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**(11 April 2006)**

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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 11 April 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:**

Cr Steed Farrell ( <i>Deputy Mayor</i> )	North Ward – Family reasons
Cr Maddalena Torre	South Ward

**(b) Present:**

Mayor Nick Catania, JP	Presiding Member
Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager, Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Minutes Secretary
Des Abel	Manager Planning, Building and Heritage Services (until 6.38pm)
Reid Champion	Librarian - Employee of the Month Recipient (until 6.38pm)
Dan Hatch	Journalist - Guardian Express (until 7.05pm)
Giovanni Torre	Journalist – Perth Voice (from 6.15pm until 7.05pm)

Approximately 16 Members of the Public

**(c) Members on Leave of Absence:**

Nil.

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

1. Mr Don Barber of 15 Daphne Street, North Perth - Item 5.1 - Stated that the reason for the petition to install lighting is that a number of people use Woodville Park for social occasions since the Council beautified and upgraded the park and these local residents would now like to be able to use the area and facilities for an extended period of time and lighting the area will give benefits to all users, in particular in winter time. Urged the Council to look on the proposal favourably.

2. Mr Brett Shulman of 16 Namur Street, North Perth - Item 5.1 - Stated that he supported the lighting being installed in the park but wanted to point out to the Council that new lighting was not required in all areas of the park, but only in certain areas - for example between Farmer Street and the Club Room. Stated that he was concerned that the park could become overlit and affect the amenity of the adjacent residences and also encourage undesirable persons to be in the park at night. Requested that the Council consider any lighting installed be put on a timer.
3. Ms Sharon Aisbett of 15 Daphne Street, North Perth - Item 5.1 - Stated that the local residents are very grateful for the park and the sense of community they enjoy there. Noted that she is aware that all those who signed the petition support the lighting having some sort of timer so as not to impact on the amenity of immediate residences.
4. Mr Joe Chindarsi of 17A Alma Road, Mt Lawley - Item 10.1.16 - Thanked the Council for the opportunity to speak. Stated that significant changes had been made to the proposal since the meeting held 14 March 2006 and the concerns of Council at that meeting have been addressed in these changes. Emphasised that the R-Codes have been complied with in terms of acceptable development. Asked that the Council approve the proposal.
5. Mr David Caddy of 183 St Georges Terrace, Perth - Item 10.1.9 - Stated that he disagreed with the recommendation to refuse the application. Stated that the dwelling is not representative of the way we live today. Listed the many failings of the property to highlight its unworthiness of retention. Asked that the Council review the recommendation put before them and consider approving demolition.

**Journalist Giovanni Torre entered the meeting at 6.15pm.**

6. Mr Bruno Di Paolo of 33 Salamander Street, Dianella - Item 10.1.11 - Stated that all the Town's regulations had been complied with and the reason for wanting to install these roller doors is for safety. Stated that numerous properties in the North Perth area also have these types of roller doors. Asked that the Council consider the safety issue when making a decision on this Item.
7. Mr Paul Tulloch of 91 Shakespeare Street, Mt Hawthorn - Item 10.1.10 - Stated that the proposed location of the garage was the only possibility available to them. Stated that the reduced setback was necessary for access and convenience and that the street is dominated by garages with a reduced setback, therefore creating little argument against the proposal. Asked that the Council approve the proposal with this reduced setback.
8. Mr Daniel Principe of 48 Hodgson Street, Tuart Hill - Item 10.1.17 - Stated that the residence has already been assessed by the Heritage Council and was deemed to have no historical significance and therefore they have no objection to demolition. Explained that the new development would be of a federation theme. Stated that the Officer's Recommendation for approval was supported.

There being no further questions from the public, the Presiding Member, Mayor Nick Catania closed Public Question Time at 6.20pm.

**(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

**5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS**

- 5.1 Ms Valerie Perks of Mabel Street, North Perth with 39 signatures requesting the Town consider lighting Woodville Park on the western side along the path which runs in front of the sports club, the BBQs and the newly installed playground as this would extend the hours in which they could use the park, playground and BBQ area and would make the crossing of the park much safer after dark.

*The Chief Executive Officer advised that the petition would be forwarded to the Executive Manager Technical Services for investigation and report.*

**Moved Cr Doran-Wu, Seconded Cr Ker**

*That the petition be received.*

**CARRIED (7-0)**

(Crs Farrell and Torre were apologies.)

**6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**Moved Cr Ker, Seconded Cr Messina**

*That the Minutes of the Ordinary Meeting of Council held on 28 March 2006 be confirmed as a true and correct record.*

**CARRIED (7-0)**

(Crs Farrell and Torre were apologies.)

**7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)**

1. Employee of the Month Award for the Town of Vincent for April 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 April 2006, the award is presented to Reid Champion, Senior Librarian at the Town of Vincent Library.

Reid was nominated for this Award as a result of an email of appreciation received from Kerry Smith, a person of much influence in the "Library world" and a former Councillor from the Town of Cambridge (which Ms Smith also sent to all subscribers to the Town's library and information mailing list). She wanted to voice her appreciation at hearing Reid recently talk on Radio 94.5 FM, and to acknowledge his significant promotion for the Town's Library, in particular, and all public libraries in general.

The Manager Library Information Services, Elizabeth Scott further endorsed this nomination and lists Reid's achievements since commencing his employment at the Library in 2002, as follows;

- Reid has been instrumental in introducing many improvements to the way we use the AMLIB software in the library.
- Reid has implemented an outreach storytelling visit to the Mulberry Tree Child Care centre in Mt Hawthorn on a monthly basis. This provides many children who might not have library contact with a sense of familiarity with the library, and is good promotion for the Town of Vincent Library.
- Reid has worked with Paula Flinn, Town of Vincent Youth Officer in initiating and carrying out the "Finding my place" program with Aranmore Catholic College students, and with grant monies from the Department of Education and Training. This program identifies students who may be at risk of not completing high school, and provides personal and vocational training to assist them to finish year 12. Last year's program was 100% successful!
- Reid has been successful mentor for a disabled work placement student. This student has Asperger's Syndrome, and his family has reported to us that his confidence and ability to relate to other people, especially adults, showed amazing positive growth as a direct result of the time he spent in the Library.
- Reid has provided successful relief and support for the Manager Library and Information Services.
- Reid has been invited for a secondment to the State Library Service of Western Australia for a period of 4 months, which is where he currently is.
- Reid participates on a voluntary basis in the Radio 94.5 FM "Ask us anything" program, which is run on the 3<sup>rd</sup> Wednesday morning of each month, from 7.00am to 9.00am. (Hence the email from Kerry Smith.)

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

Well done Reid - Keep up the good work!!

**Received with acclamation.**

7.2 Town Wins National Award

I am very pleased to announce that the Town of Vincent has won a community-based planning merit award at the National Awards for Planning Excellence 2006.

The Planning Institute Australia & New Zealand Planning Institute held their Awards for Planning Excellence on the Gold Coast on 3 April 2006.

"Not only do these awards provide leading examples of planning practise, they also demonstrate what can be achieved through innovative and creative thinking, collaboration, and commitment to a vision of vibrant and sustainable communities", said Sue Holliday, National President of the Planning Institute of Australia.

The Town of Vincent won a national merit award in the community-based planning category for its Vincent Vision 2024 project. This accolade comes on top of the three awards for Planning Excellence in the Planning Institute of Australia (WA Division) awards for their Vincent Vision 2024 project: Award for Excellence in Community Based Planning; WA President's Award; and WA Planning Minister's Award, which were received in late 2005.

The judges cited the Vincent Vision 2024 project as an excellent model for community participation in the planning process. "Based on a 'Community Visioning' model, the Town of Vincent engaged with a wide cross section of the community and other stakeholders to develop a long term plan for the future of their community. The judges were particularly impressed with the positive energy and genuine community focus of the applicants that came through in their presentation of the project during the judging process."

The Town of Vincent is committed to creating a town and a community in which everyone wants to live. The visions for Vincent from our community become the building blocks upon which the Town sets its goals and priorities. We are honoured to have had our Vincent Vision 2024 project awarded in the national arena.

On behalf of the Council and the Administration I would like to thank our Vincent Vision project team for their outstanding dedication and professionalism."

Manager Planning, Building & Heritage Services, Des Abel, Strategic Planning Officer, Helen Smith and Councillor Helen Doran-Wu were on hand to accept the award on behalf of the Town. The National Awards ceremony was held as part of the second joint congress of the Planning Institute of Australia and New Zealand Planning Institute.

On 29 March the Town of Vincent hosted a community presentation and launch of Vincent Vision 2024 to celebrate the community's participation, and to outline the findings and what will be the next stage of the project.

**Received with acclamation.**

## **8. DECLARATION OF INTERESTS**

- 8.1 Mayor Catania declared a financial interest in Item 10.3.1 - Investment Report as at 31 March 2006. The nature of his interest being that he is the Chairperson of the North Perth Community Bank.
- 8.2 Mayor Catania declared a financial interest in Item 10.1.14 - Heritage Plaque Scheme - Proposal for Partnership with North Perth Community Financial Services Limited. The nature of his interest being that this scheme is sponsored by the North Perth Community Bank. Mayor Catania requested that he be permitted to remain in the Chamber and participate in debate of this Item but not vote.

- 8.3 Cr Lake declared an interest affecting impartiality in Item 10.1.14 - Heritage Plaque Scheme - Proposal for Partnership with North Perth Community Financial Services Limited. The nature of her interest being she is part owner of two houses which are more than 100 years old.
- 8.4 Cr Maier an interest affecting impartiality in Item 10.1.14 - Heritage Plaque Scheme - Proposal for Partnership with North Perth Community Financial Services Limited. The nature of his interest being he is part owner of a house which is more than 100 years old.
- 8.5 Mr Messina declared a financial interest in Item 10.3.1 - Investment Report as at 31 March 2006. The nature of his interest being that he is a Director and Shareholder of the North Perth Community Bank.
- 8.6 Cr Messina declared an interest affecting impartiality in Item 10.1.14 - Heritage Plaque Scheme - Proposal for Partnership with North Perth Community Financial Services Limited. The nature of his interest being that this scheme is sponsored by the North Perth Community Bank.

**The Chief Executive Officer advised that the Mayor's request to remain in the Chamber during debate on Item 10.1.14 would now be considered.**

**Mayor Catania departed the Chamber at 6.35pm.**

**Moved Cr Maier, Seconded Cr Chester**

*That Cr Ker assume the Chair.*

**CARRIED (6-0)**

**(Crs Farrell and Torre were apologies. Mayor Catania was absent from the Chamber and did not vote.)**

**Moved Cr Messina, Seconded Cr Chester**

*That Mayor Catania be permitted to remain in the Chamber and participate in debate during consideration of Item 10.1.14 but not vote.*

**CARRIED (6-0)**

**(Cr Crs Farrell and Torre were apologies. Mayor Catania was absent from the Chamber and did not vote.)**

**Mayor Catania returned to the Chamber at 6.37pm and assumed the Chair.**

**The Chief Executive Officer advised the Mayor that his request had been approved.**

**While the order of debate was being finalised, Cr Chester submitted the following declaration.**

- 8.7 Cr Chester declared a proximity interest in Item 11.1 - Council Minutes - Relating to the Ordinary Meeting of Council held on 28 March 2006 concerning Item 10.3.3 - Beatty Park Leisure Centre Needs and Feasibility Study and Proposed Future Redevelopment. The nature of his interest being that he is a co-owner of property adjacent to Beatty Park Leisure Centre. Cr Chester requested that he be permitted to remain in the Chamber during this Item so that he can provide a personal explanation.

**The Presiding Member advised that Cr Chester's request would now be considered.**

**Cr Chester departed the Chamber at 6.42pm.**

**Moved Cr Lake, Seconded Cr Messina**

*That Cr Chester be permitted to remain in the Chamber during Item 11.1 to provide a personal explanation but not participate in, debate or vote on the matter.*

**CARRIED (6-0)**

**(Crs Farrell and Torre were apologies. Cr Chester was absent from the Chamber and did not vote.)**

**Cr Chester returned to the Chamber at 6.43pm.**

**The Presiding Member advised Cr Chester that his 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 10.1.16, 10.1.9, 10.1.11, 10.1.10 and 10.1.17

**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:**

Item 14.2

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 Chester	Items 10.1.2, 10.1.6, 10.1.8, 10.1.12, 10.3.3 and 10.4.3
Cr Ker	Items 10.1.5, 10.2.1, 10.3.2 and 10.3.4
Cr Doran-Wu	Nil
Cr Lake	Item 10.1.4
Cr Messina	Item 10.1.1
Cr Maier	Items 10.1.3, 10.1.15 and 10.1.18
Mayor Catania	Item 10.4.4

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 10.3.1, 10.1.14 and 11.1

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

Items 10.1.7, 10.1.13, 10.2.2, 10.2.3, 10.3.5, 10.4.1 and 10.4.2

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

Item 14.1 and 14.2

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 10.1.7, 10.1.13, 10.2.2, 10.2.3, 10.3.5, 10.4.1 and 10.4.2

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

Items 10.1.16, 10.1.9, 10.1.11, 10.1.10 and 10.1.17

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

**Moved Cr Messina, Seconded Cr Ker**

*That the following unopposed items be moved en bloc;*

*Items 10.1.7, 10.1.13, 10.2.2, 10.2.3, 10.3.5, 10.4.1 and 10.4.2*

**CARRIED (7-0)**

**(Crs Farrell and Torre were apologies.)**

**10.1.7 No. 37-43 (Lot: 3 D/P: 6946) Stuart Street, Perth- Proposed Alterations and Additions to Existing Office Building (Retrospective Approval)**

<b>Ward:</b>	North	<b>Date:</b>	4 April 2006
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	PRO2067 5.2006.33.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	E Saraceni		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**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 Hoad on behalf of the owner O Corp Pty Ltd for proposed Alterations and Additions to Existing Office Building(Retrospective Approval), at Nos. 37-43 (Lot 3 D/P: 6946) Stuart Street, Perth, and as shown on plans stamp-dated 21 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) prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of \$6,292 for the equivalent value of 2.42 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.*

**COUNCIL DECISION ITEM 10.1.7**

**Moved Cr Messina, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Crs Farrell and Torre were apologies.)**

<b>Landowner:</b>	O Corp Pty Ltd
<b>Applicant:</b>	R Hoad
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential/Commercial R80
<b>Existing Land Use:</b>	Office Building
<b>Use Class:</b>	Office Building
<b>Use Classification:</b>	"AA"
<b>Lot Area:</b>	1290 square metres
<b>Access to Right of Way</b>	Eastern boundary, 4.0 metres wide, sealed and Council owned

**BACKGROUND:**

23 July 2002 The Council at its Ordinary Meeting approved an application for two-storey alterations and additions to an existing Office Building.

**DETAILS:**

The proposal involves the addition of an extra 143 square metres of floor space to an existing two-storey office building.

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	Noted
<b>Consultation Submissions</b>			
Support	Nil		Noted
Objection	Nil		Noted
<b>Other Implications</b>			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil
<b>Car Parking</b>			
Office- 1 car bay per 50 square metres of gross floor area (existing 1360 +proposed 143 = 1503 square metres)		30 car bays	
Car parking requirement (nearest whole number)			
Apply the adjustment factors.		(0.8075)	
<ul style="list-style-type: none"> <li>• 0.85 (within 400 metres of a bus stop)</li> <li>• 0.95 (within 400 metres of one or more existing public car parking place(s) with in excess of 25 car parking spaces)</li> </ul>		24.22 car bays	
Minus the car parking provided on-site		10 car bays	
Minus the most recently approved on-site car parking shortfall (after taking into account relevant adjustment factors)		11.8 car bays	
<b>Resultant Shortfall</b>		<b>2.42 car bays</b>	

\* 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:**

On the above basis, the development proposal is recommended for approval.

**10.1.13 Amendment No. 18 to the East Perth Redevelopment Scheme**

<b>Ward:</b>	South	<b>Date:</b>	3 April 2006
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	PRO 1409
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	T Durward		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the letter dated 8 March 2006 and associated documentation in relation to Scheme Amendment No. 18 for the purpose of extending the East Perth Redevelopment Scheme over portion of the land bounded by William Street, Newcastle Street and Money Street, as shown in Attachment 10.1.13; and*
- (ii) *ADVISES the East Perth Redevelopment Authority that the Council SUPPORTS IN PRINCIPLE Amendment No. 18 to the East Perth Redevelopment Scheme.*

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**COUNCIL DECISION ITEM 10.1.13**

**Moved Cr Messina, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Crs Farrell and Torre were apologies.)**

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**PURPOSE OF REPORT:**

The purpose of this report is to present to the Council the East Perth Redevelopment Scheme Amendment No. 18, relating to extending the East Perth Redevelopment Scheme over portion of the land bounded by William Street, Newcastle Street and Money Street, and to advise East Perth Redevelopment Authority (EPRA) that it supports in principle the subject Amendment.

**BACKGROUND:**

The Council at its Ordinary Meetings in 2000 and 2001 has considered various matters associated with the Northbridge Urban Renewal Project Area on numerous occasions, which contains land within the EPRA's Scheme Amendment No. 18. The Town initiated the request for the EPRA to extend its control over the subject land.

18 January 2000

The Council at its Ordinary Meeting resolved the following:

*“That the Council;*

- (i) *receives the letter and associated documentation dated 16 December 1999 and received 21 December 1999 advising the Town of Amendment No. 10 to the East Perth Redevelopment Scheme – Proposed extension of the Redevelopment Area from the East Perth Redevelopment Authority; and*

- (ii) *advises the East Perth Redevelopment Authority that the Town generally supports Amendment No. 10 to the East Perth Redevelopment Scheme – Proposed extension of the Redevelopment Area, subject to the following comments:*
- (a) *development design guidelines being prepared, developed and adopted by the East Perth Redevelopment Authority, City of Perth and in close liaison with the Town of Vincent and be consistent with the Town's Town Planning Scheme No. 1 and Policies;*
  - (b) *all planning and building applications being referred to the respective Local Authority for its comments and recommendations prior to determination by the East Perth Redevelopment Authority;*
  - (c) *an independent report being prepared on the Cultural Heritage Significance of the places within the subject area;*
  - (d) *this Heritage Report and its comments and recommendations being part of the development design guidelines for the subject area;*
  - (e) *development approval is to be applied for and obtained from the Local Authority for the demolition of the existing buildings as some of the existing buildings appear to have heritage significance that may warrant their retention;*
  - (f) *all demolition applications shall be subject to an independent detailed heritage assessment prior to the determination of the demolition application;*
  - (g) *lots accommodating buildings which are determined to have heritage significance, a legal agreement should be entered into between the Western Australian Planning Commission and/or the East Perth Redevelopment Authority and the landowner(s) to ensure the retention and protection of these buildings, in collaboration with the Heritage Council of Western Australia. The legal agreement should be secured by a caveat on the relevant certificates of title and all associated costs shall be met by the applicants/owners;*
  - (h) *affordable and a wide choice of housing being encouraged within the subject area; and*
- (iii) *write to the East Perth Redevelopment Authority requesting representation on the Board."*

- 11 September 2001      The Council at its Ordinary Meeting resolved the following:
- “That Council authorises the Chief Executive Officer to investigate extending the East Perth Redevelopment Area as defined in Schedule 1 of the East Perth Redevelopment Act 1991 to include the portion of land as defined in Drawing No. A1 (attached as Appendix 11.4) and present a report to Council no later than 9 October 2001. The report is to address;*
- (i) appropriate boundary adjustments within the project area;*
  - (ii) the mechanism and responsibilities for development control;*
  - (iii) the financial impact to the Town;*
  - (iv) the process of hand over and normalisation;*
  - (v) retention of locally significant heritage building stock; and*
  - (vi) any other issue as deemed appropriate by the Chief Executive Officer.”*
- 9 October 2001      The Council at its Ordinary Meeting resolved the following:
- “ That;*
- (i) the Council receives the Chief Executive Officer's report relating to the extension of the East Perth Redevelopment Authority Area as defined in Schedule 1 of the East Perth Redevelopment Authority Act 1991 as outlined in Diagram 1 of this report; and*
  - (ii) requests the EPRA to extend its control over the land bounded by Newcastle, William, Little Parry and Money Streets, Perth, as shown in Diagram 1, as detailed in this report.”*
- 28 September 2004      The Council at its Ordinary Meeting resolved the following:
- “That the Council;*
- (i) RECEIVES the letter dated 7 September 2004 and associated documentation in relation to Scheme Amendment No. 18 for the purpose of extending the East Perth Redevelopment Scheme over portion of the land bounded by William Street, Newcastle Street and Money Street, as shown in Attachment 10.1.14;*
  - (ii) ADVISES the East Perth Redevelopment Authority that the Council SUPPORTS IN PRINCIPLE Amendment No.18 to the East Perth Redevelopment Scheme;*
  - (iii) ADVISES the East Perth Redevelopment Authority that the Council has NO OBJECTION to the East Perth Redevelopment Authority seeking consent from the Minister for Planning and Infrastructure to advertise Amendment No.18 to the East Perth Redevelopment Scheme; and*
  - (iv) ADVISES the East Perth Redevelopment Authority that the Town:*

- (a) *DESIRE*s the existing dwelling on No. 186 (Lot 83) Newcastle Street, corner Money Street, Perth to be retained;
- (b) *REITERATES* the Council's decision of its Ordinary Meeting held on 14 May 2002 where it recommended refusal to the Western Australian Planning Commission for the proposed demolition of the existing dwelling at No. 186 (Lot 83) Newcastle Street, corner Money Street, Perth for the following reasons:
  - (1) *the place is situated within the Money and Lindsay Streets Precinct; and*
  - (2) *the heritage assessment of the Money and Lindsay Streets Precinct identified the place as a 'Category 3 (Some or Little significance) - encourage retention and conservation of the place'; and*
- (c) *SEEKS* reassurance from the East Perth Redevelopment Authority that the existing dwelling on No. 186 (Lot 83) Newcastle Street, corner Money Street, Perth will be retained."

**DETAILS:**

The Town received a letter dated 14 March 2006 and associated documentation advising the EPRA's intention to initiate Amendment No. 18 to the East Perth Redevelopment Scheme for the purposes of extending the Scheme over portion of the land bounded by William Street, Newcastle Street and Money Street, as shown in the attachment.

The EPRA's Board resolved to initiate Amendment No. 18 at its meeting held on 16 August 2002. The EPRA, pursuant to section 29(3) of the Redevelopment Act 1991, is required to consult with and have regard to the views of the Town prior to seeking the Minister's consent to advertise the proposed Amendment.

The Council considered and determined its comments in relation to EPRA Scheme Amendment No. 18 at its Ordinary Meeting held on 28 September 2004. EPRA has since written to the Town and asked it to clarify its comments as 18 months has passed since the Town considered EPRA Scheme Amendment No. 18.

The latest EPRA Amendment No. 18 - Scheme Report states as follows:

*"1.0 Background*

*The East Perth Redevelopment Act Scheme ("the Scheme") was gazetted in 1992 and has been amended on a number of occasions since, including amendments necessitated by the extension of the East Perth Redevelopment Area boundaries.*

*In September 2003, the East Perth Redevelopment Area was extended under the East Perth Redevelopment Act 1991 to include land bounded by Newcastle, William and Money Streets in Perth (refer Attachment 1). The Regulations that gave effect to this boundary extension were made by the Governor in Executive Council and published in the Government Gazette.*

*The extension of the redevelopment area does not, in itself, provide the Authority with exclusive development control powers. These can only be conferred by extending the Redevelopment Scheme over the additional area, which will have this effect pursuant to Section 5(2) of the East Perth Redevelopment Act 1991, of repealing the operative planning schemes- in this instance the Metropolitan Region Scheme and the Town of Vincent Town Planning Scheme (in relation to the extended area).*

## 2.0 Details

*The proposed extension of the redevelopment area arose out of a formal request from the Town of Vincent for the Authority to include all of the land south of Little Parry Street in the redevelopment area. The Authority subsequently resolved to extend the redevelopment area over a lesser area, generally in accordance with the land owned by the WA Planning Commission.*

*The subject lots (Automasters Site) are situated on a key intersection of Newcastle and William Streets where the potential exists to create a significant 'landmark' development.*

*It is considered important for the Authority to acquire 'unfettered' development control powers, as currently exists in the remainder of the New Northbridge project, to enable it to undertake the range of planning responsibilities such as subdivision approval processes, development control and policy implementation. As indicated, this can only be achieved through a formal extension of the Redevelopment Scheme.*

## 3.0 Statutory Process

*The process for extending the Scheme is set out in Part 4 of the Act. In accordance with section 29(3) of the Act, the Authority is required to formally consult with the City of Perth and the Environmental Protection Authority prior to seeking the consent of the Minister to advertise the proposed amendment. In this instance, the Town of Vincent was also consulted.*

*Should the Minister grant approval to advertise, the proposed amendment is then required to be publicly advertised for a period of 42 days. All submissions are to be considered by the East Perth Redevelopment Authority Board prior to the matter being reported back to the Minister for final approval and gazettal."*

### **CONSULTATION/ADVERTISING:**

Nil.

### **LEGAL/POLICY:**

Town Planning Scheme No.1 and associated Policies.

### **STRATEGIC IMPLICATIONS:**

Strategic Plan 2005-2010 - Key Result Areas: 1.3 *"Develop, implement and promote sustainable urban design."*

### **FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

### **COMMENTS:**

The content of the amendment is generally consistent with the Council's previous resolutions and is considered appropriate in terms of the existing and intended planned development within the Town. The implications of this matter were detailed in the report, Item 10.4.3 Late Item - East Perth Redevelopment Area Extension, to the Ordinary Meeting of Council held on 9 October 2001 and Item 10.1.14 Amendment No. 18 to the East Perth Redevelopment Scheme, to the Ordinary Meeting of Council held on 28 September 2004.

As outlined in the Background section of this report, the Council previously had concerns about the retention of the dwelling at No. 186 (Lot 83) Newcastle Street, corner Money Street, Perth. The EPRA have subsequently confirmed in its latest correspondence dated 8 March 2006 that the property at No. 186 (Lot 83) Newcastle Street, corner Money Street is defined on EPRA's inventory of heritage places and is afforded protection under the *East Perth Redevelopment Authority Act*.

As the EPRA is advising the Town of its intention prior to seeking consent of the Minister to formally advertise Scheme Amendment No. 18, there does not appear to be any further significant issues that need to be addressed at this stage.

In light of the above, it is recommended that the Council receives the documentation relating to the proposed EPRA Scheme Amendment No. 18 and advises that the Council supports in principle Amendment No.18, in accordance with the Officer Recommendation.

**10.2.2 Proposed Introduction of a Three (3) Hour Parking Limit to the Angle Parking in Clarence Street, Mt Lawley**

<b>Ward:</b>	South	<b>Date:</b>	04/04/06
<b>Precinct:</b>	Mount Lawley Centre (P11)	<b>File Ref:</b>	PKG0068
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	A Munyard		
<b>Checked/Endorsed by:</b>	R Lotznicher	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on Proposed Introduction of a Three (3) Hour Parking Limit to the Angle Parking in Clarence Street, Mt Lawley;*
- (ii) *APPROVES the introduction of a three (3) hour parking restriction between 8.00am and 5.30 pm Monday to Friday, and 8.00am until 12noon Saturday at the existing angle parking bays in Clarence Street, near the intersection of Beaufort Street, as shown on attached Plan No. 2420-PP.1; and*
- (iii) *PLACES a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs.*

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**COUNCIL DECISION ITEM 10.2.2**

**Moved Cr Messina, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Crs Farrell and Torre were apologies.)**

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**PURPOSE OF REPORT:**

The purpose of this report is to seek the Council's approval of the introduction of a three (3) hour time restriction in the angle parking in Clarence Street, near the intersection of Beaufort Street.

**BACKGROUND:**

The Town has consistently applied a three (3) hour time restriction to all angle parking introduced in the streets adjacent to Beaufort Street, Mount Lawley and Highgate. It is now recommended that the same restriction be applied to the angle parking in Clarence Street.

**DETAILS:**

The Council allocated funds in the 2005/2006 budget for the installation of angled parking in the commercial end of Clarence Street near the intersection of Beaufort Street. The bays were recently installed (planting of trees is still outstanding).

The Town has recognised the importance of providing a mix of parking in the Beaufort Precinct to acknowledge the different needs of its various traders. Longer term [three (3) hour] parking has generally been confined to angle parking, usually adjacent to commercial premises.

It is considered the proposed restriction will provide suitable parking for patrons of restaurants, bars, and other businesses where a lengthy visit is often anticipated and as a deterrent for all day parkers.

Therefore, it is proposed that a three (3) hour restriction be applied to the fifteen angle parking bays in Clarence Street, adjacent to Beaufort Street. It is proposed that the restriction be in place between 8.00am and 5.30 pm Monday to Friday, and 8.00am until 12noon Saturday. This will bring the Clarence Street angle parking into line with the other similarly placed angle parking in the vicinity.

**CONSULTATION/ADVERTISING:**

There is no requirement to consult on this matter.

**LEGAL/POLICY:**

Rangers will enforce the restriction but will issue cautions only for the first two (2) weeks following the installation of the signage.

**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:**

The cost of signage, including installation, is estimated to be approximately \$350.00

**COMMENTS:**

Restricting the angle parking in Clarence Street to three (3) hours during normal business hours is consistent with the treatment of all other angle parking in the vicinity. Therefore it is recommended that the Council approve the implementation of the restriction.

**10.2.3 Tender No 330/06 – Tender for the Supply and Delivery of One (1) Only Car Park Sweeper**

<b>Ward:</b>	Both	<b>Date:</b>	3 April 2006
<b>Precinct:</b>	All	<b>File Ref:</b>	TEN0330
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	R Lotznicher, C Economo		
<b>Checked/Endorsed by:</b>	M Rootsey	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council ACCEPTS the tender from MacDonald Johnston Engineering Company Pty Ltd for the supply of a Madvac CN100 Sub Compact Sweeper at a cost of \$112,684 (including GST), being the most acceptable to the Town, in accordance with the specifications as detailed in Tender No 330/06.*

**COUNCIL DECISION ITEM 10.2.3**

**Moved Cr Messina, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED (7-0)**

(Crs Farrell and Torre were apologies.)

