Officer(s):	A Munyard		
Checked/Endorsed by:	R Lotznicker	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the proposed parking restriction changes in Lake Street between Stuart Street and Newcastle Street, Perth*
- (ii) *APPROVES IN PRINCIPLE the introduction of the new 1 hour time restriction on the west side of Lake Street, the formalisation of the extension of the existing 1 hour time restriction on the east side of Lake Street, and the relocation of the existing Loading Zone on the east side of Lake Street as illustrated on attached Plan 2425-PP-1;*
- (iii) *CONSULTS with all stakeholders in Lake Street between Newcastle Street and Stuart/Forbes Road giving them 21 days in which to provide a response; and*
- (iv) *RECEIVES a further report at the conclusion of the consultation period.*

COUNCIL DECISION ITEM 10.2.4

Moved Cr Torre, Seconded Cr Maier

That the recommendation be adopted.

CARRIED (8-0)

(Cr Doran-Wu on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's 'in principle' approval of the introduction of a one (1) hour time restriction on the west side of Lake Street between Church and Stuart Streets, the formalisation of the extension of a one (1) hour time restriction on the east side of Lake Street near Newcastle Street and the relocation of the existing Loading Zone on the east side of Lake Street adjacent to the Centreford vehicle holding yard.

BACKGROUND:

Complaints have been received regarding vehicle transporters unloading vehicles in Stuart Street. There is no loading zone on Stuart Street. A recent site meeting/inspection with Centreford management examined options to try and address this matter.

The relocation of an existing Loading Zone (*currently located east side at the southern end of Lake Street near Newcastle Street*) to immediately outside the Centreford holding yard located at 10 Lake Street (*east side midway between Forbes Road and Newcastle Street*) was considered as one possible solution.

Also during an inspection of the site, the Town's Officers noted that all day parkers were taking advantage of the unrestricted parking on the west side of Lake Street, between Church and Stuart Streets.

DETAILS:

Currently, there is a one (1) hour time restriction in Lake Street between Stuart and Newcastle Streets, which is in place between 8.00am and 5.30pm Monday to Friday and 8.00am and 12 noon Saturday. A redundant "No Stopping" zone and fifteen Minute parking zone applies to the last 50m of the east side of Lake Street, extending to Newcastle Street. During the recent redevelopment of this corner site, the "No Stopping" and fifteen minute zones were approved for a temporary "Construction Zone". At the completion of the works, it appears that the builders have incorrectly re-instated the one hour parking zone, extending it all the way to Newcastle Street.

A small section of Lake Street on the west side, between Church and Stuart Streets remains unrestricted, other than a "No Verge Parking" restriction. Various time restrictions are in place in the remainder of Lake Street. The lack of restriction on kerbside parking at this location is inconsistent with the surrounding streets, and is currently targeted by all day parkers.

It is recommended that a one (1) hour restriction be implemented on the western side of Lake Street between Church Street and Stuart Street, to be in place between 8.00am and 5.30pm Monday to Friday and 8.00am until 12 noon Saturdays. It is also recommended that the Council approve the relocation of the existing "Loading Zone" to immediately outside the Centreford holding yard located at 10 Lake Street (*east side of Lake Street midway between Forbes Road and Newcastle Street*).

With the redevelopment at the corner of Lake Street and Newcastle completed, there is no apparent need for the "No Stopping" zone and fifteen minute restriction. The one (1) hour restriction that was mistakenly extended through these zones appears to be working well, and it is recommended that the Council formalise the extension of the restriction by granting its approval.

CONSULTATION/ADVERTISING:

The proposed restrictions are considered to be necessary to bring this section of Lake Street into line with the surrounding streets. Being of a minor nature in a mixed commercial area, consultation is not considered to be necessary.

LEGAL/POLICY:

The Town's Rangers will enforce the restrictions once implemented.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *"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:

Existing poles can be utilised and the cost of implementing the measures is estimated to be approximately \$250.00.

COMMENTS:

There is no apparent reason for this section on the West side of Lake Street to remain unrestricted. The few residents who may be affected would be eligible to apply for exemption from the restriction. The relocation of the loading zone will allow the smaller vehicle transporters to unload vehicles directly opposite the existing vehicle loading yard. The transporters will then be able to access directly onto Newcastle Street.

It is recommended that residents/businesses in Lake Street be consulted regarding the proposal prior to the proposal being implemented.

10.2.6 Further Report Traffic Management Matters - Referred to Local Area Traffic Management Advisory Group – Anzac Road, Mt Hawthorn/Leederville & Highlands Road, North Perth

Ward:	North	Date:	3 May 2006
Precinct:	North Perth P8; Leederville P3	File Ref:	TES0551/TES0021/ TES0048
Attachments:	-		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicker	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report on traffic management matters referred to the Local Area Traffic Management Advisory Group concerning Highlands Road, North Perth and Anzac Road, Mt Hawthorn/Leederville;*
- (ii) *NOTES the Local Area Traffic Management Advisory Group's determinations and actions undertaken;*
 - (a) *the existing mid-block speed hump in Anzac Road, adjacent to the intersection of Harrow Road, has been effective in reducing traffic speed in accordance with residents' original request and should not be removed;*
 - (b) *as considered by the Group, the profile of the speed hump has been assessed and it is considered that no modifications are warranted; and*
 - (c) *the closure to vehicular traffic of Highlands Road at Green Street cannot be justified given the recorded traffic;*
- (iii) *ENDORSES the determinations of Local Area Traffic Management Advisory Group; and*
- (iv) *ADVISES the petitioners of its decision.*

COUNCIL DECISION ITEM 10.2.6

Moved Cr Torre, Seconded Cr Maier

That the recommendation be adopted.

CARRIED (8-0)

(Cr Doran-Wu on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the outcomes of the meeting of the Local Area Traffic Management (LATM) Advisory Group of 19 September 2005, where Highlands Road, North Perth and Anzac Road, Mt Hawthorn/Leederville were discussed, and to make appropriate recommendations to address the issues raised at the meeting.

BACKGROUND:

At its Ordinary Meeting of 26 July 2005, Council received a report recommending that various Traffic Management Matters be referred to the Local Area Traffic Management (LATM) Advisory Group for consideration.

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

Two of the matters referred to the Group related to petitions received from residents of Highlands Road, North Perth (*Green Street to Ellesmere Street*) Anzac Road, Mt Hawthorn/North Perth (*Shakespeare Street to Loftus Street*).

The residents of Highlands Road had concerns about traffic speed and the 'hoon' element and 'rat running' from Green Street to Ellesmere Street in the morning peak period and were requesting that Highlands Road be turned into a cul-de-sac at the Green Street end.

Some residents of Anzac Road (*Shakespeare Street to Loftus Street*) were seeking to have an existing mid-block speed hump removed from near the intersection of Harrow Road due to noise, vibration and safety issues as vehicles were traversing it too fast.

Note: The Anzac and Highlands Roads issues were part of a larger LATM Advisory Group agenda at its meeting of 19 September 2005. The other items listed for discussion at the time were the subject of subsequent reports to Council.

DETAILS:

Anzac Road - Removal of existing speed hump

Section: Shakespeare Street to Harrow Street
Request: Removal of Speed Hump near Harrow Street
Posted Speed: 50kph

Traffic Data: Data prior to improvements being implemented

Section	Volume (vpd)	85% Speed (kph)
• Shakespeare to Harrow	1,183	61

Traffic Data: Data after improvements being implemented

Section	Volume (vpd)	85% Speed (kph)
• Harrow to Shakespeare	1,072	52
• Harrow to Loftus	900	49

Note: Traffic volumes are consistent, however, speeds dropped by 9 and 12 kph respectively with the introduction of the traffic treatments.

Classification: Local Distributor
Budget: Nil

Comments:

As a result of traffic calming measures introduced in Anzac Road in 2002, between Oxford and Shakespeare Streets, residents of Anzac Road, east of Shakespeare Street, sought to have similar works implemented in the remainder of the street. To this end, a petition was presented to Council, whereupon it was referred to the Town's LATM Advisory Group for consideration.

The Anzac Road petition, and the concerns raised, were discussed in detail at the LATM Advisory Group's meeting held on 3 February 2003 and included two (2) Anzac Road residents as invited guests.

At the conclusion of the discussion, the Group resolved to refer the following suggested actions to Council for consideration.

- The Town to investigate downgrading Anzac Road, between Oxford and Loftus Streets, from a District Distributor B Road to a Local Distributor Road. **Actioned/Implemented**
- Investigate measures to enhance the 'Stop' control in Shakespeare Street including pruning/removal of the adjacent street trees and the installation of approach median islands to accommodate additional signage. **Implemented**
- Install an additional speed hump on approach in Anzac Road (for west bound traffic), adjacent to the Shakespeare Street intersection east side. **Implemented**
- Consider the installation of an additional mid-block speed hump (Oxford Street to Shakespeare Street) near No. 43 to reduce traffic speed when approaching the Shakespeare Street intersection east bound. **Implemented**
- Where a speed hump is to be installed without a corresponding nib, the speed hump is to be extended through to the kerb, i.e. near Harrow Street, south side. **Implemented**
- Agreed not to raise the profile of the existing speed humps at this time. To monitor traffic speed and consider in future if warranted.

In 2003, the Town wrote to the residents of Anzac Road, Shakespeare Street to Loftus Street, outlining the LATM Advisory Group process and Council's resulting decision, seeking their comments and feedback.

A total of thirty-seven (37) letters were delivered (to residents) generating some eight (8) responses, representing approximately 22% of those canvassed.

Of the responses, seven (7) were in favour without reservations, while one (1) was in favour but had concerns about the placement of the proposed speed hump adjacent to Harrow Street.

An officer of the Town visited the concerned resident at the time to ascertain and allay their concerns in respect of the proposed location of the speed hump, and it was agreed that it (the speed hump) could be moved marginally west so as not to impede their driveway without compromising the design.

LATM Advisory Group's discussion and recommendations:

The Group concluded that the treatment had achieved the desired aim of reducing traffic speed (in Anzac Road) to an acceptable level and if the mid-block speed hump was removed that speed would, in all likelihood, return to 2001 levels.

It was suggested that perhaps the profile of the speed hump could be modified to reduce the noise, lessen the impact and resultant vibration. A similar modification was successfully undertaken (to an existing speed hump) in Lake Street, near Stuart Street, to the satisfaction of the adjacent residents.

The Group concluded that:

- Technical Services should assess the speed hump and if considered too 'sharp' to modify the profile to reduce noise and vibration;
- a report be presented to Council based upon the above outcome

Comments:

The speed hump has been assessed and it is considered that no modifications are warranted as its height is not excessive and its location is considered appropriate in maintaining reduced vehicle speeds in the street. No recent complaints have been received from residents.

Highlands Rd - Request for cul de sac

Section: Ellesmere Street to Green Street
Request: Petition - Request for cul de sac
Posted Speed: 50 kph

Traffic Data: (2003 & 2005)

Section	Volume (vpd)	85% Speed (kph)
• Ellesmere to Green (2003)	190	48
• Ellesmere to Green (2005)	151	48.6

Classification: Access Roads
Budget: Nil

Comments:

Residents advised they are 'fed up' with hoons in the street. It is alleged the Police advised them to approach the Council and request the installation of a cul-de-sac in the street. The classifier results indicate that both the speeds and volumes are acceptable and therefore closing the road to traffic would not be supported, however, it is considered that the matter be referred to the LATM Advisory Group for discussion.

LATM Advisory Group's discussion and recommendations:

The LATM Advisory Group was advised that the Town had received a petition signed by 13 residents of Highlands Road asking that the Town consider making it (Highlands Road) a cul-de-sac at the Green Street end.

Data collected in June 2005, as a result of the petition, indicated that the 85% speed was 48.6 kph and average weekday traffic was 151 vehicles per day (vpd). Further, in December 2003 it was 48 kph and 190 vpd.

The Group concluded that:

- There is not a traffic management issue in Highlands Road and that the residents' complaints were more to do with anti-social behaviour and enforcement.
- A report be presented to Council based upon the above outcome

CONSULTATION/ADVERTISING:

Nil

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

Any resultant minor modifications to the speed hump in Anzac Road would be funded from the Miscellaneous Traffic Management Budget.

COMMENTS:

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

10.4.3 Local Government Advisory Board Report - Local Government Structural and Electoral Reform in Western Australia - Ensuring Future Sustainability of Communities - April 2006

Ward:	-	Date:	3 May 2006
Precinct:	-	File Ref:	ORG0031
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the Local Government Advisory Board's study of Structural and Electoral Reform in local government, as detailed in this report; and*
- (ii) *NOTES that a further report will be submitted to the Council concerning the recommendations and findings of the report.*

COUNCIL DECISION ITEM 10.4.3

Moved Cr Torre, Seconded Cr Maier

That the recommendation be adopted.

CARRIED (8-0)

(Cr Doran-Wu on leave of absence.)

PURPOSE OF REPORT:

The purpose of the report is to advise the Council of the recommendations and key findings of the Local Government Advisory Board's report into Local Government Structural and Electoral Reform in Western Australia - Ensuring Future Sustainability of Local Governments.

BACKGROUND:

On Saturday 29 April 2006, the Local Government Advisory Board released its report.

At the Ordinary Meeting of Council held on 20 December 2005, the Council considered the matter of Structural and Electoral reform and resolved to make a submission to the Board.

DETAILS:

The report is 488 pages long and contains numerous recommendations. These are shown in Appendix 10.4.3, attached to this report.

This report is available on the Department of Local Government and Regional Development website: <http://www.dlgrd.wa.gov.au/localGovt/advisoryBoard/StructuralElectoralReform.asp>

The Town's proposal relating to altering the boundaries with the City of Stirling and City of Perth was not included in the recommendations and in fact received little or no comment in the report.

The Local Government Advisory Board has requested comments within a three month period.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Not applicable.

STRATEGIC IMPLICATIONS:

This matter is in keeping with the Town's Strategic Plan 2005-2010 - Key Result Area 4.1 - *"Create vision and leadership for the overall benefit of the Town and its people"*.

FINANCIAL/BUDGET IMPLICATIONS:

There have been no costs associated with investigating and preparing a response to this study, as all work has been carried out in-house.

COMMENTS:

As the report is very large, there has been insufficient time to study the contents. This will be carried out over the forthcoming weeks and a further report will be submitted to the Council.

10.1.12 No. 82 (Lot 15 D/P: 2359) Chelmsford Road, Mount Lawley - Proposed Carport Addition to Existing Single House

Ward:	South	Date:	2 May 2006
Precinct:	Norfolk Precinct; P10	File Ref:	PRO3497; 5.2006.103.1
Attachments:	001		
Reporting Officer(s):	O Hammond		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by A Porter on behalf of owners A T J & A M Porter for proposed Carport Addition to Existing Single House, at No. 82 (Lot: 15 D/P: 2359) Chelmsford Road, Mount Lawley, and as shown on received plans stamp-dated 10 March 2006, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) the non-compliance with the Town's Policies relating to Vehicular Access.*

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

LOST (0-8)

(Cr Doran-Wu on leave of absence.)

Reasons:

- 1. Utilises the existing car-parking**
- 2. Proposed design compliments the dwelling**

Debate ensued.

Moved Cr Lake, Seconded Cr Farrell

That an alternative recommendation be adopted with all the necessary conditions.

Debate ensued.

Moved Cr Maier, Seconded Cr Lake

That a new clause be added to the recommendation stating that the carport be setback behind the building line.

Debate ensued.

**AMENDMENT LOST ON THE
CASTING VOTE OF THE
PRESIDING MEMBER (4-5)**

<u>For</u>	<u>Against</u>
Cr Chester	Mayor Catania - 2 votes
Cr Ker	Cr Farrell
Cr Lake	Cr Messina
Cr Maier	Cr Torre

(Cr Doran-Wu on leave of absence.)

Debate ensued.

Moved Cr Messina, Seconded Cr Chester

That a new clause be added to the recommendation with regards to visual permeability requirements.

AMENDMENT CARRIED (8-0)

(Cr Doran-Wu on leave of absence.)

Debate ensued.

**ALTERNATIVE
MOTION AS AMENDED
CARRIED (8-0)**

(Cr Doran-Wu on leave of absence.)

COUNCIL DECISION ITEM 10.1.12

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by A Porter on behalf of owners A T J & A M Porter for proposed Carport Addition to Existing Single House, at No. 82 (Lot: 15 D/P: 2359) Chelmsford Road, Mount Lawley, and as shown on received plans stamp-dated 10 March 2006, 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 new street/front wall, fence and gate between the Chelmsford Road boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*

- (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *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;*
- (iii) *the finished floor level of the carport shall not be greater than 0.5 metres above the natural ground level; and*
- (iv) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it adjoins the parapet wall and existing dwelling.*

Landowner:	A T J & A M Porter
Applicant:	A Porter
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	453 square metres
Access to Right of Way	North side, 4.0 metres wide, sealed and Town owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves construction of a 2 car bay carport setback 5.085 metres from Chelmsford Road boundary, with a nil side setback to the Western boundary.

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

Vehicle Access: South	Require utilisation of rear right of way (ROW) unless it complies with Town's Policy relating to Street Setbacks, Vehicular Access, and Vehicle Access to Dwellings Via a right-of-way.	Access from Chelmsford Road via existing crossover and utilising existing brick-paved area.	Not supported – as it is non-compliant with the Town's Policy relating to Vehicular Access, Street Setbacks, and Vehicle Access to Dwellings Via a right-of-way, and is considered to have an undue impact on streetscape.
Consultation Submissions			
No consultation has been carried out as the proposal is a Category 4 application, is not supportable and being referred to the Council for determination.			
Support (1)	<ul style="list-style-type: none"> Affected neighbour has stated no objection 		Noted
Objection	N/A		N/A
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

The rear ROW is sealed and Town owned, and the owners have access rights over the ROW. In light of the above, it is recommended that the proposed development be refused.

10.1.3 Further Report- No. 20 (Lot 43 D/P: 1197) Marlborough Street, Perth - Proposed Home Occupation at a Grouped Dwelling - Video Camera and Home Editing Tuition

Ward:	South	Date:	2 May 2006
Precinct:	Banks; P15	File Ref:	PRO1262; 5.2005.3295.1
Attachments:	001		
Reporting Officer(s):	J Barton		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by T Edmonds on behalf of the owner Free Serbian Orthodox Church & School Congregation for proposed Home Occupation at a Grouped Dwelling - Video Camera and Home Editing Tuition, at No. 20 (Lot 43 D/P: 1197) Marlborough Street, Perth and as shown on plans stamp-dated 24 November 2005 for the following reasons:

- (i) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) *the non-compliance with the Town's Town Planning Scheme No. 1 as the proposed home occupation results in the requirement for a greater number of parking facilities than normally reserved for a grouped dwelling.*

Moved Cr Messina, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

LOST (0-8)

(Cr Doran-Wu on leave of absence.)

Reasons:

1. Support of neighbours and likely low impact proposal
2. Limited use to 12 months

Moved Cr Messina, Seconded Cr Maier

That an alternative recommendation be adopted as follows:

ALTERNATIVE RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by T Edmonds on behalf of the owner Free Serbian Orthodox Church & School Congregation for proposed Home Occupation at a Grouped Dwelling - Video Camera and Home Editing Tuition, at No. 20 (Lot 43 D/P: 1197) Marlborough Street, Perth and as shown on plans stamp-dated 24 November 2005, subject to the following conditions:

- (i) *the home occupation is to occupy a maximum area of twenty (20) square metres only, inclusive of all storage areas;*
- (ii) *compliance with the provisions relating to home occupation under the Town of Vincent Town Planning Scheme No. 1;*
- (iii) *the business shall not entail employment of any person not a member of the occupier's household;*
- (iv) *the hours of operation shall be limited to 9.00am to 9:00pm Monday and Tuesday, 9.00am to 5:00pm Wednesday through Friday, and 9am to 5pm for 2 (two) Saturdays per month only;*
- (v) *a maximum of 13 hours per week are permitted;*
- (vi) *a maximum of three (3) clients at any one time, within the approved hours of operation, is permitted per visit to the premises;*
- (vii) *retail sale or display of goods of any nature shall not occur on the subject property;*
- (viii) *this approval for a home occupation is for a period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use; and*
- (ix) *no signage greater than 0.2 square metre in area is permitted.*

Debate ensued.

ALTERNATIVE MOTION CARRIED (8-0)

(Cr Doran-Wu on leave of absence.)

COUNCIL DECISION ITEM 10.1.3

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by T Edmonds on behalf of the owner Free Serbian Orthodox Church & School Congregation for proposed Home Occupation at a Grouped Dwelling - Video Camera and Home Editing Tuition, at No. 20 (Lot 43 D/P: 1197) Marlborough Street, Perth and as shown on plans stamp-dated 24 November 2005, subject to the following conditions:

- (i) *the home occupation is to occupy a maximum area of twenty (20) square metres only, inclusive of all storage areas;*
- (ii) *compliance with the provisions relating to home occupation under the Town of Vincent Town Planning Scheme No. 1;*
- (iii) *the business shall not entail employment of any person not a member of the occupier's household;*
- (iv) *the hours of operation shall be limited to 9.00am to 9:00pm Monday and Tuesday, 9.00am to 5:00pm Wednesday through Friday, and 9am to 5pm for 2 (two) Saturdays per month only;*
- (v) *a maximum of 13 hours per week are permitted;*
- (vi) *a maximum of three (3) clients at any one time, within the approved hours of operation, is permitted per visit to the premises;*
- (vii) *retail sale or display of goods of any nature shall not occur on the subject property;*

- (viii) *this approval for a home occupation is for a period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use; and*
- (ix) *no signage greater than 0.2 square metre in area is permitted.*
-

FURTHER REPORT:

The Council at its Ordinary Meeting held on 28 March 2006 resolved "*That the Item be DEFERRED to allow for further community consultation*".

The proposal was advertised to adjoining and affected neighbours for 14 days and two (2) letters of support were received without any comments, and one (1) letter of objection was received due to parking and traffic concerns and the use being intrusive in a residential area.

In light of the previous comments stated below, the previous Officer Recommendation remains unchanged.

The following is a verbatim copy of the Minutes for the item placed before the Council at its Ordinary Meeting held on 28 March 2006.

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by T Edmonds on behalf of the owner Free Serbian Orthodox Church & School Congregation for proposed Home Occupation - Video Camera and Home Editing Tuition, at No. 20 (Lot 43 D/P: 1197) Marlborough Street, Perth and as shown on plans stamp-dated 24 November 2005 for the following reasons:

- (i) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) *the non-compliance with the Town's Town Planning Scheme No. 1 as the proposed home occupation results in the requirement for a greater number of parking facilities than normally reserved for a single dwelling.*
-

COUNCIL DECISION ITEM 10.1.11

Moved Cr Torre, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Moved Cr Messina, Seconded Cr Torre

That the Item be DEFERRED to allow for further community consultation.

CARRIED (6-2)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Chester
Cr Farrell	Cr Ker
Cr Lake	
Cr Maier	
Cr Messina	
Cr Torre	

(Cr Doran-Wu was an apology.)

Landowner:	Free Serbian Orthodox Church & School Congregation
Applicant:	T Edmonds
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Grouped Dwelling
Use Class:	Grouped Dwelling
Use Classification:	"AA"
Lot Area:	491 square metres
Access to Right of Way	North-eastern side, 4 metres wide, sealed, privately owned

BACKGROUND:

On 23 August 1999, the Council resolved to conditionally approve the demolition of an existing single dwelling and the development of three (3), two-storey grouped dwellings.

DETAILS:

The applicant proposes to operate a home occupation from the subject land (ground floor living room) to teach clients how to use domestic video cameras and editing software.

The proposed hours are Monday 9.30am to 12.30pm, Wednesday 9.30am to 12.30pm and 7pm to 10pm, and Saturdays 9.30am to 4.30pm. A maximum of four (4) clients at any one time and no employees are proposed.

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

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>Noted</i>
<i>Car Parking Bays for Proposal</i>	<i>6 on-site bays- 2 bays for the residential component of the dwelling and 4 car parking bays for clients.</i>	<i>2 on-site car parking bays and 1 to 2 on-street car parking bays (permits).</i>	<i>Not supported- see notes in 'Comments' section below.</i>
<i>Consultation Submissions</i>			
<i>The proposal was not advertised as refusal is recommended based on inadequate car parking bays for the proposal.</i>			

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

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

COMMENTS:

The proposal will result in the requirement for a greater number of car parking facilities than normally reserved for a single dwelling, which is contrary to the requirements of the Town's Town Planning Scheme No. 1 in relation to the definition of Home Occupations. Additionally, the Town's Manager Ranger Services and Community Safety advised that the applicant is entitled to one or possibly two on-street parking permits for visitors, however, the intent of these permits are not for businesses purposes.

In light of the above, the proposal is not considered acceptable based on inadequate on-site car parking provisions and refusal is recommended"

10.1.2 Further Report - No. 81 (Lot 246 D/P 2334) Auckland Street, North Perth - Proposed Additional Two-Storey Grouped Dwelling to Existing Dwelling

Ward:	North	Date:	3 May 2006
Precinct:	North Perth; P8	File Ref:	PRO2282; 5.2003. 1527.1
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Iliadis & Associates Architects Pty Ltd on behalf of the owner Daktiki Holdings Pty Ltd for proposed Additional Two-Storey Grouped Dwelling to Existing Dwelling, at No. 81 (Lot 246 D/P 2334) Auckland Street, North Perth, and as shown on plans stamp-dated 28 April 2006 (Site Plan -Option B), subject to the following conditions:

- (i) *any new street/front wall, fence and gate between the Auckland Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *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.*
- (ii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*
- (iii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Auckland Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s).*

COUNCIL DECISION ITEM 10.1.2

Moved Cr Messina, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Moved Cr Messina, Seconded Cr Chester

That the Item be DEFERRED for further consideration and investigation.

CARRIED (7-1)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Maier
Cr Chester	
Cr Farrell	
Cr Ker	
Cr Lake	
Cr Messina	
Cr Torre	

(Cr Doran-Wu on leave of absence.)

Reasons:

1. To further consider issues of the subdivision
2. Seek clarification from the Minister for Planning and Infrastructure and Chairman of the West Australian Planning Commission in relation to advice received by the Town as it conflicts with the State Administrative Appeals Tribunal advice dated 26 April 2006
3. Await the legal advice from McLeod's Barristers and Solicitors
4. To provide a formalised structure within which the neighbours concerns can be heard, acknowledged and addressed
5. The Town act as a mediator to liaise between the owners of the subject property and the southern neighbour to ascertain if redesign of the development is possible

FURTHER REPORT:

The subject application was considered at the Ordinary Meeting of Council held on 28 June 2005, where the Council resolved as follows:

"That the item be DEFERRED to further consider issues of the subdivision."

The Town has since written to the Department for Planning and Infrastructure (DPI) and the Chairman of the Western Australian Planning Commission (WAPC) seeking further clarification/information regarding matters relating to common property, the width of the driveway approved and a right of appeal to the conditional approval of the subject subdivision. The responses from the DPI and WAPC regarding these matters are attached for the Council's consideration. In summary, the DPI and WAPC maintains its decision of the conditional approval of the subdivision and has advised that there are no provisions which allow for third party rights of review for the conditional approval of these survey strata.

The legal advice from McLeods Barristers and Solicitors obtained by the neighbours of the subject site and relating to the matters of the conditional approval of the subject subdivision and development proposal has also been attached for the Council's consideration. In summary, this advice ascertains that the decision made by the WAPC appeared to involve an error of law, subdivision requirements were misapplied and that there are issues with the development proposal which warrants a refusal by the Council.

As the WAPC is the ultimate decision maker for subdivision applications and the Town has no ability in overturn its decision, it is considered the Town has an obligation to impartially assess all planning applications on an individual merit and in accordance with its Town Planning Scheme and Polices. In relation to the issues of the development application raised in the advice by McLeods Barristers and Solicitors, these have been previously addressed, as outlined in the verbatim.

It is noted that a review application has been lodged with the State Administrative Tribunal relating to the deferral decision of the Council at its Ordinary Meeting held on 28 June 2005. A Directions Hearing was held on 19 April 2006 in relation to this review application, where amended plans were presented by the applicant. These amended plans have been submitted as part of this Agenda Report. The applicant has presented two options (A and B) to the Council, with the main difference between the two options being option A having a landscaping strip between the driveways with two (2) separate crossovers, and option B having a single crossover with no landscaping.

Whilst the Town's Technical Services have indicated that Option A is the preferred option, the Town's Planning Officers are of the view that Option B should be supported as it utilises the common property as part of the vehicular accessway for the existing dwelling. It is noted that the WAPC has indicated that common property should include as a minimum, all of that part of the access way that is necessary to provide vehicular access to all lots within the subdivision and that it also supports the subdivision plan as the common property permits access for the maintenance and repair of the existing dwelling.

It is also noted that both options have added a storeroom and a gate, which enables an alternative means of access from the common property to the rear courtyard to the existing house. It is therefore recommended that Option B be approved, subject to standard and appropriate conditions.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 28 June 2005.

"FURTHER OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Iliadis & Associates Architects Pty Ltd on behalf of the owner Daktiki Holdings Pty Ltd for proposed Additional Two-Storey Grouped Dwelling to Existing Dwelling, at No. 81 (Lot 246) Auckland Street, North Perth, and as shown on plans stamp-dated 25 June 2003, and 9 June 2005 (overshadowing and adjoining lot plan)subject to:

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

- (ii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Auckland Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the driveway of the existing dwelling being 5.0 metres in width. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies.*

COUNCIL DECISION ITEM 10.1.3

Moved Cr Lake, Seconded Cr Farrell

That the recommendation be adopted subject to the additional information.

Debate ensued.

Councillor Torre returned to the Chamber at 7.21pm.

Moved Cr Lake, Seconded Cr Ker

That the item be DEFERRED to further consider issues of the subdivision.

CARRIED (5-3)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Chester
Cr Ker	Cr Farrell
Cr Lake	Cr Messina
Cr Maier	
Cr Torre	

(Cr Doran-Wu was an apology.)

FURTHER REPORT:

The subject application was considered at the Ordinary Meeting of Council held on 24 May 2005. The following was resolved by the Council in relation to this matter:

"That the Item be DEFERRED to allow further consideration of the matter and public consultation to be undertaken."

The Town has since been in contact with the applicant to suggest the submission of additional information. The applicant has indicated that the owners, (who have not changed since the application was initially submitted) wish to proceed with the plans and have submitted an overshadowing plan and a plan of the adjoining southern property, which has been attached for the Council's consideration.

Consultation Submissions

As a result of the above resolution, the subject proposal was advertised to neighbours for a period of two weeks. One objection was received during this period. A summary of this objection and the issues raised during 'Public Question Time' at the Ordinary Meeting of Council held on 24 May 2005 and the Officer's comments is summarised in the Table below:

<i>Consultation Submissions</i>		
	<i>Summary</i>	<i>Officer Comments</i>
<i>Objections</i>	<ul style="list-style-type: none"> • <i>Advertising Period</i> • <i>Validity of subdivision</i> • <i>Amenity in terms of privacy, lifestyle, overshadowing and overcrowding</i> 	<p><i>Noted- application has since been advertised.</i></p> <p><i>Not supported- refer to 'Additional Information Report' in verbatim.</i></p> <p><i>Not supported- refer to 'Additional Information Report' in verbatim.</i></p>
	<ul style="list-style-type: none"> • <i>Existing house has no laundry and storeroom</i> • <i>Proposal is profit driven</i> • <i>Privacy</i> • <i>Setbacks</i> • <i>Existing carport being enclosed in the future</i> • <i>Overshadowing</i> • <i>Little property being provided</i> • <i>Existing house has major openings to driveway</i> 	<p><i>Not supported- separate matter not related to the subject application. Notwithstanding this, WAPC's conditional approval of the subject subdivision requires the existing house to provide storeroom, in accordance with R-Codes.</i></p> <p><i>Not supported- not a planning consideration.</i></p> <p><i>Not supported- refer to 'Additional Information Report' in verbatim.</i></p> <p><i>Not supported- refer to 'Additional Information Report' in verbatim.</i></p> <p><i>Not supported- separate enforcement matter not related to the subject application.</i></p> <p><i>Not supported- refer to 'Additional Information Report' in verbatim.</i></p> <p><i>Not supported- WAPC has conditionally approved the subject subdivision, the Town has no ability in overturn this decision.</i></p> <p><i>Not supported- WAPC did not require the existing house not to have major openings adjacent to driveway in the approval of the subdivision.</i></p>

Driveway

The Town's Technical Services have advised that the driveway of the existing house may be reduced from 5.5 metres to 5.0 metres. The aggregate of the two driveways will therefore occupy 52.7 per cent of the property's frontage. This matter has been conditioned accordingly in the Further Officer Recommendation.

