



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

13 APRIL 2010

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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 13 April 2010, commencing at 6.00pm.

1. DECLARATION OF OPENING

The Presiding Member, Deputy Mayor Sally Lake, declared the meeting open at 6.03pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Mayor Nick Catania – apology – due to work commitments.
Cr Anka Burns – apology – arriving late due to work commitments.
Cr Taryn Harvey – apology – arriving late due to work commitments.

(b) Present:

Cr Sally Lake (Deputy Mayor)	Presiding Member, South Ward
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward (from 6.33pm)
Cr Steed Farrell	North Ward
Cr Taryn Harvey	North Ward (from 6.28pm)
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)
Helen Smith	Manager Planning Building and Heritage Services (from 8.40pm until 10.31pm)
Veronica Jumeaux	Solicitor from Downings Legal (from 8.50pm until 10.31pm)
Patricia Hegney	Switchboard Operator – Recipient of Employee of the Month Award (until 6.50pm)
Ross McRae	Journalist – “ <i>The Guardian Express</i> ” (until approximately 9.20pm)

Approximately 34 Members of the Public

(c) Members on Approved Leave of Absence:

Nil.

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

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

1. Karen Kotza of Bodhi Tree, 416 Oxford Street (corner of Scarborough Beach Road) – Item 9.3.2. Asked the Council to support this item. Explained the event which is a 10 day event entitled “A Celebration of Writing”. Stated the Store has been open for 10 months and the event has come about in response to the need to identify local, particularly self published and aspiring authors requiring mentoring and have their work shown to the public. Stated a forum would be provided for authors to meet other successful authors and also show their work to the public. Advised that their customers have also shown that they prefer to support local authors. Stated that the event covers writing in its broadest sense from book authors, poetry, story telling, journaling development, creative writing in children and covers, calligraphy and all sorts of things relating to writing. Advised that 2 days of the event are dedicated to children’s workshops and programs that they will hold in conjunction with local schools to help promote and develop creative writing and reading in children. Another day, entitled “Wisdom of the Elders” is designed to represent as many cultures as possible from within the community with traditions of writing and story telling. Stated that there is also a number of other poetry readings set to rap music therefore, it is very creative and designed to bring out full creativity from the community. Asked the Council to support them in helping get the event off the ground as it is their intention to run this as an annual event similar to a Perth Writers Festival but for the other end of the scale, not the top end writers. Hoped in the future participants can be invited attend the Perth Writers Festival. Requested the Council look favourably on the report and support the matter.
2. Steve Brown of 121 Summers Street, Perth – Item 9.1.5. Advised that he was consulted on this matter a few weeks ago. Stated that the proposal has been made according to the letter that has been sent by the Council in the name of a building company. Believed the land is actually owned by the Housing Department and the proposal is by a building company on their behalf for State Housing. Stated that this was not advised in the letter therefore, “*missed the mark*” in terms of community consultation in the way community consultation would be expected. Advised that the letter received seemed to only go to 4 properties from the actual proposed development. After talking to neighbours it seemed everyone else on the Street beyond his house did not receive the letter although they live within 100 metres of the proposal which does not seem to be in the spirit of true community consultation. Stated that the particular Precinct is well represented in terms of the numbers of state housing developments and there is a concern amongst local residents that it will become an enclave for state housing. Believed that if you “*cram*” to much housing in a small area it is fairly well known that it can create problems, not only for residents of state housing but also for local private residents. Advised that he has no issues with the proposal itself, only the way it was presented to a very small section of the community. Believed it will have an impact on the particular Precinct as a whole, not just the people that live in the immediate area.
3. Loraine Vincenzoni on behalf of the North Perth Precinct Group – Item 9.1.10. Requested that the Council adopt the recommendation which is based on a very comprehensive report and there is still a majority of people supporting the Amendment. Advised that this is going to be dealt with again through the Scheme Review when it is advertised, which she understands will occur in the near future. Stated that Amendment 28 is consistent with the Vincent Vision undertaken a couple of years ago and it implemented that. Stated that recently in a newspaper, it discussed population increases and what the means for Perth and believes that this Amendment contributes to that as the State Government and Government as a whole are still looking at providing diversity in housing and under Directions 2031 they

talk about it being targeted. Stated that North Perth is an inner-city location however, there are still points to provide housing with R20. Advised that the Eaton Locality is already guided by densities i.e. R60 on Charles Street and R30/40 throughout the Precinct. Requested the Council support Amendment 28.

4. Adam Berling from SAS Locksmiths on behalf of Director Steve Arias (currently overseas) – Item 9.1.9. Advised that he wanted to reinstate some smaller details regarding the application which the Councillors may not be aware of. Upon reading the Agenda he thanked the Council who have done a very good job in looking at the details they were most concerned about. Advised that they received 49 signatures of people that did not have any objection to the design and believed the requested text removal would not make much difference. Advised that they frequently have visits from the Police regarding local matters of a weekend and they assist them with the video evidence obtained from the cameras. Believed the system does a good job in helping what they believe is a very high crime and vandal area.
5. Alan Stewart of Greg Rowe and Associates, 3/369 Newcastle Street, Northbridge – Item 9.1.8. Supported the recommendation of approval and advised that they have reviewed the parking calculations and confirm that they concur with the methodology and cash in lieu that they may be required to pay. Advised that it is important to know that the operators of the buyer have paid the cash in lieu requirement of about \$9,000 that was a condition of the original approval in December 2008. Stated that from inspecting the premises the operators of Clarence's have invested a considerable amount of funds into the improvement of the property to establish the contemporary small bar and to improve the overall appearance of this part of Beaufort Street. Advised that the Councillors may recall that, prior to recent improvements, the site was occupied by a take away outlet/restaurant that had remained vacant for a considerable amount of time and it was run down prior to the re-opening. Stated that the previous restaurant had a public floor area greater than the small area of the bar which was 176m² compared to 141m². Believed if it had been operated and managed "*properly*" it could have potentially had more patrons than the existing small bar, even with the 120. Stated the Town's Health Officers have issued a Certificate under the "Health Public Building Regulations" that permits 120 patrons, 96 inside and 24 outside and which states that, as per the Council's approval, there will be no more than 84 patrons at any one time. Advised that approval for 120 should be granted as there is no change to the existing Health Certificate under the Health Regulations. Stated that the operators of the bar are experienced in this industry and at all times have complied with their current Liquor Licence requirements and the patronage limits. Advised that during the last few months since the premises opened it is apparent they have managed this in a responsible manner and no complaints have been submitted to the Town, Police or Liquor Licensing. Requested the increase to 120 patrons.
6. Judy Burrows of the North Perth Precinct Group – Item 9.1.10. Explained that she was away during the advertising period and was unable to go out and speak to residents regarding their current view. Advised that they have been doing this for 10 years with a consistent percentage of people wanting R20 and they there getting very disillusioned about the process of having to come back time after time as every time this is done, they believe the R20 is approved then they are back knocking advising that there is another amendment. Stated that since the area has remained R20 it has attracted many young families and the local park is filled with young children and young mothers and babies which is great for the infrastructure, the school system and everything that goes along with it. Requested the Council's support of Amendment 28 and allow the residents to have some peace of mind.

7. Andrew Greenfield of 67 Barlee Street, Mount Lawley – Item 14.1. Explained that he and his partner are very angry over what is happening to their home as the damage is irreparable and the emotional toll is almost unbearable. Stated that there has been communication forthcoming from the Council however, believes it could have been delivered in a better and timely manner. Advised that the sheet piling that is taking place is causing enormous vibrations throughout their house. Stated that concerns were raised previous regarding disturbance and vibrations just from the trucks and equipment and now that the sheet piling has taken place their house is having great evidence of cracking occurring, which was not there before. Stated that there was no understanding of why the developer is pursuing this means of shoring up the site and believed there is another technique available that has no vibration at all. Hoped they would pursue that option instead of considering to pursue the sheet piling option. Advised that the damage is inching its way each day and he wants the Council, through their policies, to consider the impact that developments of this scope will have on the residents and adjoining properties. Advised that they are trying to maximise the use of the space available to people to put in a mix development which is effectively 6 storeys with a 2 level basement, ground floor and 3 floors above. Stated that there are still sufficient earthworks to be performed and some 19,000 cubic metres of dirt to be taken out of the site, which he estimates will be 500-600 truck movements to remove the dirt. Stated that the trucks will not be able to turn into Barlee Street off Beaufort Street therefore will run through the residential streets. Requested something be done to get on to the developer to stop the damage not just to their home but also the people directly adjacent to the development.
8. Denae Watkins of 9 Barlee Street, Mount Lawley Items 9.1.8 and 14.1. Stated that she does not support an increase of patronage from 84 to 120 of 42%. Advised that it will create parking issues in residential streets which remain unzoned and unlimited, free parking for all residential streets such as Barlee, Roy, Gerald and Clarence, cause ongoing issues. Advised that the patrons attending small bar venues are responsible drinkers and usually plan their evening out and designate a responsible driver and are not catching taxis etc. which is a proven fact as she walks down the street at 6pm to Clarence and by the following morning and even the same evening the cars are all gone. Stated that the parking on residential streets will create issues which will be ongoing if patronage increases. Advised that the litter is not only broken glass but also cigarette butts which is appalling on weekends. Stated that the public access on the walkway is another issue as people are using it as a waiting area or standing bay before they try and get into the venue, creating clutter and congestion. Regarding 14.1 she believed sheet piling should only be utilised when buildings around the construction can withstand the vibration and clearly steel stitches are evident. Advised that residents that are trying to live in homes that have been badly damaged have to look at the damage everyday and know it is going to continue. Hoped the Council will consider that in the future sheet piling not be utilised. Advised that the sheet piling should not be removed as this will continue the damage that has already been done and make it worse for the future.
9. Joanna Calder of 44 Clarence Street, Mount Lawley – Item 9.1.8. Does not support the increase of patronage. Believes the Council needs to take into account the ratepayers amenity in respect to parking in Clarence Street which does not currently have any parking restrictions as well as Barlee, Roy and Gerald Streets as residents are majorly inconvenienced. Stated that this is most evident from weekdays at 5pm onwards and particularly weekend evenings when driving patrons are frequenting numerous venues on Beaufort Street. People will park as close as possible and any amount of free public parking or otherwise will only be used once more accessible space is filled. Advised that for the last fortnight she has monitored the parking at the rear of Clarence's and has noted that there has never been a vacant space after 11am, which would suggest that this is utilised by staff at Clarence's or other

adjacent businesses and not for patrons. Therefore it is unreasonable for any future development to be offered dispensation of up to 50% of the parking requirement which is suggested by this proposal. Stated that opening hours are calculated by as about \$4,380 per annum and at \$2,800 per bay it is a very small cost to Clarence's. Advised that the Council is to continue to accept cash in lieu for parking short falls it is a reasonable expectation that this money be distributed to affected residents in some form-perhaps the Town may like to consider subsidised rates for the residents of the Beaufort Street Precinct due to residents not being privy to the adjustment factors available for commercial developments when applying for residential planning permission and are disadvantaged on multiple forms. Asked for their concerns to be taken into consideration when considering this application.

10. Debbie Saunders of 123 Oxford Street, Leederville – Item 9.1.1. Voiced her disappointment that their business “Greens” is yet again depicted as a “hole in the wall”. Stated that she received a letter from the Chief Executive Officer asking them to send in a written request to the Town to have the documents changed. Stated in the document there are pictures depicting their business as a “hole in the wall”. Advised that the letter says “in order for the Town to make any changes, it is required to undertake a formal policy amendment”. However, the Council has advised on many occasions that this is not going to and is not policy, yet a policy amendment is required. Does not understand where the Town is coming from.

The Presiding Member, Deputy Mayor Cr Lake advised that the questions will be taken on notice.

11. Andrea Morgan of 117 Summers Street, Perth – Item 9.1.5. Advised that this only came to their attention a couple of days ago as there has not been a sign on the property. Stated she lives 7 houses away from the proposal and had no idea about it until a resident that did receive a letter notified her. Advised that she does not have a problem with the Department of Housing (DoH) as she works for the Federal Government helping people in financial crisis and has a concerted emotion for people that are homeless or in financial crisis and cannot afford rent. Stated she purchased her property knowing that there was quite a bit of public housing in the area i.e. between 12 and 14 Bulwer Street 60 residents and another 50 by the train station as well as a safe house and 9 DoH townhouses on Summer Street which she is comfortable with. Confirmed that a day before they purchased on 22 July 2009, she spoke to the Mayor who advised that he had amazing plans and visions for the Summer Street/Claisebrook Precinct which was the Town's only riverfront Precinct. Advised that they love the area, her husband walks to work, they are going down to one car and enjoy people walking past going to the soccer and rugby. Concerned that the DoH is becoming an over represented vehicle in the Precinct which is becoming a somewhat DoH enclave. Stated that she has been advised that the Railways Cottage, the Heritage home, has been given to the DoH which is going to be renovated and a 3 storey DoH development is going up behind the Cottage – not yet brought to Council. Concerned about the number of concrete trucks they see cavorting up and down Claisebrook Road, going backwards and forwards up streets and driving the wrong way up streets – their driving is appalling. Asked if the 10 units will be disabled people and will there 10 maxi taxis parked outside? Understood the DoH have not nominated who will live in the dwellings but feels they should know whether they will be elderly, young or what type of disabilities they will have so they can assist them and have the correct parking.

Cr Harvey entered the Chamber at 6.28pm.

12. Elizabeth O'Reilly of 16/1 Chelmsford Road, Mt Lawley – Item 14.1. Advised that they have only recently moved there and have already noticed a lot of damage. Stated that the day the works commenced she was home and thought there was an earthquake. Concerned that it is a brand new unit and they have cracks in the wall which they should not have to put up with damage already. Believed if their units were able to be built without causing damage to others then this development should be done the same way. Asked the name of the consulting engineer who supplied the sheet piling advice to the developer and to which the Council rely on? Advised that they rang the developer and architect before commencement to see if they were going to do a report on their building prior to construction however, they declined therefore not knowing what damage they have caused. Stated that their Strata Manager has written to them requesting that they do a report on their building. Stated that it is quite frightening to think that this is going to carry on and hopes something is done to protect existing residents.

The Presiding Member, Deputy Mayor Cr Lake advised that the question will be taken on notice.

13. Lyndon Rogers of 612 Beaufort Street, Mount Lawley – Item 14.1. Advised that he owns the building next door to the development and is supportive of it. Believed they need to cooperate with the developers to get to a satisfactory solution. Believed that they have obviously used the wrong system that has created a lot of damage to his property. Asked the Council and residents to be cooperative and “*get out of the way and make them perform*”, but also do whatever they can to minimise the problems.
14. Brad Lahore – Item 9.1.5. Believed this to be a very unique area in the Town in that it probably has the cheapest land in the Town and is probably the most undeveloped. Believed the area bounded by the railway line, Graham Farmer Freeway and Lord Street and their street in particular really deserves some special consideration from the Council in the sense that they have Youth with a Mission with 2,000 odd young children in there, growing Homeswest population in the area, close to 2 railway stations, Perth Oval etc. Stated it could be an area, depending on the Council's decisions in the future, really become in danger of lack of consideration. Proposed that the Council get together to designate this area as a special Precinct and put some special planning into the area as it is in real danger of being let go or over developed.
15. Cosi Schirripa of 66 Auckland Street, North Perth – Item 9.1.10. Advised that he was very impressed with the comprehensive and concise report but feels it would be remise of him to not at least give the newer Councillors some background. Stated it is 10 years almost to the month that they first met with the Mayor who advised a very “*heated*” and large group of residents that because they were very concerned about infill development which was going on all around them, that they should be trying to get their area rezoned which is what they did. 10 years later there has been 5 Amendments, 5 advertising periods (some having 85% of residents responding which is very significant), door knocked and canvassed on at least 3 occasions. Asked why have these numbers now dropped from 85% to 70%? Stated that after 5 times of expressing to the Minister what they want, certainly no reflection on this particular meeting as the Council has been fantastic in supporting the ratepayers of the area however, after a while people are wandering “*what's the use we have told them 5 times and we can't be bothered putting pen to paper*”. Advised that they did not door knock this time. Concerned that an anonymous mail out went out to some residents with the heading “*Your property will be devalued by this Amendment*”. Stated people have had at least 5 opportunities in which they could actually apply to the Minister or the Department to get their property ready for development and numerous people have had their properties exempted by going through with this. Strongly asked the Council to approve the recommendation.

Cr Burns entered the Chamber at 6.33pm.

16. James Peart of 6/7 Burgess Street, Leederville – Item 9.1.3. Understood that it could be difficult in determining applications where there is a draft Planning Strategy in place which advocates an activity corridor on Oxford Street. Stated that activity is one of the many benefits of living in Leederville and he fully supports the idea of more activity and more suitable development in the area. Concerned that the Strategy does not give clear direction as to what heights are acceptable and decisions are currently being made which do not seem to be supportable by the current Policy. Stated that the report acknowledges that there is another Policy in place to protect residential amenity adjacent to commercial sites and R40 zones – 2 storey limit. Advised that under the draft Strategy the Policy is intended to remain in place as are current zonings, therefore nothing should change. Stated that the Policy allows 3 storey where it can be shown that there is no impact on neighbours which, he can see that, from the large setback proposed, this could be argued the case. Concerned that the report fails to justify or mention the non-compliance of the 4th storey. If you stand in front of the TAFE on Oxford Street and look up, it is an example of a 4 storey building with a 20m setback. Stated the impact is further demonstrated by the recommendation of a need to screen the proposal with a 4m boundary fence just metres from their living area. Whilst this could be modified, it does not change the fact that if a wall of this size is needed to screen a building then surely the 4th storey does represent a significant impact? Stated that he is not certain that it is a good idea (and the applicant may agree), for any approval to potentially initiate a boundary dispute by requiring him to move his fence line when they are entitled to claim any encroachment under Adverse Possession Laws which, could potentially make it impossible for the applicant to meet the condition. Asked the Council to consider the application and asked whether or not they have in fact “*demonstrated that no unreasonable loss of amenity will result to neighbouring properties*”. Possibly the Executive Staff are able to give a little more detail on the methodology used by the staff to determine that.

There being no further speakers, public question time closed at approx. 6.44pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

- 4.1 Cr Steed Farrell requested leave of absence from the Ordinary Meeting of Council to be held on 27 April 2010 due to work commitments.

Moved Cr Maier, Seconded Cr Harvey

That Cr Steed Farrell’s request for leave of absence be approved.

CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

- 5.1 A petition was received from Mr A. Nibali of Mabel Street, North Perth, along with 40 signatures, requesting the Town make safe Verge Parking on Mabel Street adjacent to 396 Charles Street, North Perth.

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

Moved Cr Maier, Seconded Cr Topelberg

That the petition be received as recommended.

CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Meeting of Council held on 23 March 2010.

Moved Cr McGrath, Seconded Cr Harvey

That the Minutes of the Ordinary Meeting of Council held 23 March 2010 be confirmed as a true and correct record.

CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Employee of the Month Award for the Town of Vincent for April 2010

As members of the public will know, the Council recognises its employees by giving a monthly award for outstanding service to the Ratepayers and Residents of the Town. The recipients receive a \$100 voucher, kindly donated by the North Perth Community Bank, and a Certificate.

For APRIL 2010, the award is presented to Patricia (Pat) Hegney, Switchboard Operator in the Town's Customer Service Centre. Pat was nominated by the Chief Executive Officer, John Giorgi, and several other employees for the following reasons;

Since the devastating storm hit Perth on Monday 22 March 2010, Pat has been working under tremendous pressure with the Switchboard running hot with calls from residents who had suffered damage to their properties. Pat had to deal with a range of emotions, including some from very distressed people. Throughout all this, Pat remained calm, listened patiently and with great understanding.

For information, Pat's own house suffered severe flooding damage and parts of her house, including her bathroom were ankle deep in water. However, being the dedicated employee that she is, Pat was at work at 8.00am on the Tuesday morning ready to direct phone calls and take messages from people who, in many cases, had the same problems that she had at home.

The Award is presented to Pat in recognition of her dedication and service to the Town.

Congratulations Pat and well done.

Received with Acclamation!

7.2 Leederville Carnivale

I wish to express my congratulations to Staff, Sponsors and helpers, at the very successful Leederville Carnivale held on Sunday 28 March 2010, which was extremely well attended, including many ratepayers and residents of the Town.

The event would not have been possible if not for the dedication of the Town's Staff who worked tirelessly to bring the Carnivale to fruition. In particular, thanks to the Town's Community Development Staff, who worked hard to keep things running smoothly on the day.

A special thanks also to the children from Aranmore Primary School, who, through the direction of their Art Teacher, Katherine Miller, made the masks that helped create the Carnivale atmosphere and for their enormous effort in preparing for the event.

7.3 Withdrawal of Item 9.1.1

Please be advised that the Chief Executive Officer has withdrawn Item 9.1.1 - "Review of Town Planning Scheme No. 1 - Progress Report No. 9", as the report requires additional information.

As a consequence of the Council decision relating to the Notice of Motion, Item No. 10.3 considered at the Ordinary Meeting of Council held on 9 March 2010, the scope of the Peer Review and the timeframe for the completion of the Local Planning Strategy and Town Planning Scheme No. 2 have been significantly impacted. This is particularly the result of the Peer Review now including a review of the associated policies. Accordingly, a revised Quotation Brief will be prepared and issued to the consultants.

In order to address the requirements of the Council decision relating to the Notice of Motion, Item No. 10.3 considered at the Ordinary Meeting of Council held on 9 March 2010, the Town's Officers will also be required to amend the Gantt Chart and Project Brief. It is aimed to submit a revised report to an OMC in May 2010.

7.4 Late Items

Two Late Items have been approved for inclusion in tonight's Agenda, as follows:

Item 9.1.12 relates to the State Administrative Tribunal (SAT) Review concerning the Council's decision to refuse the development application for proposed demolition of Existing Single House and Construction of Two (2) Two-Storey Grouped Dwellings at No. 9 Hammond Street, West Perth.

The reason for the urgency is to allow for Council Members to be involved in the mediation session, which will be held prior to the next Ordinary Meeting of Council.

Item 9.4.4 relates to Delegated Authority to the Chief Executive Officer for matters under the Local Government (Miscellaneous Provisions) Act 1960 and Building Regulations 1989. This matter was recently identified by the Town's solicitors, when providing advice of another development matter. The new delegation is required to enable the Chief Executive Officer to effectively deal with a current building complaint. The re-wording of the other delegations is to remove any ambiguity.

8. DECLARATIONS OF INTERESTS

- 8.1 Cr Topelberg declared a Proximity interest in Item 9.2.3 – Proposed Reintroduction of Two Way Traffic on Beaufort and William Streets, Perth – Progress Report No. 4. Cr Topelberg requested approval to participate in the debate and vote on the matter.

At 6.51pm Cr Topelberg departed the Chamber whilst his declaration of interest was being considered.

Moved Cr Farrell, Seconded Cr Maier

That Cr Topelberg's request to participate in debate and vote on Item 9.2.3 - Proposed Reintroduction of Two Way Traffic on Beaufort and William Streets, Perth – Progress Report No. 4, be approved.

CARRIED (7-0)

(Cr Topelberg was absent from the Chamber and did not speak or vote on the matter. Mayor Catania was an apology for the meeting.)

At 6.52pm Cr Topelberg returned to the Chamber and the Presiding Member, Deputy Mayor Cr Lake advised him that his request was approved (7-0).

- 8.2 Cr Burns declared an interest affecting Impartiality in Item 9.1.8 – Nos. 566-570 (Lot 6; D/P 692) Beaufort Street, corner Clarence Street, Mount Lawley - Proposed Increase in Patronage to Existing Small Bar from 84 Persons to 120 Persons. The extent of her interest being that her immediate family members are associated with the development at 560 Beaufort Street, Mt Lawley.
- 8.3 Cr Farrell declared an interest affecting Impartiality in Item 9.1.10 – Finalisation of Amendment No. 28 to the Town of Vincent Town Planning Scheme No. 1 - Relating to Land Previously Coded Residential R20 in the Mount Hawthorn and North Perth Precincts (Former Eton Locality) – Precinct Plans 1 and 8. The extent of his interest being that he has an interest in common as he recently purchased property in the North Perth Precinct (Highlands Locality).
- 8.4 Cr Buckels declared an interest affecting Impartiality in Item 9.1.3 – Nos. 234-236 (Lot 6; D/P 1148) Oxford Street, Leederville - Proposed Demolition of Existing Single House and Shop, and Construction of Four-Storey Office Development. The extent of his interest being that a former work colleague of his has spoken in opposition at the meeting.
- 8.5 Cr Lake declared an interest affecting Impartiality in Item 10.1 – Notice of Motion – Cr Maier – Relating to The Perth Voice Journalists. The extent of her interest being that she has been the subject of articles in “The Perth Voice”.
- 8.6 Cr Maier declared an interest affecting Impartiality in Item 10.1 – Notice of Motion – Cr Maier – Relating to The Perth Voice Journalists. The extent of his interest being that he has been the subject of various stories in “The Perth Voice”, some of which may be considered as being positive, and some of which may be considered as being negative.
- 8.7 Cr Topelberg declared an interest affecting Impartiality in Item 9.1.8 – Nos. 566-570 (Lot 6; D/P 692) Beaufort Street, corner Clarence Street, Mount Lawley - Proposed Increase in Patronage to Existing Small Bar from 84 Persons to 120 Persons. The extent of his interest being that he is a personal acquaintance of one of the owners, through mutual friends.

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

Nil.

10. REPORTS

The Presiding Member, Deputy Mayor Sally Lake, requested that the Chief Executive Officer advise the meeting of:

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

Items 9.3.2, 9.1.5, 9.1.10, 9.1.9, 9.1.8, 14.1, 9.1.1 and 9.1.3.

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

Items 9.4.4 and 10.1.

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

Item 9.2.3.