**PURPOSE OF REPORT:**

The purpose of this report is to request the Council to approve the tender for the Supply and Delivery of One (1) only Car Park Sweeper

**BACKGROUND:**

On 15 February 2006 a tender was advertised for the Supply and Delivery of One (1) only Car Park Sweeper. At the close of tender on 1 March 2006 at 2.00pm, five (5) tenders were received. Present at the tender opening were Purchasing/Contracts Officer, David Paull, and Technical Officer Parks Services, Kim Godfrey.

**DETAILS:**

Tenders were received from the following Contractors:-

	<b>E &amp; MJ Roshier Pty Ltd</b>	<b>Rosmech Sales &amp; Service Pty Ltd</b>	<b>Commercial Cleaning Equipment</b>	<b>MacDonald Johnston Engineering Company Pty Ltd</b>	<b>MacDonald Johnston Engineering Company Pty Ltd</b>
				<i>Proposal One</i>	<i>Proposal Two</i>
<b>Lump Sum Price</b>	\$78,500.00	\$161,753.00	\$207,325.00	\$102,440.00	\$160,464.00
<b>GST</b>	\$7,850.00	\$16,175.30	\$20,732.50	\$10,244.00	\$16,046.40
<b>Total Cost Incl GST</b>	<b>\$86,350.00</b>	<b>\$177,928.30</b>	<b>\$228,057.50</b>	<b>\$112,684.00</b>	<b>\$176,510.40</b>

	<b>E &amp; MJ Roshier Pty Ltd</b>	<b>Rosmech Sales &amp; Service Pty Ltd</b>	<b>Commercial Cleaning Equipment</b>	<b>MacDonald Johnston Engineering Company Pty Ltd</b>	<b>MacDonald Johnston Engineering Company Pty Ltd</b>
				<i>Proposal One</i>	<i>Proposal Two</i>
<b>Make</b>	Karcher ICC1 RAC	Rosmech Scarab	Hako Citymaster 1800TDI	MacDonald Johnston Madvac	MacDonald Johnston
<b>Model</b>	ICC1 RAC	Minor	Citymaster 1800TDI	CN100 Sub Compact Sweeper	Compact 40 Compact Suction Sweeper
<b>Series</b>	City Cleaners	VM	1800TDI	-	-
<b>Manufacture Date</b>	2005 / 2006	2006	2004 / 2005	-	-

### TENDER EVALUATION

Two (2) out of the five (5) tenders submitted were non conforming therefore the detailed assessment was carried out on three (3) tenders only.

The non conforming tenders were:

- Compact 40 Compact Suction Sweeper tender submitted by MacDonald Johnson (proposal 2)
- Rosmech Scarab tender submitted by Rosmech Sales & Service Pty Ltd

In both these tenders the sweeping units offered did not comply with the specification in terms of their overall size and functionality.

### Selection Criteria

The following weighted criteria was used for the selection of the preferred tenderer.

<b>Selection criteria</b>	<b>Weighting %</b>
<b>Mandatory Product Feature</b> Product features essential / compulsory to undertake required function. Specification conformance.	25%
<b>Special Facilities</b> Ease of vehicle servicing. Availability of spare parts. Number of technical support staff available.	20%
<b>Tender Price</b> The total cost shown on the Tender Schedule will be assessed with or without the trade-in included at the Town's discretion	20%
<b>Life Cycle Costs</b> Service/maintenance costs.	15%
<b>Operators Ergonomics</b> Ease of operation/controls. Operator comfort	15%
<b>Warranty</b> Assessed on performance. Warranty period offered	5%
<b>Total:</b>	<b>100</b>

### Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Executive Manager Technical Services, Rick Lotznicher, Coordinator Engineering Services, Con Economo, Manager Financial Services, Bee Choo Tan, and Acting Manager Health Services, Alison Bosworth.

Each of the conforming tenders were assessed using the above selection criteria in accordance with the tender documentation.

**Tender Summary**

<b>Selection Criteria</b>	<b>MacDonald Johnston Engineering Company Pty Ltd <i>Proposal 1</i></b>	<b>E &amp; MJ Roshier Pty Ltd</b>	<b>Commercial Cleaning Equipment</b>
Mandatory Product Feature (25)	24	0	0
Special Facilities (20)	18	15	16
Tender Price (20)	17.69	20	7.57
Life Cycle Costs (15)	9.75	0	11.25
Operators Ergonomics (15)	12.75	6.75	6.75
Warranty (5)	4	3	3
<b>Total</b>	<b>86.19</b>	<b>44.75</b>	<b>44.57</b>
<b>Ranking</b>	<b>1</b>	<b>3</b>	<b>2</b>

**Officers Comments**

After discounting the two 'overall' non compliant tenders the evaluation panel assessed the remaining three (3) tenders against the tender specification in terms of the mandatory product features, operator ergonomics, required warrantee and the other criteria as specified in the tender

The sweeping unit offered by both Roshier Pty Ltd and Commercial Cleaning Equipment did not meet the mandatory product feature selection criteria for the mandatory lifting height being 1600mm. In addition both these tenderers provided only limited information on the sweeping unit's operator ergonomics and, furthermore, one of these tenderers provided no life cycle costing information.

As a result as these two tenders did not meet the mandatory product feature selection criteria they were given a zero score for this criteria. The two tenders were also scored lower on operator ergonomics and one was given zero for life cycle costing.

The sweeping unit offered by MacDonald Johnson (*proposal 1*) complied with the tender specification and is offered at a competitive price. The sweeping unit offered by MacDonald Johnson - Madvac CN100 (*proposal 1*) will adequately perform the required sweeping functions as required by the Town.

**CONSULTATION/ADVERTISING:**

Tender was advertised on 15 February 2006, with tenders closing on 1 March 2006.

**LEGAL/POLICY:**

The tender was evaluated in accordance with the Local Government Act Regulations and the Town's Tender Policy.

**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:**

Sufficient funds have been allocated in the 2005/2006 budget for the establishment of a precinct cleaning unit.

**COMMENTS:**

It is recommended that the Council accepts the tender submitted by MacDonald Johnston Engineering Company Pty Ltd for the supply of a Madvac CN100 Sub Compact Sweeper, in accordance with the specifications as detailed in Tender No. 326/06.

**10.3.5 Lease Negotiations – Floreat Athena Junior Soccer Club**

<b>Ward:</b>	North Ward	<b>Date:</b>	6 August 2006
<b>Precinct:</b>	Leederville Precinct	<b>File Ref:</b>	RES0001
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	Rishard Doole		
<b>Checked/Endorsed by:</b>	M Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council APPROVES of a five (5) year lease with the Floreat Athena Junior Soccer Club, for part of the Clubrooms located at Britannia Road Reserve located at Perthshire location 1 and being part of Lots 31 and 32 on Plan 687 and being the whole of the land comprised in Certificate of Title Volume 1769 Folio 075, subject to final satisfactory negotiations being carried out by the Chief Executive Officer.*

**COUNCIL DECISION ITEM 10.3.5**

**Moved Cr Messina, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Crs Farrell and Torre were apologies.)**

**PURPOSE OF REPORT:**

To provide a report on the details of the proposed new five (5) year lease for a part of the clubrooms located at Britannia Reserve.

**BACKGROUND:**

Part of the Britannia Road Reserve Clubrooms located at Britannia Road Reserve, Perthshire location 1 and being part of Lots 31 and 32 on Plan 687 comprised in Certificate of Title Volume 1769 Folio 075 as highlighted on the attached plan is leased by the Floreat Athena Junior Soccer Club. The current lease is for the period 1 July 2000 until the 30 June 2005.

**DETAILS:**

Council recommends negotiations commence with the Floreat Athena Junior Soccer Club. A five (5) year lease period will be offered commencing on 1 July 2005 and ending on 30 June 2010. The club have leased this area since 1 July 2000.

**CONSULTATION/ADVERTISING:**

N/A

**LEGAL/POLICY:**

The Town's Policy No. "1.2.8 Terms of Lease", which specifies a five year term, to a maximum of ten years.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2005 - 2010

*Key Result 2.1 (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."*

*Key Result Area 3.2 (a) "Review leases and commercial contracts to ensure the best return for the Town."*

**FINANCIAL/BUDGET IMPLICATIONS:**

The Floreat Athena Junior Soccer Club currently contributes \$842.94 per annum in lease fees.

**COMMENTS:**

It is recommended that negotiations commence with the Floreat Athena Junior Soccer Club with the view of offering a five (5) year lease. The lessee has shown themselves to be good tenants who make a valuable contribution to sport in Leederville and to Western Australia.

**10.4.1 Use of the Council's Common Seal**

<b>Ward:</b>	-	<b>Date:</b>	6 April 2006
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0042
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	M McKahey		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council ENDORSES the use of the Council's Common Seal on the documents listed in the report.*

**COUNCIL DECISION ITEM 10.4.1**

**Moved Cr Messina, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Crs Farrell and Torre were apologies.)**

**BACKGROUND:**

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

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

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

<b>Date</b>	<b>Document</b>	<b>No of copies</b>	<b>Details</b>
24/03/06	Transfer of Land	1	Town of Vincent and City of Perth and the State of Western Australia re: Perth Suburban Lot 28 the subject of Plan 1054, Volume 2102, Folio 861 (Dedication of Little Parry Street)
24/03/06	Withdrawal of Caveat	1	Town of Vincent and Minter Ellison of Level 49, Central Park 152-158 St Georges Terrace, Perth re: No. 110 (Lot 4) Richmond Street, Leederville
27/03/06	Withdrawal of Caveat	1	Town of Vincent and Mullins Handcock, 13/37 St Georges Terrace, Perth re: No. 138 (Lots 226 and 277) Matlock Street, Mount Hawthorn - Amalgamation/Subdivision

<b>Date</b>	<b>Document</b>	<b>No of copies</b>	<b>Details</b>
28/03/06	Contract Documents	2	Town of Vincent and Leederville Gardens Retirement Estate of 37 Britannia Road, Leederville and Mr and Mrs Said re: Unit 34, Leederville Gardens Retirement Estate
28/03/06	Legal Agreement	4	Town of Vincent and L Kirou and A Spargo, c/o 8A Blake Street, North Perth to subdivide lots at No. 8A (Lot 43) Blake Street, North Perth
03/04/06	Town Planning Scheme Amendment No. 22 - Scheme Amendment Documents (Final Approval)	4	Town of Vincent and Minister for Planning and Infrastructure - Proposal to amend a Town Planning Scheme - Delete Clauses 20) 4) c) ii) and 20) 4) h) i) of Town Planning Scheme No. 1 (District Zoning Scheme) - Approved at Ordinary Meeting of Council held on 28/03/06.
05/04/06	Restrictive Covenant	2	Town of Vincent and Kenny Family Enterprises Pty Ltd of 65 Lake Monger Drive, Wembley re: Nos. 76-76A (Lots 10 and 2) East Street, Cnr Berryman Street, Mount Hawthorn - Vehicular access - Lot 88 on Deposited Plan 50446
06/04/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco re Perth Glory Corporate Training Night (Pitch, Changerooms and Gareth Naven Room) – 10 April 2006

**10.4.2 Proposed Stage 2 Redevelopment – Members Equity Stadium, 310 Pier Street, Perth – Progress Report No 9**

<b>Ward:</b>	South	<b>Date:</b>	5 April 2006
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	RES0085
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Progress Report No 9 concerning the proposed redevelopment of Members Equity Stadium for the period 4 February 2006 to 5 April 2006.*

**COUNCIL DECISION ITEM 10.4.2**

**Moved Cr Messina, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Crs Farrell and Torre were apologies.)**

**PURPOSE OF REPORT:**

The purpose of this report is to update the Council on the progress of the redevelopment project from the period of 4 February 2006 to 5 April 2006.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 14 February 2006, the Council considered this matter and resolved as follows;

*"That the Council RECEIVES the Progress Report No 8 concerning the proposed redevelopment of Members Equity Stadium for the period 15 November 2005 to 3 February 2006."*

**Previous Progress Reports**

Progress reports have been submitted to the Ordinary Meeting of Council held on 14 February 2006, 22 November, 12 July and 26 April, 22 March 2005 and 21 December and 26 October 2004.

**Meetings and Correspondence**

The following action has been taken since 5 February 2006;

Date	Action
<b>DSR:</b>	
16 March 2006	<ul style="list-style-type: none"> <li>Letter from Department of Sport and Recreation (DSR) advising that future development of the Stadium is dependent on the Major Stadia Taskforce findings.</li> </ul>
21 March 2006	<ul style="list-style-type: none"> <li>Reply to DSR providing response to their questions in letter dated 16 March 2006.</li> </ul>
<b>Major Stadia Taskforce:</b>	
7 April 2006	<ul style="list-style-type: none"> <li>Presentation to Taskforce (Mayor, Chief Executive Officer and Project Architect)</li> </ul>
<b>Rugby WA:</b>	
14 March 2006	<ul style="list-style-type: none"> <li>Draft Deed of Licence received for use of Stadium, subject to meeting numerous conditions. Currently awaiting comments from the DSR and Stadium Managers.</li> </ul>
<b>Western Australian Football Commission (WAFC):</b>	
31 March 2006	<ul style="list-style-type: none"> <li>Mayor and Chief Executive Officer briefed by the WAFC on possible future redevelopment of Subiaco Oval.</li> </ul>
<b>Football Federation of Australia (FFA):</b>	
5 April 2006	<ul style="list-style-type: none"> <li>FFA meeting with Chief Executive Officer.</li> </ul>

### **DRAFT PRELIMINARY AGREEMENT**

The Preliminary Agreement was approved at the Ordinary Meeting of Council held on 26 April 2005 and signed on 28 April 2005. An amount of \$500,000 was paid to the Town on 3 May 2005. These funds are currently in the Perth Oval Stage 2 Redevelopment Reserve Fund.

### **Town's Requirements, Conditions and Expectations**

At the Ordinary Meeting of Council held on 22 March 2005, the Council determined its requirements, conditions and expectations. These were sent to the Department of Sport and Recreation. No further meetings have been held to progress this matter.

### **Deed of Licence Agreement**

On 14 March 2006, the Town's Chief Executive Officer received a Deed of Licence Agreement from Rugby WA. They have advised that the Deed has been referred to their solicitors. As a number of conditions relate to matters outside the Town's jurisdiction (e.g. capacity, licence fees), emails were sent to the Department of Sport and Recreation and Allia Venue Management Pty Ltd seeking comment. At the time of writing this report, no responses have been received.

### **Perth Glory Football Club - Deed of Licence**

Since November 2005, there has been considerable media publicity about the sale of Perth Glory Football Club (PGFC). The media have reported that the current Chairman, Mr Nick Tana, is keen to sell the Club, that losses of up to \$6 million have been incurred over several years, that there has been interest from several business consortiums.

PGFC have a Deed of Licence to use the Stadium and a lease with the Town for office space in the Stadium Grandstand.

The Deed of Licence (for PGFC to use the Stadium) requires any sale of the Club to be considered and approved by the Town. The Town must consider the matter and give its decision (which cannot be unreasonably withheld) within 45 days of being notified.

The Deed requires any prospective purchaser to be *"a respectable, responsible and solvent person, capable of adequately carrying out the Permitted Use and capable of complying with all of the obligations contained in the Licence."* The person must be of *"good standing in the community."*

### **Meeting with Nick Tana**

On 28 March 2006, the Chairman of PGFC and Allia Venue Management met with the Mayor and Chief Executive Officer. He advised that he had relinquished the PGFC A-League licence to the Football Federation of Australia (FFA). In essence, this allows the FFA to sell the licence to a prospective Club and also obtain the intellectual property of PGFC.

Mr Tana advised that he would formally write to the Town, however at the time of writing this report, no information has been received.

Whilst the media has reported that discussions are well advanced and that the sale will occur in the 2005/06 Financial Year, at the time of writing this report the Town has not received any formal communication about the possible sale.

It is considered that any sale of PGFC will not materially affect the Town.

### **Meeting with FFA**

On Wednesday 5 April 2006, the Chief Executive Officer and Executive Manager Environmental and Development Services met with Matt Carroll, Operations Director of the FFA. Mr Carroll advised the following:

1. PGFC has relinquished their licence to play in the A-League, effective from 30 April 2006.
2. FFA has obtained the intellectual property of PGFC (ie name, club colours).
3. PGFC has terminated the employment contract of its employees. The FFA may employ these employees on a casual basis, as from 1 May 2006.
4. FFA has four (4) interested parties who have expressed a desire to purchase the A-League licence.
5. The FFA will contact the Town after they have concluded negotiations.

**FINANCIAL/BUDGET IMPLICATIONS:**

The Town has included an amount of \$25 million in the Draft Budget 2005/2006. It is envisaged that the State Government will allocate the \$25 million for the Stadium upgrade, upon signing of another Financial Assistance Agreement.

The \$500,000 received from the DSR has been placed in the "Perth Oval - Stage 2 Redevelopment Reserve Fund".

**LEGAL/POLICY IMPLICATIONS:**

Not applicable, at this stage, however it will be required when details become more available.

**ADVERTISING/COMMUNITY CONSULTATION:**

Not applicable, at this stage, however it will be required when details become more available.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the Town's Strategic Plan 2005-2010, Key Result Area 3.2(g) - *"Implement and upgrade Perth Oval in liaison with all stakeholders"*.

**COMMENT:**

There has been little development in progressing the Stage 2 Redevelopment.

It is considered that until the Major Stadia Taskforce reports its findings/recommendations to Cabinet (which is expected in April 2006), very little progress will occur with the Stage 2 upgrade of Perth Oval (Members Equity Stadium).

**10.1.16 Further Report- No.166 (Lot 2 D/P: 26693) Anzac Road, Mount Hawthorn- Proposed Demolition of Single House and Construction of Two (2) Two- Storey Single Houses**

<b>Ward:</b>	North	<b>Date:</b>	5 April 2006
<b>Precinct:</b>	Mount Hawthorn;P1	<b>File Ref:</b>	PRO1359; 5.2005.3283.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	L Mach, A du Boulay		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**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 J R Chindarsi on behalf of the owner K E & J T McNamara & Ginly Pty Ltd for proposed Demolition of Single House and Construction of Two (2) Two- Storey Single Houses, at No. 166 (Lot 2 D/P: 26693) Anzac Road, Mount Hawthorn, and as shown on plans stamp-dated 27 March 2006 , subject to the following conditions:*

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) first obtaining the consent of the owners of No. 18 Buxton Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 18 Buxton Street in a good and clean condition;*
- (iv) any new street/front wall, fence and gate between the Anzac 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.*
- (v) *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;*
- (vi) *the study structure shall not be used for industrial or commercial purposes, and shall only be used for the personal use of the inhabitants of the main dwelling on proposed Lot 304;*
- (vii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Anzac Road 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*
- (viii) *no plumbing or sanitary facilities or fixtures shall be provided to or within the subject approved study structure without the prior approval of such by the Town.*

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**Moved Cr Messina, Seconded Cr Doran-Wu**

*That the recommendation be adopted.*

Debate ensued.

**Moved Cr Doran-Wu, Seconded Cr Messina**

*That a new clause (ix) be added as follows:*

*"(ix) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating each garage door incorporating significant and appropriate design features that are visually permeable to reduce the visual impact and increase the passive surveillance. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies."*

Debate ensued.

**AMENDMENT CARRIED (6-1)**

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

(Crs Farrell and Torre were apologies.)

Debate ensued.

**MOTION AS AMENDED CARRIED (7-0)**

(Crs Farrell and Torre were apologies.)

**COUNCIL DECISION ITEM 10.1.16**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by J R Chindarsi on behalf of the owner K E & J T McNamara & Ginly Pty Ltd for proposed Demolition of Single House and Construction of Two (2) Two- Storey Single Houses, at No. 166 (Lot 2 D/P: 26693) Anzac Road, Mount Hawthorn, and as shown on plans stamp-dated 27 March 2006 , subject to the following conditions:*

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) first obtaining the consent of the owners of No. 18 Buxton Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 18 Buxton Street in a good and clean condition;*
- (iv) any new street/front wall, fence and gate between the Anzac 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.*
- (v) 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;*

- (vi) *the study structure shall not be used for industrial or commercial purposes, and shall only be used for the personal use of the inhabitants of the main dwelling on proposed Lot 304;*
- (vii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Anzac Road 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) *no plumbing or sanitary facilities or fixtures shall be provided to or within the subject approved study structure without the prior approval of such by the Town; and*
- (ix) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating each garage door incorporating significant and appropriate design features that are visually permeable to reduce the visual impact and increase the passive surveillance. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies.*
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#### **FURTHER REPORT:**

The subject application was considered at the Ordinary Meeting of Council held on 14 March 2006, where the Council resolved as follows:

*"That the Item be DEFERRED to enable additional plans to be assessed by Elected Members and for the applicant to further consider Council's concerns."*

The concerns raised at the Ordinary Meeting of Council held on 14 March 2006 are as follows:

- short time frame given to Councillors to consider amended plans;
- no passive surveillance;
- no visible front door from the street; and
- dominant width of the garage and the significant setback of the house.

The applicant has since submitted amended plans. The main differences between these plans and the previous plans considered by the Council are as follows:

- the staggering of the garage setback line to reduce the impact on the street;
- details of the proposed fence to demonstrate the visibility of the front door;
- the addition of roof terraces to give passive surveillance and to bring forward the perceived building line; and
- the reduction in the width of the crossover and driveway to reduce impact on the street.

It is further noted that as the garage is setback behind the street setback area; it was not subject to a maximum width.

The updated assessment is as follows:

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	2 dwellings R 30	2 dwellings R 26	Supported- as no variation.
Plot Ratio	N/A	N/A	Noted.
<u>Setbacks</u> Proposed Lot 303: Ground Floor - East First Floor - East Proposed Lot 304: Ground Floor - West First Floor - West	1.5 metres  2.0 metres  1.5 metres 2.0 metres	Nil  Nil  Nil Nil	Supported- refer to 'Buildings on Boundary'.    Supported- refer to 'Buildings on Boundary'
Buildings on Boundaries	One boundary wall is permitted with an average height of 3 metres and a maximum height of 3.5 metres, for 66.7 per cent length of boundary.	Proposed Lot 303-  Eastern boundary wall has a height of up to 6.3 metres (length and number of walls compliant).  Proposed Lot 304-  Two external boundary walls proposed:  Western boundary walls has a height of 3.0 metres -6.3 metres for 70 per cent of boundary.  Northern boundary wall is compliant is terms of height.	Supported- abuts another proposed boundary wall and no undue impact on streetscape or neighbour.  Supported- dwelling wall abuts another proposed boundary wall and no undue impact on streetscape or neighbour.

The amendments to the plans are considered to adequately address the Council's previous concerns and, therefore, approval subject to standard and appropriate conditions is recommended.

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 J R Chindarsi on behalf of the owner K E & J T McNamara & Ginly Pty Ltd for proposed Demolition of Single House and Construction of Two (2) Two- Storey Single Houses, at No. 166 (Lot 2 D/P: 26693) Anzac Road, Mount Hawthorn, and as shown on plans stamp-dated 18 November 2005, subject to the following conditions:*

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) first obtaining the consent of the owners of No. 18 Buxton Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 18 Buxton Street in a good and clean condition;*
- (iv) any new street/front wall, fence and gate between the Anzac 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;*
- (v) 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;*
- (vi) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
  - (a) the northern boundary wall height being a maximum average height of 3.0 metres and maximum height of 3.5 metres as measured from the natural ground level; and*

(b) *the driveway width being a maximum of 40 per cent of the frontage of each dwellings site.*

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

(vii) *the study structure shall not be used for industrial or commercial purposes, and shall only be used for the personal use of the inhabitants of the main dwelling on proposed Lot 304;*

(viii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Anzac Road 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*

(ix) *no plumbing or sanitary facilities or fixtures shall be provided to or within the subject approved study structure without the prior approval of such by the Town.*

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COUNCIL DECISION ITEM 10.1.8

Moved Cr Farrell, Seconded Cr Messina

*That the recommendation be adopted.*

*Debate ensued.*

Moved Cr Messina, Seconded Cr Lake

*That the Item be DEFERRED to enable additional plans to be assessed by Elected Members and for the applicant to further consider Council's concerns.*

CARRIED (8-1)

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

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Landowner:	<i>K E &amp; J T McNamara &amp; Ginly Pty Ltd</i>
Applicant:	<i>J R Chindarsi</i>
Zoning:	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30</i>
Existing Land Use:	<i>Single House</i>
Use Class:	<i>Single House</i>
Use Classification:	<i>"P"</i>
Lot Area:	<i>764 square metres</i>
Access to Right of Way	<i>N/A</i>

**BACKGROUND:**

- 8 February 2000      *The Council at its Ordinary Meeting resolved to refuse an application for the proposed demolition of existing dwelling and development of a new two-storey dwelling at the subject property.*
- 9 May 2000          *The Council at its Ordinary Meeting resolved not to list the place on the MHI because the dwelling did not meet the threshold for inclusion onto the MHI and there was lack of community support for its retention.*
- 12 September 2000      *The Council at its Ordinary Meeting resolved to approve the demolition of the existing dwelling, and development of a new two-storey single house.*
- 19 July 2005          *The Western Australian Planning Commission conditionally approved an application for the subdivision of the subject lot.*

**DETAILS:**

*The proposal involves demolition of single house and construction of two (2) two-storey single houses at the subject property. The applicant's submission is "Laid on the Table".*

**ASSESSMENT:**

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Density</i>	<i>2 dwellings R 30</i>	<i>2 dwellings R 26</i>	<i>Supported- no variation.</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>Noted.</i>
<i>Setbacks Proposed Lot 303: Ground Floor - East First Floor - East</i>	<i>1.5 metres 2.0 metres</i>	<i>Nil Nil</i>	<i>Supported- refer to 'Buildings on Boundary'.</i>
<i>Proposed Lot 304: Ground Floor - West First Floor - West</i>	<i>1.5 metres 2.0 metres</i>	<i>Nil Nil</i>	
<i>Buildings on Boundaries</i>	<i>One boundary wall is permitted with an average height of 3 metres and a maximum height of 3.5 metres, for 66.6% length of boundary.</i>	<i>Proposed Lot 303-  Eastern boundary wall has a height of 2.9-6.3 metres (length and number of walls compliant).  Proposed Lot 304-  Two external boundary walls proposed:</i>	<i>Supported- abuts another proposed boundary wall and no undue impact on streetscape or neighbour.</i>

		<p><i>Western boundary wall has a height of 2.9-6.3 metres for 78 % of boundary.</i></p> <p><i>Northern boundary wall has a height of 3.1 metres.</i></p>	<p><i>Supported- dwelling wall abuts another proposed boundary wall and no undue impact on streetscape or neighbour.</i></p> <p><i>Supported in part- no undue impact and has been conditioned to comply with relevant height requirements.</i></p>
<i>Driveways</i>	<i>Not to occupy more than 40 per cent of property's frontage.</i>	<i>50 per cent</i>	<i>Not supported- undue impact and has been conditioned to comply.</i>
<i>Consultation Submissions</i>			
<i>Support</i>	<i>Nil</i>		<i>Noted.</i>
<i>Objection (2)</i>	<ul style="list-style-type: none"> <li>• <i>Privacy</i></li> <li>• <i>Request replacement of verge tree</i></li> <li>• <i>Materials and roof pitch not in keeping with character of area</i></li> <li>• <i>Driveway</i></li> </ul>		<p><i>Not supported- compliant with R-Codes.</i></p> <p><i>Supported- addressed via standard Technical Services requirements.</i></p> <p><i>Not supported- proposal not considered to have undue impact on area.</i></p> <p><i>Supported- has been conditioned to comply.</i></p>
<i>Other Implications</i>			
<i>Legal/Policy</i>			<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>
<i>Strategic Implications</i>			<i>Nil</i>
<i>Financial/Budget Implications</i>			<i>Nil</i>

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

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

**COMMENTS:**

*Heritage Assessment*

*A Heritage Assessment for the place at No.166 Anzac Road was undertaken by the Town's Officers in 2000, as part of a planning application for its demolition. The Heritage Assessment is included as an attachment to this report.*

*The dwelling at No.166 Anzac Road is a single storey brick and asbestos dwelling, which was constructed circa 1960, in the Post-War Regional style of International Modernist architecture. The dwelling adjacent to the subject place, at No.168 Anzac Road is almost identical to the subject place in terms of style, roof line, brickwork and fenestration.*

*Based on the results of the Heritage Assessment, the subject place has been found to have local cultural heritage significance for the following reasons:*

*The place has some aesthetic value as it is an example of an uncommon and intact example of the Post-War Regional style of International Modernist architecture. It is both well designed and well built.*

*The place has some aesthetic significance as it makes a positive contribution to an eclectic, but harmonious, streetscape, which reflects changes in domestic architecture over time.*

*The place has some historic significance as it is an example of the Post War phase of development in Perth. The place is characteristic of an era distinguished by growing economic prosperity during which Perth sought recognition as a modern international city. As such, the place contributes to the pattern and evolution of the history of the Town of Vincent.*

*The place has some scientific value in the innovative use of timber as a ceiling material, in the quality of built furniture and its deployment of room screens and dividers.*

*The place has some rarity value as it is an uncommon and intact example of the Post-War Regional style of International Modernist architecture within the Town of Vincent.*

*The Council at its Ordinary Meeting held on 8 February 2000 refused the proposed demolition of the subject dwelling on the grounds of cultural heritage significance. It was also a determination of the Council that the place, in conjunction with the place at No.168 Anzac Road, Mount Hawthorn be nominated for entry onto the Municipal Heritage Inventory (MHI).*

*The Council at its Ordinary Meeting held on 9 May 2000 resolved not to list the place on the MHI because the dwelling did not meet the threshold for inclusion onto the MHI and there was lack of community support for its retention. The Council at its Ordinary Meeting on 12 September 2000 resolved to approve the demolition of the subject dwelling.*

*On the basis that the Council subsequently approved the demolition of the subject dwelling, the Officer Recommendation reflects the previous decision of the Council. It is still the opinion of the Town's Heritage Officers that the place, along with the dwelling at No.168 Anzac Road, Mount Hawthorn is of cultural heritage significance and meets the threshold for inclusion onto the MHI.*

#### *Redevelopment*

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

**10.1.9 No. 6 (Lot 1 D/P: 17910) Wavertree Place, Leederville - Proposed Demolition of Existing Single House**

<b>Ward:</b>	North	<b>Date:</b>	3 April 2006
<b>Precinct:</b>	Leederville; P03	<b>File Ref:</b>	PRO3443 5.2006.23.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	S Kendall		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**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 REFUSES the application submitted by The Planning Group on behalf of the owner J F Murphy for proposed Demolition of Existing Single House, at No.6 (Lot 1 D/P: 17910) Wavertree Place, Leederville, and as shown on plans stamp-dated 20 January 2006, for the following reasons:*
  - (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
  - (b) *the existing place has cultural heritage significance in terms of its aesthetic, historic and rarity value; and*
- (ii) *the Council AUTHORISE the Chief Executive Officer to place No.6 (Lot 1 D/P: 17910) Wavertree Place, Leederville, onto the Municipal Heritage Inventory, subject to the following:*
  - (a) *NOTIFYING the owners in writing of resolution to include No.6 (Lot 1 D/P: 17910) Wavertree Place, Leederville, for entry onto the Municipal Heritage Inventory;*
  - (b) *ADVERTISING for public comment, the nomination of No.6 (Lot 1 D/P: 17910) Wavertree Place, Leederville, to be placed onto the Municipal Heritage Inventory for a period of 28 days in the local newspaper; and*
  - (c) *A FURTHER REPORT being presented to the Council in relation to the above nomination after the advertising period, for consideration by the Council.*

**COUNCIL DECISION ITEM 10.1.9**

**Moved Cr Messina, Seconded Cr Ker**

*That the recommendation be adopted.*

Debate ensued.