Further to the above, it is noted that the Western Australian Planning Commission is the ultimate decision maker of subdivision applications and the Town has no ability in overturn its decision. In light of this, it is considered the Town has an obligation to impartially assess all planning applications. In this instance, the subject planning application is considered to be acceptable and is therefore, recommended for approval subject to standard and appropriate conditions to address the above matters.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 24 May 2005, and an Additional Information Report that was prepared for that meeting:

"ADDITIONAL INFORMATION:

Subdivision

The background of the subdivision of the subject lot is as follows:

- 12 August 2003 Council at its Ordinary Meeting resolved to recommend refusal to the Western Australian Planning Commission (WAPC) for the proposed survey strata subdivision at the subject property.*
- 29 August 2003 WAPC sought comments from the Town regarding amended plans for the proposal outlined above.*
- 22 September 2003 The Town wrote to the WAPC indicating it would not support the amended plans.*
- 11 March 2004 WAPC resolved to refuse the application for a survey strata subdivision at the subject property.*
- 16 April 2004 WAPC sought comments from the Town regarding the reconsideration of the above refusal.*
- 6 May 2004 The Town wrote to the WAPC indicating it would not support the reconsideration. The letter also requested that the WAPC take into consideration the conditions presented in the Officer Recommendation for the subject application at the Ordinary Meeting of Council held on 12 August 2003, in the event the WAPC approved the application.*
- 14 June 2004 WAPC resolved to conditionally approve the application for a survey strata subdivision of the subject property.*

The relevant minutes from the 12 August 2003 Ordinary Meeting of Council and a copy of WAPC approval is attached. It is considered that the WAPC did not apply the R20 requirements as it was reconsidering plans stamp-dated 1 July 2003, which was before the Scheme Amendment No. 11 (down zoning of Eton Locality) gazettal on 7 October 2003.

Southern Setback

There is no variation sought in relation to this setback.

Neighbouring Properties and Overshadowing Plan

At the time the current plans were received on 23 June 2003, it was not a formal requirement that the above plans be submitted. Notwithstanding this, while the Town's Officers were intending to suggest to the applicant that these plans be submitted for the Council's consideration, they have been unsuccessful in contacting the applicant.

Driveway Width

The Town's Technical Services have advised that the driveway of the existing house may be reduced from 5.5 metres to 5.0 metres. The aggregate of the two driveways will therefore occupy 52.7 per cent of the property's frontage. This matter has been conditioned accordingly in an Amended Recommendation.

Proposal Assessment against Residential R30/40 Requirements

The current plans were submitted on 25 June 2003, however were not assessed until this time as it was pending Elected Members' consideration for the matter to be 'lifted from the table'.

Objections

Two objections have been received for the subject application. A summary of these objections and the Officer's comments are summarised in the Table below:"

<i>Consultation Submissions</i>		
	<i>Summary</i>	<i>Officer Comments</i>
<i>Objection (2)</i>	<ul style="list-style-type: none"> • <i>Advertising Period</i> 	<i>Not supported- in this instance, plans were not required to be advertised as per the Town's Community Consultation Policy.</i>
	<ul style="list-style-type: none"> • <i>Visual Privacy</i> 	<i>Not supported- apart from overlooking into the car park, proposal is considered to be compliant with the Privacy provisions of the R-Codes.</i>
	<ul style="list-style-type: none"> • <i>Height of block and retaining wall</i> 	<i>Not supported- considered to be a civil matter which is to be resolved between adjoining land owners.</i>
	<ul style="list-style-type: none"> • <i>Solar Access</i> 	<i>Not supported- proposal is considered to be compliant with the overshadowing provisions of the R-Codes.</i>
	<ul style="list-style-type: none"> • <i>Setbacks</i> • <i>Driveway</i> 	<i>Not supported- refer to 'Comments'.</i> <i>Not supported- refer to 'Comments' and 'Additional Information'.</i>
	<ul style="list-style-type: none"> • <i>Loss of Mature Trees</i> 	<i>Not supported- trees are not listed on the Town's Trees of Significance Inventory or Interim Significant Tree Databases, and therefore, the Town can not enforce their retention and plans indicate another street verge tree is to be replanted."</i>

"FURTHER OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Iliadis & Associates Architects Pty Ltd on behalf of the owner Daktiki Holdings Pty Ltd for proposed Additional Two-Storey Grouped Dwelling to Existing Dwelling, at No. 81 (Lot 246) Auckland Street, North Perth, and as shown on plans stamp-dated 25 June 2003, subject to:

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

- (ii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*
- (iii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Auckland Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s).*

Moved Cr Doran-Wu, Seconded Cr Farrell

That the recommendation be adopted.

Cr Messina departed Chamber at 7.04pm.

Debate ensued.

Cr Messina returned to the Chamber at 7.05pm.

Moved Cr Doran-Wu, Seconded Cr Farrell

That the Item be DEFERRED to allow affected neighbours sufficient time to comment on the proposal.

LOST (3-5)

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

(Cr Torre on approved leave of absence.)

Debate ensued.

Mayor Catania advised that due to personal reasons he would be leaving the meeting. He requested that Deputy Mayor – Cr Steed Farrell act as Presiding Member in his absence.

Mayor Catania departed the meeting at 7.25pm and Deputy Mayor – Cr Farrell assumed the Chair.

COUNCIL DECISION ITEM 10.1.1

Moved Cr Messina, Seconded Cr Chester

That the Item be DEFERRED to allow further consideration of the matter and public consultation to be undertaken.

CARRIED (7-0)

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote.)

The Chief Executive Officer advised the Presiding Member that the “En bloc” Items were required to be moved and seconded.

Moved Cr Maier, Seconded Cr Lake

That the following unopposed items be moved en bloc;

Items 10.1.4, 10.1.7, 10.1.16, 10.1.17, 10.2.1, 10.2.3, 10.3.1, 10.3.2 and 10.3.3.

CARRIED (7-0)

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote.)

FURTHER REPORT:

The subject application was considered at the Ordinary Meeting of Council held on 13 May 2003. The following was resolved by the Council in relation to this matter:

"That this item "LIE ON THE TABLE", so that the applicant can address the issues of overlooking, setbacks and the driveway."

The Mayor Nick Catania and Councillors Sally Lake and Simon Chester have agreed for the item to be referred back to the Council for further consideration.

The applicant has since submitted revised plans and a justification letter (as 'Laid on the Table') to address the above issues.

The following table is an updated assessment as per the revised plans. While it is noted the subject property has since been down- zoned from Residential R30/40 to Residential R20, this has not been taken into consideration in the assessment table below, on the basis that the application considered by the Council on 13 May 2003 was assessed as per the R30/40 requirements.

With the exception of a density variation (R33.67, 68 percent density bonus) the Assessment Table would remain the same if the proposal were assessed as per the Residential R20 requirements. This variation would be supported in light of the two survey strata title lots being conditionally approved by the Western Australian Planning Commission on 14 June 2004 at the R30/40 density.

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>Primary Street</i>	<i>Driveways not to occupy more than 40 percent of the frontage of a property</i>	<i>56 per cent (does not include landscaping strip, as per previous assessment)</i>	<i>Supported- refer to comments from previous report in verbatim.</i>
<i>Setback: Upper Floor- West</i>	<i>2.3 metres</i>	<i>1.05 metres to 2.75 metres</i>	<i>Supported- affected neighbour has consented to variation.</i>

<p><i>Privacy Setbacks</i></p>	<p><i>Bedrooms- 4.5 metres</i></p> <p><i>Habitable rooms other than bedrooms- 6.0 metres</i></p>	<p><i>Bedroom 3- 1.5 metres</i></p> <p><i>Activities room- 1.5 metres</i></p>	<p><i>Supported- cone of vision encroachment is to car park.</i></p>
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In light of the above, it recommended that the application be approved, subject to standard conditions.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 13 May 2003:

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Iliadis and Associates Architects Pty Ltd on behalf of the owner Daktiki Holdings Pty Ltd for proposed two-storey grouped dwelling to existing single house at No. 81 (Lot 246) Auckland Street, North Perth, and as shown on the plans stamp dated 5 March 2003, subject to:

- (i) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Auckland Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the new front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (ii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the window(s) to the master bedroom on the western elevation on the first floor shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees;*
- (iii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iv) a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (v) the construction of crossovers shall be in accordance with the Town's specifications;*
- (vi) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*

- (vii) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Auckland Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (viii) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense; and*
- (ix) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.8

Moved Cr Torre, Seconded Cr Chester

That this item "LIE ON THE TABLE", so that the applicant can address the issues of overlooking, setbacks and the driveway.

CARRIED (9-0)

LANDOWNER: *Daktiki Holding Pty Ltd*
 APPLICANT: *Iliadis and Associates Architects Pty Ltd*
 ZONING: *Metropolitan Region Scheme: Urban*
Town Planning Scheme No.1: Residential R30/40
 EXISTING LAND USE: *Single House*

COMPLIANCE:

<i>Use Class</i>	<i>Grouped Dwelling</i>
<i>Use Classification</i>	<i>"P"</i>
<i>Lot Area</i>	<i>594 square metres</i>

<i>Requirements</i>		<i>Provided</i>
<i>Primary Street</i>	<i>Driveways not to occupy more than 40 percent of the frontage of a property</i>	<i>68 per cent</i>
<i>Privacy - Western Elevation Master Bedroom Window</i>	<i>Permanent vertical screening to be provided to restrict views if setback less than 4.5 metres from neighbouring properties boundaries.</i>	<i>2.4 metres (screening condition imposed)</i>
<i>Setback - Western Elevation Upper Floor</i>	<i>2.3 metres</i>	<i>1.05 metres to 2.75 metres</i>

SITE HISTORY:

The subject site is occupied by a single storey single house.

CONSULTATION/ADVERTISING:

There were three objections received during the advertising period. The details of the submissions are comprehensive and are to be "Laid on the Table" and circulated separately to Elected Members.

The following points outline the main issues of the submissions:

- *Scheme Amendment No. 11: The scheme amendment was supported by 81 per cent of the residents within the Eton Locality to rezone the area from R30/40 to R20.*
- *The proposed development is not consistent with the amenity of the area in relation to the Eton Locality Statement.*
- *Visual privacy.*
- *Ground levels of the development site/height of block.*
- *Solar access/overshadowing.*
- *Rear boundary setback.*
- *Loss of mature trees.*
- *Driveway width.*
- *Excess traffic and noise the proposed dwelling may cause.*
- *Over-development.*
- *Investor development in the area.*

DETAILS:

Approval is sought for construction of one (1) two storey grouped dwelling to existing single house.

COMMENTS:

Privacy

With regard to objectors' concerns over privacy, the appropriate screening conditions have been placed in order to comply with the privacy requirements of the Residential Design Codes. The proposal has also screened the balcony from the master bedroom and setback the balcony from the activities room, both located adjacent to the southern boundary, both which are in accordance with the requirements of the Residential Design Codes.

In a recent Ordinary Meeting of Council, the Council has been prepared to vary the Privacy requirements of the Residential Design Codes by allowing the overlooking window to be top hinged and the obscured portion of the window to be openable to a maximum of 20 degrees. In regard to the upper floor privacy concerns on the northern elevation, in relation to the activities room, bedroom 3 and bedroom 2, screening conditions are not required as this portion of the proposal is adjacent to a local reserve area, which is screened by mature trees.

Setback

The boundary setback variation as outlined in the Compliance Table is considered acceptable as it is generally minor in nature. The upper floor setback variation on the western elevation is considered appropriate as the majority of the setback, and that to the master bedroom, is setback in compliance with the requirements of the Residential Design Codes. Therefore, the setback variation is considered not to unduly affect the amenity of the adjoining properties.

Primary Street - Driveway Width and Street Trees

With regard to the requirements of driveway width and occupation of the frontage of the property, the proposal aims to widen the existing crossover to be able to provide two car parking bays for the existing dwelling. The design of the crossover also aims to separate the two properties to individualise the grouped dwellings. In the instance of subdivision, the access crossover for the existing dwelling is less than the 40 percent, and is therefore considered appropriate. In relation to concerns over street trees, the appropriate condition

addressing this has been placed, and the applicant aims to retain the verge tree and replant in a more appropriate position.

Mature Trees

The proposal seeks to remove three trees located within the development site. In regard to concerns over the loss of mature trees, the trees are not listed on the Town's Significant Tree Inventory or Interim Databases, therefore their removal is supported.

Fill

In regard to concerns over site fill, the proposal does not exceed 0.5 metre, and is compliant with the requirements of the Residential Design Codes. The proposal generally retains the natural ground level of the site with variation to natural ground levels being less than 0.3 metre.

Overshadowing

In relation to the concerns raised in regard to overshadowing, the proposal is well within the requirements of the Residential Design Codes. The actual percentage of overshadowing onto the adjacent southern property is 9.94 per cent. The Residential Design Codes permits a maximum of 50 per cent overshadowing onto the adjoining site, for areas zoned between R40 to RIC. Therefore, it is compliant and not considered to unduly affect the amenity of the adjoining property.

Eton Locality

The Eton Locality Statement states the following:

"Single houses will remain the predominant dwelling types within this Locality. On those larger lots which can accommodate additional housing, infill development will be favoured. Grouped Dwellings developments comprising two or more new dwellings are also appropriate.

The retention and/or restoration of established houses which are indicative of the era in which the Locality was developed and generally contribute to its existing character will be encouraged. An increase in housing density for new infill development will be permitted where certain criteria can be met."

The proposal has retained the existing dwelling, which is indicative of the 1930's building stock and is providing infill development; therefore the proposal fulfills the current Locality Statement.

Scheme Amendment No. 11

It should be noted that the subject property is located within the Town's Eton Locality which is subject to Amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. The Amendment is at present with the Western Australian Planning Commission and Minister for Planning and Infrastructure for final determination. The proposal represents a density code of R40.

Traffic and Noise

With regard to concerns over excess traffic and noise, the addition of a residential dwelling will not unduly increase noise or traffic flows on Auckland Street. Therefore, the dwelling is deemed not to unduly impact on the amenity of the area, in respect to the above concerns.

Over Development and Investor Development

In regard to concerns of over development of the proposal, the development generally complies with the current requirements of the Residential Design Codes and Town's Policies, and meets the site requirements for its current residential zoning.

In relation to concerns of over investor development, the Town is not in a position to determine and/or control the type of residential investment that occurs within the Town.

Summary

The proposal generally meets the current requirements of the Residential Design Codes and the Town's Policies, and will not unduly adversely affect the amenity and streetscape of the area. Accordingly, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters."

10.1.11 No. 264 (Lot 321 D/P: 35284) Charles Street, North Perth - Proposed Partial Demolition and Change of Use from Warehouse to Residential Comprising of Two (2) Single Bedroom Multiple Dwellings and One (1) Multiple Dwelling and Associated Alterations and Additions and Conversion of Existing Single House to Grouped Dwelling

Ward:	North	Date:	3 May 2006
Precinct:	North Perth; P08	File Ref:	PRO3377; 5.2005.3270.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 the Council APPROVES, and in accordance with the provisions of the Metropolitan Region Scheme, the Council RECOMMENDS SUPPORT to the Western Australian Planning Commission, for the application submitted by Claude Ambrogio on behalf of the owner AC Chivers for Proposed Partial Demolition and Change of Use from Warehouse to Residential Comprising of Two (2) Single Bedroom Multiple Dwellings and One (1) Multiple Dwelling and Associated Alterations and Additions and Conversion of Existing Single House to Grouped Dwelling, at No. 264 (Lot 321 D/P: 35284) Charles Street, North Perth, and as shown on plans stamp dated 4 April 2006, 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 new street/front wall, fence and gate between the Charles Street boundary (excluding the road widening area) and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
 - (e) *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;*

- (f) *the solid portion adjacent to the Charles Street boundary from the above truncation(s) can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
- (a) *the windows to Bedroom 1 of Units 1, 2 and 3 on the northern elevation on the upper floor, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished ground/upper floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002;and*
- (b) *the screening of the balconies on the southern elevation being of a permanent obscure material and non-openable to a minimum of 1.6 metres above the respective finished floor level and being extended to cover the 7.5 metres cone of vision in accordance with the Residential Design Codes. A permanent obscure material does not include a self-adhesive material or other material that is easily removed.*

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

- (iv) *prior to the issue of a Building Licence, in relation to the multiple dwellings, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property 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 is to 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 development.

Moved Cr Messina, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Messina

That a new clause (iv)(c) be added to the recommendation as follows:

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

AMENDMENT CARRIED (8-0)

(Cr Doran-Wu on leave of absence.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Doran-Wu on leave of absence.)

COUNCIL DECISION ITEM 10.1.11

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 the Council APPROVES, and in accordance with the provisions of the Metropolitan Region Scheme, the Council RECOMMENDS SUPPORT to the Western Australian Planning Commission, for the application submitted by Claude Ambrogio on behalf of the owner AC Chivers for Proposed Partial Demolition and Change of Use from Warehouse to Residential comprising of Two (2) Single Bedroom Multiple Dwellings and One (1) Multiple Dwelling and Associated Alterations and Additions and Conversion of Existing Single House to Grouped Dwelling, at No. 264 (Lot 321 D/P: 35284) Charles Street, North Perth, and as shown on plans stamp dated 4 April 2006, 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 new street/front wall, fence and gate between the Charles Street boundary (excluding the road widening area) and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*

- (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
 - (e) *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;*
 - (f) *the solid portion adjacent to the Charles Street boundary from the above truncation(s) can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
- (a) *the windows to Bedroom 1 of Units 1, 2 and 3 on the northern elevation on the upper floor, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished ground/upper floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002;and*
 - (b) *the screening of the balconies on the southern elevation being of a permanent obscure material and non-openable to a minimum of 1.6 metres above the respective finished floor level and being extended to cover the 7.5 metres cone of vision in accordance with the Residential Design Codes. A permanent obscure material does not include a self-adhesive material or other material that is easily removed.*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
- (iv) *prior to the issue of a Building Licence, in relation to the multiple dwellings, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that:*

- (a) *a maximum of one (1) bedroom and two (2) occupants are permitted in each single bedroom dwelling at any one time;*
- (b) *the floor plan layout is to be maintained in accordance with the Planning Approval plans; and*
- (c) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

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

Landowner:	AC Chivers
Applicant:	Claude Ambrogio & Associates Architect
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Single House and Warehouse
Use Class:	Grouped Dwelling and Multiple Dwellings
Use Classification:	"P", "P"
Lot Area:	529 square metres
Access to Right of Way	East side, 4.63 metres wide, unsealed, privately owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves proposed partial demolition and change of use from warehouse to residential comprising of two (2) single bedroom multiple dwellings and one (1) multiple dwelling and associated alterations and additions and conversion of existing single house to grouped dwelling at the subject property.

The subject property is on the Town's Non-Conforming Use Register (Ref. NCU 11, Appendix No. 11 in the Town of Vincent Planning and Building Policy Manual) as the property was once used for warehouse purposes; namely, 'The Plaster Shop' and, therefore, can be considered for a density bonus of up to 50 per cent under Clause 20 of the Town's Town Planning Scheme No. 1 (TPS No.1).

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	<p>4 single bedroom multiple dwellings</p> <p>Or</p> <p>3 multi-bedroom multiple dwellings</p> <p>Or</p> <p>2 single houses or grouped dwellings</p> <p>R60</p>	<p>1 grouped dwelling, 2 single bedroom multiple dwellings and 1 multi-bedroom multiple dwelling - 166 square metres</p> <p>R63</p> <p>Density bonus of 7.2 per cent</p>	<p>Supported -</p> <ul style="list-style-type: none"> • as clause 20 of the Town's Town Planning Scheme No. 1 states that "<i>Subject to compliance with the Procedures set out in the Residential Planning Codes for notifying affected owners and occupiers, the Council may grant an increase in permitted dwelling density by up to 50% if - (a) the proposed development effects the discontinuance of a non-conforming use</i>"; • the subject property is on the Town's 'Non Conforming Use Register'; • the proposal involves the change of use from 'Warehouse' which is an 'x' use (not permitted by the scheme) to Residential which is a 'P' use (permitted by the scheme); and • in light of the above the proposal is eligible for a density bonus of up to 50 per cent as the proposal will eliminate a non-conforming use.

Plot Ratio Whole Site	0.65	0.72	Supported - <ul style="list-style-type: none"> as the proposed development will be contained within the existing building envelope and, therefore, there will be no further impact on the existing bulk and scale of the development.
Existing Dwelling	0.65	0.95	Supported - as above
Unit 3	0.70	1.045	Supported - as above.
Unit 1	60 square metres	70.51 square metres	Supported - as above and condition (iv) addresses the limitation of the occupancy of the single bedroom dwelling.
Unit 2	60 square metres	70.6 square metres	Supported - as above.
Minimum Site Area			
Unit 1	110.6 square metres	69.7 metres	Supported - See comments for density.
Unit 2	110.6 square metres	77.51 square metres	Supported - as above.
Unit 3	166 square metres	77.51 square metres	Supported - as above.
Garage Doors	Where garages are located in front or within one metre of the building, a garage door (or garage wall where parallel to the street) facing the primary street is not to occupy more than 50 per cent of the frontage.	83 per cent	Supported - <ul style="list-style-type: none"> As the Charles Street elevation incorporates french doors, large windows and significant landscaping to soften the impact of the garage doors on the streetscape. The garages are setback 7.3 metres from the current Charles Street front boundary and visually permeable. <p>In light of the above, garage doors are not considered to have an undue impact on the streetscape or surrounding amenity.</p>

<p>Open Space Whole site</p>	<p>45 per cent</p>	<p>40 per cent</p>	<p>Supported -</p> <ul style="list-style-type: none"> there is no undue impact on the amenities of the proposed units as all new proposed units are compliant with open space requirements, the proposed grouped dwelling remains with its current existing open space (24 per cent) and, therefore, the existing amenities are not compromised for the existing dwelling.
<p>Outdoor Living Area Existing Residence</p>	<p>Minimum dimension 4 metres by 4 metres (minimum area 16 square metres)</p>	<p>3.3 metres by 3.2 metres (10.65 square metres)</p>	<p>Supported -</p> <ul style="list-style-type: none"> the proposed grouped dwelling remains with its current outdoor living area and, therefore, the existing amenities are not compromised for the existing grouped dwelling.
<p>Driveways</p>	<p>Driveways are not to occupy more than 40 per cent of the frontage of a property.</p>	<p>82 per cent.</p>	<p>Supported -</p> <ul style="list-style-type: none"> as the driveway is existing and it is considered that the french doors, large windows and significant landscaping would soften the impact of the driveway on the streetscape. In light of the above, the driveway is not considered to have an undue impact on the streetscape or surrounding amenity.

	Driveways designed for vehicles to enter the street in forward gear where the public street to which it connects is designated as a Primary Distributor Road	Existing	Supported - the driveway and all structures on site are existing and the change of use to residential is consistent with the zoning (residential) of the land and, therefore, the Town's Officers consider the access arrangement to be acceptable in this instance. It is noted the Town's Technical Services have advised that the road widening reserve along Charles Street may not be used for road manoeuvring purposes.
	No single driveways wider than 6 metres and driveways in aggregate no greater than 9 metres for any one property.	11.1 metres	Supported - as above.
Parking (Multiple Dwellings)	4 car bays	3 car bays	Supported - refer to comments section.
Pedestrian Access South	1.2 metres	0.9 metre	Supported - pedestrian access way is existing and abuts the existing structure.
Privacy Unit 1: West Balcony	7.5 metres	2.2 metres to southern boundary	Supported - no undue impact on affected neighbour as overlooks neighbours roof.
North Bedroom 1	4.5 metres	4 metres to northern boundary	Not supported - addressed in Officer Recommendation.
Unit 2: North Bedroom 1	4.5 metres	4 metres to northern boundary	Not supported - as above.

Unit 3: South Balcony	7.5 metres	2.2 metres to southern boundary	Not supported – and has been conditioned accordingly.
North Bedroom 1	4.5 metres	4 metres to northern boundary	Not supported - addressed in Officer Recommendation.
Essential Facilities Existing Residence, Units 1, 2 and 3	Storeroom to be accessible from outside the dwelling,	Accessed from garage	Supported - due to site constraints of existing structure.
Consultation Submissions			
Support (1)	<ul style="list-style-type: none"> No objection to subject development, except for overlooking. 		Supported - addressed in Officer Recommendation.
Objection (1)	<ul style="list-style-type: none"> Setback from Right of Way Plot Ratio Density Setbacks Open space Noise Car parking 		<p>Not supported -as rear dwelling is existing.</p> <p>Not supported - refer to Assessment Table.</p> <p>Not supported – as it is not a valued planning consideration as the dwellings are for residential use.</p> <p>Not supported - refer to comments.</p>
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil therefore

* 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:

Right of Way (ROW)

The private ROW off View Street was upgraded several years ago by a developer. A subsequent dispute with the adjoining property owner on the east side of the ROW at No. 65 View Street occurred as the developer altered the ROW levels without consulting the adjoining property owners. It is understood the matter was resolved between the two parties with the developer making an ex gratia payment to the property owner in question. The affected property has since been sold to another party. The ROW, as it currently exists is considered acceptable notwithstanding that it was not strictly constructed in accordance with the Town's specification's and therefore may not be acquired by the Town in the future.

Car Parking

The subject property is subject to a density bonus under the TPS No.1, and as part of this bonus, the one car bay shortfall is considered acceptable for the following reasons:

- The Town Officers consider that in the longer term, better integrated transport planning outcomes will provide for less reliance on the private motor vehicle and create a subsequent reduction in greenhouse gas emissions. Therefore, it is anticipated that the demand for car parking, being three (3) car bays, for the subject development to be sufficient in the long term.
- There is potential for additional car bays to be located in front of the garage. These car bays would encroach into the road reserve and may be inconsequential in the long term.
- There is a bus stop located across the road from the subject property.
- The Town's Officers also consider that the outcome reached to convert this non-conforming use into a permitted residential use is innovative and provides a more diverse housing choice in an inner city area.

Furthermore, the Town's Officers note that the number of car parking bays required is 3.575 bays, which has been rounded up to 4 bays. If the floor area of the multi bedroom multiple dwelling was reduced by six square metres, the number of car parking bays required would be 3.485 which would be rounded down to 3 car bays and the application would be compliant with the car parking requirements of the R Codes.

Demolition

The place at No.264 Charles Street, North Perth is not on the Town's Municipal Heritage Inventory or the Interim Heritage Database, therefore, there are no statutory obligations that are to be adhered to, in terms of heritage, for alterations to the place.

The proposed partial demolition involves the removal of some of the warehouse's existing walls to accommodate new indoor and outdoor living spaces for residential usage. The partial demolition is considered acceptable as the buildings original presentation in terms of bulk and form to the street is retained and as it facilitates the adaptive reuse and retention of an established warehouse structure, which contributes to the character of the area.

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

10.1.9 Nos. 457-465 (Lot 1 D/P: 2447 and Lot 110 D/P 1106) Beaufort Street, Highgate - Proposed Change of Use From Warehouse to Shop and Incidental Light Industry, Associated Office and Associated Alterations and Additions and Signage

Ward:	South	Date:	3 May 2006
Precinct:	Mount Lawley Centre; P11	File Ref:	PRO2821; 5.2006.120.1
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by M Burke & I Davies on behalf of the owner T M Ly & T Q Ly & T K Lam for proposed Change Use From Warehouse to Shop and Incidental Light Industry, Associated Office and Associated Alterations and Additions and Signage, at Nos.457-465 (Lot 1 D/P: 2447 and Lot 110 D/P 1106) Beaufort Street, Highgate, and as shown on plans stamp-dated 28 April 2006 , 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) detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iii) 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 Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (iv) windows, doors and adjacent areas fronting Beaufort Street shall maintain an active and interactive relationship with this street;*
- (v) the floor areas shall be limited to;*
 - (a) 200 square metres of gross floor area for the retail shop component; and*
 - (b) 665 square metres of gross floor area for the light industry/office component;*

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;
- (vi) all signage shall be kept in a good state of repair, safe, non-climbable, and free from graffiti for the duration of its display on-site;*
- (vii) the signage shall not have flashing or intermittent lighting;*

- (viii) *prior to the first occupation of the development, one (1) class 1 or 2 bicycle parking and one (1) class 3 bicycle parking facilities shall be provided at a location convenient to the entrance of the approved development. Details of the design and layout of the bicycle parking facility shall be submitted and approved prior to installation of such facility; and*
- (ix) *the applicant/owner shall pay a cash-in-lieu contribution of \$24,310 for the equivalent value of 9.35 car parking spaces, based on the cost of \$2,600 per bay as set out in the Town's 2005/2006 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements.*

COUNCIL DECISION ITEM 10.1.9

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Lake

That a new clause (x) be added to the recommendation as follows:

“(x) prior to the issue of a Building License, revised plans shall be submitted and approved demonstrating an awning compliant with the Town’s Local Law relating to Verandahs and Awnings Over Streets.”

Debate ensued.

AMENDMENT LOST (1-7)

<u>For</u>	<u>Against</u>
Cr Maier	Mayor Catania
	Cr Chester
	Cr Farrell
	Cr Ker
	Cr Lake
	Cr Messina
	Cr Torre

(Cr Doran-Wu on leave of absence.)

Debate ensued.

MOTION CARRIED (7-1)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Lake
Cr Chester	
Cr Farrell	
Cr Ker	
Cr Maier	
Cr Messina	
Cr Torre	

(Cr Doran-Wu on leave of absence.)

Note: The Presiding Member advised that the advice to the Town's staff is that they pursue with the owner, the possibility of reinstating the awning on the building, so that the applicants are not delayed in their quest to enter the building. Strong encouragement is to be given to the owner to reinstate the awning and the outcome reported back to the Council.

Landowner:	T M Ly & T Q Ly & T K Lam
Applicant:	M Burke & I Davies
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Warehouse
Use Class:	Shop
Use Classification:	"P"
Lot Area:	Lot 1- 503 square metres, Lot 110- 377 square metres
Access to Right of Way	West side, 4.0 metres wide, unsealed, portion Town-owned , portion privately-owned

BACKGROUND:

The Council at its Ordinary Meeting held on 21 December 2004 resolved to refuse an application for change of use to educational establishment (application for retrospective approval) at the subject property.

DETAILS:

The proposal involves change use from warehouse to shop and incidental light industry, associated office and associated alterations and additions and signage at the subject lots. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
Support	Nil		Noted.
Objection	Nil		Noted.
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking			
Light Industry/Office**:	3 spaces for the first 200 square metres of gross floor area and thereafter 1 space per 100 square metres of gross floor area or part thereof (665 square metres)		8 car bays

Retail Shop: 1 space per 15 square metres of gross floor area (200 square metres)	13.33 car bays
Total car parking requirement (nearest whole number)	21 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> 0.85 (within 400 metres of a bus stop) 	(0.85) 17.85 car bays
Minus car parking on-site	Nil
Minus the most recently approved on-site parking shortfall	8.5 car bays
Resultant shortfall	9.35 car bays
Bicycle Parking	
Retail Premises - Shop <ul style="list-style-type: none"> 1 space per 300 (proposed 200) square metres gross floor area (class 1 or 2)- 0.67 space 1 space per 200 (proposed 200) square metres (class 3)- 1 space 	Nil facilities indicated on plans, and has been conditioned to comply.

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

** As the office use is limited in nature and integral with the rest of the uses on site, it is considered appropriate that the car parking requirement for this use be on the basis that the office and light industry uses are a single component.

COMMENTS:

In addressing the car parking shortfall, a cash-in-lieu payment is considered appropriate in this instance on the basis there are existing site constraints that limit the site's ability to provide additional parking on-site.

Cash-In-Lieu of Car Parking

The Council at its Ordinary Meeting held on 12 April 2005, resolved the following:

“(ii) *ADOPTS the draft amended version of the Policy relating to Parking and Access to be applied in the interim during the advertising period and up to formal adoption of the draft amended Policy to those planning and building applications received after the date the draft amended Policy is adopted by Council;*”

The draft amended version of the Parking and Access Policy introduces a provision that the cash-in-lieu contribution is to be based on not only the construction costs, but also on a land component being 50 per cent of the land value of the area of a car parking bay on the subject property.