Presiding Member, Deputy Mayor Sally Lake, requested Council Members to indicate:

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

Cr Farrell	Nil.
Cr Topelberg	Items 9.1.4 and 9.2.3.
Cr Buckels	Nil.
Cr McGrath	Items 9.2.2 and 9.2.4.
Cr Harvey	Nil.
Cr Burns	Nil.
Cr Maier	Nil.
Deputy Mayor, Cr Lake	Nil.

Cr Buckels departed the Chamber at 6.55pm.

The Presiding Member, Deputy Mayor Sally Lake, requested that the Chief Executive Officer advise the meeting of:

10.5 Unopposed items which will be moved "En Bloc" and the following was advised:

Items 9.1.2, 9.1.6, 9.1.7, 9.1.11, 9.2.1, 9.3.1, 9.3.3, 9.4.1, 9.4.2 and 9.4.3.

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

Item 14.1.

At 6.56pm Cr Buckels returned to the Chamber and Cr Farrell departed the Chamber.

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

(a) Unopposed items moved en bloc;

Items 9.1.2, 9.1.6, 9.1.7, 9.1.11, 9.2.1, 9.3.1, 9.3.3, 9.4.1, 9.4.2 and 9.4.3.

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

Items 9.3.2, 9.1.5, 9.1.10, 9.1.9, 9.1.8, 9.1.1 and 9.1.3.

Cr Farrell returned to the Chamber at 6.57pm.

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

Moved Cr Topelberg, Seconded Cr Harvey

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

Items 9.1.2, 9.1.6, 9.1.7, 9.1.11, 9.2.1, 9.3.1, 9.3.3, 9.4.1, 9.4.2 and 9.4.3.

CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

ITEM WITHDRAWN AT THE REQUEST OF THE CHIEF EXECUTIVE OFFICER

(For the reasons stated by the Presiding Member during her announcements.
Refer to page 9.)

9.1.1 FURTHER REPORT – Review of Town of Vincent Town Planning Scheme No. 1 – Progress Report No. 9

Ward:	Both	Date:	7 April 2010
Precinct:	All	File Ref:	PLA0140
Attachments:	001 , 002 ; 003 ; 004		
Reporting Officer:	R Marie, Planning Officer (Strategic) T Woodhouse, Coordinator Strategic Planning		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES Progress Report No. 9 relating to the Town Planning Scheme Review;*
- (ii) *APPROVES the quotation submitted by TPG Town Planning and Urban Design to undertake a Peer Review of Draft Town Planning Scheme No. 2 (TPS 2) text and supporting documentation, for the sum of \$33,000; and*
- (ii) *ENDORSES the:*
 - (a) *Draft Local Planning Strategy as shown in Attachment 001 for the Peer Review;*
 - (b) *Draft Town Planning Scheme No. 2 text and maps as shown in Attachment 002 for the Peer Review;*
 - (c) *Peer Review Assessment Table as shown in Attachment 003; and*
 - (d) *updated Gantt Chart relating to the review of the Town Planning Scheme No. 1 as shown in Attachment 003.*

FURTHER REPORT

The Council considered a report in this regard at its Ordinary Meeting held on 15 December 2009, and resolved as follows:

“That due to the lateness of the hour, the item be DEFERRED to a Council Forum in early 2010.”

In light of the above resolution, the matter was presented by the Town’s Officers at the Council Member Forum held on 16 February 2010. The matter was reconsidered by the Council at a Forum held on 16 March 2010 to provide further information of the Local Planning Strategy and proposed Town Planning Scheme No. 2. The presentation provided an overview of the relationship between the recommendations within the Local Planning Strategy (LPS) and the proposed Town Planning Scheme No. 2.

For the purpose of this report, the key issues will be separated into four parts as follows:

- Peer Review;
- Local Planning Strategy;
- Town Planning Scheme No. 2 Text; and
- Town Planning Scheme No. 2 Maps.

The Gantt Chart as shown as an attachment to this report, has been amended to provide an updated time frame for the Town Planning Scheme Review.

The Chief Executive Officer will list the Town Planning Scheme Review as a regular Item in Council Member Forums as and when required.

(i) Peer Review

In accordance with the Council resolution of 9 October 2007, the Town invited five (5) planning consultants to provide quotations to review the Draft Town Planning Scheme No. 2 (TPS 2) text and supporting documentation.

Quotations were requested from the following consultants, who consequently provided the Town with quotations;

- *APP Corporation*
- *Greg Rowe and Associates*
- *RPS Koltasz Smith*
- *SJB Town Planning and Urban Design*
- *TPG Town Planning and Urban Design*

The consultants were provided with a project brief and evaluation criteria to determine the requirements and obligations involved, and how they would be assessed. The Table below provides a summary of the consultants submissions against the criteria detailed in the project brief. A full assessment table is held by the Director Development Services. It is noted that SJB Town Planning and Urban Design are no longer operating and therefore have not been assessed.

Consultant	Relevant Experience, Expertise and Project Team (40%)	Financial Offer/Fee Proposal (20%)	History and Viability of Organisation (20%)	Methodology (20%)	Total
<i>APP Corporation</i>	24/40	16/20	14/20	10/20	64/100 = 64%
<i>Greg Rowe and Associates</i>	27/40	13/20	15/20	14/20	69/100 = 69%
<i>RPS Koltasz Smith</i>	30/40	18/20	17/20	10/20	75/100 = 75%
<i>SJB Town Planning and Urban Design</i>	Not Assessed	Not Assessed	Not Assessed	Not Assessed	Not Assessed
<i>TPG Town Planning and Urban Design</i>	40/40	19/20	12/20	15/20	86/100 = 86%

A comprehensive review of the four assessable submissions was undertaken to determine the preferred applicant, against the selection criteria in the project brief. The quotations received were of a high calibre, the key variations between the quotations relating to the proposed methodologies and relevant experience. All applicants received high commendation from their industry referees.

The quote submitted by *TPG Town Planning and Urban Design* was considered to provide the most comprehensive methodology that closely reflected the Town's Brief. The Project Team is considered to be highly qualified and exhibit ample experience with Local Government Schemes.

The quotation submitted *TPG Town Planning and Urban Design* addressed all the requirements detailed within the Project Brief, with the exception that they outlined an eight (8) week timeframe, contrary to the four (4) week timeframe prescribed in the Brief.

Weighing up the proposal in its entirety, it is considered that the methodology proposed is comprehensive and will provide a detailed analysis of the documentation. *TPG Town Planning and Urban Design* promoted ongoing facilitation with the Town's Officers which was considered appropriate to ensure that the Peer Review is completed within the prescribed eight (8) weeks timeframe and more likely that the end product will meet the key objectives of the brief, without having to be further amended.

(ii) Local Planning Strategy

Following the advice and comments received from the Department of Planning regarding the LPS, the document was reviewed. The majority of the comments and recommendations related to administrative changes and further clarification in respect of some matters. A summary of the recommendations are as follows:

- Summarise the background studies undertaken by the Town in the body of the LPS;
- Include two new sections titled '*Local Profile and Key Issues*' that incorporates the background studies and draws out the key planning issues that specifically relate to the objectives and recommendations of the Strategy;
- Update the section relating to State and Regional Planning Context;
- Include a map detailing the areas affected by the boundary change;
- Include more information to fulfil the role of a Local Commercial Strategy;
- Update information relating to the East Parade Regeneration Project;
- Provide more detail relating to Transit Oriented Development;
- Provide more detail relating to Lord Street regeneration options and zoning recommendations along Oxford Street Activity Corridor;
- Provide further justification for the down coding of the Former Eton Locality;
- Provide further detail relating to the Town Centre Guidelines; and
- Provide further detail relating to the Cemex and Hanson concrete batching plant.

The Town has been in continual dialogue with the Department of Planning in relation to the LPS and additional comments received on 29 March 2010 have also been incorporated in the LPS where applicable.

Following the Council Member Forum held on 16 March 2010, it was advised that the LPS were to be further amended in light of the issues raised. The key issues are outlined below, followed by an Officer comment;

- (i) The removal of the multiple dwellings restriction;

Officer Comment: Following the Council decision on Scheme Amendment No. 25 relating to '*no multiple dwellings*', it is proposed that all those areas where multiple dwellings are proposed to be restricted under Town Planning Scheme No. 1 (TPS No. 1) in the Cleaver and Hyde Park Precincts, will be rezoned to R60 and the multiple dwellings restriction will be lifted.

The Western Australian Planning Commission and Department of Planning have prepared a new Multi Unit Housing Code which will establish development provisions for multiple dwellings and the residential component of mixed use developments. This document which has recently undergone a period of community consultation proposes to remove the minimum site area requirement for multiple dwellings. Instead it is proposed that plot ratio, in conjunction with setbacks, height, car parking, and other controls, be used to control built form for any given allotment. The Town's approach and controls to multiple dwellings will need to be amended with this approach in the event that the Multi Unit Housing Code is endorsed.

- (ii) Approvals under Clause 40 of the TPS No. 1;

Officer Comment: Clause 40 is proposed to be carried over into the new Scheme, for the reasons outlined in the LPS. However, provisions will be made to provide better clarity of where it can be used, and what is required of an applicant seeking consideration of this nature.

- (iii) Amend the zoning recommendations for the area west of Oxford Street, bounded by Oxford Street, Britannia Road, the Mitchell Freeway and Melrose Street, Leederville from R100 to R80.

Officer Comment: Further consideration on the proposed recommendation above, has indicated that a R80 zoning is appropriate for the area prescribed above. The TPS No. 2 maps and recommendations within the LPS have been amended accordingly.

(iii) Town Planning Scheme No. 2 Text

Following the Council Member Forum, it was advised that the Draft TPS No. 2 text be further amended in light of the comments received. The key issues are outlined below, followed by an Officer comment;

- (i) Reconsider multiple dwellings in light of resolution and analysis to be undertaken.

Officer Comment: See (i) above in section relating to the LPS.

- (ii) Retain 'clause 40' in TPS No. 2, but provide further clarification on how it can be used.

Officer Comment: Clause 5.5.1 of TPS No. 2 is similar to the provisions of Clause 40 in TPS No. 1. It is recommended that the provision be retained to ensure that adequate flexibility and discretion is available to the Council to exercise and to ensure that the Scheme be robust and adapt to change. Whilst this was acknowledged, it was also considered appropriate that it should be clearer where the provision can be used by the Council. The standard wording of clause 5.5.1 within the Model Scheme Text (MST) only allows for variations where the Residential Design Codes (R Codes) do not apply. Therefore clause 5.5.1 of the proposed TPS No. 2 has been further amended to also include variations to the R Codes, but only in areas zoned residential along major roads and areas zoned Residential/Commercial. A provision has also been included to ensure that the applicant provide adequate justification where the application of Clause 40 is requested.

- (iii) Retain provisions in Model Scheme Text relating to Heritage Areas

Officer Comment: The provisions outlined in the MST relating to Heritage Areas have been reinstated should there ever be a need to apply this provision in the future. No Heritage Areas have been proposed on the TPS No. 2 maps. By including the provision in the proposed TPS No. 2 will however enable consideration for Heritage Areas to be included in the Scheme Maps should it ever be considered appropriate.

Currently the Town only applies the Heritage List method to manage heritage properties in the Town, which will be carried over to the proposed TPS No. 2.

- (iv) Include further information within Schedule 11

Officer Comment: Schedule 11 relates to the four Special Control Areas (SCA) outlined on the Scheme Maps. Scope does exist for further detail within this Schedule in the long term, however the information currently within the Schedule is considered appropriate at the present for the reasons outlined below:

The provisions of *SCA 1 – Leederville Masterplan* have been based on the provisions outlined in the Built Form Guidelines. The detail within the Schedule is considered to support the Guidelines and is appropriate to guide development within this area.

The provisions for *SCA 2 – West Perth Regeneration Masterplan* are minimal due to the premature nature of both the Masterplan and progression of the proposed Metropolitan Region Scheme (MRS) Amendment.

The provisions of *SCA 3 – East Parade Regeneration Project* are to be provided by the Department of Planning, following completion of the East Parade Regeneration Project.

The provisions of *SCA 4 – Glendalough Train Station Precinct* are consistent with the recommendations of the Local Planning Strategy.

- (v) Further investigate Developer Contributions

Officer Comment: In May 2009, the Town received legal advice from Deacons Legal which stated that if the Town wishes to impose Developer Contributions it would need to be incorporated into the Scheme through creating Special Control Areas and not through Policy alone. The *State Planning Policy 3.6 – Development Contributions for Infrastructure* provides guidance on how to implement Developer Contributions into Town Planning Schemes. It is noted that the guidelines are more readily translated to greenfill single ownership sites, rather than multiple owner brownfill sites. The Town is currently in the process of obtaining quotations for legal advice on how to best incorporate Developer Contributions into the proposed TPS No. 2, prior to being considered by the Council.

- (vi) Apply sliding density to Carr Place Residential R80-160.

Officer Comment: To ensure that the densities prescribed in the Leederville Masterplan Built Form Guidelines are reflected in the zonings, it is recommended that an Residential R80-160 zoning be applied to the residential area within the Carr Place Residential Precinct. To provide clarity on the zoning, clause 5.3 – *Special Application of the Residential Design Codes* of TPS No. 2 has been amended to include a clause clarifying how to achieve the various densities. This clause is also referenced in *Schedule 11 – Special Control Areas*.

- (iv) **Town Planning Scheme No. 2 Maps**

During the Council Member Forum recommendations and queries were raised that required amendments to the Draft TPS No. 2 maps. The key points are outlined below, followed by an Officer comment;

- (i) Re-zone the area affected by the Town's Policy Appendix 16 relating to *Design Guidelines for the Half Street Block Bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth* from R/C80 to R/C160

Officer Comment: The Town's Policy Appendix 16 relating to *Design Guidelines for the Half Street Block Bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth* recommend residential development commensurate with a Residential R160 zoning. To ensure that this is reflected through the zonings the Draft Scheme Maps have been amended from Residential R/C80 to Residential R/C160.

- (ii) Apply sliding density to Carr Place Residential R80-160

Officer Comment: See (vi) above relating to TPS No. 2 text.

- (iii) Review zonings along Walcott Street and areas around ME Bank Stadium

Officer Comment: It is not considered appropriate to blanket up-code the area around *ME Bank Stadium*. As outlined in the LPS, the area surrounding *ME Stadium* comprises a number of streets with valued character housing, which contributes to the uniqueness of this inner city area (i.e. Lacey Street, the northern side of Edward Street and portions of Brewer and Pier Streets). Increasing the density across the board may provide a greater incentive for the demolition and redevelopment of these unique places.

It is noted that the area also contains remnant warehouses and older commercial developments, which present great opportunities for redevelopment and adaptive re-use. Should larger developments be proposed on such sites, the Council can consider the variations accordingly as per the requirements of the 5.5.1 (former clause 40). An example of such discretion is demonstrated in the recent approval of the development at No. 59 Brewer Street, corner Pier Street, Perth.

It is noted that further amendments are being proposed to TPS No. 2 clause 5.5.1 (former clause 40), to provide limits to where this discretion can be used. However, it is recommended that the discretion to approve variations to scheme requirements be maintained for areas zoned Residential/Commercial, such as those around *ME Stadium*.

Walcott Street has been reviewed and whilst it is considered as a major road, it is viewed more as a *Transport Corridor* rather than an *Activity Corridor*, in line with principles espoused in *Network City* and *Directions 2031*. It is considered that the R60 zoning is appropriate in this respect.

- (iv) Check zoning of Forrest Park

Officer Comment: Forrest Park in Mount Lawley is zoned as Parks and Recreation under the Metropolitan Region Scheme (MRS). Under the current TPS No. 1, Forrest Park is zoned Parks and Recreation under the MRS; however it also states that it has '*Restricted Public Access*'. This is incorrect and therefore has been amended, by removing the notation indicating '*Restricted Public Access*'.

- (v) Check zonings of No. 399 and No. 397 Lord Street, Mount Lawley

Officer Comment: No. 397 and part of No. 399 Lord Street are zoned Technical School under the MRS. The other portion of No. 399 Lord Street is currently unzoned under TPS No. 1. The Local Planning Strategy recommends an R100 zoning for this site and therefore this has been amended to reflect that recommendation. It is also noted that both sites have been identified as strategic development sites in the LPS.

- (vi) Appropriateness of Commercial zoning for the *West Perth Regeneration Masterplan* area, south of Newcastle Street.

Officer Comment: The Masterplan area south of Newcastle Street is currently zoned Industrial under the MRS and is zoned Commercial under the City of Perth City Planning Scheme No. 2, which currently applies to the area. Given the current MRS zoning status, it was considered appropriate to allocate the area a zoning which complies with the existing MRS and is consistent with the City of Perth City Planning Scheme No. 2, rather than pre-empting that the request to rezone the land to Urban will be approved. In the event that the MRS amendment is approved, further consideration to the TPS No. 2 can be considered. Further to this, the Town is proposing a Special Control Area over the Masterplan area, should this occur, there would be greater flexibility and guidance for development and land use. As stated in the Model Scheme Text, the provisions applying to the Special Control Area apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.

- (vii) Reconsider zoning the area west of Oxford Street, bounded by Oxford Street, Britannia Road, the Mitchell Freeway and Melrose Street, Leederville from R100 to R80.

Officer Comment: Further consideration on the proposed recommendation above, has indicated that a R80 zoning is appropriate for the area prescribed above. The TPS No. 2 maps and recommendations within the LPS have been amended accordingly

- (viii) Review Leederville Oval, Loftus Centre and Town's Administration zoning in light of subdivision.

Officer Comment: Re-subdivision has recently been approved by the WAPC for the Town owned land comprising of Leederville Oval, the Loftus Centre and the Town's Administration building to better reflect the land uses. The Leederville Oval and Leederville TAFE are zoned Parks and Recreation, Restricted Public Access and Public Purpose, (Technical School) under the MRS, respectively, whilst the rest of the surrounding land, is zoned Urban. The Town's Local Scheme must reflect the zoning of the MRS, therefore the zoning of Leederville Oval and the TAFE must be shown as an MRS zoning. The remainder of the 'Urban' zoned area can be zoned under the local Scheme. In line with the recent subdivision it is considered appropriate to rezone the Town's Administration Building as 'Civic Use' under the Local Scheme. The Town is currently updating its Draft Town Planning Scheme No. 2 maps following the subdivision approval with the updated cadastre.

- (ix) Look at other strategic development sites where rezoning could be proposed e.g. City motors

Officer Comment: It is considered that the zonings that have been proposed for strategic development sites throughout the TPS No. 2 scheme area are appropriate. The approach taken in promoting the development of strategic development sites has been through appropriate zoning and guidance prescribed in Precinct Policies on how they are to be developed.

In light of the above it is considered that the issues raised during the Council Member Forum held on 16 March 2010 have been addressed and incorporated into the proposed Town Planning Scheme No. 2 text and maps and the Local Planning Strategy accordingly. As such it is considered that the documents are in a position to be reviewed by the preferred peer to enable constructive feedback to be provided.

The following is a verbatim copy of the Item placed before the Council at its Ordinary Meeting held on 15 December 2009.

'OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES:*
- (a) *Progress Report No. 9 relating to the review of the Town of Vincent Town Planning Scheme No. 1;*
 - (b) *the Draft Town of Vincent Town Planning Scheme No. 2 Text and Maps as shown in Attachment 9.1.17 (a) and 9.1.17(b) respectively;*
- (ii) *ADOPTS the Draft Town of Vincent Town Planning Scheme No. 2 Text and Maps as shown in Attachment 9.1.17 (a) and 9.1.17(b) respectively, in accordance with Regulation 13 of the Town Planning Regulations 1967;*
- (iii) *AUTHORISES the Chief Executive Officer to forward two copies of the Draft Town of Vincent Town Planning Scheme No. 2 Text and Maps to the Western Australian Planning Commission for consideration and consent to advertise in accordance with Regulation 13 of the Town Planning Regulations 1967; and*
- (iv) *REQUESTS the Western Australian Planning Commission to review the Metropolitan Region Scheme classification of the land within the West Perth Regeneration Masterplan Area, comprising the land bounded by Newcastle Street, the Graham Farmer Freeway, Charles Street and Loftus Street, West Perth from 'Industrial' to 'Urban'.*

COUNCIL DECISION ITEM 9.1.18

PROCEDURAL MOTION

Moved Cr Buckels, Seconded Cr Lake

That due to the lateness of the hour, the item be DEFERRED to a Council Forum in early 2010.

PROCEDURAL MOTION PUT AND CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of this report is for the Council to review and adopt the Draft Town of Vincent Town Planning Scheme No. 2 Text and Maps. Further to this, that the Council authorise the Chief Executive Officer to forward a copy of the draft Town Planning Scheme No. 2 text and maps to the Western Australian Planning Commission for consideration and consent to advertise.

BACKGROUND:

24 June 2003

The Council at its Ordinary Meeting held on 24 June 2003, considered the review of the Town of Vincent Town Planning Scheme No. 1 - Scheme Examination Report and Community Visioning Process and resolved as follows;

“That the Council;

- (i) receives the report relating to the Review of the Town of Vincent Town Planning Scheme No. 1 - Scheme Examination Report and Community Visioning Process, and Appendices 10.1.17(a) and 10.1.17(b) relating to the Scheme Examination Report and Community Visioning, respectively;*
- (ii) receives and endorses the Scheme Examination Report on the operation of the Town of Vincent Town Planning Scheme No. 1, as required by Section 7AA of the Town Planning and Development Act 1928 (as amended), as contained in Appendix 10.1.17 (a); and*
- (iii) pursuant to Section 7AA of the Town Planning and Development Act 1928 (as amended), forwards to the Western Australian Planning Commission (WAPC) and the Minister of Planning and Infrastructure the Scheme Examination Report on the operation of the Town of Vincent Town Planning Scheme No. 1, and requests the approval of the WAPC and the Minister of Planning and Infrastructure for the preparation of a new town planning scheme alongside a community visioning process.”*

9 October 2007

The Council at its Ordinary Meeting held on 9 October 2007 considered Progress Report No. 6 relating to the review of the Town Planning Scheme No. 1 and resolved as follows;

“That the Council;

- (i) RECEIVES Progress Report No. 6 relating to the review of the Town of Vincent Town Planning Scheme No. 1;*
- (ii) NOTES that;*
 - (a) the Town’s Officers do not support the approach of a Peer Review of the Draft Town Planning Scheme text and supporting documentation at this point in time due to the unique nature of the town planning scheme review and that any Peer Review is expected to be extensive, time consuming and ultimately expensive;*
 - (b) the Chief Executive Officer will be obtaining quotations for a Peer Review of the Draft Town Planning Scheme No. 2 text and supporting documentation in the Draft 2008/2009 Budget for consideration as part of the 2008/2009 Budget; and*
 - (c) a Peer Review of the Draft Town Planning Scheme No. 2 (TPS 2) text and supporting documentation will be carried out prior to or during the three months formal advertising period of TPS 2 (which is the more appropriate and beneficial).”*

28 October 2008 *The Council at its Special Meeting held on 28 October 2008 considered Progress Report No. 8 relating to the review of the Town Planning Scheme No. 1 and resolved as follows;*

“That the Council;

- (i) RECEIVES Progress Report No. 8 relating to the review of the Town of Vincent Town Planning Scheme No. 1;*
- (ii) APPROVES the revised timeline and Gantt chart as at 22 October 2008 relating to the review of Town Planning Scheme No. 1 as outlined in Appendix 7.1; and*
- (iii) NOTES that the review of Town Planning Scheme No. 1 is programmed to be completed and the new Town Planning Scheme No. 2 gazetted by February 2010.”*

28 October 2008 *The Council at its Special Meeting held on 28 October 2008 considered the approval of the Draft Local Planning Strategy and resolved in part as follows;*

“That the Council;

- (i) RECEIVES the Draft Local Planning Strategy as “Laid on the Table”, as shown in Appendix 7.2 and circulated separately to Council Members;*
- (ii) RECEIVES the Draft Local Planning, subject to the Strategy being amended as follows:*

...; and

- (iii) NOTES that the Residential Streetscapes component of the Draft Local Planning Strategy will need to be amended, to reflect the outcome of the Council’s decision concerning Item 7.3 and AUTHORISES the Chief Executive Officer to amend the document to reflect the Council’s decision prior to it being forwarded to the Western Australian Planning Commission.”*

2 December 2008 *The Council at its Ordinary Meeting held on 2 December 2008 considered the Draft Local Planning Strategy and resolved as follows;*

“That the item be DEFERRED for further consideration (including the comments submitted by Council Members).”

14 April 2009 *The Council at its Ordinary Meeting held on 14 April 2009 considered the Draft Local Planning Strategy and resolved as follows;*

“That the Council;

- (i) RECEIVES the Amended Draft Local Planning Strategy as shown in Appendix 9.1.1 (electronically linked to this report), “Laid on the Table” and circulated separately to Council Members, subject to the Strategy being amended as follows:*

Page 85 – Key Objectives of Members Equity Stadium Precinct Policy to be amended to read as follows:

“...

The key objectives of the Policy would be to:

- *Promote the key principles of Transport Oriented Development (TOD);*
- *Activates a currently underutilised area by enhancing the amenity of current and future residents;*
- *Enable the stadium to co-exist harmoniously with a range of new land uses, including a broad range of recreational, cultural and entertainment uses to attract local residents and visitors;*
- *Maintains and enhances public recreational open space;*
- *Creates an area with high quality pedestrian amenity including infrastructure and trees;*
- *Improve connectivity between the Stadium and surrounding transport nodes and networks, including McIver Station by establishing and maintaining a high level of amenity, safety and legibility in the urban form;*
- *Preserve the presence of the Stadium itself whilst successfully integrating it with existing adjacent land uses, including residential and commercial in order to create a seamless transition between the two;*
- *Create strong linkages between the Stadium and the proposed designation of Beaufort Street as an Activity Corridor and the Mount Lawley/Highgate Town Centre;*
- *Create a pedestrian focused environment whilst accommodating easy circulation for cars, public transport and cyclists; and*
- ~~*“Give the highest priority to the continued every day use of the surrounding streets of the Stadium.”*~~

(ii) *ADOPTS:*

- (a) *the Amended Draft Local Planning Strategy; and*
- (b) *the revised timeline relating to the review of Town Planning Scheme No. 1 estimated to be completed and the new Town Planning Scheme No. 2 gazetted by July 2010; and*

(iii) *REFERS the Amended Draft Local Planning Strategy to the Western Australian Planning Commission for certification in accordance with the Town Planning Regulations.”*

12 May 2009

The Town forwards five (5) copies of the Local Planning Strategy to the Western Australian Planning Commission for their consideration.