**LOST (0-7)**

(Crs Farrell and Torre were apologies.)

**Reasons:**

1. Place is not characteristic of the development in the Town of Vincent.
2. Place is not highly regarded within the community.
3. The house has a high component of dangerous asbestos materials, particularly the roof.

***ALTERNATIVE RECOMMENDATION***

**Moved Cr Ker, Seconded Cr Messina**

*That the following alternative recommendation be adopted.*

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by The Planning Group on behalf of the owner J F Murphy for proposed Demolition of Existing Single House, at No.6 (Lot 1 D/P: 17910 ) Wavertree Place, Leederville, and as shown on plans stamp-dated 20 January 2006, subject to the following conditions:*

- (i) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) *a redevelopment proposal for the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
- (iv) *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;*
- (v) *demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community; and*
- (vi) *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.*

**CARRIED (7-0)**

**(Crs Farrell and Torre were apologies.)**

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<b>Landowner:</b>	J F Murphy
<b>Applicant:</b>	The Planning Group (WA) PTY LTD
<b>Zoning:</b>	Metropolitan Region Scheme: (MRS) Urban Town Planning Scheme No.1 (TPS 1): Residential R60
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	737 square metres
<b>Access to Right of Way</b>	East side, 3.7 metres wide, sealed and Town owned

**BACKGROUND:**

No specific background directly relates to the proposal.

**DETAILS:**

The proposal involves the demolition of the existing single storey house and associated outbuildings.

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
<b>Plot Ratio</b>	N/A	N/A	N/A
<b>Consultation Submissions</b>			
Support (3)	No reason provided.		Not supported - as the place meets the threshold for inclusion onto the Town's Municipal Heritage Inventory.
Objection (1)	The mature trees support a diverse amount of bird life in the area.		Noted.
<b>Response to Draft Heritage Assessment</b>			
Response (1)	A Report prepared on behalf of the applicant by Ron Bodycoat Architect, supporting the demolition of the dwelling of the place (attached).		
<b>Other Implications</b>			
Legal/Policy	TPS 1 and associated Policies.		
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:

A detailed Heritage Assessment is contained in an attachment to this report.

The dwelling at No.6 Wavertree Place, Leederville is a brick and asbestos dwelling, which was constructed in 1961. The dwelling is constructed in the post-war Perth Regional style of International architecture, which is representative of the progressiveness of building design that transpired in Australian cities during the post-war period.

The dwelling features a low-pitch gable roof, which is constructed from corrugated asbestos. The roof has wide projecting eaves. The façade features floor to ceiling timber framed window arrangements and a feature stone wall, which shields the entrance from the street. Internally there has been no major structural alteration since its construction and the place's original floor plan, architectural detailing, fixtures and fittings have been retained.

Based on the results of the Heritage Assessment, the subject place has been found to have local cultural heritage significance for the following reasons:

- The place has '*some aesthetic value*' as a well designed and well built example of the post-war Perth Regional style of International architecture.
- The place has '*some historic value*' in demonstrating the aspirations of post-war Australians to embrace a modern and progressive way of life, as well as the new modernist style of architecture that reflected this.
- The place has '*some rarity value*' as an uncommon and intact example of the post-war Perth Regional style of International architecture within the Town of Vincent.

No.6 Wavertree Place, Leederville is listed on the Town's Health Services internal substandard building register, as a result of complaints received from neighbouring property owners. The Town's Environmental Health Officers are concerned that No. 6 Wavertree Place will degenerate and be occupied by squatters, if it is not reoccupied or demolished.

Notwithstanding the above, the Town's Heritage Officers consider that the integrity and authenticity of the place, in association with the stated cultural heritage values warrant the retention of the dwelling. The dwelling is considered to be significant to the locality and worthy of inclusion into the Town's Municipal Heritage Inventory. It is therefore recommended that the proposed demolition of the existing dwelling be refused and the refurbishment and conservation of the place be encouraged.

### **Trees of Significance**

The Town's Parks Services advise that there is a Norfolk Island Pine (*Araucaria heterophylla*) tree on the property, which is listed in the Town's Interim Significant Tree Inventory List 3.

The Norfolk Island Pine species is a common tree within the Town of Vincent and the metropolitan area. There are a number of mature specimens located within some of the Town's Parks and Reserves. The tree located within No.6 Wavertree Place is an immature specimen, which is growing between a line of Poplar trees. The tree is estimated to be around twenty to thirty years of age, and appears to be in a healthy state of growth.

Given that the above type of trees are still well represented within the Town, the Town's Parks Services has no objection if the Norfolk Island Pine is to be removed.

**10.1.11 No. 399 (Lot: 3 D/P: 5284), Charles Street, Corner Haynes Street, North Perth - Proposed Three (3) Solid Garage Roller Door Additions to Existing Three Two-Storey Single Houses**

<b>Ward:</b>	North	<b>Date:</b>	4 April 2006
<b>Precinct:</b>	North Perth; P08	<b>File Ref:</b>	PRO2700; 5.2006.70.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	E Saraceni		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**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 B N Di Paolo on behalf of the owners B N Di Paolo & S A Bejuckley for proposed Three (3) Solid Garage Roller Door Additions to Existing Three Two-Storey Single Houses, at No. 399 (Lot: 3 D/P: 5284) Charles Street, corner Haynes Street, North Perth, and as shown on plans stamp-dated 21 February 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) non-compliance with the Town's Policy relating to Street Setbacks.*

**COUNCIL DECISION ITEM 10.1.11**

**Moved Cr Messina, Seconded Cr Maier**

*That the recommendation be adopted.*

Debate ensued.

**CARRIED (5-2)**

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

(Crs Farrell and Torre were apologies.)

<b>Landowner:</b>	B N Di Paolo & S A Bejuckley
<b>Applicant:</b>	B N Di Paolo
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	574 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

11 May 2004

The Council at its Ordinary Meeting considered an application for the demolition of an existing dwelling and the construction of three (3) two-storey single houses and resolved that the application be approved subject to 17 conditions. Condition (vii) stated that:

*"the carports shall be one hundred (100) percent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the proposed dwelling."*

**DETAILS:**

The proposal involves three (3) garage roller door additions to the existing three (3) two-storey single houses.

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	Noted
<u>Streetscape</u> Street Setback for garages and carports	Carports within the street setback are to have doors and panels that are visually permeable, such as with open grilles	Proposed solid roller doors to be located within the street setback area	Not supported- the addition of the solid roller doors will essentially create garages within the street setback area and unduly affect the streetscape.
<b>Consultation Submissions</b>			
Consultation is not required as this Category 3 application is not supportable and being referred to the Council for determination.			
<b>Other Implications</b>			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

**COMMENTS:**

In light of the above, the proposal is recommended for refusal.

**10.1.10 No. 91 (Lot 166 D/P: 2790) Shakespeare Street, corner Woodstock Street, Mount Hawthorn - Proposed Demolition of Existing Shed, and Garage and Cellar Additions to Existing Single House**

<b>Ward:</b>	North	<b>Date:</b>	3 April 2006
<b>Precinct:</b>	Mount Hawthorn; P01	<b>File Ref:</b>	PRO3464; 5.2006.51.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	O Hammond		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 the owner S H & P G Tulloch for proposed Demolition of Existing Shed, and Garage and Cellar Additions to Existing Single House, at No. 91 (Lot 166 D/P: 2790) Shakespeare Street, corner Woodstock Street, Mount Hawthorn, and as shown on received plans stamp-dated 29 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 Street Setbacks.*

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**COUNCIL DECISION ITEM 10.1.10**

**Moved Cr Maier, Seconded Cr Ker**

*That the recommendation be adopted.*

Debate ensued.

Journalists Dan Hatch and Giovanni Torre left the meeting at 7.05pm.

**LOST (0-7)**

(Crs Farrell and Torre were apologies.)

**Reasons:**

- 1. Footpath is set away from the fence so it is not a safety issue for pedestrians.**
- 2. The Woodstock Street streetscape would not be adversely impacted on.**
- 3. Necessary for functionality of parking/garage.**
- 4. Single garage frontage to Woodstock Street has minor impact, and is preferable to the previously proposed carport fronting Shakespeare Street.**

***ALTERNATIVE RECOMMENDATION***

**Moved Cr Messina, Seconded Cr Chester**

*That the following alternative recommendation be adopted:*

*That:*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners S H & P G Tulloch for proposed Demolition of Existing Shed, and Garage and Cellar Additions to Existing Single House, at No. 91 (Lot 166 D/P: 2790) Shakespeare Street, corner Woodstock Street, Mount Hawthorn, and as shown on received plans stamp-dated 29 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) first obtaining the consent of the owners of No. 89A Shakespeare Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 89A Shakespeare Street in a good and clean condition; and*
- (iii) any new street/front wall, fence and gate between the Shakespeare Street boundary and the Woodstock 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;*
  - (e) the provision of a minimum 0.5 metres by 0.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
  - (f) the solid portion adjacent to the Woodstock 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.*

**CARRIED (7-0)**

(Crs Farrell and Torre were apologies.)

<b>Landowner:</b>	S H & P G Tulloch
<b>Applicant:</b>	S Tulloch
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	445 square metres
<b>Access to Right of Way</b>	West side, 5.0 metres wide, sealed and Town owned

**BACKGROUND:**

Advertising was conducted in relation to the original plans dated 7 February 2006 (attached). Revised plans were lodged on 29 March 2006 and the Agenda Report has been based on these plans. The applicant was advised that the Town's Officers were prepared to support the proposal, with a condition that the setback to Woodstock Street being 1.5 metres. This 1.5 metres setback to Woodstock Street was not acceptable to the applicant.

**DETAILS:**

The proposal involves demolition of the existing shed and construction of a new two car bay garage and cellar at the subject property.

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	Noted
Setbacks: Garage West	1.5 metres	Nil	Supported – as it is compliant with the boundary wall requirements of the Residential Design Codes (R Codes).
South	1 metre	Nil	Supported – as the variation is considered minor and does not unduly impact on the affected neighbour.

North (Secondary Street- Woodstock Street)	Setback at or behind the line of the front main building wall (not open verandah, porch, portico, balcony and the like) of the nearest dwelling on the site (1.5 metres)	0.5 metres and in front of front main building wall.	Not supported – as it is non-compliant with the Town’s Policy relating to Street Setbacks, and is considered to have an undue impact on streetscape.
<b>Consultation Submissions</b>			
Support (2)	Neighbours have stated no objection		Noted.
Objection	Nil		Noted.
<b>Other Implications</b>			
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:**

In light of the above, it is recommended that the proposed development be refused.

**10.1.17 No. 127 (Lot: 64 D/P: 2503) Fairfield Street, Mount Hawthorn- Proposed Demolition of Existing Single House and Outbuildings and Construction of Two-Storey Single House**

<b>Ward:</b>	North	<b>Date:</b>	5 April 2006
<b>Precinct:</b>	Mount Hawthorn; P01	<b>File Ref:</b>	5.2006.12.1; PRO3441
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	J Barton		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**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 JWH Group Pty Ltd on behalf of the owner L T & D Principe for proposed Demolition of Existing Single House and Outbuildings and Construction of Two-Storey Single House, at No. 127 (Lot: 64 D/P: 2503) Fairfield Street, Mount Hawthorn, and as shown on amended plans stamp-dated 9 March 2006, subject to the following conditions:*

- (i) all car-parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Parking and Access Policy and Australian Standards AS2890.1 – "Off Street Parking";*
- (ii) first obtaining the consent of the owners of No. 129 (Lot 65) Fairfield Street, for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 129 (Lot 65) Fairfield Street, in a good and clean condition;*
- (iii) any new street/front wall, fence and gate between the Fairfield 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.*

- (iv) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (v) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (vi) *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*
- (vii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the balcony on the upper floor, southern side, 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.*

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**COUNCIL DECISION ITEM 10.1.17**

**Moved Cr Lake, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Crs Farrell and Torre were apologies.)**

---

<b>Landowner:</b>	L T & D Principe
<b>Applicant:</b>	JWH Group Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	488 square metres
<b>Access to Right of Way</b>	Western side, 5 metres wide, unsealed, privately owned

**BACKGROUND:**

No specific background directly relates to the proposal.

**DETAILS:**

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	Noted.
Setbacks- south side upper floor	1.6 metres	1.16 metres	Supported- as the minor setback variation is considered supportable, as the proposal is not considered to create an undue impact on the amenity of the adjoining property as the proposed wall is well articulated to break up building bulk, and the proposal complies with the Residential Design Codes overlooking and overshadowing requirements.
Privacy: Bedroom four	4.5 metres	2.4 metres	Supported- the adjoining affected neighbour has specifically stated that they raise no objection to overlooking from bedroom four's window.
Vehicular Access	Vehicular access to be from the right of way.	Vehicle access from the primary street.	Supported- Vehicular access from the primary street is considered acceptable as the proposal complies with the Town's Car Parking, Carports and Garages Accessed from the Street rather than an Available Right of Way- Interim Practice, as the right of way is unsealed and not programmed to be sealed within next two years.
<b>Consultation Submissions</b>			
Support (1)	<ul style="list-style-type: none"> <li>the adjoining neighbour affected by the privacy encroachment specifically stated that they raise no objection to overlooking from bed four.</li> </ul>		Supported- see comments above in Assessment Table.

Objection (1)	<ul style="list-style-type: none"> <li>• The visual impact of the proposed development affects the amenity of the neighbouring property.</li> <li>• The affected areas of the adjoining building are well utilized north facing living areas.</li> </ul>	Not supported- see comments above in Assessment Table.
<b>Other Implications</b>		
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.

### Demolition

A detailed Heritage Assessment is contained in Appendix 10.1.17.

The subject dwelling at No. 127 Fairfield Street, Mount Hawthorn is a single storey brick and tile residence, which was constructed in 1950. The post-war bungalow dwelling has a two room street frontage, which is partially rendered from sill height. The internal layout of the dwelling has been altered and much of its original detailing has been removed.

The subject dwelling contributes to the streetscape in terms of traditional setbacks, building style and proportion. The vast majority of residential development in the Town took place prior to the Second World War and thus the place has *some rarity value* as an example of the Post War Bungalow style of architecture within the locality. However, the dwelling has little historic, scientific, aesthetic or social value. The place is not considered to meet the threshold for consideration of entry to the Town's Municipal Heritage Inventory and is not listed on the Interim Heritage Database.

As such, it is considered reasonable that the application for the demolition of the subject dwelling be approved, subject to a quality archival record and other standard conditions.

### COMMENTS

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

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

<b>Ward:</b>	North	<b>Date:</b>	31 March 2006
<b>Precinct:</b>	Mount Hawthorn; P01	<b>File Ref:</b>	PRO3447; 5.2006.147.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	J Barton		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 6 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.*

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**Moved Cr Messina, Seconded Cr Doran-Wu**

*That the recommendation be adopted.*

Debate ensued.

**Moved Cr Messina, Seconded Cr Doran-Wu**

*That clause (iv) be amended to read as follows:*

- “(iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) ~~*the upper floor, including the WIR, being setback a minimum of 6 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.”*

Debate ensued.

**AMENDMENT LOST (3-4)**

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

(Crs Farrell and Torre were apologies.)

**Moved Cr Messina, Seconded Cr Lake**

*That clause (iv)(a) be amended to read as follows:*

*“(iv) (a) the upper floor, including the WIR, being setback a minimum of ~~6~~ 5 metres from the front boundary; and”*

**AMENDMENT CARRIED (7-0)**

(Crs Farrell and Torre were apologies.)

**MOTION AS AMENDED CARRIED (7-0)**

(Crs Farrell and Torre were apologies.)

**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 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.*

---

<b>Landowner:</b>	Bridgetime Investments Pty Ltd
<b>Applicant:</b>	Westcourt Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
<b>Existing Land Use:</b>	Vacant Land
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	271 square metres
<b>Access to Right of Way</b>	N/A

#### **BACKGROUND:**

The proposal was considered at the Ordinary Meeting of Council held on 28 March 2006 and the Council resolved to conditionally approve the proposed two-storey single house. The applicant has 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 stated 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 6 metres from the front boundary; and*

.....

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

#### **DETAILS:**

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

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

**ASSESSMENT:**

**Note: The following Assessment Table was corrected and distributed prior to the meeting. Changes are indicated by strikethrough, italic font and underline**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	Noted
Retaining and Fill	500 millimetres	Retaining and fill along the front boundary up to 1.04 metres high.	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.
Buildings on Boundaries	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.	Two boundary walls are proposed. Southern side averages 3.1 metres in height.	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.
Setbacks:  Upper floor-southern side	1.8 metres	1.65 metres to 2.1 metres	Supported- given the minor variation, the proposal is not considered to create an undue impact on the amenity of the neighbouring property.

Upper floor-front elevation	6 metres	<del>3.6</del> <u>3.95</u> metres to WIR.	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.
<b>Previous Consultation Submissions</b>			
Support	Nil		Noted
Objection	Nil		Noted
<b>Other Implications</b>			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

**COMMENTS:**

In light of the above, the proposal is considered acceptable, subject to standard and appropriate conditions to ensure that the upper floor setbacks, and the proposed retaining and fill, are amended in accordance with the requirements of the Residential Design Codes and the Town's Policies.

**10.1.2 No. 2 (Lot 2 D/P: 17910) Wavertree Place, Leederville - Proposed Demolition of Existing Single House**

<b>Ward:</b>	North	<b>Date:</b>	3 April 2006
<b>Precinct:</b>	Leederville P03	<b>File Ref:</b>	PRO3442 5.2006.22.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	S. Kendall		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by The Planning Group on behalf of the owner J F Murphy for proposed Demolition of Existing Single House, at No.2 (Lot 2 D/P: 17910) Wavertree Place, Leederville, and as shown on plans stamp-dated 20 January 2006, subject to the following conditions:*

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) a redevelopment proposal for the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
- (iv) 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;*
- (v) demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community;*
- (vi) 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; and*
- (vii) any future redevelopment of the subject site shall incorporate recognition of the aesthetic values of the place at No.2 Wavertree Place, Leederville, and details to be submitted to and approved by the Town before the issuing of a Demolition Licence and/or Building Licence, whichever comes first.*

**Moved** Cr Messina, **Seconded** Cr Maier

*That the recommendation be adopted.*

**Debate ensued.**

**Moved Cr Maier, Seconded Cr Messina**

*That the Item be DEFERRED to allow a proper structural engineering report to be carried out and for further discussions with the applicant.*

Debate ensued.

**CARRIED (6-1)**

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

(Crs Farrell and Torre were apologies.)

At 7.30pm **Moved Cr Maier, Seconded Cr Messina**

*That the Item be recommitted there was no indication in the deferral as to who was responsible for the payment of the structural engineer's report.*

**CARRIED (7-0)**

(Crs Farrell and Torre were apologies.)

**COUNCIL DECISION ITEM 10.1.2**

**Moved Cr Maier, Seconded Cr Messina**

*That the Item be DEFERRED to allow for the Town to obtain a proper structural engineering report at the Town's cost and for further discussions with the applicant.*

**CARRIED BY AN ABSOLUTE MAJORITY (7-0)**

(Crs Farrell and Torre were apologies.)

<b>Landowner:</b>	J F Murphy
<b>Applicant:</b>	The Planning Group WA Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	776 square metres
<b>Access to Right of Way</b>	East side, 3.7 metres wide, sealed, and Town owned

**BACKGROUND:**

No specific background directly relates to the proposal.

**DETAILS:**

The proposal involves the demolition of the existing dwelling and associated outbuildings.

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
<b>Plot Ratio</b>	N/A	N/A	N/A
<b>Consultation Submissions</b>			
Support (3)	<ul style="list-style-type: none"> <li>No reason provided.</li> </ul>		Noted.
Objection (1)	<ul style="list-style-type: none"> <li>Unusual Architecture.</li> <li>The mature trees, within the place support a diverse amount of bird life in the area.</li> </ul>		Noted.
<b>Response to Draft Heritage Assessment</b>			
Response (1)	A Report prepared on behalf of the applicant by Ron Bodycoat Architect, supporting the demolition of the dwelling of the place (attached).		
<b>Other Implications</b>			
Legal/Policy	TPS 1 and associated Policies.		
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:**

A detailed Heritage Assessment is contained in the attachment to this report.

The place at No.2 Wavertree Place is a brick and steel dwelling, which was constructed circa 1953. The dwelling embodies the characteristics of the Interwar Functionalist style, which sought to express the changing lifestyle of the twentieth century through architecture.

The two-storey cement rendered building has a striking appearance with a parapeted, two storey wing terminating in a cylindrical façade to the street, which contrasts with a flat roofed, single storey lounge. Internally the original floor plan and much of the original detail has been retained. However, the place both internally and externally is in a very poor condition, as it has been vandalised and inhabited by squatters.

Based on the results of the Heritage Assessment, the subject place has been found to have local cultural heritage significance for the following reasons:

- The place has '*some aesthetic value*' as it demonstrates a number of characteristics of the functionalist style of architecture including: asymmetry, geometric curves, plane surfaces and a flat roof, which is concealed behind a parapet wall.
- The place has '*some rarity value*' as it is an uncommon dwelling in the functionalist style within the Town of Vincent.

- The place has '*some rarity value*' as an uncommon example of the post-war style of architecture within the Town of Vincent.

As seen from the above stated cultural heritage values, the place is considered to be significant to the locality. However, the place is in a poor condition and considered uninhabitable. The applicant's architectural consultant has provided the Town with a preliminary outline of the current condition of the place, which emphasises the high degree of deterioration and the extent of works that would need to be undertaken to make the place habitable. This submission is located within the applicant's response to the Draft Heritage Assessment and is attached.

In addition to this, the place at No.2 Wavertree Place, Leederville is listed on the Town's Health Services internal substandard building register, as a result of complaints received from neighbouring property owners. The complaints received relate to the use of the premises by squatters. The Town's Health Services have recently written to the owners of the dwelling requesting that it be secured and that works be undertaken to clean up the garden.

Whilst it is generally not accepted as good conservation practise to justify the poor state of a building as a reason in itself for demolition approval, it is considered, in this instance, that the condition of the place has deteriorated to the point where it cannot be restored without the removal of a majority of its significant fabric and/or prohibitive costs.

In light of the above, it is considered that whilst the place has heritage significance to the locality, its retention is not prudent or feasible due to its severely deteriorated condition. To recognise the place's aesthetic and rarity value, it is recommended that a plaque or an alternative form of interpretation be created and be displayed on the site of the existing building.

On the above basis, the demolition of the dwelling at No.2 Wavertree Place is supported.

**10.1.3 No. 59 (Lot 257 D/P: 2816) Dunedin Street, Mount Hawthorn- Proposed Demolition of Existing Single House and Construction of Two-Storey Single House**

<b>Ward:</b>	North	<b>Date:</b>	4 April 2006
<b>Precinct:</b>	Mount Hawthorn; P01.	<b>File Ref:</b>	PRO2262; 5.2006.146.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	J Barton		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

*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 Michael on behalf of the owner D Linnios for proposed Demolition of Existing Single House and Construction of Two-Storey (2) Single House, at No. 59 (Lot 257 D/P: 2816) Dunedin Street, Mount Hawthorn, and as shown on plans stamp-dated 19 February 2003 (site plan and floor plan of existing dwelling) and 1 November 2005, subject to the following conditions:*

- (i) first obtaining the consent of the owners of No. 61 (Lot 256) Dunedin Street, for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 61 (Lot 256) Dunedin Street, in a good and clean condition;*
- (ii) any new street/front wall, fence and gate between the Dunedin 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) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development;*
  - (a) the two (2) windows to the retreat on the first floor level on the northern elevation; and*
  - (b) the windows to bedroom 2 and bedroom 3 on the first floor level on the western elevation;*

*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 windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be a major opening as defined in the Residential Design Codes 2002;*

- (iv) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (v) an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (vi) no street verge tree(s) shall be removed 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*
- (vii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the boundary wall on the northern side being reduced to an average height of 3 metres and a maximum height of 3.5 metres. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies.*

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**Moved Cr Messina, Seconded Cr Maier**

*That the recommendation be adopted.*

**Debate ensued.**

**Moved Cr Maier, Seconded Cr Chester**

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

- “(vii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) the boundary wall on the northern side being reduced to an average height of 3 metres and a maximum height of 3.5 metres; and*
  - (b) the garage being setback a minimum of 6 metres from the front/Dunedin Street boundary.*

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

**Debate ensued.**

**AMENDMENT CARRIED (4-3)**

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

(Crs Farrell and Torre were apologies.)

**MOTION AS AMENDED CARRIED (6-1)**

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

(Crs Farrell and Torre were apologies.)

**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 A Michael on behalf of the owner D Limnios for proposed Demolition of Existing Single House and Construction of Two-Storey (2) Single House, at No. 59 (Lot 257 D/P: 2816) Dunedin Street, Mount Hawthorn, and as shown on plans stamp-dated 19 February 2003 (site plan and floor plan of existing dwelling) and 1 November 2005, subject to the following conditions:*

- (i) first obtaining the consent of the owners of No. 61 (Lot 256) Dunedin Street, for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 61 (Lot 256) Dunedin Street, in a good and clean condition;*
- (ii) any new street/front wall, fence and gate between the Dunedin 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) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development;*
- (a) *the two (2) windows to the retreat on the first floor level on the northern elevation; and*
- (b) *the windows to bedroom 2 and bedroom 3 on the first floor level on the western elevation;*
- 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 windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be a major opening as defined in the Residential Design Codes 2002;*
- (iv) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (v) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (vi) *no street verge tree(s) shall be removed 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*
- (vii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the boundary wall on the northern side being reduced to an average height of 3 metres and a maximum height of 3.5 metres; and*
- (b) *the garage being setback a minimum of 6 metres from the front/Dunedin Street boundary.*

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

<b>Landowner:</b>	D Limnios
<b>Applicant:</b>	A Michael
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"

<b>Lot Area:</b>	455 square metres
<b>Access to Right of Way</b>	Western side, 4.6 metres wide, sealed, resumed and vested in the Town

**BACKGROUND:**

13 May 2003                      The Council at its Ordinary Meeting conditionally approved the demolition of the existing dwelling and the construction of a two-storey single dwelling, subject to standard and appropriate conditions.

14 February 2006                The Council at its Ordinary Meeting conditionally approved the demolition of the existing dwelling and the construction of a two-storey single dwelling, subject to standard and appropriate conditions.

**DETAILS:**

Approval is sought for the demolition of the existing dwelling and the construction of a two-storey single house.