Given the debate and Council resolutions relating to Items 10.1.5 and 10.1.16 at the Ordinary Meeting of Council held on 26 July 2005, in the context of the current and draft amended cash-in-lieu of car parking provisions and the increase in cash-in-lieu construction costs in the 2005/06 Fees and Charges, the following practice is considered to be the most appropriate in such cases:

1. No land value component is to be included in the cash-in-lieu of car parking contribution until the draft amended Parking and Access Policy is finally adopted by the Council.
2. Planning applications received prior to and on 12 July 2005 (date of formal adoption of 2005/06 Budget and Fees and Charges) - the cash-in-lieu contribution is to be based on \$2,500 per car bay.

3. Planning application received after 12 July 2005 - the cash-in-lieu contribution is to be based on \$2,600 per car bay.

The Town's Building Services have advised the access and facilities for person's with disabilities will be required to be provided prior to the commencement of business. The applicants have advised that these requirements will be complied with as part of the Building Licence Application.

Further to the above, the proposal is considered to be compatible with the uses of the surrounding area and to enhance the street and promote street interaction.

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

10.1.6 No. 21 (Lot: 221 D/P: 2001) Pakenham Street, Mount Lawley - Proposed Partial Demolition of and Alterations and Additions and Ancillary Accommodation Additions to Existing Single House

Ward:	South	Date:	3 May 2006
Precinct:	Banks; P15	File Ref:	PRO3412; 5.2006.183.1
Attachments:	001		
Reporting Officer(s):	B McKean, S Shankar		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by A & S King on behalf of the owner B Sheedy for proposed Partial Demolition of and Alterations and Additions and Ancillary Accommodation Additions, at No. 21 (Lot: 221 D/P: 2001) Pakenham Street, Mount Lawley, and as shown on plans stamp-dated 24 April 2006, 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 new street/front wall, fence and gate between the Pakenham Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) 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;*
- (iii) the structure shall not be occupied by any more than two (2) persons; and*

(iv) *prior to the issue of a Building Licence, the owner(s) shall enter into a legal agreement with and 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 ensure the ancillary accommodation structure:*

- (a) *will only be occupied by a member or members of the family of the occupier of the main dwelling;*
- (b) *will not be used or rented out as a separate dwelling to the main building; and*
- (c) *the person or persons for whom the ancillary accommodation structure is to be constructed, is for use by that person or persons and will be used for no other purposes or by other persons.*

All costs associated with this condition shall be borne by the applicant/owners(s); and

(v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the southern and northern sides of the balcony/deck on the ground/upper floor, and the windows to the living and meals rooms on the northern elevation on the ground/upper floor, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished ground/upper floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies.*

COUNCIL DECISION ITEM 10.1.6

Moved Cr Farrell, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (8-0)

(Cr Doran-Wu on leave of absence.)

Landowner:	B A Sheedy
Applicant:	A & S King
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R20
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	626 square metres
Access to Right of Way	West side, 4.02 metres wide, unsealed, privately owned (closed by resumption by the Water Corporation).

BACKGROUND:

14 March 2006

The Council at its Ordinary Meeting resolved to refuse an application for Proposed Partial Demolition of and Alterations and Additions to Existing Single House at the subject property, for the following reason:

- "1. Concerns that it will function as a multiple dwelling which cannot be approved in this Precinct."

DETAILS:

The proposal involves proposed Partial Demolition of and Alterations and Additions and Ancillary Accommodation Additions.

This application plans are similar to those considered by the Council on 14 March 2006. The main difference is that the application involves an ancillary accommodation addition which will be used by one member of the applicant's family.

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
Setbacks: Under-croft Floor-South	1.5 metres	1.44 metres - 3.33 metres	Supported - variation is considered minor, does not have an undue impact on affected neighbour and affected neighbour has stated no objection.
North	1.5 metres	0.5 metre - 1 metre - 2.48 metres	
Ground/Upper Floor-South	1.8 metres	1.44 metres - 3.33 metres	Supported - variation is considered minor, does not have an undue impact on affected neighbour and affected neighbour has stated no objection.
North	4.8 metres	1 metre - 2.48 metres - 3.44 metres	Supported - as above.

Privacy: Ground/Upper Floor- West Balcony/Deck	7.5 metres	4 metres to southern boundary	Supported - <ul style="list-style-type: none"> • no undue impact on affected neighbour as screening is provided by mature trees and bushes; and • neighbour has stated no objection.
	7.5 metres	5 metres to northern boundary	Supported - <ul style="list-style-type: none"> • no undue impact on affected neighbour as screening is provided by mature trees and bushes; and • neighbour has stated no objection.
Ancillary Accommodation - car parking provisions	3 car parking bays- 2 car parking bays for the residential component and 1 car bay for the ancillary accommodation.	No additional car bays provided.	Supported - <ul style="list-style-type: none"> • No space for any car bays as the existing dwelling occupies the front of the lot and the owners do not have a legal right to use the right of way.
Statutory Declaration	The Town of Vincent is provided with a statutory declaration, signed by the owner of the property and by the person or persons for whom the ancillary accommodation structure is to be constructed, stating that the ancillary accommodation structure is to be used by the sole occupant or occupants who are members of the family of the occupiers of the main dwelling, and will be used for no other purposes or by other persons. Such a statutory declaration is subject to annual review.	None provided.	Not supported – and the matter is addressed in the Officer Recommendation to require the owner(s) to prepare a legal agreement which is secured by a caveat on the Certificate(s) of Title to ensure that current and future owner(s) are aware of the ancillary accommodation use and restrictions.

Consultation Submissions		
Support (2)	Neighbours have stated no objection and have signed plans.	Noted
Objection	Nil	Noted.
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

COMMENTS:

The proposed development will not have potential to be used as a 'Multiple Dwelling' as there is a single main entrance for the main dwelling and the ancillary accommodation. Proposed Condition (iv) further controls the intended use of the site specifically for the purposes of ancillary accommodation. Due to the sloping nature of the site, a rear access to the drying area and backyard is required for the main dwelling and ancillary accommodation.

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

10.2.3 Proposed Streetscape, Parking and Infrastructure Improvements - Victoria Street, West Perth

Ward:	South	Date:	2 May, 2006
Precinct:	Hyde Park P12	File Ref:	TES0572
Attachments:	001		
Reporting Officer(s):	R Lotznicker		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the streetscape, parking and infrastructure improvements, Victoria Street, Perth;*
- (ii) *APPROVES IN PRINCIPLE the proposal estimated to cost \$85,000 as outlined on attached Concept Plan No.2426-CP-1A;*
- (iii) *ADVERTISES the proposal for public comment for a period of twenty one (21) days, in accordance with Council Policy No. 4.1.21 "Community Consultation", inviting written submissions;*
- (iv) *NOTES the possible funding sources from the 2006/2007 'draft' budget as outlined in the 'Financial Implications' section of the report; and*
- (v) *RECEIVES a further report on this proposal at the conclusion of the consultation period.*

COUNCIL DECISION ITEM 10.2.3

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Doran-Wu on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to present the Council with a proposal for streetscape and parking improvements in Victoria Street following receipt of a petition from residents.

BACKGROUND:

A petition signed by 35 signatories was received by the Council at its Ordinary meeting held on 26 April 2006. The petitioners have requested that *the Town considers allocating funds in the 2006/2007 budget for parking, traffic safety and streetscape improvements in Victoria Street.*

The petitioners have indicated that *the street infrastructure is run down* and they consider that *an opportunity exists to incorporate the above improvements in an upgrade in the near future.*

DETAILS:

Existing

Victoria Street is classified as an 'access road' in accordance with the Metropolitan Functional Road Hierarchy. It connects Bulwer Street and Cowle Street. Two thirds of the eastern frontage of the street comprises Dorrien Gardens. The remainder of the street (east and west sides) comprises predominantly single residential dwellings. Several properties on the west side of the street have no off-street parking.

The 5.2m wide carriageway is contained within a 10.0m wide road reservation. There is an existing 2.5m wide concrete footpath punctuated by a number of crossovers on the west side of the street. The eastern side of the street comprises a 2.3m wide mainly grass verge adjacent to Dorrien Gardens, with a section of footpath to the north and south of the Dorrien Gardens frontage. No recent traffic counts have been undertaken in this street, however, in 2000 the street recorded a volume of about 250 vehicles per day with an 85% speed on 55kph.

Proposed Improvements

Given the geometry of the street, and keeping in mind the request from the petitioners, i.e. *parking, traffic safety, streetscape and infrastructure improvements*, the following improvements are suggested (refer attached concept plan No 2426-CP-1A).

Parking

Reduce the footpath width on the west side of the street by 0.70m to 1.80m between Bulwer and Cowle Streets. This will allow for 2.10m wide on road parking to be accommodated on the west side of the street in selected locations (where there is most need). This will require the eastern verge to be reduced in width by 0.80m from 2.3m to 1.5m in selected locations. Some embayed parking could also be accommodated on the eastern side of the street.

Traffic Safety

Vehicles currently straddle the Victoria Street footpath when parking on the road. This is unsafe for pedestrians. Also, given its geometry (straight steep road) there is no speed deterrents. The proposal as presented will force vehicles to park on the road carriageway and the staggered on road parking will act as a traffic management device. Two (2) low profile speed hump entry statements and two (2) strategically spaced low profile humps are also proposed.

Note: Given that Victoria Street provides a crossing point for the Greenway / Wetlands Heritage Trail, reducing the speed of vehicles in the street is highly desirable.

Streetscape Improvements

It is proposed that trees be planted at even spacings on the western side of the street (*not under powerlines and away from the existing Dorrien Gardens hedge*) in the widened carriageway. The trees will be planted in a 2.0m x 2.0m square with flush kerbing and bollards in between the proposed on-road parking bays.

The proposed trees species is the Flooded Gum (*Eucalyptus rudis*). This species is indigenous to Western Australia and will establish quickly in the moist soils of this low lying area.

Whilst the Flooded Gum is not highly regarded for its ornamental qualities, it provides excellent shade and shelter and is suitable for roadside planting where space is available.

Infrastructure Improvements

The Victoria Road infrastructure is deteriorated and in need of asphalt overlay and rekerbing. The footpath, while generally in reasonable condition, is deteriorated in parts. Officers had intended to list this road for rehabilitation in 2006/2007 (prior to receiving the petition).

Should the overall proposal be supported and funded, sections of the existing footpath (in good condition) would be retained and 'saw' cut to reduce its width to accommodate the new kerbing and the on road parking. This would occur on the west side south of the Right of Way (ROW - Greenway link). The west side north of the ROW would require the removal and replacement of the footpath to accommodate the proposed widening due to the large number of narrow crossovers in this section. Some minor widening would also occur on the east side. Once the kerbing, footpath, tree wells and minor drainage adjustments have been completed, the road would be resurfaced and line marked.

Proposed Greenway Link

As Council would be aware (*Forum 21 March 2006*) funds have been allocated in the 2005/2006 budget for Greenway implementation. It is proposed that \$31,000 of the \$80,000 allocated be expended to implement the 'Victoria Street Link' (*highlighted on attached plan No 2426-CP-1A*).

CONSULTATION/ADVERTISING:

The proposal will be advertised for public comment for a period of twenty one (21) days, in accordance with Council Policy No. 4.1.21 "Community Consultation", inviting written submissions.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.

FINANCIAL/BUDGET IMPLICATIONS:

The estimated cost of the proposal outlined above is \$85,000. A breakdown of the cost components of the proposal is as follows:

- Traffic Safety and Streetscape Improvements - Estimated cost \$35,000
- Infrastructure Improvements - Estimated cost \$50,000 (\$18,000 footpath and Road \$32,000)

It is considered that the funding could be allocated as follows:

- \$35,000 - 2006/2007 Streetscape Improvement Budget
- \$18,000 - Annual footpath upgrade Program
- \$32,000 - Annual road rehabilitation program

COMMENTS:

Victoria Street is in need of improvement as the road infrastructure is run down. An opportunity exists as part of the 'required' upgrade to improve the street's appearance and environment (tree planing) and parking and safety amenity. It is therefore requested that the officer recommendations be supported and that a further report be considered at the conclusion of the formal consultation period.

10.1.1 Further Report - No. 742 (Lot 30) Newcastle Street, Leederville - Proposed Additions and Alterations to Existing Hotel, Bottle Shop and Alterations to Car Parking Area and Crossovers

Ward:	South	Date:	1 May 2006
Precinct:	Oxford Centre; P 4	File Ref:	PRO0630; 5.2005.3318.1
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Taylor Robinson Architects Pty Ltd on behalf of the owners Argyle Holdings Pty Ltd, Tegra Pty Ltd & others for proposed Additions and Alterations to Existing Hotel and Bottle Shop and Alterations to Car Parking Area and Crossovers, at No. 742 (Lot 30) Newcastle Street, Leederville, and as shown on plans stamp-dated 5 December 2005, 9 December 2005 17 January 2006, 15 March 2006 and 21 March 2006, subject to the following conditions:

- (i) *a detailed management plan that addresses the control of noise, traffic, car parking, litter and antisocial behaviour (to reasonable levels) associated with the existing, proposed development and associated usage of the balconies shall be submitted and approved prior to the first occupation of the development, and thereafter implemented and maintained;*
- (ii) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the western balcony Area 6 on the upper floor being screened on the western side with a solid wall to a height of 1.8 metres from the finished balcony floor level; and*
 - (b) *significant design features being incorporated into the eastern and western elevations of the bottle shop to reduce the visual impact of these walls.*

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

- (iii) *the development and any openings to the balconies shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant and report are to be at the applicant's/owner(s)' costs;*

- (iv) *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;*
- (v) *prior to the issue of a Building Licence, the owner(s) shall enter into a Deed of Agreement with the Western Australian Planning Commission (WAPC) not to seek from either the Town of Vincent or the WAPC compensation for any loss, damage or expense incurred for removal of the approved works when the Other Regional Road Reservation along Vincent Street is required. This Agreement is to be registered as a Caveat on the Certificate of Title. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (vi) *the current maximum accommodation numbers will be reassessed as a result of the proposed redevelopment, and application must be made to Construct, Extend or Alter a Public Building (Form 1) and for a Certificate of Approval to be issued (Form 2) in accordance with the Health (Public Buildings) Regulations 1992 (as amended). All areas of the existing Public Building that are being altered, and all newly extended or constructed areas are to be assessed onsite at the completion of the redevelopment for Maximum Accommodation Numbers so that the Certificate of Approval may be issued prior to first occupation of the development;*
- (vii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (viii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction and traffic access via Newcastle Street and Vincent Street, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (ix) *doors and windows and adjacent floor areas fronting Newcastle Street and Vincent Street shall maintain an active and interactive relationship with these streets;*
- (x) *a quality archival documented record of the place including photographs, floor plans and elevations), for the Town's Historical Archive Collection shall be submitted to the satisfaction of the Town and approved prior to the issue of a Demolition Licence and or Building Licence;*
- (xi) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (xii) *The hours of operation for the balcony Area 5 shall be limited to as follows:*

*Monday-Saturday: 11am to midnight; and
Sunday: 11am to 10pm; inclusive.*

The hours of operation for balcony Areas 6 and 7 are to coincide with the internal space operating hours as per attachment dated 21 March 2006 for the proposed ground floor and upper floor trading hours which currently are subject to an ongoing Extended Trading Permit, as follows:

*Friday – Saturday: midnight to 1am; and
Sunday: 10pm to 11pm; inclusive.*

However, should justifiable complaints be received, the hours of operation may be further restricted to an appropriate time;

- (xiii) 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;*
- (xiv) a detailed landscaping and floodlighting plan for the car parking area, including a schedule of shade trees with a minimum of 1 semi-mature tree per 4 car bays and appropriate floodlighting in accordance with the Australian Standards and the Town's Local Law relating to Floodlighting, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xv) prior to the first occupation of the development, eight (8) class- one or two, and eight (8) class three bicycle parking facilities, shall be provided at a location convenient to the entrance of the development. The owners shall provide additional class one or two and class three bicycle facilities if there is a demand for them. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (xvi) prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$15,000) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$15,000, subject to the Town agreeing to this arrangement . The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xvii) 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;*
- (xviii) visibly identifiable security/crowd controllers shall conduct external surveillance to manage patron behaviour as they arrive and leave the hotel on busy and weekend nights to the satisfaction of the Director Liquor Licensing and the Town;*
- (xix) prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*

- (xx) *the awnings shall be a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 600 millimetres from the kerb line of Vincent and Newcastle Streets;*
- (xxi) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site; and*
- (xxii) *the maximum floor space shall be limited as follows:*
- (a) *hotel - 1,671 square metres of public floor area; and*
 - (b) *bottle shop - 250 square metres of gross floor area.*
-

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

Moved Cr Chester, Seconded Cr Messina

That;

- (i) *clause (i) of the recommendation is amended as follows:*
- “(i) *a detailed management plan that addresses the control of noise, traffic, maximising safety and access for pedestrians and the potential conflict between pedestrians and vehicular traffic, where the right-of-ways meet both Oxford and Vincent Streets, car parking, litter and antisocial behaviour (to reasonable levels) associated with the existing, proposed development and associated usage of the balconies shall be submitted and approved prior to the first occupation of the development, and thereafter implemented and maintained;”*
- (ii) *a new clause (xxiii) be added to the recommendation as follows:*
- “(xxiii) *in accordance with the Health (Public Buildings) Regulations 1992, patron numbers should not exceed 1800 persons, based on a preliminary desktop assessment. Consideration of numbers in excess of 1800 persons in accordance with the Health (Public Buildings) Regulations 1992, will require a further report to the Council for further consideration;”*

AMENDMENT CARRIED (8-0)

(Cr Doran-Wu on leave of absence.)

Moved Cr Maier, Seconded Cr Messina

That a new clause (ii)(c) be added to the recommendation as follows:

- “(c) *The building facade for the “The Verandah Area 5” on the ground being retained in its current form.”*

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Doran-Wu on leave of absence.)

Moved Cr Messina, **Seconded** Cr Lake

That clause (ii)(a) of the recommendation be amended as follows:

- “(ii) (a) *the western balcony Area 6 on the upper floor being screened on the western side with a ~~solid wall~~ screen to the full height ~~to a height of 1.8 metres from the finished balcony floor level;~~ and”*

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Doran-Wu on leave of absence.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Doran-Wu on leave of absence.)

COUNCIL DECISION ITEM 10.1.1

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Taylor Robinson Architects Pty Ltd on behalf of the owners Argyle Holdings Pty Ltd, Tegra Pty Ltd & others for proposed Additions and Alterations to Existing Hotel and Bottle Shop and Alterations to Car Parking Area and Crossovers, at No. 742 (Lot 30) Newcastle Street, Leederville, and as shown on plans stamp-dated 5 December 2005, 9 December 2005 17 January 2006, 15 March 2006 and 21 March 2006, subject to the following conditions:

- (i) *a detailed management plan that addresses the control of noise, traffic, maximising safety and access for pedestrians and the potential conflict between pedestrians and vehicular traffic, where the right-of-ways meet both Oxford and Vincent Streets, car parking, litter and antisocial behaviour (to reasonable levels) associated with the existing, proposed development and associated usage of the balconies shall be submitted and approved prior to the first occupation of the development, and thereafter implemented and maintained;*
- (ii) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the western balcony Area 6 on the upper floor being screened on the western side with a screen to the full height from the finished balcony floor level; and;*
 - (b) *significant design features being incorporated into the eastern and western elevations of the bottle shop to reduce the visual impact of these walls; and*
 - (c) *The building facade for the “The Verandah Area 5” on the ground being retained in its current form.*

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

- (iii) *the development and any openings to the balconies shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant and report are to be at the applicant's/owner(s)' costs;*
- (iv) *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;*
- (v) *prior to the issue of a Building Licence, the owner(s) shall enter into a Deed of Agreement with the Western Australian Planning Commission (WAPC) not to seek from either the Town of Vincent or the WAPC compensation for any loss, damage or expense incurred for removal of the approved works when the Other Regional Road Reservation along Vincent Street is required. This Agreement is to be registered as a Caveat on the Certificate of Title. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (vi) *the current maximum accommodation numbers will be reassessed as a result of the proposed redevelopment, and application must be made to Construct, Extend or Alter a Public Building (Form 1) and for a Certificate of Approval to be issued (Form 2) in accordance with the Health (Public Buildings) Regulations 1992 (as amended). All areas of the existing Public Building that are being altered, and all newly extended or constructed areas are to be assessed onsite at the completion of the redevelopment for Maximum Accommodation Numbers so that the Certificate of Approval may be issued prior to first occupation of the development;*
- (vii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (viii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction and traffic access via Newcastle Street and Vincent Street, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (ix) *doors and windows and adjacent floor areas fronting Newcastle Street and Vincent Street shall maintain an active and interactive relationship with these streets;*
- (x) *a quality archival documented record of the place including photographs, floor plans and elevations), for the Town's Historical Archive Collection shall be submitted to the satisfaction of the Town and approved prior to the issue of a Demolition Licence and or Building Licence;*
- (xi) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*

- (xii) *The hours of operation for the balcony Area 5 shall be limited to as follows:*
- Monday-Saturday: 11am to midnight; and
Sunday: 11am to 10pm; inclusive.*
- The hours of operation for balcony Areas 6 and 7 are to coincide with the internal space operating hours as per attachment dated 21 March 2006 for the proposed ground floor and upper floor trading hours which currently are subject to an ongoing Extended Trading Permit, as follows:*
- Friday – Saturday: midnight to 1am; and
Sunday: 10pm to 11pm; inclusive.*
- However, should justifiable complaints be received, the hours of operation may be further restricted to an appropriate time;*
- (xiii) *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;*
- (xiv) *a detailed landscaping and floodlighting plan for the car parking area, including a schedule of shade trees with a minimum of 1 semi-mature tree per 4 car bays and appropriate floodlighting in accordance with the Australian Standards and the Town's Local Law relating to Floodlighting, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xv) *prior to the first occupation of the development, eight (8) class- one or two, and eight (8) class three bicycle parking facilities, shall be provided at a location convenient to the entrance of the development. The owners shall provide additional class one or two and class three bicycle facilities if there is a demand for them. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (xvi) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$15,000) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$15,000, subject to the Town agreeing to this arrangement . The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xvii) *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;*
- (xviii) *visibly identifiable security/crowd controllers shall conduct external surveillance to manage patron behaviour as they arrive and leave the hotel on busy and weekend nights to the satisfaction of the Director Liquor Licensing and the Town;*

- (xix) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (xx) *the awnings shall be a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 600 millimetres from the kerb line of Vincent and Newcastle Streets;*
- (xxi) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (xxii) *the maximum floor space shall be limited as follows:*
- (a) *hotel - 1,671 square metres of public floor area; and*
- (b) *bottle shop - 250 square metres of gross floor area; and*
- (xxiii) *in accordance with the Health (Public Buildings) Regulations 1992, patron numbers should not exceed 1800 persons, based on a preliminary desktop assessment. Consideration of numbers in excess of 1800 persons in accordance with the Health (Public Buildings) Regulations 1992, will require a further report to the Council for further consideration.*

FURTHER REPORT:

The subject application was considered at the Ordinary Meeting of Council held on 28 March 2006, where the Council resolved as follows:

"That this Item be DEFERRED to allow an Elected Members' Forum to be held."

The above proposal was presented to an Elected Members Forum held on 18 April 2006, where a presentation was undertaken by the architects and the owners of the subject site. The main matters discussed were as follows:

- the access way proposed through the building from Newcastle Street to the rear right-of way, which might take pedestrian traffic away from Oxford Street;
- the glass water feature and its interaction with the street and future rear car park use;
- disability access throughout the site;
- whether live music will be continued on stage downstairs;
- awning and smoking areas;
- concerns if the proposal will result in increase in patrons numbers being applied at a future date, over existing approved numbers.

The applicants response to the above matters are as follows:

- the access is not meant to be a thoroughfare, but to provide access to the rear car park. This will reduce the number of complaints received from Carr Place residents about patrons using Carr Place for car parking, by encouraging patrons to use Vincent Street, rather than Newcastle Street and other associated anti-social behaviour;
- the water feature is unique and would provide some form of imagery to the site;
- any future use of the car park will depend on market forces;
- a complete disability audit will be undertaken, prior to commencement of business;

- both stages downstairs are to be removed, and the same type of entertainment currently provided is unlikely to be continued. The stage upstairs will be retained;
- smoking areas to be provided as required by State Legislation;
- new awning to be provided along Vincent Street frontage for the bottle shop and the existing awning along Newcastle Street is to be replaced; and
- current patron numbers are to remain unaltered.

Currently, the patron numbers permitted in the Beer Garden are 1600 persons, which were approved by the Executive Director of Public Health at a higher ratio of persons per square metre than the Health (Public Buildings) Regulations 1992 permits. Upon completion of the redevelopment, the whole premises will need to be reassessed by the Town's Health Services in accordance with the Health (Public Buildings) Regulations 1992. It is anticipated that the permitted numbers will decrease to a total of around 1800 persons (currently 2115 persons), but will depend on in-situ floor area measurements, toilet numbers, and total exit width available.

The Officer Recommendation remains unchanged, that is, to support the proposal subject to standard and appropriate conditions.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 28 March 2006.

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Taylor Robinson Architects Pty Ltd on behalf of the owners Argyle Holdings Pty Ltd, Tegra Pty Ltd & others for proposed Additions and Alterations to Existing Hotel and Bottle Shop and Alterations to Car Parking Area and Crossovers, at No. 742(Lot 30) Newcastle Street, Leederville, and as shown on plans stamp-dated 5 December 2005, 9 December 2005 17 January 2006, 15 March 2006 and 21 March 2006, subject to the following conditions:

- (i) a detailed management plan that addresses the control of noise, traffic, car parking, litter and antisocial behaviour (to reasonable levels) associated with the existing, proposed development and associated usage of the balconies shall be submitted and approved prior to the first occupation of the development, and thereafter implemented and maintained;*
- (ii) prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) the western balcony Area 6 on the upper floor being screened on the western side with a solid wall to a height of 1.8 metres from the finished balcony floor level; and*
 - (b) significant design features being incorporated into the eastern and western elevations of the bottle shop to reduce the visual impact of these walls.*

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

- (iii) the development and any openings to the balconies shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise*

surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant and report are to be at the applicant's/owner(s)' costs;

- (iv) 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;*
- (v) prior to the issue of a Building Licence, the owner(s) shall enter into a Deed of Agreement with the Western Australian Planning Commission (WAPC) not to seek from either the Town of Vincent or the WAPC compensation for any loss, damage or expense incurred for removal of the approved works when the Other Regional Road Reservation along Vincent Street is required. This Agreement is to be registered as a Caveat on the Certificate of Title. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (vi) the current maximum accommodation numbers will be reassessed as a result of the proposed redevelopment, and application must be made to Construct, Extend or Alter a Public Building (Form 1) and for a Certificate of Approval to be issued (Form 2) in accordance with the Health (Public Buildings) Regulations 1992 (as amended). All areas of the existing Public Building that are being altered, and all newly extended or constructed areas are to be assessed onsite at the completion of the redevelopment for Maximum Accommodation Numbers so that the Certificate of Approval may be issued prior to first occupation of the development;*
- (vii) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (viii) prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction and traffic access via Newcastle Street and Vincent Street, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (ix) doors and windows and adjacent floor areas fronting Newcastle Street and Vincent Street shall maintain an active and interactive relationship with these streets;*
- (x) a quality archival documented record of the place including photographs, floor plans and elevations), for the Town's Historical Archive Collection shall be submitted to the satisfaction of the Town and approved prior to the issue of a Demolition Licence and or Building Licence;*
- (xi) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (xii) The hours of operation for the balcony Area 5 shall be limited to as follows:

Monday-Saturday: 11am to midnight; and
Sunday: 11am to 10pm; inclusive.*

The hours of operation for balcony Areas 6 and 7 are to coincide with the internal space operating hours as per attachment dated 21/3/06 for the proposed ground floor and upper floor trading hours which currently are subject to an ongoing Extended Trading Permit as follows:

*Friday – Saturday: midnight to 1am; and
Sunday: 10pm to 11pm; inclusive.*

However, should justifiable complaints be received, the hours of operation may be further restricted to an appropriate time;

- (xiii) 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;*
- (xiv) a detailed landscaping and floodlighting plan for the car parking area, including a schedule of shade trees with a minimum of 1 semi-mature tree per 4 car bays and appropriate floodlighting in accordance with the Australian Standards and the Town's Local Law relating to Floodlighting, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xv) prior to the first occupation of the development, eight (8) class- one or two, and eight (8) class three bicycle parking facilities, shall be provided at a location convenient to the entrance of the development. The owners shall provide additional class one or two and class three bicycle facilities if there is a demand for them. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (xvi) prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$15,000) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$15,000, subject to the Town agreeing to this arrangement . The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xvii) 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;*
- (xviii) visibly identifiable security/crowd controllers shall conduct external surveillance to manage patron behaviour as they arrive and leave the hotel on busy and weekend nights to the satisfaction of the Director Liquor Licensing and the Town;*
- (xix) prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*

- (xx) *the awnings shall be a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 600 millimetres from the kerb line of Vincent and Newcastle Streets;*
- (xxi) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site; and*
- (xxii) *the maximum floor space shall be limited as follows:*
- (a) *hotel - 1,671 square metres of public floor area; and*
- (b) *bottle shop - 250 square metres of gross floor area.*

COUNCIL DECISION ITEM 10.1.20

Moved Cr Chester, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Ker

That this Item be DEFERRED to allow an Elected Members' Forum to be held.

CARRIED (7-0)

(Cr Doran-Wu was an apology. Mayor Catania was absent from the Chamber and did not vote.)

<i>Landowner:</i>	<i>Argyle Holdings Pty Ltd, Tegra Pty Ltd & others</i>
<i>Applicant:</i>	<i>Taylor Robinson Architects Pty Ltd</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban and Other Regional Road Town Planning Scheme No.1 (TPS 1): District Centre and Other Regional Road.</i>
<i>Existing Land Use:</i>	<i>Hotel</i>
<i>Use Class:</i>	<i>Hotel</i>
<i>Use Classification:</i>	<i>"SA"</i>
<i>Lot Area:</i>	<i>5367 square metres</i>
<i>Access to Right of Way</i>	<i>South of car park side, 3 metres wide, sealed, Town owned</i>

BACKGROUND:

23 August 1999 The Council at its Ordinary Meeting conditionally approved the additions of eating house and tavern to existing hotel and alterations and additions to existing bottle shop (Leederville Hotel).

12 December 2001 The Council at its Ordinary Meeting conditionally approved alterations and additions to the existing hotel, tavern, eating house and bottle shop.

28 May 2002 The Council at its Ordinary Meeting refused an application for alfresco dining on the footpath within the Newcastle Street road reserve.

- 25 June 2002 *The Council at its Ordinary Meeting conditionally approved alterations and additions to the existing hotel and associated car parking.*
- 7 October 2003 *The Council at its Ordinary Meeting resolved to receive the Leederville Hotel written submission for Extended Trading Permit, not support on-going extended trading hours, and that the Director of Liquor Licensing be advised that due consideration be given to the objection received by the Town.*
- 22 June 2004 *The Council at its Ordinary Meeting resolved to amend the "Land Use Parking Requirement Table" which involved increasing the car parking requirements for hotel from 1 car bay per 4.5 square metres of gross public assembly floor area to 1 space per 3.8 square metres of public floor area or 1 space per 4.5 persons of maximum number of persons approved for the site, whichever is greater.*
- 10 August 2004 *The Council at its Ordinary Meeting conditionally approved the proposed demolition of existing canopy, alterations and additions to existing hotel.*
- 14 December 2005 *The proposal was referred to the Department for Planning and Infrastructure (DPI) for comments.*

DETAILS:

The applicant seeks approval for additions and alterations to existing hotel and bottle shop and alterations to car parking area and crossovers, involving the removal of the stage area, internal refurbishments, redesign of the rear car park, new upper floor deck area (balconies), and facade east of the transformer onsite along the Newcastle Street.