29 May 2009

The Town seeks quotations from five (5) consultants regarding the Peer Review of the Draft Town Planning Scheme No. 2 text and supporting documentation.

17 June 2009

Additional information is forwarded to the four (4) consultants regarding the Peer Review of the Draft Town Planning Scheme No. 2 text and associated documentation.

- 29 June 2009 *Quotation for Peer Review received from SJB Town Planning and Urban Design*
Cost: The Town will be charged at the Officers hourly rate to a maximum of \$30, 000.
- 2 July 2009 *Quotation for Peer Review received from RPS Koltasz and Smith*
Cost: \$19, 662.50 (incl. GST). Additional work would be charged at the Officers hourly rate.
- 3 July 2009 *Quotation for Peer Review received from Greg Rowe and Associates*
Cost; \$30, 000 (incl. GST). Proposed additional works - \$6,700 (optional).
- Quotation for Peer Review received from APP Corporation.*
Cost: \$21, 010 (incl. GST).
- Quotation for Peer Review received from TPG Town Planning and Urban Design.*
Cost: \$33,000 (incl. GST).
- 22 September 2009 *The Council at its Ordinary Meeting held on 22 September 2009 considered the review of the Town of Vincent Town Planning Scheme No. 1 and resolved the following:*
- “That the Council;*
- (i) *RECEIVES the report relating to the preparation of the Town’s Town Planning Scheme No. 2 addressing the Town’s requirements in relation to Town Planning Regulations 1967 (Regulation 4);*
- (ii) *PURSUANT to Town Planning Regulations 1967 (Regulation 4) formally resolves to prepare a new Town Planning Scheme including the new areas of land acquired by the Town through the boundary changes of July 2007; and*
- (iii) *AUTHORISES the Chief Executive Officer to resubmit information to the Western Australian Planning Commission (WAPC) in accordance with Regulation 4 of the Town Planning Regulations 1967, including the following :*
- (a) *a copy of the resolution certified by the Chief Executive Officer;*
- (b) *a map marked “Scheme Area Map”, signed by the Chief Executive Officer, on which is delineated the area of land proposed to be included in the Scheme; and*
- (c) *a statement setting forth –*
- (1) *the objects and intentions of the Scheme; and*
- (2) *the anticipated format of the Scheme.”*
- 13 November 2009 *Letters sent to the five (5) consultants for the Peer Review regarding an update of the progress of the Town Planning Scheme No. 2 and the expected timeframe for the Peer Review to commence.*

2 December 2009 The Town arranges advertising of the Resolution to Prepare a Town Planning Scheme to appear in the Government Gazette (Friday, 4 December 2009) and Guardian Express (Tuesday, 8 December 2009) in accordance with Regulation 5 of the Town Planning Regulations 1967.

2 December 2009 The Town received comment from the Department of Planning on the Local Planning Strategy. While the content of this feedback does not change the fundamental intent of the Local Planning Strategy, so as to inform the Town Planning Scheme No. 2, there are a number of matters to be further considered by the Town's Officers. The comments relate particularly to the format and layout of the Strategy.

Comments relating specifically to Transit Oriented Development and the Cemex and Hanson (concrete batching plant) site were noted, and will need to be further considered prior to advertising of the Strategy.

DETAILS:

Background to the Town of Vincent Town Planning Scheme No. 2

The Town of Vincent Town Planning Scheme No. 1 was gazetted on 4 December 1998 and was largely inherited from the City of Perth. To date, 22 amendments to the Scheme have been initiated and 16 have been approved and gazetted. Seven out of a total 22 have been requests for down-coding of residential land.

The existing Scheme divides the Town into 15 Precincts with District and Local Centres, Commercial, Special Use and combined Residential/Commercial zones and various Scheme Reserves. The Scheme is accompanied by Planning and Building Policies, which were initially adopted by the Council on 21 March 2001, with further Policies being adopted since this time.

The existing Town Planning Scheme's broad objectives are being met; however, there is a need to ensure that the Town has a Scheme representative of the community's vision for growth and change into the future, whilst also supporting the broader strategic direction for the growth of Perth's Metropolitan Region outlined by the State Government.

Of particular importance to the new Town Planning Scheme is the Town's work carried out in relation to Vincent Vision 2024, the Economic Development Strategy, the Review of the Municipal Heritage Inventory, the Affordable Housing Strategy, Policies relating to 'Residential Subdivisions' and 'Residential Design Elements', and the amendments to the Town's Local Government Boundaries, that took effect on 1 July 2007. This information is comprehensively documented in the Local Planning Strategy as the rationale to the proposed Town Planning Scheme No. 2.

The Town of Vincent's Town Planning Scheme No. 2 Scheme Text has been prepared in accordance with the provisions outlined in the Model Scheme Text (MST), as provided in Appendix B contained in the Town Planning Regulations 1967. The Model Scheme Text was gazetted as an amendment to the Town Planning Scheme Regulations in 1999, following the gazettal of the Town Planning Scheme No. 1 in 1998. As such, there are significant differences in the layout and formatting between the Town Planning Scheme No. 1, and the proposed Town Planning Scheme No. 2, to reflect the Model Scheme Text. The objective of the Model Scheme Text is outlined as follows:

“Whilst the overall philosophy is towards greater consistency in the format and basic provisions of schemes, within this overall framework each local government will be able to adopt the planning policies, provisions and approach that most suit its local needs and circumstances. The MST should, therefore, be seen as a Statewide model from which local planning schemes are sourced and constructed. It is a statutory device to ensure that planning schemes follow a similar format across the State but allows for different planning approaches to match the difference needs of local governments.”

In accordance with the above the proposed Town Planning Scheme No. 2 (TPS No. 2), as shown in Attachment 9.1.8(a) has been based on the format prescribed in the MST, and has been cross referenced with the Local Planning Strategy and current Town Planning Scheme No. 1, to ensure that provisions specifically relevant to the Town of Vincent have been incorporated. Variations to the MST text are shown via strikethrough and underline. It is noted that certain sections in the MST require the local authority to insert specific information relating to the local Scheme. These are not shown via strikethrough and underline as they are a requirement of the preparation of the Scheme and do not modify the intent of the Scheme Text.

Town Planning Scheme No. 2 Text:

For the purpose of this report, the Parts of the proposed Town Planning Scheme No. 2 based on the Model Scheme Text, are listed below. For each Part, major variations between the Model Scheme Text and the proposed Town Planning Scheme No. 2 have been outlined, as well as major variations between the proposed Town Planning Scheme No. 2, and the existing Town Planning Scheme No. 1.

PART 1 - PRELIMINARY

This section is largely consistent with the Model Scheme Text, and with Part 1 of the existing Town Planning Scheme No. 1.

PART 2 – LOCAL PLANNING POLICY FRAMEWORK

Clause 2.4.1 (a) of the Model Scheme Text has been amended in the proposed TPS No. 2, from the prescribed 2 week advertising period to a proposed 4 week advertising period to be consistent with Clause 47 of TPS No. 1, and associated Policies relating to Community Consultation at the Town.

In addition, clause 2.4.4 of the Model Scheme Text as shown in the proposed TPS No. 2 has been amended to prescribe that the date of formal adoption of a Planning Policy, is the date of which it is endorsed by the Council, and not the date of publication of a notice in the local newspaper, as is prescribed in the Model Scheme Text. This is to reflect the current practices outlined in clause 47 of the TPS No. 1, and supports the current and accepted administrative procedures in place at the Town.

PART 3 – RESERVES

The proposed TPS No. 2 is consistent with the Model Scheme Text and generally consistent with clauses 11 and 12 of TPS No. 1.

PART 4 – ZONES AND THE USE OF LAND

Variations to the Model Scheme Text

The proposed TPS No. 2 is largely consistent with the content and layout of Part 4 of the MST, with the exception of the addition of a new clause. A clause 4.13 has been added to reflect clause 17 of the TPS No. 1 relating to a register of non-conforming uses, on the basis that it is intended that the Town will continue to keep a register of non-conforming uses to be included in the Town’s Planning, Building and Heritage Policy Manual.

Variations to TPS No. 1

The zoning table symbols outlined in the TPS No. 1 Zone Table have been amended to reflect the symbols defined in clause 4.3.2 of the MST. The key changes are that 'AA' use in TPS No. 1 is defined as 'D' - Discretionary use, and 'SA' use in TPS No. 1 is defined as 'A' - Special Advertising. In addition, District Centre has now been defined as Town Centre to reflect the terminology within the Local Planning Strategy.

Variations to the permissibility of uses in the Zone Table include the following;

- *Multiple dwellings in Town Centres have been amended from 'AA' to 'P' use, to reflect the amendments to the Residential Design Codes 2008, and the proposed development within the five Town Centre areas, as supported in the Local Planning Strategy.*
- *Local Shop in the Residential zone has been amended from 'SA' to 'D' (formally 'AA' use) to allow greater discretion in determining the appropriateness of small shops within residential areas.*
- *Day Nurseries in Residential zones have been amended from 'AA' to 'A' (formally 'SA' use) to strongly discourage Day Nurseries in residential areas.*
- *Small Bars has been added as a new Use Class to the Zone Table to reflect the adoption of new legislation relating to small bars and the corresponding increase of development applications for this particular use.*

PART 5 – GENERAL DEVELOPMENT REQUIREMENTS

Variations to the Model Scheme Text

Clause 5.1 of the MST has been amended in the proposed TPS No. 2 to include all sources of development requirements used by the Town, which is consistent with clause 18 of TPS No. 1

Clause 5.5.1 has been amended to closely reflect the current provisions of clause 40 in TPS No. 1 to allow discretion to include variations to the Residential Design Codes. As detailed in Part 11 of the Local Planning Strategy, it was recommended that existing 'Clause 40' of the Scheme Text be maintained to ensure that adequate flexibility and discretion is available to the Council to exercise as required, where proposals may be presented to the Town, which do not conform with Scheme provisions, however meet the general objectives of the Scheme.

A new clause, clause 5.7 Conservation of Trees, has been added to include provisions for the Town's Significant Tree Inventory, to be consistent with clause 21 of TPS No. 1.

Variations to TPS No. 1

Clause 5.3 of the proposed TPS No. 2, previously clause 20 of TPS No. 1, has been amended as follows;

(a) 50% Density Bonus:

Clause 20 (2) of TPS No. 1 relating to the Council's discretion to permit a density bonus of up to 50% has been included in TPS No. 2 under provisions contained in clause 5.3 (b). In addition to those conditions contained in TPS No. 1, clauses relating to environmentally sustainable design and affordable housing, have been included, in support of the objectives within the Local Planning Strategy. While at present, the Town has not adopted policies relating to sustainable design and affordable housing, significant work has been undertaken in these areas and it is intended that policies will be developed in these areas, as part of the Town's review of the Planning, Building and Heritage Policies, which will identify criteria in which a density bonus may apply.

(b) Removal of Specific Requirements Relating to Precincts

Specific criteria relating to setbacks, building height and parking within the former precincts that were previously contained in Clause 20 have not been included in TPS No. 2. Specific development provisions relating to the proposed new Community Precincts will generally be included as Planning Policies adopted pursuant to the Scheme, with the exception of the Special Control Areas where specific development requirements will be detailed in the proposed Schedule 11 of TPS No. 2.

(i) Removal of 'No Multiple Dwellings' Provisions:

All references relating to the 'no multiple dwellings' provisions, has not been included to reflect the recommendations of the Local Planning Strategy and the proposed Amendment No. 25 to the TPS No. 1, currently with the Western Australian Planning Commission for determination.

(ii) Provision relating to the Eton Locality:

Clauses 20 (c) (ii) and 20 (h) (i) of TPS No. 1 that relates directly to the area known as the former Eton Locality, have not been included in the proposed TPS No. 2. This is consistent with the recommendations within the Local Planning Strategy and the accompanying Scheme Maps which propose the land within the former Eton Locality to be all zoned as R20 to support the character retention of these areas, with the exception of proposed R60 zoning along London Street.

(iii) Standard Provision for Dual Coding:

To support the objectives of the Local Planning Strategy to encourage the retention of the existing character housing stock, a standard provision for dual coding has been included in clause 5.3 (d) (i) of TPS No. 2, which will apply to all dual coded land within the Town.

PART 6 – SPECIAL CONTROL AREAS

Variations to the Model Scheme Text

The MST allows provisions for Special Control Areas. The Town has incorporated these provisions into the proposed TPS No. 2 as detailed below.

A clause 6.3 has been added to include information relating to Development Contribution Areas, which is further discussed in the comments section of this report.

Variations to TPS No. 1

Clause 6.1 of the MST text relates to Special Control Areas (SCAs). Since the introduction of the Model Scheme Text (MST) in 1999, the use of SCAs in town planning schemes has been introduced to identify areas which are significant for a particular reason and where special provisions in the Scheme may need to apply. SCAs are shown on the Scheme maps as additional to the zones and reserves. If a SCA is shown on a Scheme map, special provisions related to the particular issue apply, in addition to the provisions of the zones and reserves. It is noted that TPS No. 1 does not contain any provisions for SCAs.

In line with the intent of SCAs detailed above, four SCA's areas have been proposed to be incorporated into TPS No. 2 as follows;

- SCA1 *Leederville Masterplan Area*
- SCA2 *West Perth Regeneration Masterplan Area*
- SCA3 *East Parade Urban Regeneration Area*
- SCA4 *Glendalough Transit Oriented Development Area*

The rationale for inclusion of these four areas is supported within the Local Planning Strategy, which proposes significant intensification of development in these key areas, and the recommendation that specific development provisions are applied, in addition to the underlying coding of the land.

Detail relating to the area, purpose and development requirements for each Special Control Area (SCA) have been incorporated into Part 6 of the proposed TPS No. 2. In addition, specific provisions for each SCA have been included in Schedule 11 of the proposed TPS No. 2. The provisions included in Schedule 11 outline the development standards which are to apply in these identified areas to ensure transparency and consistency in managing the development in these areas. It is the intention that other provisions applying to each SCA be included in detailed Development Guidelines which will be adopted as a Policy under the Scheme, in the same way that all other Planning, Building and Heritage Policies will be adopted under the Scheme.

The DoP are currently making amendments to the Design Guidelines for the East Parade Urban Regeneration Area. It has been advised that development standards relating to height and setbacks, site coverage, sustainability rating and car parking, to be included into Schedule 11 will be provided to the Town in early 2010. Consequently, the information in Schedule 11, pertaining to East Parade, has not been included at this stage.

PART 7 – HERITAGE PROTECTION

Variations to the Model Scheme Text

Section 7 of the Model Scheme Text has been amended to better reflect the procedures and policies in place at the Town relating to Heritage Management, by removing clause 7.2 relating to 'Designation of a heritage area' from proposed TPS No. 2 altogether.

Essentially, as the Town has adopted the approach that the Municipal Heritage Inventory is the Heritage List, for ease of interpretation and application, it is recommended that the TPS No. 2 only include information about the Heritage List. Information relating to 'Heritage Areas' or what were known as 'Heritage Places' in TPS No. 1 is proposed to be removed. It is noted that groups of properties that comprise a heritage place, are appropriately managed as being considered on the Heritage List. It is anticipated that, creating 'Heritage Areas' will be inappropriately interpreted as 'Character Areas', which by definition does not reflect the true definition of 'heritage', as defined by the Burra Charter.

All other mention of 'heritage areas' within the MST, has also not been included in the proposed TPS No. 2 so as to be consistent with the above.

Variations to TPS No. 1

Essentially, information relating to heritage within clauses 23 to 27 of the TPS No. 1 has been incorporated into TPS No. 2. The main exception being, the removal of reference to 'Heritage Places' as defined in clause 24 of TPS No. 1. Since the gazettal of TPS No. 1, there have been no 'Heritage Places' that have been designated by the Council, and it has become standard practice that the protection of heritage places within the Town, has been solely through the Heritage List. Clause 23 (2) prescribes that 'for the purposes of this Clause, the Heritage List means the Municipal Heritage Inventory as amended from time to time, prepared by the Council pursuant to section 45 of the Heritage of Western Australia Act 1990 (as amended), or such parts thereof as described in the Municipal Inventory'. The Heritage List is supported by planning policies relating to Heritage Management adopted pursuant to the Scheme.

PART 8 – DEVELOPMENT OF LAND

Variations to the Model Scheme Text

To reflect the proposed changes to the MST outlined in Part 7 above, all mention of 'heritage areas' within Part 8 of the MST, have been removed from proposed TPS No. 2.

Clause 8.2 (d) of the MST relating to permitted development - proposed demolition, has been amended in the proposed TPS No. 2 to reflect the provisions of clause 41 of TPS No. 1 that prescribes the requirements for an application involving demolition. In accordance with the definition of 'development' within the Planning and Development 2005, demolition is considered a form of development. The rationale for requiring planning approval for demolition at the Town supports this definition, and also aims to ensure the proper assessment of the impact of the proposed demolition on the amenity and/or cultural heritage value of the area and also to ensure that prior to the issue of a demolition licence, an appropriate new development of the site is approved.

With the above exception, the majority of the recommended clauses within 8.2 of the Model Scheme Text have been incorporated into TPS No. 2. Additional classes of permitted development for which planning approval is not required, have been included to reflect the information outlined within clause 33 of TPS No. 1 that has become recognised standard practice at the Town. It is noted that clause 8.2 (d) home office, has been deleted as it is covered in the proposed 8.2 (g) of TPS No. 2.

Variations to TPS No. 1

Essentially, all the relevant information within TPS No. 1 relating to the development of land, has been incorporated into TPS No. 2.

PART 9 – APPLICATIONS FOR PLANNING APPROVAL

Variations to the Model Scheme

Essentially, the information contained within Part 9 of the proposed TPS No. 2, is consistent with the MST with the exception of minor changes to clause 9.3, to remove reference to 'Heritage Areas', for the reasons outlined in Part 7, and the transfer of clause 36 of TPS No. 1 relating to a Design Advisory Committee, to proposed TPS No. 2 as clause 9.5. Whilst the formation of such a committee has not been utilised since the gazettal of the TPS No. 1, it is considered that TPS No. 2 should be given the ability to create one.

Variations to Text TPS No. 1

In essence, the information contained within Part 9 of the proposed TPS No. 2 is consistent with the purpose and intent of the equivalent information contained within the relevant clauses 35 and 37 of TPS No. 1.

PART 10 – PROCEDURE FOR DEALING WITH APPLICATIONS

Variations to the Model Scheme

Essentially, the information contained within Part 10 of the proposed TPS No. 2, is consistent with the MST with the exception of minor changes to clause 10.2 (f) to remove reference to 'Heritage Areas', for the reasons outlined in Part 7 above.

Variations to Text TPS No. 1

In essence, the information contained within Part 10 of the proposed TPS No. 2, is consistent with the purpose and intent of the equivalent information contained within the relevant clauses 38, 42, 43, 45 and 46 of TPS No. 1.

PART 11 – ENFORCEMENT AND ADMINISTRATION

Variations to the Model Scheme

Essentially the information contained within Part 11 of the proposed TPS No. 2 is consistent with the MST with the exception of minor changes to reflect the provisions of the Planning and Development Act 2005.

Variations to Text TPS No. 1

In essence, the information contained within Part 11 of the proposed TPS No. 2, is consistent with the purpose and intent of the equivalent information contained within the relevant clauses 31, 49, 48, 50, 51, 52, 53 and 46 of TPS No. 1.

SCHEDULES

SCHEDULE 1 - DICTIONARY OF DEFINED WORDS AND EXPRESSIONS

Schedule 1 of TPS No. 2 contains general, and land use definitions. Much of these definitions are those provided in the MST. Schedule 1 definitions have been cross referenced with the current TPS No. 1, and any land use definitions relevant to the Town that are not contained in the MST have been included in Schedule 1 of the proposed TPS No. 2. Equally so, any definitions that are contained in the MTS, that are not relevant to the Town, are proposed to not be included in TPS No. 2.

SCHEDULE 2- ADDITIONAL USES

This Schedule was known as Schedule 3- Additional Uses in TPS No. 1. It is proposed that the existing 'Special Uses' currently within TPS No. 1 will be re-classified as 'Additional Uses' with the exception of No. 51 (Lot 192) Albert Street, North Perth which will remain a 'Special Use'. It is noted however that the Special Use listed as No. 148 - 158 (Lot 31) Scarborough Beach Road, currently within TPS No. 1 is to be rezoned as 'Town Centre' in TPS No. 2 and shall no longer have 'Additional Use' or 'Special Use' classification. The rationale for removing the 'special use' classification is to allow more flexibility in the future development of the sites.

SCHEDULE 3 - RESTRICTED USES

This Schedule, or its equivalent, was not included in TPS No. 1. It has been incorporated into TPS No. 2 in line with the format of the MST; however, no listings have been inserted to date as currently there are no restricted uses which apply to this Scheme.

SCHEDULE 4 - SPECIAL USE ZONES

This schedule was known as Schedule 2 – Special Uses, in TPS No. 1. There were 8 'Special Uses' listed in TPS No. 1 of which one is proposed to retain its 'Special Use' classification, with the remainder being rezoned and converted to 'Additional Uses' with the exception of Nos.148-158 (Lot 31) Scarborough Beach Road, Mount Hawthorn, known as 'The Mezz' car park which has been re-zoned as 'Town Centre' and the 'Special Use' classification removed.

SCHEDULE 5 - EXEMPTED ADVERTISEMENTS

This Schedule, or its equivalent, was not included in TPS No. 1, however Division 3 - Control of Advertisements of TPS No. 1 allows for the approval of an 'exempted advertisement'. Schedule 5 of the MST has been included in proposed TPS No. 2 and two listings have been inserted into Schedule 5, including; Nos. 179 - 181 (Lot 5) Lord Street, Perth and Nos. 218 - 283 (Lot 10) Fitzgerald Street, Perth. In addition to the format provided in the MST, another column has been inserted to include the date of the relevant Ordinary Meeting of Council when the exempted advertisement was approved.

SCHEDULE 6 - FORM OF APPLICATION FOR PLANNING APPROVAL

This Schedule was known as Schedule 4 - Form of Application, in TPS No. 1. The standard template has been inserted into the proposed TPS No. 2 based on the MST; however, it is envisaged that the standard forms and associated checklists to be used, are those published on the Town's website, and made available at the Town's Administration and Civic Centre.

SCHEDULE 7 - ADDITIONAL INFORMATION FOR ADVERTISEMENTS

This Schedule was not included, in TPS No. 1, however, to be consistent with the MST, it has been included in proposed TPS No. 2. The standard template has been inserted into the proposed TPS No. 2 for information only. The Town's Administration provides applicants with specific information relating to 'D' and 'A' advertising requirements.

SCHEDULE 8 - NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL

This Schedule was not included in TPS No. 1, however, to be consistent with the MST, it has been included in proposed TPS No. 2. The standard template has been inserted into the proposed TPS No. 2 for information only. The Town's Administration provides applicants with specific information relating to 'D' and 'A' advertising requirements.

SCHEDULE 9 - NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING APPROVAL

This is known as Schedule 5 – Notice of Council Decision, in TPS No. 1. The template within proposed TPS No. 2 has been amended to reflect the requirements of the MST.

SCHEDULE 10 - ENVIRONMENTAL CONDITIONS

Preliminary advice indicates that there are no environmental conditions imposed by the Minister for Environment which apply to this Scheme. Further clarification relating to this matter is currently being investigated.

SCHEDULE 11- SPECIAL CONTROL AREAS

Beyond Schedule 10, there are no designated Schedules within the MST. However, since the inception of Special Control Areas, it has become common practice that a Schedule 11 is included into Schemes to outline the specific development requirements relating to Special Control Areas. Refer to information relating to Part 6 above, regarding the specific content of Schedule 11.

SCHEDULE 12- DEVELOPMENT CONTRIBUTION AREAS

Similar to the above, since the implementation of Development Contribution Areas, it has become common practice that Schedule 12 is included in Schemes to outline specific information relating to Development Contribution Areas in accordance with the State Planning Policy No. 3.6 relating to Development Contributions for Infrastructure. This will be further discussed in the comments section of this report.

Town Planning Scheme No. 2 Maps:

A thorough and extensive review of the Scheme Maps has been undertaken by the Town's Officers. Where appropriate, the following changes have been made:

- 1. The Scheme Maps have been amended to incorporate the proposed zone changes identified within the Local Planning Strategy.*

2. *In a small number of cases where it has been identified that the current zoning of land under TPS No. 1, and the use of the land are inconsistent, the zoning has been amended to ensure that the land can be developed in accordance with orderly and proper planning, to ensure better land use within the context of the surrounding area.*
3. *Zone maps have also been reviewed to ensure that any zoning anomalies that appeared in the current TPS No. 1 (in particular relating to Rights of Ways or split zonings), have been checked and amended, where appropriate.*
4. *A review of the maps revealed some minor inconsistencies between the Metropolitan Region Scheme boundaries and the Town's current cadastre. These anomalies will be referred to the WAPC for clarification as per Recommendation (v) of this report.*
5. *Some minor issues with the number of Rights of Ways and Water Corporation easements and drains, still require further investigation through either Certificate of Title searches or the Town's Technical Services. Where these issues exist and require further investigation, the current TPS No. 1 zoning remains.*

Proposed Planning, Building and Heritage Policy Manual:

As part of the review of the Town Planning Scheme No. 1, the current Planning and Building Policy Manual will also need to be revised. The Town's Local Planning Strategy proposes a restructuring of the Town's precincts, where the existing 15 precincts will no longer exist. The Policies relating to these areas will no longer be applied in the Town. The Town will be divided into five major precincts known as 'Community Precincts', each of which will have its own Town Centre. Guidelines will be developed for each Community Precinct as a whole, incorporating the major elements of the area, including general residential development guidelines, transit oriented development guidelines, strategic development sites, local and commercial areas, reserves and any other specific aspects or requirements for the area. Each Community Precinct will also have Town Centre Guidelines, specifically relating to development in these areas.