The proposal is identical to the previous application approved by the Council at its Ordinary Meeting held on 14 February 2006. However, the applicant has now requested that the Council reconsider the following condition (vii) (b), imposed at its Ordinary Meeting held on 14 February 2006 which is as follows:

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

- (a) the boundary wall on the northern side being reduced to an average height of 3 metres and a maximum height of 3.5 metres; and*
- (b) the garage being setback a minimum of 6 metres from the front/Dunedin Street boundary.*

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	Noted
Setbacks:			
Northern side (first floor)	4.5 metres	1.5 metres-2.5 metres	Supported- as it is considered that the side setback variations do not present an unreasonable loss of amenity to the adjacent properties, as the setback variations on the southern side are minor in nature and they have already been approved by
Southern side (ground floor)	1.5 metres	1.0 metre	
Southern side (first floor)	1.9 metres	1.5 metres	

			<p>the Council on the previous expired application. Also, the variation on the northern side does not represent any undue impacts, in terms of overshadowing, as no shadow is cast on the north side. Also, overlooking of habitable room openings at first floor level have been conditioned to be screened in accordance with the requirements of the Residential Design Codes (R-Codes). Therefore, the setback variation are considered supportable.</p>
<p>Building on boundaries</p>	<p>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.</p>	<p>Boundary wall on northern side averages 3.8 metres in height and has a maximum height of 3.915 metres from natural ground level.</p>	<p>Not supported- the height of the boundary wall will create an undue visual impact on the amenity of the adjoining property, as the garage protrudes in front of the main building line and the adjoining dwellings. Accordingly, a condition has been recommended to bring the proposed boundary wall into compliance with the R-Codes.</p>
<p>Privacy Setbacks:</p> <p>Northern side-window to retreat</p> <p>Western side-window to bedroom two</p> <p>Western side-window to bedroom three</p>	<p>6 metres</p> <p>4.5 metres</p> <p>4.5 metres</p>	<p>2.5 metres</p> <p>3.6 metres</p> <p>3.8 metres</p>	<p>Not supported-with regard to the potential for unreasonable overlooking from the windows on the first floor northern and western elevations, it is considered necessary that relevant screening conditions are applied to these openings to comply with the privacy requirements of the Residential Design Codes.</p>

<p>Setbacks of garages</p>	<p>Garage to be setback 6 metres, or behind main building wall.</p>	<p>Garage setback 5.019 metres from street and in front of main building wall.</p>	<p>Supported-the Town's Policy relating to street setbacks requires the garage to be setback behind the main building wall. In this instance, the garage is proposed to be setback in front of the main building wall. This is considered acceptable as the garage setback has been approved previously by the Council. Also, the porch is positioned slightly in front of the garage, and the master bedroom, with a front major window for street surveillance, sits above the garage at 6.02 metres from the street, thus helping to slightly reduce the dominance of the garage on the street.</p>
<p>Vehicular Access</p>	<p>Use of right of way</p>	<p>Parking off Dunedin Street</p>	<p>Supported-the property has rear access off a right of way. In this instance, the vehicular access is proposed to/from Dunedin Street. This is supportable as there are only sixteen properties which have access from the right of way and the right of way has no through access with the end of the right of way abutting a residential lot. Also, the majority of lots have limited subdivision potential, and use Dunedin Street for vehicular access. As such, access from Dunedin Street is supported in this instance.</p>



Objection (1)	<p>Concerns raised regarding the setback variations on the southern sides and the resultant reduction of light into the neighbouring dwelling.</p> <p>Concerns regarding the setback of the garage and the impact on the streetscape.</p>	<p>Not supported- the proposal complies with the Residential Design Codes' overshadowing requirements and setting the proposal back in compliance with the R-Codes setback requirements will do little to alleviate the impact of the shadow, as the proposal will still overshadow windows to habitable rooms on the northern side of the adjoining property.</p> <p>Not supported- see comments above.</p>
<b>Other Implications</b>		
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.

**Demolition**

The subject place is a brick and decramastic tiled dwelling that, according to the City of Perth Building Licence archive cards, was constructed in 1927. A number of alterations have been undertaken to the external fabric and these have impacted on the authenticity and integrity of the place. The place is a very basic dwelling of the Interwar period that has undergone significant alterations. Overall, it is considered to have little to no cultural heritage value and does not warrant a full heritage assessment. Dunedin Street is characterised by single-storey detached residences and the subject place makes a limited contribution to the street in terms of its detached, single-storey scale and massing. It is considered that its contribution to Dunedin Street is limited to these aspects and it otherwise contributes little to the amenity of the area.

In light of the above considerations, it is recommended that the proposal to demolish the place be approved, subject to standard conditions.

**Existing Trees**

The proposal involves removal of two (2) existing mature Jacaranda trees on-site in order to facilitate the subject development. These trees are listed on the Town's Interim Significant Tree Data Base – Possible Inventory Inclusion (List 2).

At present, a final review of the Trees of Significance Inventory is being undertaken. The completion of this review and the adoption of the Inventory is anticipated to be mid-2006.

The previous condition requiring a detailed Arborculturist report justifying the removal of the two (2) on-site mature Jacaranda trees was deleted following discussion at the Ordinary Meeting of Council held on 14 February 2006.

**Summary**

In light of the above, the proposal is supportable as it is not considered to unreasonably adversely affect the amenity of the adjacent properties or the streetscape of the area. Accordingly, it is recommended that condition (vii) (b) of the previous approval be deleted as per the above recommendation.

**10.1.5 No. 197 (Lot 1 D/P: 9766) Oxford Street, Leederville - Proposed Demolition of Existing Garage and Shed and Part of Existing Single House, and Change of Use from Single House to Office Building and Associated Additions and Alterations**

<b>Ward:</b>	South	<b>Date:</b>	4 April 2006
<b>Precinct:</b>	Oxford Centre; P04	<b>File Ref:</b>	PRO3178; 5.2005.144.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	B McKean		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**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 Overman & Zuideveld Pty Ltd on behalf of the owner R M McKinley for proposed Demolition of Existing Garage and Shed and Part of Existing Single House and Change of Use from Single House to Office Building and Associated Additions and Alterations, at No. 197 (Lot 1 D/P: 9766) Oxford Street, Leederville, and as shown on plans stamp-dated 29 March 2006, subject to the following conditions:*

- (i) 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;*
- (ii) a detailed landscaping plan, including a list of plants and the provision of a minimum of one tree per 4 car parking spaces in the car parking area, shall be submitted and approved by the Town. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating a 2.4 metres high brick wall or lower height brick wall if agreeable with the owner of No.1 Melrose Street; being provided along the western boundary of No. 197 Oxford Street, abutting No. 1 Melrose Street. The revised plans shall not result in any greater variation to the requirements of the Town's Policies. The wall shall be erected prior to the first occupation of the development;*
- (iv) the gross floor area of the office building shall be limited to 168 square metres. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
- (v) prior to the first occupation of the development, one (1) class 1 or 2 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;*
- (vi) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*

- (vii) *doors, windows and adjacent floor areas fronting Oxford Street shall maintain an active and interactive relationship with this street;*
- (viii) *any new street/front wall, fence and gate between the Oxford 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; and*
- (ix) *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.*

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**COUNCIL DECISION ITEM 10.1.5**

**Moved Cr Ker, Seconded Cr Messina**

*That the recommendation be adopted.*

Cr Messina departed the Chamber at 7.42pm.

Debate ensued.

**Moved Cr Chester, Seconded Cr Lake**

*That clause (vii) be amended to read as follows:*

*“(vii) doors and windows shall be of a permeable nature and adjacent floor areas fronting Oxford Street shall maintain an active and interactive relationship with this street;”*

Debate ensued.

**AMENDMENT LOST (2-4)**

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

(Crs Farrell and Torre were apologies. Cr Messina was absent from the Chamber and did not vote.)

**Moved** Cr Chester, **Seconded** Cr Lake

*That clause (vii) be amended to read as follows:*

*“(vii) doors, windows and adjacent floor areas fronting Oxford Street shall maintain an active and interactive relationship with this street and clear glazing shall be fitted to the windows of office 2;”*

Debate ensued.

Cr Messina returned to Chamber at 7.45pm.

Cr Chester withdrew his amendment with the consent of the seconder.

**MOTION CARRIED (5-2)**

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

<b>Landowner:</b>	R M McKinley
<b>Applicant:</b>	Overman & Zuideveld Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential/Commercial R80
<b>Existing Land Use:</b>	Residential
<b>Use Class:</b>	Office Building
<b>Use Classification:</b>	"AA"
<b>Lot Area:</b>	574 square metres
<b>Access to Right of Way</b>	North side, 3.4 metres wide, unsealed, and privately owned.

**BACKGROUND:**

12 July 2005                      The Council at its Ordinary Meeting granted conditional approval for the change of use from single house to office building and associated alterations at No. 197 Oxford Street, Leederville.

14 March 2006 The Council at its Ordinary Meeting resolved to refuse the application for demolition of existing garage and shed and part of existing single house, and change of use from single house to office building and associated additions and alterations for the following reason:

"1. Lack of interaction with the streetscape."

**DETAILS:**

The proposal involves the demolition of existing garage and shed and part demolition of the existing single house, and change of use from single house to office building and associated additions and alterations at the subject property.

The proposal mainly differs from the conditional Planning Approval granted by the Council at its Ordinary Meeting held on 12 July 2005 in that the verandah is proposed to be enclosed and used as office, the garage and shed are proposed to be demolished and the construction of a new entry and wall perpendicular to Oxford Street are proposed.

The proposal differs from the amended plans stamp dated 2 March 2006 (site plan and floor plan) and plan stamp-dated 15 December 2005 (elevation plan) that were refused by the Council at its Ordinary Meeting held on 14 March 2006, in that the proposed wall located perpendicular to Oxford Street has been reduced from 3.686 metres in height to 1.2 metres in height.

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	Noted
<b>Consultation Submissions</b>			
Support	Nil		Noted
Objection (3)	<ul style="list-style-type: none"> <li>Unfair on nearby residents.</li> </ul>		Not supported - proposal is compliant with the Town's Policies relating to Non-Residential/Residential Development Interface, the Oxford Centre Precinct, and Parking and Access.
	<ul style="list-style-type: none"> <li>Request western boundary wall of No.197 Oxford Street be increased to 2.4 metres. The fence will shield noise and vehicle fumes from rear car park and also ensure privacy is maintained.</li> <li>Traffic using the right of way is unsafe - would prefer a second entry and exit to Oxford Street.</li> </ul>		Supported - addressed in Officer Recommendation.  Not supported - car parking is compliant with the Town's Policy relating to Parking and Access and is therefore considered acceptable.

	<ul style="list-style-type: none"> <li>Any damage to the adjoining lot to be rectified by developer.</li> </ul>	Noted - as this is a civil matter to be resolved by affected landowners if the problem occurs.
	<ul style="list-style-type: none"> <li>Concern for entry to property via right of way.</li> </ul>	Not supported - as access appears to be allowed and stated on the certificates of title for both Nos. 197 and 199 Oxford Street.
<b>Other Implications</b>		
Legal/Policy		TPS 1 and associated Policies.
Strategic Implications		Nil
Financial/Budget Implications		Nil
<b>Car parking</b>		
<b>Requirements</b>		<b>Required No. of Car bays</b>
Office: 1 car bay per 50 square metres gross floor area (proposed 168 square metres).		3.36 car bays
Total car parking required before adjustment factor (nearest whole number)		3 car bays
Apply the parking adjustment factors. <ul style="list-style-type: none"> <li>0.85 (within 400 metres of a bus stop)</li> <li>0.85 (within 800 metres of a train station)</li> <li>0.85 (within 400 metres of a public car park in excess of 75 car bays)</li> </ul>		(0.6141) 1.84 car bays
Car parking provided on-site		7 car bays
Resultant surplus		5.16 car bays
<b>Bicycle Parking</b>		
<b>Requirements</b>	<b>Required</b>	<b>Provided</b>
<b>Retail</b> 1 per 200 (proposed 168) square metres of gross floor area for employees (class 1 or 2).	1 space	Nil

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

**COMMENTS:**

The proposed new entry and wall located perpendicular to Oxford Street are compliant with the Town's Policies relating to Non-Residential/Residential Development Interface, Oxford Centre Precinct and Street Walls and Fences.

The reduced wall height of the wall perpendicular to Oxford Street is considered to provide more interaction between the building façade and the street providing a more interactive streetscape.

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

**10.1.4 No.172 (Lot 162 D/P: 1659) Anzac Road, Corner Buxton Street, Mount Hawthorn- Proposed Demolition of Existing Single House and Construction of Two-Storey Single House (Application for Part Retrospective Approval - Demolition)**

<b>Ward:</b>	North	<b>Date:</b>	4 April 2006
<b>Precinct:</b>	Mount Hawthorn Precinct; P1	<b>File Ref:</b>	PRO3428; 5.2005.3363.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	L Mach		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**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 B C Waters on behalf of the owners B C & K L Waters for proposed Demolition of Existing Single House and Construction of Two- Storey Single House (Application for Part Retrospective Approval - Demolition), at No.172 (Lot 162 D/P: 1659) Anzac Road, corner Buxton Street, Mount Hawthorn, and as shown on plans stamp-dated 30 December 2005 , subject to:*

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) any new street/front wall, fence and gate between the Anzac Road boundary and the Buxton 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;*
  - (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 Buxton Street boundary from the above truncation(s) and from the main building line setback of Anzac Road, 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;*
- (iv) *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;*
- (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the overall height of the dwelling being a maximum of 9.0 metres and the wall height as projected above the eaves being a maximum of 6.0 metres from the natural ground level;*
- (b) *the driveway width being setback a minimum of 0.5 metre from the northern boundary;*
- (c) *the windows to the activity room on the western elevation, on the first floor, shall be screened with a permanent obscure material and be non operable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows operable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002; and*
- (d) *the garage/store being setback at a minimum of 4.5 metres from the Buxton Street boundary.*

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

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

- ~~(vii) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Anzac Road and Buxton Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building License. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and~~
- (viii) first obtaining the consent of the owners of No. 17 Buxton Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 17 Buxton Street in a good and clean condition; and
- (viii) the applicants/owners shall pay the outstanding fee, being \$420, for part application for retrospective Planning Approval, within 14 days of the date of notification of this approval or prior to the issue of a Building License whichever occurs first.

**Note:** The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strikethrough, italic font and underline

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Moved Cr Messina, Seconded Cr Lake

*That the recommendation be adopted.*

Debate ensued.

Moved Cr Lake, Seconded Cr Messina

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

*“(v) (d) the garage/store being setback at a minimum of ~~4.5~~ 1.5 metres from the Buxton Street boundary.”*

**AMENDMENT CARRIED (6-1)**

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

(Crs Farrell and Torre were apologies.)

**MOTION AS AMENDED CARRIED (7-0)**

(Crs Farrell and Torre were apologies.)

**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 B C Waters on behalf of the owners B C & K L Waters for proposed Demolition of Existing Single House and Construction of Two- Storey Single House (Application for Part Retrospective Approval - Demolition), at No.172 (Lot 162 D/P: 1659) Anzac Road, corner Buxton Street, Mount Hawthorn, and as shown on plans stamp-dated 30 December 2005 , subject to:*

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) any new street/front wall, fence and gate between the Anzac Road boundary and the Buxton 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;*
  - (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 Buxton Street boundary from the above truncation(s) and from the main building line setback of Anzac Road, 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;*

- (iv) *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;*
- (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
  - (a) *the overall height of the dwelling being a maximum of 9.0 metres and the wall height as projected above the eaves being a maximum of 6.0 metres from the natural ground level;*
  - (b) *the driveway width being setback a minimum of 0.5 metre from the northern boundary;*
  - (c) *the windows to the activity room 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 windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002; and*
  - (d) *the garage/store being setback at a minimum of 1.5 metres from the Buxton Street boundary.*

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

- (vi) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (vii) *first obtaining the consent of the owners of No. 17 Buxton Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 17 Buxton Street in a good and clean condition; and*
- (viii) *the applicants/owners shall pay the outstanding fee, being \$420, for part application for retrospective Planning Approval, within 14 days of the date of notification of this approval or prior to the issue of a Building License whichever occurs first.*

#### **ADDITIONAL INFORMATION**

It was brought to the Town's attention that partial demolition of the subject property has commenced. Accordingly, it is recommended that clause (viii) be added and the proposal description be changed as indicated in the "Corrected Recommendation".

<b>Landowner:</b>	B C & K L Waters
<b>Applicant:</b>	B C Waters
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	807 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

No specific background directly relates to the proposal.

**DETAILS:**

The proposal involves demolition to existing single house and construction of two- storey single house. The applicant's submission is "*Laid on the Table*".

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	2 dwellings R 30	1 dwelling R 12.4	Supported- as there is no variation.
Plot Ratio	N/A	N/A	N/A
Ground Floor -West (games, laundry and WC)  - North	1.5 metres  1.5 metres	1.0- 3.5metres  Nil-1.2 metres	Supported- as minor variation, no undue impact and no objections received by affected neighbour. Supported- as above, and refer to 'Buildings on Boundaries' under Clause 3.3.2 of the Residential Design Codes.
First Floor - East  - West	6.0 metres  3.9 metres (or 1.8 metres if activity room window is screened)	4.0-6.5 metres  1.0-2.16 metres	Supported - refer to Comments Section. Supported in part- as minor variation, no undue impact, staggering of setbacks and no objections received by affected neighbour as activity window has been conditioned to be screened.

Buildings on Boundaries	One wall built up to boundary is permitted with an average height of 3 metres and a maximum height of 3.5 metres for 66.7 per cent of the length of the boundary behind the front setback.	Two boundary walls proposed:  Western wall on boundary with average and maximum height of 3.2 metres.  The northern boundary wall is compliant.	Supported - as no undue impact on streetscape due to setback and no objections received from affected neighbour. Supported in part - as above, as wall has been conditioned to be setback accordingly.
Garage Setback	Garages setback at 6.0 metres from the frontage street, or behind the line of the front main building wall.	Nil	Not supported- as undue impact on streetscape and has been conditioned to comply.
Wall Height	6.0 metres	Up to 6.1 metres	Not supported- undue impact and has been conditioned to comply.
Overall Height	9.0 metres	Up to 9.2 metres	Not supported- as above.
Privacy Setbacks	Habitable rooms other than bedrooms - 6.0 metres	Activity room is 3.5 metres to west boundary.	Not supported- as above.
Driveway Setback	0.5 metre from boundary	0.4 metre	Not supported- as above.
<b>Consultation Submissions</b>			
The proposal was not advertised as the owners and occupiers of the affected adjacent properties (No. 168 Anzac Road, No. 174-176 Anzac Road and No.17 Buxton Street) have stated in writing that they have viewed the plans and the non-compliance table and have no objections to the proposal.			
<b>Other Implications</b>			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

## COMMENTS:

### Demolition

A detailed Heritage Assessment is included as an attachment to this report. The place at No.172 Anzac Road is a brick and tile dwelling in the interwar bungalow style, which was constructed circa 1930. The place has been subject to a number of post-war contemporary alterations, which have removed and obscured much of the original fabric. These alterations include painting the external brick work a light blue colour and painting the roof tiles a dark blue colour. In addition to this, the majority of the timber window frames were replaced with aluminium sliding windows and the majority of the internal, original lighting fixtures were replaced with fluorescent alternatives. More recently, all the architraves, floorboards and skirting boards have been removed in all rooms leaving the timber beams and joists exposed.

The section of streetscape in which the subject dwelling is located is eclectic with a range of both post-war and interwar housing stock. The place is not considered to be an integral component of the streetscape in terms of setback and style as it is adjacent to a row of shops with a nil setback to the road and adjacent to a modern post war international style dwelling. The place is not rare and is considered to be of little aesthetic, historic, scientific and social value. The place is not considered to meet the threshold for entry in the Municipal Heritage Inventory and it is recommended that the application to demolish the place be approved, subject to standard conditions.

### Redevelopment

In accordance with the Residential Design Codes (R-Codes), a primary street is defined as *"the sole or principal public road that provides access to a site"*. As the subject plans proposes both vehicular access and pedestrian access from Buxton Street, for the purpose of assessment, Buxton Street was considered as the primary street.

Notwithstanding the above, while the 6.0 metres primary setback has not been achieved on Buxton Street, the applicant has contended that Anzac Road has been treated as the primary street. This is supported by the Town's Officers on the basis that the Anzac Road elevation has been designed in such a way that allows for casual surveillance and interaction with the street. The proposed dwelling maintains a similar building envelope to the dwelling being demolished and it is more feasible to have access from Buxton Street rather than Anzac Road due to the shape of the lot.

In light of the above, the planning application is recommended for approval, subject to standard and appropriate conditions to address the matters raised in the report.

**10.1.6 No. 1 (Lot 4045) Selden Street, North Perth- Patio Addition to Existing Single House (Application for Retrospective Approval)**

<b>Ward:</b>	North	<b>Date:</b>	5 April 2006
<b>Precinct:</b>	North Perth; P8	<b>File Ref:</b>	PRO3327; 5.2006.72.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	L Mach		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

***FURTHER 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 A Bonasera on behalf of the owners A & A Bonasera for Patio Addition to Existing Single House (Application for Retrospective Approval), at No.1 (Lot 4045) Selden Street, North Perth, and as shown on plans stamp-dated 13 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) *any new street/front wall, fence and gate between the Selden 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; 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) *the new brick wall patio, guttering and any other associated structures or works shall be fully constructed within 60 days of the Planning Approval notification and be fully contained within the subject lot. A plan certified by a licensed land surveyor demonstrating that this requirement has been complied with shall be submitted to and approved by the Town within 90 days of the Planning Approval notification;*
- (d) *the finished floor level of the patio shall not be greater than 0.5 metres above the natural ground level; and*
- (e) *first obtaining the consent of the owners of No. facing 1A Selden Street and No. 12 Ellesmere Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing 1A Selden Street and No. 12 Ellesmere Street in a good and clean condition; and*
- (ii) *the Council ADVISES the applicant and owners that the patio shall be modified as per the subject plans and that the works, including the above works that form part of clause (i)(c) above shall be completed within sixty (60) days of notification, and the Council AUTHORISES the Chief Executive Officer to continue legal proceedings should the above works have not been completed within this sixty (60) days period .*

**Note: The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strikethrough, italic font and underline**

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**Moved Cr Messina, Seconded Cr Doran-Wu**

*That the recommendation be adopted.*

Debate ensued.

**CARRIED (7-0)**

(Crs Farrell and Torre were apologies.)

**COUNCIL DECISION ITEM 10.1.6**

*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 A Bonasera on behalf of the owners A & A Bonasera for Patio Addition to Existing Single House (Application for Retrospective Approval), at No.1 (Lot 4045) Selden Street, North Perth, and as shown on plans stamp-dated 13 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) *any new street/front wall, fence and gate between the Selden 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; 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) *the new brick wall patio, guttering and any other associated structures or works shall be fully constructed within 60 days of the Planning Approval notification and be fully contained within the subject lot. A plan certified by a licensed land surveyor demonstrating that this requirement has been complied with shall be submitted to and approved by the Town within 90 days of the Planning Approval notification;*
- (d) *the finished floor level of the patio shall not be greater than 0.5 metres above the natural ground level; and*
- (e) *first obtaining the consent of the owners of No. facing 1A Selden Street and No. 12 Ellesmere Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing 1A Selden Street and No. 12 Ellesmere Street in a good and clean condition; and*
- (ii) *the Council ADVISES the applicant and owners that the patio shall be modified as per the subject plans and that the works, including the above works that form part of clause (i)(c) above shall be completed within sixty (60) days of notification, and the Council AUTHORIZES the Chief Executive Officer to continue legal proceedings should the above works have not been completed within this sixty (60) days period .*

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**FURTHER REPORT:**

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

*"That the Item be DEFERRED for further information."*

The subject proposal has subsequently been advertised, with one submission being received within the consultation period. This submission and the applicants submission is *"Laid on the Table"*.

Whilst the submission expresses concerns regarding several matters relating to the illegal patio and consultation, the submission has also indicated that it does not object to the subject proposal, subject to the patio being modified as per the subject plans dated 9 November 2005 (superseded) by plans dated 13 February 2006.

In light of the above, approval subject to standard and appropriate conditions is recommended, including the modification of Clause (ii) of the previous Officer Recommendation to address the above matter.

The following is a verbatim copy of the Minutes of the Item (10.1.6) placed before the Council at its Ordinary Meeting held on 28 February 2006.

*"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 A Bonasera on behalf of the owners A & A Bonasera for Patio Addition to Existing Single House (Application for Retrospective Approval), at No.1 (Lot 4045) Selden Street, North Perth, and as shown on plans stamp-dated 13 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) any new street/front wall, fence and gate between the Selden 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; 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) *the new brick wall shall be fully constructed within 60 days of the Planning Approval notification and be fully contained within the subject lot;*
- (d) *the finished floor level of the patio shall not be greater than 0.5 metres above the natural ground level; and*
- (e) *first obtaining the consent of the owners of No. facing ~~No. 10 Ellesmere~~ 1A Selden Street and No. 12 Ellesmere Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing ~~No. 10 Ellesmere~~ 1A Selden Street and No. 12 Ellesmere Street in a good and clean condition; and*
- (ii) *the Council ADVISES the applicant and owners that the above works that form part of clause (i)(c) above shall be completed within sixty (60) days of notification, and the Council AUTHORIZES the Chief Executive Officer to continue legal proceedings should the above works have not been completed within this sixty (60) days period .*

*Note: The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strikethrough, italic font and underline*

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COUNCIL DECISION ITEM 10.1.6

Moved Cr Chester, Seconded Cr Messina

*That the recommendation be adopted.*

*Debate ensued.*

Moved Cr Chester, Seconded Cr Torre

*That the Item be DEFERRED for further information.*

CARRIED (7-0)

*(Cr Ker on leave of absence. Cr Farrell was an apology.)*

**ADDITIONAL INFORMATION:**

*A submission was received on 27 February 2006 relating to the subject proposal.*

*The submission requests that the subject planning application be deferred to allow the residents of No.1A Selden Street and No. 10 Ellesmere Street to lodge additional information concerning the proposal.*

*In relation to the submission's concern regarding the lack of consultation, the proposal was not advertised as it was considered to be fully compliant with the Residential Design Codes (R Codes) and the relevant Town's Policies.*

*With regard to the continuing construction of the subject patio in contravention of the current Planning Approval, the Town Officers were unable to confirm this via a site inspection due to access problems and time constraints. Notwithstanding this, the Town's Officers have advised the subject owner/applicant that any works undertaken in contravention with the current approval will result in a Building Notice and Planning Written Direction being served, requiring works to cease and any unauthorised works to be removed.*

<i>Landowner:</i>	<i>A &amp; A Bonasera</i>
<i>Applicant:</i>	<i>A Bonasera</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30/40</i>
<i>Existing Land Use:</i>	<i>Single House</i>
<i>Use Class:</i>	<i>Single House</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>769 square metres</i>
<i>Access to Right of Way</i>	<i>N/A</i>

**BACKGROUND:**

*The Council at its Ordinary Meeting held on 17 January 2006 resolved to conditionally approve the same application. The previous conditional approval included the following condition to address Building Code of Australia requirements:*

*"(c) the roof cover of the patio shall be modified to be setback a minimum 0.5 metre from the southern boundary within 28 days of the notification; and"*

**DETAILS:**

*The proposal involves patio addition to existing single house (application for retrospective approval). The applicant has requested that the above condition (condition (c) of the previous approval) be reconsidered as the proposed brick wall would also achieve compliance with the applicable standards of the Building Code of Australia.*

**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>N/A</i>
<i>Consultation Submissions</i>			
<i>The proposal was not advertised as it was considered to be fully compliant with the Residential Design Codes (R Codes) and the relevant Town's Policies. It is noted, however, that the unauthorised patio was brought to the Town's attention via an anonymous complainant.</i>			
<i>Support</i>	<i>N/A</i>		<i>Noted.</i>
<i>Objection</i>	<i>N/A</i>		<i>Noted.</i>
<i>Other Implications</i>			
<i>Legal/Policy</i>			<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>
<i>Strategic Implications</i>			<i>Nil</i>
<i>Financial/Budget Implications</i>			<i>Nil</i>

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

*COMMENTS:*

*The proposal is considered to be fully compliant with the R Codes and the relevant Town's Policies. Accordingly, approval is recommended subject to standard and appropriate conditions, including a condition which requires the new brick wall to be fully constructed and contained within the subject lot to address the Building Code of Australia requirements. It is further recommended that the Chief Executive Officer be authorised to continue legal proceedings should the subject brick wall not be constructed within 60 days."*

**10.1.8 No. 135 (Lot 123 D/P 10023) Loftus Street, Leederville - Proposed Demolition of Existing Single House and Construction of Four (4) Multiple Dwellings and Two Single Bedroom Dwellings**

<b>Ward:</b>	South	<b>Date:</b>	5 April 2006
<b>Precinct:</b>	Leederville; P03	<b>File Ref:</b>	PRO3212; 5.2006.149.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	T Durward; J Barton		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner Filton Pty Ltd for proposed Demolition of Existing Single House and Construction of Four (4) Multiple Dwellings and Two Single Bedroom Dwellings, at No. 135 (Lot 123 D/P 10023) Loftus Street, Leederville, and as shown on amended plans stamped 17 February 2006, subject to:*

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Loftus Street boundary and the main building, including along the side boundaries within this front setback area, complying 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.*

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

- (iii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Loftus 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);*
- (iv) *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;*
- (v) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site; and*
- (vi) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence.*

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**Moved Cr Maier, Seconded Cr Lake**

*That the recommendation be adopted.*

**Cr Doran-Wu departed the Chamber at 7.55pm.**

**Debate ensued.**

**Cr Doran-Wu returned to the Chamber at 7.58pm.**

**Moved Cr Maier, Seconded Cr Ker**

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

- “(vii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) the overall building height on the eastern (front) elevation being a maximum of 7 metres above the respective natural ground level to the top of the external wall (roof above); and*
  - (b) the façade to units 5 and 6 along the front elevation be articulated incorporating significant and appropriate design features that reduce the visual bulk and scale of these walls.*

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

**Debate ensued.**

**AMENDMENT CARRIED (7-0)**

**(Crs Farrell and Torre were apologies.)**

**Debate ensued.**

**MOTION AS AMENDED CARRIED (5-2)**

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

(Crs Farrell and Torre were apologies.)