The applicant has submitted the following information (attached) in support of the proposal, which is summarised as follows:

- *The "new infill" along Newcastle Street is not considered as a building, but rather as an enclosure. The owners will be looking at developing the eastern area with a more intensified development in the medium to longer term.*
- *The existing box awning is deemed non-original and is proposed to be replaced with a light weight equivalent. As the eastern section is considered not a built form, the requirement of an awning is structurally and aesthetically impractical.*
- *The current proposal will provide a greater variety of food, similar to the Brisbane Hotel, to attract a more "mature" patron base and increased outside areas (alfresco) to relate to both Newcastle and Vincent Streets.*

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

ASSESSMENT:

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

<i>No of Storey (Building)</i>	<i>2 storeys</i>	<i>Existing two-storey building being retained and additional ground floor area.</i>	<i>Supported-as the additional internal area associated with the hotel is not considered as a building, but rather as an enclosure along Newcastle Street. The applicant has indicated that in the medium to longer term a more intensified would be considered for the eastern side of the hotel.</i>
<i>Awning</i>	<i>For new extensions</i>	<i>Not provided</i>	<i>Supported-the structure is an open area and considered as enclosure, and as such would not cause undue impact on the streetscape.</i>
<i>Drive-Through Bottle Shop</i>	<ul style="list-style-type: none"> • <i>Additions within lot boundaries</i> • <i>40 per cent clear glazing along Vincent Street frontage</i> 	<ul style="list-style-type: none"> • <i>Partly within the area reserved for future road widening along Vincent Street.</i> • <i>Less than 40 per cent clear glazing</i> 	<ul style="list-style-type: none"> • <i>Supported- See "Comments" section</i> • <i>Supported-as the applicant is proposing glass along the Vincent Street frontage, and has stated that various types of quality graphic images (example attached) will be installed behind the reflective glass due to the nature of the business and the associated security concerns.</i>
<i>Consultation Submissions</i>			
<i>Support (5)</i>	<ul style="list-style-type: none"> ▪ <i>No additional comments we stated in the submission forms received</i> 		<i>Noted</i>
<i>Objection (1)</i>	<ul style="list-style-type: none"> ▪ <i>Objection to the balcony to the western side of the hotel, as the "fact" being user of this balcony (area 6) are likely to throw cans, bottles and rubbish onto the roof of No.128 Oxford Street. This type of problem has been previously experienced, as such the adjoining land owners do not want this problem to increase further.</i> 		<i>Supported-as such a condition has been recommended that a 1.8 metre wall is built along the western boundary to balcony (area 6).</i>
<i>Other Implications</i>			
<i>Legal/Policy</i>			<i>TPS 1 and associated Policies.</i>

<i>Strategic Implications</i>	<i>Nil</i>
<i>Financial/Budget Implications</i>	<i>Nil</i>

Car Parking

<i>Requirements</i>	<i>Required No. of Car bays</i>
<i>Retail: 1 car bays per 15 square metres of gross floor area (proposed 250 square metres). Hotel: 1 space per 3.8 (1671) square metres of public floor area.</i>	<i>16.67 car bays 439.74 car bays</i>
<i>Note: 1 car bay per 4.5 patrons (2115 patrons) is not being used as the patron numbers are likely to be reduced, as a result of the redevelopment of the site.</i>	
<i>Total car parking required before adjustment factor (nearest whole number)</i>	<i>456 car bays</i>
<i>Apply the parking adjustment factors.</i> <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop). ▪ 0.80 (within metres to a Rail station). ▪ 0.85 (within 400 metres of a car park with car bays). ▪ 0.90 (District Centre). ▪ 0.95 (bicycle facilities). 	<i>(0.49419) 225.35 car bays</i>
<i>Minus 101 car bays provided on site and 366 car bays shortfall as stated in the "Comments" section.</i>	<i>467 car bays</i>
<i>Resultant surplus</i>	<i>241.65 car bays</i>

Bicycle Parking

<i>Requirements</i>	<i>Required</i>	<i>Provided</i>
<i>Retail (Bottle Shop) 1 space per 300 (proposed 250) square metres gross floor area (class 1 or 2). 1 space per 200 (proposed 150) square metres gross floor area open to public (class 3).</i>	<i>0.83 space. 0.75 space.</i>	<i>Location indicated on site plan (numbers not provided).</i>
<i>Hotel 1 space per 25 (proposed 120) square metres of bar floor area and 1 per 100 (proposed 650) square metres of lounge and beer garden (class 1 or 2). 1 space per 25 (proposed 120) square metres of bar floor area and 1 per 100 (proposed 650) square metres of lounge and beer garden (class 3).</i>	<i>14.58 spaces. 14.58 spaces.</i>	<i>As above. As above.</i>

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

The Town's Parking and Access Policy requires the provision of bicycle parking facilities for relevant commercial uses. The proposed development requires the provision of 15 class 1 or 2 and 15 class 3 bicycle parking bays rounded to the nearest whole number. For this particular proposal, the bicycle parking facilities required for class one or two and class three are considered excessive and it is recommended that these be reduced to 8 class 1 or 2 and 8 class three bicycle facilities. On the above basis, end of trip facilities are also considered not required in this instance. Should a demand arise for additional bicycle facilities, these should then be installed by the hotel owners. As such, an appropriate condition should be applied accordingly.

COMMENTS:

Heritage

Leederville Hotel was entered into the Town's Municipal Heritage Inventory in 1995. The interior is considered to have low to moderate authenticity due to incremental changes. The external facade is considered to have a greater level of authenticity. Fenestration and details, though obscured by unsympathetic paint layers, has remained largely intact. The orientation and original appeal of the hotel, being a prominent open corner presence, has also been diminished with the infill of adjacent buildings and services.

The proposed works include some internal demolition works. These are not considered to affect the significant fabric. The proposed demolition of the associated drive-through bottle shop is also considered acceptable.

The proposal for alterations to the facade fenestration to facilitate a new opening is considered to be a substantial improvement on previous proposals for bi-folding doors extending the length of the facade. The proposal for the new opening takes advantage of an already existing window which has been previously adapted to a door opening. The arched hood moulding characteristic of the windows and doors of Leederville Hotel are shown as being retained above the proposed new opening as indicators of the original form. No further alterations to the fenestration and associated fabric should be undertaken without prior approval of the Town, including the sash and casement frames of the remaining windows.

The proposed works are therefore considered acceptable subject to standard conditions including quality archival photographs and drawings.

Department for Planning and Infrastructure (DPI)

The DPI has advised in letter dated 13 January 2006 that the relocation of the crossovers are supported, and that revised plans should be considered for the proposed bottle shop to be located in accordance with the setbacks indicated on the DPI plan Ref:No.1.3355/2, or alternatively the landowners entering into a deed of agreement with the Western Australian Planning Commission (WAPC), for the structure within the Other Regional Road Reservation to be removed when required at the landowners cost and not to seek compensation from the WAPC or the Town for any loss, damage or expense to the structure.

The applicants have submitted revised plans with the bottle shop to be partly contained within the subject lot and the road reserve affecting the subject site, which is supported, subject to the above mentioned legal agreement.

Parking

The most recent Planning Approval was granted at the Ordinary Meeting of Council held on 25 June 2002 for proposed additions and alterations and associated car parking to existing hotel. Car parking at that time was assessed as follows:

<i>Requirements</i>	<i>Required</i>	<i>Proposed</i>
<i>Car parking</i>	<i>395 car bays*</i>	<i>85 car bays</i>

**In accordance with the former Minister for Planning determination dated 22 September 1996, the existing historic car parking shortfall is 366 bays and has been taken into account in determining the car parking requirements for the proposed development.*

Following is a verbatim copy of the Officer comments from the report to the Ordinary Meeting of Council on 25 June 2002 (Item 10.1.10):

"Parking

In 1996, the (former) Minister for Planning considered an appeal against the Council's refusal of proposed alterations and additions to the existing hotel. In a letter dated 22 September 1996 the Minister determined that the hotel has a historic car parking shortfall of 366 bays, and consequently upheld the appeal and approved that proposal."

The current proposal requires the total provision of 456 car bays to be provided, based on the current Parking and Access Policy 3.7.1. The total number of car bays and provided on-site is 101 car bays resulting in a car parking shortfall of 355 car bays (without the application of the adjustment factors), which is less than the previously established historic parking shortfall of 366 bays.

It is also advised that the Town has received a recent complaint regarding the general condition of the car park, including numerous potholes, inadequate drainage, and litter, bottles and other objects being discarded in the car park, allegedly with no attempt being under taken by the Leederville Hotel management to address the above issues.

Health and Building

The Town's Health Services and Building Surveyors have advised that the proposal generally complies with the relevant health and Building Code of Australia (BCA) standards. The current number of patrons permitted is as follows:

- 240 persons on the ground floor internal bar;*
 - 275 persons upstairs bar/function room; and*
 - 1600 persons in the beer garden (approved by the Executive Director Public Health, on 28 February 2001 as a result of an appeal lodged by the Leederville Hotel).*
- TOTAL: 2115 Persons*

The current maximum accommodation numbers will be reassessed as a result of the proposed redevelopment, and application must be made to Construct, Extend or Alter a Public Building (Form 1) and for a Certificate of Approval to be issued (Form 2) in accordance with the Health (Public Buildings) Regulations 1992 (as amended). All areas of the existing public building that are being altered, and all newly extended or constructed areas are to be assessed onsite at the completion of the redevelopment for Maximum Accommodation Numbers so that the Certificate of Approval may be issued prior to first occupation.

Facilities for people with disabilities and access to all public areas to be in accordance with the BCA requirements, which can be addressed at the Building Licence stage.

Balcony

It is recommended that the balcony to the western side is supported for the reasons stated in the Assessment Table.

The hours of operation for the balcony Area 5 should be limited to as follows:

*Monday-Saturday: 11am to midnight; and
Sunday: 11am to 10pm.*

The hours of operation for balcony Areas 6 and 7 are to coincide with the internal space operating hours as per attachment dated 21 March 2006 for the proposed ground floor and upper floor trading hours which currently are subject to an ongoing Extended Trading Permit as follows:

*Friday – Saturday: midnight to 1am; and
Sunday: 10pm to 11pm.*

It is recommended that balcony Areas 6 and 7 are permitted to trade in conjunction with the internal premises hours due to the amended Health (Smoking in Enclosed Public Places) Regulations 1999 which will completely ban all smoking internally as of 1 July 2006. If Areas 6 and 7 are required to close earlier than the adjoining internal space, patrons will have to leave the premises to smoke (that is on the Council footpath), which may result in potential anti-social issues and an obstruction of the footpath.

The ongoing extended trading hours are approved until 11 March 2006. The owners have lodged a renewal of the extended trading hours with Liquor Licensing and the Town for consideration.

However, should justifiable complaints be received, the hours of operation may be further considered and limited appropriately.

Technical Services

The Town's Technical Services have advised that the car park and the part siting of the bottle shop is acceptable. The applicant/owners will also have to liaise with the relevant authorities in relation to the relocation of the existing bus shelter along the Vincent Street frontage, which will hinder the proposed relocated crossover onto Vincent Street.

Summary

The proposal is considered to further positively upgrade the Oxford Street Precinct and is supported, subject to standard and appropriate conditions."

10.1.4 No. 94 (Lot 34- D/P: 48647) Flinders Street, Mount Hawthorn- Proposed Two Storey Single House

Ward:	North	Date:	2 May 2006
Precinct:	Mount Hawthorn; P01	File Ref:	PRO3447; 5.2006.170.1
Attachments:	001		
Reporting Officer(s):	J Barton		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Westcourt Ltd on behalf of the owner Bridgetime Investments Pty Ltd for proposed Two Storey Single House, at No. 94 (Lot: 34 D/P: 48647) Flinders Street, Mount Hawthorn and as shown on the amended plans stamp-dated 17 March 2006, subject to the following conditions:

- (i) *first obtaining the consent of the owners of No. 96 (Lot 39) Flinders Street and No. 92 (Lot 33) Flinders 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. 96 (Lot 39) Flinders Street and No. 92 (Lot 33) Flinders Street, in a good and clean condition;*
- (ii) *any new street/front wall, fence and gate between the Flinders Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *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*
- (iii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*

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

(a) *the upper floor, including the WIR, being setback a minimum of 5 metres from the front boundary; and*

(b) *any new retaining walls and fill not exceeding 500 millimetres in height from the natural ground level.*

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

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Moved Cr Torre, Seconded Cr Farrell

That clause (iv)(a) of the recommendation be amended as follows:

“(iv) (a) *the upper floor, including the WIR, being setback a minimum of ~~5~~4 metres from the front boundary; and”*

Debate ensued.

**AMENDMENT CARRIED
ON THE CASTING VOTE OF THE
PRESIDING MEMBER (5-4)**

<u>For</u>	<u>Against</u>
Mayor Catania - 2 votes	Cr Chester
Cr Farrell	Cr Ker
Cr Messina	Cr Lake
Cr Torre	Cr Maier

(Cr Doran-Wu on leave of absence.)

**MOTION AS AMENDED
CARRIED ON THE CASTING VOTE
OF THE PRESIDING MEMBER (5-4)**

<u>For</u>	<u>Against</u>
Mayor Catania - 2 votes	Cr Chester
Cr Farrell	Cr Ker
Cr Messina	Cr Lake
Cr Torre	Cr Maier

(Cr Doran-Wu on leave of absence.)

COUNCIL DECISION ITEM 10.1.4

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Westcourt Ltd on behalf of the owner Bridgetime Investments Pty Ltd for proposed Two Storey Single House, at No. 94 (Lot: 34 D/P: 48647) Flinders Street, Mount Hawthorn and as shown on the amended plans stamp-dated 17 March 2006, subject to the following conditions:

- (i) first obtaining the consent of the owners of No. 96 (Lot 39) Flinders Street and No. 92 (Lot 33) Flinders 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. 96 (Lot 39) Flinders Street and No. 92 (Lot 33) Flinders Street, in a good and clean condition;*
- (ii) any new street/front wall, fence and gate between the Flinders Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) 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*
- (iii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*
- (iv) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) the upper floor, including the WIR, being setback a minimum of 4 metres from the front boundary; and*
 - (b) any new retaining walls and fill not exceeding 500 millimetres in height from the natural ground level.*

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

Landowner:	Bridgetime Investments Pty Ltd
Applicant:	Westcourt 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:	271 square metres
Access to Right of Way	N/A

BACKGROUND:

28 March 2006 At its Ordinary Meeting, the Council resolved to conditionally approve the proposed two-storey single house subject to standard and appropriate conditions, which included a condition to increase the upper floor setback to 6 metres.

11 April 2006 The applicant resubmitted a fresh application for an identical proposal in order for the Council to reconsider condition (iv) (a) of the 28 March 2006 approval, which required the upper floor setback to be increased to 6 metres. Council resolved to allow the upper setback to be 5 metres in lieu of 6 metres.

12 April 2006 The applicant resubmitted a fresh application for reconsideration of the above-mentioned amended condition imposed by the Council at its Ordinary Meeting on 11 April 2006, as the applicant advised that a 5 metre setback to the upper floor is not appropriate for the development.

DETAILS:

The proposal involves the construction of a two-storey single house.

The applicant wishes to request a reconsideration of condition (iv) (a) of the decision of the Council at its Ordinary Meeting of 11 April 2006, which is as follows:

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

- (a) the upper floor, including the WIR, being setback a minimum of 5 metres from the front boundary; and*
- (b) any new retaining walls and fill not exceeding 500 millimetres in height from the natural ground level.*

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

Below is a verbatim of the Assessment Table as per the previous Agenda Report to the Council at its Ordinary Meeting held on 11 April 2006.

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>Noted</i>
<i>Retaining and Fill</i>	<i>500 millimetres</i>	<i>Retaining and fill along the front boundary up to 1.04 metres high.</i>	<i>Not supported- the retaining and fill within the front setback area is not supported as it will create an undue impact on the amenity of the street, as the front garden will sit up to 1.04 metres higher than the level of the footpath and this is not considered necessary, as the garden can gradually slope down to the street without the need for retaining, or the applicants can reduce the finished floor level of the proposed dwelling.</i>
<i>Buildings on Boundaries</i>	<i>One boundary wall is permitted per property, 2/3 the length of the common boundary, with an average height of 3 metres and a maximum height of 3.5 metres.</i>	<i>Two boundary walls are proposed. Southern side averages 3.1 metres in height.</i>	<i>Supported- the applicant has significantly reduced the height of both of the boundary walls almost in compliance with the requirements of the Residential Design Codes, and one of the boundary walls on the northern side abuts a pedestrian access way to adjoining Lot 39. Given the above, the boundary walls are not considered to create an undue impact on the amenity of the adjoining properties.</i>
<i>Setbacks:</i> <i>Upper floor-southern side</i>	<i>1.8 metres</i>	<i>1.65 metres to 2.1 metres</i>	<i>Supported- given the minor variation, the proposal is not considered to create an undue impact on the amenity of the neighbouring property.</i>

<i>Upper floor-front elevation</i>	<i>6 metres</i>	<i>3.95 metres to WIR.</i>	<i>Not supported- the upper floor setback variation does not comply with the Town's Ellesmere Locality Policy, and the variation is considered to create an undue impact on the amenity of the streetscape. Given this, the variation is therefore not supported.</i>
<i>Previous Consultation Submissions</i>			
<i>Support</i>	<i>Nil</i>	<i>Noted</i>	
<i>Objection</i>	<i>Nil</i>	<i>Noted</i>	
<i>Other Implications</i>			
<i>Legal/Policy</i>		<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>	
<i>Strategic Implications</i>		<i>Nil</i>	
<i>Financial/Budget Implications</i>		<i>Nil</i>	

** 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 do not support the deletion of condition (iv) (a) of the previous resolution of the Council held on 11 April 2006 for the reasons stated in the 'Officer Comments' in the Assessment Table above.

10.1.7 No. 16 (Lot 28) Brentham Street, Leederville - Proposed Partial Demolition of and Additions and Alterations to Existing Six (6) Multiple Dwellings, and Construction of Additional Nineteen (19) Two-Storey Grouped Dwellings

Ward:	North	Date:	3 May 2006
Precinct:	Leederville; P3	File Ref:	PRO2703; 5.2006.133.1
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by R.J Knott - P.T Ker & Associates on behalf of the owner Baymoon Holdings Pty Ltd for proposed Partial Demolition of and Additions and Alterations to Existing Six (6) Multiple Dwellings, and Construction of Additional Nineteen (19) Two-Storey Grouped Dwellings, at No. 16 (Lot 28) Brentham Street, Leederville, and as shown on plans stamp-dated 22 March 2006, subject to the following conditions:*
- (a) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
 - (b) *a detailed landscaping plan, including a list of plants, planting of mature trees, and the landscaping and reticulation of the Brentham Street verge adjacent to and within the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
 - (c) *any new street/front wall, fence and gate along the southern and eastern boundaries, and between the Brentham Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (2) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (4) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*

- (5) *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, or 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;*
- (d) *first obtaining the consent of the owners of No. 20 (Lot 100) Brentham 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.20 (Lot 100) Brentham Street in a good and clean condition;*
- (e) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
- (1) *the provision of significant design features to the brick wall of Unit (Lot) 11 adjacent to the northern boundary;*
- (2) *noise attenuation measures, such as double glazing of all openings on the northern elevation of the dwellings facing the northern boundary of the subject site;*
- (3) *the preferred option in terms of site remediation being Option (1)/(A), and the level of fill to comply with the Department of Environment's recommendation as stated in its letter dated 27 September 2004, which is a minimum of 1 metre over open areas and 0.5 metre beneath hard stand areas; and*
- (4) *landscaping being provided within a landscaping strip of a minimum of 1.0 metre along the entire northern edge of the site, excluding the car parking area and boundary walls.*

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

- (f) *all signage that does not comply with the Town's Policies relating to signs and advertising shall be subject to a separate Planning Application and all signage shall be subject to a Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (g) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (h) *an archival documented record of the places (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (i) *prior to the issue of a Building Licence, Management Plans addressing restriction in the use of ground water, monitoring of ground water quality and any other appropriate matters identified in the Department of Environment (DoE) letter dated 27 September 2004, shall be submitted to and approved by the Town and the DoE, and rules and regulations including signage relating to appropriate behaviour and use of the common outdoor/communal area. All such works and rules and regulations relating to the use of the communal areas shall be in the Strata Management Plan for the development, and undertaken and maintained thereafter by the owner(s)/occupier (s) in accordance with the approved Management Plans;*

- (j) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction and traffic access via Brentham Street, dust, safety and any other appropriate matters, shall be submitted to and approved by the Town;*
- (k) *prior to the ground floor footings and slab being poured, the applicant/owner shall submit documentary evidence from a Licensed Land Surveyor to the satisfaction of the Town that the amount of fill is in accordance with the fill levels recommended by the Department of Environment and as approved in this approval;*
- (l) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
 - (1) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby non-residential activities (primary school);*
 - (2) *the area was previously used as a dumping ground for refuse, and there are restrictions in the use of ground water, monitoring of ground water quality and other appropriate matters identified by the Department of Environment; and*
 - (3) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;
- (m) *prior to the issue of a Building Licence, a Certified Practising Consulting Engineer's certification as to the capability of the subject site and adequacy of the proposed foundations for the development, taking into account the geo-technical composition of the soil and the history of the area, shall be submitted to and approved by the Town;*
- (n) *the removal of any asbestos from the subject site shall be undertaken during non-school hours or during school holidays;*
- (o) *the dwellings facing the northern boundary shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant and report are to be at the applicant's/owner(s) costs;*

- (p) *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; and*
- (ii) *the Council ADVISES the applicant and owner of the subject property that the site shall be made secure with perimeter fencing within 14 days of notification.*

Moved Cr Messina, Seconded Cr Maier

That the recommendation be adopted.

Moved Cr Maier, Seconded Cr Messina

That clause (i)(e)(4) be deleted from the recommendation and a new clause (i)(e)(4) be added as follows:

“(i) (e) (4) the pedestrian gate being relocated or the sliding gate being amended to a swinging gate.”

Cr Messina departed the chamber at 8.06pm.

Debate ensued.

Cr Messina returned to the chamber at 8.08pm.

Debate ensued.

Cr Torre departed the chamber at 8.10pm.

Debate ensued.

Moved Cr Farrell, Seconded Cr Chester

That debate on the amendment be DEFERRED to allow the larger scale plans to be examined.

CARRIED (6-1)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Lake
Cr Chester	
Cr Farrell	
Cr Ker	
Cr Maier	
Cr Messina	

(Cr Doran-Wu on leave of absence. Cr Torre was absent from the Chamber and did not vote.)

Moved Cr Maier, Seconded Cr Messina

That clauses (i)(g) and (i)(h) be deleted from the recommendation.

Debate ensued.

Cr Torre returned to the chamber at 8.15pm.

The Presiding Member advised that debate would now return to the initial amendment of clause (i)(e)(4).

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Doran-Wu on leave of absence.)

Moved Cr Farrell, Seconded Cr Messina

That a new clause (i)(e)(5) would be added to the recommendation as follows:

“(i) (e) (5) *landscaping being provided within a landscaping strip of a minimum of 1.0 metre along the northern edge of the site, adjacent to the existing building.*”

Debate ensued.

AMENDMENT CARRIED (7-1)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Maier
Cr Chester	
Cr Farrell	
Cr Ker	
Cr Lake	
Cr Messina	
Cr Torre	

(Cr Doran-Wu on leave of absence.)

Moved Cr Maier, Seconded Cr Messina

That clause (i)(l)(3) of the recommendation be amended as follows:

“(i) (l) (3) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, it was determined ~~the developer claimed~~ that the on-site parking provided would adequately meet the ~~current and future~~ parking demands of the development.*”

AMENDMENT CARRIED (8-0)

(Cr Doran-Wu on leave of absence.)

The Presiding Member advised that the amendment deleting clauses (i)(g) and (i)(h) would now be voted upon.

AMENDMENT CARRIED (8-0)

(Cr Doran-Wu on leave of absence.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Doran-Wu on leave of absence.)

COUNCIL DECISION ITEM 10.1.7

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by R.J Knott - P.T Ker & Associates on behalf of the owner Baymoon Holdings Pty Ltd for proposed Partial Demolition of and Additions and Alterations to Existing Six (6) Multiple Dwellings, and Construction of Additional Nineteen (19) Two-Storey Grouped Dwellings, at No. 16 (Lot 28) Brentham Street, Leederville, and as shown on plans stamp-dated 22 March 2006, subject to the following conditions:*
- (a) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
 - (b) *a detailed landscaping plan, including a list of plants, planting of mature trees, and the landscaping and reticulation of the Brentham Street verge adjacent to and within the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
 - (c) *any new street/front wall, fence and gate along the southern and eastern boundaries, and between the Brentham Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (2) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (4) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*

- (5) *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, or 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;*
- (d) *first obtaining the consent of the owners of No. 20 (Lot 100) Brentham 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.20 (Lot 100) Brentham Street in a good and clean condition;*
- (e) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
 - (1) *the provision of significant design features to the brick wall of Unit (Lot) 11 adjacent to the northern boundary;*
 - (2) *noise attenuation measures, such as double glazing of all openings on the northern elevation of the dwellings facing the northern boundary of the subject site;*
 - (3) *the preferred option in terms of site remediation being Option (1)/(A), and the level of fill to comply with the Department of Environment's recommendation as stated in its letter dated 27 September 2004, which is a minimum of 1 metre over open areas and 0.5 metre beneath hard stand areas;*
 - (4) *the pedestrian gate being relocated or the sliding gate being amended to a swinging gate; and*
 - (5) *landscaping being provided within a landscaping strip of a minimum of 1.0 metre along the northern edge of the site, adjacent to the existing building.*

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

- (f) *all signage that does not comply with the Town's Policies relating to signs and advertising shall be subject to a separate Planning Application and all signage shall be subject to a Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (g) *prior to the issue of a Building Licence, Management Plans addressing restriction in the use of ground water, monitoring of ground water quality and any other appropriate matters identified in the Department of Environment (DoE) letter dated 27 September 2004, shall be submitted to and approved by the Town and the DoE, and rules and regulations including signage relating to appropriate behaviour and use of the common outdoor/communal area. All such works and rules and regulations relating to the use of the communal areas shall be in the Strata Management Plan for the development, and undertaken and maintained thereafter by the owner(s)/occupier (s) in accordance with the approved Management Plans;*
- (h) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction and traffic access via Brentham Street, dust, safety and any other appropriate matters, shall be submitted to and approved by the Town;*

- (i) *prior to the ground floor footings and slab being poured, the applicant/owner shall submit documentary evidence from a Licensed Land Surveyor to the satisfaction of the Town that the amount of fill is in accordance with the fill levels recommended by the Department of Environment and as approved in this approval;*
- (j) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
 - (1) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby non-residential activities (primary school);*
 - (2) *the area was previously used as a dumping ground for refuse, and there are restrictions in the use of ground water, monitoring of ground water quality and other appropriate matters identified by the Department of Environment; and*
 - (3) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, it was determined that the on-site parking provided would adequately meet parking demands of the development.*

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

- (k) *prior to the issue of a Building Licence, a Certified Practising Consulting Engineer's certification as to the capability of the subject site and adequacy of the proposed foundations for the development, taking into account the geo-technical composition of the soil and the history of the area, shall be submitted to and approved by the Town;*
- (l) *the removal of any asbestos from the subject site shall be undertaken during non-school hours or during school holidays;*
- (m) *the dwellings facing the northern boundary shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant and report are to be at the applicant's/owner(s) costs;*
- (n) *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; and*

- (ii) *the Council ADVISES the applicant and owner of the subject property that the site shall be made secure with perimeter fencing within 14 days of notification.*
-

BACKGROUND:

- 27 September 2004 Letter from the Department for Environment relating to contamination and acid sulphate soil.
- 7 December 2004 The Council at its Ordinary Meeting recommended that the item be "*DEFERRED for the applicant to consider moving the spa and barbecue outdoor area*".
- 21 December 2004 The Council at its Ordinary Meeting approved the part demolition of existing institutional building, alterations and additions to existing six (6) multiple dwellings, and construction of additional six (6) multiple dwellings, and construction of nineteen (19) three-storey grouped dwellings.
- 14 March 2006 The Council at its Ordinary Meeting conditionally approved the partial demolition of and additions and alterations to existing six (6) multiple dwellings, and construction of additional nineteen (19) two-storey grouped dwellings.
- 18 April 2006 The above proposal was presented to an Elected Members Forum where a presentation was undertaken by the applicants of the subject site. The main matters discussed were in relation to the conditions (e) (3), (e) (4), (l) (1), (l) (2) and (l) (3) imposed by the Council at its Ordinary Meeting held on 14 March 2006.
- 18 April 2006 The Town has received notification from the State Administrative Tribunal that the owners/applicants of the above site have lodged a Review application with regard to the Council Resolution of 14 March 2006 relating to the below matters being considered. The Directions Hearing has been fixed for 5 May 2006.

DETAILS:

The current proposal includes changes to the communal area to the north, which is adjacent to Aranmore Primary School. The applicant has also requested that the Council reconsider the following conditions imposed at its Ordinary Meeting held on 14 March 2006, which are as follows:

- "(e) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
- (3) *the whole subject site being filled with one (1) metre deep clean fill;*
- (4) *the common area, spa and gazebo being moved to the southern side of the development site;*
- (l) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act*

notifying proprietors and/or (prospective) purchasers of the property of the following:

- (1) the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby non-residential activities (primary school);*
- (2) the area was previously used as a dumping ground for refuse, and there are restrictions in the use of ground water, monitoring of ground water quality and other appropriate matters identified by the Department of Environment; and*
- (3) the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

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

Applicants' justification (attached) and is summarised as follows:

- The new development substantially reduces density, building bulk and height.
- The sandfill of 0.5 metre under hard stand and 1 metre under open areas, in conjunction with the warning barrier is as recommended by the Environmental and Geotechnical Consultants report, and recommended method of treatment by the Department of Environment (DOE). The Council requirement of 1 metre is not based on any consultant or scientific reports, and that the previous condition of the Council should be re-imposed.
- The communal area has been redesigned with a double brick wall on the northern side, and the spa moved 11 metres from the northern boundary, thereby eliminating perceived noise emanating from this area towards the school. There are also 2 large sheds on the school which will further provide a substantial noise buffer between the school and the communal area.
- As for the section 70A notification, prospective buyers will be aware of the school and would make their own judgement. Unless this condition is imposed on other developments, it could be seen as being prejudicial, and result in negative effect on decision of prospective buyers.
- The issue of the site being a former dumping ground and restriction on ground water monitoring will be included in the strata management statement and includes such notification by the DOE, and could be construed as prejudicing the owner, by way of his tenant actions.
- In terms of car parking, the developer has at no time claimed it would meet future parking needs, and that car parking has been provided in accordance with the R Codes. Future needs are to be considered on merits; for example, special needs of a person on medical or disability grounds, and could be seen as discriminatory and prejudicial.

Additional non-compliant matter to the previous Assessment Table, which is in verbatim below.

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Setback- Ground Floor- north elevation- Cabana Wall facing school.	1.5 metre	Nil	Supported- as the reduced setback will not unduly affect the amenity of the adjoining lot, which is the Aranmore Primary School. The building on the Aranmore School site directly adjacent to the Cabana is a metal shed and the basketball courts. All privacy related issues comply with the R Codes.

COMMENTS:

The revised plan for the communal open space has not been readvertised, as the original proposal was advertised within the last 12 months period. There is no change to the dwellings previously approved, with the open space and plot ratio still being compliant.

Condition (e) (3) below:

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

(3) the whole subject site being filled with one (1) metre deep clean fill;"

The Town Officers' support the deletion of condition (e)(3) on the basis, that the fill will result in additional height, scale and bulk to the overall proposal, and that the previous condition recommended by the Town's Officers be reinstated as the fill had been previously approved by the Council at its Ordinary Meeting held on 21 December 2004.

"(4) the common area, spa and gazebo being moved to the southern side of the development site;"

The Town Officers' support proposed revised communal open space, as it is considered to have a less adverse impact on the surrounding area.

Condition (l) (1), (2) and (3) below:

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

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

The Town Officers' do not support proposed deletion of the condition (1) (1), as the condition is reasonable and advises future owners/tenants of potential impacts associated with surrounding non-residential uses.

"(2) the area was previously used as a dumping ground for refuse, and there are restrictions in the use of ground water, monitoring of ground water quality and other appropriate matters identified by the Department of Environment; and"

The Town Officers' do not support proposed deletion of the condition (1) (2), as the condition is reasonable and advises future owners/tenants of previous use of the site and the monitoring of ground water use. The Town also has a duty of care to its residents, so as to avoid any future potential litigation against the Town. Similar conditions have been imposed on other types of development. Inclusion on strata management plans is not permanent, as they can be removed at any time by the Strata Body.

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

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

The Town Officers' do not support proposed deletion of the condition (1) (3), as the condition is reasonable and advises future owners/tenants that the car parking provided has been provided in accordance with the future needs of residents. There has been parking constraints in that area and the condition is generally placed on large scale development similar to the above proposal. However, if there is a need for the provision of disabled car bays off site, the matter will be duly considered by the Town on an individual special needs basis.