In addition to this, at the time of developing the Town's Local Planning Strategy, it was noted that a number of design guidelines are to be created for certain areas within the Town. Along with the existing specific guidelines for areas in the Town, currently located in the appendices of the existing Planning and Building Policy Manual, it is proposed that these guidelines be grouped into the relevant Community Precinct in which they exist. Each Community Precinct's Town Centre will also have its own Precinct Parking Management Plan.

The remaining existing Policies will be incorporated into the new Planning, Building and Heritage Policy Manual. It should be noted that each Policy will be reviewed to determine whether the Policy is still relevant and contains current information.

Discussions between the Town's Officers and Officers at the DoP, have indicated that given the Town's Policy Manual is adopted pursuant to the Town's Scheme, the Policy Manual will need to be completed at the time of the Scheme's Gazettal. It was also recommended that the Policy Manual be advertised alongside the new Scheme Text and Maps. When the Town's draft Scheme is with the Western Australian Planning Commission for approval to advertise, the Town's Officers will continue its review of the Policy Manual, to enable it to be advertised concurrently with the draft TPS No. 2.

Peer Review:

On 9 October 2007, the Council resolved to undertake a Peer Review of the Draft Town Planning Scheme No. 2 prior to, or during the 3 month formal advertising period of the TPS No. 2 (whichever is the more appropriate and beneficial). The Town's Officers consider that it is most appropriate to undertake the Peer Review during the three month advertising period. A detailed analysis of the five candidates submissions will be considered by the Town's Officers in accordance with the specified criteria provided to all candidates. On receipt of consent to advertise the Draft Scheme from the Western Australian Planning Commission, a report will be prepared for the Council to consider the submissions, and determine a preferred respondent.

Once a decision is made by the Council, all candidates will be advised of the outcome and the selected respondent will commence the Peer Review. As specified in the criteria provided to respondents, the Peer Review will be undertaken for a period of four weeks. The outcome of this review will be presented to the Council, alongside the submissions received, as a result of the general advertising.

CONSULTATION/ADVERTISING:

No consultation is required until the Draft Town Planning Scheme No. 2 text and maps have been endorsed by the Western Australian Planning Commission in accordance with Regulation 13 of the Town Planning Regulations 1967. At which point the Draft Town Planning Scheme No. 2 text and supporting documentation will be advertised for three (3) months in accordance with Regulation 13 of the Town Planning Regulations 1967. At this time, the Town will also conduct a Peer Review of the draft TPS No. 2.

In addition, on 2 December 2009, the Town received preliminary comment from the WAPC in relation to the draft Local Planning Strategy. The Town's Officers will commence consideration of these comments and amend the LPS as appropriate. It is intended that the draft Local Planning Strategy be advertised in conjunction the draft Town Planning Scheme No. 2.

LEGAL/POLICY:

Town Planning Regulations 1967 – Appendix B Model Scheme Text.

STRATEGIC IMPLICATIONS:

The Town of Vincent Strategic Plan 2006-2011 states;

“Natural and Built Environment

Objective 1.1 Improve and maintain environment and infrastructure

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

SUSTAINABILITY IMPLICATIONS:

The proposed TPS No. 2 incorporates the sustainability principles contained in Vincent Vision 2024, and when adopted, the TPS No. 2 is to be read in conjunction with the Local Planning Strategy. Some of the more detailed sustainability objectives are integrated throughout the Local Planning Strategy. These include, but are not limited, to transit oriented design, affordable housing, review of residential densities, environmentally sustainable design, and provisions for facilitating economic development. The Town promotes development that maximise social, environmental and economic benefits, and the draft TPS No. 2 enables such sustainable developments to proceed.

FINANCIAL/BUDGET IMPLICATIONS:

The current 2009/2010 Budget allocates \$62,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

Development Contributions

Following the Council decision to defer the item relating to Development Contributions at its Ordinary Meeting held on 28 April 2009, and the legal advice received on 7 May 2009, the Town's Officers have undertaken significant research in relation to Development Contributions Areas (DCAs). Essentially, the legal advice indicates that the implementation of Development Contributions, through a planning policy adopted pursuant to the Scheme, was not appropriate, and that the best measure to incorporate Development Contributions should be in accordance with the recommendations of the State Planning Policy No. 3.6 relating to Development Contributions for Infrastructure.

Following discussions with the DoP it has been advised that, while there is State Government direction in relation to Development Contributions in the form of State Planning Policy 3.6 the application of Development Contributions in established inner city areas, such as the Town of Vincent, has yet to be widely applied. In light of discussions with DoP, and the information obtained through investigation into development contributions, the Town's Officers provide the following comment in relation to DCA's within the Town:

- 1. While the State Government has provided direction to Local Governments to incorporate DCA's into their Schemes, this direction applies in particular to extensive new development sites that have significant infrastructure requirements. The DoP were not able to provide significant direction or example of the application of Development Contributions within redevelopment areas with established infrastructure such as those proposed by the Town of Vincent. The Town's Officers have provided the DoP with some examples of the types of infrastructure requirements within these redevelopment areas, however, at this stage no further direction has been received from the DoP as to whether these types of infrastructure are suitable to apply a development contribution.*
- 2. The appropriateness of including the Town Centre areas (Mount Hawthorn, North Perth, Mount Lawley/Highgate and Perth) as DCA's was considered. The Town's Officers have undertaken preliminary investigation of the infrastructure requirements within these areas, and a preliminary estimate of the costs involved in these upgrades, and these findings have been discussed with DoP.*

Following this investigation, and the consideration of the DoP's advice, it is considered that these Town Centre areas are not appropriate for inclusion as DCA's. These areas do not propose significant intensification of development requiring infrastructure upgrades over and above those provided as general upkeep and maintenance, which would be appropriately funded through normal rate revenue. In light of this, applying development contributions was not considered appropriate in the abovementioned Town Centres; however, the Town's Officers do consider that some scope may exist for applying development contributions in some of the Special Control Areas, particularly the Leederville Masterplan Area in the future.

- 3. State Planning Policy 3.6 (Development Contributions for Infrastructure) states that the need for the infrastructure included in a Development Contribution Area must be clearly demonstrated, and the connection between the development and the demand created, should be clearly established. Therefore, a Development Contribution Plan*

needs to be guided by comprehensive demographic forecasts and expected commercial yields, together with a solid strategic determination of the infrastructure requirements, the estimated cost involved in the supply of this infrastructure, and the appropriate level of contribution that should be levied. State Planning Policy 3.6 requires that where the Town is seeking contributions for community infrastructure, these need to be supported by:

- *A community infrastructure plan for the area, identifying the services and facilities required over the next 5-10 years (supported by demand analysis and identification of service catchments);*
- *A capital expenditure plan (for at least five out years) which identifies the capital cost of facilities and the revenue source (including capital grants) and programs for provision;*
- *Projected growth figures including the number of new dwellings to be created at catchment level; and*
- *A methodology for determining the proportion of costs of community infrastructure to be attributed to growth and the proportion to be attributed to existing area.*

Following discussions with the DoP, it was determined that while the Town's Officers have gathered some preliminary information in this regard; considerable further information is required in order to attain the level of detail required by State Planning Policy 3.6. In light of this, it is considered that should the Town wish to apply development contributions to specific areas, it may be appropriate for the Town to engage the services of a specialised consultant with expertise in this area, in order to gather the detailed level of information required.

4. *The Town's Officers have also considered the issue, that should development contributions be applied to specific development areas within the Town, the Town would then have a commitment to providing the infrastructure within a reasonable period. Given the gradual nature of development in the outlined Special Control Areas, resulting in the collection of funds being spread over a significant time period, further investigation would also need to consider the intended time in which the Town could reasonably provide the required infrastructure.*

Notwithstanding the above, the Town's Officers have been advised that Model Scheme Text provisions can be incorporated into the Scheme, prior to Development Contribution Areas being determined, and prior to any Development Contribution Plans being included into the Scheme. This would provide an opportunity for the Town to include DCA's at a later stage. Should it be considered appropriate for an area to become a Development Contribution Area, it can be incorporated into the Scheme by way of a Scheme Amendment as has been done in the City of Cockburn and the City of Stirling Schemes. Based on this advice, provisions for Development Contributions have been included in Part 6 of the draft Scheme.

Conclusion

Following the Council's endorsement of the Local Planning Strategy at its Ordinary Meeting held on 14 April 2009, the Town's Officers have been able to progress Town Planning Scheme No. 2 text and maps to include content and recommendations contained within the Local Planning Strategy.

Accordingly, it is recommended that the Council receives and adopts the Draft Town of Vincent Town Planning Scheme No. 2, and authorises the Chief Executive Officer to forward a copy of the Draft Town Planning Scheme No. 2 text and maps to the Western Australian Planning Commission for consideration and consent to advertise.

Following consent by the Western Australian Planning Commission, the Draft Town Planning Scheme No. 2 will be advertised with, or without amendments, for a period of three months. At this time, the Peer Review will also be undertaken.

The following is an updated indicative timeline of the major milestones in the review of the Town Planning Scheme No. 1:

<i>Item</i>	<i>Proposed Completion Date</i>
<i>Council Member comments on the Draft Local Planning Strategy (LPS)</i>	<i>17 November 2008 (completed)</i>
<i>Draft LPS to be considered by the Council at its Ordinary Meeting</i>	<i>Ordinary Meeting of Council - 14 April 2009 (completed)</i>
<i>Draft Town Planning Scheme No. 2 Text and Maps to be considered by the Council</i>	<i>Ordinary Meeting of Council - 15 December 2009</i>
<i>Draft TPS No. 2 to Western Australian Planning Commission for consideration and consent to advertise</i>	<i>December 2009</i>
<i>Draft Planning, Building and Heritage Manual to be considered by the Council</i>	<i>March 2010</i>
<i>Advertising of Draft TPS No. 2</i>	<i>April 2010 – June 2010</i>
<i>Peer Review of Draft TPS No. 2</i>	<i>April 2010 – June 2010</i>
<i>Estimated Promulgation of TPS No. 2</i>	<i>December 2010</i>

It is noted that the period between the Council adopting Draft Town Planning Scheme No. 2, and the Western Australian Planning Commission and the Minister for Planning considering and providing consent to advertise the documents, is indicative only. While the Department of Planning (DoP) has provided an indicative timeframe, the Council is aware that the DoP have acknowledged that it is experiencing severe staff shortages, and the gazettal of the new Town Planning Scheme is likely to be subject to delays.

As stated above, while the draft TPS No. 2 is being considered by the WAPC, the Town's Officers will continue reviewing the Town's Planning, Building and Heritage Policy Manual, by amending and developing new policies where appropriate, in order that the Policy Manual can be advertised alongside the draft Town Planning Scheme No. 2, ensuring that the Policy Manual is completed at the time of the Scheme's Gazettal.'

9.1.2 No. 36 (Lot 95; D/P 1659) Buxton Street, Mount Hawthorn - Proposed Demolition of Existing Single House and Construction of Two-Storey Single House

Ward:	North	Date:	6 April 2010
Precinct:	Mount Hawthorn, P1	File Ref:	PRO4994; 5.2010.49.1
Attachments:	001;002		
Reporting Officer:	T Cappellucci, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Lorimer Homes on behalf of the owner S J Robertson & V M Suckling for proposed Demolition of Existing Single House and Construction of Two-Storey Single House, at No. 36 (Lot 95; D/P 1659) Buxton Street, Mount Hawthorn, and as shown on plans stamp-dated 9 February 2010, subject to:

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Buxton Street;*
- (iii) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (iv) first obtaining the consent of the owners of No. 38 Buxton 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. 38 Buxton Street in a good and clean condition;*
- (v) any new street/front wall, fence and gate within the Buxton Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences; and*
- (vi) prior to the construction of the driveway and crossover, written approval from the Town's Parks Services on the distance required between the verge tree and the proposed crossover is to be obtained.*

COUNCIL DECISION ITEM 9.1.2

Moved Cr Topelberg, Seconded Cr Harvey

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Mayor Catania was an apology for the meeting.)

Landowner:	S J Robertson & V M Suckling
Applicant:	Lorimer Homes
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	490 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

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

The applicant's submission and justification is attached and "*Laid on the Table and attachment 004*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Boundary Setbacks: <i>Ground Floor</i> - Front – Garage	To be setback 0.5 metre behind main building line.	Garage is 2.35 metres in front of the main building line.	Supported – With the garage setback 6 metres from Buxton Street, and the design incorporating articulation on the front elevation, the garage is not considered to visually dominate the streetscape. The articulated front elevation, with the incorporation of design features such as a low wall with balustrade, posts and rendered projections, ensures the garage is integrated into the development, rather than being dominate to the streetscape. To the north, on the same side of the street as the subject property, No. 40 Buxton Street has a carport with a solid garage door with a nil setback to Buxton Street and No. 40A Buxton Street has a carport also with a nil setback to Buxton Street.

			In addition, the garage is proposed to be constructed in the same material and colours of the proposed dwelling.
- Side (North) - Garage	1 metre	Nil	Supported - Not considered to have an undue impact on neighbouring property and no objection received from adjoining neighbour.
<i>Upper Floor</i> - Front - Balcony	To be setback a minimum of 1 metre behind the ground floor.	1.79 metres in front of the ground floor.	Supported – See “Comments” below.
- Front – Bed 1 & Living	To be setback a minimum of 2 metres behind the ground floor.	Bed 1 is 3.07 metres in front and Living Room is level with ground floor.	Supported – See “Comments” below.
- Side (South) – Balcony/Living	2.5 metres	1.2 metres	Supported - Not considered to have an undue impact on neighbouring property and no objection received from adjoining neighbour.
Buildings on Boundary:	Walls not higher than 3.5 metres with average of 3 metres for 2/3 (40.2 metres) of the length of the balance of the boundary behind the front setback, to one side boundary.	One boundary wall proposed (Garage) to northern boundary. Garage Wall on Northern Boundary: Wall Height – 3.2 metres Wall Length – Required: 2/3 = 26.7 metres Proposed Length = 6 metres for Garage.	Supported – Not considered to have an undue impact on the amenity of the neighbouring property at No. 38 Buxton Street and no objection received from adjoining neighbour.
Garage Doors:	Where garage door is located in front, a garage door facing the primary street is not to occupy more than 50% of the frontage.	50.77%	Supported – A minor variation and given the garage does not visually dominate the front façade due to the contemporary design of the development.

Building Bulk:	In a predominately single storey streetscape, new development is required to be single storey at the primary street frontage.	Two storey development which is not single storey at the primary street frontage.	Supported – The contemporary design of the dwelling incorporates articulation at its primary street frontage which minimises the impact of the upper floor on the predominately single storey streetscape when viewed from Buxton Street. In addition, the 5.3 metre setback of Bed 1 and 6.57 metre setback of the balcony from Buxton Street, on the upper floor, ensures the upper floor does not dominate the streetscape.
Privacy: - Balcony facing 34 Buxton Street	7.5 metres.	1.2 metres to the southern boundary.	Supported – While the cone of vision of the balcony does overlook behind a minor portion of the front setback area of No. 34 Buxton Street, it does not directly overlook active habitable spaces or outdoor living areas and no objection received from directly affected neighbour.
Consultation Submissions			
Support (0)	• Nil		• Noted.
Objection (0)	• Nil		• Noted.
Other Implications			
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).		
Strategic Implications	Nil		
Financial/Budget Implications	Nil		
Sustainability Implications	Nil		

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

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

COMMENTS:

Demolition

The subject brick and tile dwelling at No. 36 Buxton Street is an example of the Post-war Conventional Suburban Style Bungalow constructed circa 1948 by F. R. Richard, the builder and architect, for the owner K. E. Eggleston.

The main roof of the subject dwelling is hipped and has a hipped gable to provide coverage to the southern front room. The façade of the subject dwelling has been rendered and painted in dark grey.

A full Heritage Assessment was undertaken for No. 36 Buxton Street, Mount Hawthorn, based on the plan dated 9 February 2010, which indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory, and as such the demolition is supported.

Upper Floor Street Setbacks

The proposed two-storey single house reflects a development that is contemporary in design and is generally consistent with the surrounding streetscape, which contains several contemporary dwellings either newly built or as a result of additions and alterations to existing dwellings. The dwelling maintains the existing ground floor street setback line, with the upper floor balcony, along with bedroom 1 and living room, being in front of the ground floor setback line. The garage is setback in front of the main building line of the proposed dwelling, 6 metres from Buxton Street, and subsequently the two-storey single house front façade has been designed to reduce the visual dominance of the garage, through the inclusion of an articulated upper floor front elevation, with design features.

The Residential Design Elements Policy under Clause 6.4.1, states that: '*residential development should compliment the existing streetscape and should be designed to harmonise with the streetscape and adjoining properties*'. Dwellings on the same street block as the subject property along Buxton Street are generally very consistent in regards to ground floor street setbacks. However, the streetscape contains a mix of architectural styles and development that vary in age, style and building materials, along with examples of properties with garages and/or carports within the front street setback area, as proposed by No. 36 Buxton Street.

The upper floor street setbacks of the proposed development are non-compliant with the acceptable development criteria of SADC 5 Street Setbacks as outlined in the above Assessment Table. However, it is considered the proposed street setbacks are compliant with the Performance Criteria for this standard, in that the contemporary façade is staggered, comprises contrasting mouldings, colours and materials, which break up any flat sections of wall, therefore providing articulation and interest to Buxton Street, and that the setback of the balcony will assist in the passive surveillance of the street.

Summary

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

9.1.6 No. 27A (Lot 800; D/P 47714) Kadina Street, North Perth - Proposed Three-Storey Single House

Ward:	North	Date:	6 April 2010
Precinct:	Charles Centre; P07	File Ref:	PRO5005; 5.2010.64.1
Attachments:	001 ; 002		
Reporting Officer:	D Pirone, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by the owners A and L Roberts for proposed Three-Storey Single House, at No. 27A (Lot 800; D/P 47714) Kadina Street, North Perth, and as shown on plans stamp-dated 16 February 2010, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Kadina Street;*
- (ii) any new street/front wall, fence and gate within the Kadina Street setback area, including along the side boundaries within this street setback area, shall comply with Appendix No. 4: The Village – North Perth Residential Site Design Guidelines;*
- (iii) no street verge tree(s) shall be removed unless written approval has been received from the Town’s Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (iv) first obtaining the consent of the owners of No. 27 Kadina Street and Nos. 31-37 Kadina 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. 27 Kadina Street and Nos. 31-37 Kadina Street in a good and clean condition;*
- (v) a detailed schedule of external finishes (including materials and colour schemes and details) that complies with Appendix No. 4: The Village – North Perth Residential Site Design Guidelines shall be submitted and approved prior to the issue of a Building Licence. Dark tinted or reflective glass shall not be permitted; and*
- (vi) prior to the occupation of the development, light(s) shall be provided to the rear right of way complying with relevant standards and is to be illuminated during times of darkness and is to be maintained by the property owners. Details of the lighting onto the rear right of way shall be submitted to and approved prior to the issue of a Building Licence.*

COUNCIL DECISION ITEM 9.1.6

Moved Cr Topelberg, Seconded Cr Harvey

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Mayor Catania was an apology for the meeting.)

Landowner:	A & L Roberts
Applicant:	A & L Roberts
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential/Commercial R80
Existing Land Use:	Vacant Land
Use Class:	Single House
Use Classification:	"P"
Lot Area:	181 square metres
Access to Right of Way	South side, 5 metres wide, sealed, privately owned

BACKGROUND:

- 27 March 2001 The Council at its Ordinary Meeting resolved to adopt “*The Village – North Perth (Lots 43-45 Kadina Street) Residential Design Guidelines*” that are applicable to this site.
- 7 August 2002 The Town under delegated authority from the Council conditionally approved an application for the construction of two (2), three-storey single houses at No. 27 Kadina Street.
- 15 October 2002 The Western Australian Planning Commission approved the subdivision of two green title lots at No. 27 Kadina Street.
- 2 February 2006 The Western Australian Planning Commission endorsed the deposited plan for the subdivision of two green title lots at No. 27 Kadina Street.
- 12 September 2006 The Council at its Ordinary Meeting resolved to conditionally approve an application for two (2) three-storey single houses at Nos. 27 and 27A Kadina Street.
- 26 May 2009 The Council at its Ordinary Meeting resolved to conditionally approve an application for a three-storey single house at No. 27 Kadina Street.

DETAILS:

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

The applicant’s submission in support of the proposal is “*Laid on the Table*”.

ASSESSMENT:

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

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

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

COMMENTS:

The subject property is governed by 'Appendix No. 4: The Village – North Perth (Lots 43 – 45 Kadina Street) Residential Site Design Guidelines'. The Guidelines aim to achieve a more generously scaled development for the select few properties that fall within the Guidelines perimeter. The Guidelines allow for nil side setbacks, a 10 metre/3 storey building height envelope, development within 7 metres of the rear boundary, limited to 6 metres in height and a reduced front setback requirement of 2 metres. The proposal is completely compliant with the above mentioned provisions and the overall objectives of the Guidelines, and is considered to complement the adjoining dwellings and contribute to the amenity of the Kadina Street streetscape.

Whilst the subject application is compliant with the 'Appendix No. 4: The Village – North Perth (Lots 43 – 45 Kadina Street) Residential Site Design Guidelines' the subject application is required to be determined by the Council as the Town's Officers do not have the delegation to determine single houses that are three-storeys in height.

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

9.1.7 No. 10 (Lot 300; D/P 95011) Grosvenor Road, Mount Lawley - Proposed Change of Use from Office to Medical Consulting Rooms (Psychology and Counselling) and Associated Signage

Ward:	South	Date:	6 April 2010
Precinct:	Mount Lawley Centre; P11	File Ref:	PRO0714; 5.2010.55.1
Attachments:	001 ; 002		
Reporting Officer:	D Pirone, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Psychology Australia Pty Ltd on behalf of the owner A & A Hawke for proposed Change of Use from Office to Medical Consulting Rooms (Psychology and Counselling) and Associated Signage, at No. 10 (Lot 300; D/P 95011) Grosvenor Road, Mount Lawley, and as shown on plans stamp-dated 11 February 2010 and 1 April 2010, subject to the following conditions:

- (i) the Medical Consulting Rooms (Psychology and Counselling) shall be limited to a maximum of two consultants and four consulting rooms operating at any one time, as shown on the approved plans. Any increase in the number of consulting rooms/consultants shall require Planning Approval to be applied for and obtained from the Town;*
- (ii) this approval is for Medical Consulting Rooms (Psychology and Counselling) use only. Any change of use from Medical Consulting Rooms (Psychology and Counselling) shall require Planning Approval to be applied for and obtained from the Town prior to the commencement of such use;*
- (iii) the hours of operation of the Medical Consulting Rooms (Psychology and Counselling) shall be limited to the following times: 8.00am to 8:00pm Monday to Friday, 8:00am to 5:00pm Saturday and closed Sundays and Public Holidays;*
- (iv) the subject property is not to be used for massage activity of a sexual nature, prostitution, as a brothel business, as an agency business associated with prostitution, as an escort agency business, or the like;*
- (v) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Grosvenor Road;*
- (vi) the signage shall not have flashing or intermittent lighting;*
- (vii) all signage shall be kept in a good state of repair, safe, non-climbable, and free from graffiti for the duration of its display on-site;*
- (viii) all signage shall not extend beyond any lot boundary, therefore not protruding over Council property, including footpaths or neighbouring property; and*

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

- (a) *pay a cash-in-lieu contribution of \$1,876 for the equivalent value of 0.67 car parking space, based on the cost of \$2,800 per bay as set out in the Town's 2009/2010 Budget; OR*
- (b) *lodge an appropriate assurance bond/bank guarantee of a value of \$1,876 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*
 - (1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
 - (2) *to the owner(s)/applicant following receipt by the Town of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or*
 - (3) *to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.*

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

COUNCIL DECISION ITEM 9.1.7

Moved Cr Topelberg, Seconded Cr Harvey

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Mayor Catania was an apology for the meeting.)

Landowner:	A & A Hawke
Applicant:	Psychology Australia Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): District Centre and Residential R40
Existing Land Use:	Office
Use Class:	Consulting Rooms
Use Classification:	"AA" and "SA"
Lot Area:	384 square metres
Access to Right of Way	North side, 4 metres wide, sealed, Public

BACKGROUND:

- 14 July 1997 The Council at its Ordinary Meeting conditionally approved an application for change of use from single house to office.
- 8 February 2007 The Town under delegated authority from the Council conditionally approved an application for partial demolition of and alterations and additions to existing office.

DETAILS:

The proposal involves the change of use from office to medical consulting rooms (psychology and counselling) and associated signage.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio:	N/A	N/A	Noted.
Car Parking			
Car parking requirement (nearest whole number) • Consulting Rooms – 3 spaces per Consulting Rooms/Consultants Number of Consulting Rooms/Consultants = 2 (requires 6 car bays)			6 car bays
Apply the adjustment factors. • 0.85 (within 400 metres of a bus stop) • 0.80 (within 50 metres of a public car parking place with in excess of 50 car parking spaces) • 0.90 (within a district centre zone)			(0.612) 3.67 car bays
Minus the car parking provided on-site			3 car bays
Minus the most recently approved on-site car parking shortfall.			N/A
Resultant shortfall			0.67 car bay
Consultation Submissions			
Support	Nil.		Noted.
Objection (1)	No comments provided.		Noted.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil
Sustainability Implications			Nil

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

COMMENTS:

Heritage

The subject Federation Bungalow, which was constructed circa 1900, is listed on the Town's Municipal Heritage Inventory as Management Category B - Conservation Recommended.