#### **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 the owner Filton Pty Ltd for proposed Demolition of Existing Single House and Construction of Four (4) Multiple Dwellings and Two Single Bedroom Dwellings, at No. 135 (Lot 123 D/P 10023) Loftus Street, Leederville, and as shown on amended plans stamp-dated 17 February 2006 , subject to:*

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Loftus Street boundary and the main building, including along the side boundaries within this front setback area, complying 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.*

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

- (iii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Loftus 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);*
- (iv) *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;*
- (v) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (vi) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence; and*
- (vii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
  - (a) *the overall building height on the eastern (front) elevation being a maximum of 7 metres above the respective natural ground level to the top of the external wall (roof above); and*
  - (b) *the façade to units 5 and 6 along the front elevation be articulated incorporating significant and appropriate design features that reduce the visual bulk and scale of these walls.*

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

**ADDITIONAL INFORMATION:**

The pre-existing natural ground level is taken from the existing level on-site in accordance with the Residential Design Codes "Site Works" provisions and the variation to the front elevation is supported by the Town's Officers as it is not considered to result in an undue negative impact on the streetscape, especially in relation to the property contiguous with the northern elevation. Furthermore, the required gradient and functionality of the basement car park and driveway is considered incongruous, if the variation to the front elevation is not supported by the Town's Officers.

<b>Landowner:</b>	Filton Pty Ltd
<b>Applicant:</b>	Filton Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Multiple Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	997 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

27 September 2005 The Council at its Ordinary Meeting resolved to conditionally approve the proposed demolition of existing single house and construction of four (4) multiple dwellings and two single bedroom dwellings at No. 135 (Lot 123) Loftus Street.

**DETAILS:**

The proposal involves demolition of existing single house and construction of four (4) multiple dwellings and two (2) single bedroom dwellings. The applicant requests a re-consideration by the Council of condition (i) (b) of the previous 27 September 2005 approval, which states as follows:

- "(i) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:
  - (b) the overall building height on the eastern (front) elevation being a maximum of 7 metres above the respective natural ground level to the top of the external wall (roof above); and"

The plans subject to this application are similar to those previously approved, except minor changes have been made to comply with the privacy and storage requirements of condition (i) (a) and (c) of the previous approval by the Council at its Ordinary Meeting held on 27 September 2005, and small areas of building have been added and reduced as per the attached plan. Given this, and that the changes do not result in any further variations to the requirements of the Residential Design Codes, conditions (i) (a) and (c) of the previous approval have been deleted from the recommendation, and the Assessment Table has been amended to delete reference to the privacy variations. Although the building has been relocated 300 millimetres towards the southern side to comply with the privacy requirements, the windows on the upper floor, southern side, are now minor openings, which brings the southern side into compliance with the setback requirements. Given this, reference to the setbacks variations on the upper floor, southern side has also been deleted from the Assessment Table.

The car parking area is underground and the two single bedroom dwellings are within the eastern portion of the subject site fronting Loftus Street. Vehicular access is via a driveway dissecting the middle of the frontage that services the underground/basement parking arrangement.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	5.981 multiple dwellings or 4 multiple dwellings and 2 single bedroom dwellings. R 60	4 multiple dwellings and 2 single bedroom dwellings. R 60	Supported - the proposal is compliant with R Code density, namely minimum and average lot size, requirements.

Plot Ratio			
Unit 1	0.7- 142.1 square metres	0.486 - 98.8 square metres	Supported – as compliant with R Codes plot ratio requirements.
Unit 2	0.7 - 112.7 square metres	0.57 - 92.48 square metres	Supported – as compliant with R Codes plot ratio requirements.
Unit 3	0.7- 114.1 square metres	0.619- 101 square metres	Supported – as compliant with R Codes plot ratio requirements.
Unit 4	0.7- 112 square metres	0.622 - 99.46 square metres	Supported – as compliant with R Codes plot ratio requirements.
Unit 5 (Single Bedroom)	60 square metres	48.68 square metres	Supported – as compliant with R Codes plot ratio provision for single bedroom dwellings.
Unit 6 (Single Bedroom)	60 square metres	48.68 square metres	Supported – as compliant with R Codes plot ratio provision for single bedroom dwellings.
Leeder Locality Plan:  Front Setback -  Unit 5 - Upper Floor Balcony	   A general height limit of two storeys (including loft) can be considered provided the second storey (including loft) is generally setback a minimum of 6.0 metres.	   5.2 metres (balcony)	   Supported - The Town's practice is to support a 5 metre setback to upper floor balconies providing there is no undue impact on streetscape and amenity of the area.
Unit 6 - Upper Floor Balcony	A general height limit of two storeys (including loft) can be considered provided the second storey (including loft) is generally setback a minimum of 6.0 metres.	5.0 metres (balcony)	Supported - The Town's practice is to support a 5 metre setback to upper floor balconies providing there is no undue impact on streetscape and amenity of the area.

<p>Setbacks:</p> <p>Upper Floor - Northern Elevation -</p> <p>Unit 2 (Bedrooms and 2) 5.2 metres</p> <p>Unit 3 (Bedrooms and 2) 5.2 metres</p> <p>Unit 4 (Bedroom and Bath) Western Elevation - 3.5 metres</p> <p>Unit 1 (Master Bedroom, Stairwell and Bedroom 1) 1.9 metres</p>	<p>4.5 metres</p> <p>3.7- 5.1 metres</p> <p>1.8 - 4.6 metres</p> <p>1.5 - 3 metres</p>	<p>Supported – as no undue impact on amenity of adjoining properties.</p> <p>Supported – as no undue impact on amenity of adjoining properties.</p> <p>Supported – as no undue impact on amenity of adjoining properties.</p> <p>Supported – as no undue impact on amenity of adjoining properties.</p>
<p>Building Height:</p> <p>Eastern (Front) Elevation (Units 5 and 6) 7.0 metres to the top of external wall (concealed roof).</p>	<p>8.136 metres</p>	<p>Supported – as the non-compliance is not considered to have an undue impact on the streetscape or amenity of the area as the pre-existing ground level is taken from the level of the existing building on site. Please refer to 'Officer Comments' below.</p>
<p>Open Space:</p> <p>Units 1, 2, 3, 4, 5 and 6</p>	<p>Balcony to be provided with a minimum dimension of 2 metres and minimum area of 10 square metres.</p>	<p>No compliant balconies provided.</p> <p>Supported - there are equivalent outdoor living areas (courtyards) provided which provide open space to each dwelling.</p>
<p>Outdoor Living Area:</p> <p>Unit 5 - Siting</p>	<p>Behind the street setback area.</p>	<p>Small portion located within street setback area (setback 3.607 metres).</p> <p>Supported - no undue impact on streetscape or amenity of area.</p>

<b>Consultation Submissions</b>		
A similar proposal has been advertised within the last 12 months, therefore, the current planning application was not advertised and the previous comments received are summarised below and considered as part of this application.		
Support	Nil	Noted
Objection (3)	<ul style="list-style-type: none"> <li>• Noise from car park</li> </ul>	Not supported – as the location of the car park, being underground, is not considered to create excessive noise.
	<ul style="list-style-type: none"> <li>• Overlooking</li> </ul>	Supported – as all privacy setback variations have been brought into compliance with the Residential Design Codes.
	<ul style="list-style-type: none"> <li>• Overshadowing</li> </ul>	Not supported – as the development is compliant with R Codes design for climate requirements.
	<ul style="list-style-type: none"> <li>• Bulk</li> </ul>	Not supported – as the development complies with R Codes plot ratio provisions.
	<ul style="list-style-type: none"> <li>• Structural damage from excavation</li> </ul>	Not supported – as it is not a consideration of this planning application and will be considered when a Building Licence application is submitted.
	<ul style="list-style-type: none"> <li>• General noise</li> </ul>	Not supported - there is no evidence that the proposal will create excessive noise.
	<ul style="list-style-type: none"> <li>• Minimisation of views of the city</li> </ul>	Not supported - not a major planning consideration.
<b>Other Implications</b>		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

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

**COMMENTS:**

**Heritage**

In light of preliminary investigations, a full heritage assessment is not considered appropriate for the proposed demolition of the subject dwelling at No.135 Loftus Street.

The place is a single storey cement brick dwelling with a low pitched tiled hipped roof. The dwelling is believed to have been constructed c1933 during the years of the Great Depression.

This place is not rare and is considered to be of little aesthetic, historic, scientific or social value and does not meet the minimum criteria for entry into the Town's Municipal Heritage Inventory.

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

#### **Consultation/Advertising**

The application was previously advertised for 14 days in accordance with the Town's "AA" advertising procedure. Three (3) written submissions were received during this time and are detailed in the Assessment Table above. The Town is in receipt of correspondence from the Department for Planning and Infrastructure dated 21 June 2005 indicating support for the subject proposal.

#### **The Natural Ground Level**

The natural ground level for the subject site is calculated in accordance with the site works provisions of the R Codes. The following is an excerpt taken from the R Codes:

*"It is desirable that the development of land avoids major interference with the natural or pre-existing site levels, thereby preserving the natural topography. For these purposes, "natural ground level" means the level of land before original development occurred or that resulting from the pre-existing development."*

In light of adjoining development and the abovementioned excerpt from the R Codes, the natural ground level for the subject site is taken from the natural contours on the land except where the pre-existing dwelling is located. In this instance, the natural ground level is taken from the ground level of the pre-existing dwelling, which is at RL 21.20.

#### **Building Height - Architectural Features**

The Town's Officers note that the subject proposal contains portions of wall exceeding the 7 metres building height limit. These portions of wall are considered as an architectural feature and part of the overall design of the development, and, therefore, not considered to be variations.

#### **Building Height - Front Elevation**

The Town's Officers note that the southern and northern wings of the subject proposal are non-compliant with the building height provisions of the R Codes. The variation is considered supportable due to the pre-existing natural ground level as detailed above and the building is not considered to have a negative impact on the streetscape or amenity of the area.

#### **Internal boundaries**

All building setback and privacy setback variations to internal boundaries are not listed in the Assessment Table as they are supported by the owner/developer and are subsequently supported by the Town's Officers.

#### **Summary**

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

**10.1.12 Draft Public Open Space Review of Current Policy and Practice:  
Western Australian Local Government Association Submission**

<b>Ward:</b>	Both	<b>Date:</b>	3 April 2006
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA 0022
<b>Attachments:</b>	"Laid on the Table"		
<b>Reporting Officer(s):</b>	T Durward, J Anthony		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the document "Draft Public Open Space Review of Current Policy and Practice", dated February 2006, as 'Laid on the Table'; and*
- (ii) *ADVISES the Western Australian Local Government Association (WALGA) that the Council generally SUPPORTS IN PRINCIPLE the content and intent of the "Draft Public Open Space Review of Current Policy and Practice, and that the following matters should be addressed in their submission to the Western Australian Planning Commission:*
  - (a) *the Review to recognise structured recreation public open space users and encourages greater co-operation between State Sporting Associations and Local Governments to ensure the provision of public open space is fair and equitable; and*
  - (b) *the Review to recognise the need for equitable funding between non-structured and structured public open space usage.*

---

Cr Lake departed the Chamber at 8.00pm.

Moved Cr Doran-Wu, Seconded Cr Messina

*That the recommendation be adopted.*

Moved Cr Doran-Wu, Seconded Cr Messina

*That new clauses (ii)(c), (d) and (e) be added as follows:*

- “(ii) (c) *the Review to recognise the importance of the interaction of public open space and the surrounding area and community and to ensure the use of public open space is maximised. The Review is to consider accessibility, designing out crime, pedestrian access routes and the like;*
- (d) *the Review to consider high and low quality use of Public Open Space and its interaction with passive and non-passive uses; and*
- (e) *the Review to consider issues of sharing of facilities and co-location of public open space and schools and ensure it does not preclude State and developers' contribution to public open space requirements.”*

Cr Lake returned to the Chamber at 8.01pm.

Debate ensued.

**AMENDMENT CARRIED (7-0)**

(Crs Farrell and Torre were apologies.)

**Moved Cr Chester, Seconded Cr Ker**

*That new clauses (ii)(f) and (g) be added as follows:*

- “(ii) (f) *the Town of Vincent has found the cash in lieu of providing public open space contributions have not been sufficient to provide money for the purchase of land for recreational uses within the nominated distances; and*
- (g) *the requirements of unstructured passive recreation users should not be unduly affected by structured recreational users.”*

Debate ensued.

**AMENDMENT CARRIED (7-0)**

(Crs Farrell and Torre were apologies.)

Debate ensued.

**MOTION AS AMENDED CARRIED (7-0)**

(Crs Farrell and Torre were apologies.)

**COUNCIL DECISION ITEM 10.1.12**

*That the Council;*

- (i) *RECEIVES the document "Draft Public Open Space Review of Current Policy and Practice", dated February 2006, as 'Laid on the Table'; and*
- (ii) *ADVISES the Western Australian Local Government Association (WALGA) that the Council generally SUPPORTS IN PRINCIPLE the content and intent of the "Draft Public Open Space Review of Current Policy and Practice, and that the following matters should be addressed in their submission to the Western Australian Planning Commission:*
- (a) *the Review to recognise structured recreation public open space users and encourages greater co-operation between State Sporting Associations and Local Governments to ensure the provision of public open space is fair and equitable; and*
- (b) *the Review to recognise the need for equitable funding between non-structured and structured public open space usage.*
- (c) *the Review to recognise the importance of the interaction of public open space and the surrounding area and community and to ensure the use of public open space is maximised. The Review is to consider accessibility, designing out crime, pedestrian access routes and the like;*

- (d) *the Review to consider high and low quality use of Public Open Space and its interaction with passive and non-passive uses;*
  - (e) *the Review to consider issues of sharing of facilities and co-location of public open space and schools and ensure it does not preclude State and developers' contribution to public open space requirements;*
  - (f) *the Town of Vincent has found the cash in lieu of providing public open space contributions have not been sufficient to provide money for the purchase of land for recreational uses within the nominated distances; and*
  - (g) *the requirements of unstructured passive recreation users should not be unduly affected by structured recreational users.*
- 

### **BACKGROUND:**

The review has been prompted by concern from local authorities about the allocation of public open space for different recreational, environmental and drainage purposes as well as the development and on-going management of open space and recreational facilities. In particular, there is concern by a number of local authorities about the adequacy of current policy and practice in the following areas:

- identifying the needs of the community for a range of recreational facilities, both structured and unstructured;
- balancing the allocation of public open space for different uses and purposes such as to adequately provide for a range of community needs;
- providing appropriate public open space and recreational facilities at district and regional levels as well as local and neighbourhood facilities; and
- funding for the development and on-going management of recreational facilities and environmental resource areas.

The review is intended to clearly identify the issues relevant to the allocation of public open space and the development, use and on-going management of recreational facilities and environmental resource areas. Based on an investigation of these issues, the intention of the review is to recommend appropriate action by which to address any shortcomings in the current policy and practice.

### **DETAILS:**

The purpose of this report is to provide an outline of the *Draft Public Open Space Review of Current Policy and Practice* in terms of its aims and objectives, suggested strategies for public open space (POS) policy and the implications of this document in a local context, specific to the Town of Vincent.

The *Review of Current Policy and Practice* was initially undertaken through consultation with over 100 people from 26 local Councils in June 2005. Following is a summary of the subject document:

#### *"Needs Assessment*

- *Need for more comprehensive and balanced assessment of community needs.*
- *Particular care is required to ensure the interests of other groups in the community are recognised, for example walkers/joggers/cyclists, teenagers (hanging out), young children (mucking about), older people (sitting around).*
- *Need will differ depending on the demographics of the community.*
- *Needs assessment should be given more explicit recognition in POS policy.*

#### Open Space Allocation

- *Need for separate allocation to different classes of open space based on recreational needs assessment, environmental resources and engineering requirements.*
- *Need to review the standards for allocation of land for different types of open space use and for different classes of parkland.*
- *Need to clarify responsibilities for provision and/or funding of each class of open space, based on use.*
- *Need to recognise opportunities for, and limitations upon multiple (different) uses for which open space of different primary classifications may be suitable.*
- *Need to clarify the basis upon which open space which is allocated predominantly for one class of use, may be credited towards another class of use to which it is also suited.*
- *Need to review funding arrangements for those classes of open space, the need for which is not related to development/subdivision of the particular area of land.*
- *Need for classification and allocation of open space to be given more explicit recognition in POS policy.*

#### Open Space Development, Use and Management

- *Need to ensure development (or protection) of open space so as to optimize its use and usability for the purpose(s) for which it has been provided, (which may include multiple-use).*
- *Need to review funding arrangements for development (or protection) and management of open space according to class and usage, with regional open space being funded by relevant state agencies.*
- *Need to review basis for sharing of management and/or maintenance costs between relevant agencies, e.g. 'school' ovals, regional beaches, river foreshores, district sports fields, wetlands and remnant bushland.*
- *Need for development and management of open space to be given more explicit recognition in POS policy, as well as in the standard and funding of on-going management.*
- *Need to protect existing school playing fields for on-going recreational use in circumstances where redevelopment of inner area school sites takes place, bearing in mind that school playing fields are an integral part of community recreational resources.*

#### Organisational Arrangements

- *Need to more closely involve those responsible for development and management of recreational facilities and areas of environmental significance, in the planning and allocation of open space, e.g. structure planning.*
- *Need to more closely involve the Department of Sport and Recreation in the planning process leading to the allocation of land for recreation.*
- *Need to more effectively involve the Department of Education and Training in the co-location of schools with POS, and in the sharing of recreational and associated facilities for the benefit of the community as a whole.*
- *Need to assist those local authorities with limited resources available for recreational facilities management, to ensure there is adequate provision for such facilities as will be required by the community."*

The document details the statutory framework for the provision of public open space. In summation, it states as follows:

- Public Open Space is provided by way of conditions on subdivision approvals.
- Conditions are discretionary and guided by the Western Australia Planning Commission (WAPC), which include Policy DC 2.3 *Public Open Space in Residential Areas*.
- Currently, there is an option for the owner of the subject subdivision to pay cash-in-lieu of providing public open space, subject to agreeance with the local authority and WAPC.

- The new *Planning and Development Act 2005* s. 153 includes provision for payment of cash-in-lieu of providing public open space without the land owners' agreement.
- The new legislation precludes application of any cash-in-lieu requirement for subdivision involving less than three lots. This means that not only will two-lot subdivision be exempt from such contributions, but that through a process of sequential two-lot subdivision, other smaller scale subdivision may also avoid any requirement for POS contribution.

The document also summarises the existing policy framework for the provision of public open space, most of which is more relevant to greenfield sites which the Town does not contain. In summation, the relevant policy provisions state as follows:

#### Public Open Space Policy DC 2.3

- Allocation of public open space through the planning process is currently guided by the Commission's Policy DC 2.3, *Public Open Space in Residential Areas*.
- According to the notes which accompany Policy DC 2.3, the basic component of the policy is the requirement that 10 per cent of the gross subdivisible area of a subdivision shall be given up free of cost as public open space.
- The break-up and distribution of POS is not specifically addressed under Policy DC 2.3 except for a general statement to the effect that residential development is to be complemented by adequate, well-located areas of open space that will enhance the amenity of the development and provide for the recreational needs of the community.

#### Draft Operational Policy (Liveable Neighbourhoods)

*"The latest edition of Liveable Neighbourhoods, although not yet formally adopted as policy, represents a significant refinement and expansion of the current structure planning guidelines with respect to open space provision. The following is a brief summary of the main components of the draft policy with respect to the classification, allocation and distribution of POS and associated facilities, as detailed under Element 4 (Public Parkland):*

- *Public parkland has been classified into three types, namely regional open space (ROS), foreshore reserves and POS;*
- *A minimum of 10% of the gross subdivisible area must be given up free of cost for POS;*
- *Up to one-fifth of the required POS may comprise restricted POS, which may include swales/detention areas, artificial lakes and/or natural wetlands and natural and cultural features;*
- *EPP and conservation category wetlands are to be ceded free of cost to the crown in addition to the 10% POS contribution. (It would appear that such wetlands may not be accepted as restricted POS.);*
- *Up to one-fifth of the required POS may comprise wetland buffers provided the area will be made usable for public open space purposes and there is agreement with the management authority on a management plan for the area;*
- *Regional open space should be identified under a regional or sub-regional structure plan and/or included in a region scheme and set aside to accommodate active and passive recreation such as major playing fields as well as conservation and environmental features.*
- *ROS may be credited towards the 10% POS requirement where it can be used for appropriate local POS purposes and where there is agreement with the management authority regarding on-going management;*
- *Foreshore reserves are to be ceded free of cost to the crown in addition to the 10% POS contribution. (It is not clear how foreshore reserves designated as ROS might be classified in terms of POS contribution.);*

- *Community facility sites may be provided (credited) as part of the overall POS contribution, be at least 2000m<sup>2</sup> in area and may be located adjoining POS or preferably in centres;*
- *Public parkland should provide a balance between conservation and active and passive recreational uses in district, neighbourhood and local open space.*
- *District parks of at least 3 ha should generally include a combination of passive and active uses, and be within 2 km of most dwellings (R2), or District Parks of around 2.5-4 ha within 600 m and 1 km walk from most dwellings (R16);*
- *Neighbourhood parks of between 3000m<sup>2</sup> and 1 ha should generally include a combination of passive and active uses, and be within 400 metres of most dwellings (R2);*
- *Local parks up to 3000m<sup>2</sup> should be provided within 150 to 300 metres safe walking distance of all dwellings (R2)."*

The review document concludes with an extensive range of findings for consideration when formulating policy for public open space. In summation, the relevant findings are as follows:

- *"Public open space is a significant element of urban infrastructure, both in terms of the amount of land involved and its use by the community. POS not only provides the basis for recreation, both structured and unstructured, but is also important in terms of amenity, liveability, sense-of-place, environmental resource management and even micro-climate.*
- *Support from state government agencies in relation to recreation and open space planning has also been somewhat limited in the past, with local government interests sometimes being compromised by trade-offs involving regional open space.*
- *While the importance of POS and associated recreational facilities has generally been recognised in current policy, there remain some significant short-comings in both policy and practice in relation to:*
  - *determination of community and environmental needs,*
  - *allocation of land for recreational and environmental purposes,*
  - *provision of community facilities,*
  - *development and on-going management of POS and recreation facilities, and*
  - *planning policy and guidelines.*
- *Effective planning for open space involves far more than the setting aside of an arbitrary proportion (10%) of land in residential estates. Public open space requirements must relate to community needs, as well as regional environmental requirements. Determination of these needs and requirements should begin early in the planning process.*
- *There is a need for more comprehensive and balanced assessment of community needs, including the needs for both structured and unstructured recreational activities as well as environmental requirements and associated utility provisions.*
- *Based on the assessment of community needs and environmental requirements referred to above, there is a need for specific allocation of land to different classes of open space,*
- *The classification and allocation of open space needs to be given more explicit recognition in POS policy, with standards taking into consideration both recreational needs of the community and the capacity of different classes of POS to satisfactorily meet changing needs.*

- *With regard to community purpose sites and associated facilities such as libraries, community centres and child care, it is arguable a specific developer contribution should be required, as is the case in other states.*
- *There is a clear nexus between urban development and the need for these types of community and recreational facilities, which should generally be provided or funded in conjunction with urban development. Such an approach is now accepted in other states, where the progressive increase in standard of facilities expected by the community, is reflected in progressively greater development contributions. The assumption that such increases will necessarily be passed on to homeowners, appears now to have been generally rejected.*
- *As with the allocation and acquisition of POS, resourcing the development and management of POS needs to take account the purposes for which land has been provided, and the division of responsibilities for such facilities as between state and local government.*
- *The responsibilities for development and on-going management of each class of open space, needs to be made more explicit in POS policy.*
- *In the absence of local government resources and expertise being universally available, it is imperative that a more comprehensive framework for open space planning be established.*
- *It should not be assumed that land developers will adequately provide for the needs of the future community with regard to recreation and the protection of appropriate environmental resources, without appropriate controls and guidance.*
- *The new provisions for cash-in-lieu of POS included in the Planning and Development Act 2005 should help to overcome one of the most common problems of POS allocation in areas of fragmented ownership of land.*
- *However, the legislative exemption of two-lot subdivisions from such contributions would appear to be a loophole by which small-scale subdivisions can avoid any requirement for POS contribution and by which somewhat larger subdivision might avoid POS contributions by sequential applications."*

Below are the recommendations taken verbatim from the *Draft Public Open Space Review of Current Policy and Practice*:

- *"That a more comprehensive framework for open space planning be established, including provision for the full range of recreational needs as well as environmental and engineering requirements involving open space allocation, based on community needs and environmental resource assessment.*
- *That the WAPC be requested to prepare or coordinate the preparation of, guidelines for community needs assessment, in consultation with representatives from local government, Department of Sport and Recreation, Department of Education and Training, Department of Conservation and Land Management and the University of Western Australia.*
- *That the WAPC be requested to review its funding arrangements for the acquisition and on-going management of regional open space, including Bush Forever sites, to ensure there is no prejudice to the provision and management of local POS and associated facilities.*

- *That the WAPC be requested to ensure that the Department of Sport and Recreation (DSR) is consulted in the preparation of local and district structure plans and in relation to large scale subdivision involving the provision of POS, where not governed by an approved structure plan with input by DSR.*
- *That the WAPC and DPI (Land Asset Management Services) be requested to take into account the recreational needs of the community when considering proposals for re-development of school sites, with particular attention to any deficiencies in the provision of POS in those areas where redevelopment is proposed.*
- *That the Association express its general support for the public parkland proposals included in the draft operational policy Liveable Neighbourhoods LN-3 subject to:*
  - *appropriate changes in response to local government submissions previously made to the Commission, including a review of standards for the various types of parkland identified, so as to bring them into line with current best practice;*
  - *inclusion of guidelines for the provision regional level sporting facilities, as recognised in the introduction to Element 4 – Public Parkland;*
  - *needs assessment to be highlighted as the basis for allocation and distribution of POS for the various types of recreational use, including both structured and unstructured recreation;*
  - *guidelines for the allocation and distribution of POS of various types to be qualified by reference to any needs assessment which may have been undertaken for the particular area and/or information about open space usage by the various user groups for whom facilities will be required;*
  - *inclusion of separate additional provision for contribution towards the cost of community facilities, including both land and development costs;*
  - *inclusion of separate provision for developer contributions towards the cost of developing recreational facilities, in addition to basic earth works and grassing as currently proposed;*
  - *inclusion of a requirement to consider (rather than just encouraging) co-location of open space with schools, including both primary and secondary schools (public and private), at the structure planning stage, so as to facilitate the establishment of more versatile areas for community recreation and the sharing of services such as parking areas, change rooms, toilets, security, maintenance, etc;*
  - *inclusion of explicit recognition of the open space and recreational needs of the community in relation to the re-development of existing urban areas, in particular when considering proposals for re-development of school sites and associated playing fields;*
  - *removal of the exemption of small-scale subdivision from the requirement to contribute towards the basic development of POS, where land is in fragmented ownership or where it is restricted use POS; and*
  - *changes to cash-in-lieu provisions and removal of exemptions for small-scale subdivisions (5 lots or less) to reflect the changes in legislation, when the new Planning and Development Act 2005 comes into effect.*
- *That the Association request the expeditious replacement of Policy DC 2.3 and the associated Guidelines for the Preparation of Local Structure Plans, once the necessary changes have been made to Liveable Neighbourhoods LN-3. Consequential changes will also be required in relation to Planning Bulletin PB 18 Developer Contributions, so as to bring it into accord with the amended operational policy LN-3.*

- *That until such time as the new Liveable Neighbourhoods LN-3 operational policy comes into effect, the Association requests the Commission exercise its discretion to prevent any trade off of POS against contributions towards development of POS and that it limit the proportion of restricted use areas which can be credited as part of the POS contribution, to a maximum of one-fifth as provided for under LN-3.*
- *That the Association expresses its general support for the new cash-in-lieu provisions under the Planning and Development Act 2005, under which cash-in-lieu may be required irrespective of the owner's agreement, where land within a subdivision is unsuitable or not required for POS. However, the Association requests reconsideration of the provisions of the new legislation which preclude the imposition of a cash-in-lieu requirement for two-lot subdivisions, in the interests of fairness and equity."*

The draft Public Open Space Review of Current Policy and Practice document dated February 2006 is "*Laid on the Table*"

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2003-2008 - Key Result Areas: 1.1 "*Protect and enhance the environment and biodiversity;*" and 1.3 "*Develop, implement and promote sustainable urban design.*"

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Open Space Allocation**

The review acknowledges the various types of users of public open space (POS) with the exception of structured recreation groups in the form of sporting clubs. The term used in the Review is for separate allocation, rather than looking at joint use issues which is particularly relevant for the Town, which has a limited ability to provide extra facilities to meet the diverse needs of its community. The challenge for the Town is to ensure that diverse users are able to share and co-exist using available POS and maximising the potential of current POS to cater for the multiple user needs.

The challenge in aiming for standards for allocation of POS is to ensure that the standards are consistent, yet flexible enough to take into account the diversity of POS across the various local authorities. In this respect, it is considered that WALGA needs to play a role in proposing a set of standards that can fit across the regional and metropolitan local authorities. This will also provide a basis for the determination of funding and subsequently ensure that funding is allocated equitably. Whilst the notion of the standards imply the use of objective criteria, it should also include the value the local community places over specific POS within their community as part of subjective criteria, through qualitative analysis.

Currently, the onus of funding the provision and management of POS is the responsibility of the local authority. There are a few options to get external funding, which include Community Sporting and Recreational Facilities Funding (CSRFF) administered by the Department of Sport and Recreation. These funds need to be reviewed in the context of this subject Review document to ensure that funds to provide facilities for users of non-structured recreation will be equitably provided for.

#### **Community and Environmental Needs Assessment**

The statement that “*effective planning for open space involves far more than the setting aside of an arbitrary proportion (10%) of land in residential estates*” is fully supported by the Town's Officers.

#### **Public Open Space Conflict**

It is noted that the Review document focuses on the new allocation of POS instead of managing existing POS, as this decreases the document's relevance to the Town and omits an issue the Town is currently experiencing in relation to POS.

There is a perceived notion within the community, for example, local ratepayers who live in the vicinity or use POS believe that as the Council manages/owns the POS and their rates contribute towards it, that they are therefore entitled to have priority use of it resulting in conflict with sporting clubs.