It is also recommended that the following conditions of the previous approval by the Council at its Ordinary Meeting held on 14 March 2006 be either amended /or deleted:

Condition (e) (5)-be amended as follows:

- *Landscaping being provided within a landscaping strip of a minimum of 1 metre along the entire northern edge of the site, excluding the car parking area and boundary walls.*

Condition (e) (6) is deleted, as an additional car bay No. 7 has been provided south of the communal area.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 14 March 2006.

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by R.J Knott - P.T Ker & Associates on behalf of the owner Baymoon Holdings Pty Ltd for proposed Partial Demolition of and Additions and Alterations to Existing Six (6) Multiple Dwellings,

and Construction of Additional Nineteen (19) Two-Storey Grouped Dwellings, at No. 16 (Lot 28) Brentham Street, Leederville, and as shown on plans stamp-dated 7 December 2005, 20 December 2005, 25 January 2006 and 1 February 2006 , 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) a detailed landscaping plan, including a list of plants, planting of mature trees, and the landscaping and reticulation of the Brentham Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iii) any new street/front wall, fence and gate along the southern and eastern boundaries, and between the Brentham Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) 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, or 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;*
- (iv) first obtaining the consent of the owners of No. 20 (Lot 100) Brentham 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.20 (Lot 100) Brentham Street in a good and clean condition;*
- (v) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
 - (a) the provision of significant design features to the brick wall of Unit (lot) 11 adjacent to the northern boundary;*
 - (b) noise attenuation measures, such as double glazing of all openings on the northern elevation of the dwellings facing the northern boundary of the subject site;*
 - (c) the preferred option in terms of site remediation being Option (1)/(A), and the level of fill to comply with the Department of Environment's recommendation as stated in its letter dated 27 September 2004, which is a minimum of 1 metre over open areas and 0.5 metre beneath hard stand areas;*
 - (d) the spa being setback a minimum of 1.5 metres from the northern boundary;*

(e) *landscaping being provided within a landscaping strip of a minimum width of 1 metre along the entire northern edge of the common outdoor/communal area, excluding the store areas; and*

(f) *provision of 7 car bays for the multiple dwellings.*

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

(vi) *all signage that does not comply with the Town's Policies relating to signs and advertising shall be subject to a separate Planning Application and all signage shall be subject to a Sign Licence application, being submitted and approved prior to the erection of the signage;*

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

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

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

(ix) *an archival documented record of the places (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*

(x) *prior to the issue of a Building Licence, Management Plans addressing restriction in the use of ground water, monitoring of ground water quality and any other appropriate matters identified in the Department of Environment (DoE) letter dated 27 September 2004, shall be submitted to and approved by the Town and the DoE, and rules and regulations including signage relating to appropriate behaviour and use of the common outdoor/communal area. All such works and rules and regulations relating to the use of the communal areas shall be in the Strata Management Plan for the development, and undertaken and maintained thereafter by the owner(s)/occupier (s) in accordance with the approved Management Plans;*

(xi) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction and traffic access via Brentham Street, dust, safety and any other appropriate matters, shall be submitted to and approved by the Town;*

(xii) *prior to the ground floor footings and slab being poured, the applicant/owner shall submit documentary evidence from a Licensed Land Surveyor to the satisfaction of the Town that the amount of fill is in accordance with the fill levels recommended by the Department of Environment and as approved in this approval;*

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

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

- (b) *the area was previously used as a dumping ground for refuse, and there are restrictions in the use of ground water, monitoring of ground water quality and other appropriate matters identified by the Department of Environment.*

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

- (xiv) *prior to the issue of a Building Licence, a Certified Practising Consulting Engineer's certification as to the capability of the subject site and adequacy of the proposed foundations for the development, taking into account the geo-technical composition of the soil and the history of the area, shall be submitted to and approved by the Town.*

Moved Cr Doran-Wu, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Moved Cr Doran-Wu, Seconded Cr Messina

That clause (v)(d) be deleted and a new clause (v)(d) added as follows:

- “(v) (d) the common area, spa and gazebo being moved to the southern side of the development site;*

AMENDMENT CARRIED (8-1)

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

Moved Cr Messina, Seconded Cr Doran-Wu

That;

1. *clause (v)(c) be amended to read as follows:*

“(v) (c) ~~the preferred option in terms of site remediation being Option (1)(A), and the level of fill to comply with the Department of Environment's recommendation as stated in its letter dated 27 September 2004, which is a minimum of 1 metre over open areas and 0.5 metre beneath hard stand areas;~~ the whole subject site being excavated and filled with one (1) metre deep clean fill;”

2. *a new clause (xv) be added as follows:*

“(xv) the removal of any asbestos from the subject site shall be undertaken during non-school hours or during school holidays.”

3. *the existing recommendation be numbered as clause (i)(a) to (n); and*

4. a new clause (ii) be added as follows:

"(ii) the Council ADVISES the applicant and owner of the subject property that the site shall be made secure with perimeter fencing within 14 days of notification."

Debate ensued.

The Presiding Member advised that each part of the amendment would be considered individually.

Part 1 was put.

AMENDMENT (Part 1) LOST (0-9)

Part 2 was put.

AMENDMENT (Part 2) CARRIED (9-0)

Parts 3 and 4 were put.

AMENDMENT (Parts 3 and 4) CARRIED (9-0)

Moved Cr Farrell, Seconded Cr Messina

That clause (e)(3) be amended to read as follows:

"(e) (3) ~~the preferred option in terms of site remediation being Option (1)(A), and the level of fill to comply with the Department of Environment's recommendation as stated in its letter dated 27 September 2004, which is a minimum of 1 metre over open areas and 0.5 metre beneath hard stand areas; the whole subject site being filled with one (1) metre deep clean fill;~~"

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

Debate ensued.

Cr Torre left the meeting at 8.40pm and did not return.

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

Moved Cr Lake, Seconded Cr Maier

That;

1. clause (i)(b) be amended to read as follows:

"(i) (b) a detailed landscaping plan, including a list of plants, planting of mature trees, and the landscaping and reticulation of the Brentham Street verge

adjacent to and within the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);"

2. *clause (m) be amended to read as follows:*

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

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

(3) the area was previously used as a dumping ground for refuse, and there are restrictions in the use of ground water, monitoring of ground water quality and other appropriate matters identified by the Department of Environment; and

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

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

3. *clause (g) be deleted and the remaining clauses renumbered.*

AMENDMENT CARRIED (8-0)

(Cr Torre had left the meeting.)

Moved Cr Chester, Seconded Cr Lake

That new clauses (i)(o) and (p) be added as follows:

"(o) the dwellings facing the northern boundary shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant and report are to be at the applicant's/owner(s)' costs; and

(p) the recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation

of the development certifying that the development is continuing to comply with the measures of the subject acoustic report."

AMENDMENT CARRIED (8-0)

(Cr Torre had left the meeting.)

MOTION AS AMENDED CARRIED (7-1)

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

(Cr Torre had left the meeting.)

COUNCIL DECISION ITEM 10.1.7

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by R.J Knott - P.T Ker & Associates on behalf of the owner Baymoon Holdings Pty Ltd for proposed Partial Demolition of and Additions and Alterations to Existing Six (6) Multiple Dwellings, and Construction of Additional Nineteen (19) Two-Storey Grouped Dwellings, at No. 16 (Lot 28) Brentham Street, Leederville, and as shown on plans stamp-dated 7 December 2005, 20 December 2005, 25 January 2006 and 1 February 2006 , subject to the following conditions:*
- (a) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
 - (b) *a detailed landscaping plan, including a list of plants, planting of mature trees, and the landscaping and reticulation of the Brentham Street verge adjacent to and within the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
 - (c) *any new street/front wall, fence and gate along the southern and eastern boundaries, and between the Brentham Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*

- (2) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (4) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (5) *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, or 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;*
- (d) *first obtaining the consent of the owners of No. 20 (Lot 100) Brentham 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.20 (Lot 100) Brentham Street in a good and clean condition;*
- (e) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
- (1) *the provision of significant design features to the brick wall of Unit (lot) 11 adjacent to the northern boundary;*
 - (2) *noise attenuation measures, such as double glazing of all openings on the northern elevation of the dwellings facing the northern boundary of the subject site;*
 - (3) *the whole subject site being filled with one (1) metre deep clean fill;*
 - (4) *the common area, spa and gazebo being moved to the southern side of the development site;*
 - (5) *landscaping being provided within a landscaping strip of a minimum width of 1 metre along the entire northern edge of the common outdoor/communal area, excluding the store areas; and*
 - (6) *provision of 7 car bays for the multiple dwellings.*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (f) *all signage that does not comply with the Town's Policies relating to signs and advertising shall be subject to a separate Planning Application and all signage shall be subject to a Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (g) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*

- (h) *an archival documented record of the places (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (i) *prior to the issue of a Building Licence, Management Plans addressing restriction in the use of ground water, monitoring of ground water quality and any other appropriate matters identified in the Department of Environment (DoE) letter dated 27 September 2004, shall be submitted to and approved by the Town and the DoE, and rules and regulations including signage relating to appropriate behaviour and use of the common outdoor/communal area. All such works and rules and regulations relating to the use of the communal areas shall be in the Strata Management Plan for the development, and undertaken and maintained thereafter by the owner(s)/occupier (s) in accordance with the approved Management Plans;*
- (j) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction and traffic access via Brentham Street, dust, safety and any other appropriate matters, shall be submitted to and approved by the Town;*
- (k) *prior to the ground floor footings and slab being poured, the applicant/owner shall submit documentary evidence from a Licensed Land Surveyor to the satisfaction of the Town that the amount of fill is in accordance with the fill levels recommended by the Department of Environment and as approved in this approval;*
- (l) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
- (1) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby non-residential activities (primary school);*
 - (2) *the area was previously used as a dumping ground for refuse, and there are restrictions in the use of ground water, monitoring of ground water quality and other appropriate matters identified by the Department of Environment; and*
 - (3) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*
- This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (m) *prior to the issue of a Building Licence, a Certified Practising Consulting Engineer's certification as to the capability of the subject site and adequacy of the proposed foundations for the development, taking into account the geo-technical composition of the soil and the history of the area, shall be submitted to and approved by the Town;*

- (n) *the removal of any asbestos from the subject site shall be undertaken during non-school hours or during school holidays;*
- (o) *the dwellings facing the northern boundary shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant and report are to be at the applicant's/owner(s) costs;*
- (p) *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; and*
- (ii) *the Council ADVISES the applicant and owner of the subject property that the site shall be made secure with perimeter fencing within 14 days of notification.*

<i>Landowner:</i>	<i>Baymoon Holdings Pty Ltd</i>
<i>Applicant:</i>	<i>R.J Knott – P.T Ker & Associates</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>Institutional Building (demolished) and Multiple Dwelling</i>
<i>Use Class:</i>	<i>Multiple Dwelling & Grouped Dwelling</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>5150 square metres</i>
<i>Access to Right of Way</i>	<i>Not applicable</i>

BACKGROUND:

- 27 September 2004 Letter from the Department for Environment relating to contamination and acid sulphate soil.*
- 7 December 2004 The Council at its Ordinary Meeting recommended that the item be "DEFERRED for the applicant to consider moving the spa and barbecue outdoor area".*
- 21 December 2004 The Council at its Ordinary Meeting approved the part Demolition of Existing Institutional Building, Alterations and Additions to Existing Six (6) Multiple Dwellings, and Construction of Additional Six (6) Multiple Dwellings, and construction of Nineteen (19) Three-Storey Grouped Dwellings.*

DETAILS:

The site is the former premises of the WA Deaf Society. The institutional building has been demolished. The remaining six (6) multiple dwellings are to be partly demolished (minor in nature), with alterations and additions to these dwellings and construction of an additional

nineteen (19) two-storey grouped dwellings. The site is bounded by Aranmore Primary School to the north and parkland to the south and eastern sides. Due to the previous use of the site as a rubbish dump, a geotechnical report including an environmental assessment of the site has been submitted with the previous application approved by the Council at its Ordinary Meeting held on 21 December 2004.

The applicant has advised that both the geotechnical report and environmental assessment indicate that the soil under the site are of concern with regard to stability and level of contaminations, and recommended strongly that the site be treated in one of two options, as below:

- "(i) The site to be filled with clean fill to a height of approximately 1 m.
- (ii) The site to be excavated approx 1 m then backfilled with clean fill."

The Department of Environment has previously advised that an asbestos warning barrier is a physical barrier of plastic or geotextile fabric, which would warn any persons who may excavate the site to stop digging and investigate further.

The applicant has submitted the following information (attached), which is summarised as follows:

- The fill proposed is approximately 500 millimetres.
- The current proposal is a reduction of six (6) multiple dwellings from the previous approval.
- The overall plot ratio has been reduced from 0.664 to 0.618.
- Major change is the removal of the loft space from the two-storey grouped dwellings.
- The revised proposal has resulted in a better development, with a lower density, reduced bulk, increased open space and an overall balanced design.

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

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Density</i>	<i>R60 -29 dwellings (19 grouped dwellings and 10 multiple dwellings).</i>	<i>R48-25 dwellings (19 grouped dwellings and 6 multiple dwellings).</i>	<i>Supported-no variation.</i>
<i>Plot Ratio for Grouped Dwellings</i>	<i>0.65</i>	<i>0.68</i>	<i>Supported- the increase in the plot ratio is considered minor in the context of the lot area of 5150 square metres. The bulk and scale have been evenly distributed and does not reflect an overdevelopment of the site. The allowed maximum plot ratio for the whole site is 0.664 (provided is 0.618).</i>

<i>Open Space for Grouped Dwellings</i>	<i>45 per cent</i>	<i>41.24 to 55.25 per cent</i>	<i>Supported- the increase in site cover is compensated by the surrounding open space to the east and south of the subject site. The required minimum open space for the whole site is 45 percent (provided is 47.22 per cent).</i>
<i>Car Parking for Multiple Dwellings</i>	<i>7 car bays</i>	<i>6 car bays</i>	<i>Not supported-as there is opportunity to provide an extra car bay for the multiple dwellings, a condition has been recommended to that effect.</i>
<i>Balcony (Existing for Multiple Dwellings)</i>	<i>10 square metres</i>	<i>9.2 squares metres</i>	<i>Supported-as the subject balconies are existing.</i>
<i>Pedestrian Path.</i>	<i>1.2 metres wide</i>	<i>Nil</i>	<i>Supported-as contrasting paved area of 1.2 metres in width has been provided within the driveway, resulting in more efficient use of site.</i>
<i>Setback-Ground Floor-west elevation-main building facing Brentham Street.</i>	<i>4 metres</i>	<i>3 metres to 7.8 metres</i>	<i>Supported- the adjoining lot to the north is the Aranmore Primary School and to the south is a park. The reduced setback will not unduly impact the streetscape.</i>
<i>Setback-First Floor-west elevation-main building facing Brentham St.</i>	<i>6 metres</i>	<i>4.5 metres to 7.8 metres</i>	<i>Supported-as above.</i>
<i>Setback-First Floor-east elevation facing park.</i>	<i>6.3 metres</i>	<i>1.7 metres to 2.1 metres</i>	<i>Supported- as the adjoining property is a park, and will not unduly impact on the amenity of the area. The reduced setback will contribute to interaction between the development and the park.</i>

<i>Setback-Ground Floor-south elevation-Wall 1 facing park.</i>	<i>1.5 metres</i>	<i>1.195 to 2.68 metres</i>	<i>Supported-as above.</i>
<i>Setback-Ground Floor-south elevation-Wall 2 facing park.</i>	<i>1.5 metres</i>	<i>1.286 to 2.586 metres</i>	<i>Supported-as above.</i>
<i>Setback-First Floor-south elevation-Wall 1 facing park.</i>	<i>6.6 metres</i>	<i>1.2 to 3.3 metres</i>	<i>Supported-as above.</i>
<i>Setback-First Floor-south elevation-Wall 2 facing park.</i>	<i>4.4 metres</i>	<i>1.286 to 2.586 metres</i>	<i>Supported-as above.</i>
<i>Setback-Ground Floor-north elevation-Wall 1 facing school.</i>	<i>1.0 metre</i>	<i>Nil</i>	<i>Supported- as the reduced setback will not unduly affect the amenity of the adjoining lot, which is the Aranmore Primary School. All privacy related issues comply with the R Codes.</i>
<i>Setback-Ground Floor-north elevation-Wall 2 facing school.</i>	<i>1.0 metre</i>	<i>Nil</i>	<i>Supported-as above.</i>
<i>Setback-Ground Floor-north elevation-Wall 3 facing school.</i>	<i>1.0 metre</i>	<i>Nil</i>	<i>Supported-as above.</i>
<i>Setback-Ground Floor-north elevation-Wall 4 facing school.</i>	<i>1.0 metre</i>	<i>Nil</i>	<i>Supported-as above.</i>
<i>Setback-Ground Floor-north elevation-Wall 7 facing school.</i>	<i>1.5 metres</i>	<i>Nil</i>	<i>Supported-as above.</i>

<i>Setback-First Floor-north elevation-existing wall 6 facing school.</i>	<i>5.8 metres</i>	<i>4.3 metres</i>	<i>Supported-as above.</i>
<i>Setback-First Floor-north elevation-Units 7 to 10 facing school.</i>	<i>6.6 metres</i>	<i>5.037 metres</i>	<i>Supported-as above.</i>
<i>Setback-First Floor-north elevation-Units 7 to 11 facing school.</i>	<i>1.6 metres</i>	<i>Nil</i>	<i>Supported-as above.</i>
<i>Privacy Setback-east and south sides.</i>	<i>7.5 metres</i>	<i>Less than 7.5 metres</i>	<i>Supported- as the balconies look into the park area to the east and south sides of the above site.</i>
<i>Privacy setback-east side-bedroom window for unit (lot) 11.</i>	<i>4.5 metres</i>	<i>Less than 4.5 metres</i>	<i>Supported-as it overlooks rear corner of Aranmore Primary School, and adjoining park.</i>
<i>Height of Wall-south elevation.</i>	<i>6 metres</i>	<i>6.5 metres</i>	<i>Supported- as the proposed fill has been reduced to 0.5 metres, resulting in the overall development height being within 9 metres as required in the R Codes.</i>
<i>Height of Wall-north elevation.</i>	<i>6 metres</i>	<i>6.5 metres</i>	<i>Supported-as above.</i>
<i>Consultation Submissions</i>			
<i>Support (1)</i>	<i>No comments provided.</i>		<i>Noted.</i>
<i>General Comments</i>	<ul style="list-style-type: none"> <i>Extra traffic in area which is already saturated with vehicles coming to and going from Aranmore Primary School, additional vehicles during construction period, and parking on verges by trade persons and cars of new residents.</i> 		<i>Noted- the applicants/owners will be required to submit a management plan addressing these issues.</i>
	<ul style="list-style-type: none"> <i>Increase in traffic along Brentham Street including what measures are being taken to ensure safety and security of residents, school children, and young people playing sport during the week-ends, and speeding during late nights and early mornings?</i> 		<i>Noted- Brentham Street is regarded as a Local Distributor Road (capable of up to 6000 vehicles per day).The traffic volumes along Brentham Street as a result of the above development will be less than 6000 vehicles per day. No additional traffic</i>

		<i>management features are planned for Brentham Street as there are already speed humps in the vicinity of the Aranmore Primary School. Speeding is a Police matter and requires a separate follow-up by residents.</i>
	<ul style="list-style-type: none"> <i>Removal of trees from site.</i> 	<i>Noted- a professional Arboriculturist has advised that the previous trees on the subject site were not worthy of retention and removal of the trees would have been warranted due to the trees not being structurally sound and unsafe.</i>
<i>Objection (3)</i>	<ul style="list-style-type: none"> <i>Variation to open space not supported, as there is not enough open space for the development.</i> 	<i>Not supported-as for the reasons stated in the Assessment Table.</i>
	<ul style="list-style-type: none"> <i>Proposal will make street parking an issue.</i> 	<i>Not supported- as the Town's Rangers will enforce parking restrictions applying to the area.</i>
	<ul style="list-style-type: none"> <i>No footpath along the verge abutting the subject site.</i> 	<i>Noted-there is a footpath directly adjacent to the subject site, however, there is no footpath on the western side of Brentham Street, directly opposite the subject site, and there no plans for a footpath at this point in time.</i>
	<ul style="list-style-type: none"> <i>Aranmore Catholic School Board is disgusted and disappointed with the "surreptitious" manner the developers have gone about with the proposal. The site is unsecured, where vagrants and graffiti have taken up residence.</i> 	<i>Noted.</i>
	<ul style="list-style-type: none"> <i>Objection based on previous grounds for objection to the original plans, and strongly oppose to the granting of further concession, as part of this development, which are as follows:</i> <p><i>"Aranmore School Board has raised concern regarding bulk and scale of development.</i></p>	<p><i>Not supported--previous Officer comments are reiterated as follows:</i></p> <p><i>"Not Supported-as the height of the overall building and plot ratio complies with the R Codes.</i></p>

	<p><i>May be conflict between potential buyers and school in the future.</i></p> <p><i>Possibility of Year 4 students whose class room is located adjacent to spa and barbecue area being exposed to noise and inappropriate language.</i></p> <p><i>Difficulties during construction time for school community in terms of traffic, safety to children, noise and dust.</i></p>	<p><i>Not Supported-as the issue is not planning related.</i></p> <p><i>Not Supported-as the issue is not planning related.</i></p> <p><i>Noted- the applicants/owners will be required to submit a Management plan relating to the issues raised.</i></p>
	<p><i>Lack of enforcement by Town in terms of parking restrictions associated with previous development in the area."</i></p>	<p><i>Not Supported- for past development, the Town's Rangers did enforce parking restrictions, including the issue of infringements. Parking restrictions will also be enforced for the proposed development."</i></p>

*Schedule of Submissions
(only detailed where permission has been granted for public release by author)*

<i>Author Name</i>	<i>Affected Property</i>	<i>Date Received</i>	<i>Submission Type</i>
<i>Chairperson Aranmore Catholic Primary School Board</i>	<i>No.20 Brentham Street, Leederville (Aranmore Catholic Primary School)</i>	<i>23 February 2006</i>	<i>Submission form and non-form submission.</i>
<i>Adwan Edel</i>	<i>Unit 8/9 Brentham Street, Leederville</i>	<i>23 February 2006</i>	<i>Submission form.</i>

Other Implications

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

** The 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 previous comments from the Department of Environment (DOE) still apply to the above site, as reported to the Ordinary Meetings of Council held on 7 December 2004 and 21 December 2004, which is verbatim as follows:

"The Department of Environment (DOE) has advised that the environmental and geotechnical reports "suggest that retention of the fill material on site would not pose significant risk to ground water quality." The DoE also agreed with Option (i), as the preferred management choice of the site. Retention of fill will require a minimum of 1 metre clean soil over open areas and 0.5 metre over hardstand areas, with an appropriate asbestos warning barrier installed. It is further recommended that groundwater monitoring be carried out on an annual

basis to ensure water quality and integrity of the underground infrastructure. If Option (i) is to be undertaken, upon the proclamation of the Contaminated Sites Act 2003, the site is likely to be classified as "Remediated for restricted use". A memorial would be placed on the title and deeds to the above effect."

Geotechnical Report

The previous comments from Technical Services still apply to the above site, as reported to the Ordinary Meetings of Council held on 7 December 2004 and 21 December 2004, which is verbatim as follows:

"The Town's Technical Officers have recommended that Option (i) would be the preferred option for the site. The Town's Environmental Health Officers have advised support of the recommendations of the DoE. The proposed fill has been reduced to approximately 500 millimetres and is within the prescribed range recommended by the DoE for hard stand areas."

Partial Demolition

The above site is not on the Town's Municipal Heritage Inventory or Interim Heritage Database, and there is no objection to the part minor demolition of the six (6) multiple dwellings.

The variations sought are considered to not unduly affect the amenity of the area. The proposal is recommended for approval, subject to standard and appropriate conditions to address the above matters."

10.1.5 No. 127 (Lot: 156 D/P: 3845 F) Matlock Street, Mount Hawthorn- Proposed Partial Demolition of and Alterations and Additions to Existing Single House

Ward:	North Ward	Date:	3 May 2006
Precinct:	Mount Hawthorn; P01	File Ref:	PRO2099 5.2006.65.1
Attachments:	001		
Reporting Officer(s):	E Saraceni		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by A S Iredale on behalf of the owner N Sigismondi for proposed Partial Demolition of and Alterations and Additions to Existing Single House, at No. 127 (Lot: 156 D/P: 3845 F) Matlock Street, Mount Hawthorn and as shown on plans stamp-dated 17 February 2006, 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; and*
- (ii) *any new street/front wall, fence and gate between the Matlock Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *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;*
- (iii) *the finished floor level of the carport shall not be greater than 0.5 metre above the natural ground level;*
- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the removal of the proposed rear carport. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*

- (v) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted).*
-

Moved Cr Messina, Seconded Cr Farrell

That the recommendation be adopted.

Moved Cr Maier, Seconded Cr Messina

That a new clause (vi) be added to the recommendation as follows:

- “(vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the new carport being redesigned to be in character (pitch roof) with the existing house. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and Town's Policies.*”

Debate ensued.

Cr Chester departed the chamber at 8.22pm.

AMENDMENT CARRIED (7-0)

(Cr Doran-Wu on leave of absence. Cr Chester was absent from the chamber and did not vote.)

MOTION AS AMENDED CARRIED (7-0)

(Cr Doran-Wu on leave of absence. Cr Chester was absent from the chamber and did not vote.)

COUNCIL DECISION ITEM 10.1.5

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by A S Iredale on behalf of the owner N Sigismondi for proposed Partial Demolition of and Alterations and Additions to Existing Single House, at No. 127 (Lot: 156 D/P: 3845 F) Matlock Street, Mount Hawthorn and as shown on plans stamp-dated 17 February 2006, 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; and*
- (ii) *any new street/front wall, fence and gate between the Matlock Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
- (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
- (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*

- (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
- (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
- (e) *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;*
- (iii) *the finished floor level of the carport shall not be greater than 0.5 metre above the natural ground level;*
- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the removal of the proposed rear carport. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (v) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted); and*
- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the new carport being redesigned to be in character (pitch roof) with the existing house. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and Town's Policies.*

Landowner:	N Sigismondi
Applicant:	A S Iredale
Zoning:	Metropolitan Region Scheme: (MRS) Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	491 square metres
Access to Right of Way	N/A

BACKGROUND:

13 August 2002 The Council at its Ordinary Meeting approved a proposal for alterations and additions to the existing single house.

DETAILS:

The proposal involves alterations and additions to the rear of an existing single house and the addition of a carport to the front of the property.

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
<u>Setbacks</u> South	6.6 metres	Nil- 2.6 metres	Supported- No comments were received during the advertising period with regard to this variation, therefore, it is considered supportable.
North	6.4 metres	1 metre	Supported- As above
<u>Height</u>	6 metres to the eaves	Height ranges from 6.3 metres on the southern and 5.9 metres on the northern side	Supported- the shape of the roof of the rear extension results in the measurement for height having to be taken to the highest point. The highest point of the extension is in line with the highest point of the pitch of the existing roof. Therefore, the extension is essentially consistent with the existing dwelling.
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

Clause/condition (iv) to remove the proposed rear carport has been recommended as the driveway is 30 metres long in lieu of 15 metres. For driveways greater than 15 metres, there should be adequate maneuvering for the car on-site to enter the street in forward gear. The applicant has agreed to this condition. In light of the above, the proposal is recommended for approval.

10.1.8 Nos. 174-176 (Lots: 164 D/P: 1659 106 D/P: 34679) Anzac Road, Mount Hawthorn- Proposed Change of Use from Shop-Nursery to Shop-Nursery and Ancillary Eating House (Tearooms) and Associated Additions/Alterations

Ward:	North	Date:	2 May 2006
Precinct:	Mount Hawthorn; PO1	File Ref:	PRO0987 5.2005.3239.1
Attachments:	001		
Reporting Officer(s):	J Barton		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by V Kelly on behalf of the owner A & V Begos for proposed Change of Use from Shop - Nursery to Shop-Nursery and Ancillary Eating House (Tearooms) and Associated Additions/Alterations, at Nos. 174-176 (Lots: 164 D/P: 1659 & 106 D/P: 34679) Anzac Road, Mount Hawthorn, and as shown on plans stamp-dated 27 October 2005, subject to the following conditions:

- (i) the gross floor area of the eating house (tearooms) shall be limited to a maximum of 10 square metres in area;*
- (ii) prior to the first occupation of the development, two (2) class three bicycle parking bays shall be provided at a location convenient to the entrance of 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;*
- (iii) 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;*
- (iv) the eating house (tearooms) shall operate within the same hours as the shop-nursery; and*
- (v) 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 Sign Licence application, being submitted and approved prior to the erection of the signage.*

Moved Cr Torre, Seconded Cr Farrell

That the recommendation be adopted.

Cr Chester returned to the chamber at 8.23pm.

Moved Cr Maier, Seconded Cr Messina

That a new clause (vi) be added to the recommendation as follows:

“(vi) the applicant/owner shall pay a cash-in-lieu contribution of \$4,320.68 for the equivalent value of 1.6618 car parking spaces, based on the cost of \$2,600 per bay as set out in the Town's 2005/2006 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements.”

Debate ensued.

AMENDMENT CARRIED (6-2)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Ker
Cr Chester	Cr Lake
Cr Farrell	
Cr Maier	
Cr Messina	
Cr Torre	

(Cr Doran-Wu on leave of absence.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Doran-Wu on leave of absence.)

COUNCIL DECISION ITEM 10.1.8

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by V Kelly on behalf of the owner A & V Begos for proposed Change of Use from Shop - Nursery to Shop-Nursery and Ancillary Eating House (Tearooms) and Associated Additions/Alterations, at Nos. 174-176 (Lots: 164 D/P: 1659 & 106 D/P: 34679) Anzac Road, Mount Hawthorn, and as shown on plans stamp-dated 27 October 2005, subject to the following conditions:

- (i) the gross floor area of the eating house (tearooms) shall be limited to a maximum of 10 square metres in area;*
- (ii) prior to the first occupation of the development, two (2) class three bicycle parking bays shall be provided at a location convenient to the entrance of 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;*
- (iii) 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;*

- (iv) *the eating house (tearooms) shall operate within the same hours as the shop-nursery;*
- (v) *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 Sign Licence application, being submitted and approved prior to the erection of the signage; and*
- (vi) *the applicant/owner shall pay a cash-in-lieu contribution of \$4,320.68 for the equivalent value of 1.6618 car parking spaces, based on the cost of \$2,600 per bay as set out in the Town's 2005/2006 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements.*

AMENDED CAR PARKING TABLE:

Car Parking Requirements		
Car Parking requirement		
Shop- (1 bay per 15 square metres of gross floor area) - 162 152 square metres of gross floor area.	10.8 10.13 car parking bays	
Open Air Display- (1 bay per 100 square metres of display and sales area)- 590 580 square metres of display and sales area	5.9 5.8 car parking bays	
Restaurant- (1 bay per 4.5 square metres of public area) 10 square metres of public area.	2.22 car parking bays	
Total car parking requirement before adjustment factor (nearest whole number)	18.92 18.82 car parking bays (19 car parking bays)	
Apply the adjustment factors:		
<ul style="list-style-type: none"> • 0.90 (within 400 metres of one or more existing public car parking spaces with in excess of 50 car parking spaces) • 0.85 (within 400 metres of one or more existing public car parking places with in excess of 75 car parking spaces); and • 0.85 (within 400 metres of a bus stop/ station.) 	(0.80)	
	(0.85)	
	(0.85)	
	0.7225	
	15.136 car bays	
	13.7275 car bays	
Minus the most recently approved on-site car parking shortfall- 16.7 car parking bays (as indicated in previous report to the Council on 13 July 1998 without adjustment factors being applied).	12.0657 car bays (with adjustment factor being applied)	
Minus the car parking provided on-site	Nil	
Resultant shortfall	1.564 car bays	
	1.6618 car bays	
Bicycle Parking Facilities		
Requirements	Required	Provided
Restaurant		
Visitor/ shopper -2 spaces plus 1 per 100 (proposed 162) square metres of public area	2 spaces	None provided-conditioned

* 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 Car Parking Table has been amended as indicated above to include an additional adjustment factor, and to apply the adjustment factors to the previous shortfall as this was not applied previously when the original application was considered by the Council.

In addressing the car parking shortfall, a cash-in-lieu payment is considered appropriate in this instance as the owners are intensifying a commercial use in a residential area, and there are time restrictions on the street car parking bays directly in front of the subject land and across the street.