The plans indicate that the application involves the change of use from office to consulting rooms (psychology and counselling) and the erection of associated signage.

The proposal demonstrates that the change of use does not require any external or internal alteration to the original layout and fabric of the place. As the subject place was previously used as a commercial office (accountant's practice), which was granted conditional approval in 1997, it is considered that the proposed change of use will provide for the continued conservation of the heritage place and hence, Heritage Services have no objection to the change of use as proposed.

The Town's Policy No. 3.5.2 relating to Signs and Advertising, in Clause 4 'Standards Common to Signs on Heritage Buildings' states,

"New signs are not be located where they would obscure or detract from a feature of the building;" and

"New signs are not be located on significant fabric. Signage should be readily removable, with careful consideration given in regards to the method of installation, in order to ensure that the original material can be reinstated."

The proposal involves the erection of two signs at the subject place, which include a free standing sign above the front garden bed set into the concrete footings and a wall sign on the east elevation to the south of the side entrance. It is noted that the proposed wall sign will be attached to existing holes in the wall (relating to the previous tenant's signage that was removed after vacation of the premise), which is shown in the attached photographs.

It is considered that the proposed two signs are modern and distinguishable, and have been designed with consideration to the existing heritage building's form and scale. The new signage addition is not intrusive and does not obstruct views to the overall form of the building façade.

It is also considered that the fixing of the signage is acceptable and the signage is capable of being removed without causing further damage to the fabric of the place.

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

Planning Services

The Town's Officers recommend that the application for change of use from office to medical consulting rooms be approved as the change in use results in a minor variation of use and intensity and is not considered to have a detrimental impact on the surrounding residential area. This is primarily due to consulting rooms of this nature being a low-impact medical use as the operation of the business does not introduce any machinery or special equipment.

9.1.11 Nos. 259-265 (Lots 406, 407, 408 and 409; D/P 1939) Scarborough Beach Road, corner Birrell Street, Mount Hawthorn - Proposed Change of Use from Warehouse to Light Industry (Digital Printing) and Office and Associated Alterations

Ward:	North	Date:	7 April 2010
Precinct:	Mount Hawthorn; P01	File Ref:	PRO4983; 5.2010.25.1
Attachments:	001 ; 002		
Reporting Officer:	D Pirone, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by C Mendelawitz on behalf of the owner J A Percudani for proposed Change of Use from Warehouse to Light Industry (Digital Printing) and Office and Associated Alterations, at Nos. 259-265 (Lots 406, 407, 408 and 409; D/P 1939) Scarborough Beach Road, corner Birrell Street, Mount Hawthorn, and as shown on plans stamp-dated 22 January 2010 and 6 April 2010, subject to the following conditions:

- (i) this approval is for Light Industry (Digital Printing) and Office use only. Any change of use from Light Industry (Digital Printing) and Office shall require Planning Approval to be applied for and obtained from the Town prior to the commencement of such use;*
- (ii) the gross floor area of the light industry (digital printing) shall be limited to 931 square metres. Any increase in floor space or change of use for the subject land shall require a separate Planning Approval to be applied to and obtained from the Town;*
- (iii) the gross floor area of the office shall be limited to 475 square metres. Any increase in floor space or change of use for the subject land shall require a separate Planning Approval to be applied to and obtained from the Town;*
- (iv) prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating a bin compound being provided in accordance with the Town's Health Services specifications, divided into commercial and residential areas and sized to contain:*

Commercial Properties

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

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

- (v) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
- (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) *prior to the first occupation of the development, two (2) class two bicycle facilities shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facility shall be submitted and approved prior to installation of such facilities;*
- (viii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (ix) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town; and*
- (x) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Scarborough Beach Road and Birrell Street.*

COUNCIL DECISION ITEM 9.1.11

Moved Cr Topelberg, Seconded Cr Harvey

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Mayor Catania was an apology for the meeting.)

Landowner:	J A Percudani
Applicant:	C Mendelawitz
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Warehouse
Use Class:	Light Industry
Use Classification:	"SA"
Lot Area:	2095 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

9 July 1969 The City of Perth approved an application for the construction of a warehouse at Nos. 259-265 Scarborough Beach Road, Mount Hawthorn.

DETAILS:

The proposal involves the change of use from warehouse to light industry (digital printing) and office and associated internal alterations.

The business that proposes to operate from the site is Discus Digital Print, who service the advertising industry in the production of commercial banners, point of sale banners and so forth. The business does not undertake printing of stationary or general printing serviced by large volume printers, and does not have a requirement for customer and public interaction. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio:	N/A	N/A	Noted.
Car Parking			
Car parking requirement (nearest whole number)			= 20 car bays
<ul style="list-style-type: none"> Light Industry – 3 spaces for the first 200 square metres of gross floor area and 1 space per 100 square metres of gross floor area thereafter Gross Floor Area = 931 square metres (requires 10.31 car bays) Office – 1 space per 50 square metres of gross floor area Gross Floor Area = 475 square metres (requires 9.5 car bays) 			
Total car bays required = 19.81 car bays			
Apply the adjustment factors.			(0.7225)
<ul style="list-style-type: none"> 0.85 (within 800 metres of a rail station) 0.85 (within 400 metres of a bus stop) 			= 14.45 car bays
Minus the car parking provided on-site			14
Minus the most recently approved on-site car parking shortfall.			Nil
Resultant shortfall			0.45 car bay*
*A cash-in-lieu payment is not required if the proposed shortfall is less than 0.5 car bay.			
Bicycle Parking			
Light Industry – N/A			
Office			
<ul style="list-style-type: none"> 1 space per 200 square metres of gross area (class 1 or 2) = 2.38 spaces = 2 spaces 1 space per 750 square metres of gross area over 1000 square metres = Nil 			
Consultation Submissions			
Support (1)	<ul style="list-style-type: none"> No comments provided. 	<ul style="list-style-type: none"> Noted. 	
Objection (2)	<ul style="list-style-type: none"> Increase in traffic along Birrell Street. 	<ul style="list-style-type: none"> Not supported – The applicant has stated that the proposed business will not be open to the public and, therefore, the traffic to and from the site will be limited to the staff and infrequent visitors. 	

	<ul style="list-style-type: none"> Noise due to loading and unloading through rear roller door. 	<ul style="list-style-type: none"> Supported – A condition has been applied for the applicant to obtain an acoustic report and the noise levels will be required to comply with the Health (Noise) Regulations.
General Questions	<ul style="list-style-type: none"> What is the proposed opening and close times of the business? Will the car park be for the use of staff and customers? What is the noise level of the machines? Will there be an increase in traffic flow along Birrell Street? 	<ul style="list-style-type: none"> The applicant has advised that the business will open from 8:30am to 5:30pm, Monday to Friday. The car park will be used for both staff and customers; however, as stated above, there will be limited visitors/customers to the site. The applicant has advised that the equipment generates low noise levels; however, a condition has been applied to supply an acoustic report to ensure compliance with the Health (Noise) Regulations. It is unlikely that there will be an increase in traffic along Birrell Street due to the proposed development.
Other Implications		
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications	Nil	
Financial/Budget Implications	Nil	
Sustainability Implications	Nil	

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

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

COMMENTS:

The proposed change of use to light industry (digital printing) is not considered to have an undue impact on the amenity of area or the surrounding properties. In light of the above, it is recommended that the Council approve the application subject to standard and appropriate conditions to address the above matters.

9.2.1 Revised Right of Way Upgrade and Acquisition Program 2008 to 2016 - Progress Report 1

Ward:	Both	Date:	7 April 2010
Precinct:	All	File Ref:	TES0451
Attachments:	001		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *ADOPTS the Revised "Right of Way Acquisition and Upgrade Program 2010 to 2016" dated April 2010, as shown in appendix 9.2.1A;*
- (ii) *NOTES the previous program (Right of Way Acquisition and Upgrade Program 2008 to 2016) in appendix 9.2.1B; and*
- (iii) *ACKNOWLEDGES that there will be a necessity to vary the program for operational reasons and/or to exercise good governance due to changing circumstances/conditions.*

COUNCIL DECISION ITEM 9.2.1

Moved Cr Topelberg, Seconded Cr Harvey

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Mayor Catania was an apology for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of changes to the Right of Way Upgrade and Acquisition Program 2008 to 2016 and seek approval for a revised program.

BACKGROUND:

At its Ordinary meeting held on 14 April 2009, the Council adopted an 'updated' Right of Way Upgrade and Acquisition Program 2008 to 2016, for the remaining privately owned ROWs within the Town and made the following decision:

"That the Council;

- (i) *RECEIVES the report on the 'updated' Right of Way Upgrade and Acquisition Program 2008 to 2016;*
- (ii) *NOTES that;*
 - (a) *the current Right of Way (ROW) Upgrade and Acquisition Program schedule was adopted by the Council at its Ordinary Meeting Held on 12 August 2008 (refer appendix 9.2.2A);*

- (b) *as the actual cost of upgrade for several ROWs in the 2008/2009 program exceeded the estimated cost, the Director Technical Services has revised the adopted ROW program to ensure that it now more realistically reflects the actual cost of construction;*
- (c) *the individual ROW projects have generally remained in the same order as the previously adopted program, however, some minor adjustments have been made and the program length has being extended due to the allowance for increased costs; and*
- (d) *that every endeavour will be made by the beginning of each financial year to acquire the ROWs that are scheduled for upgrade in that year and the following year;*
- (iii) *ADOPTS the ‘updated’ Right of Way Upgrade and Acquisition Program 2008 to 2016 as shown in appendix 9.2.2B;*
- (iv) *ACKNOWLEDGES that there may still be a necessity to vary the new schedule for operational reasons or to exercise good governance, as outlined in the previous report at its Ordinary Meeting Held on 12 August 2008;*
- (v) *PLACES the ‘updated’ Right of Way Upgrade and Acquisition Program on the Town’s website, along with an explanation of the scoring system, with a footnote that the program may be subject to change; and*
- (vi) *CONTINUES to receive an annual ‘progress’ report on the Right of Way Upgrade and Acquisition Program."*

DETAILS:

2009/2010 Right of Way Upgrade and Acquisition Program:

In accordance with the adopted Right of Way Upgrade and Acquisition Program 2008 to 2016, this financial year the Town’s Technical Services Division successfully upgraded approximately 0.8km of ROWs comprising ten (10) ROWs at a cost of approximately \$0.3m.

At its Ordinary Meeting held on 14 April 2009, the Council acknowledged that there may be a necessity to vary the adopted ROW Program for operational reasons or to exercise good governance and continues to receive an annual ‘progress’ report on the Right of Way Upgrade and Acquisition Program.

Severe Weather Event – 22 March 2010

Following the storms of 22 March 2010, a number of complaints were received regarding flooding and access issues in several unsealed ROWs. These requests were investigated and the ROW schedule amended to address a number of issues raised.

The following amendments to the ROW upgrade schedule are proposed:

Existing 2010/2011

File	North Road	West Road	Estimated Cost
TES 0018	Albert	Charles	\$18,000.00
TES 0018	Albert	Charles	\$14,000.00
TES 0018	Albert	Charles	\$20,000.00
TES 0177	Galwey	Scott	\$18,000.00
TES 0177	Galwey	Scott	\$18,000.00
TES 0095	Franklin	Shakespeare	\$95,000.00
TES 0095	Franklin	Shakespeare	\$54,000.00
TES 0208	Chatsworth	Cavendish	\$25,000.00
TES 0208	Chatsworth	Cavendish	\$46,000.00
		Total	\$308,000.00

Proposed revised 2010/2011

TES 0018	Albert	Charles	\$18,000.00
TES 0018	Albert	Charles	\$14,000.00
TES 0018	Albert	Charles	\$20,000.00
TES 0177	Galwey	Scott	\$18,000.00
TES 0177	Galwey	Scott	\$18,000.00
<u>TES 0375</u>	<u>Glendower</u>	<u>Fitzgerald</u>	<u>\$60,000.00</u>
<u>TES 0375</u>	<u>Glendower</u>	<u>Fitzgerald</u>	<u>\$7,000.00</u>
<u>TES 0351</u>	<u>Brisbane</u>	<u>Lake</u>	<u>\$10,000.00</u>
TES 0095	Franklin	Shakespeare	\$90,000.00
TES 0095	Franklin	Shakespeare	\$53,000.00
			\$308,000.00

Acquisitions Only

TES 0054	<u>Chamberlain St</u>	<u>Loftus St</u>	\$10,000.00
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Justification for proposed changes:

- Glendower/Fitzgerald: This ROW has been purchased by the Town following complaints regarding flooding/access. It has subsequently received a higher score.
- Brisbane/Lake: Similarly ongoing complaints received regarding washouts onto Brisbane Place. Part of the ROW was previously sealed. This ROW has also been re-scored.
- Chamberlain/Loftus: This ROW is already sealed. It was discovered that it was omitted from the acquisition. Requires drainage as flooding occurred, affecting houses.

Note: The remainder of the Program has been amended slightly to accommodate the changes to the 2010/2011 schedule - refer appendix 9.2.1A.

CONSULTATION/ADVERTISING:

The "Right of Way Acquisition and Upgrade Program 2010 to 2016", will be placed on the Town's website, along with an explanation of the scoring system, with a footnote that the program is subject to change. This will provide useful information to the community.

Annual 'progress' reports on the "Right of Way Upgrade and Acquisition Program" will be submitted to the Council.

LEGAL/POLICY:

There are no legal implications apart from the Town meeting its obligation to maintain those ROWs within its ownership in a satisfactory condition.

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

To improve the amenity for residents and to maintain the Town owned infrastructure in a sustainable manner at minimum operational cost.

FINANCIAL/BUDGET IMPLICATIONS:

The Town's annual budget has traditionally included an amount of \$300,000 for the implementation of the program.

COMMENTS:

The Council previously acknowledged that there will be a necessity to vary the ROW schedule for operational reasons or to exercise good governance and that it continues to receive an annual 'progress' report on the Right of Way Upgrade and Acquisition Program.

It is recommended that the Council adopt the revised ROW program for the reasons outlined in the report

9.3.1 Tender No. 411/10 – Lease or Licence of 81 Angove Street (Formerly North Perth Police Station), North Perth

Ward:	North	Date:	6 April 2010
Precinct:	Smith's Lake	File Ref:	PRO2919
Attachments:	-		
Reporting Officers:	M Rootsey, Director Corporate Services; J Anthony, Manager Community Development; T Woodhouse, Coordinator Strategic Planning		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council:

- (i) **DOES NOT ACCEPT** the tenders from either Multicultural Services Centre of WA or the Gilbert and Sullivan Society of WA Inc and Opera Baroque Inc for the lease of the premises located at 81 Angove Street, North Perth;
- (ii) **AUTHORISES** the Chief Executive Officer to re-advertise for new Tenders/Expressions of Interest (EOI) for the community use of the site; and
- (iii) **ADVISES** the Multicultural Services Centre that it is still supportive of a Home and Community Centre on the property.

COUNCIL DECISION ITEM 9.3.1

Moved Cr Topelberg, Seconded Cr Harvey

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Mayor Catania was an apology for the meeting.)

PURPOSE OF REPORT:

To report to Council the outcome of the Tenders received for the Lease or Licence of 81 Angove Street (formally North Perth Police Station), North Perth, Tender No. 411/10.

BACKGROUND:

At the Ordinary Meeting of Council, held on 3 November 2009, Item No. 9.4.4, the Council adopted the following resolution in part:

“That the Council;

- (iv) **AUTHORISES** the Chief Executive Officer to;
 - (a) *finalise the purchase of the subject land on behalf of the Town;*
 - (b) *sign the necessary Heritage Agreement with the Heritage Council of Western Australia;*

- (c) carry out any essential works to the property (if required) to ensure it is secured;
- (d) engage a Heritage Architect and Heritage Builder to progress the Conservation Plan recommendations;
- (e) engage an Architect to assist in the preparation of the HACC Centre;
- (f) investigate the feasibility of a Home and Community Care Centre on the property;
- (g) investigate appropriate community uses for the heritage listed former Police Station Building;
- (h) enter into discussions with LotteryWest, Multicultural Services Centre and any other interested parties concerning the future of the property; and
- (i) advertise for Expressions of Interest for the community use of the former Police Station Building; and

On 3 February 2010 the tender was advertised in the West Australian newspaper. Tenders were invited from suitable organisations for the lease or licence of 81 Angove Street, (formally North Perth Police Station), North Perth.

DETAILS:

The tender closed at 2.00pm on 3 March 2010, two (2) tenders were received from Multicultural Services Centre of WA and Gilbert and Sullivan Society of WA Inc. & Opera Baroque Inc.

Present at the opening were Purchasing Officer and Manager Community Development.

Tender Details

1. Section of property required	Gilbert & Sullivan & Opera Baroque Inc	Multicultural Services Centre of WA Inc
1.1 All of Buildings and Land	✓	✓
1.2 Part of Buildings (please specify)	NIL	NIL
1.3 Proposed Additional Development	None at this stage	On the basis of the tender documents and the Conservation Plan referred to by TOV, it appears that the existing significant building and surrounds occupies 40% of the total site (being approx. 1,505 sqm). The applicant proposes to build a 2-storey structure occupying approx. 600 sqm, including parking spaces as required under TOV policies and taking into account the TOV requirement of 45% open space under its Residential Design policies.
2. Proposed Use or Purpose of Facilities	A community rehearsal and meeting rooms for local not-for-profit community theatre and music groups. Provision will be made in existing rooms for office space (photocopier, filing, computer etc), meeting rooms, rehearsal room, lounge for small meetings, teaching space etc at minimal cost for these often cash strapped groups.	It is proposed to use the premises that comprise the significant building (i.e. the original Police Station) for offices, without any alteration to the existing interior or exterior. The proposed 2-storey building will serve 2 purposes: the lower floor will be principally for amenities and common rooms for activities associated with the Home and Community Care program operated by MSCWA under funding

		provided by the Dept of Health. There will be a commercial/industrial sized kitchen, one large amenities room and 2 smaller rooms. Additionally there will be associated toilet facilities and a First Aid room as required. It is anticipated that there could be up to 2 offices for the use of MSCWA HACC staff and storage facilities. The upper floor will be comprised entirely of office spaces for MSCWA staff and associated amenities (meeting room, kitchen, tea room, toilets). There may be up to 3 enclosed offices with the remainder being open plan work areas (for a total of 9).
3. Proposed Rental Structure		
3.1 Initial Rental (per annum)	Confidential – Refer Separate Sheet	\$*** (Confidential) rental for existing building + \$*** (Confidential) (the current rent being paid to TOV for #10 Farmer St, North Perth, which will be vacated on completion of this building.
3.2 Frequency of Rent Reviews	Annual	24 months
3.3 Basis of Rent Reviews	Usage and ability to pay	Maintenance and heritage requirements
3.4 Pre-determined rent increases (if preferred) Year 1 Year 2 Year 3 Year 4 Year 5 Years thereafter (if applicable)	Confidential - - - -	- - Confidential - - - -
3.5 Rental payments in advance	Quarterly	Quarterly
3.6 All outgoings to be paid by:	Lessee	Lessee
4. Preferred Tenure		
4.1 Lease/Licence (exclusive year round Use)	✓	Lease
4.2 Licence (occasional use during Specified times)	-	-
4.3 Other	-	-
5. Proposed Length of Tenure		
5.1	-	Forty (40) years or lesser period if agreed to by the Department.
5.2	Three (3) years with an option to renew for a further term on three (3) years	-
6. Additional Information The following matters are required to be addressed.		
6.1 Specify on-site vehicle parking Requirements for: Staff/Employees Patrons Other persons *Please identify number and type of Vehicles that will need to access the Site and/or be parked on site during or after hours.	No on-site parking required other than the two in the back yard. - Adequate on street parking is available.	4 ordinary sedan type mvs Unknown 4 coaches (9 - 18 seater) + 3 sedan type vehicle. All of these vehicles which are used solely for the transport of frail aged clients will be parked on site after hours.
6.2 Services provided	The 6 rooms will be: (1) office (2) large rehearsal room (3) lounge (4) music room for teaching (5) large meeting room with board table (6) small meeting room. The kitchen will be used as a supper/tea/coffee room and the area outside the existing cells will be a library (300 books)	Home and Community Care program, specifically a Day Centre for frail aged people of CaLD background; Settlement Grant Program for newly arrived migrants and refugees and Multicultural Housing Services, providing housing advocacy and Employment.

6.3 Client Demographics	Any group meeting broad criteria of theatre, music (classical) or community cultural activity will be welcome. No amplification of music will be allowed.	The largest group of clients who will be accessing services in the HACC Day Centre are those of Italian and Greek origin, reflecting the demographics of the North Perth area which is still the main focus of service provision in this program. The majority of these clients have been living in the Town of Vincent environs for decades. There are an increasing number of people of South and South-East Asian origin, specifically Vietnamese, who now avail themselves of HACC services as they move into the age group of this cohort. As is the norm with this age group, there are more women than men.
6.4 Services provided (Time/Hours) Monday Tuesday Wednesday Thursday Friday Saturday Sunday JAN/FEB/MAR/APR/MAY/JUN/ JUL/AUG/SEP/OCT/NOV/DEC	Bookings as required by groups. As specified in Clauses 6.2 & 6.3 Sunday afternoon rehearsal is normal for community theatre groups. Throughout the year but less activity in Dec/Jan.	10.00 am to 2.30 pm 10.00 am to 2.30 pm - All months except for 10 days post Christmas.
6.5 Advertising materials	No signage needs to be attached to the building. An allowable sign saying something like "North Perth Rehearsal Centre" can be attached to the fence or on posts in the ground.	Signage and advertising will no differ from that presently allowed at the premises occupied by MSCWA within the TOV precincts.
6.6 Budgeted/Estimated Attendance Figures Year 1 Year 2 Year 3 Year 4 Year 5	As yet undeterminable, but two productions about to go into rehearsal need space immediately. One (the opera) will involve 28 people and one (a straight play) involves 15. Plus committee meeting, music lessons and office volunteers.	For the whole HACC program. 180 200 200 210 210
6.7 Proposals for shared usage/sub-leases/Other Activities	Please see Clause 6.3 - No official sub-leases but other groups are welcome under the lessee's umbrella lease.	-
7. Improvements/Alterations		
7.1 Works by Lessee Anticipated Cost	No work is envisaged as being necessary for the proposed usage. Any work found to be necessary will be referred to the Town's appropriate officers should this be found to be necessary. NIL	Input into development and design. Fit out of new building and landscaping of grounds. Construction of new building specifically funded from capital works funds from Dept of Health and matched \$ for \$ by Lotterywest. Less than \$1,000,000
7.2 Works by Town of Vincent The premises are offered for lease on an as is basis.		
7.3 Works by Others	NIL	NIL
7.4 Proposed Sources of Funding Works Program)	N/A	Approximately \$500,000 of capital works funding has been committed by Dept of Health for the HACC program. An agreement has also been obtained from Lotterywest to match this funding \$ for \$. See also Attachment G.
8. On-Going Maintenance The successful lessee(s) will be required to meet all outgoings on the premises and maintain the premises to agreed standard in accordance with the requirements of the Conservation Plan.		

9. The Proposed Lessee/Licensee		
9.1 Brief History	Please see attachments.	MSCWA was incorporated as a not-for-profit migrant resource centre in 1981 as the North Perth Migrant Resource Centre. We have continued as a migrant and refugee resource and settlement service in the Town of Vincent since then. Our services have expanded as the needs of our client base has expanded and we now offer services in a number of different settlement areas such as housing (including on arrival accommodation and crisis care), emergency relief, employment training, mental health services, and day care centres for frail aged. In addition we collaborate with other agencies such as Relationships Australia and others to provide services at Family Relationship Centres. We are a Registered Training Organisation and are also a member of the Indigenous Employment and Business Development Panels. MSCWA provides services across the metropolitan Perth area but have retained our principal base in North Perth for historical reasons and in acknowledgement of the huge role that migrants have played in the development of this particular area.
9.2 Membership Statistics 2005/2006 2006/2007 2007/2008 2008/2009 2009/2010 2010/2011 (anticipated)	Membership of Opera Baroque 15. Just being established. Membership of G & S Society has remained fairly constant at 125 - 150 for many years. Each year it swells by about 60 for the production seasons but these people fail to maintain membership after the production is over.	34 45 36 35 32 35
9.3 Financials 9.3.1 Operating results - Profit & Loss Statement and Balance Sheets plus Auditor's reports for the last three Financial years. 9.3.2 Operating Budget - projections for 2010 (first year of new lease)	Please see attachments - one year provided for G & S Society which I feel to be sufficient.	See Attachment D. See Attachment E.
9.4 Financials (Companies or Other Persons) Evidence of ability to meet financial and other commitments under the Lease/Licence - please attach documentation e.g. bank guarantees or any other materials to support this claim.	-	See Attachment G.
10. Other supporting Information.	Please ask for anything else you may feel would be helpful, is this is allowed. I would be happy to personally address any officer/committee/council meeting.	Attachment H provides further detail about MSCWA's HACC program for 2008-2009 which will provide an indication as to the nature of the program to be offered at this site.

Tender Assessment:

Tender Evaluation Panel

The Tender Evaluation Panel consisted of Director Corporate Services, Mike Rootsey; Manager Community Development, Jacinta Anthony; and Coordinator Strategic Planning, Tory Woodhouse.

The following is a summary of the evaluation criteria for the Tenders received:

<i>Evaluation Criteria</i>	<i>Weighting</i>
Service and/or benefit to ratepayers and wider community	40%
Implications for Council in terms of financial, social and environment	20%
Concept for buildings/facilities in alignment to Council's overall strategy for the community, including public accessibility of the buildings/service	15%
Alignment with provisions of Conservation Plan and best practice heritage management	10%
Impact on the amenity of the locality	10%
Financial position of the Tenderer	5%
TOTAL	100%

Evaluation Criteria	Final Score		
	Weighting	Multicultural Services	Gilbert & Sullivan
Service and/or benefit to ratepayers and wider community	40	33	24
Implications for Council in terms of financial, social and environment	20	15	12
Concept for building/facilities in alignment to Council's overall strategy for the community including, public accessibility of the building services	15	12	7
Alignment with provision of Conservation Plan and best practice	10	8	8
Impact on the amenity of the location	10	6	5
Financial position of the Tenderer	5	5	4
Total	100	79	60

The tender from the Gilbert and Sullivan Society scored low in the category of Service and benefit to ratepayers and wider community.