This situation has resulted in competing interests and conflicts between structured and unstructured recreational users. At the Town, a significant unstructured recreation user group of residents has emerged who exercise their dogs at reserves/POS. This group have specific needs and expectations as indicated in a recent study conducted by the Town.

Furthermore, State Sporting Associations and sporting clubs in recent times have made decisions in relation to their respective sports which impact on the provision of the Town's POS, without consulting the Town. For example, the Western Australian Football League (WAFL) season has commenced earlier with extra training sessions required for these expanding clubs and the Town had not been consulted in the decision making process. The clubs using the reserve assume they will have no problems using the reserves over an extended season to meet their changing needs.

#### **Summary**

In light of the above, it is recommended that the Council receives the documentation relating to the draft Public Open Space Review of Current Policy and Practice and advises WALGA that it supports in principle the review document, subject to the matters raised in the Officer Recommendation being addressed.

The Chief Executive Officer advised that Mayor Catania had declared a financial interest in this Item. Mayor Catania was given approval to participate in debate but not to preside or vote on the matter.

The Chief Executive Officer also advised that Crs Lake, Maier and Messina had declared interests affecting impartiality in this Item.

Moved Cr Messina, Seconded Cr Chester

*That Cr Ker assume the Chair.*

**CARRIED (7-0)**

<b>10.1.14 Heritage Plaque Scheme - Proposal for Partnership with North Perth Community Financial Services Limited</b>
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<b>Ward:</b>	Both Wards	<b>Date:</b>	3 April 2006
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	FIN0008
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	H Eames		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*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; and*
  - (b) *PRESENT a further report to the Council on the outcomes of the above investigation by no later than May 2006.*

Moved Cr Messina, Seconded Cr Maier

*That the recommendation be adopted.*

Debate ensued.

Moved Cr Chester, Seconded Cr Doran-Wu

*That a new clause (iii)(c) be added as follows:*

- “(iii) (c) *explore funding options to provide historic research to identify properties eligible for the Scheme.*”

Debate ensued.

Mayor Catania departed the Chamber at 8.19pm.

**AMENDMENT CARRIED (6-0)**

(Crs Farrell and Torre were apologies. Mayor Catania was absent from the Chamber and did not vote.)

Mayor Catania returned to the Chamber at 8.20pm.

Debate ensued.

Mayor Catania departed the Chamber at 8.24pm.

**MOTION AS AMENDED CARRIED (6-0)**

(Crs Farrell and Torre were apologies. Mayor Catania was absent from the Chamber and did not vote.)

Mayor Catania returned to the Chamber at 8.25pm and assumed the Chair.

**COUNCIL DECISION ITEM 10.1.14**

*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.*
- 

**PURPOSE OF REPORT:**

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.

**DETAILS:**

The letter proposes 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.

A proposal for this scheme should consider the following:

- administrative arrangements between the two organisations;
- the likely costs for funding the maximum potential of buildings likely to be eligible;
- the eligibility of the buildings;
- any ongoing maintenance associated with the scheme; and
- contractual arrangements for the design and supply of materials.

**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 is adopted by the Council it will require a budget allocation, however, at this stage the cost implications cannot be estimated without further investigation.

**COMMENTS:**

It is recommended that the Council receives this report and supports the proposal in principle, and that further investigation into the eligibility, administrative and cost requirements for the scheme be subject to a further report to the Council.

**10.1.15 Town of Vincent Local History Picture Book**

<b>Ward:</b>	Both	<b>Date:</b>	23 March 2006
<b>Precinct:</b>	All	<b>File Ref:</b>	
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	Julie Davidson		
<b>Checked/Endorsed by:</b>	R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council APPROVES the following proposal;*

- (i) the Town of Vincent Library/Local Studies and History section produce a coffee table book of photographs from the Local Studies Collection;*
- (ii) a print run of 1,000 copies with some in soft cover and a limited number in hard cover; and*
- (iii) a PROVISIONAL sum of \$20,000 be listed in the Draft 2006/2007 Budget for consideration.*

---

**Moved Cr Messina, Seconded Cr Maier**

*That the recommendation be adopted.*

Debate ensued.

**Moved Cr Ker, Seconded Cr Lake**

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

- “(ii) a print run of 1,000 copies with some in soft cover and a limited number in hard cover and these be numbered as part of a limited edition; and”*

**AMENDMENT CARRIED (7-0)**

(Crs Farrell and Torre were apologies.)

**MOTION AS AMENDED CARRIED (7-0)**

(Crs Farrell and Torre were apologies.)

**COUNCIL DECISION ITEM 10.1.15**

*That the Council APPROVES the following proposal;*

- (i) the Town of Vincent Library/Local Studies and History section produce a coffee table book of photographs from the Local Studies Collection;*
- (ii) a print run of 1,000 copies with some in soft cover and a limited number in hard cover and these be numbered as part of a limited edition; and*
- (iii) a PROVISIONAL sum of \$20,000 be listed in the Draft 2006/2007 Budget for consideration.*

**PURPOSE OF REPORT:**

To investigate the feasibility and cost of producing a coffee table book based on the photographs in the Town of Vincent Local Studies and History Collection.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 21 February 2006, the Council considered a Notice of Motion from Councillor Simon Chester (Item 11.3) and resolved as follows:

- (i) *prepare a report investigating whether a soft covered "coffee table" picture book of historic photos taken in the Vincent area would be an effective and appropriate vehicle to promote the Town's Local Histories Collection and the heritage of the Town;*
- (ii) *investigate whether the Town's Local Histories Collection has sufficient photos, records and resources to produce a book as outlined in (i) above, in the 2006/2007 financial year;*
- (iii) *investigate the cost to the Town of producing and printing the book outlined in (i) above;*
- (iv) *prepare a briefing document for the book's production specifying the book's scope, presentation and appropriate print numbers; and*
- (v) *provide a report to Council covering clauses (i), (ii), (iii) and (iv) and any other relevant information, so that the Council can consider a sum of money being allocated to the production of a book in the 2006/2007 Budget.*

**DETAILS:**

The production of a 'coffee table' picture book of historic photos from the Local Studies Collection would provide an excellent means of promoting the history and heritage of the Town. Displays of historic photographs from the Local Studies and History Collection always generate a lot of public interest and to produce a small, affordable and easy to read book would be a good way to disseminate the photographs and information collected by the library and to the community. A perceived advantage is that the book may be viewed by residents and ex residents of the Town, who may then be encouraged to approach the Local Studies and History Collection with any photographs they may have in their possession.

The proposed scope of the book would be to incorporate classic images from the Local Studies & History Collection which capture the social history of the Town. It is anticipated the book would comprise:

- Approximately 80 pages;
- The photographs would feature on the right side of the page, with a brief descriptive text on the left. Also on the left side, running along the bottom of the page would be a quote from an oral history interview, which is pertinent to the image in some way. Some pages may also feature 'then and now' images;
- The photographs would be in sepia tone, however the overall tone of the book will be modern rather than old fashioned. The cover would be in full colour;
- The book would be in landscape format;
- The proposed print run is 1,000 copies; and
- Possibly 100 copies to be made hardcover.

There are currently 50 photographs in the Local Studies and History Collection which are potentially suitable for the book. There may be more in the 2006 Local History Awards, for which entries will close on 30 August 2006. The Local Studies and History Collection will have 145 interviews from which to choose the oral history quotes. The Local Studies and History staff will source the images and text.

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

Nil.

**STRATEGIC IMPLICATIONS:**

Town Of Vincent Strategic Plan 2005-2010:

Key Result Area One – Environment & Infrastructure

*“1.2. Recognise the value of heritage in providing a sense of place and identity. Foster activities which add to the communities understanding of heritage values”.*

The book encourages the community to become aware of their heritage and the value that is placed on it by the community. The images will educate the younger generations of the Town of Vincent in the history of the places, buildings and lifestyles of the previous generations. It will also foster a sense of pride and identity for the older generations. As the photographs and interview quotes will have come from the community, there should be a sense of family pride and identity with the book and their place in the Town of Vincent.

Key Result Area Two – Community Development

*2.2. Celebrate and acknowledge the Town’s cultural diversity.*

The photographs and oral history excerpts will be from people with a variety of ethnic backgrounds and experiences.

**FINANCIAL/BUDGET IMPLICATIONS:**

To list a special project budget of \$20,000 in the Draft 2006/2007 Budget for consideration.

The cost of producing the book will be dependent on the final size and format chosen. Some general quotes have been received upon which to estimate the cost of production for 1000 copies. Costs in producing the book include staff time, photography, design and artwork, printing and binding. Additional costs are for promotion and advertising.

Estimated costs for producing 1,000 copies of a book with 80 pages, with 100 copies being hardcover	\$15,000
Advertising and promotion costs	\$2,500
Book launch	<u>\$2,500</u>
Total budget allocation:	\$20,000

**COMMENTS:**

The suburb history brochures produced by the Local Studies and History Section have proved extremely popular with the residents and former residents of the Town. Many people are very interested in the photographs which are displayed by Local Studies and would be interested in seeing a book produced. By adding the oral history quotes it is hoped to make the book event more relevant in recognising the contributions made by our residents to the Local Studies Collection. The costs of production of the book would mean that it could be sold for an amount that most people would find very affordable.

**10.1.18 No. 196 (Lot 556 D/P: 2177) Anzac Road, Corner Federation Street, Mount Hawthorn - Proposed Survey Strata Subdivision**

<b>Ward:</b>	North	<b>Date:</b>	5 April 2006
<b>Precinct:</b>	Mount Hawthorn Precinct; P01	<b>File Ref:</b>	158-06 7.2006.16.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	O Hammond		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**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 RECOMMENDS APPROVAL to the West Australian Planning Commission of the application submitted by M Taylor on behalf of the owner T M Martin for proposed Survey Strata Subdivision, at No. 196 (Lot 556 D/P: 2177) Anzac Road, corner Federation Street, Mount Hawthorn, and as shown on plans stamp-dated 10 February 2006, subject to the following conditions:*

- (i) the street verge tree(s) on Anzac Road and Federation Street adjacent to the subject land being retained and measures being taken to ensure their identification and protection to the satisfaction of the Town prior to commencement of site works;*
- (ii) the land being filled and/or drained at the subdivider's cost to the satisfaction of the Town and any easements and/or reserves necessary for the implementation thereof, being provided free of cost. The maximum permitted amount of fill, and height of associated retaining walls, is 500 millimetres above the existing pre-subdivision ground level, and any greater amount of fill or higher retaining wall requires a separate Planning Approval to be applied to and obtained from the Town of Vincent;*
- (iii) all buildings and effluent disposal systems, having the necessary clearance from the new boundaries as required under the relevant legislation;*
- (iv) if the existing residence is required to be retained, the residence is to comply with the requirements of the Residential Design Codes pertaining to single house development to the satisfaction of the Town, including:*
  - (a) the provision and construction of two (2) on-site car parking bays and associated driveway and crossover;*
  - (b) the provision of a courtyard with a minimum area of 24 square metres and the minimum dimensions of 4 metres; and*
  - (c) the provision of open space with a minimum area of 45 percent of the site area;*
- (v) support of the subdivision is not to be construed as support of the demolition of the existing building(s) and/or any development on the proposed lots except on proposed Lot 2;*

- (vi) *if any portion of the existing building(s) is to be demolished to facilitate the proposed subdivision, a separate Planning Approval and/or Demolition Licence is to be obtained from the Town for the demolition of the existing building(s) prior to the clearance of the Diagram or Plan of Survey by the Town;*
- (vii) *the outbuilding on proposed Lot 2 and all buildings and structures that have been granted Planning Approval and/or Demolition Licence for demolition being demolished and materials removed from the site and the site made good. A separate Planning Approval and/or Demolition Licence is required from the Town prior to the commencement of any demolition works;*
- (viii) *prior to the clearance of the diagram of survey for the proposed Lot 2 which has a depth less than 15 metres, the following criteria shall be met to the satisfaction of the Town of Vincent;*
  - (a) *the Town of Vincent has approved a Planning Approval and/or Building Licence for the development of dwelling(s) on the subject lot; and*
  - (b) *the perimeter walls of the approved dwelling(s), including the garage walls and carport walls/pillars, have been constructed to plate height;*
- (ix) *a three (3) metres by three (3) metres truncation being provided where Anzac Road intersects with Federation Street ;*
- (x) *the owner(s) entering 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 conserve the existing dwelling on site. All costs associated with this condition shall be borne by the applicant/owner(s); and*
- (xi) *if the power pole on the Federation Street verge adjacent to the subject dwelling is required to be relocated to accommodate compliant vehicular crossovers, the power pole shall be relocated at the owner's costs.*

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**Moved Cr Maier, Seconded Cr Messina**

*That the recommendation be adopted.*

**Moved Cr Maier, Seconded Cr Messina**

*That clause (x) be amended to read as follows:*

- “(x) *prior to the clearance of the diagram survey, the owner(s) entering 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 conserve the existing dwelling on site. All costs associated with this condition shall be borne by the applicant/owner(s); and*”

Debate ensued.

**AMENDMENT CARRIED (7-0)**

(Crs Farrell and Torre were apologies.)

**MOTION AS AMENDED CARRIED (7-0)**

(Crs Farrell and Torre were apologies.)

**COUNCIL DECISION ITEM 10.1.18**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council RECOMMENDS APPROVAL to the West Australian Planning Commission of the application submitted by M Taylor on behalf of the owner T M Martin for proposed Survey Strata Subdivision, at No. 196 (Lot 556 D/P: 2177) Anzac Road, corner Federation Street, Mount Hawthorn, and as shown on plans stamp-dated 10 February 2006, subject to the following conditions:*

- (i) the street verge tree(s) on Anzac Road and Federation Street adjacent to the subject land being retained and measures being taken to ensure their identification and protection to the satisfaction of the Town prior to commencement of site works;*
- (ii) the land being filled and/or drained at the subdivider's cost to the satisfaction of the Town and any easements and/or reserves necessary for the implementation thereof, being provided free of cost. The maximum permitted amount of fill, and height of associated retaining walls, is 500 millimetres above the existing pre-subdivision ground level, and any greater amount of fill or higher retaining wall requires a separate Planning Approval to be applied to and obtained from the Town of Vincent;*
- (iii) all buildings and effluent disposal systems, having the necessary clearance from the new boundaries as required under the relevant legislation;*
- (iv) if the existing residence is required to be retained, the residence is to comply with the requirements of the Residential Design Codes pertaining to single house development to the satisfaction of the Town, including:
  - (a) the provision and construction of two (2) on-site car parking bays and associated driveway and crossover;*
  - (b) the provision of a courtyard with a minimum area of 24 square metres and the minimum dimensions of 4 metres; and*
  - (c) the provision of open space with a minimum area of 45 percent of the site area;**
- (v) support of the subdivision is not to be construed as support of the demolition of the existing building(s) and/or any development on the proposed lots except on proposed Lot 2;*
- (vi) if any portion of the existing building(s) is to be demolished to facilitate the proposed subdivision, a separate Planning Approval and/or Demolition Licence is to be obtained from the Town for the demolition of the existing building(s) prior to the clearance of the Diagram or Plan of Survey by the Town;*
- (vii) the outbuilding on proposed Lot 2 and all buildings and structures that have been granted Planning Approval and/or Demolition Licence for demolition being demolished and materials removed from the site and the site made good. A separate Planning Approval and/or Demolition Licence is required from the Town prior to the commencement of any demolition works;*

- (viii) *prior to the clearance of the diagram of survey for the proposed Lot 2 which has a depth less than 15 metres, the following criteria shall be met to the satisfaction of the Town of Vincent;*
- (a) *the Town of Vincent has approved a Planning Approval and/or Building Licence for the development of dwelling(s) on the subject lot; and*
- (b) *the perimeter walls of the approved dwelling(s), including the garage walls and carport walls/pillars, have been constructed to plate height;*
- (ix) *a three (3) metres by three (3) metres truncation being provided where Anzac Road intersects with Federation Street ;*
- (x) *prior to the clearance of the diagram survey, the owner(s) entering 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 conserve the existing dwelling on site. All costs associated with this condition shall be borne by the applicant/owner(s); and*
- (xi) *if the power pole on the Federation Street verge adjacent to the subject dwelling is required to be relocated to accommodate compliant vehicular crossovers, the power pole shall be relocated at the owner's costs.*

<b>Landowner:</b>	T M Martin
<b>Applicant:</b>	M Taylor
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	541 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

- 9 August 2005 Council at its Ordinary Meeting resolved to refuse Demolition of Existing Outbuilding (Shed) and Construction of Additional Single House to Existing Single House at the subject property.
- 20 December 2005 Council at its Ordinary Meeting conditionally granted approval for the proposed Demolition of Existing Outbuilding (Shed) and Construction of Single-Storey Single Bedroom Single House to Existing Single House at No. 196 Anzac Road, Mount Hawthorn.
- 6 February 2006 State Administrative Tribunal (SAT) approved the Review Application for construction of additional single house to existing house (DR540 of 2005) refused by the Council at its Ordinary Meeting held on 9 August 2005.

**DETAILS:**

The proposal involves demolition of the existing shed and the subdivision of the Lot creating two (2) Survey Strata Lots.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	Noted
Density	1.803 dwellings Residential R 30	2 dwellings R 36.97 10.9 per cent density bonus (average site area); and 21.5 per cent density bonus (minimum site area for the subject site).	Supported – in light of the SAT decision dated 6 February 2006, the density bonus is supportable.
Minimum Lot Area	270 square metres	222 square metres	Supported – in light of the SAT decision dated 6 February 2006, the minimum lot area, and that a development approval has been issued by the Town for a single bedroom dwelling with a similar lot size and configuration.
Average Lot Area	300 square metres	270.5 square metres	Supported – in light of the SAT decision dated 6 February 2006, the average lot area and that a development approval has been issued by the Town for a single bedroom dwelling with a similar lot size and configuration.
<b>Consultation Submissions</b>			
The proposed subdivision did not require any community consultation.			
<b>Other Implications</b>			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

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

**COMMENTS:**

With the current approval issued by the SAT on 6 February 2006, it would mean that the applicant is able to construct the single house as approved and later apply for a built strata. The lot size and configuration for the proposed strata lot is similar to the approval issued by SAT on 6 February 2006, and the single-storey single bedroom house to existing single house approved by the Council at its Ordinary Meeting held on 20 December 2005.

On the above basis, the proposed Survey Strata Subdivision is recommended for approval.

**10.2.1 Beaufort Street - Additional Streetscape Improvements in the Mount Lawley Centre Precinct between Chelmsford Road, Mt Lawley and St Albans Avenue, Highgate**

<b>Ward:</b>	South	<b>Date:</b>	3 April, 2006
<b>Precinct:</b>	Forrest P14 & Mt Lawley Centre P11	<b>File Ref:</b>	TES0234
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	J van den Bok, R Lotznicher		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on the proposal to carry out additional Streetscape Improvements along Beaufort Street Streetscape between Chelmsford Road, Mt Lawley and St Albans Avenue, Highgate;*
- (ii) *APPROVES IN PRINCIPLE the tree replanting concept estimated to cost \$142,000 as shown in the attached Plans No. 2418-CP.1A and 2418-CP.2A and as illustrated in appendix 10.2.1A and B;*
- (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, and as a part of the consultation process, holds a public meeting and invites all relevant stakeholders, businesses and community groups; and*
- (iv) *NOTES that;*
  - (a) *additional funds will be required to be allocated/reallocated to this project should the concept as presented be ultimately adopted by the Council or alternatively, the project could be stated over two financial years as indicated in the report; and*
  - (b) *a further report will be submitted to the Council at the conclusion of the consultation period.*

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**COUNCIL DECISION ITEM 10.2.1**

**Moved Cr Messina, Seconded Cr Doran-Wu**

*That the recommendation be adopted.*

Debate ensued.

**CARRIED (7-0)**

**(Crs Farrell and Torre were apologies.)**

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## **PURPOSE OF REPORT:**

The purpose of this report is to present to the Council a concept plan for minor streetscape improvements in Beaufort Street which will include the replacement of existing trees with alternative species in the street verge and along the centre of the road, and the planting of trees in additional median islands.

## **BACKGROUND:**

Between 1996 and 1999 the Town received a substantial amount of state funding from the Metropolitan Regional Road Program for the Rehabilitation of Beaufort Street between Chelmsford Road and Brisbane Street. This funding was provided on a one third (Local Government), two thirds (State) basis with the total expenditure being in the order of \$0.7m.

In addition, Council allocated a further \$0.7m for improvements to the streetscape including some traffic and safety improvements.

The total expenditure in Beaufort Street over this period was in the order of \$1.4m.

The main focus of the streetscape enhancements during the mid to late 1990s was the upgrade of the engineering infrastructure such as roads, footpaths and drainage. While street trees were incorporated in the works, they were not considered to be the main priority and were generally accommodated into the overall works where appropriate and where costs permitted.

## **DETAILS:**

### **Beaufort Street - Pre 1996**

The former City of Perth upgraded the section of Beaufort Street between Chelmsford Road and Walcott Street in conjunction with the City of Stirling, to create an Art Deco theme. This work included the undergrounding of power, footpath upgrades and some landscaping.

The road pavement in Beaufort Street, south of Walcott Street, was badly deteriorated, the existing slab paths south of Chelmsford Road were in very poor condition and the kerbing was uneven and degraded. There was no central median, neither painted nor solid, and few safe pedestrian crossing points. The intersection of Vincent Street and Beaufort Street was dangerous and there was no vegetation along the street.

### **Beaufort Street - Post 1996**

The works between 1996 and 1999 comprised the following:

- Removal and replacement of the existing kerbing
- Extensive drainage modifications and improvements
- Removal of the existing asphalt layer and replacement with new hot mixed asphalt
- Installation of in-ground reticulation
- Installation of solid central median islands, a central paved median, and pedestrian refuge islands
- Removal of the existing slab footpaths and replacement with brick paving (full width paving)
- Planting of trees in both the verges and along the centre of the road.

### **Ordinary Meeting of Council 19 January 1998**

At this meeting the Council considered a report on a proposal for the undergrounding of overhead power in Beaufort Street, between Chelmsford Road and Bulwer Street. The Council was advised that in November 1997, Western Power provided the quotation to underground the power.

The total estimated cost to underground power at the time was in the order of \$700,000.

As the available funding at the time allowed for only the rehabilitation, i.e. asphalt resurfacing and kerb replacement, footpath upgrading works and minor traffic management measures and the funding needed to be expended in the current financial year (condition of state funding requirements), the undergrounding of power would have been cost prohibitive and would have caused considerable disruption to the newly laid footpaths and kerbing and the asphalt resurfacing works which were currently in progress.

It was therefore considered, at the time, that the \$700,000 required to underground power was a considerable cost outlay for the Town which equated to approximately \$10,000/lot and it was considered the improvement works which were being undertaken would suitably enhance the area without the urgent need to underground the power.

### **Ordinary Meeting of Council 9 September 2003**

At this meeting the Council considered a report on Street Trees located in the Town centres.

With regard to Beaufort Street, the Council was advised that due to a multitude of existing shop front awnings located "hard up" against the existing kerb line and the presence of existing services, i.e. wooden power poles, it was not possible to widen the roadway to accommodate the central median island. Instead, the existing four (4) traffic lanes were narrowed slightly to accommodate an absolute minimum width central median (1.2m). This median width is not ideal for the establishment of trees. In addition, the former tramway located along the centre of Beaufort Street, resulted in tree locations being very difficult to establish through a very thick layer of compacted road base material.

It was considered the existing "Flowering Plum" verge trees were creating problems with access and therefore required replacement with a more appropriate small tree species.

It was reported that a further problem experienced in Beaufort Street was the continual vandalism of trees, particularly along verge areas.

The following was recommended by the officers:

*As it is unlikely that the existing median island can be widened, therefore it is recommended that larger trees be planted within the median island and that additional solid islands be installed where required so that additional trees can be planted at regular spacings identified and planted with larger trees accordingly.*

*It is also recommended that tree guards be installed around the new street verge trees to assist in protection of the trees until semi maturity is reached.*

### **Economic Development Strategy**

The Mount Lawley Centre Precinct extends along Beaufort Street from Walcott Street to St Albans Street. The District Centre extends from Walcott Street to Barlee Street.

The Economic Development Strategy outlined the following opportunities (in part) for Beaufort Street:

- *Introduce traffic calming initiatives on Beaufort Street with particular attention to the Walcott/ Beaufort Street intersection (including installation of a red light camera.*

#### Comments

A request for a red light camera has previously been submitted to Main Roads WA. The introduction of traffic calming in Beaufort Street is outside the scope of the current proposal, however, planting larger trees and replacing the existing trees will provide a visual narrowing of the road which may result in lowering vehicle speeds.

The strategy further mentioned that in order to realise some of the opportunities, the Council may care to:

- *Consider the reconfiguration of Grosvenor Street entering Beaufort Street to increase pedestrian activity and improve visual awareness of car parks at the rear of the commercial tenancies*

#### Comments

Extensive works were undertaken at this location in 1997/98. The intersection was upgraded and an entry statement was installed comprising grey interlocking pavers. Level and drainage issues were resolved for the Supa Valu property located on the south west corner of the intersection.

### **Vincent Vision 2024**

The Vision for Mt Lawley Highgate (in part) is that *Beaufort Street is a boulevard of pedestrians, trees, and greenery, exuding a distinction and flair all of its own.*

An issue / trend identified in the vision for the Town Centre was *poor appearance and streetscape and lack of native vegetation.* One of the guiding principles states *streetscapes are people places, enhanced with significant tree plantings, greened wide verges and median strips....*

#### Comments

The Beaufort Street central median is approximately 1.20m wide. As previously mentioned, due to a multitude of existing shop front awnings located “hard up” against the existing kerbline and the presence of existing services, i.e. wooden power poles, it is not possible to widen the roadway to accommodate a wider central median. It is, however, proposed that additional median islands be installed and that additional trees be planted along the centre of the road.

### **Existing Trees**

Trees currently planted in Beaufort Street central median are the Claret Ash (*Fraxinus raywoodii*) and the verge tree species comprise the Ornamental Flowering Plum (*Prunus nigra*).

#### Claret Ash

The Claret Ash has not established itself in Perth conditions as easily as arborists first envisaged and, whilst there is the odd specimen that has matured, they have been very slow to develop.

#### Ornamental Flowering Plum

The Ornamental Flowering Plum is a small tree that tends to produce several main stems giving it a vase shape and not a lot of height. In retrospect this type of tree was also not suitable for Beaufort Street.

#### Vandalism

In addition, the continual vandalism of trees in Beaufort Street has been a significant factor in why very few of the trees have reached even semi-maturity. Given this, it would be prudent of the Council to consider the installation of tree guards around all verge trees when replanting is undertaken.

Tree guards are a proven deterrent and will remain in place until the tree attains a suitable height and girth as to resist passers by from breaking them in half.

#### **Proposed Median Tree Species – (Eucalyptus maculata / Spotted gum)**

The Council has allocated funds in the 2005/2006 budget for the planting of additional trees in verges and median islands along Beaufort Street. As with other main streets there are various restrictions on spacings of additional trees including, crossovers, intersections, signage, overhead service cables and sight line restrictions at intersections.

The Town recently planted several Spotted Gums in the Beaufort Street median at the intersection of Lincoln Street. The Spotted Gum has an upright habit, ideal for the narrow median that exists. The tree is commonly grown by nurseries in Perth and can be sourced in specimens ranging from 2 metres to 6 metres in height.

The Spotted Gums planted in the above location have provided an immediate impact and it is recommended that these be strategically located along the Beaufort Street median between Chelmsford Road and St Albans Avenue.

#### **Proposed Verge Tree Species – (Eucalyptus torquata / Coral Gum)**

This tree species has been used in the Barlee Street car park and has been selected in an attempt to create some uniformity, yet give adjacent businesses and residents a choice of both an exotic and native species.

The native Coral Gums in the Barlee Street carpark, while these specimens do not provide the best example, if trained at an early stage can form a canopy of a reasonable height.

It should be noted that this species can only be sourced in 45-100 litre bags and this equates to a specimen that is around 1 - 1.5 metres in height. Therefore vandalism, even with the installation of tree guards may be an ongoing issue until the trees reach semi-maturity.

#### Officer's Comments

Experience has shown that native trees develop a very shallow root system if over watered as was the case with the Spotted Gums in the Charles Street median. Over watering may also be the reason why many of the Charles Street trees have suffered from ongoing termite activity and now require removal.

#### Recommendation

In view of all of the above information, while it is not easy to select a suitable species for Beaufort Street, horticultural staff recommend the native theme, being the Spotted Gum and the Coral Gum.

### **Conclusion / Discussion**

As mentioned above, the Mount Lawley Centre Precinct extends along Beaufort Street from Walcott Street to St Albans Street. The district centre extends from Walcott Street to Barlee Street.

The previous streetscape works undertaken in Beaufort extended from Walcott Street to Brisbane Street.

The current proposal is to implement additional Streetscape Improvements in the Mount Lawley Centre Precinct i.e. between Chelmsford Road and St Albans Avenue.

### **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 and, as part of the consultation process, a public meeting with all relevant stakeholders, businesses and community groups will be held in Beaufort Street.

### **LEGAL/POLICY:**

Main Roads (WA) has a policy regarding the placement of vegetation within a 'Main' road reserve. The information is based on the AASHTO (2002) *Roadside Design Guide*, American Association of State Highway Transportation Officials.

Dependant on the posted speed, trees location and road conditions the document makes various recommendations in relation to the type and height of vegetation and how close it is planted to the nearest driving lane edge.

While the planting of trees along street verges and within central median islands has always been common practice, Local Governments and other Road Authorities need to be aware of the possible legal implications of planting larger tree species in restrictive areas such as in narrow road medians on high volume roads.