Landowner:	A & V Begos
Applicant:	V Kelly
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Shop
Use Class:	Shop
Use Classification:	"SA"
Lot Area:	796 square metres
Access to Right of Way	N/A

BACKGROUND:

5 August 1953 A Building Licence (with Planning Approval) was issued by the City of Perth for 3 shops on the subject property.

13 July 1998 The Council conditionally approved the expansion of the existing non-conforming shop (nursery) to permit the use of the rear of the property for a display area for the nursery.

DETAILS:

The proposal involves the addition of a small coffee shop (tearooms) of 10 square metres in area, to the existing shop-nursery to allow their small clientele to have coffee and cake.

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.
Consultation Submissions			
The proposal was advertised via onsite signage, in the local paper and letters to adjoining neighbours for a period of 21 days from 30 th March 2006 to 21 st April 2006.			
Support	None		Noted
Objection	None		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies.

Strategic Implications	Nil	
Financial/Budget Implications	Nil	
Car Parking Requirements		
Car Parking requirement Shop- (1 bay per 15 square metres of gross floor area)- 162 square metres of gross floor area.	10.8 car parking bays	
Open Air Display- (1 bay per 100 square metres of display and sales area)- 590 square metres of display and sales area	5.9 car parking bays	
Restaurant- (1 bay per 4.5 square metres of public area) 10 square metres of public area.	2.22 car parking bays	
Total car parking requirement before adjustment factor (nearest whole number)	18.92 car parking bays	
Apply the adjustment factors: <ul style="list-style-type: none"> 0.90 (within 400 metres of one or more existing public car parking places with in excess of 50 car parking spaces). 	(0.80)	
	15.136 car bays	
Minus the most recently approved on-site car parking shortfall	16.7 car parking bays (as indicated in previous report to the Council on 13 July 1998)	
Minus the car parking provided on-site	Nil	
Resultant surplus	1.564 car bay	
Bicycle Parking Facilities		
Requirements	Required	Provided
Restaurant		
Visitor/ shopper -2 spaces plus 1 per 100 (proposed 162) square metres of public area	2 spaces	None provided-conditioned

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

COMMENTS:

It is considered that the operation of a small tearoom to serve tea/ coffee and cake to patrons is of an ancillary nature in terms of scale to the existing nursery-shop and is unlikely to negatively impact on the amenity of the surrounding area. The current operation of the business has demonstrated that traffic generation is unlikely to be a concern, as most patrons currently walk from the nearby residential areas.

On the above basis, it is recommended that the application be approved, subject to a condition limiting the area of the eating house (tearoom) to 10 square metres, and a condition to restrict the use of the eating house (tearoom) to coincide with the operating times of the nursery-shop.

10.1.10 Nos. 566-570 (Lot: 6 D/P: 692) Beaufort Street, Corner Clarence Street, Mount Lawley - Proposed Change of Use from Shop and Take Away Food Outlet to Shop, Take Away Food Outlet and Eating House and Associated Alterations and Additions

Ward:	South	Date:	3 May 2006
Precinct:	Mount Lawley Centre; P11	File Ref:	PRO0816; 5.2005.3246.1
Attachments:	001		
Reporting Officer(s):	E Saraceni		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Developwise Pty Ltd on behalf of the owner Austgold Holdings Pty Ltd for proposed Change of Use from Shop and Take Away Food Outlet to Shop, Take Away Food Outlet and Eating House and Associated Alterations and Additions, at Nos. 566-570 (Lot: 6 D/P: 692) Beaufort Street, Corner Clarence Street, Mount Lawley, and as shown on plans stamp-dated 19 December 2005, subject to the following conditions:

- (i) doors, windows and adjacent floor areas fronting Beaufort Street and Clarence Streets shall maintain an active and interactive relationship with these streets;*
- (ii) prior to the issue of the Building Licence or first occupation of this development, whichever occurs first, the applicant/owner shall pay a cash-in-lieu contribution of \$18,655 for the equivalent value of 7.175 car parking spaces, based on the construction cost of \$2,600 per bay as set out in the Town's 2005/2006 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;*
- (iii) 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;*
- (iv) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate planning application, and all signage shall be subject to a Sign Licence application, being submitted and approved prior to the erection of the signage; and*
- (v) the floor areas to be limited as follows:*
 - (a) 163 square metres of eating house; and*
 - (b) 32 square metres of shop/take away food outlet.*

COUNCIL DECISION ITEM 10.1.10

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Torre

That the Item be DEFERRED to recalculate the cash-in-lieu contribution figures.

CARRIED (8-0)

(Cr Doran-Wu on leave of absence.)

Landowner:	Austgold Holdings Pty Ltd
Applicant:	Developwise Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Shop and Take Away Food Outlet
Use Class:	Shop and Take Away Food Outlet and Eating House
Use Classification:	"P" & "P"
Lot Area:	594 square metres
Access to Right of Way	East/rear, 3.02 metres wide, sealed and vested in the Town

BACKGROUND:

- 27 November 1995 The Council at its Ordinary Meeting approved an additional use of a local shop to an existing pizza bar shop/take away food outlet at No. 570 Beaufort Street.
- 26 May 1997 The Council at its Ordinary Meeting approved a change of use from an eating house to shop at No. 566 Beaufort Street.
- 22 August 2000 The Council at its Ordinary Meeting approved a change of use from a shop to an eating house at No.566 Beaufort Street.

DETAILS:

The proposal involves an application for a change of use from a shop and take away food outlet to shop, take away food outlet and eating house (87.48 square metres) and associated alterations and additions to an eating house at No. 570 Beaufort Street. The proposed alterations involve the rear part of the existing tenancy at No. 568 Beaufort Street being included in the tenancy at No. 570 Beaufort Street (58.5 square metres).

The alterations and additions also include, the addition of a 19.32 metre long wall on the north-east side of the property and the addition of 2 female toilets, 2 male toilets, 1 disabled toilet, one staff toilet and associated storage at the rear of the property.

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			
Support(1)	<ul style="list-style-type: none"> No additional comments were stated in the form received. 		Noted.
Consultation Submissions			
Objection (1)	<ul style="list-style-type: none"> Objection to the effects that the proposed land use will have on car parking. Car parking within the immediate vicinity of the development is a problem at present. Objection to the present waste disposal situation. In the past, the occupiers of the property have disposed of their waste in the right of way and there is concern that this practice may continue and worsen with the increase in floor space. 		<p>Not supported- as the car parking shortfall does not greatly differ from that previously approved by the Council.</p> <p>Not supported- as this is not a planning consideration. This matter has been referred to the Town's Health Services for further action.</p>
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking			
Car parking requirement (nearest whole number)			49
<ul style="list-style-type: none"> Existing Eating House- 1 car bay per 4.5 square metres of public area (74.7 square metres) - 16.6 car bays Existing Take Away Food Outlet- 1 car bay per 2.5 square metres of queuing area (31.4 square metres of queuing area) - 12.56 car bays Proposed Eating House- 1 car bay per 4.5 square metres of public area (87.48 square metres) - 19.44 car bays 			
Apply the adjustment factors.			(0.765)
<ul style="list-style-type: none"> 0.85 (within 400 metres of a bus stop) 0.90 (within 400 metres of one or more existing public car parking place(s) in excess of 50 car parking spaces) 			37.485
Minus the car parking provided on-site			4 car bays
Minus the most recently approved on-site car parking shortfall (after taking into account the relevant adjustment factors); that is, 29.16 car bays (74.7 square metres of public floor area for eating house at No. 566 and 31.4 square metres of queuing area for Take Away Food Outlet at No. 568) x 0.765 = 22.31 car bays, plus 4 car bays on-site. Therefore, 26.31 car bays is the approved on-site parking shortfall.			26.31
Resultant Shortfall			7.175 car bays

Bicycle Parking	
N/A	Noted

* 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 and the proposed alterations and additions will improve the streetscape along Clarence Street, the proposal is recommended for approval.

10.1.13 Amendment No. 39 to Planning and Building Policies- Draft Policy Relating to Heritage Management - Municipal Heritage Inventory (MHI) Incentives and Development Bonuses

Ward:	Both Wards	Date:	2 May 2006
Precinct:	All Precincts	File Ref:	PLA 0161
Attachments:	001		
Reporting Officer(s):	T Woodhouse		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Draft Policy relating to Heritage Management - Municipal Heritage Inventory (MHI) Incentives and Development Bonuses, as shown in Attachment 10.1.13;*
- (ii) *ADOPTS the Draft Policy relating to Heritage Management - Municipal Heritage Inventory (MHI) Incentives and Development Bonuses, to be applied in the interim until the formal adoption of the Draft Policy;*
- (iii) *ADVERTISES the Draft Policy relating to Heritage Management - Municipal Heritage Inventory (MHI) Incentives and Development Bonuses 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 Draft 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 Draft Policy; and*
 - (c) *forwarding a copy of the subject Draft Policy to the Western Australian Planning Commission and the Heritage Council of Western Australia; and*
- (iv) *after the expiry of the period for submissions:*
 - (a) *REVIEWS the Draft Policy relating to Heritage Management - Municipal Heritage Inventory (MHI) Incentives and Development Bonuses, having regard to any written submissions; and*
 - (b) *DETERMINES the Draft Policy relating to Heritage Management - Municipal Heritage Inventory (MHI) Incentives and Development Bonuses, with or without amendment, to or not to proceed with them.*

COUNCIL DECISION ITEM 10.1.13

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

The Chief Executive Officer advised that as Crs Lake and Maier had declared a financial interest in this Item, they must depart the chamber for the vote, in accordance with the Local Government Act.

Crs Lake and Maier departed the chamber at 8.38pm.

CARRIED (6-0)

(Cr Doran-Wu on leave of absence. Crs Lake and Maier were absent from the chamber and did not vote.)

Crs Lake and Maier returned to the chamber at 8.40pm.

PURPOSE OF REPORT:

The purpose of this report is to introduce and outline the contents of the Draft Policy relating to Heritage Management - Municipal Heritage Inventory (MHI) Incentives and Development Bonuses.

BACKGROUND:

On 23 August 2005, the Council adopted the following Draft Policies relating to heritage: Heritage Management - Development Guidelines; Heritage Management – Assessment; and Heritage Management - Adding/Deleting/Amending Places on the Municipal Heritage Inventory (MHI); to be applied in the interim up to formal adoption on 17 January 2006.

The Policies were developed in part to provide a framework for the proposed release of the Municipal Heritage Inventory, as well as to offer clear procedural guidelines for heritage management at the Town of Vincent.

At the Ordinary Meeting of Council held on 14 March 2006, the Council resolved to adopt a revised Model for the management of the Municipal Heritage Inventory and its relationship to the Town of Vincent Town Planning Scheme No. 1 (TPS No.1). Essentially, this new Model provides that all places that have been categorised as Management Category A and Management Category B are to be included on the Municipal Heritage Inventory and, as such, on the Heritage List, in effect providing those places protection under the TPS No.1.

In response to these changes and the proposed release of the Municipal Heritage Inventory in June 2006, it was requested at the Elected Members Workshop held on 20 February 2006 that changes be made to Policies relating to Heritage Management - Development Guidelines and Heritage Management - Adding/Deleting/Amending Places on the Municipal Heritage Inventory (MHI) and that a new Policy be developed that summarised the incentives and development bonuses available to property owners whose places are listed on the Municipal Heritage Inventory.

DETAILS:

The key objectives of the Draft Policy relating to Heritage Management - Municipal Heritage Inventory (MHI) Incentives and Development Bonuses are:

- 1) To outline incentives and development bonuses for owners for heritage listed places within the Town of Vincent;
- 2) To encourage the conservation and enhancement of the Town's built environment, including individual buildings and streetscapes generally; and
- 3) To outline incentives for development applications that deliver sound conservation outcomes.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005 - 2010 - Key Result Area One: Environment and Infrastructure -

"1.2 Recognise the value of heritage in providing a sense of place and identity."

FINANCIAL/BUDGET IMPLICATIONS:

The current 2005/2006 Budget allocates \$80,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

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

10.1.14 Network City - Draft Statement of Planning Policy

Ward:	Both	Date:	2 May 2006
Precinct:	All Precincts	File Ref:	PLA0143
Attachments	-		
Reporting Officer(s):	H Smith		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES this report and the Western Australian Planning Commission's - "Draft Statement of Planning Policy: Network City" dated March 2006, as "Laid on the Table" and circulated separately to Elected Members;*
- (ii) *ADVISES the Western Australian Planning Commission that the Council HAS NO OBJECTION IN PRINCIPLE to the "Draft Statement of Planning Policy: Network City";*
- (iii) *USES the Western Australian Planning Commission - "Draft Statement of Planning Policy: Network City", as part of the terms of reference for the review of Town Planning Scheme No.1; and*
- (iv) *FORWARDS a copy of this report and its comments to the Western Australian Planning Commission.*

Moved Cr Chester, Seconded Cr Ker

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

“(ii) ADVISES the Western Australian Planning Commission that the Council GENERALLY SUPPORTS IN PRINCIPLE the intent and content of the "Draft Statement of Planning Policy: Network City" dated March 2006", as 'Laid on the Table', subject to the following matters being adequately addressed in the details and further development of the planning policy:

- (a) *whilst the Town acknowledges and appreciates the strategic nature of 'Network City', it has concern with the level of detail provided on the Spatial Plan (Network City Framework), there is insufficient mapping detail for local governments to assess implications of activity centres, activity corridors and transport corridors, and the Spatial Plan should have additional 'snapshot' maps providing a greater level of geographical detail;*
- (b) *the Western Australian Planning Commission should further explore the impact of providing 60 per cent of new housing within existing 'Brownfield' development and take into account the juxtaposition of providing such additional housing in areas where historical accumulated development, including built heritage, is evident, and consideration of the following points:*
 - *retention and conservation of heritage and character buildings vs. requirement for infill development;*

- *economic development of activity or town centres vs. neighbouring residential amenity vs. creation of a sense of place;*
 - *density vs. residential amenity;*
 - *affordable housing vs. market trends and economic growth; and*
 - *current road widening requirements and transport objectives vs. retention of streetscape value and significant built heritage; and*
- (c) *the Western Australian Planning Commission should allow for an equitable balance of infill development within existing urban areas, inclusive of all Local Governments, thereby avoiding disproportional burden of infill development being placed on individual Local Governments;”*

Debate ensued.

MOTION AS AMENDED CARRIED (8-0)

(Cr Doran-Wu on leave of absence.)

COUNCIL DECISION ITEM 10.1.14

That the Council;

- (i) *RECEIVES this report and the Western Australian Planning Commission's - "Draft Statement of Planning Policy: Network City" dated March 2006, as "Laid on the Table" and circulated separately to Elected Members;*
- (ii) *ADVISES the Western Australian Planning Commission that the Council GENERALLY SUPPORTS IN PRINCIPLE the intent and content of the "Draft Statement of Planning Policy: Network City" dated March 2006", as 'Laid on the Table', subject to the following matters being adequately addressed in the details and further development of the planning policy:*
- (a) *whilst the Town acknowledges and appreciates the strategic nature of 'Network City', it has concern with the level of detail provided on the Spatial Plan (Network City Framework), there is insufficient mapping detail for local governments to assess implications of activity centres, activity corridors and transport corridors, and the Spatial Plan should have additional 'snapshot' maps providing a greater level of geographical detail;*
- (b) *the Western Australian Planning Commission should further explore the impact of providing 60 per cent of new housing within existing 'Brownfield' development and take into account the juxtaposition of providing such additional housing in areas where historical accumulated development, including built heritage, is evident, and consideration of the following points:*
- *retention and conservation of heritage and character buildings vs. requirement for infill development;*
 - *economic development of activity or town centres vs. neighbouring residential amenity vs. creation of a sense of place;*
 - *density vs. residential amenity;*
 - *affordable housing vs. market trends and economic growth; and*
 - *current road widening requirements and transport objectives vs. retention of streetscape value and significant built heritage; and*

- (c) *the Western Australian Planning Commission should allow for an equitable balance of infill development within existing urban areas, inclusive of all Local Governments, thereby avoiding disproportional burden of infill development being placed on individual Local Governments;*
 - (iii) *USES the Western Australian Planning Commission - "Draft Statement of Planning Policy: Network City", as part of the terms of reference for the review of Town Planning Scheme No.1; and*
 - (iv) *FORWARDS a copy of this report and its comments to the Western Australian Planning Commission.*
-

PURPOSE OF REPORT:

The purpose of this report is for the Council to consider and formalise its comments regarding the Western Australian Planning Commission's draft Statement of Planning Policy relating to Network City. The closing date for comments is Monday, 16 May 2006.

BACKGROUND:

The Western Australian Planning Commission published Network City in September 2004 and was the result of a simulated planning exercise known as Dialogue with the City. Dialogue with the City was an event attended by 1,100 people in September 2003 along with a combined workshop made up of key stakeholders.

The Council at its Ordinary Meeting held on 18 January 2005 resolved as follows in relation to the draft "*Network City: Community Planning Strategy for Perth and Peel*":

"That the Council;

- (i) *RECEIVES the report relating to the draft "Network City: Community Planning Strategy for Perth and Peel";*
- (ii) *ADVISES the Western Australian Planning Commission that the Council GENERALLY SUPPORTS IN PRINCIPLE the intent and content of the draft "Network City: Community Planning Strategy for Perth and Peel" dated September 2004, as 'Laid on the Table', subject to the following matters being adequately addressed:*
 - (a) *the Western Australian Planning Commission acknowledges the Town's 'Community Visioning' project as an integral resource in regard to community involvement and aspirations, especially in relation to key objective 'Plan with the Communities';*
 - (b) *the Town has concerns with how the implementation of the Strategy is to be delivered at both a State and Local Government level, in relation to what action priorities are to be targeted, how will the strategies action be delivered, including what resources will be available to Local Governments;*
 - (c) *the Western Australian Planning Commission should deliver to local governments a structured guide on the priorities and actions that outline the specific roles of which Local Governments are expected to perform;*

- (d) *whilst the Town acknowledges and appreciates the strategic nature of 'Network City', it has concern with the level of detail provided on the Spatial Plan (Network City Framework), there is insufficient mapping detail for local governments to assess implications of activity centres, activity corridors and transport corridors, and the Spatial Plan should have additional 'snapshot' maps providing a greater level of geographical detail; and*
- (e) *the Western Australian Planning Commission should further explore the impact of providing 60 per cent of new housing within existing 'Brownfield' development and take into account the juxtaposition of providing such additional housing in areas where historical accumulated development, including built heritage, is evident, and consideration of the following points:*
- *retention and conservation of heritage and character buildings vs. requirement for infill development;*
 - *economic development of activity or town centres vs. neighbouring residential amenity vs. creation of a sense of place;*
 - *density vs. residential amenity;*
 - *affordable housing vs. market trends and economic growth; and*
 - *current road widening requirements and transport objectives vs. retention of streetscape value and significant built heritage; and*
- (f) *the Western Australian Planning Commission should allow for an equitable balance of infill development within existing urban areas, inclusive of all Local Governments, therefore avoiding disproportional burden of infill development being placed on individual Local Governments; and*
- (iii) *FORWARDS a copy of this report to the Western Australian Planning Commission".*

DETAILS:

The Western Australian Planning Commission (WAPC) advise that Network City - "*a milestone in metropolitan planning, embodies the new metropolitan land use strategy, the metropolitan transport strategy and a whole-of government approach*". Network City has been created in a uniquely inclusive way and commits the Commission to plan with communities and to plan through partnerships with Local Government and other stakeholders.

The WAPC advise that they received 246 submissions in relation to the Network City document and that the submissions 'told them' the following:

- (i) There is a high level of support for the vision, values, principles and key objectives expressed in Network City;
- (ii) There is concern about the lack of detailed information and about how the principles, strategies and actions will be applied; and
- (iii) Planning and implementation should be through new forms of partnerships and community engagement.

The *Milestone* statement, in response to public submissions, clearly sets out the priority policy tasks, the setting of population, housing and job targets. This task is to be overseen by a new WAPC/Western Australian Local Government Association Committee, which recently met for the first time. Another immediate task of the Commission is to adopt a statement of planning policy to include the core propositions in the *Milestone* statement and to confirm that Network City replaces Metroplan. As such, the Statement of Planning Policy is intended to initiate a long term program to develop, with partners, the new policies and processes envisaged by Network City.

Dialogue with the City highlighted the following key issues facing the Perth Metropolitan Region.

- *"Perth, Mandurah and Murray will grow from 1.46 to 2.22 million people in the next three decades, resulting in approximately 370,000 new homes and 350,000 new jobs. Trends show: The population in Perth and Peel as at 2001: Population 1.46 million, 580,000 dwellings and a local economy supporting 624,000 jobs (Source: ABS 2001 Census).*
- *Expected population growth:
By 2011, estimated growth of 19 per cent to 1.73 million.
By 2021, projected to increase to 1.99 million.
By 2031, projected to increase to 2.22 million - up 52 per cent on 2001 (Source: Western Australia Tomorrow Population Report No. 4 Oct 2000 WAPC).*
- *Most of those people will be new to the area through birth or immigration.*
- *Need for housing: by 2031 we will need to have accommodated 375,000 new dwellings, of which around 340,000 may be in a metropolitan location.*
- *All of these people will live within approximately two hours' travel time from central Perth.*
- *An ageing population - median age in metropolitan Perth up from 35 years in 2001 to 40.3 years in 2031.*
- *Smaller families and one in two households without children at home.*
- *95 per cent of new jobs likely to be in services, a bigger part-time workforce, more businesses being run from home.*

(Source: Department for Planning and Infrastructure and Liveable Neighbourhoods Edition 2, June 2001)

Network City establishes the fundamental directions for Perth and Peel. The vision for Perth and Peel is that by 2030, Perth people will have created a world-class sustainable city, vibrant, more compact and accessible, with a unique sense of place. The values underlying Network City are sustainability, inclusiveness, innovation and creativity, sense of place and equity. There are three principles to guide decision-making:

- 1. Enhance efficiency of urban land use and infrastructure.*
- 2. Protect and rehabilitate the environment and improve resource efficiency and energy use.*
- 3. Enhance community vitality and cohesiveness.*

Network City has ten key objectives:

- 1. Deliver urban growth management.*
- 2. Accommodate urban growth primarily within a Network City pattern, incorporating communities.*
- 3. Align transport systems and land use to optimise accessibility and amenity.*
- 4. Deliver a safe, reliable and energy-efficient transport system that provides travel choice.*
- 5. Protect and enhance the natural environment, open spaces and heritage.*
- 6. Deliver for all a better quality of life, building on our existing strengths.*
- 7. Plan with the communities.*
- 8. Ensure employment is created in centres.*
- 9. Deliver a city with 'urban' energy, creativity and cultural vitality.*
- 10. Provide a city plan that will be implemented, provide certainty and deliver results.*

The principles, objectives and strategies are captured in eight headline statements. The headlines are included on the spatial plan endorsed by the Government.

- *Manage growth by sharing responsibility between industry, communities and government.*
- *Plan with communities.*
- *Nurture the environment.*
- *Make fuller use of urban land.*
- *Encourage public transport over private transport.*
- *Strengthen local sense of place.*
- *Develop strategies, which deliver local jobs.*
- *Provide affordable housing.*

References to Network City are references collectively to the Network City Framework, the Network City Action Plan and the document Network City: Community Planning Strategy for Perth and Peel.

The Network City Framework... and the Network City Action Plan ... have both been endorsed by the Government. The framework is in diagrammatic form and graphically indicates how the essential principles of Network City might be applied. The action plan contains a set of 28 strategic priorities and 59 priority actions, which are needed to begin the journey of 'making Perth the city we want'.

The document, Network City: Community Planning Strategy for Perth and Peel, contains chapters addressing the following matters: the spatial plan, governance, a liveable city, economy, environment, transport and infrastructure. Network City supersedes Metroplan. It is the metropolitan strategy for Perth and Peel. It embodies the metropolitan land use strategy, the metropolitan transport strategy, a whole-of-government approach, a commitment to partnerships with local government and a commitment to plan with communities.

Like the previous metropolitan strategies, Network City is the foundation for active policy and plan making, not a blueprint or master plan simply to be carried out. Network City will be applied as a system of shared values and priorities for managing Perth and Peel.

The Network City spatial framework ... is in diagrammatic form and graphically indicates how the principles of Network City might be applied. It focuses on four core elements of Network City: activity centres, networks, communities and natural environments

Activity centres bring people together. Most activity centres are on activity corridors. Some activity centres, including some major hospitals and universities, are not. All activity centres will be well served by multi-modal transport options. Networks connect people and places. Activity corridors are those with excellent public transport and many destinations. Transport corridors will be protected for through-traffic, trucks and express buses.

Communities have a sense of place and belonging. The older areas have many opportunities to strengthen networks and centres. In the middle and newer areas the opportunities for consolidation are in activity centres and corridors. In future, communities will be designed around networks and centres.

The environment sustains the city. Large areas of the Perth and Peel regions will not be developed. Large areas will be protected as rural and resource areas and bushland. In preparing regional and local planning strategies and planning schemes and amendments, and in statutory decision making in relation to urban growth, governance, community, environment, heritage, employment, transport and infrastructure in the Perth metropolitan region, the City of Mandurah and the Shire of Murray, proposals will be tested against the values, principles, objectives and headlines listed in part 5 policy directions.

Existing statements of planning policy and existing policies, programs and planning instruments remain in force but are to be understood and interpreted in the context of Network City. The policy is to be taken into account in preparing regional and local planning

strategies and planning schemes and amendments, and given weight in statutory decision making in relation to urban growth, governance, community, environment, heritage, employment, transport and infrastructure in the Perth metropolitan region and in the City of Mandurah and the Shire of Murray.

Implementation will also occur through the day-to-day processes of decision-making on statutory plans, structure plans, subdivisions and development applications and the actions of other State agencies and Local Governments in carrying out their responsibilities.

The WAPC will commence a comprehensive policy review program. The new principles and directions will be written into new policies and planning instruments. Existing policies, programs and planning instruments will be progressively amended, updated and superseded.

Guided by the responses to Network City, the WAPC has identified nine priority tasks for policy making.

- *Detailing the metropolitan structure involves expanding and explaining the overall metropolitan structure of activity centres, activity corridors and transport corridors (including the principles that will govern their local planning and management) and the long-term structure of the metropolitan regional parks system.*
- *Determining local population, housing and job targets involves determining and applying methodologies for setting these (and other) targets collaboratively.*
- *Managing growth involves locating, staging and managing greenfield and infill development.*
- *Developing the activity centre concept involves determining the character, location and management of activity centres.*
- *Developing the activity corridor concept involves determining accessibility principles as well as the character, location and management of activity corridors.*
- *Developing the transport corridor concept involves determining the character, location and management of transport corridors.*
- *Enhancing institutional structures and decision-making involves enhancing and improving the way all levels of government and civil society work together.*
- *Relating sustainability to decision-making involves planning and managing growth according to sustainability principles.*
- *Accessing time, money and skills involves ensuring that all stakeholders have access to the skills and funds needed to deliver planning through participatory mechanisms.*

Peak WAPC committees will drive the priority tasks. The committees will be a combination of existing and new committees and consultative groups, with working groups formed for specific projects. This will ensure that full advantage is taken of the existing expert and representative groups, while involving others who wish to contribute or who can represent diverse interests.

Each of the peak committees, and any associated working groups, will be asked by the WAPC to consider all relevant submissions made on Network City and to take them into account in developing new policies.

Each of the peak committees, and any associated working groups, will be asked by the WAPC to consider and implement ways to inform the community, to foster debate and to give interested people and organisations access to the policy making process.

Each of the peak committees, and any associated working groups, will be asked by the WAPC to make the development of partnerships central to their operations. In all priority tasks the WAPC will seek to build new and stronger partnerships."

CONSULTATION/ADVERTISING:

Consultation undertaken by the WAPC. The closing date for submissions is Monday, 16 May 2006.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005 – 2010 Key Result Area One: Environment and Infrastructure:

“1.3 Develop, implement and promote sustainable urban design”

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Town has considered the Network City document with respect to its population projections and the impact these may have on our communities and the built form in the future. The Town of Vincent is expected to have an increase in population to 28,100 by 2006 (9.11 per cent), 31,100 by 2016 (9.03 per cent) and 35,900 by 2031 (8.66 per cent). These projections of an additional 10,282 persons over a period of 30 years (approximately 342 persons per year) is likely to have a significant impact on planning policy within the Town which is being addressed in the review of the Town Planning Scheme.

Vincent Vision 2024

The Town's recently completed community visioning project was carried out with the express purpose of guiding the review of Town Planning Scheme No.1. Throughout this process, the community participated in workshops and various forums specifically dealing with the future of their town and matters relating to housing density and urban design, town centres and commercial areas, traffic and transport, character and heritage, environment and sustainability, safety and security, community culture and the arts and parks and community facilities. Throughout this process, participants expressed a desire to be part of a proactive approach to planning, and on occasion, concern was raised that State Government policies, geared to achieving housing numbers for the expected population increases, will result in unacceptable development in the Town.

Vincent Vision 2024 has worked collaboratively with the Department for Planning and Infrastructure throughout the process, and upon conclusion of the vision statement and action planning stages of the process, the final report outlining our vision was forwarded to the Department. As a result, it is considered that *Vincent Vision 2024* has accurately portrayed the shared values and vision held by our community, which will additionally reflect a commitment to responsible town planning with the delivery of a town planning scheme borne out of this process.

The Town of Vincent generally shares the broad vision and objectives of Network City and particularly supports a planning approach based on fostering community understanding of broader metropolitan issues whilst meeting the needs of its current and future populations. The Town would, however, wish to reiterate to the Department for Planning and Infrastructure and the WAPC that our community, whilst protective of their current amenity, do acknowledge the need to facilitate additional population growth within the Town. The way in which this growth is achieved, however, is a concern relating to existing blanket zonings which to date have not correlated with an increase in population.

The document sets out policy measures that commensurate with the Town's approach to its new town planning scheme with respect to planning with communities and activity centres. *Vincent Vision 2024* considered the five town centres for opportunities to increase housing choice and numbers with mixed-use developments, to improve amenity and promote community interaction and as such, supports the generalities of the draft policy.

Summary

In light of the above, it is recommended that the Council receives and has no objection to the Western Australian Planning Commission's draft Statement of Planning Policy relating to Network City in line with the Officer Recommendation.

The Presiding Member advised that a request to defer this Item had been received from the applicant.

10.1.15 No. 306 (Lot 98 D/P: 1823, Lot Y99 D/P: 1823, Lot 100 D/P: 1823) Charles Street, North Perth and No. 24 (Lot 20 D/P: 1823) Daphne Street, North Perth - Municipal Heritage Inventory Nominations

Ward:	North	Date:	1 May 2006
Precinct:	Charles Centre; P07 Smith's Lake; P06	File Ref:	PRO2109; PRO3258
Attachments:	001 , 002 , 003		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *the Council APPROVES the proposed inclusion of the places at No. 306 (Lot 98 D/P: 1823, Lot Y99 D/P: 1823, Lot 100 D/P: 1823) Charles Street, North Perth and No. 24 (Lot 20 D/P: 1823) Daphne Street, North Perth onto the Municipal Heritage Inventory; and*
- (ii) *the Council ADVISES the Heritage Council of Western Australia and the Western Australian Planning Commission of the final adoption of the inclusion of the places at No. 24 Daphne Street, North Perth and No. 306 Charles Street, North Perth onto the Municipal Heritage Inventory.*

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Ker

That a new clause (iii) be added to the recommendation as follows:

- “(iii) *the Council ADVISES the owners of No. 306 (Lot 98 D/P: 1823, Lot Y99 D/P: 1823, Lot 100 D/P: 1823) Charles Street, North Perth and No. 24 (Lot 20 D/P: 1823) Daphne Street, North Perth that any planning application, that is submitted with the required information, that incorporates substantial retention of the existing buildings will be expedited.*”

Debate ensued.

AMENDMENT CARRIED (7-1)

For
Mayor Catania
Cr Chester
Cr Farell
Cr Ker
Cr Lake
Cr Maier
Cr Torre

Against
Cr Messina

(Cr Doran-Wu on leave of absence.)

Debate ensued.

Moved Cr Torre, Seconded Cr Messina

That consideration of the Item be divided, separating the property addresses.

CARRIED (8-0)

(Cr Doran-Wu on leave of absence.)

The Presiding Member advised that the recommendation with regards to 24 Daphne Street, North Perth, would now be considered and voted upon.

MOTION AS AMENDED CARRIED (8-0)

(Cr Doran-Wu on leave of absence.)