The Evaluation Panel were of the opinion that this was a specialist recreational activity which is recognized as producing good quality productions however it did not have the community service aspect to the organization which the Town were anticipating in this category. There was also no specific links to the Town it therefore scored lower in this category.

Similarly the score in the category for the building/facilities in the alignment to Council's overall strategy were lower as the evaluation panel assessed the submission not to be considered a prime use of this facility for the reasons mentioned above.

The tender from MCSWA included a submission for both the existing building and development of the land at the rear of the property. The organisation is proposing to use the existing property for offices; they are proposing a two-storey building on the vacant land which will be used for common rooms for activities associated with the Home and Community Care Program operated by MCSWA, with funds provided by the Department of Health and Lotterywest.

This submission met the criteria for the existing building in that it provides an existing service to the Vincent Community and the rent proposed is an acceptable community rental return and is keeping in with the amenity of the locations.

The evaluation panel however had a number of concerns regarding the submission for the development of the land at the rear of the property. In regards to whether it met the overall concept for the building/facility in alignment to the Council's strategy for the community in that there appeared to be an excess of office space in the use of the development or existing building and what impact the two storey building may have on the amenity of the location.

The MSCWA intend to construct a two storey structure with the lower floor comprising for amenities and common rooms associated with their Home and Community Care program. The upper floor will be comprised entirely of office space for MSCWA staff.

Although not specified in the tender the Town would be disappointed if the complete property was allocated to one group.

When the Town purchased the property it saw as opportunity to not only to retain a significant heritage listed building but an opportunity to provide a facility that would benefit a number of community groups, as well as retaining public access to the former Police building.

In its submission the MSCWA stated that they have obtained an agreement with Lotterywest to match the funding committed for the HACC program, by the Health Department.

The Town had a meeting with Lotterywest to discussing the funding of this project and also the reason for the small number of tenders submitted considering the interest that both Lotterywest and the Town had received from potential tenderers.

As a result of this meeting and further telephone conversations the Town's staff have determined that Lotterywest position on the funding available for this project can be summarised as follows:

“The proposal presented to the Lotterywest Board in supporting the Town in this project was approved by the Board in principle on the basis that the Town would be responsible for the building (i.e., structural similar to our existing lease arrangements) and would lease it to a number of community service agencies not just the one.

It was evident that they would not be as supportive with their funding if the premises were to be granted to just one community group or a group whose focus was anything other than the delivery of community services. Their preference would be a multi-agency usage model with agencies focused on community services. Arts organisations were not a priority.

Their funding would be to increase the capacity of what was existing. If the right community group leased the existing building, they may be eligible for Lotterywest funding for equipment.

Lotterywest would be happy for the Town to continue working with them on this project and would be glad to be a part of any future dialogue with community service agencies who are looking for premises – in particular the ones that Lotterywest have been in talks with”.

Lotterywest is keen to be associated with the project and is willing to fund the Town as the builder of the facility and however they would not be as supportive if their funding of the premises were to be granted to just one community group or a group whose focus was anything other than the delivery of services.

In the light of this information the evaluation panel concluded that the MSCWA was assessed at a higher score than the Gilbert and Sullivan Society.

However there were concerns that regarding the MSCWA tender in that awarding the existing building and the proposed development to the same group appeared to give a higher than expected office use to the one organisation, There was also a concern in awarding the whole property to the one organisation and more detail was required in the development proposal relating to the funding position by MSCWA and Lotterywests' position.

It was therefore decided that the recommendation would be that neither of the tenders should be accepted and that the Chief Executive Officer should be authorised by Council to call new tenders. The EOI/tender documentation will be amended to provide more specific information to prospective tenderers.

By taking this course of action it would enable the Town to clarify with MSCWA both their funding position with Lotterywest and refine their development proposal for the land at the back of the property, confirm Lotterywest's position in regard to the funding of this project and encourage other community agencies/organisations to make submissions.

It would be proposed that the Town enters in discussion with the MSCWA as to the most beneficial way to progress any future tender submission.

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

The tender was advertised in accordance with the Local Government Act Tender Regulations and the Town of Vincent's Code of Tendering Policy No 1.2.2

STRATEGIC IMPLICATIONS:

Plan for the Future Strategic Plan 2009-2014 - Key Result Area – Community Development:

“3.1 Enhance and promote community development and well being:

3.1.1 Determine the requirements of the community and focus on needs, values, engagement and involvement.”

SUSTAINABILITY IMPLICATIONS:

Sustainability principles will be utilised in the construction of a new facility and social sustainability will be conducted in the operations and viability of the operations at the property.

FINANCIAL/BUDGET IMPLICATIONS:

Funds will be listed for consideration on the Draft Budget 2010/11 for the building development on the site and also for maintenance of the existing building.

COMMENTS:

It was disappointing to note that only two (2) tender submissions were received as the Town received eight (8) enquiries for the tender documents.

Director Corporate Services conducted four (4) on-site visits with community groups that expressed an interest in the tender.

Community Development made contact with all the community organisations that were on the Town's books which had previously expressed an interest in any available premises at the Town.

In discussions with Lotterywest, they had referred at least seven (7) community groups/organisations to this matter. Feedback from the groups contacted raised concern regarding the cost of maintaining the premises to its heritage status, a number of organisations were of the opinion that they were not able to do this with documentation provided and therefore chose not to comment. However, all groups were impressed by the location.

9.3.3 NAIDOC Week School Initiative Competition

Ward:	Both	Date:	1 April 2010
Precinct:	All	File Ref:	CMS0111
Attachments:	-		
Reporting Officer:	P Roberts, Community Development Officer		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That Council APPROVES the application from the NAIDOC Week School Initiative Competition for funding of \$400 to assist with the design, printing and distribution of materials to schools in the Town of Vincent.

COUNCIL DECISION ITEM 9.3.3

Moved Cr Topelberg, Seconded Cr Harvey

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Mayor Catania was an apology for the meeting.)

PURPOSE OF REPORT:

To obtain the Council’s approval for financial support for the NAIDOC (National Aboriginal and Islander Day Observance Committee) Week School Initiative Competition.

BACKGROUND:

An application has been made by the NAIDOC Week School Initiatives, Executive Director, Mr Dylan Williams, for financial support. The project’s objectives have been identified as being of significance to both the Aboriginal community and the wider Town of Vincent community. NAIDOC Week celebrations are held across Australia each July to celebrate the history, culture and achievements of Aboriginal and Torres Strait Islander people. The initiatives provide a greater understanding on the importance of cultural respect and diversity and community engagement that overall assists the reconciliation process that councils have undertaken to support. The Town is therefore proposing a donation towards the design, printing and distribution of material to schools across the Town of Vincent local Government area for this project.

The National Aboriginal and Islander Day Observance Committee origins can be traced to the emergence of Aboriginal groups in the 1920’s which sought to increase awareness in the wider community of the status and treatment of Indigenous Australians. In recent times NAIDOC has become a celebration of Aboriginal and Torres Strait Islander cultures and an opportunity to recognise the contributions of indigenous Australians in various fields. Activities take place across the nation during NAIDOC Week in the first full week of July. All Australians are encouraged to Participate.

DETAILS:

The NAIDOC Week School Initiative Competitions have been an instrumental activity during NAIDOC Week for the last four years. The competitions have brought a coordinated educational component to the week-long celebrations. The competitions have been overwhelmingly successful and last year was no exception which produced over 66,990 entries from schools who participated in a variety of competitions. Entry is open to all primary and secondary school students in communities

NAIDOC Week Schools Initiatives is seeking \$400 support from the Town of Vincent towards the design, printing, and distribution of material for the NAIDOC Week Schools Initiative competitions to be used in schools located in the Town of Vincent local area.

CONSULTATION/ADVERTISING:

The Town will require that Town of Vincent Logos are evident on all materials handed out to students in the Town of Vincent area as a requirement of any possible funding. Entries received will be forwarded to the Town for display in the local library and the Town's foyer.

Support for the project last year was recognised by the Federal Minister for Indigenous Affairs, Jenny Macklin at the NAIDOC Awards presentation held during NAIDOC Week. Support for the 2009 initiative was also recognised in all media which included the Advertiser, National Indigenous Times, ABC Radio, Local media and ABC TV's Message Sticks and similar media coverage is expected this year.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

The submitted application addresses the following strategic objective of the Town's Strategic Plan 2009-14:

- "3.1.1 Celebrate and acknowledge the Town's cultural and social diversity:*
(a) Organise and promote community events and initiatives that engage the community and celebrate cultural and social diversity of the Town."

SUSTAINABILITY IMPLICATIONS:

The NAIDOC Week Schools' Initiative Competition will educate another generation of Town of Vincent students about the importance of Aboriginal culture and heritage and continue to celebrate the rich diversity that exists in the Town.

FINANCIAL/BUDGET IMPLICATIONS:

Funds will be drawn from the Donations Account.

COMMENTS:

The Town is continuing to make positive and significant connections with the indigenous community through the development of the Towns first Reconciliation Action Plan and the participation in the proposed development of a Reconciliation artwork at Banks Reserve. The support of this initiative is in direct synergy with the ongoing journey of reconciliation entered into by the Town of Vincent. It is therefore recommended that this project proposal be supported.

9.4.1 Use of the Council's Common Seal

Ward:	-	Date:	6 April 2010
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Reporting Officer:	M McKahey, Personal Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council NOTES the use of the Council's Common Seal on the documents listed in the report, for the month of March 2010.

COUNCIL DECISION ITEM 9.4.1

Moved Cr Topelberg, Seconded Cr Harvey

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Mayor Catania was an apology for the meeting.)

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:

Date	Document	No of copies	Details
02/03/10	Deed of Licence	1	Town of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Trinity College Meeting - 3 March 2010 (Gareth Naven Room)
05/03/10	Deed in Relation to Conservation of Existing Dwelling	2	Town of Vincent and June Ewe-Chye Seow of 18 Doris Street, North Perth WA 6006 for Conservation of Existing Dwelling at No. 18 Doris Street, North Perth

Date	Document	No of copies	Details
09/03/10	Deed of Licence	1	Town of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: AMWU Meeting - 11 March 2010 (Gareth Naven Room and ME Bank Lounge)
11/03/10	Notification Under Section 70A	2	Town of Vincent and Norelle Patricia O'Neill of 35a Britannia Road, Leederville WA 6007 regarding Lot 100 on Plan 2848 – No. 1 Matlock Street, Perth WA 6000
15/03/10	Deed of Licence	3	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and The Frontier Touring Co. Pty Ltd of 135 Forbes Street, Woolloomooloo NSW 2011 re: Concert* - 20 November 2010 (Stadium) (* Commercial in Confidence until released to public)
15/03/10	Deed of Licence	3	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and The Frontier Touring Co. Pty Ltd of 135 Forbes Street, Woolloomooloo NSW 2011 re: Concert* - 27 and 28 November 2010 (Stadium) (* Commercial in Confidence until released to public)
15/03/10	Deed of Licence	3	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Michael Coppel Presents of Level 716-718 High Street, Armadale, Victoria 3143 re: Concert* - 4 December 2010 (Stadium) (* Commercial in Confidence until released to public)
18/03/10	Deed	2	Town of Vincent and Wirrimbirra Nominees Pty Ltd of 297 Scarborough Beach Road, Osborne Park re: No. 297 Scarborough Beach Road, Osborne Park - Deed in Relation to Amalgamation of Lots and Agreement Not to Claim Compensation for Road Reservation
22/03/10	Deed of Covenant	3	Town of Vincent and S P and L B Sharratt of 18 Dolphin Street, Mount Tarcoola and Perpetual Ltd of Level 28, 360 Collins Street, Melbourne 3000 re: No. 25 (Lot 230 and 231 D/P 32620) Monger Street, Perth - Legal Agreement/Deed of Covenant for Amalgamation
24/03/10	Agreement	3	Town of Vincent and Federation Internationale De Football Association (FIFA) of FIFA-Strasse 20, 8044 Zurich, Switzerland and Australian Local Organising Committee PTY Ltd of Level 22, 1 Oxford Street, Darlinghurst NSW 2010 regarding participation in hosting and staging the 2018 FIFA World Cup - FIFA Confederations Cup 2017 in relation to Dorrien Gardens - BGC Stadium - Training Site Agreement Cover
24/03/10	Agreement	3	Town of Vincent and Federation Internationale De Football Association (FIFA) of FIFA-Strasse 20, 8044 Zurich, Switzerland and Australian Local Organising Committee PTY Ltd of Level 22, 1 Oxford Street, Darlinghurst NSW 2010 regarding participation in hosting and staging the 2018 FIFA World Cup - FIFA Confederations Cup 2017 in relation to Litis Stadium - Training Site Agreement Cover
24/03/10	Agreement	3	Town of Vincent and Federation Internationale De Football Association (FIFA) of FIFA-Strasse 20, 8044 Zurich, Switzerland and Australian Local Organising Committee PTY Ltd of Level 22, 1 Oxford Street, Darlinghurst NSW 2010 regarding participation in hosting and staging the 2022 FIFA World Cup - FIFA Confederations Cup 2021 in relation to Dorrien Gardens - BGC Stadium - Training Site Agreement Cover

Date	Document	No of copies	Details
24/03/10	Agreement	3	Town of Vincent and Federation Internationale De Football Association (FIFA) of FIFA-Strasse 20, 8044 Zurich, Switzerland and Australian Local Organising Committee PTY Ltd of Level 22, 1 Oxford Street, Darlinghurst NSW 2010 regarding participation in hosting and staging the 2022 FIFA World Cup - FIFA Confederations Cup 2021 in relation to Litis Stadium - Training Site Agreement Cover
24/03/10	Notification under Section 70A	2	Town of Vincent and Catholic Women's League of WA, 49 Vincent Street, Mount Lawley WA 6050 re: Nos. 49A and 49B (Lots: 1 & 2, D/P: 672, 50, D/P: 7748) Vincent Street, Mount Lawley - <i>To satisfy Condition (iii) of the Approval to Commence Development issued by the Council on 15 December 2009.</i>
29/03/10	Deed of Licence	1	Town of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Bear by Night Ball 2010 - 18 September 2010 (Lawn Area outside Gate 4 and the Southern Marquee)
29/03/10	Deed of Extension of Lease	2	Town of Vincent and Kidz Galore Pty Ltd (Lessee) of 13 Haynes Street, North Perth 6006 for Five (5) Years from 1 April 2010 to 31 March 2015
29/03/10	Deed of Variation	2	Town of Vincent and Subiaco Football Club Incorporated of 246 Vincent Street, Leederville WA 6007 re: Redescription of the Reserves 3839 and 39009 Leederville which shall now read: <i>"Lot 500 on Deposited Plan 65192 being the part of the land described in Record of Qualified Certificate of Crown Land Title Volume LR3157 Folio 914"</i>
29/03/10	Deed of Variation	2	Town of Vincent and East Perth Football Club Incorporated of 246 Vincent Street, Leederville WA 6007 re: Redescription of the Reserves 3839 and 39009 Leederville which shall now read: <i>"Lot 500 on Deposited Plan 65192 being the part of the land described in Record of Qualified Certificate of Crown Land Title Volume LR3157 Folio 914"</i>
31/03/10	Deed of Licence	3	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and The Frontier Touring Co. Pty Ltd of 135 Forbes Street, Woolloomooloo NSW 2011 re: Concert* - 18 December 2010 (Stadium) (* <i>Commercial in Confidence until released to public</i>)

9.4.2 Adoption of New Policies – Alcohol Management and Closed Circuit Television

Ward:	-	Date:	7 April 2010
Precinct:	-	File Ref:	ADM0023
Attachments:	001 , 002		
Reporting Officers:	S Teymant, A/Manager Health Services; J Maclean, Manager Ranger and Community Safety Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council APPROVES of the following new policies to be adopted:

- (a) *3.8.12 – Alcohol Management Policy and Alcohol Management Plan 2010 - 2015 as shown in Appendix 9.4.2; and*
- (b) *3.9.15 – Closed Circuit Television (CCTV) and CCTV Strategy 2010 and Beyond as shown in Appendix 9.4.2; and*
- (ii) **AUTHORISES** *the Chief Executive Officer to:*
 - (a) *advertise the new policies in clause (i) above for a period of twenty-one (21) days, seeking public comment;*
 - (b) *report back to Council with any submissions received; and*
 - (c) *include the above policies in the Town’s Policy Manual if no public submissions are received.*

COUNCIL DECISION ITEM 9.4.2

Moved Cr Topelberg, **Seconded** Cr Harvey

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Mayor Catania was an apology for the meeting.)

PURPOSE OF REPORT:

To obtain the Council’s approval to adopt new Council policies relating to Alcohol Management and CCTV.

BACKGROUND:

The Council's Policy Manual contains various policies which provide guidance to the Town's Administration for day to day management issues and also to assist Council Members in decision making.

The following policies are recommended as **new** policies:

Alcohol Management Policy – 3.8.12 and Alcohol Management Plan 2010 – 2015

The adverse social, economic and environmental (physical infrastructure) impact of alcohol misuse on the broader community is significant. With nearly every resident within the Town of Vincent living within one kilometre of a licensed premises, combined with our licensed premises attracting non-Town of Vincent community members, the impact on the Town's own community is considered even more significant.

To address the significance of alcohol on the Town's community, as well as making a difference to the broader community by showing leadership in alcohol management, the Town's Health Services convened a working group in October 2009 (involving all service areas detailed within the Plan). The efforts of the working group resulted in the development of an Alcohol Management Policy and Alcohol Management Plan specific to the Town of Vincent, as shown in appendix 9.4.2.

The purpose of the Alcohol Management Policy is to serve as the umbrella document to demonstrate the Town's commitment to the management of alcohol, whilst the purpose of the Alcohol Management Plan is as follows:

“... to formally recognise—and outline the roles and responsibilities of the Town's Three Directorates and respective Service Areas, in relation to the management of alcohol. The Plan aims to integrate the efforts of each of the Town's Directorates to support the overarching Council Policy 3.8.11 – Alcohol Management, and details the specific and incidental policies, procedures and guidelines that exist within the organisation to mitigate the adverse impacts of alcohol use. It also provides a foundation to facilitate the ongoing development and improvement of alcohol management processes throughout the organisation.”

The development of the Policy and Plan builds upon successful and externally acclaimed initiatives coordinated by the Town's Health Services and the Town's Ranger and Community Safety Services, including the Vincent Accord and the Safety and Crime Prevention Plan 2007 2010, respectively.

Closed Circuit Television (CCTV) – 3.9.15 and CCTV Strategy 2010 and Beyond

It is considered appropriate for the Town to establish a Policy and guidelines for the use of CCTV Cameras and to have them approved by the Council prior to their installation. The attached Policy provides a framework for the implementation of the surveillance programme and ensures that the cameras are deployed to locations that are identified as being "hot Spots". Information that is used to identify and prioritise these "Hot Spots", is sourced from WA Police, from the Town's own complaints register and also from information provided by the Town's staff.

The Policy requires that appropriate signage is displayed in the vicinity of the cameras and that access to any recorded images is restricted to persons who have an established need to do so. It also places the responsibility for managing the process on the Manager Ranger and Community Safety Services, so that the evidentiary value of the recorded information is not compromised. Because the images are in digital format, unless strict rules are in place to maintain the integrity of the information, it would be unlikely that the images would be accepted as evidence in a Court of Law.

The Town was recently awarded a State Government grant for the purchase and installation of CCTV Cameras. The funding grant was part of the State Government drive to reduce the incidence of graffiti vandalism. The incidence of graffiti vandalism has been increasing, in the past few years and the State Government has identified that CCTV recording of evidence provides an assistance to investigators in identifying and apprehending offenders.

Quotations for the purchase of the cameras, along with assessments of "hot spots" and possible locations for these cameras are currently being progressed. The technical specifications for the CCTV Cameras has been provided by a number of sources, including WA Police and the Office of Crime Prevention and, it is hoped that this will result in a consistent approach to CCTV recording, across a number of local governments in the Metropolitan area.

CONSULTATION/ADVERTISING:

The Council has a policy of advertising for a period of 21 days seeking comments from the public.

LEGAL/POLICY:

Policies are not legally enforceable, however they provide guidance to the Town's Administration and Council Members when considering various matters.

STRATEGIC IMPLICATIONS:

This matter is in keeping with the Strategic Plan 2009-2014 – Key Result Area – *Leadership, Governance and Management: 4.1.2 – Manage the Organisation in a responsible, efficient and accountable manner.*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Town's new policies will provide guidance in these two areas which are considered important to the Council and Vincent Community.

9.4.3 Information Bulletin

Ward:	-	Date:	7 April 2010
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer:	A Radici, Executive Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Information Bulletin dated 13 April 2010, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.4.3

Moved Cr Topelberg, Seconded Cr Harvey

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Mayor Catania was an apology for the meeting.)

DETAILS:

The items included in the Information Bulletin dated 13 April 2010 are as follows:

ITEM	DESCRIPTION
IB01	Letter of Appreciation from Ms T. Stedman, Arty Brellas regarding Harmony on Hyde
IB02	Vincent Accord Minutes of Meeting held on 2 December 2009
IB03	Register of Petitions - Progress Report - April 2010
IB04	Register of Notices of Motion - Progress Report - April 2010
IB05	Register of Reports to be Actioned - Progress Report - April 2010
IB06	Register of Legal Action (Confidential – Council Members Only) - Progress Report - April 2010
IB07	Register of State Administrative Tribunal Appeals - Progress Report - April 2010
IB08	Forum Notes - 16 March 2010
IB09	Notice of Forum - 20 April 2010

9.3.2 Writer's Festival Programme

Ward:	Both	Date:	1 April 2010
Precinct:	All	File Ref:	CVC0016/CMS0010
Attachments:	-		
Reporting Officer:	J Anthony, Manager Community Development		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That Council APPROVES the Writer's Festival programme for 2010, as detailed in this report.

COUNCIL DECISION ITEM 9.3.2

Moved Cr Farrell, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

PURPOSE OF REPORT:

To obtain the Council's approval to proceed with the proposed Writer's Festival programme to be organised in conjunction with the art workshops and talks programme as previously approved by Council.

BACKGROUND:

At the Ordinary Meeting of Council 23 March 2010 the Council resolved the following:

"That Council APPROVES the Arts Workshops and Talks programme for 2010."

The Arts Workshops and Talks programme is events based and would take the form of a series of workshops, talks and presentations over a period of approximately six weeks in June/July 2010.

The proposed program will highlight artists and professionals involved in the creative industries that live or work in the Town. The aim is to share their skills, creativity and knowledge with the broader community. The programme will consist of a series of talks and workshops. The series of talks will be held at the library on Tuesday nights and the series of workshops would take place throughout the Town over the six week time frame.

The talks and workshops will be designed to cater for a wide range of community members, and will be independent of each other, allowing for members of the public to pick and choose which ones to attend according to their area of interest. The speakers will include a film maker, architect, broadcaster, photographer and a number of artists. The library talks will run for approximately an hour and a half to allow for question time.

The workshops will focus on various aspects including, design, painting, drawing, elementary film making, and photographing art work.

DETAILS:

A Writer's Festival programme has been proposed by The Bodhi Tree, a local business located in Mt Hawthorn that is a book store, cafe and gift shop. The programme will be held in conjunction with the Town's planned Arts Workshops and Talk programme. The vision of The Bodhi Tree for this event is to raise the consciousness and wellbeing of the community.

This would mean that the Town's recently approved programme would be enhanced and extended with a wider variety of events that is focussed on the arts discipline of writing. Traditionally the Town's Arts programme has been focussed on public, visual, multi-media and community arts. However the art of writing in its various forms have not been explored as an option until now.

The purpose of the programme would be to:

1. Celebrate the literary creativity of our community;
2. Offer a range of events, talks and opportunities for aspiring and seasoned authors and literati to learn, mentor and mingle; and
3. Showcase the local creative community to the general public.

The following programme is suggested in providing a programme that celebrates and promotes local talent to the community:

1. Meet the Authors programme;
2. Authors visit to sign books and informally meet customers with authors speaking at scheduled times;
3. RAPsody of Poetry program where poets present their work to a background rap riff performed by a professional rap artist;
4. Creative Readings program. Scheduled writers read selected writings;
5. Lower and Upper Primary School programme "Stars of Tomorrow";
6. Wisdom of the Elders program. Indigenous and ethnic presentations of poetry and prose;
7. Film Night - Mark Twain, a film directed by Ken Burns;
8. Presentation/Workshop for aspiring writers;
9. Meditations for Writers/Sanskrit;
10. Turquoise Loop Live @ The Bodhi Tree which includes the launch of Haiku of Leadership. Haiku readings and announcement of Haiku competition winner; and
11. Japanese Calligraphy demonstration.

The unique programme will take place at The Bodhi Tree venue which will be supplied free of charge and will run from 24 July to 1 August 2010. The Bodhi Tree staff will also be involved in developing the programme and sourcing writers and artists for the events programme.

CONSULTATION/ADVERTISING:

A brochure listing the full programme in conjunction with the previously approved Arts Workshops programme will be produced and placed at all appropriate outlets through the Town, including schools. The brochure will also be distributed through the Town's extensive artist's mailing list and through the Library's email data base.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

Town of Vincent Strategic Plan 2009-2014 – Key Result Area Three - Community Development:

“3.1.2 Provide and develop a range of community programs and community safety initiatives:

- (j) Deliver a coordinated program plan to promote public and community art in the Town; and*
- (k) Review the Town's Annual Art and Photographic exhibitions, including policies. strategies to encourage/promote greater community participation and for lending artwork for public display.*

SUSTAINABILITY IMPLICATIONS:

Promoting Town of Vincent writers and the artistic discipline of writing can be viewed to be a sustainable social investment by the Town in exposing its residents and ratepayers to quality writing and local writers that reflect the cultural and social values of the community.