### **STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area Three of Strategic Plan 2005-2010 – 3.1 *Identify the needs and expectations of the business community, promote business development and facilitate outcomes in the Town.*

### **FINANCIAL/BUDGET IMPLICATIONS:**

An amount of \$50,000 has been allocated in the 2005/06 budget for streetscape improvements in Beaufort Street. The majority of these funds will be used to replace the existing species of median and verge tree species.

In addition to the above, the Streetscape Enhancement budget had funds of approximately \$50,000 remaining as at 31 March 2006. While there are additional streets within the Town where streetscape improvement works are on going (i.e. Monmouth Street), this can be postponed until the 2006/07 financial year in view of the high priority being given to the upgrade of Beaufort Street.

Therefore a total amount of approximately \$100,000 is available for this project if required.

The estimated cost of the project which includes the planting of 74 new trees has been estimated to cost \$147,000. This includes removals, reinstatements, traffic control, tree guards and grates etc.

Additional funds will be required to be allocated to this project should the concept as presented be adopted by the Council or alternatively, the works could be staged over two (2) financial years at per annum with the centre of road planting be implemented this financial year (2005/2006) – approximately \$60,000, and the verge plantings be implemented in 2006/2007 – approximately \$87,000.

**COMMENTS:**

As mentioned in the report, in the mid to late 1990s in the order of \$1.4m was expended on infrastructure upgrades along Beaufort Street between Walcott Street and Brisbane Street.

Also, at the time the main focus of the streetscape enhancements was the upgrade of the engineering infrastructure such as roads, footpaths and drainage. While street trees were incorporated in the works, they were not considered to be the main priority and were generally accommodated into the overall works where appropriate and where costs permitted.

The current proposal gives total emphasis on value adding to the streetscape by retro fitting the soft landscaping component with additional trees and alternative species.

Therefore prior to finalising the proposal it is intended to present the proposed concept plan to all the stakeholders in the area.

The Chief Executive Officer advised that Mayor Catania and Cr Messina had declared a financial interest in this Item.

Moved Cr Maier, Seconded Cr Chester

*That Cr Ker assumed the Chair.*

**CARRIED (7-0)**

(Crs Farrell and Torre were apologies.)

Mayor Catania and Cr Messina departed the Chamber at 8.40pm and did not speak or vote on the matter.

**10.3.1 Investment Report as at 31 March 2006**

<b>Ward:</b>	Both	<b>Date:</b>	3 April 2006
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0005
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M Howard-Bath		
<b>Checked/Endorsed by:</b>	Bee Choo Tan	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Investment Report for the month ended 31 March 2006 as detailed in Appendix 10.3.1.*

**COUNCIL DECISION ITEM 10.3.1**

Moved Cr Maier, Seconded Cr Lake

*That the recommendation be adopted.*

**CARRIED (5-0)**

(Crs Farrell and Torre were apologies. Mayor Catania and Cr Messina were absent from the Chamber and did not vote.)

**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of the level of funds available, the distribution of surplus funds in the short term money market and the interest earned to date.

**BACKGROUND:**

Interest from investments is a significant source of funds for the Town, where surplus funds are deposited in the short term money market for various terms. Details are attached in Appendix 10.3.1.

Council's Investment Portfolio is spread across several Financial Institutions in accordance with Policy Number 1.3.8.

**DETAILS:**

Total Investments for the period ended 31 March 2006 were \$14,753,127 compared with \$14,753,127 at 28 February 2006. At 31 March 2005, \$10,300,766 was invested.

Total accrued interest earned on Investments as at 31 March 2006:

	Budget	Actual	%
	\$	\$	
Municipal	310,000	298,510	96.29
Reserve	324,200	312,873	96.51

**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.

**10.3.2 Western Australian Local Government Association - Response to Daylight Saving Time Questionnaire**

Ward:	-	Date:	4 April 2006
Precinct:	-	File Ref:	ORG0044
Attachments:	-		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:		Amended by:	

**OFFICER RECOMMENDATION:**

*That the Council ADVISE the Western Australian Local Government Association (WALGA) that it;*

- (i) supports the introduction of Daylight Saving Time (DST) in Western Australia and WALGA should pursue this matter on behalf of Local Government; OR ALTERNATIVELY*
- (ii) does not support the introduction of Daylight Saving Time (DST) in Western Australia and WALGA should not pursue this matter on behalf of Local Government.*

**Moved Cr Lake, Seconded Cr Maier**

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

- “(ii) does not support the introduction of Daylight Saving Time (DST) in Western Australia and WALGA should not pursue this matter on behalf of Local Government; OR*
- (iii) does not regard daylight saving as a local government matter and that WALGA should not pursue the issue.”*

Cr Messina returned to the Chamber at 8.42pm.

Debate ensued.

Mayor Catania returned to the Chamber at 8.44pm but did not assume the Chair.

**Moved Cr Maier, Seconded Cr Messina**

*That clauses (i) and (ii) be deleted.*

Debate ensued.

**AMENDMENT LOST (3-4)**

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

(Crs Farrell and Torre were apologies.)

**Moved Cr Lake, Seconded Cr Maier**

*That clause (iii) be amended and a new clause (iv) be added as follows:*

*“(iii) does not regard daylight saving as a local government matter and that WALGA should not pursue the issue; OR*

*(iv) considers that this is a matter that local government should be involved in however, are not in a position to either support or not support the introduction of daylight saving.”*

Debate ensued.

**AMENDMENT LOST (3-4)**

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

(Crs Farrell and Torre were apologies.)

**Moved Mayor Catania, Seconded Cr Messina**

*That clauses (ii) and (iii) be deleted.*

**AMENDMENT LOST (3-4)**

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

(Crs Farrell and Torre were apologies.)

**Moved Cr Doran-Wu, Seconded Cr .....**

*That clauses (i) and (iii) be deleted.*

**AMENDMENT LAPSED FOR WANT OF A SECONDER**

(Crs Farrell and Torre were apologies.)

**Moved Cr Lake, Seconded Cr Mayor Catania**

*That clauses (i), (ii) and (iii) be deleted and a new clause (i) be added as follows:*

*“(i) does regard daylight saving as a local government and WALGA should pursue this matter on behalf of local government.”*

**AMENDMENT CARRIED (5-2)**

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

(Crs Farrell and Torre were apologies.)

**MOTION AS AMENDED CARRIED (5-2)**

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

(Crs Farrell and Torre were apologies.)

**COUNCIL DECISION ITEM 10.3.2**

*That the Council ADVISE the Western Australian Local Government Association (WALGA) that it;*

- (i) *does regard daylight saving as a local government matter and WALGA should pursue this matter on behalf of local government.*

---

**PURPOSE OF REPORT:**

To present a report on the WALGA questionnaire on Daylight Saving Time in order that the Council establish a view on this issue.

**BACKGROUND:**

The Town has recently received correspondence from the Western Australian Local Government Association (WALGA) regarding the issue of Daylight Saving Time (DST). Western Australia along with Queensland and the Northern Territory are the only Australian states and territory that do not utilise DST. In Western Australia three referenda have rejected the implementation of DST, with the most recent being held in 1992. In light of this WALGA is currently trying to establish whether it should adopt a position on the introduction of DST in Western Australia.

To help ascertain the views of Local Governments, WALGA has developed a questionnaire and member Councils have been requested to answer the following questions:

- “1. a) *Does your Council support the introduction of Daylight Savings Time in Western Australia? Please elaborate why?*
1. b) *Does your Council oppose the introduction of Daylight Savings Time in Western Australia? Please elaborate why?*
2. *Is Daylight Saving Time a Local Government issue that members would like WALGA to pursue - yes or no?”*

In Australia, DST was first introduced during World War I from 1 January 1917 to 25 March 1917 and during World War II for three summers, beginning on 1 January 1942, under Commonwealth legislation which, due to wartime emergency, was binding to all States.

Western Australia did not use DST during the summer of 1943.

In 1967, Tasmania experienced a drought which depleted their reserves of water. The State Government introduced one hour of DST that summer as a means of saving power and water. Tasmanians reacted favourably to DST and the Tasmanian government has declared DST each summer since 1968. After persuasion by the Tasmanian Government, all states (except WA and the Northern Territory) passed legislation in 1971 for a trial season of DST. The following year New South Wales, South Australia and Victoria joined Tasmania for regular DST. Queensland did not do so until 1989 and only then for a trial period of one summer.

#### **DETAILS:**

Recent articles in the media have raised the issue of Western Australia's lack of daylight savings reform and the potential impact on the West Australian economy and community. Western Australia along with Queensland and the Northern Territory are the only States and Territory not to utilise DST.

In response to these concerns a number of Councils have requested feedback from Local Governments to ascertain whether WALGA should develop a Local Government policy position in relation to daylight savings.

At present 70 out of 268 nations utilise Daylight Saving Time (DST) in a least some portion of the country, including Australia. Japan is the only major industrialised country not to have introduced DST.

In Western Australia there have been three referenda that have rejected the implementation of DST, the most recent being 13 years ago.

The first DST referendum was held on 8 March 1975 and posed the question:

*Are you in favour of the standard time in the State being advanced one hour from the last Sunday in October in each year until the first Sunday in March next following?*

The outcome was the proposal to make DST permanent after a trial period was rejected.

The second DST referendum was on 7 April 1984 and posed the question:

*Are you in favour of the standard time in the State being advanced one hour from the last Sunday in October in each year until the first Sunday in following March?*

The proposal to make DST permanent was again rejected.

A third referendum was held on 4 April 1992 and posed the question:

*Are you in favour of the standard time in the State being advanced one hour from the last Sunday in October 1992 until the first Sunday in March 1993 and in a similar fashion for each year thereafter?*

Again the proposal to make DST permanent was rejected.

The arguments for and against are summarised below:

**In Support:**

The positives are generally associated with economic, environmental and lifestyle gains especially those involved in business with the Eastern States. Supporters highlight how daylight saving aligns working and living hours with the sunlight in the hope of reducing community energy consumption.

**Against:**

Those opposed to DST highlight that the benefits are linked more closely to those living in cities, than those living in rural and remote areas. Negatives are also closely associated with those in the construction and building industry, small business and agricultural and farming industry.

**CONSULTATION/ADVERTISING:**

N/A

**LEGAL/POLICY:**

N/A

**STRATEGIC IMPLICATIONS:**

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

1.1 Protect and enhance the environment and biodiversity

**FINANCIAL/BUDGET IMPLICATIONS:**

N/A

**COMMENTS:**

This matter is for the Council to determine a position. This issue has been vigorously debated in the community over a number of years and state referendums to date have resulted in DST not being introduced.

However the issue has again surfaced in the media in reference to the WA economy.

Mayor Catania assumed the Chair at 8.54pm.

### 10.3.3 Disability Access and Inclusion Plan

<b>Ward:</b>	Both	<b>Date:</b>	3 April 2006
<b>Precinct:</b>	All	<b>File Ref:</b>	CMS053
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	S Jarman		
<b>Checked/Endorsed by:</b>	J Anthony M Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That Council ADOPTS the Disability Access and Inclusion Plan 2006-2011 as shown at Appendix 10.3.3.*

**Moved Cr Lake, Seconded Cr Messina**

*That the recommendation be adopted subject to it being numbered clause (i) and a new clause (ii) added as follows:*

*“(ii) the Disability Access and Inclusion Plan be advertised for a period of twenty-one (21) days for community comment.”*

Debate ensued.

**CARRIED (7-0)**

(Crs Farrell and Torre were apologies.)

**COUNCIL DECISION ITEM 10.3.3**

*That;*

- (i) Council ADOPTS the Disability Access and Inclusion Plan 2006-2011 as shown at Appendix 10.3.3; and*
- (ii) the Disability Access and Inclusion Plan be advertised for a period of twenty-one (21) days for community comment.*

**PURPOSE OF REPORT:**

To present to the Council the Town's Disability Access and Inclusion Plan 2006-2011, which is required under the Disability Services Act (1993).

**BACKGROUND:**

The Town of Vincent's original Disability Services Plan was developed in 2001 and reviewed in 2002. The Town of Vincent began the process of updating the Town's Disability Access and Inclusion Plan in 2004. This coincided with an update undertaken by the Disability Services Commission in regards to disability access and inclusion plans. A resolution was passed by Council on 19 October 2004 for the Town's Disability Services Plan to be updated to a Disability Access and Inclusion Plan. Therefore the Town of Vincent is now due to formulate an up-to-date Disability Access and Inclusion Plan. The new Disability Access and Inclusion Plan is proposed to be a five year plan, 2006 – 2011, which is the same time frame currently being used by other local governments.

Previously the Disability Access and Inclusion Plan was titled the Disability Services Plan. The Disability Services Act WA (1993), which determines that all local governments are to lodge a plan, was reviewed in 2001. As a part of this review one of the recommendations was to change the name from Disability Services Plan to Disability Access and Inclusion Plan. Other changes included expanding the key result areas from five (5) to six (6), naming in parliament which Councils have not submitted a plan and the addition of the consideration of the use of contractors under Council service delivery.

**DETAILS:**

A Disability Access and Inclusion Plan is a legal requirement for all local governments under the Western Australian Disability Services Act 1993. Once completed all Council Disability Access and Inclusion Plans are lodged with the Disability Services Commission. The Town is required to report annually to the Commission on the progress of the plan via the Town's annual report.

The Town's Disability Access and Inclusion Plan is designed to be a working document which aims to ensure that all services and facilities are accessible to people with disabilities. This is essential when there are improvements and developments made to services and facilities.

The six (6) compulsory key outcomes for the plan, as set in the Disability Services Act 1993, are:

- People with disabilities have opportunities to access the services of, and any event organised by, the Town of Vincent;
- People with disabilities have opportunities to access the buildings and other facilities of the Town of Vincent;
- People with disabilities receive information from the Town of Vincent in a format that will enable them to readily access information;
- People with disabilities receive a high level and quality of service from the staff of the Town of Vincent to meet individual requirement;
- People with disabilities have opportunities to make complaints to the Town of Vincent in a way that meets individual requirements; and
- People with disabilities have opportunities to participate in any public consultation by the Town of Vincent.

In order to develop a comprehensive Disability Access and Inclusion Plan information was gathered from a wide range of areas and key stake-holders. Initial information was gathered regarding the current details of the Town's population of people with disabilities within the Town, which currently sits at approximately 14%. Access audits that have been undertaken on the Town's facilities were used to gain an understanding of issues when physically accessing the Town's buildings. The different services provided by the Town were considered in regards to current difficulties and areas where improvements can be made. Extensive consultation was undertaken which assisted in identifying issues by councillors, all council staff, prominent disability agencies, carers and people with disabilities. Another important aspect was looking at the Town's initiatives in regards to disability issues to see identify goals achieved, areas of difficulties and gaps in service provision.

Once the extensive consultation period was completed a draft plan formulated and presented to Council Executive Managers and Managers in a forum for further input. After this stage the plan was presented to the Universal Access Advisory group for final comment.

### **CONSULTATION/ADVERTISING:**

Extensive consultation occurred with residents, agencies and staff in developing the Town's plan. This included:

Consultation regarding council staff and facilities:

- 2004 Access Audit information on council buildings and facilities; and
- Workshops with council staff to identify barriers and strategies within the section they deliver services.

Community Consultation:

Avenues for feedback from the community was available by the following formats:

- attendance at one of the two drop-in sessions;
- mail-out of a feedback form, with reply-paid option;
- feedback form accessible on the Town's website;
- phone-in feedback; or
- via email to Disability Services Officer.

Other formats and advertising for gaining community consultation included:

- Accessing the results of the Disability Services Research Report 2003;
- Information gained from recent meetings and consultations with local agencies;
- Flyer advertising DAIP review and drop-in community consultation sessions;
- Notice in TOV newsletter;
- Letters to local agencies inviting their comments. Also requesting promotion of information regarding DAIP review and community consultation to clients;
- Feedback from Universal Access Advisory group;
- Feedback from Seniors Groups and
- Advertisements of DAIP review and options for consultation placed in the local papers.

The extensive consultation undertaken gathered a wide range of beneficial comments which covered all areas of the Town's facilities and service delivery.

### **LEGAL/POLICY:**

The Disability Access and Inclusion Plan is a requirement under the Disability Services Act WA 1993.

### **STRATEGIC IMPLICATIONS:**

The Disability Access and Inclusion Plan addresses the following section of the Town's Strategic Plan 2005-2010:

Key Result Area Two: 2.3 Develop and implement initiatives for universal access

Action plans to implement this strategy include:

- “a) Ensure that issues affecting access and equity for all community members are addressed in all strategies;*
- b) Revise and ensure compliance with access and equity policy;*
- c) Develop creative solutions to access and equity issues, relevant to the Town's diverse community.”*

**FINANCIAL/BUDGET IMPLICATIONS:**

The provision of improving facilities and services has been included in the budget for a number of years. The new plan would not significantly impact on the budget but would direct money to different areas to ensure identified targets are met.

**COMMENTS:**

Key factors affecting the participation of people with disabilities in their community include the physical, social and economic environments in which they live. With the direct involvement of people with disabilities and disability agencies in the planning of community services and facilities, local governments are ideally placed to influence these environments and consequently make positive changes on the lives of people with disabilities.

The Disability Access and Inclusion Plan is important in setting goals for future developments within the Town and ensuring that all service areas are aware of their responsibilities with regard to people with disabilities.

### 10.3.4 ACROD WA Companion Card

Ward:	All	Date:	3 April 2006
Precinct:	All	File Ref:	CMS0094
Attachments:	-		
Reporting Officer(s):	S Jarman		
Checked/Endorsed by:	J Anthony M Rootsey	Amended by:	

#### **OFFICER RECOMMENDATION:**

*That the Council APPROVES the use of the ACROD WA “Companion Card” for Town of Vincent owned facilities and services.*

#### **Moved Cr Ker, Seconded Cr Messina**

*That the recommendation be adopted subject to it being amended to read as follows:*

*“That the Council;*

- (i) APPROVES the use of the ACROD WA “Companion Card” for Town of Vincent owned facilities and services; and*
- (ii) WRITE to the WA Premier, Minister for Disability Services and Disability Services Commission expressing its deep disappointment that it is not funding the administrative costs for the companion card as is the case with the Victorian State Government and seeking a review of funding of this scheme, including refunding any fees which may have already been paid and the letter copied as a courtesy to ACROD WA and Carer’s WA.”*

Debate ensued.

**CARRIED (7-0)**

(Crs Farrell and Torre were apologies.)

#### **COUNCIL DECISION ITEM 10.3.4**

*“That the Council;*

- (i) APPROVES the use of the ACROD WA “Companion Card” for Town of Vincent owned facilities and services; and*
- (ii) WRITE to the WA Premier, Minister for Disability Services and Disability Services Commission expressing its deep disappointment that it is not funding the administrative costs for the companion card as is the case with the Victorian State Government and seeking a review of funding of this scheme, including refunding any fees which may have already been paid and the letter copied as a courtesy to ACROD WA and Carer’s WA.*

**PURPOSE OF REPORT:**

To advise the Council about the Companion Card, which is a new initiative in WA for people with disabilities who require attendant care to participate in activities or attend events without discrimination.

**BACKGROUND:**

The Companion Card is a scheme that began operation in Victoria in 1997. The concept was formally developed in April 2000. An Implementation Reference Group consisting of key stakeholders in the sport and entertainment industry, people with a disability, the Department of Human Services, and chaired by the Equal Opportunity Commission of Victoria, was established in April of 2003. This group informed both policy and processes, and provided continued assistance to the Companion Card program.

ACROD WA picked up the initiative in December 2005. The Companion Card aims at encouraging recreation, leisure and entertainment facilities throughout Western Australia to register and participate in the program.

**DETAILS:**

The Companion Card is issued to people with a significant and permanent disability, who demonstrate they are unable to access most community activities and venues without carer support.

In the past, a person with a disability who requires carer support to attend/participate at venues/activities has paid for the admission for both themselves and for their carer. When this occurs it is discrimination against the person with the disability who pays for double admission in order for them to attend as an individual.

The Companion Card provides a response to this difficulty by providing a method which assists in facilitating the existing rights of people with disabilities and current legislation. The Companion Card is not a new responsibility, discount scheme, concession or benefit. An individual obtains a Companion Card through submitting an application with ACROD WA. The Town is not responsible for granting cards, this is done by completing an application form signed by a health professional and submitting it to ACROD. The card contains a photograph of the cardholder, which is presented at the time of booking or purchasing tickets. The carer's ticket is either free or at a reduced cost, depending on the event/activity.

The main current facilities and services of the Town that will be directly affected by the Companion Card include Beatty Park and the Seniors Outings. Both of these currently have internal procedures for carers attending with people with disabilities. The acceptance of the Companion Card will therefore assist with formalising processes and endorsing the rights of people with disabilities to equally attend/participate in activities.

**CONSULTATION/ADVERTISING:**

Nil

**LEGAL/POLICY:**

Acceptance of the Companion Card assists the Town being compliant with existing anti-discrimination legislation, The Western Australian Equal Opportunity Act (1984) and Australian Government's Disability Discrimination Act (1992).

**STRATEGIC IMPLICATIONS:**

The Disability Access and Inclusion Plan addresses the following section of the Town's Strategic Plan 2005-2010:

Key Result Area Two: 2.3 Develop and implement initiatives for universal access

Action plans to implement this strategy include:

- "a) Ensure that issues affecting access and equity for all community members are addressed in all strategies;*
- b) Revise and ensure compliance with access and equity policy;*
- c) Develop creative solutions to access and equity issues, relevant to the Town's diverse community."*

**FINANCIAL/BUDGET IMPLICATIONS:**

The precise impact on the Town's budget is unknown. However, it is only expected to have a minimal reduction in fees.

**COMMENTS:**

The Companion Card is a state-wide initiative endorsed by the two main disability peak bodies, the Disability Services Commission and ACROD WA. The Town's approval of the Companion Card emphasises the Town of Vincent's commitment to issues of people with disabilities in our community.

**10.4.3 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	5 April 2006
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	A Smith		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Information Bulletin dated 11 April 2006 as distributed with the Agenda, be received.*

**COUNCIL DECISION ITEM 10.4.3**

**Moved Cr Chester, Seconded Cr Ker**

*That the recommendation be adopted.*

Debate ensued.

**CARRIED (7-0)**

**(Crs Farrell and Torre were apologies.)**

**DETAILS:**

The items included in the Information Bulletin dated 11 April 2006 are as follows:

ITEM	DESCRIPTION
IB01	Progress Report No. 2 - Review of Town of Vincent Town Planning Scheme No. 1 (All Precincts) PLA0140, PLA0100.
IB02	Binocular Telescope and Optical World – Matter No. CC/41373 of 2003 – State Administrative Tribunal letter attaching orders made on 22 March 2006.
IB03	Network City – Letter from the Western Australian Planning Commission – Jeremy Dawkins Chairman
IB04	Nos. 71-77 (Lot 62) Walcott Street, Corner Beaufort Street, Mount Lawley – Proposed Telecommunications Facility to Existing Commercial Building – Review Matter No. DR 681 of 2005 – Letter to the State Administrative Tribunal
IB05	Filton Pty Ltd v Town of Vincent – Matter No. DR 576 of 2005 – State Administrative Tribunal letter attaching reasons and orders made on 24 March 2006.
IB06	Letter from Australian Government Water Fund – Community Water Grants – Town of Vincent Stormwater Infiltration Project
IB07	Letter from Melbourne 2006 Commonwealth Games – Queens Baton Relay
IB08	Register of Petitions - Progress Report - April 2006

<b>ITEM</b>	<b>DESCRIPTION</b>
IB09	Register of Notices of Motion - Progress Report - April 2006
IB10	Register of Reports to be Actioned - Progress Report - April 2006
IB11	Register of Legal Action
IB12	Register of State Administrative Tribunal Appeals
IB13	Forum Notes - 21 March 2006
IB14	Notice of Forum - 18 April 2006

**10.4.4 Late Report: Loftus Recreation Centre Tender - Site Visits**

<b>Ward:</b>	-	<b>Date:</b>	10 April 2006
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Chief Executive Officer, Executive Manager Corporate Services and Mayor, be authorised to carry out Loftus Recreation Centre site visits, as detailed in this report, at an estimated cost of \$2,665 each, during the month of April 2006.*

**COUNCIL DECISION ITEM 10.4.4**

**Moved Cr Lake, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED (7-0)**

(Crs Farrell and Torre were apologies.)

**(Note: Subsequent to the meeting, Mayor Catania advised of his unavailability to attend. More precise costs were obtained, being approximately \$2,297.00 per person.)**

**PURPOSE OF REPORT:**

The purpose of this report is to obtain the Council's approval for the Chief Executive Officer, Executive Manager Corporate Services and Mayor (if available) to carry out site visits as part of the "due diligence" assessment for the Loftus Recreation Centre tender for management services.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 28 February 2006, the Council approved the calling of tenders for the management of the Loftus Recreation Centre. It also "Approved in Principle" concept plans for the redevelopment of the Centre, at an estimated cost of \$11 million. At the Ordinary Meeting of Council held on 28 March 2006, the Council approved in principle the redevelopment of Beatty Park Leisure Centre at an estimated cost of \$10-12 million.

The tender for the management of the Loftus Recreation Centre (and Expression of Interest for the Beatty Park Leisure Centre) was advertised on 4 March 2006 and at the close of tenders on 4 April 2006, the following was received.

**Tender for Management of Loftus Recreation Centre:**

Tenders were received from;

- YMCA
- LeisureCo
- Belgravia

The tender is currently being assessed.

Expression of Interest for Beatty Park Leisure Centre:

An Expression of Interest was received from;

- YMCA
- LeisureCo
- Belgravia
- Town of Vincent

It is considered very prudent and beneficial (as part of the "due diligence" component of the tender assessment) to carry out site visits of Leisure facilities to meet and obtain first-hand knowledge about the Loftus Recreation Centre tender respondents.

The purpose of the tour is:

1. To obtain first-hand and in-depth knowledge from Referees, venue owners and stakeholders concerning the Leisure Centre Managers.
2. To inspect the various Leisure facilities to view their management practice and the latest design features, particularly with regard to large multi-purpose facilities.

**Venues**

A list of venues is currently being compiled, however it is envisaged that at least two sites of each of the tenderers in New South Wales, South Australia and Victoria will be visited.

**CONSULTATION/ADVERTISING:**

N/A.

**LEGAL POLICY:**

Council's Policy 4.1.15 – "*Conferences & Training - Attendance, Representation, Travel & Accommodation Expenses and Related Matters*" - Clause 1.1(i) and (ii) states;

- "(i) *When it is considered desirable that the Council be represented at an interstate conference, up to a maximum of one Elected Member and one Officer may attend;*
- (ii) *In certain circumstances (for example where the Conference is of a technical nature) and where an Elected Member is not attending the CEO may recommend that two (2) officers attend, in lieu of the Elected Member. In this instance, the CEO will specify reasons in the report to the Council."*

**STRATEGIC IMPLICATIONS:**

The redevelopment of the Loftus Centre and Beatty Park Leisure Centre is in accordance with the Town's Strategic Plan 2005-2010 - Amended - Key Result Area 3.2 - *Develop business strategies that provide a positive triple bottom line return for the Town*".

**FINANCIAL/BUDGET IMPLICATIONS:**

	<b>Economy Class</b>
Airfare* ( <i>Economy Class</i> )	1,400.00
Hotel Accommodation (4 nights)	800.00
Daily Allowance/Expenses (5 days)	465.00
	<u>2,665.00</u>

\* *Subject to confirmation.*

**COMMENTS:**

There are many benefits to be gained by visiting facilities on a first hand basis and this will satisfy the "due diligence" component of the tender assessment.

It is requested that approval be granted for the Chief Executive Officer, Executive Manager Corporate Services and Mayor (if available) to carry out these inter-state site visits.

## 11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

The Presiding Member advised that Cr Chester had declared a proximity interest in this Item. However, Cr Chester was granted approval to remain in the Chamber until he had provided his personal explanation.

<b>11.1 Notice of Motion - Mayor Nick Catania - Council Minutes - Relating to the Ordinary Meeting of Council held 28 March 2006, concerning Item 10.3.3 - Beatty Park Leisure Centre Needs and Feasibility Study and proposed Future Redevelopment</b>
---

*That the Council consider and accept Councillor Chester's personal explanation concerning the Ordinary Meeting of Council held on 28 March 2006, relating to Item 10.3.3 - Beatty Park Leisure Centre - Needs and Feasibility Study and Proposed Future Development.*

(Note: Cr Chester will provide a personal explanation at the meeting. Background information is provided separately to Elected Members.)

---

**Moved Cr Ker, Seconded Cr Messina**

*That the motion be adopted.*

**Cr Chester provided a personal explanation, as follows:**

*"This is regarding the Ordinary Council Meeting of the 28 March 2006 and it relates to Item 10.3.3 - Beatty Park Leisure Centre Needs and Feasibility Study: Future Redevelopment - and my declaration of a proximity interest on the matter.*

*Regarding this matter, I wish to inform you that I believe when Council considered the Item, I inadvertently voted on an amendment to the Resolution of Council, but not the substantive Resolution.*

*At the commencement of the meeting, I declared a proximity interest, due to my co-ownership of a property adjacent to Beatty Park Leisure Centre.*

*In the run of events up to the consideration of the amendment to the Item, I believe I left the Chamber when Cr Ker commenced his discussion of the Item. I rejoined the meeting a short time later and shortly following that, an amendment was put to the vote. I inadvertently voted on that amendment.*

*I wish to point out that there was no deliberate intent in voting on the matter. The action occurred purely as a result of a lapse of concentration due to the lateness of the hour, being tired and distracted by the significance of the Items considered at that meeting.*

*I wish to apologise for my actions and request that you take whatever actions you deem necessary and appropriate to resolve this matter."*

**Cr Chester departed the Chamber at 9.06pm.**

**Moved Cr Ker, Seconded Cr Messina**

*That the motion be amended to read as follows:*

*That the Council;*

- (i) *CONSIDER and accept Councillor Chester's personal explanation concerning the Ordinary Meeting of Council held on 28 March 2006, relating to Item 10.3.3 - Beatty Park Leisure Centre - Needs and Feasibility Study and Proposed Future Development, as follows:*

*“This is regarding the Ordinary Council Meeting of the 28 March 2006 and it relates to Item 10.3.3 - Beatty Park Leisure Centre Needs and Feasibility Study: Future Redevelopment - and my declaration of proximity interest on the matter.*

*Regarding this matter, I wish to inform you that I believe when Council considered the Item, I inadvertently voted on an amendment to the Resolution of Council, but not the substantive Resolution.*

*At the commencement of the meeting, I declared a proximity interest, due to my co-ownership of a property adjacent to Beatty Park Leisure Centre.*

*In the run of events up to the consideration of the amendment to the Item, I believe I left the Chamber when Cr Ker commenced his discussion of the Item. I rejoined the meeting a short time later and shortly following that, an amendment was put to the vote. I inadvertently voted on that amendment.*

*I wish to point out that there was no deliberate intent in voting on the matter. The action occurred purely as a result of a lapse of concentration due to the lateness of the hour, being tired and distracted by the significance of the Items considered at that meeting.*

*I wish to apologise for my actions and request that you take whatever actions you deem necessary and appropriate to resolve this matter”; and*

- (ii) *REQUESTS the Department for Local Government and any other Agency, take no further action in regard to this matter.*

**CARRIED (7-0)**

(Crs Farrell and Torre were apologies.)