The Presiding Member advised that the recommendation with regards to 306 Charles Street, North Perth, would now be considered and voted upon.

Moved Cr Torre, Seconded Cr Maier

That the Item be DEFERRED as per the applicant's request.

LOST (3-5)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Chester
Cr Maier	Cr Farrell
Cr Torre	Cr Ker
	Cr Lake
	Cr Messina

(Cr Doran-Wu on leave of absence.)

MOTION AS AMENDED CARRIED (6-2)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Maier
Cr Chester	Cr Torre
Cr Farrell	
Cr Ker	
Cr Lake	
Cr Messina	

(Cr Doran-Wu on leave of absence.)

COUNCIL DECISION ITEM 10.1.15

That;

- (i) *the Council APPROVES the proposed inclusion of the places at No. 306 (Lot 98 D/P: 1823, Lot Y99 D/P: 1823, Lot 100 D/P: 1823) Charles Street, North Perth and No. 24 (Lot 20 D/P: 1823) Daphne Street, North Perth onto the Municipal Heritage Inventory;*
- (ii) *the Council ADVISES the Heritage Council of Western Australia and the Western Australian Planning Commission of the final adoption of the inclusion of the places at No. 24 Daphne Street, North Perth and No. 306 Charles Street, North Perth onto the Municipal Heritage Inventory; and*
- (iii) *the Council ADVISES the owners of No. 306 (Lot 98 D/P: 1823, Lot Y99 D/P: 1823, Lot 100 D/P: 1823) Charles Street, North Perth and No. 24 (Lot 20 D/P: 1823) Daphne Street, North Perth that any planning application, that is submitted with the required information, that incorporates substantial retention of the existing buildings will be expedited.*

BACKGROUND:

- | | |
|------------------|---|
| 14 February 2006 | The Council at its Ordinary Meeting resolved to refuse an application for the demolition of the single storey residence at No.306 Charles Street, North Perth. At this time, the Council also resolved to nominate the place for consideration onto the Heritage Council's State Register of Heritage Places. |
| 14 February 2006 | The Council at its Ordinary Meeting resolved to refuse an application for demolition of the single storey house at No.24 Daphne Street, North Perth. |
| 21 February 2006 | The Council at its Ordinary Meeting resolved to advertise for public comment the proposed inclusion of No.24 Daphne Street, and No.306 Charles Street, North Perth onto the Municipal Heritage Inventory. |

DETAILS:

In response to the two development applications received by the Town in relation to the proposed demolition of No.306 Charles Street, North Perth and No.24 Daphne Street, North Perth, Heritage Assessments were undertaken by the Town's Officers.

In accordance with the Heritage Management Policy No.3.6.2, a place will be considered to be significant to the locality and worthy of inclusion into the Town's Municipal Heritage Inventory (MHI) if one or more of the criteria are found to have at least some significance under the headings Aesthetic, Historic, Scientific/Research or Social Values. The Heritage Assessments for No.306 Charles Street, North Perth and No.24 Daphne Street, North Perth found both places to be of cultural heritage significance to the locality and worthy of inclusion onto the MHI. The cultural heritage significance of both places can be summarised as follows:

- The place at No. 24 Daphne Street, North Perth was considered to have *some historic value* as it demonstrates the growth of suburban areas in Perth that occurred as a direct result of the Gold Boom and the associated increase in the population and through its association with Phillip Collier who was MLA for Boulder and Premier of Western Australia during the Inter-War period. In addition to this, the place as a weatherboard dwelling has *some rarity value* as it represents the use of a building material that is no longer widely practiced in the construction of residential buildings in Perth.
- The place at No.306 Charles Street, North Perth was considered to have *considerable historic value* for its association with the Browne's family, founders of Browne's Dairy whose business and products have become a household name within Western Australia. The place has *some aesthetic and rarity values* as an exemplar of the Interwar Arts and Crafts bungalow style, it has an impact on significant vistas along Charles Street and it contributes to the aesthetic qualities of the cultural environment within which it is located.

The Heritage Assessments for both the places at No.306 Charles Street, North Perth and No. 24 Daphne Street, North Perth are contained in an attachment to this report

COMMUNITY CONSULTATION:

The proposed nomination of the places at No.306 Charles Street and No.24 Daphne Street North Perth for inclusion onto the MHI was advertised in the *Guardian Express* and the *Voice News* for a period of 28 days. A break down of the submissions that were received is listed below.

No.306 Charles Street, North Perth

A total of 73 objections were received in regard to the nomination of No.306 Charles Street on to the Municipal Heritage Inventory during the Community Consultation period. Of the 73 objections received, 72 objections comprised of a standard letter within which people were requested to insert their signature and provide their residential address. The Chief Executive Officer deemed that these submissions were not a petition. The standard letter stated that the house is not worthy of retention and does not have a high level of aesthetic or historic value. In addition to this, the letter further states that the house would be better suited for commercial development in accordance with the site's current zoning. A copy of an example of the standard letter is included in the attachment to this report. Copies of the 72 standard letters are "*Laid on the Table*".

Of these 72 standard letters, 36 objections were from people who lived or owned a business in the locality, 34 objections were from people who lived outside the locality and the addresses of 2 objections were illegible.

The other objection received was from the owner's planning consultant who opposed the nomination of the place onto the MHI for the following reasons: underutilization of commercial land, that the surrounding commercial development of the area has impacted on the place's amenity, privacy and predominantly its suitability for single residential use and the negative impact of the noise and traffic resulting from the place's location on a Primary Road. The applicant's letter stating their objection, dated 27 March 2006, is included as an attachment to this report.

Three letters of support were received for the inclusion of No.306 Charles Street onto the MHI. One of the letters of support stated that the place has social and historical importance and that it "*is a real plus for the busy thoroughfare, particularly as the other side of the road is so utilitarian.*" The second letter of support identifies the place as a North Perth icon, which has important historic associations with the Browne's family and the third letter of support states that the place "*represents a special part of the short history of the area*".

Whilst there was a high proportion of objections to the nomination of the place onto the MHI, the main rationale was in the context of the place's commercial zoning and non-conformity of use. These factors are not considered to be contributing reasons for approval of a heritage place to be demolished and in this instance the omission of the place from the MHI, as decisions should be in relation to the place's cultural heritage significance. Heritage buildings commonly exist in commercial zones and can be given approval for alternative and even non-conforming uses if it facilitates the ongoing use and conservation of the place.

The 72 prefabricated letters state that the house is not worthy of retention and does not have a high level of aesthetic or historic value. This view is not supported by the Heritage Officers, as the detailed Heritage Assessment identifies that the place has considerable historic significance and some aesthetic significance. This view was further supported by the Heritage Council of Western Australia (HCWA) and is documented later in this report. It is to be noted that the owner/consultant has not provided any heritage justification prepared by a heritage consultant supporting their view that the dwelling is not worthy of retention.

No.24 Daphne Street, North Perth

There were no objections received regarding the nomination of the place at No.24 Daphne Street onto the MHI. However, the Town received a letter from the owner's planning consultants questioning the Town's management and implementation of the Heritage and Management Policy No.3.6.5 Adding/Deleting/Amending Places listed on the Municipal Heritage Inventory.

There were two letters of support for the inclusion of the place at No.24 Daphne Street onto the MHI. The author of one of the letters wrote "*that this is an increasingly rare, very old, early 20th century weatherboard cottage. It is an essential part of the history of this famous little street. If it does go, Daphne Street can never recover its heritage value.*" The author of the second letter wrote that they support the proposal as the place contributes to the history of the area.

COMMENTS:

No.306 Charles Street, North Perth

On 14 February 2006, the Council resolved to nominate the place at No.306 Charles Street for inclusion onto the State Register of Heritage Places. In a letter dated 5 April 2006, the HCWA advised that the nomination of the place at No.306 Charles Street was considered by the Heritage Council's Register Committee at their meeting on 31 March 2006. At this time, the Committee determined that the place was unlikely to meet the threshold for entry onto the State Register of Heritage Places and that it did not warrant further assessment by the Heritage Council. However, the Heritage Council acknowledged that the place was likely to have a high degree of local cultural heritage significance; further stating that HCWA "*supports the Town of Vincent in its effort to retain the place and encourages the Town to include the place on its reviewed Municipal Heritage Inventory.*" This letter is included as an attachment to this report.

Whilst the nomination for the place onto the State Register of Heritage Places was not successful, the Town's Heritage Officers concur that the place has a high level of cultural heritage significance to the locality and that its retention is essential. It is recommended that the Council approves the proposed inclusion of the place onto the MHI in accordance with the Officer Recommendation.

The owner's planning consultant lodged an application with the State Administrative Tribunal (SAT) on 22 March 2006 to review the decision of the Council, to refuse the demolition of the place at its Ordinary Meeting on 14 February 2006. The matter is scheduled to be considered by the SAT on 8 June 2006. The determination of the Council regarding the proposed listing of No.306 Charles Street onto the MHI is considered to be critical in the Tribunal's review of the matter. A report relating to the above review is part of this Agenda Report of the Ordinary Meeting of Council on 9 May 2006, as a Confidential Item.

No.24 Daphne Street, North Perth

As there were no objections received in regard to the listing of the place at No.24 Daphne Street onto the MHI, it is recommended that the Council approves the proposed inclusion of the place onto the MHI in accordance with the Officer Recommendation.

10.1.16 Research Program for Historic Significance of Places Included on the Town of Vincent Municipal Heritage Inventory

Ward:	Both	Date:	27 April 2006
Precinct:	All Precincts	File Ref:	PRO0098
Attachments:	-		
Reporting Officer(s):	H Eames, J Davidson		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES this report relating to the Research Program for Historic Significance of Places Included on the Town of Vincent Municipal Heritage Inventory;*
- (ii) *ADOPTS the objectives of the Research Program as outlined in Table 1 of this report;*
- (iii) *LISTS the amount of \$30,000 for consideration in the Draft 2006/2007 Budget for the undertaking of the Research Program as outlined in this report; and*
- (iv) *APPROVES the commencement of the Research Program as outlined in this report, subject to (iii) above.*

Moved Cr Chester, Seconded Cr Ker

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

- “(v) *REVIEWS the Research Program to consider its continuation after its initial 12 months operation and the matter be presented to the Council for further consideration at that time.*”

MOTION AS AMENDED CARRIED (8-0)

(Cr Doran-Wu on leave of absence.)

COUNCIL DECISION ITEM 10.1.16

That the Council;

- (i) *RECEIVES this report relating to the Research Program for Historic Significance of Places Included on the Town of Vincent Municipal Heritage Inventory;*
- (ii) *ADOPTS the objectives of the Research Program as outlined in Table 1 of this report;*
- (iii) *LISTS the amount of \$30,000 for consideration in the Draft 2006/2007 Budget for the undertaking of the Research Program as outlined in this report;*
- (iv) *APPROVES the commencement of the Research Program as outlined in this report, subject to (iii) above; and*
- (v) *REVIEWS the Research Program to consider its continuation after its initial 12 months operation and the matter be presented to the Council for further consideration at that time.*

PURPOSE OF REPORT:

This report responds to a resolution of the Council to investigate and report on the research of places of historic significance in the Town, which is detailed in a Notice of Motion by Councillor Chester dated 28 March 2006.

BACKGROUND:

At the Ordinary Meeting of Council held on 28 March 2006, it was resolved:

That;

- (i) the Council AUTHORIZES the Chief Executive Officer to prepare a report no later than May 2006 that considers allocating an appropriate amount of money to the 2006/2007 Budget for the research of places of historic significance in the Town and that information be used to;*
 - (a) add information to the Town of Vincent Municipal Heritage Inventory;*
 - (b) make amendments to the Town of Vincent Municipal Heritage Inventory;*
and
- (ii) the report should consider;*
 - (a) the respective roles of the Town's Local Studies Officers and the Planning, Building and Heritage Services Section in facilitating the collection of information on places of historic significance in the Town;*
and
 - (b) an appropriate means of engaging community members with local history expertise, particularly in the Vincent area, to contribute information to the research project.*

DETAILS:

An opportunity exists to enhance the information of places entered into the Municipal Heritage Inventory (MHI) by investigating and expanding the history associated with such places.

It is considered that an expansion of the historic and social associations with specific places entered on to the MHI will compliment the physical record and existing documentary evidence contained in the MHI.

Knowledge of specific sites, events and people generally become available to the Town through oral histories and donations to the Town's Local Studies Collections. Similar knowledge may also come as a result of investigation by the Town's Planning, Building and Heritage Services by way of a particular development proposal for a place. However, this knowledge collection is random and does not directly target the places included on the MHI in a regular or systematic fashion. There is no scope within existing programs in the Local Studies or Heritage Services that can accommodate the objectives of this initiative.

Targeting a research program directly at places on the MHI and using local knowledge and experience, would result in the integrity of the MHI being enhanced and generally strengthened.

Below is a summary outlining key objectives of the research program:

Table 1

Objective	Objective Description	Outcome
Objective 1	Provide added historic integrity and knowledge to the Municipal Heritage Inventory.	Enhanced value to the MHI.
Objective 2	Create a program of regular improvement to the MHI Historical Background field of the Place Record Forms in a prioritised method.	A culture of systematic review and improvement to the MHI.
Objective 3	Utilise the on-line MHI Database for improving and enhancing Place Record Forms.	Maximise new technology and heritage management practice of the MHI.
Objective 4	Access local knowledge within the Vincent area and specific sites relevant to the MHI.	Valuing the community knowledge and expertise.
Objective 5	Provide a professional environment for the investigation, documentation and integration of historic knowledge with support and guidance from the Local Studies Librarians and Heritage Officers.	Partnership between the Town, its residents and its local community members.
Objective 6	Run the research program for an initial 12 month period, to be reviewed and considered at the end of this time as to its positive impacts on the MHI.	Monitoring and consideration of performance of the program.

CONSULTATION/ADVERTISING:

No advertising or consultation for this proposal is required at this time.

LEGAL/POLICY:

There are no specific legal or policy requirements relating to this initiative.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010:

Key Result Area 1.2 *"Recognise the value of heritage in providing a sense of place and identity"*.

FINANCIAL/BUDGET IMPLICATIONS:

A total amount of \$30,000 has been identified as sufficient for the initiation of this program.

This amount considers the following breakdown estimates:

- \$26,000 for part-time research consultancy fees;
- \$3,000 for disbursements associated with historic research, such as photocopying of documents, which would then be placed in the Town's Local Studies Collection for public benefit; and
- \$1,000 for advertising and promotion of the program.

COMMENTS:

The proposed research program is considered to have merits as outlined in this Agenda Report. The program identifies an opportunity for improvement by utilising existing Officer expertise, technology and partnering this with external knowledge and for the appreciation for heritage in the broader community. Accordingly, it is recommended that the Council adopts the Officer Recommendations as above.

The Presiding Member noted that all Elected Members had declared an impartiality interest in this Item.

10.1.17 Heritage Plaque Scheme - Proposal for Partnership with North Perth Community Financial Services Limited

Ward:	Both Wards	Date:	3 May 2006
Precinct:	All	File Ref:	PLA 0112
Attachments:	001		
Reporting Officer(s):	T Woodhouse, H Eames		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES this report relating to Heritage Plaque Scheme - Proposal for Partnership with North Perth Community Financial Services Limited (Bendigo Bank); and*
- (ii) *AUTHORISES the Chief Executive Officer to:*
 - (a) *INVESTIGATE alternative heritage initiatives detailed within the Report, through a partnership with North Perth Community Financial Services Limited (Bendigo Bank);*
 - (b) *INVESTIGATE the costs involved in developing the heritage initiatives detailed in the Report and arrive at an estimated figure for the Draft 2007/2008 Budget; and*
 - (c) *PRESENT a further report to the Council on the outcomes of the above investigation no later than October 2006.*

Moved Cr Messina, Seconded Cr Farrell

That the recommendation be adopted.

Cr Messina requested that it be noted that all correspondence received by the Town regarding the proposal should be referred to the Bendigo Bank for information purposes.

Debate ensued.

Moved Cr Lake, Seconded Cr Ker

That clauses (ii)(a) and (b) of the recommendation be amended as follows:

- “(ii) (a) *INVESTIGATE alternative heritage initiatives ~~detailed within the Report,~~ through a partnership with North Perth Community Financial Services Limited (Bendigo Bank);*
- (b) *INVESTIGATE the costs involved in developing the heritage initiatives ~~detailed in the Report~~ and arrive at an estimated figure for the Draft 2007/2008 Budget; and”*

AMENDMENT CARRIED (8-0)

(Cr Doran-Wu on leave of absence.)

Debate ensued.

Moved Cr Chester, **Seconded** Cr Ker

That a new clause (ii) be added to the recommendation as follows:

“(ii) that the Council SUPPORTS the principle of heritage plaques and wishes to investigate the matter further;”

and the remaining clause be renumbered accordingly.

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Doran-Wu on leave of absence.)

MOTION AS AMENDED CARRIED (7-1)

<u>For</u>	<u>Against</u>
Cr Chester	Mayor Catania
Cr Farrell	
Cr Ker	
Cr Lake	
Cr Maier	
Cr Messina	
Cr Torre	

(Cr Doran-Wu on leave of absence.)

COUNCIL DECISION ITEM 10.1.17

That the Council;

- (i) RECEIVES this report relating to Heritage Plaque Scheme - Proposal for Partnership with North Perth Community Financial Services Limited (Bendigo Bank);*
- (ii) that the Council SUPPORTS the principle of heritage plaques and wishes to investigate the matter further; and*
- (iii) AUTHORIZES the Chief Executive Officer to:*
 - (a) INVESTIGATE alternative heritage initiatives through a partnership with North Perth Community Financial Services Limited (Bendigo Bank);*
 - (b) INVESTIGATE the costs involved in developing the heritage initiatives and arrive at an estimated figure for the Draft 2007/2008 Budget; and*
 - (c) PRESENT a further report to the Council on the outcomes of the above investigation no later than October 2006.*

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of a partnership proposal with the North Perth Community Financial Services Limited (Bendigo Bank) concerning heritage initiatives.

BACKGROUND:

The Town received a letter from North Perth Community Financial Services Limited (franchise of Bendigo Bank) dated 17 March 2006 which is shown as an attachment to this report.

At the Ordinary Meeting of Council held on 11 April 2006 it was resolved:

That the Council;

- (i) *RECEIVES this report relating to Heritage Plaque Scheme - Proposal for Partnership with North Perth Community Financial Services Limited;*
- (ii) *SUPPORTS IN PRINCIPLE the proposed Heritage Plaque Scheme in partnership with North Perth Financial Services Limited; and*
- (iii) *AUTHORISES the Chief Executive Officer to:*
 - (a) *INVESTIGATE the proposed scheme including, but not limited to; eligibility criteria, cost implications and administrative arrangements;*
 - (b) *PRESENT a further report to the Council on the outcomes of the above investigation by no later than May 2006; and*
 - (c) *explore funding options to provide historic research to identify properties eligible for the Scheme.*

DETAILS:

The letter received by the Town on 17 March 2006 proposed a partnership scheme with the Town to sponsor the issuing of plaques to all 100 year old buildings (commercial and residential) in the Town of Vincent.

In response to the Council resolution made at the Ordinary Meeting of Council on 11 April 2006, the Town's Officers have since conducted further research into the proposal.

Initial research involved estimating the number of places within the Town that are 100 years old. The figure arrived at is 2,260 places to have been constructed prior to 1906, most of which being concentrated in the area south of Vincent Street. Of these properties, 225 are listed on the existing Municipal Heritage Inventory. This figure is only indicative and to arrive at an exact figure would be a very timely exercise involving researching rates books, post office directories and Metropolitan sewerage plans for that period and then cross referencing to more recent documentation to confirm street numbering and identifying if the original building is still in place.

Recent quotes received for interpretive plaques prepared for the former site of Ormiston House in Robertson Park indicates that to develop plaques for 2,260 buildings would be a very costly exercise, with an average cost for the production of one plaque (150mm X 270mm), not including installation or the preparation of the text is \$300 per plaque, amounting to a total of \$ 678, 000.

Other costs will also be incurred through the research and writing of the plaques, which could be done in-house, together with installation and on-going maintenance.

The Town's Officers have conducted a comparative study of heritage related initiatives within the municipalities of the City of Subiaco and the City of Kalgoorlie-Boulder, with a focus on examining the use of historic plaques. Similar to the Town of Vincent, both municipalities promote the importance of heritage and history and have many significant historic buildings in which they seek to conserve and protect. The comparative study revealed that the respective City's do use plaques to varying degrees as methods of interpreting their respective histories and heritage.

The City of Kalgoorlie-Boulder has recently developed an 'Inner City Trails' initiative which allows tourists and locals to gain insightful information on many of the significant buildings in Kalgoorlie and Boulder. Resourceful brochures have been developed for the walks to guide participants and to provide background information and photographs for the significant sites along the walking route. In this instance, the plaques are to assist and identify the building, and include the City's logo whilst the majority of the information is in the brochure.

A similar approach has also been taken by the City of Subiaco, whereby a series of five 'Walking Subiaco' brochures have been developed to provide the opportunity for locals and visitors to discover historic sites, parks, houses and other places of interest in Subiaco. Again, the use of plaques is to identify the places of interest and the bulk of the information is provided in the text of the brochures.

Considering the examples discussed above, the Town's Officers suggest that the Town of Vincent and the North Perth Community Financial Services Limited form a partnership to develop a series of heritage walks that include a selection of significant buildings within the Town, many of which will be 100 years old. It is considered that brochures are a preferred way of documenting the information about the significant buildings within the Town and can be better promoted and distributed to those interested in learning more about Vincent's past. A series of walks could be developed based on a number of themes, such as the Labour History walk that was prepared in 1999.

With regard to other heritage related strategic initiatives currently been administered at the Town, the Town's Officers consider that to ensure adequate resources are dedicated to the proposal, it is to be scheduled to be implemented during the 2007/2008 financial year.

LEGAL/POLICY:

There are no legal or policy implications at this stage of the proposal.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 - Key Result Area. 1.2 *"Recognise the value of heritage in providing a sense of place and identity."*

FINANCIAL/BUDGET IMPLICATIONS:

If the proposal for individual plaques to be developed for all 100 year old buildings in the Town of Vincent were to be adopted by the Council, it will require a total budget allocation of an estimated \$600,000. If alternative heritage initiatives detailed in this report were to be adopted by Council it is estimated that this would require a total budget allocation of between \$20, 000 - \$50, 000.

COMMENTS:

It is recommended that the Council consider the alternative proposals and support in principle, and that further investigation into the administrative and cost requirements for the scheme alternatives be subject to a further report to the Council.

10.1.19 Nos. 14 & 16 (Lot 111) Church Street, Perth – Proposed Demolition of Existing Front Fences and Construction of Replacement Front Fences

Ward:	South	Date:	3 May 2006
Precinct:	Beaufort; P13	File Ref:	PRO0777
Attachments:	001 ; 002		
Reporting Officer:	S Teymant, K Batina		
Checked/Endorsed by:	R Rasiah; R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** this report relating to the proposed demolition of existing front fences and the construction of replacement front fences at Nos. 14 and 16 (Lot 111) Church Street, Perth;
- (ii) **APPROVES** the undertaking of the proposed works, which include the proposed demolition of existing front fences and the construction of replacement front fences at Nos. 14 and 16 (Lot 111) Church Street, Perth;
- (iii) **subject to Clause (ii) above being supported, APPROVES BY AN ABSOLUTE MAJORITY** the re-allocation of funds totalling \$10,890 as shown in Table A in this report to carry out the works and **REQUESTS** the Chief Executive Officer to identify additional funds in the 2005/2006 Budget;
- (iv) **ADVISES** in writing the property owners of both Nos. 14 and 16 Church Street, Perth that:
 - (a) a signed Metropolitan Region Scheme Form 1 be signed by both owners and submitted to the Town to enable the proposed works detailed in this report and to be undertaken and the waiver of the Town's Building and Planning Application fees;
 - (b) authorisation by the land owners of Nos. 14 & 16 Church Street, Perth for the Town to lodge a Building Licence Application; and
 - (c) that each property owner in agreeing to permit these works to be undertaken, indemnifies the Town in writing, against any action arising from the construction of the brick wall and installation of iron gates at their respective properties; and
- (v) **ACKNOWLEDGES** that the above clauses (ii) and (iii) do not set precedence in similar situations.

COUNCIL DECISION ITEM 10.1.19

Moved Cr Messina, **Seconded** Cr Torre

That the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

(Cr Doran-Wu on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to request approval from the Council for the Town to provide funding, for proposed works to be undertaken at Nos. 14 and 16 Church Street, Perth, to abate the adverse effects of light and noise emissions from the underground car park at Nos. 34 to 36 Palmerston Street, Perth (which was approved at the Ordinary Meeting of Council held on 30 December 1997). The proposed works would include the following:

- demolition of the existing front fence walls and gates located on the front boundary of each of the above properties; and
- construction of replacement front fence walls, as shown in Attachment 10.1.19 of this report.

The report will also provide justification for the construction of replacement fencing at Nos. 14 and 16 Church Street, Perth and outline the rationale behind opting for the solution proposed, as opposed to other potential remedial options.

BACKGROUND:

22 December 1997 Development approval was granted by an Absolute Majority for a proposed development at Nos. 34 to 36 (Lot N47) Palmerston Street and Church Street, Perth for the conversion of two existing warehouse buildings into twenty-five (25) Grouped Dwellings and Eight (8) Multiple Dwellings and Construction of an additional seventeen (17) Grouped Dwellings and Six (6) Multiple Dwellings.

The development approval was granted subject to a number of conditions being satisfied. Those conditions relevant to this report are as follows:

“(iv) notwithstanding condition (iii) above, the contribution of a fixed lump sum of \$50,000 by the applicant/landowner for the upgrading of streetscape works along the Palmerston Street verge between the subject land and Church Street and along the Church Street verge between the subject land and Palmerston Street (including, along the northern side of the Church Street verge);

(v) compliance with Engineering Services conditions regarding access off Church Street to the underground car park, in particular:

.....

(b) the provision of lighting along the ramp with no spill over onto adjoining or nearby properties, including those on the northern side of Church Street;

.....

(d) the vertical and horizontal angle of access and egress being established to minimise intrusion of headlight glare from accessing and egressing vehicles into nearby properties, especially those on the north side of Church Street;”

- 14 September 2005 A letter was received on behalf of the owner at No.14 Church Street, Perth, Mr. Sam Grozotis, by Mr Grozotis' son, Terry Grozotis stating the following:
- "I am seeking information concerning the northern side of Church Street, opposite the access to the underground car park to the Rialto development.*
- This are (previously bitumen) was reduced and given a landscape treatment in an attempt to screen headlights from vehicles exiting the underground car park.*
- This landscape treatment provides no respite from the headlights of cars exiting the car park and is often overgrown by weeds which I have been clearing when I can.*
- Would it be possible for Council to improve the landscape treatment so that at least some head light screening happens as well as maintain the area on a regular basis."*
- 28 September 2005 An on site meeting was held with Mr Terry Grozotis and the Town's Officers to discuss measures in which the issues raised in the letter dated 14 September 2005 could be resolved.
- 30 September 2005 The Town formally responded to Mr Grozotis' letter, advising that the Town was prepared to undertake the following works:
- Spraying and removal of weeds;
 - Planting of suitable native groundcovers; and
 - Re-mulching to suppress future weed growth.
- The Town also advised however. that it would be unlikely that these works would provide any respite from the vehicle headlights.
- 20 December 2005 The Town's Officers from Planning Building and Heritage Services met on-site with Mr Terry Grozotis.
- 19 January 2006 The Town's Planning Building and Heritage Services responded to Mr Grozotis' letter advising the following:
- ".....the Town is not in a position to assist with the construction cost of a wall....moreover, any solid boundary fence/wall will not be in compliance with the Street Wall and Fences Policy of the Town.*
- To assist in the screening to the residence...from further headlight glare, the Town's Technical Services have advised that a lattice screen to a height of approximately 1.5 metres will be erected in the garden area of the Church Street verge adjacent to the property.*
- This will involve removal of two (2) of the existing trees and the garden area will then be planted up with Chinese Star Jasmine, a vigorous creeper that should provide adequate coverage and additional screening within 12 to 18 months....."*

19 January 2006 An Elected Members Request was received from Councillor Sally Lake which raised a number of issues in relation to the lattice screening proposed by the Town's Officers to Mr Grozotis. Specifically, the issues raised were:

- “1. Will the lattice create an unsafe area [as it] will not be clearly visible from the street?
2. Is lattice really the best solution?
3. Who will take responsibility for watering and maintaining the verge plantings? ”

Councillor Lake requested that consultation should be undertaken with the affected property owners and residents prior to any landscaping works being undertaken.

8 February 2006 The Town's Executive Manager Environmental and Development Services and Executive Manager Technical Services and owners of both Nos. 14 and 16 Church Street, Perth met on site to discuss the issues previously raised by Mr Grozotis and to seek an outcome to addressing the issues raised.

Both property owners advised that the proposed lattice screening was not considered sufficient or appropriate.

Further discussion was held and the final outcomes from this site meeting were as follows:

- (a) The Town would investigate the cost of appropriate front fencing and gates to be constructed at Nos. 14 and 16 Church Street, Perth; and
- (b) The Town would investigate the cost of appropriate landscaping within the adjacent Church Street verge, including plants, reticulation and the installation of a water meter and connection under Church Street.

It was also noted at the time of this on-site meeting, that the Rialto development's vehicular gate off Church Street made what was considered to be an unreasonable amount of noise when opening and closing. The Town's Health Services were directed to investigate this matter further. Noise emissions from vehicle exhausts upon entry and egress were noted as also being a problem.

8 to 28 February 2006 The Town's Officers undertook investigations into the two options proposed at the on-site meeting, with relevant cost estimates made for both.

The cost estimates associated with each option were as follows:

Construction of front fencing to a suitable height;
Cost estimate: approximately \$10,000 to \$25,000

Appropriate landscaping of adjacent Church Street verge, including plants (using mature trees), reticulation and the installation of reticulation and connection to a water meter;

Cost estimate: approximately \$8,000 (plus on going maintenance costs).

DETAILS:

Through discussions with the property owners of Nos. 14 and 16 Church Street, Perth and various Officers from the Town, it has been determined that the most appropriate design measure to ameliorate both the light and noise pollution, as detailed above, would be to construct a solid wall, as shown in Attachment 10.1.19.

Although various conditions were placed on the Development Approval granted on 22 December 1997, to address the potential problem of light intrusion from the entry and egress of vehicles into and from the underground car park, at Nos. 34 to 36 Palmerston Street, Perth, the application of such conditions have failed to address the concern appropriately. In addition, the problem of noise emissions from use of the underground car park does not appear to have been adequately addressed during the development approval process at the time.

To resolve this matter, the proposal is to demolish the existing short height front boundary fence and gates (0.92 metre in height) at Nos. 14 and 16 Church Street, Perth and to replace with a taller front boundary fence and gates (2.0 metres in height), similar in construction to that at No. 20 Church Street (refer to Attachment 10.1.19). The proposed dimensions of the fencing have been detailed in Attachment 10.1.19 to this report.

The construction of a solid wall will resolve the problem of light emissions impacting on the front yard and front room of each dwelling long term, as well as significantly reducing the amount of noise impacting each property from vehicles utilising the underground car park at Nos. 34 to 36 Palmerston Street, Perth.

The streetscape on the northern side of Church Street, opposite the Rialto development remains relatively intact, with most of the terraced dwellings on this northern side of Church Street having solid or visually permeable front fencing along their front boundaries. Both Nos. 14 and 16 Church Street are the only two properties along this portion of Church Street that have the original style low fencing, measuring no higher than 0.92 metre from natural ground level at the front boundary.

The Town has sought quotes from three contractors to undertake the proposed works, with details of each provided below:

Table A : Quotes Received for Proposed Works

Name of Contractor Company	Quote	Works Included
Atwell Building	\$10,890 (GST Inc.)	<ul style="list-style-type: none"> • Removal of existing wall. • Reconstruction of new wall. • Supply and installation of gates and infill panels. • Supply and installation of letterboxes in piers and numbers for each house.

J. H. Wallace and Co.	\$15,598 (GST Inc.)	<ul style="list-style-type: none"> • Removal of existing wall. • Reconstruction of new wall. • Supply and installation of gates and infills. • Supply and installation of letterboxes in piers and numbers for each house.
Robinson Buildtech	\$23,632 (GST Excl.)	<ul style="list-style-type: none"> • Removal of existing wall. • Reconstruction of new wall. • Supply and installation of gates and infills. • Supply and installation of letterboxes in piers and numbers for each house. • Paint walls to required colour.