FINANCIAL/BUDGET IMPLICATIONS:

The budget for the Arts Workshops programme will be within the \$15,000 allocation. The inclusion of the Writer's Festival will incur an additional cost of \$3000, mainly for promotion and publicity from the allocated arts programme budget. The Bodhi Tree has submitted a grant application to Healthway to assist with the project.

COMMENTS:

This recommendation is to enhance the approved Arts Workshops and Talks programme planned for June/July 2010 by collaborating with a local business to hold a Writer's Festival as an opportunity to present an innovative project for the wider community.

It is envisaged that the program will provide an opportunity for the broader community to be made aware of, and engage with local writers as a wider art form, as well as providing a forum to support local amateur writers with the contacts and tools on progressing a writing career.

The program will also be an opportunity for the Town of Vincent to acknowledge and celebrate the talented professionals who live and work in the Town.

It is therefore recommended that this event programme be supported.

9.1.5 No. 192 (Lot 11; D/P: 10115) Claisebrook Road, Corner Summers Street, Perth - Proposed Two-Storey Building comprising Ten (10) Single Bedroom Multiple Dwellings and Associated Car Parking

Ward:	South	Date:	6 April 2010
Precinct:	Claisebrook Road North; P15	File Ref:	PRO4839; 5.2010.104.1
Attachments:	001 ; 002		
Reporting Officer:	R Rasiah, Coordinator Statutory Planning		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Metropolitan Region Scheme, RECOMMENDS APPROVAL to the Department of Housing of the application submitted by The Building Development Group on behalf of the owner The State Housing Commission for a proposed Two-Storey Building comprising Ten (10) Single Bedroom Multiple Dwellings and Associated Car Parking, at No. 192 (Lot 11; D/P 10115) Claisebrook Road, corner Summers Street, Perth and as shown on amended plans stamp-dated 1 April 2010, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Claisebrook Road and Summers Street;*
- (ii) 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 Australian Standards AS2890.1 – “Off Street Parking”;*
- (iii) 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;*
- (iv) prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
 - (a) the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial, non-residential activities;*
 - (b) the Town of Vincent will not issue a visitor or residential car parking permit to any owner or occupier of the units. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development;*
 - (c) a maximum of one (1) bedroom and two (2) occupants are permitted in each single bedroom dwelling at any one time; and*

- (d) *the floor plan layout for the single bedroom dwellings are to be maintained in accordance with the Planning Approval plans.*

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

- (v) *prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;*
- (vi) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town, and thereafter implemented and maintained;*
- (vii) *first obtaining the consent of the owners of No. 129 Summers 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. 129 Summers Street in a good and clean condition;*
- (viii) *a detailed landscaping plan, including a list of plants and the landscaping of the Claisebrook Road and Summers Street verges adjacent to and within the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (ix) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *bin compound being redesigned to accommodate 5 general waste and 5 recycle waste mobile garbage bins of 240 litres each to be shared between 2 units or alternately equal to 120 litres per unit;*
- (b) *additional significant design features being incorporated on the visible portions of the south and east faces of the building walls of Units 1 and 6 and 5 and 10 respectively, to reduce the visual impact of these walls;*
- (c) *parallel car parking to comply with the minimum sizes for car bays of AS2890.1, bays 6, 7 and 8 being 5.4 metres, 5.9 metres and 6.2 metres long respectively;*
- (d) *maximum height of solid fencing between each courtyard area to be 1.2 metres in height; and*
- (e) *additional horizontal privacy features being incorporated to the upper floor balconies and bedrooms directly facing the courtyard areas.*

The revised plans shall not result in any greater variation to the requirements of the EPRA Scheme No. 1 and the Residential Design Codes; and

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

Moved Cr Topelberg, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT NO 1

Moved Cr Maier, Seconded Cr McGrath

That a new advice note be inserted as follows:

“Advice note:

Prior to the issue of a Building Licence, the northern elevation shall be redesigned to be in accordance with the requirements of energy-efficient design principles, and minimum construction standards as per the Building Code of Australia.”

Debate ensued.

AMENDMENT NO 1 PUT AND CARRIED (8-0)

Debate ensued.

AMENDMENT NO 2

Moved Cr Buckels, Seconded Cr Topelberg

That a new advice note be inserted as follows:

“Advice note:

That the Department of Housing and Works be advised that the Town believes that this particular precinct would now be at capacity or nearing capacity for public housing.”

Debate ensued.

The Presiding Member, Deputy Mayor Cr Lake suggested that this be dealt with as a subsequent motion. The Mover, Cr Buckles and the Seconder, Cr Topelberg agreed. Cr Buckels withdrew his amendment.

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (7-1)

For: Presiding Member, Deputy Mayor Cr Lake, Cr Buckels, Cr Burns, Cr Farrell,
Cr Harvey, Cr McGrath, Cr Maier

Against: Cr Topelberg

(Mayor Catania was an apology for the meeting.)

SUBSEQUENT MOTION:

Moved Cr Topelberg, Seconded Cr Harvey

That the Town seeks advice from the Department of Housing and Works on future planning for public housing in this area.

The Mover, Cr Topelberg asked to including consultation with the community.

Debate ensued.

The Seconder, Cr Harvey requested that the Subsequent Motion refer to the Town of Vincent rather than the particular area.

Debate ensued.

The Chief Executive Officer advised the meeting that the revised wording would be circulated to Councillors for approval to ensure it reflected the Council's intention.

The Mover, Cr Topelberg and the Seconder, Cr Harvey agreed with the following wording:

SUBSEQUENT MOTION:

“That the Council:

- (i) in light of its consideration of the development application for No. 192 Claisebrook Road, corner Summers Street, Perth writes to the Department of Housing seeking information, including its strategies and policies, on its future planning for public housing in the Town of Vincent;*
- (ii) requests the Department of Housing to include particular reference to the Claisebrook Road locality, the existing and future volume of public housing in this locality, including a community consultation process in its response; and*
- (iii) requests the Department of Housing to liaise with the Town of Vincent on its future strategic plans for the Town, including public housing.”*

Debate ensued.

SUBSEQUENT MOTION PUT AND CARRIED (8-0)

COUNCIL DECISION ITEM 9.1.5

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Metropolitan Region Scheme, RECOMMENDS APPROVAL to the Department of Housing of the application submitted by The Building Development Group on behalf of the owner The State Housing Commission for a proposed Two-Storey Building comprising Ten (10) Single Bedroom Multiple Dwellings and Associated Car Parking, at No. 192 (Lot 11; D/P 10115) Claisebrook Road, corner Summers Street, Perth and as shown on amended plans stamp-dated 1 April 2010, subject to the following conditions:

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

- (ii) *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 Australian Standards AS2890.1 – “Off Street Parking”;*
- (iii) *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;*
- (iv) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
 - (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial, non-residential activities;*
 - (b) *the Town of Vincent will not issue a visitor or residential car parking permit to any owner or occupier of the units. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development;*
 - (c) *a maximum of one (1) bedroom and two (2) occupants are permitted in each single bedroom dwelling at any one time; and*
 - (d) *the floor plan layout for the single bedroom dwellings are to be maintained in accordance with the Planning Approval plans.*

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

- (v) *prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;*
- (vi) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town, and thereafter implemented and maintained;*
- (vii) *first obtaining the consent of the owners of No. 129 Summers 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. 129 Summers Street in a good and clean condition;*
- (viii) *a detailed landscaping plan, including a list of plants and the landscaping of the Claisebrook Road and Summers Street verges adjacent to and within the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (ix) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *bin compound being redesigned to accommodate 5 general waste and 5 recycle waste mobile garbage bins of 240 litres each to be shared between 2 units or alternately equal to 120 litres per unit;*
 - (b) *additional significant design features being incorporated on the visible portions of the south and east faces of the building walls of Units 1 and 6 and 5 and 10 respectively, to reduce the visual impact of these walls;*
 - (c) *parallel car parking to comply with the minimum sizes for car bays of AS2890.1, bays 6, 7 and 8 being 5.4 metres, 5.9 metres and 6.2 metres long respectively;*
 - (d) *maximum height of solid fencing between each courtyard area to be 1.2 metres in height; and*
 - (e) *additional horizontal privacy features being incorporated to the upper floor balconies and bedrooms directly facing the courtyard areas.*

The revised plans shall not result in any greater variation to the requirements of the EPRA Scheme No. 1 and the Residential Design Codes; and

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

Advice note:

Prior to the issue of a Building Licence, the northern elevation shall be redesigned to be in accordance with the requirements of energy-efficient design principles, and minimum construction standards as per the Building Code of Australia.

SUBSEQUENT MOTION:

That the Council:

- (i) *in light of its consideration of the development application for No. 192 Claisebrook Road, corner Summers Street, Perth writes to the Department of Housing seeking information, including its strategies and policies, on its future planning for public housing in the Town of Vincent;*
- (ii) *requests the Department of Housing to include particular reference to the Claisebrook Road locality, the existing and future volume of public housing in this locality, including a community consultation process in its response; and*
- (iii) *requests the Department of Housing to liaise with the Town of Vincent on its future strategic plans for the Town, including public housing.*

Landowner:	The State Housing Commission
Applicant:	The Building Development Group
Zoning:	Metropolitan Region Scheme: Urban EPRA Scheme 1 - East Perth Precinct (P15) (Residential R80)
Existing Land Use:	Vacant Land
Use Class:	Multiple Dwelling
Use Classification:	"Preferred use"
Lot Area:	862 square metres
Access to Right of Way	Not applicable

BACKGROUND:

The subject site land was formally under the control of the East Perth Redevelopment Authority (EPRA). In 2002, the area was normalised and returned to the planning control of the City of Perth. The EPRA Scheme was applied to this area until such time that a Scheme Amendment was undertaken or the preparation of a Minor Town Planning Scheme was created by the City of Perth, for the area.

On 1 July 2007, a local government boundary change took place, and the Town of Vincent acquired the abovementioned land from the City of Perth. At the time of the boundary change, the active Scheme used in the area was the EPRA Scheme, as the City of Perth Local Planning Scheme No. 26 was not gazetted until 11 September 2007 (after the boundary change). The Town has received previous legal advice, which advised that for areas affected by the boundary change, the Scheme to be used, is that Scheme which was active at the time of the boundary change.

As such, for the assessment of applications in the area that the Town obtained from the City of Perth during the boundary changes of July 2007, that was in the EPRA area (that is, Precinct 15), the Town is to still use the provisions of the EPRA Scheme No. 1 and associated policies, that were in place at the time of normalisation.

Given the proposal involves public works; Planning Approval is required from the Western Australian Planning Commission (WAPC) under the Metropolitan Region Scheme (MRS). The WAPC resolved however on 26 May 2009, to provide the Department of Housing (DOH) limited delegated authority to approve applications for public housing, which comply with the Local Authority's Town Planning Scheme. The DOH has the power to determine the following types of applications:

- Applications made by, or on behalf of the DOH;
- Applications in strict compliance with the applicable local planning scheme; and
- for not more than 10 dwellings, of a height of 2 storeys or less.

DETAILS:

The proposal involves the construction of a two-storey building comprising ten (10) single bedroom multiple dwellings for public housing, with access off Claisebrook Road. A total of ten (10) car bays have been provided for the residents, including one (1) visitor car bay. Planning Consultants Greg Rowe and Associates have submitted a comprehensive supporting submission on behalf of the DOH, which is "Laid on the Table".

ASSESSMENT:

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

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	R80 - 10.34 single bedroom dwellings	R77.37 - 10 single bedroom multiple dwellings based on 2/3 of the land area for multiple dwellings.	Supported – The development is consistent with the R80 density applying to the site.

Plot Ratio	1.0 or 862 square metres, which can be increased to 1.5:1.	0.69 or 594.78 square metres	Supported – The development is consistent with the plot ratio applying to the site.
Communal open space	160 square metres	99 square metres	Supported – Each dwelling is provided with a functional courtyard or balcony. The site is within close proximity to passive and active recreational areas.
Stairs	One set of stairs for 2 multiple dwellings	One set of stairs for 3 multiple dwellings	Supported - The development will have to comply with the requirements of the Building Code of Australia requirements. The variation is not considered to have an undue impact on residents living within this development.
Privacy	Upper multiple dwelling not to overlook 50% of outdoor living area of lower multiple dwelling.	Upper multiple dwelling overlooks more than 50% of outdoor living area of lower multiple dwelling.	Supported - Additional slats and solid panels have been incorporated to the balcony balustrade in the revised plans addressing potential overlooking into the ground floor area, directly below the balconies. It is further recommended however that additional horizontal privacy features be incorporated to the upper floor balconies and bedrooms directly facing the courtyard areas.
Height of wall on east boundary	Maximum height 3.5 metres.	3.8 metres to 5.8 metres.	Supported - The proposed height would not result in undue impact on the adjoining landowner. No objection has been received given that the adjoining lot is also owned by the DOH.
Consultation Submissions			
Support (2)	<ul style="list-style-type: none"> • Provided adequate car parking is provided on-site. Also non-support of issuing of parking permits for residents, as there is currently inadequate available street parking in the area for the needs of businesses operating in the area. 		Supported - A condition to this effect has been recommended, relating to non-issue of parking permits to residents.

<p>Objections (5)</p>	<ul style="list-style-type: none"> Communal open space should not be compromised, to a significant level. Less open space will create social tension for residents 	<p>Not supported – Each dwelling is provided with a functional courtyard or balcony. The site is within close proximity to passive and active recreational areas.</p>
	<ul style="list-style-type: none"> Overcrowding if provision of stairs is not complied with. 	<p>Not supported - The sharing of stairs by occupants of the single bedroom dwellings is not considered to contribute to overcrowding.</p>
	<ul style="list-style-type: none"> Wall on east boundary would result in wind abatement, and closing of adjoining property. Inconsiderate, as it will result in shadow created during the afternoons. 	<p>Not supported - The wall is only 14 metres long in comparison to the boundary, which is 27.1 metres long. The adjoining lot at No. 129 Summers Street is also owned by the DOH.</p>
	<ul style="list-style-type: none"> Privacy of residents living in the ground floor is of utmost importance. Could create disharmony and reduce peaceful street amenity. 	<p>Supported - The applicants have provided additional design features addressing the overlooking of the below units by incorporating slats and half solid panels on the upper floor balustrade to the balcony, which would prevent overlooking into the area directly beneath each balcony. It is further recommended that additional horizontal privacy features be incorporated to the upper floor balconies and bedrooms directly facing the courtyard areas to prevent direct overlooking into the below courtyard areas.</p>
	<ul style="list-style-type: none"> Lack of environmental design, with north facing windows without eaves. Being public housing project, "baffled" as why the Government has not insisted on a smarter, more energy efficient and sustainable design. 	<p>Not supported - New development is required to comply with the relevant energy efficiency requirements of the Building Code of Australia.</p>

	<ul style="list-style-type: none"> No objection to structure but the Community Consultation letter did not mention that it was a public housing project. While not a building matter, it will very possibly impact us and rest of the street, in terms of types of tenants, their lifestyles and potential impact on house values. This omission is considered extremely misleading. We already have public housing in the west section of Summer Street and along Cheriton Street, which is of concern that this local area may end up with a very high percentage of public housing. Hope that there is a future occasion when the matter of public housing in our street is raised by Council for community comment. 	<p>Noted - The Town advertised the proposal with a supporting report by Greg Rowe and Associates on behalf of the applicants, which was available with the advertising plans at the Town's Administration Centre and the Library, which states the development is for the Department of Housing, for a public housing project.</p>
Other Implications		
Legal/Policy	EPRA Scheme No. 1 and Residential Design Codes (R Codes).	
Strategic Implications	Nil	
Sustainability Implications	Nil	
Financial/Budget Implications	Nil	

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

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

COMMENTS:

Technical Services

Technical Services advise that the parallel car parking bays do not comply with the relevant Australian Standards. A condition has been recommended to this effect.

Privacy

The solid 1.8 metres fencing between the courtyard area is not supported. A condition has been recommended for the solid portion of the fence to be 1.2 metres in height, in lieu of 1.8 metres in height. The proposal would provide much needed public housing within the Town and is located in close proximity to major transportation routes. The application is considered acceptable and would not result in any undue impact on the amenity of the surrounding area. The application is recommended for support subject to standard and appropriate conditions.

9.1.10 Finalisation of Amendment No. 28 to the Town of Vincent Town Planning Scheme No. 1 – Relating to Land Previously Coded Residential R20 in the Mount Hawthorn and North Perth Precincts (Former Eton Locality)– Precinct Plans 1 and 8

Ward:	North	Date:	7 April 2010
Precinct:	Mount Hawthorn, P1 and North Perth, P8	File Ref:	PLA0202
Attachments:	001		
Reporting Officer:	E Lebbos, Strategic Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) **RESOLVES** pursuant to Town Planning Regulation 17 (1) to **RECEIVE** the 126 submissions in relation to Amendment No. 28 to the Town of Vincent Town Planning Scheme No. 1, as summarised in Attachment 001;
- (ii) **RESOLVES** pursuant to Town Planning Regulations 21 (2) and 25, that Amendment No. 28 to the Town of Vincent Town Planning Scheme No. 1, **BE ADOPTED FOR FINAL APPROVAL** as follows:
 - (a) *Delete the following clauses:*
 - (1) *clause 20 (4) (c) (ii) “After 1 June 2010 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct”; and*
 - (2) *clause 20 (4) (h) (i) “After 1 June 2010 development and subdivision of land coded R20 will be determined in accordance with the R30 code and shall be subject to all provisions relevant to that coding in the Mount Hawthorn Precinct”; and*
 - (b) ~~*Rezone the land previously coded Residential R20 in the North Perth and Mount Hawthorn Precincts, from Residential R30/40 and Residential R30, respectively, to Residential R20; and*~~
- (iii) **AUTHORISES** the Mayor and Chief Executive Officer to execute and affix the Town of Vincent common seal to Amendment No. 28 to the Town of Vincent Town Planning Scheme No. 1 modified Amendment documents reflecting the Council’s endorsement of final approval;
- (iv) **FORWARDS** the relevant executed documents to and **REQUESTS** the Honourable Minister for Planning and the Western Australian Planning Commission to adopt for final approval and gazettal, Amendment No. 28, to the Town of Vincent Planning Scheme No. 1;
- (v) **ADVISES** the Environmental Protection Authority and those who made submissions of clauses (i), (ii), (iii) and (iv) above;

- (vi) *REQUESTS to the Minister for Planning and the Western Australian Planning Commission to progress Amendment No. 28 as a matter of urgency, as the date detailed in the 'sunset clauses' will soon lapse; and*
- (vii) *NOTES that although the volume of submissions received, indicates support of Scheme Amendment No. 28, when compared to the volume of support/objection in relation to previous Amendments, namely Amendment No. 27, it is evident that there has been a slight shift in community views, with a notably higher percentage of submissions in objection to, and a lower percentage of submissions in support of the down coding of the former Eton Locality.*

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

COUNCIL DECISION ITEM 9.1.10

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

PURPOSE OF REPORT:

The purpose of the report is to provide the Council with a summary of the submissions received during the advertising period of Scheme Amendment No. 28 and to endorse the Officer Recommendation to adopt the Amendment for final approval.

BACKGROUND:

The background details on previous Amendments relating to the subject area can be found in the Council Agenda reports for Scheme Amendment Nos. 11, 22, 24 and 27.

20 October 2009 The Council at its Ordinary Meeting resolved the following in relation to Scheme Amendment No. 28:

“That the Council pursuant to Section 74 of the Planning and Development Act 2005 RESOLVES to INITIATE an amendment to the Town of Vincent Town Planning Scheme No. 1 by deleting the following clauses;

- (a) *clause 20(4)(c)(ii) “After 1 June 2010 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct”; and*
- (b) *clause 20(4)(h)(i) “After 1 June 2010 development and subdivision of land coded R20 will be determined in accordance with the R30 code and shall be subject to all provisions relevant to that coding in the Mount Hawthorn Precinct”.”*

- 30 October 2009 The Minister for Planning and Infrastructure, the Western Australian Planning Commission (WAPC) and the Department of Environmental Protection were advised of the resolution to initiate Scheme Amendment No. 28.
- 21 December 2009 Consent to advertise granted to the Town. Advertising was to be no less than 42 days.
- 23 November 2009 The Town received correspondence from the Environmental Protection Authority, stating that no advice or recommendations were necessary.
- 11 January 2010 Relevant Government agencies, servicing authorities, adjoining local governments and precinct groups were notified of the Scheme Amendment.
- 11 January 2010 Affected land owners were individually notified of the Scheme Amendment.
- 19 January 2010 The 42 day advertising period for the Scheme Amendment commenced.
- 3 March 2010 Advertising period completed. 119 submissions and 7 late submissions were received by the Town.
- 1 June 2010 The date within clauses 20 (4) (c) (ii) and 20 (4) (h) (i) lapses, and the subject areas within the North Perth and Mount Hawthorn Precincts reverts back to R30/40 and R30, respectfully.

DETAILS:

The purpose of Scheme Amendment No. 28 is to delete the following clauses within the Town of Vincent's Town Planning Scheme No. 1 (TPS No. 1) scheme text relating to the former Eton Locality:

- (i) *clause 20 (4) (c) (ii) "After 1 June 2010 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct"; and*
- (ii) *clause 20 (4) (h) (i) "After 1 June 2010 development and subdivision of land coded R20 will be determined in accordance with the R30 code and shall be subject to all provisions relevant to that coding in the Mount Hawthorn Precinct".*

Amendment No. 11

The proposed deletion of the above clauses as part of Scheme Amendment No. 28 relate directly with Scheme Amendment No. 11, which was promulgated on 7 October 2003. Amendment No. 11 sought to down code the majority of the properties within the Eton Locality from R30/R40 to R20. The basis for this down coding was a desire to maintain the residential amenity of the area and to deter the subdivision of larger size lots to the detriment of the character of the area and housing stock within the Locality.

The former Hon. Minister for Planning and Infrastructure inserted sunset clauses at the time of final adoption. Justification provided by the former Hon. Minister, at the time of imposing these clauses, was based on a number of representations made by affected property owners at the time of the Scheme Amendment being considered for final adoption, as well as the State Government Policy direction with respect to urban consolidation within the Perth Metropolitan area.

Amendment No. 22

A second Amendment (Amendment No. 22) to TPS No. 1 was subsequently initiated to delete the clauses inserted by the Hon. Minister and allow for appropriate, orderly and proper planning consideration to be given to the residential density requirements of the Eton Locality during the Town's Town Planning Scheme Review. This Amendment resulted in the former Hon. Minister for Planning and Infrastructure extending the time frame of the sunset clauses from 1 July 2006 to 30 December 2007.

Amendment No. 24

A third Amendment (Amendment No. 24) to TPS No. 1 was subsequently initiated to delete the clauses inserted by the Hon. Minister and to allow for appropriate, orderly and proper planning consideration to be given to the residential density requirements of the Eton Locality during the Town's Town Planning Scheme Review. This Amendment resulted in the former Hon. Minister for Planning and Infrastructure extending the time frame of the sunset clauses from 30 December 2007 to 1 September 2008.

Amendment No. 27

A fourth Amendment (Amendment No. 27) was subsequently initiated to reflect the community's vision derived from the Town's community visioning project *Vincent Vision 2024*. *Vincent Vision 2024* expresses a desire within the community for the retention of the existing density, streetscapes and for dwellings with significant heritage and local character, to be retained in the North Perth area. It was considered that the deletion of the above sunset clauses would be reflective of the desired outcomes presented in the Town's community visioning process.

Notwithstanding the above, the Town was cognisant of a conflict in the timeframe between not only the review of TPS No. 1, but that the 'sunset clause of 1 September 2008 had expired, and the effect of the initiated Scheme Amendment No. 27 was ineffectual as a result. In this respect, it was considered that deletion of the clauses as initiated in this Scheme Amendment would not alone affect a return to a Residential R20 zoning on the Scheme Maps. Accordingly, the proposed Scheme Amendment No. 27 was modified to reflect the original intent of maintaining a Residential R20 zoning in the area commonly referred to as the former Eton Locality.

Accordingly the Town at its Special Council Meeting held on 28 October 2008 resolved in part as follows;

"...

(ii) *RESOLVES pursuant to Town Planning Regulations 17 (2), that Amendment No. 27 to the Town of Vincent Town Planning Scheme No. 1, with modifications, BE ADOPTED FOR FINAL APPROVAL as follows:*

(a) *Delete the following clauses:*

(1) *clause 20 (4) (c) (ii) "After 1 September 2008 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct"; and*

(2) *clause 20 (4) (h) (i) "After 1 September 2008 development and subdivision of land coded R20 will be determined in accordance with the R30 code and shall be subject to all provisions relevant to that coding in the Mount Hawthorn Precinct"; and*

(b) *Rezone the land previously coded Residential R20 in the North Perth and Mount Hawthorn Precincts from Residential R30/40 and Residential R30, respectively, to Residential R20; ..."*

In accordance with the above resolution, the Council decision was forwarded to the Minister for Planning for final approval. On 19 December 2008, the Town received correspondence from the Western Australian Planning Commission advising the Town that the Minister for Planning did not support the Town's proposed amendment and requested modifications. These modifications were considered by the Council under Delegated Authority on 12 January 2009, as outlined below.