**COUNCIL DECISION ITEM 11.1**

*That the Council;*

- (i) *CONSIDER and accept Councillor Chester's personal explanation concerning the Ordinary Meeting of Council held on 28 March 2006, relating to Item 10.3.3 - Beatty Park Leisure Centre - Needs and Feasibility Study and Proposed Future Development as follows:*

*“This is regarding the Ordinary Council Meeting of the 28 March 2006 and it relates to Item 10.3.3 - Beatty Park Leisure Centre Needs and Feasibility Study: Future Redevelopment - and my declaration of proximity interest on the matter.*

*Regarding this matter, I wish to inform you that I believe when Council considered the Item, I inadvertently voted on an amendment to the Resolution of Council, but not the substantive Resolution.*

*At the commencement of the meeting, I declared a proximity interest, due to my co-ownership of a property adjacent to Beatty Park Leisure Centre.*

*In the run of events up to the consideration of the amendment to the Item, I believe I left the Chamber when Cr Ker commenced his discussion of the Item. I rejoined the meeting a short time later and shortly following that, an amendment was put to the vote. I inadvertently voted on that amendment.*

*I wish to point out that there was no deliberate intent in voting on the matter. The action occurred purely as a result of a lapse of concentration due to the lateness of the hour, being tired and distracted by the significance of the Items considered at that meeting.*

*I wish to apologise for my actions and request that you take whatever actions you deem necessary and appropriate to resolve this matter”; and*

- (ii) ***REQUESTS*** the Department for Local Government and any other Agency, take no further action in regard to this matter.

**Cr Chester returned to the Chamber at 9.09pm and the Presiding Member advised him of the outcome.**

---

**11.2 Notice of Motion – Councillor Dudley Maier – Tree Pruning Operations**

*That the Council REQUESTS;*

- (i) *the Chief Executive Officer to investigate the Town's current street tree pruning operations and provide a report to the Council prior to the determination of the 2006/07 budget and prior to the advertising of the next 'street tree pruning' tender; and*
- (ii) *the report to include the following information;*
  - (a) *the frequency with which street trees are pruned and the impact of pruning on a 12 month, 18 month and 24 month cycle;*
  - (b) *the indicative financial impact;*
  - (c) *the impact on the health and appearance of street trees;*
  - (d) *the affect on the amenity of the area;*
  - (e) *any liability or associated risks;*
  - (f) *compliance with power utility and other statutory requirements;*
  - (g) *whether any existing Town Policies will be affected.*

**Moved Cr Maier, Seconded Cr Ker**

*That the motion be adopted subject to clause (ii)(a) being amended to read as follows:*

- “(ii) (a) *the frequency with which street trees are pruned and the impact of ~~pruning~~ applying current pruning practices on a 12 month, 18 month and 24 month cycle;”*

Debate ensued.

**Moved Cr Chester, Seconded Cr Maier**

*That a new clause (ii)(h) be added as follows:*

- “(ii) (h) *review the practices that result in the extent to which individual trees are pruned.”*

**AMENDMENT CARRIED (5-2)**

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

(Crs Farrell and Torre were apologies.)

**MOTION AS AMENDED CARRIED (6-1)**

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

(Crs Farrell and Torre were apologies.)

**COUNCIL DECISION ITEM 11.2**

*That the Council REQUESTS;*

- (i) *the Chief Executive Officer to investigate the Town's current street tree pruning operations and provide a report to the Council prior to the determination of the 2006/07 budget and prior to the advertising of the next 'street tree pruning' tender; and*
  - (ii) *the report to include the following information;*
    - (a) *the frequency with which street trees are pruned and the impact of applying current pruning practices on a 12 month, 18 month and 24 month cycle;"*
    - (b) *the indicative financial impact;*
    - (c) *the impact on the health and appearance of street trees;*
    - (d) *the affect on the amenity of the area;*
    - (e) *any liability or associated risks;*
    - (f) *compliance with power utility and other statutory requirements;*
    - (g) *whether any existing Town Policies will be affected; and*
    - (h) *review the practices that result in the extent to which individual trees are pruned.*
-

**12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES**

Nil.

**13. URGENT BUSINESS**

Nil.

At 9.25pm **Moved** Cr Ker, **Seconded** Cr Farrell

*That the meeting proceed "behind closed doors" to consider the confidential reports, in accordance with:*

- *Section 5.23(d) of the Local Government Act 1995 – "legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting"; and*
- *Section 5.23(c), (e) (ii) of the Local Government Act 1995 - "relating to the opportunity to purchase land within the Town as this matter, if disclosed, would reveal information that has a commercial value to a person and a contract which may be entered into by the Town.*

**CARRIED (7-0)**

(Cr's Farrell and Torre were apologies.)

**14. CONFIDENTIAL ITEMS (*Behind Closed Doors*)**

**14.1 Confidential Report - No. 1A (Lot 116 D/P: 95653) Primrose Street, Perth - Street/Front Fence and Gate Addition to Existing Single House (Application for Retrospective Approval) - State Administrative Tribunal (SAT) Review By Written Papers**

<b>Ward:</b>	South	<b>Date:</b>	5 April 2006
<b>Precinct:</b>	Hyde Park; P12	<b>File Ref:</b>	PRO2004; 5.2005.3139.1
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	B McKean; R Rasiah		
<b>Checked/Endorsed by:</b>	R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the report relating to No. 1A (Lot 116 D/P: 95653) Primrose Street, Perth - Street/Front Fence and Gate Addition to Existing Single House (Application for Retrospective Approval) - State Administrative Tribunal (SAT) Directions Hearing (Matter No. DR 654 of 2005 and CC/250 of 2005); and
- (ii) **FILES** and **SERVES** the following draft "without prejudice" condition in response to the SAT Orders dated 17 February 2006:
  - (a) *the solid portion adjacent to the Primrose Street boundary, 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; and*

- (iii) *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.*

---

**COUNCIL DECISION ITEM 14.1**

**Moved Cr Chester, Seconded Cr Ker**

*That the recommendation be adopted.*

**Debate ensued.**

**CARRIED (7-0)**

**(Crs Farrell and Torre were apologies.)**

---

**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.

**BACKGROUND:**

11 June 2002	Council at its Ordinary Meeting resolved to conditionally approve proposed two storey single house.
24 August 2004	Council at its Ordinary Meeting resolved to refuse alterations and additions to street fencing to approved single house (application for retrospective planning approval).
17 January 2005	The Town issued a notice under section 401 (1) (c) of the Local Government (Miscellaneous Provisions) Act 1960 and a written direction under section 10 of the Town Planning and Development Act 1928.
14 February 2005	Application for review of section 401 (1) (c) notice of the Local Government (Miscellaneous Provisions) Act 1960.
27 September 2005	Council at its Ordinary Meeting resolved to refuse Street/Front Fence and Gate Addition to Existing Single House (Application for Retrospective Approval) for the following reasons:  "a) <i>the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and</i>  b) <i>the non-compliance with the Town's Policy relating to Street Walls and Fences.</i> "
30 November 2005	Perrine Architecture on behalf of the owners P & G Underwood lodged an application for the review of the Council determination at its Ordinary Meeting held on 27 September 2005.
15 November 2005	Directions hearing at SAT for Matter No: DR 521 of 2005 and Matter No: DR CC 250 of 2005.

15 December 2005 Directions hearing at SAT for Matter No: CC 250 of 2005 and Matter No: DR 521 of 2005. The Order was as follows:

*"1. The matter is adjourned to a directions hearing on Wednesday 1 February 2006 to allow it to be programmed with DR/654/2005."*

1 February 2006 Directions hearing at SAT for Matter No: CC 250 of 2005 and Matter No: DR 521 of 2005. The Orders for Matter No. DR 521 of 2005 were as follows:

*"1. Pursuant to s 46(1) of the State Administrative Tribunal Act 2004 (WA) the applicant has leave to withdraw the proceedings in DR 521 05 and the proceedings are hereby withdrawn pursuant to s 46(2) of the State Administrative Tribunal Act 2004."*

*2. This matter is now to be determined under DR/654/2005 in conjunction with application for review CC/250/2005."*

3 February 2006 Order from SAT that the matter be determined on papers.

19 April 2006 Revised SAT Order for a site inspection.

**DETAILS:**

The applicant has lodged an application with SAT to review the Planning Refusal and reasons determined by the Council at its Ordinary Meeting held on 27 September 2005.

The Town's Officers will be representing the Town in relation to the subject review matter.

**CONSULTATION/ADVERTISING:**

Nil.

**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:**

Nil.

**COMMENTS:**

**Without Prejudice Conditions**

The SAT has previously 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:

- That the Town be represented by its Officers in the review process, as the matter relates to a direct non-compliance with the condition of development approval and also non-compliance with the Town's Policy relating to Street Walls and Fences.
- 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 SAT has determined that the above matter is dealt by way of "Written Papers".

**14.2 Confidential Report - Opportunity to Purchase Land - 297 and 297A Vincent Street, Leederville 6007**

<b>Ward:</b>	-	<b>Date:</b>	4 April 2006
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *NOTES that an opportunity has arisen to purchase Nos. 297 (Lot 5) and 297A (Lot 10) Vincent Street, Leederville, comprising of 524m<sup>2</sup> and 536m<sup>2</sup> of land respectively, as detailed in this report;*
- (ii) *in the event that it wishes to purchase the subject land as described in Clause (i), it APPROVES BY AN ABSOLUTE MAJORITY;*
  - (a) *to AUTHORISE the Chief Executive Officer to submit an offer to purchase the subject land prior to the proposed auction date of 29 April 2006 and if unsuccessful, to engage a licensed valuer to act on behalf of the Town at the auction, subject to;*
    - (i) *the final terms and conditions being approved by the Council;*
    - (ii) *the Council approving of a Major Land Transaction Business Plan in accordance with Section 3.59 of the Local Government Act;*
    - (iii) *the purchase price not exceeding the range provided in the sworn valuation provided by the Town's licensed valuer, Murray R Stubbs, being \$620,000-\$650,000 for No. 297 (Lot 5) Vincent Street and \$860,000-\$965,000 for No. 297A (Lot 10) Vincent Street; and*
    - (iv) *settlement being on 30 July 2006, or a mutually acceptable date to both parties, as determined by the Chief Executive Officer;*
  - (b) *pursuant to Section 6.20(2) of the Local Government Act, to borrow an amount up to \$1,700,000 for the purchase of the subject land (including GST and disbursements) for a period up to two (2) years, subject to;*
    - (i) *the Town giving one month's local public notice of its proposal to borrow such monies; and*
    - (ii) *the Chief Executive Officer being authorised to negotiate the most suitable loan term and conditions;*
- (iii) *NOTES that a further report will be submitted advising the outcome of the Town's offer and/or auction; and*
- (iv) *AUTHORISES the Chief Executive Officer to make public all or part of this recommendation once the appropriate negotiations have been finalised.*

---

**Moved Cr Messina, Seconded Cr Chester**

*That the recommendation be adopted.*

Debate ensued.

**Moved** Cr Maier, **Seconded** Cr Ker

*That a new clause (ii)(a)(v) be added as follows:*

“(ii) (a) (v) *the Town does not pursue the purchase of No 297A Vincent Street if No 297 Vincent Street has previously been sold to another party;*”

Debate ensued.

**AMENDMENT CARRIED (4-3)**

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

(Crs Farrell and Torre were apologies.)

Debate ensued.

**Moved** Cr Messina, **Seconded** Cr Ker

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

“(ii) (a) (iii) *the purchase price not exceeding the range provided in the sworn valuation provided by the Town's licensed valuer, Murray R Stubbs, being \$620,000-\$650,000 plus 10% (ie maximum of \$715,000) for No. 297 (Lot 5) Vincent Street and \$860,000-\$965,000 plus 10% (ie maximum of \$1,061,500) for No. 297A (Lot 10) Vincent Street and any unused money from the first sale may be used for the second sale; and*”

**AMENDMENT CARRIED (7-0)**

(Crs Farrell and Torre were apologies.)

Debate ensued.

**Moved** Cr Maier, **Seconded** Cr Ker

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

“(ii) (b) *pursuant to Section 6.20(2) of the Local Government Act, to borrow an amount up to ~~\$1,700,000~~ \$1,776,000 for the purchase of the subject land (including plus an amount for GST, stamp duty and disbursements) for a period up to two (2) years, subject to;*

(i) *the Town giving one month's local public notice of its proposal to borrow such monies; and*

(ii) *the Chief Executive Officer being authorised to negotiate the most suitable loan term and conditions;*”

**AMENDMENT CARRIED (7-0)**

(Crs Farrell and Torre were apologies.)

Debate ensued.

**MOTION AS AMENDED CARRIED  
BY AN ABSOLUTE MAJORITY (7-0)**

(Crs Farrell and Torre were apologies.)

**COUNCIL DECISION ITEM 14.2**

*That the Council;*

- (i) *NOTES that an opportunity has arisen to purchase Nos. 297 (Lot 5) and 297A (Lot 10) Vincent Street, Leederville, comprising of 524m<sup>2</sup> and 536m<sup>2</sup> of land respectively, as detailed in this report;*
- (ii) *in the event that it wishes to purchase the subject land as described in Clause (i), it APPROVES BY AN ABSOLUTE MAJORITY;*
  - (a) *to AUTHORISE the Chief Executive Officer to submit an offer to purchase the subject land prior to the proposed auction date of 29 April 2006 and if unsuccessful, to engage a licensed valuer to act on behalf of the Town at the auction, subject to;*
    - (i) *the final terms and conditions being approved by the Council;*
    - (ii) *the Council approving of a Major Land Transaction Business Plan in accordance with Section 3.59 of the Local Government Act;*
    - (iii) *the purchase price not exceeding the range provided in the sworn valuation provided by the Town's licensed valuer, Murray R Stubbs, being \$620,000-\$650,000 plus 10% (ie maximum of \$715,000) for No. 297 (Lot 5) Vincent Street and \$860,000-\$965,000 plus 10% (ie maximum of \$1,061,500) for No. 297A (Lot 10) Vincent Street and any unused money from the first sale may be used for the second sale;*
    - (iv) *settlement being on 30 July 2006, or a mutually acceptable date to both parties, as determined by the Chief Executive Officer; and*
    - (v) *the Town does not pursue the purchase of No 297A Vincent Street if No 297 Vincent Street has previously been sold to another party;*
  - (b) *pursuant to Section 6.20(2) of the Local Government Act, to borrow an amount up to \$1,776,500 for the purchase of the subject land plus an amount for GST, stamp duty and disbursements, for a period up to two (2) years, subject to;*
    - (i) *the Town giving one month's local public notice of its proposal to borrow such monies; and*
    - (ii) *the Chief Executive Officer being authorised to negotiate the most suitable loan term and conditions;*
- (iii) *NOTES that a further report will be submitted advising the outcome of the Town's offer and/or auction; and*
- (iv) *AUTHORISES the Chief Executive Officer to make public all or part of this recommendation once the appropriate negotiations have been finalised.*

At 10.25pm **Moved** Cr Doran-Wu, **Seconded** Cr Maier

*That an "open" meeting be resumed.*

**CARRIED (7-0)**

(Crs Farrell and Torre were apologies.)

---

**Note: The Chief Executive Officer advised that this report is now released to the public as the Council has determined the matter.**

**PURPOSE OF THE REPORT:**

The purpose of this report is to inform the Council of an opportunity which has arisen to purchase 297 and 297A Vincent Street, Leederville, comprising of 524m<sup>2</sup> and 536m<sup>2</sup> of land respectively and if the Council so desires to proceed, to authorise the Chief Executive Officer to take the necessary action to purchase the land by submitting an offer or alternatively bidding at auction.

**DETAILS:**

	<b>No. 297 (Lot 5) Vincent St</b>	<b>No. 297A (Lot 10) Vincent St</b>
<b>LANDOWNER:</b>	M Bernard	N & V Kelly
<b>ZONING:</b>	R80	Commercial Centre
<b>EXISTING LAND USE:</b>	Residential	Shop

**BACKGROUND:**

An opportunity has arisen to purchase Nos. 297 (Lot 5) and 297A (Lot 10) Vincent Street, Leederville. A right-of-way access is available at the rear of both properties. See Plan No. 2421-LP-1 attached at Appendix 14.2. The western portion of this right-of-way has been dedicated and the remaining portion is privately owned.

**Land Details:**

1. Land Dimensions

*297 (Lot 5) Vincent Street:*

Frontage	12.03m
Depth	43.63m
Area	524m <sup>2</sup>

*297A (Lot 10) Vincent Street:*

Frontage	12.07m
Depth	44.46m
Area	536m <sup>2</sup>

2. Site Description

The sites are rectangular in shape and relatively flat.

3. Location

The subject properties are located in Vincent Street opposite Leederville Oval and close to the Oxford Street Retail Precinct.

4. Utilities

Services available to the property include electricity, telephone, scheme water and sewerage.

5. Description of Improvements

*297 (Lot 5) Vincent Street:*

Brick and tile residence constructed in 1935 with timber floors and rear self contained addition added some 30 years ago. There is one metal deck covered double carport located at the front of the home and a brick and iron garage with asbestos roof with access off the rear right-of-way. The overall area of the original home and rear addition is approximately 165m<sup>2</sup>.

*297A (Lot 10) Vincent Street:*

Brick and iron 1920s, early 30s, shop with more recent rear brick warehouse addition. At the date of inspection, the premises were unoccupied and the seeling agent could provide access for an internal inspection.

6. Accommodation

*297 (Lot 5) Vincent Street:*

Original home, entry hall, master bedroom, second bedroom with sleep out, bathroom, lounge, dining, kitchen and laundry. Self-contained addition - bedroom, family area, bathroom and kitchen.

7. Plant and Equipment

For the purpose of the valuation, items that form part of the building service installations that would normally pass with the sale of the property have been included and furniture and other movable items which were installed or are used wholly or primarily in connection with an occupier's business, have been excluded.

8. Structural and General Condition of Improvements

*297 (Lot 5) Vincent Street:*

Fair to average condition for a property of this age.

*297A (Lot 10) Vincent Street:*

As access to the premises was unavailable, no comment could be made.

9. Encumbrances

*297 (Lot 5) Vincent Street:*

Easement Benefit

*297A (Lot 10) Vincent Street:*

T130/1896 Easement Benefit.

The Town currently owns the adjoining properties; a house at No. 291 Vincent Street (526m<sup>2</sup>) and vacant land at No. 295 Vincent Street, Leederville. If Nos. 297 and 297A are purchased, this would give a land area of 2,112m<sup>2</sup> and would provide an ideal opportunity for either the Town, a developer or a joint venture partnership to redevelop the site in accordance with the visions and objectives of the Leederville Masterplan. This is further explained under "Strategic Implications".

### **CONSULTATION/ADVERTISING:**

Not applicable at this stage. However, if the Town is successful in purchasing this land it will need to carry out a Major Land Transaction Business Case in accordance with Sections 3.58 and 3.59 of the Local Government Act. In addition, if the Council uses monies from a Reserve Fund for another purpose, the Town must give one month's local public notice of the proposed change of use.

### **LEGAL/POLICY:**

There is a legal requirement to advertise this proposal for a period of six weeks, in accordance with Sections 3.58 and 3.59 of the Local Government Act.

Any use of Reserve Funds must be in accordance with Section 6.11 of the Local Government Act.

### **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."*

The properties at Nos. 297 and 297A Vincent Street, Leederville represent the interface between the "District Centre" (No. 297A) zone and "Residential R80" (No. 297) zone on Vincent Street. For a number of reasons, the purchase by the Town of these two properties will be strategically beneficial for the Town in the long term and these are discussed further in the following section.

#### Consolidation of Land Ownership within a strategically important location

As it has already been established earlier in this report, the two lots immediately east of No.297 are already owned by the Town. The purchase of Nos.297 and 297A Vincent Street, will present the Town with a unique opportunity to consolidate land ownership in a strategically important location.

In purchasing Nos. 297 and 297A Vincent Street, Leederville, the opportunity exists for the Town to consolidate ownership of what will effectively be a large parcel of land, comprising four (4) lots. With the land being predominantly zoned "Residential R80", with the exception of No.297A Vincent Street which is zoned "District Centre", dependant on the recommendations and outcomes from the Leederville Masterplanning, the Town has the opportunity to lead the way with the form and scale of development that can be realised and the Town desires in this location. Furthermore, development of this site will enable some form of gateway building to be constructed on the southern side of Vincent Street, demarking the arrival into the Leederville Town Centre.

#### Leederville Masterplan

Currently underway is the preparation of the Leederville Masterplan which is examining what potential exists within the Leederville District Centre area that can be harnessed and ultimately realised to create a more sustainable and improved urban environment. Ultimately, the Leederville Masterplan will provide a blueprint to what the optimum and most desirable development should be within the Leederville area for it to capably sustain itself over the next few decades.

As part of the preparation of the Leederville Masterplan, a number of the objectives have been prepared which serve to reinforce the strategic direction the Town is wishing to take in the Leederville area. The relevant objectives, which the purchase of these land parcels would achieve are listed and discussed briefly below.

### Key Objectives

*Stage 1 Place Area – Area bordered by Loftus Street, Newcastle Street, Oxford Street, Vincent Street and Leederville Parade, Leederville*

### Environmental

- (iii) *To deliver or facilitate infill development that actively and interactively addresses the existing and proposed streets.*

The purchase of both properties will enable this objective to be met as the Town will be able to guide and determine the most suitable scale and form of development to be located on all or any one of the four properties. Being positioned directly opposite the recently constructed Department of Sports and Recreation building and with the majority of the subject properties being zoned for built form up to three storeys in height, the opportunity exists for the Town to play a fundamental role in possibly initiating similar development further eastwards towards Loftus Street.

- (iv) *To deliver or facilitate infill development that has strong public space connectivity to the Leederville café strip.*

At present, there is a distinct lack of connectivity on the southern side of Vincent Street between Loftus Street and Oxford Street. Characterised predominantly by single storey residential buildings and some unit developments, the southern side of Vincent Street does not facilitate an interaction between the Leederville café strip and Loftus Street, or the northern side of Vincent Street.

As mentioned in the point above, the development potential of the properties located on the southern portion of Vincent Street has not been realised. The significant reason for this is associated with the lot areas not reflecting the density coding, as independently none of the lots could be developed at an R80 density standard considered the current lot areas. The Town, with what would effectively be the ownership of four immediately adjacent lots, could amalgamate the four land parcels into one lot and subsequently develop it, resulting with an improved connectivity of the southern side of Vincent Street with the Leederville café strip and increased interaction with the northern side of Vincent Street, particularly if some retail uses were to be introduced at ground level.

- (i) Recommendations for Improving the Appearance of the Study Area

Intrinsically linked to the findings and recommendations of the Leederville Masterplan will be recommendations for improving the appearance of the study area to which the Masterplan relates.

In particular, it is anticipated that the recommendations will facilitate and include some of the following:

- Encourage good quality development of gap sites
- Encourage development that provides continuous pedestrian shelter and links

- Develop a sense of arrival at all points of the area, through strong gateway treatments
- Encourage the intensification of development along Vincent Street between Loftus and Newcastle Streets that is more reflective of an urban centre: for example encourage more intense residential development with some mixed uses at ground floor level
- Encourage “shop-top” residential development within the town centre
- Integrate the connections between all developments of the north-east quadrant including State Indoor Multi Use Sports Centre, Loftus Centre, Margaret Pre-Primary Centre, Leederville Child Care, Library and Civic Centre and other components.

The purchase of the two properties would enable many of these recommendations to be achieved, as a result of a good quality development being constructed immediately adjacent to the town centre, and providing a pedestrian environment which attracts people to the Leederville town centre along Vincent Street.

#### Long term Strategic Importance

The Town has recently completed the initial stage of the review of the Town’s Town Planning Scheme No.1, marked by the completion of the community visioning process, referred to as *Vincent Vision 2024*. The outcomes from the community consultation phase and the Final Project Report prepared for *Vincent Vision 2024* will play a fundamental role in guiding development and the masterplanning process of the Leederville town centre (being one of five town centres identified in the visioning process).

While the formal Town Planning Scheme Review only commenced at the beginning of 2006, the recommendations will most likely include some zoning changes in areas and locations where it is considered to be of strategic importance. With the Town having the consolidated land ownership of the three lots immediately adjacent and the one lot within the “District Centre”, should some form of rezoning be required in this location, it will be easily facilitated with the owner of all properties being one entity rather than four separate entities.

#### **FINANCIAL/BUDGET IMPLICATIONS:**

As these opportunities only arose last week, the 2005/2006 Budget does not contain any monies specifically for the purchase of land. It will therefore be necessary to either borrow the funds required (estimated to be approximately \$1.5 million) from a short term loan or use monies in an existing Reserve Fund (subject to Local Government Act advertising requirements).

A comparison has been made between a loan and reallocating the use of existing Reserve Funds for an interim period. This has revealed the following.

#### **Loan**

A twelve (12) month loan of \$1.5 million borrowed at 5.85% will require a repayment of \$1,589,250 at the end of the period (i.e. interest of \$89,250). (A two (2) year period would be approximately double.)

The loan would be repaid by funds received from the further sale of the properties.

#### **Reallocation - Existing Reserve Funds**

The "Aged Person and Senior Citizens Reserve" has a current balance of \$1,969,070. The "Land and Building Acquisition Reserve" currently has a balance of \$297,997. "Waste Management Plant and Equipment Reserve" has a balance of \$999,415.

This option requires a Council decision regarding the alternative use of reserve funds from the original purpose of the reserve funds. The change of use also requires public advertising for twenty-eight (28) days for community comment.

A combination of the use of these reserve funds could be used to fund this purchase and would be returned to the appropriate reserve funds on the further sale of the property.

The Town would forego interest on these funds if it was utilised for this purpose on current interest rates available. It is estimated that this would be in the region of \$88,500 per annum.

As there is only \$750 difference between a loan and reallocating funds from existing Reserve Funds, it would be preferable and less complex to use loan borrowings. This would allow greater flexibility for the Town for redevelopment options for the subject land. Furthermore, it would avoid any public concern that the use of the Reserve Funds are being used for purposes other than their original intention.

It would therefore be appropriate that the Council approve of the loan proposal up to \$1,700,000 for a period of two (2) years and the Chief Executive Officer being authorised to negotiate the most suitable terms and conditions.

The additional monies would act as a contingency and for any subsequent consultant fees which may be needed to investigate redevelopment options. A period of two (2) years is requested, so as to allow adequate time to investigate the options.

### **Valuation**

A sworn valuation has been obtained from Murray R Stubbs, Licensed Valuer, on 3 March 2006. He advises as follows;

#### No. 297 (Lot 5) Vincent Street:

Valuation:	\$600,000
Possible range if sold at auction:	\$620,000 - \$650,000

#### No. 297A (Lot 10) Vincent Street:

Valuation:	\$850,000
Possible range if sold at auction:	\$860,000 - \$965,000

A of the sworn valuation copy is "Laid on the Table" on a confidential basis.

### **Land Comparison**

The Town's agent has undertaken research into similar property sales throughout the fringe city commercial precincts such as West Perth, Mount Hawthorn, Applecross, Ardross, Leederville and Victoria Park, in order to establish a general overview of the prices.

### **COMMENT:**

The opportunity to purchase this land which adjoins the Town's current land is considered to be of strategic importance as it will allow the opportunity for the Town to act as a catalyst for the development of this part of Leederville.

Possible uses of the subject land would include;

1. Amalgamation of the four lots into one and retain for disposal in the future.
2. Amalgamation of the four lots into one and sell in the short-term at a premium.
3. Amalgamation of the four lots into one and carry out a joint venture with a private partner.
4. Amalgamation of the four lots into one and carry out redevelopment. The redevelopment could be then either sold or partly sold.

In the limited time available since this opportunity has arisen, it has not been possible to fully investigate the redevelopment potential/opportunities for the subject land or the benefits of amalgamating the two lots with the Town's adjoining land. In the event of the Council approving this matter, this will be carried out.

It is therefore recommended that Council give consideration to approving the purchase and the loan borrowing proposal.

At 10.25pm **Moved Cr Doran-Wu, Seconded Cr Maier**

*That an "open" meeting be resumed.*

**CARRIED (7-0)**

(Crs Farrell and Torre were apologies.)

**15. CLOSURE**

**The Presiding Member, Mayor Catania JP, declared the meeting closed at 10.25pm with the following persons present:**

Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Minutes Secretary

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 11 April 2006.

Signed: .....Presiding Member  
Mayor Nick Catania, JP

Dated this ..... day of ..... 2006