On the basis of the quotations received, Atwell Building would be considered as the preferred contractor to undertake the proposed works at Nos. 14 and 16 Church Street, Perth, should the Council approve the works.

Advantages and disadvantages of all options examined to abate the problems at Nos. 14 and 16 Church Street, Perth are as follows:

Table B: Advantages and Disadvantages for Each Option

Alternate Options	Advantages	Disadvantages
Option 1 - Construction of a rendered brick wall to a minimum height of 2 metres in front of Nos. 14 and 16 Church Street, Perth and minor verge planting works	<ul style="list-style-type: none"> • Will treat both noise and light intrusion effectively. • No ongoing maintenance for the Town of Vincent. • Most suitable option for the property owners. 	<ul style="list-style-type: none"> • Initial one-off cost.
Option 2 - Installation of lattice and planting of creepers and other vegetation on the verge in front of Nos. 14 and 16 Church Street, Perth	<ul style="list-style-type: none"> • Visually pleasing. • Slightly cheaper initially. 	<ul style="list-style-type: none"> • Ongoing Maintenance and associated costs. • Vandalism to vegetation and lattice will immediately remove the benefits of such screening. • No impact on keeping out noise.

<p>Option 3 - Installation of a roller shutter at No. 16 Church Street, Perth and reimbursement of costs associated with the existing roller shutter at No. 14 Church Street, Perth</p>	<ul style="list-style-type: none"> • Cheapest option (approx. \$1500-\$2500) • One-off cost - no maintenance. 	<ul style="list-style-type: none"> • Reduction in internal ventilation of premises. • Limited impact on keeping out noise. • Visually displeasing. • Inconsistent with Crime Prevention Through Environmental Design (CPTED) principles
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The above Table it would be in the best interests of all parties concerned, being the owners of Nos. 14 and 16 Church Street Perth and the Town, to construct the proposed masonry brick wall along the front boundary of each of the above properties, and to undertake minor replanting works on the verge, for the owners of Nos. 14 and 16 Church Street, to maintain. It will be recommended that as a condition of development approval (at the Development Approval stage), that the owners of both Nos. 14 and 16 Church Street, Perth will be responsible for maintaining the verge (watering, removal of litter etc) directly in front of their properties.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

The current 2005/2006 Budget lists \$64,000 under the Emergency Building Fund of which there is approximately \$35,000 remaining. It is proposed that funding for the proposed works be provided from this account.

COMMENTS:

After careful consideration of the options available to abate both light and noise pollution at Nos. 14 and 16 Church Street, Perth, as well as determining the most economically viable option to resolve the matter long term, it is clear that the construction of a new brick wall and replanting of basic vegetation on the verge of each property, would be the most appropriate solution.

Furthermore, construction of a brick wall is the only option that will allay noise concerns. The other options available address light emission concerns only and, therefore, will be of no benefit in resolving this matter successfully for the owners of each property.

The Town has adequate funds under the Emergency Building Fund account to cover the cost of the proposed works.

It is therefore recommended that the Council receives this report and approves the appointment of the preferred contractor (Atwell Building) to undertake the proposed works at Nos. 14 and 16 Church Street, Perth and for all costs to be debited from the Town's Emergency Building Fund.

10.2.5 Local Plant Sales – Progress Report

Ward:	Both	Date:	3 May 2006
Precinct:	All	File Ref:	CMS0096
Attachments:	-		
Reporting Officer(s):	K Godfrey		
Checked/Endorsed by:	R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the successful Local Plant Sale held at the Town of Vincent Administration and Civic Centre on Saturday 29 April 2006; and*
- (ii) *NOTES that due to the ongoing support from owner/occupiers, further Local Plant Sales are planned to be held in June and August 2006.*

COUNCIL DECISION ITEM 10.2.5

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Doran-Wu on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the success of the recent Local Plant Sale held at the Town's Administration and Civic Centre on Saturday 29 April 2006 and advises of future Local Plant sales to be held in June and August 2006.

BACKGROUND:

At the Ordinary Meeting of Council held on 23 August 2005, a report was presented regarding the Local Plant Sale held on 6 August 2005, where it was decided:

"That the Council;

- (i) *RECEIVES the report on the successful Local Plant Sale held at the Town of Vincent Administration & Civic Centre on Saturday 6 August 2005;*
- (ii) *NOTES that due to the popularity of the event, a further Local Plant Sale is planned to be held in September 2005; and*
- (iii) *CONSIDERS listing funds in future budgets (amount to be determined) to allow for the undertaking of up to three (3) Local Plant Sales per year."*

DETAILS:

The recent Local Plant Sale was the first of three (3) sales scheduled for 2006. The remaining two (2) plant sales will be in June and August 2006.

The recent sale commenced at 8.30am on Saturday 29 April 2006, with some keen residents arriving prior to the official opening time. As the morning progressed, the Town's horticultural officers were inundated with residents seeking horticultural advice regarding their plant purchases and their associated requirements.

A table was specifically set up with brochures detailing what local plants were for sale and offering "Horticultural Advice". The environmental work which the "Claise Brook Catchment Group" had undertaken in conjunction with the Town was also on display. The "Horticultural Advice table" was 'manned' by Parks Services Staff for the duration of the sale. This new feature was well patronised by many residents seeking advice. In addition to this, Parks Staff mingled with residents during the sale and assisted in plant selections. Two residents brought along a layout of their garden area which they proposed to plant with local plants that were on offer.

The Town's Waste Management Officer was also on hand during the day featuring the subsidised "worm farms" on offer to local residents.

One hundred and thirty nine (139) residents completed the written criteria to be eligible for the purchase of the plants on offer. A total of two thousand five hundred dollars (\$2,500) worth of local plants was sold on the morning of the sale.

Parks Services staff and the Claise Brook Catchment volunteers received many positive comments from residents regarding the great initiative and incentive the sale brings to the Town in terms of rejuvenating the urban environment. Many residents also stated they were looking forward to the next plant sale in June 2006.

CONSULTATION/ADVERTISING:

Future Local Plant Sales proposed for June and August 2006 will be advertised in the Local Community papers and the Town of Vincent newsletter.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

A total of approximately \$6,600.00 remains in the Local Plants Project budget and it is intended to carry this amount forward to the 2006/2007 financial year to fund future plant sales and Local Plant project activities.

COMMENTS:

The Local Plant sale is becoming an integral part of changing the way in which the Town's residents perceive native plants in terms of their water saving qualities and the contribution they make to the biodiversity of the urban environment.

The Presiding Member, Mayor Catania, and Cr Messina declared a financial interest in this Item - they departed the chamber at 9.12pm.

Cr Farrell - Deputy Mayor, assumed the Chair.

10.3.1 Investment Report as at 30 April 2006

Ward:	Both	Date:	2 May 2006
Precinct:	All	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	M Howard-Bath		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 30 April 2006 as detailed in Appendix 10.3.1.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (6-0)

(Cr Doran-Wu on leave of absence. Mayor Catania and Cr Messina were absent from the chamber and did not vote.)

Mayor Catania and Cr Messina returned to the chamber at 9.13pm. Mayor Catania reassumed the Chair.

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the level of funds available, the distribution of surplus funds in the short term money market and the interest earned to date.

BACKGROUND:

Interest from investments is a significant source of funds for the Town, where surplus funds are deposited in the short term money market for various terms. Details are attached in Appendix 10.3.1.

Council's Investment Portfolio is spread across several Financial Institutions in accordance with Policy Number 1.3.8.

DETAILS:

Total Investments for the period ended 30 April 2006 were \$14,753,389 compared with \$14,753,127 at 31 March 2006. At 30 April 2005, \$9,800,776 was invested.

Total accrued interest earned on Investments as at 30 April 2006:

	Budget	Actual	%
	\$	\$	
Municipal	310,000	330,108	106.49
Reserve	324,200	357,692	110.33

COMMENT:

As the Town performs only a custodial role in respect of monies held in Trust Fund Investments these monies cannot be used for Council purposes, and are excluded from the Financial Statements.

10.4.1 Sale of Land - 297 and 297A Vincent Street, Leederville 6007

Ward:	-	Date:	3 May 2006
Precinct:	-	File Ref:	PRO3537, PRO3538
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report concerning the land sale of Nos. 297 (Lot 5) and 297A (Lot 10) Vincent Street, Leederville, comprising of 524m² and 536m² of land respectively, as detailed in this report; and*
- (ii) *CONSIDERS the future disposal of the Town's properties at Nos. 291 and 295 Vincent Street, Leederville during the 2006/2007 Budget process.*

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr

That clause (ii) of the recommendation be amended as follows:

- “(ii) CONSIDERS the future disposal of the Town's properties at Nos. 291 and 295 Vincent Street, Leederville during the 2006/2007 Budget process, together with any sales impact on the Town's long-term financial plan.”*

AMENDMENT CARRIED (7-1)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Maier
Cr Chester	
Cr Farrell	
Cr Ker	
Cr Lake	
Cr Messina	
Cr Torre	

(Cr Doran-Wu on leave of absence.)

Moved Cr Maier, Seconded Cr

That clause (ii) be deleted from the recommendation.

**AMENDMENT LAPSED
FOR WANT OF A SECONDER**

MOTION AS AMENDED CARRIED (8-0)

(Cr Doran-Wu on leave of absence.)

COUNCIL DECISION ITEM 10.4.1

That the Council;

- (i) *RECEIVES the report concerning the land sale of Nos. 297 (Lot 5) and 297A (Lot 10) Vincent Street, Leederville, comprising of 524m² and 536m² of land respectively, as detailed in this report; and*
- (ii) *CONSIDERS the future disposal of the Town's properties at Nos. 291 and 295 Vincent Street, Leederville during the 2006/2007 Budget process, together with any sales impact on the Town's long-term financial plan.*

PURPOSE OF THE REPORT:

The purpose of this report is to inform the Council of the outcome of the land sale relating to 297 and 297A Vincent Street, Leederville.

BACKGROUND:

At the Ordinary Meeting of Council held on 11 April 2006, the Council considered a confidential report relating to the forthcoming land sale for 297 and 297A Vincent Street, Leederville. It authorised the Chief Executive Officer to pursue acquisition of the land. The Council's decision is confidential, as it contains commercially sensitive information.

DETAILS:

	No. 297 (Lot 5) Vincent St	No. 297A (Lot 10) Vincent St
LANDOWNER:	M Bernard	N & V Kelly
ZONING:	R80	Commercial Centre
EXISTING LAND USE:	Residential	Shop

An auction for the sale of No. 297 (Lot 5) Vincent Street, Leederville was held on Saturday 29 April 2006. The auction was attended by thirty (30) people and there were approximately three (3) bidders for the land.

The auctioneer advised that the property was "passed in" at \$935,000 and that the Real Estate Agent was considering offers with interest parties in the range of \$950,000 to \$1,000,000.

The Town did not engage in the auction, as the bids commenced at \$850,000 and this exceeded the Council's approved amount.

The property at 297A Vincent Street, which comprises of a shop, was not included in the land auction and the auctioneer advised that this may come on the market "in the next twelve months".

The Town currently owns the adjoining properties; a house at No. 291 Vincent Street (526m²) and vacant land at No. 295 Vincent Street, Leederville. Based on the land sale prices, the Town's properties would have a value of over \$1 million each.

As the Council is currently considering major projects such as the redevelopment of Beatty Park Leisure Centre, redevelopment of the Loftus Centre, it would be appropriate for the Council to consider the future disposal of its land during the Budget process.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Not applicable.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2005-2010 - Key Result Area 1.3 - *"Develop, implement and promote sustainable urban design"*, and Key Result Area 3.1 - *"Identify the needs and expectations of the business community, promote business development and facilitate outcomes in the Town."*

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENT:

In view of the strong interest in land in the area and the high property values which appear to be asked, it is appropriate that the Council considered the future disposal of its properties at 291 and 295 Vincent Street, Leederville during the 2006/2007 budget process. The funds would be used for major infrastructure projects.

10.4.2 City of Perth Proposal to Obtain a Part of the Town of Vincent

Ward:	-	Date:	2 May 2006
Precinct:	-	File Ref:	ADM0076
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to the City of Perth proposal to the Local Government Advisory Board to change the northern boundary of the City of Perth to be the centre of Bulwer Street from Lord Street to Vincent Street, then west along the centre of Vincent Street to Loftus Street and then south along the centre of Loftus Street to join the current boundary on Loftus Street as shown on the map detailed in Appendix 10.4.2; and*
- (ii) *AUTHORISES the Chief Executive Officer, in liaison with the Mayor, to prepare a response to the City's proposal, subject to the Council being regularly informed about action taken.*

COUNCIL DECISION ITEM 10.4.2

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Lake

That clause (ii) be deleted and a new clause (ii) be added to the recommendation as follows:

- “(ii) REQUESTS the Chief Executive Officer to prepare a response to the City of Perth’s proposal and submit it to the Council for approval.”*

Debate ensued.

AMENDMENT LOST (3-5)

<u>For</u>	<u>Against</u>
Cr Ker	Mayor Catania
Cr Lake	Cr Chester
Cr Maier	Cr Farrell
	Cr Messina
	Cr Torre

(Cr Doran-Wu on leave of absence.)

Moved Cr Maier, Seconded Cr

That new clauses (iii) and (iv) are added to the recommendation as follows:

- “(iii) **DETERMINES** that it is an appropriate time to make public the report submitted to the Local Government Advisory Board, which deals with the transfer of portions of the City of Perth and the City of Stirling to the Town of Vincent; and
- (iv) **REQUESTS** the Chief Executive Officer to make public the report referred to in (iii) in accordance with the Council decision of 7 September 2005.”

Debate ensued.

The Presiding Member ruled that he would not accept the amendment. Cr Maier dissented to the ruling.

Debate ensued.

MOTION CARRIED (7-1)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Maier
Cr Chester	
Cr Farrell	
Cr Ker	
Cr Lake	
Cr Messina	
Cr Torre	

(Cr Doran-Wu on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to inform the Council about the City of Perth to the Local Government Advisory Board to obtain a portion of the Town of Vincent.

BACKGROUND:

On 1 May 2006, the Town received a letter from the City of Perth, together with a copy of the City's proposal to obtain a portion of the Town of Vincent bounded by Bulwer Street from Lord Street to Vincent Street, then west along the centre of Vincent Street to Loftus Street and then south along the centre of Loftus Street to join the current boundary on Loftus Street. A copy of the City's letter, Agenda Report and Proposal is "Laid on the Table".

As the Town has only just received the information from the City of Perth, there has been insufficient time for the Chief Executive Officer to review the material in detail. However, the Chief Executive Officer's personal preliminary assessment of the City's proposal is that it contains a number of deficiencies and does not address a number of the criteria specified by the Local Government Advisory Board.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The City of Perth is entitled to lodge a proposal with the Local Government Advisory Board in accordance with the requirements of the Local Government Act 1995.

STRATEGIC IMPLICATIONS:

This matter is strategically important as the City's proposal would make the Town of Vincent unsustainable in the long term.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

It is important that the Town counter the City's proposal to ensure that the Local Government Advisory Board is provided with the necessary balanced and objective information in which to make an informed decision. Accordingly, the Chief Executive Officer, in liaison with the Mayor, should prepare a counter-proposal for submission to the Local Government Advisory Board.

10.4.4 Information Bulletin

Ward:	-	Date:	3 May 2006
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 9 May 2006 as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.4

Moved Cr Torre, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Cr Messina departed the chamber at 9.55pm.

Debate ensued.

CARRIED (7-0)

(Cr Doran-Wu on leave of absence. Cr Messina was absent from the chamber and did not vote.)

DETAILS:

The items included in the Information Bulletin dated 9 May 2006 are as follows:

ITEM	DESCRIPTION
IB01	Western Australian Local Government Association – Changes to Smoking in enclosed Public Places Legislation
IB02	SAT Decision – A & M Gurgone and Western Australian Planning Commission
IB03	Rangers' Statistics for January, February and March 2006
IB04	Letter from Premier of Western Australia relating to the redevelopment of "Hawthorn House", Mount Hawthorn
IB05	Letter from Office of the Minister for Planning and Infrastructure relating to the Number of Taxi Licences issued for Metropolitan Area
IB06	Letter from The Returned and Services League of Australia WA Branch (Inc) - Congratulating the Town on its Anzac Day Service at Axford Park

ITEM	DESCRIPTION
IB07	Register of Petitions - Progress Report - May 2006
IB08	Register of Notices of Motion - Progress Report - May 2006
IB09	Register of Reports to be Actioned - Progress Report - May 2006
IB10	Register of Legal Action
IB11	Register of State Administrative Tribunal Appeals
IB12	Forum Notes - 18 April 2006
IB13	Notice of Forum - 16 May 2006

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

At 9.56pm it was;

Moved Cr Ker, Seconded Cr Farrell

That the Council move 'behind closed doors' to consider the confidential reports.

CARRIED (7-0)

(Cr Doran-Wu on leave of absence. Cr Messina was absent from the chamber and did not vote.)

14.1 CONFIDENTIAL REPORT - No.306 (Lots 98, Y99 & 100) Charles Street, North Perth - Proposed Demolition of Existing Single House - State Administrative Tribunal (SAT) Directions Hearing

Ward:	North	Date:	1 May 2006
Precinct:	Charles Centre; P07	File Ref:	PRO2109 5.2005.3263.1
Attachments:	-		
Reporting Officer(s):	H Eames		
Checked/Endorsed by:	R Rasiah, B Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to No. 306 (Lot 98 D/P: 1823, Lot Y99 D/P: 1823, Lot 100 D/P: 1823) Charles Street, North Perth - Proposed Demolition of Existing Single House - State Administrative Tribunal (SAT) Directions Hearing (Matter No. DR 81 of 2006);*
- (ii) *FILES and SERVES the following draft "without prejudice" conditions in response to the SAT Orders dated 13 April 2006:*
 - (a) *a development proposal for the redevelopment of the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
 - (b) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
 - (c) *demolition of the existing building may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies for the retention of existing dwellings valued by the community;*
 - (d) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies;*
 - (e) *compliance with all relevant Environmental Health, Engineering and Building requirements; and*
 - (f) *any future redevelopment of the subject site shall incorporate explicit recognition of the heritage values of the Brownes House and details to be submitted to and approved by the Town at the development stage in accordance with the Town's Policy No.3.6.4 Heritage Management - Interpretive Signage.*

- (iii) *NOMINATES Councillor(s)..... to represent the Town as a witness in the full day SAT Hearing to be held on Thursday, 8 June 2006 and to attend meetings prior to the Hearing as necessary;*
- (iv) *INVITES a resident/representative who objects to the proposal to represent the Town as a witness in the full day SAT Hearing to be held on 8 June 2006;*
- (v) *the Council AUTHORIZES the Chief Executive Officer to file a schedule of consultation submissions to the SAT; and*
- (vi) *the Council AUTHORIZES the Chief Executive Officer to make the information available to the public, after it has been determined and finalised by the State Administrative Tribunal.*

Cr Messina returned to the chamber at 9.56pm.

Moved Cr Torre, Seconded Cr Farrell

That the recommendation be adopted.

Moved Cr Lake, Seconded Cr Maier

That clause (ii)(c) of the recommendation be amended as follows:

- “(ii) (c) *demolition of the existing building ~~may~~ will make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies for the retention of existing dwellings valued by the community;*”

AMENDMENT CARRIED (7-1)

<u>For</u>	<u>Against</u>
Cr Chester	Mayor Catania
Cr Farrell	
Cr Ker	
Cr Lake	
Cr Maier	
Cr Messina	
Cr Torre	
(Cr Doran-Wu on leave of absence.)	

The Presiding Member called for nominations to represent the Town as a witness at the SAT Hearing to be held on 8 June 2006. No nominations were received.

MOTION AS AMENDED CARRIED (8-0)

(Cr Doran-Wu on leave of absence.)

COUNCIL DECISION ITEM 14.1

That the Council;

- (i) *RECEIVES the report relating to No. 306 (Lot 98 D/P: 1823, Lot Y99 D/P: 1823, Lot 100 D/P: 1823) Charles Street, North Perth - Proposed Demolition of Existing Single House - State Administrative Tribunal (SAT) Directions Hearing (Matter No. DR 81 of 2006);*

- (ii) *FILES and SERVES the following draft "without prejudice" conditions in response to the SAT Orders dated 13 April 2006:*
- (a) *a development proposal for the redevelopment of the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
 - (b) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
 - (c) *demolition of the existing building will make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies for the retention of existing dwellings valued by the community;*
 - (d) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies;*
 - (e) *compliance with all relevant Environmental Health, Engineering and Building requirements; and*
 - (f) *any future redevelopment of the subject site shall incorporate explicit recognition of the heritage values of the Brownes House and details to be submitted to and approved by the Town at the development stage in accordance with the Town's Policy No.3.6.4 Heritage Management - Interpretive Signage.*
- (iii) *INVITES a resident/representative who objects to the proposal to represent the Town as a witness in the full day SAT Hearing to be held on 8 June 2006;*
- (iv) *the Council AUTHORISES the Chief Executive Officer to file a schedule of consultation submissions to the SAT; and*
- (v) *the Council AUTHORISES the Chief Executive Officer to make the information available to the public, after it has been determined and finalised by the State Administrative Tribunal.*

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:

- To advise the Council of the above review application.
- To comply with the requirements of the Town's Policy/Procedure for SAT.
- To consider an Elected Member(s) and a local member of the community to appear as witness on behalf of the Town.
- To file draft "without prejudice" conditions of approval in advance of the hearing.

BACKGROUND:

18 January 2006

The Town provided a copy of the Draft Heritage Assessment to the Applicant and their representatives for their input and comment prior to the preparation of an Agenda Report to Council.

- 14 February 2006 The Council at its Ordinary Meeting resolved to refuse the development application at No.306 (Lots 98, Y99 & 100) Charles Street, North Perth for proposed demolition of the existing single house and to refer the place to the Heritage Council of Western Australia.
- 21 February 2006 The Council at its Ordinary Meeting resolved to advertise the proposed inclusion of the place on the Town's Municipal Heritage Inventory and notify the owners of the proposed inclusion, providing a 28 day period for the owners to comment.
- 22 February 2006 The Town writes to the Heritage Council of Western Australia for their consideration of the place for the State Register of Heritage Places in relation to the Council's resolution on 14 February 2006.
- 22 March 2006 Consultant, on behalf of the owner, lodged an application for the review of the Council determination for refusal for the demolition of the property at the above subject site at its Ordinary Meeting on 14 February 2006, with SAT.
- 5 April 2006 Heritage Council letter received indicating the place does not meet the threshold for consideration for the State Register of Heritage Places but that it has high local significance.
- 12 April 2006 Direction Hearing at SAT.
- 26 April 2006 The respondent (Town) *Statement of Issues Facts and Contentions* and associated documents forwarded to SAT.
- 8 June 2006 Date set for full day SAT Hearing.

The following is a verbatim copy of the Minutes, in part, of the reasons for Refusal by the Council at its Ordinary Meeting held on 14 February 2006:

- "(a) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality by virtue of the demolition of the existing building;*
- (b) the existing place has cultural heritage significance in terms of its aesthetic, historic and rarity value;"*

DETAILS:

The applicant has lodged an application with SAT to review the Planning Refusal by the Council at its Ordinary Meeting held on 14 February 2006.

At the Directions Hearing on 12 April 2006, the applicant, represented by Sandra Klarich, advised the SAT member and Town's Officers that they did not wish to mediate the matter.

Due to the tight time frames involved with the review process, Mr. Simon Bain has been invited to represent the Town in the above review application.

CONSULTATION/ADVERTISING:

The Town recently sought comments from affected property owners and occupiers in accordance with the Town's Policy 3.6.5 Heritage Management - Adding/Deleting and Amending Places on the Municipal Heritage Inventory. The advertising has closed and it is anticipated that a report recommending the inclusion of the place on the Municipal Heritage Inventory (MHI) will be presented to the Council for consideration at the Ordinary Meeting of Council to be held on 9 May 2006.

Comments received in relation to the proposed demolition and the proposed listing of the place on the MHI will be collated and filed with the SAT for consideration in determination of the subject Review Application.

LEGAL/POLICY:

State Administrative Tribunal Act 2004 (WA) and Procedure For State Administrative Tribunal-Policy No 4.1.23

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Cost associated with the services of a qualified professional (agent), Mr. Simon Bain, is based on \$75 per hour plus GST, in addition to the flat rate for preparation of witness statement at the cost of \$1000.00.

COMMENTS:

Without Prejudice Conditions

The SAT has advised that the draft conditions would be *"without prejudice" and "is not a concession by the decision-maker that approval of the application is appropriate"*. The SAT has introduced the above practice for the following two reasons:

- 1) Under Section 9 of the State Administrative Tribunal Act 2004 (WA), the objectives include *"to act as speedily and with as little formality and technicality as practicable, and minimise the costs to the parties"*.
- 2) The SAT needs to have a full appreciation of all conditions applicable prior to making a reliable decision.

Summary

On the above basis, the following is recommended:

- The Council "Files" and "Serves" the draft "without prejudice" conditions applicable to the above development if the above review is allowed by the SAT.
- The Council nominates an Elected Member(s) to represent the Town as a witness in the review process.
- The Council authorises the Chief Executive Officer to file a schedule of consultation submissions to the SAT.

14.2 CONFIDENTIAL REPORT – Nos. 11a, 11b and 11c (Lots 100, 101 and 102 - Vol 2571 Folios 691, 692 & 693 P43310) Selden Street, North Perth- Proposed Additional Three (3) Separate Garages to Existing Three (3) Two-Storey Single Houses (Under Construction) - State Administrative Tribunal Directions Hearing

Ward:	North	Date:	1 May 2006
Precinct:	North Perth; P08	File Ref:	PRO2580; 5.2005.3261.1
Attachments:	-		
Reporting Officer(s):	J Barton		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

That the Council;

- (i) *ADVISES the State Administrative Tribunal that it SUPPORTS the amended plans for three (3) separate garages to existing three (3) two-storey single houses (under construction) at Nos. 11a, 11b and 11c (Lots 100, 101 and 102 - Vol 2571 Folios 691, 692 & 693 P43310) Selden Street, North Perth on plans stamp dated 17 March 2006, subject to the following conditions:*
- (a) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*
- (b) *any new street/front wall, fence and gate between the Selden Street boundary and the main building, including along the side boundaries within this front setback area, and the three new entrance gates, shall comply with the following:*
- (i) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
- (ii) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
- (iii) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
- (iv) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
- (v) *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) *no street verge tree(s) shall be removed or new verge trees planted unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s); and*
- (d) *a detailed landscaping plan prepared in consultation with the Town's Parks Services Section, including a list of plant species (and four (4) mature trees, with a minimum height of three (3) metres when planted, to be planted within the front setback area), and the landscaping and reticulation of the Seldon Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s).*

Moved Cr Messina, Seconded Cr Torre

That the recommendation be adopted.

Moved Cr Lake, Seconded Cr Torre

That clause (i)(d) of the recommendation be amended as follows:

“(i)(d) a detailed landscaping plan prepared in consultation with the Town's Parks Services Section, including a list of plant species (and ~~four (4)~~ three (3) mature trees, with a minimum height of three (3) metres when planted, to be planted within the front setback area), and the landscaping and reticulation of the Seldon Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s).”

Debate ensued.

Cr Chester departed the chamber at 9.58pm.

AMENDMENT CARRIED (7-0)

(Cr Doran-Wu on leave of absence. Cr Chester was absent from the chamber and did not vote.)

MOTION AS AMENDED CARRIED (7-0)

(Cr Doran-Wu on leave of absence. Cr Chester was absent from the chamber and did not vote.)

COUNCIL DECISION ITEM 14.2

That the Council;

- (i) *ADVISES the State Administrative Tribunal that it SUPPORTS the amended plans for three (3) separate garages to existing three (3) two-storey single houses (under construction) at Nos. 11a, 11b and 11c (Lots 100, 101 and 102 - Vol 2571 Folios 691, 692 & 693 P43310) Seldon Street, North Perth on plans stamp dated 17 March 2006, subject to the following conditions:*
 - (a) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*

- (b) *any new street/front wall, fence and gate between the Selden Street boundary and the main building, including along the side boundaries within this front setback area, and the three new entrance gates, shall comply with the following:*
- (i) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (ii) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (iii) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (iv) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
 - (v) *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) *no street verge tree(s) shall be removed or new verge trees planted unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s); and*
- (d) *a detailed landscaping plan prepared in consultation with the Town's Parks Services Section, including a list of plant species (and three (3) mature trees, with a minimum height of three (3) metres when planted, to be planted within the front setback area), and the landscaping and reticulation of the Seldon Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s).*

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 this report is for the Council to reconsider revised plans for the above development submitted as part of the application for Review Matter No. DR 28 of 2006 to the State Administrative Tribunal (SAT). The matter is currently being mediated at the SAT, with the Town being represented by its Officers.

Landowner:	Niche Developments Pty Ltd
Applicant:	Rechichi Architects and Builders
Zoning:	Metropolitan Region Scheme: (MRS): Urban Town Planning Scheme No.1 (TPS 1): Residential R30/40
Existing Land Use:	Single Houses (under construction)
Use Class:	Single House
Use Classification:	"P"
Lot Area:	976 square metres
Access to Right of Way	N/A

BACKGROUND:

- 10 February 2004 The Council at its Ordinary Meeting resolved to:
1. conditionally approve the demolition of the existing house; and
 2. refuse the application for three (3) two-storey dwellings.
- 24 February 2004 The Council at its Ordinary Meeting resolved to conditionally approve three (3) two-storey single houses on the subject property.
- 13 September 2005 The Council at its Ordinary Meeting resolved to conditionally approve amended plans to Units 2 and 3 of the three (3) two-storey single houses approved by the Council on 24 February 2004.
- 20 December 2005 The Council at its Ordinary Meeting resolved to refuse a proposal for the addition of three (3) garages to three (3) separate single houses for the following reasons:
- “1. *The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality.*
 2. *The non-compliance with the requirements of the Residential Design Codes in terms of the width of the driveways.*
 3. *The garage doors create an undue impact on the amenity and streetscape of the area as they dominate the streetscape, are not sympathetic to the character of the area, and does not facilitate casual surveillance between the main dwellings and the street.*
 4. *Consideration of the objection received.*
 5. *Non compliance with Section 3.2.8 of the R- Codes”*
- 18 January 2006 The applicants served a Notice of Application for Review to the State Administrative Tribunal (SAT). A Directions Hearing was set for 8 March 2006.
- 8 March 2006 At the Directions Hearing, the SAT resolved to adjourn the appeal for three (3) months to allow the applicants to liaise further with the Town’s Elected Members and to submit revised plans to the Council for consideration.
- 16 March 2006 A letter was received from the SAT advising that the next Directions Hearing has been scheduled for 7 June 2006.
- 17 March 2006 Revised plans were received from the applicant for reconsideration by the Council.

DETAILS:

The proposal involves the deletion of the single carports and the tandem car parking situation, and proposes the construction of three double garages and double width driveways, the conversion of the stores to habitable areas and the construction of gates in front of the entrance doors (Unit 1 is currently under construction).

<p>Objection (1)</p>	<ul style="list-style-type: none"> • Objects to the proposal as the garages resemble storage units and they do not maintain the current streetscape. The proposal should be made to comply, especially in regards to the driveways. • Objects to the number of roller doors and suggests one roller door per dwelling. 	<p>Not supported – The garage doors are visually permeable and are not considered to dominate the streetscape. Furthermore, landscaping and design features have been incorporated to reduce the impact of the large amount of hard standing area in the front setback area.</p> <p>Not Supported-as the applicant has amended the plans to make the garage doors visually permeable to reduce the impact on the amenity of the streetscape.</p>
<p>Other Implications</p>		
<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>

* 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.

In light of the above, the revised plans are considered more acceptable than the previous proposal refused by the Council, as the applicants have removed the three (3) solid garage doors and installed visually permeable grills for security, and incorporated various design features and extensive landscaping to enhance the amenity of the streetscape.

In light of the above, the revised plans are supported, subject to standard and appropriate conditions to address the above matters.

At 10.00pm it was;

Moved Cr Torre, Seconded Cr Ker

That an 'open meeting' be resumed.

CARRIED (7-0)

(Cr Doran-Wu on leave of absence. Cr Chester was absent from the chamber and did not vote.)

15. CLOSURE

The Presiding Member, Mayor Catania JP, declared the meeting closed at 10.00pm with the following persons present:

Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Maddalena Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager Technical Services
Mike Rootsey	Executive Manager, Corporate Services

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 9 May 2006.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2006