12 January 2009 The Chief Executive Officer, under delegation from the Council, resolved with regard to Amendment No. 27:

"That the Council;

- (i) RECEIVES the decision from the Hon Minister for Planning and Infrastructure and the Western Australian Planning Commission as contained in letter dated 19 December 2008, relating to the modifications required to Amendment No. 27 to the Town of Vincent Town Planning Scheme No. 1;*
- (ii) RESOLVES pursuant to Town Planning Regulations 21 (2) and 25, that Amendment No. 27 to the Town of Vincent Town Planning Scheme No. 1, with modifications as required by the Hon Minister for Planning and Infrastructure and the Western Australian Planning Commission, in accordance with its letter dated 19 December 2008, BE ADOPTED FOR FINAL APPROVAL as follows:*
 - 1. Retain clauses 20)4)c)ii) and 20)4)h)i) and change the date referred to in both clauses to '1 June 2010'; and*
 - 2. Insert the proposed Scheme Amendment Map into the amendment documents;*
- (iii) AUTHORISES the Mayor and Chief Executive Officer to execute and affix the Town of Vincent common seal to Amendment No. 27 to the Town of Vincent Town Planning Scheme No. 1 modified amendment documents reflecting the Council's endorsement of final approval;*
- (iv) ADVISES the Hon Minister for Planning and Infrastructure, Western Australian Planning Commission (WAPC), Environmental Protection Authority, and those who made submissions as outlined in the Minutes of the Special Meeting of Council held on 28 October 2008, of clauses (i), (ii) and (iii) above; and*
- (v) FORWARDS the relevant executed modified amendment documents to and requests the Hon Minister and Western Australian Planning Commission to adopt for final approval and Gazettal, Amendment No. 27 to the Town of Vincent Town Planning Scheme No. 1."*

17 February 2009 The Minister for Planning and Infrastructure granted final approval to modify Amendment No. 27.

3 March 2009 Amendment No. 27 was gazetted and published in the Government Gazette.

Amendment No. 28

The Town has received a letter dated 24 September 2009 from the *North Perth Precinct Group Inc.* requesting a further Scheme Amendment in order to '*retain the status quo for the Eton Locality (i.e. R20 density)...and avoid a gap period when the R20 lapses and a subsequent amendment has not been gazetted...*'

On this basis, as well as the fact that the sunset clause is due to expire prior to the promulgation of the proposed Town Planning Scheme No. 2, the Town initiated a new Scheme Amendment in relation to the land coded R20 within the Mount Hawthorn and North Perth Precincts, which proposed the deletion of clauses 20(4)(c)(ii) and 20(4)(h)(i) of the Scheme. The rationale applied in recommending the deletion, rather than the extension of the sunset clause date, is as follows:

1. The Town has recommended in the four previous Scheme Amendments relating to the subject land (being Scheme Amendment No. 11, Scheme Amendment No. 22, Scheme Amendment No. 24, and Scheme Amendment No. 27) that the area referred to in the above-mentioned clauses be down - coded from the higher "R30" and "R30/40" density to "R20", on the premise that the lower coding is more consistent with, and will facilitate the orderly and proper planning within the locality.
2. On all four occasions, the then Hon. Minister for Planning and Infrastructure's final determination has been contrary to the Town's recommendation. The Hon. Minister has decided to impose a sunset clause on down - coding within the Mount Hawthorn Precinct and North Perth Precinct to "R20" in order to make provision for the completion of the Town's Residential Density Review Study, and most recently, to coincide with the anticipated gazettal of the proposed Town Planning Scheme No. 2.
3. The Town's proposed Town Planning Scheme No. 2 will not be gazetted prior to the date stated in the sunset clause, which will result in a significant time lapse between the end of the sunset clause and the gazettal of the new Scheme. The Town's Officers have proposed, as per the Local Planning Strategy endorsed by the Council at its Ordinary Meeting held on 14 April 2009, that other than the residential area along London Street (proposed to go to the higher zoning of R60), it is considered appropriate at this point in time to maintain the Residential R20 zoning within the subject areas due to public concern being raised regarding the effect of higher densities on the loss of amenity resultant from the demolition of character dwellings. In terms of those lots fronting London Street within the subject areas, it is considered appropriate that (consistent with all other major roads within the Town) the zoning be Residential R60. However, for the purpose of Scheme Amendment No. 28 to the Town Planning Scheme No. 1, the down coding of this area is to be considered as part of the proposed Town Planning Scheme No. 2.
4. As a matter of consistency, and with regard to the community consensus in relation to this matter, it is considered appropriate to recommend the same recommendation that has been put forth for Scheme Amendments No. 11, Scheme Amendment No. 22, Scheme Amendment No. 24, and Scheme Amendment No. 27 at the time of their initiation, which is to down - code the subject areas to "R20". This is considered congruous with the current orderly and proper planning within the subject areas.

The Town's main concern is that due to unexpected delays in the progression of the Town Planning Scheme Review, should the Hon. Minister determine a further extension to the sunset clause, uncertainty to the Town and the residents affected by the Scheme Amendment area will result. Depending on the final gazettal of the Town Planning Scheme No. 2, a subsequent Scheme Amendment may again be required to be initiated and progressed to further extend the date specified in the new sunset clause.

Accordingly, it is considered that the most appropriate approach to deal with this matter in an orderly administrative way, would be to delete clauses 20 (4) (c) (ii) and 20 (4) (h) (i), and remove any reference to a sunset date. Effectively, the “R20” coding would apply for the remainder of time until the new Town Planning Scheme No. 2 is adopted and gazetted.

CONSULTATION/ADVERTISING:

Scheme Amendment No. 28 was advertised in the local newspaper *The Guardian* and affected landowners were individually notified, in accordance with clause 15 of the *Town Planning Regulations 1967*. A total of 126 submissions were received, of which 69.84 percent (88 submissions) supported the proposed Scheme Amendment, 24.60 percent (31 submissions) objected to the proposed Scheme Amendment, 5.55 percent (7 submissions) did not state either objection or support and 3.17 percent (4 submissions) were from Government and Non-Government Authorities, agencies and servicing authorities. A Schedule of Submissions has been prepared and is shown in Attachment 001 to this report.

The volume of submissions received in support of Scheme Amendment No. 28 demonstrates that the proposal to delete clauses 20 (4) (c) (ii) and 20 (4) (h) (i) is generally accepted and supported by the community located within the former Eton Locality. However, when compared to the volume of support/objection in relation to previous Amendments, namely Amendment No. 27, it is evident that there has been a slight shift in community views, with a notably higher percentage of submissions in objection to, and a lower percentage of submissions in support of the down coding of the former Eton Locality.

This slight shift in the volume of support/objection for the down coding of the areas is evident when comparing the statistics from Amendment No. 27 in relation to the statistics from Amendment No. 28 (outlined above). An excerpt from Item No. 7.6 that was considered by the Council at its Special Meeting held on 28 October 2008, relating to Amendment No. 27, states, ‘A total of 105 submissions were received, 87.62 per cent of the total written submissions received (92 submissions) supported the proposed Scheme Amendment. The 7.62 per cent of submissions received (8 submissions), objected to the proposed Scheme Amendment, 0.95 per cent of submissions received (1 submission) did not state either objection or support and 3.81 percent of submissions received (4 submissions) were from Government agencies and servicing authorities.’

It is noted that the slight increase in the volume of objection to the down coding of the former Eton Locality as demonstrated by the figures for Amendment No. 28, may relate to a flyer that was distributed to residents advising them to make submissions opposing the down coding of the area. It is noted that although a flyer in support of the down coding of the area was also distributed to residents (for Amendment No. 28 as well as for previous Amendments), this is the first time that a flyer opposing the down coding of the area was distributed, and hence the slight increase in the volume of residents objecting to the Amendment may be attributed to this.

For the purpose of this report, the main points raised in the submissions have been collated and grouped into issue areas. Provided below is a summary of the key issues raised, and an Officer Comment in response to each of the matters.

Consultation Submissions		Officer Comments
Support - 88 submissions (69.84%)		
Preservation of Amenity and Aesthetic Value	<ul style="list-style-type: none"> • A number of issues could arise as a result of increased density, including; <ul style="list-style-type: none"> - Overlooking/loss of privacy - Overshadowing - Loss of trees - Driveways servicing multiple 	Not supported - The Town’s Residential Design Elements Policy and Residential Subdivisions Policy and the Residential Design Codes (R Codes) contain provisions to ensure that the amenity of an

	<p>garages located immediately adjoining existing dwellings</p> <ul style="list-style-type: none"> - Inconsistent bulk and scale with adjoining properties - Potential loss of young families associated with infill development resulting in reduced use of services - Noise - Opposition to infill development - Opposition to high rise - Pollution - Overcrowding - Loss of backyard/value of backyard - Comments regarding property value - Value the lifestyle/character/community feeling/environment of the area - Blocks views - Increased social problems and a lot more people trying to use the same facilities 	<p>adjoining residence is preserved. New subdivision and development must comply with the requirements as outlined in the above Policies and R Codes.</p> <p>The height limit within the subject area is generally 2 storeys.</p>
	<ul style="list-style-type: none"> • Extra cars, increased traffic, increased street parking issues, and less parking. 	<p>Noted - It is acknowledged that increased urban densities could potentially create additional impacts in relation to traffic and car parking. In addition, it is noted that the Town's Policies and R Codes require residential development to supply adequate on-site parking.</p>
	<ul style="list-style-type: none"> • Support Amendment No. 28 to keep locality as R20 density. 	<p>Supported - The retention of the R20 zoning is considered consistent with <i>Vincent Vision 2024</i> and provides diversity within the Town's housing stock.</p>
	<ul style="list-style-type: none"> • Changing the zoning will cause more traffic, homes that do not fit in with the character homes in the area. 	<p>Not supported - The Town has sufficient Policies in place to ensure that the unique character of the area is preserved and enhanced.</p>
<p>Property Values</p>	<ul style="list-style-type: none"> • We would rather keep the property values high and less people living in the area. 	<p>Noted.</p>
<p>Personal Impacts</p>	<ul style="list-style-type: none"> • Considered that a blanket density of R30/40 & R30 may result in incompatible development with adjoining dwellings, resulting in stress and uncertainty for adjoining owners. 	<p>Noted - Previous Scheme Amendments have been required to be modified to include sunset clauses by the Western Australian Planning Commission and/or former Minister for Planning and Infrastructure.</p>

<p>Planning Considerations</p>	<ul style="list-style-type: none"> Where surrounding neighbouring properties have been developed at greater density, during the transition phases then case by case submissions/exemptions should be considered. 	<p>Not supported - The Town does not support spot rezonings.</p>
<p>Sunset Clauses</p>	<ul style="list-style-type: none"> A sunset clause is not appropriate where the gazettal of TPS2 has been delayed. 	<p>Support - As per the Officer Recommendation, it is the Town's intention to completely delete clauses 20 (4) (c) (ii) and 20 (4) (h) (i) from TPS No. 1. However, the WAPC has been recommending the insertion of sunset clauses in order to allow for proper planning consideration to be given to the residential density requirements of the Eton Locality during the Town's Town Planning Scheme Review.</p>
	<ul style="list-style-type: none"> I urge Council to put full pressure on the Minister to stop the sunset clauses and allow myself and the other residents who consistently petition for R20 to be fully heard and be given the gift of peace in the knowledge we have been heard and granted permission to have our area allocated R20. 	<p>It is considered that the Council have done everything possible to request the deletion of this clause as opposed to placing further sunset clauses. As per the Officer Recommendation, it is the Town's intention to completely delete clauses 20 (4) (c) (ii) and 20 (4) (h) (i) from the TPS No. 1. However, the WAPC has been recommending the insertion of sunset clauses in order to allow for proper planning consideration to be given to the residential density requirements of the former Eton Locality during the Town's Town Planning Scheme Review.</p>
	<ul style="list-style-type: none"> The North Perth Precinct Group strongly opposes the extension of the sunset clause as it results in further uncertainty and frustration in the community. It will still be some time before the Scheme Review and Local Planning Strategy is gazetted and the inclusions of sunset clauses will require further Scheme Amendments. This is a waste of precious planning staff at both 	<p>It is noted that any delay in relation to this matter is out of the control of the Town's Administration. The Town has recommended in the four previous Scheme Amendments relating to the subject land that the area be down - coded from the higher "R30" and "R30/40" density to "R20", on the premise that the lower</p>

	<p>Council and the Department of Planning. These resources should be focused on the Scheme Review and Local Planning Strategy. The Amendment reflects the community consensus on this matter and should be recognised by the Minister for Planning.</p>	<p>coding is more consistent with, and will facilitate the orderly and proper planning within the locality. On all four occasions, the former Hon. Minister for Planning and Infrastructure’s final determination has been contrary to the Town’s recommendation. The Hon. Minister has decided to impose a sunset clause on down - coding within the Mount Hawthorn Precinct and North Perth Precinct to “R20” in order to coincide with the anticipated gazettal of the proposed TPS No. 2. It is also noted that previous Scheme Amendments have been required to be modified to include sunset clauses by the Western Australian Planning Commission and/or former Hon. Minister for Planning and Infrastructure.</p>
<p><i>Vincent Vision 2024</i></p>	<ul style="list-style-type: none"> • Amendment 28 and <i>Vincent Vision 2024</i> will ensure variety of housing forms and densities in the Town. • <i>Vincent Vision 2024</i> for Eton Locality does not exclude infill development, however requires it to be more controlled and strategically placed, as opposed to ad hoc and potentially incompatible with adjacent dwellings. Considered that a blanket density of R30/40 & R30 may result in incompatible development with adjoining dwellings, resulting in stress and uncertainty for adjoining owners. 	<p>Noted.</p> <p>Noted.</p>
	<ul style="list-style-type: none"> • <i>Vincent Vision 2024</i> when implemented through the Town Planning Scheme (TPS) review - ensure higher residential density in strategic locations e.g. Town centre areas. It is anticipated that these areas will be higher than R30/40 and R30 - greater population closer to the CBD, therefore more efficient and sustainable than the lower end of medium residential density codes (i.e. R30/40 & R30). 	<p>Noted.</p>

Various	<ul style="list-style-type: none"> I also wish to avoid future conflict with neighbours due to overshadowing and loss of privacy in our backyard. 	It is noted that all new developments must comply with overshadowing and privacy requirements of the Town's RDE's Policy and R Codes, regardless of the zoning.
	<ul style="list-style-type: none"> By retaining R20 zoning, our community spirit and sense of family living will be much better. 	Supported - Given the outcomes of <i>Vincent Vision 2024</i> with respect to the North Perth area, which espouses a maintenance of the Residential R20 zoning in the former Eton Locality, the consistent approach taken by the Town with respect to the initial and subsequent Scheme Amendments, that this area contributes to housing choice within the Town, and that there is little evidence of a significant shift in residents wishes in this regard, it is considered appropriate at this point in time, to maintain the area of Residential R20 zoning.
Oppose - 31 submissions (24.60%)		
Development Potential	<ul style="list-style-type: none"> Higher density is already well established in this area and has resulted in a vibrant and homogeneous community. 	Noted.
	<ul style="list-style-type: none"> High density inner city could increase social amenity by providing more café strips and places for social interactions creating an atmosphere similar to Fremantle. 	Although the establishment of sidewalk cafés has already seen improvement to the amenity of the Town, it is noted that the low zoning relates to the residential areas, not commercial centres areas where social amenity such as café strips would be located. It is noted that improved amenity, catering for improved social interaction within the Town, has been proposed through the Town's LPS, which has assigned higher densities along activity corridors and within Town Centre Areas, and various regeneration projects for certain town centres, (including the <i>Leederville Masterplan</i> and the <i>West Perth Regeneration Masterplan</i>). In addition, it is considered that the town centres are well supported by existing densities, and an increase in population projections should be incorporated in targeted areas, as outlined in <i>Directions 2031</i> .

		This means that rather than existing inner and middle suburbs being subject to blanket redevelopment, targeted opportunities for increased housing density and diversity will be identified.
	<ul style="list-style-type: none"> I purchased 94 and 96 Eton Street with R30/40 zoning with the intent to develop and enhance the property. The change to R20 forced me to create 94a in a hurry and under pressure. Deletion of clauses i and ii makes it more difficult for me to develop the property. 	Noted.
Property Values	<ul style="list-style-type: none"> Reducing of coding to R20 will also result in loss of potential income of the current property when compared to development based on R30/R40. 	Noted.
	<ul style="list-style-type: none"> The present value of my land would be reduced considerably. 	Noted.
Contrary to Planning Principles and Government Legislation	<ul style="list-style-type: none"> The amendments contradict modern day planning at the State Government level and are a waste of the Town's resources and ratepayer's money. 	Supported in part - The Town's intention as part of the Town Planning Scheme Review is to encourage higher density along activity corridors and within Town Centre Areas to ensure that the amenity of surrounding residential areas is preserved. However, <i>Directions 2031</i> addresses targeted dwelling increases. This means that rather than existing inner and middle suburbs being subject to blanket redevelopment, targeted opportunities for increased housing density and diversity will be identified.
Amendment is Inequitable	<ul style="list-style-type: none"> Greater density properly managed and controlled is proven to be successful and can enhance and improve the locality. 	Noted.
Various	<ul style="list-style-type: none"> I believe the initial decision by Alannah MacTiernan should be enforced R30/40. 	Not supported - Retention of the R20 density within the area is considered consistent with <i>Vincent Vision 2024</i> and will facilitate diversity in the Town's housing stock, as the subject land is only one of two areas within the Town that will be zoned Residential R20.

	<ul style="list-style-type: none"> For 10 years I have received correspondence about zoning Eton. The Town should be ashamed, the Mayor should resign for the lack of decision. 	<p>It is noted that any delay in relation to this matter is out of the control of the Town's Administration. The Town has recommended in four previous Scheme Amendments relating to the subject land that the area be down - coded from the higher "R30" and "R30/40" density to "R20", on the premise that the lower coding is more consistent with, and will facilitate the orderly and proper planning within the locality. On all four occasions, the former Hon. Minister for Planning and Infrastructure's final determination has been contrary to the Town's recommendation to completely delete these clauses from the Town's Town Planning Scheme. Rather, the former Hon. Minister has decided to impose a sunset clause on down - coding within the Mount Hawthorn Precinct and North Perth Precinct to "R20" in order to coincide with the anticipated gazettal of the proposed Town Planning Scheme No. 2.</p>
	<ul style="list-style-type: none"> In light of the growing population, unavailability of developable land and scarcity of accommodation close to the Perth metro area, reducing the development coding to R20 will mean a reduction in potential dwellings. This will not meet accommodation needs of the currently growing population where majority work in the metro area. 	<p>Not supported - The retention of the R20 density is consistent with <i>Vincent Vision 2024</i> and will facilitate in providing diversity within the Town's housing stock, as the subject land is only one of two areas that will be zoned Residential R20. In addition, <i>Directions 2031</i> addresses targeted dwelling increase. This means that rather than existing inner and middle suburbs being subject to blanket redevelopment, targeted opportunities for increased housing density and diversity will be identified.</p>
	<ul style="list-style-type: none"> Absence of dwellings close to work will mean longer commuting time which will have an adverse effect on family lifestyle. 	<p>Noted.</p>

	<ul style="list-style-type: none"> • Do not support the R20 zoning...London Street is a continuation of Loftus Street. • It will create 3 zonings on a stretch of road 1km – Loftus Street (R60), London Street to Woodstock Street (R20), and Woodstock Street to Green Street (R30/40). Loftus and London St are...major road. 	<p>Noted and supported – to be incorporated into the proposed TPS No. 2.</p> <p>London Street has been identified as a major road in the Town’s Local Planning Strategy, which was adopted by the Council at its Ordinary Meeting held on 14 April 2009, and as such, has been proposed to be increased to an R60 zoning in the Town’s Local Planning Strategy. Therefore, although London Street is part of this Scheme Amendment, and as such is proposed to remain at R20 until the gazettal of the Town’s proposed TPS No. 2, it is proposed to be increased to an R60 zoning once the Town’s TPS No. 2 is gazetted.</p>
	<ul style="list-style-type: none"> • In my opinion, the options should be available to owners to redevelop the large house sites close to the city areas for higher intensity housing. 	<p>Not supported - Retention of the R20 density within the area is considered consistent with <i>Vincent Vision 2024</i> and will facilitate in providing diversity within the Town’s housing stock, as the subject land is only one of two areas within the Town that will be zoned Residential R20. Also, <i>Directions 2031</i> addresses targeted dwelling increase. This means that rather than existing inner and middle suburbs being subject to blanket redevelopment, targeted opportunities for increased housing density and diversity will be identified.</p>
	<ul style="list-style-type: none"> • The amendments are a bureaucratic burden on property owners and hinder progress and development in the Town of Vincent. 	<p>Not supported - Retention of the R20 density within the area is considered consistent with <i>Vincent Vision 2024</i> and will facilitate in providing diversity within the Town’s housing stock, as the subject land is only one of two areas within the Town that will be zoned Residential R20. Also, it is noted that it is the Town’s intention to completely delete clauses 20 (4) (c) (ii) and 20 (4) (h) (i) from the TPS No. 1.</p>

		However, the WAPC has been recommending the insertion of sunset clauses in order to allow for proper planning consideration to be given to the residential density requirements of the Eton Locality during the Town's Town Planning Scheme Review, which has resulted in a number of amendments, rather than the complete deletion of these clauses.
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LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2009-2014 states:

“Natural and Built Environment

Objective 1.1 Improve and maintain the environment and infrastructure...

- 1.1.2 Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision.*
- 1.1.3 Enhance and maintain the character and heritage of the Town.*
- 1.1.4 Minimise negative impacts on the community and environment.”*

SUSTAINABILITY IMPLICATIONS:

Amendment No. 28 is considered to address the social concerns of the community and is consistent with *Vincent Vision 2024*.

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

The review of Town Planning Scheme No. 1 has involved a holistic review of the Town employing the principles of *Directions 2031*, the outcomes of *Vincent Vision 2024* and contemporary planning practice. In this respect, the former Eton Locality was considered. The housing survey, including the identification of potential residential streetscapes, and the comparative review of the Town's residential areas, revealed that the subject area, given its relative proximity to the Central Business District of Perth and the comparative level of amenity to other residential areas in the Town, was neither unlike nor exceptional to many streets within the Town. Based on the above, justification of the maintenance of Residential R20 zoning in the former Eton Locality is limited.

Notwithstanding the above, given the outcomes of *Vincent Vision 2024* with respect to the area, which espouses a maintenance of the Residential R20 zoning in the former Eton Locality, the consistent approach taken by the Town with respect to the initial and subsequent Scheme Amendments, that this area contributes to housing choice within the Town, and that there is little evidence of a significant shift in residents' wishes in this regard, it is considered appropriate at this point in time to maintain the Residential R20 zoning within the former Eton Locality. It is noted however, that further consideration of the appropriateness of the lots fronting London Street has been considered as part of the Local Planning Strategy and Town Planning Scheme Review.

In addition, the Town's Officers envisage that further consideration of the area with respect to comparative zoning analysis should be undertaken in any future housing surveys and Town Planning Scheme Reviews, to ensure consistency with the orderly and proper planning of the Town.

It is therefore recommended that the Council adopts the Officer recommendation to delete clauses 20 (4) (c) (ii) and 20 (4) (h) (i), and rezone the subject area to Residential R20.

9.1.9 No. 17/663 (Lot 53; Strata Lot 20, STR 10630) Newcastle Street, Leederville - Proposed Signage (Commercial) to Existing Shop and Office and Incidental Workshop (Application for Retrospective Approval)

Ward:	South	Date:	6 April 2010
Precinct:	Oxford Centre; P4	File Ref:	PRO4199; 5.2010.115.1
Attachments:	001 ; 002		
Reporting Officer:	T Cappellucci, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by S Arias on behalf of the owner N Arias for proposed Signage (Commercial) at No. 17/663 (Lot 53; Strata Lot 20, STR 10630) Newcastle Street, Leederville, and as shown on plans stamp dated 17 March 2010, subject to:

- (i) the signage shall not have flashing or intermittent lighting;*
- (ii) all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iii) all signage shall be kept in a good state of repair, safe, and be non-climbable and free from graffiti for the duration of its display on-site; and*
- (iv) within twenty eight (28) days of the issue date of this 'Approval to Commence Development', a Building Approval Certificate Application, structural details certified by a Practising Structural Engineer, including plans and specifications of the subject commenced works, shall be submitted to and approved by the Town of Vincent Building Services as required under section 374 AA of the Local Government (Miscellaneous Provisions) Act 1960, and regulation 11 A of the Building Regulations 1989.*

COUNCIL DECISION ITEM 9.1.9

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (7-1)

For: Presiding Member, Deputy Mayor Cr Lake, Cr Buckels, Cr Farrell, Cr Harvey, Cr McGrath, Cr Maier, Cr Topelberg

Against: Cr Burns

(Mayor Catania was an apology for the meeting.)

Landowner:	N Arias
Applicant:	S Arias
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): District Centre
Existing Land Use:	Shop and Office and Incidental Workshop
Use Class:	Retail (Shop) and Office
Use Classification:	“P” and “P”
Lot Area:	199 square metres
Access to Right of Way:	Not applicable

BACKGROUND:

- 9 January 2008 Approval was granted under delegated authority for a change of use to Shop and Office and Incidental Workshop, and associated alterations and office additions.
- 16 January 2008 A Building Licence was approved for the partial demolition of and additions/alterations to existing Office and Workshop.
- 22 September 2009 A site inspection by the Town’s Development Compliance Officer revealed that wall signage to the northern and western elevations of the subject building was being erected without appropriate approvals.
- 25 September 2009 The Town wrote to the owner of the subject place to advise that, as neither Planning Approval nor a Sign Licence had been granted for the signage, the signage was considered to be unauthorised. The owner was requested to either remove the unauthorised signage within twenty eight (28) days of the date of the letter or make an application to the Town for retrospective Planning and Building Approvals.
- 3 November 2009 The owners of the subject place submitted an application for retrospective approval for the signage.
- 17 November 2009 Council refused the application for retrospective signage at its Ordinary Meeting, for the following reasons:
- “(i) (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (b) *the non-compliance with clause 2, (i) (e) of the Town’s Policy relating to Signs and Advertising which states the total signage area is not to exceed 10 per cent of the total area of the building wall in which that signage is located and the Oxford Centre Precinct Statement, respectively;”*
- 2 December 2009 The owners submitted an amended application for retrospective approval which proposed:
- Four (4) signs on the northern wall elevation (“S.A.S Locksmiths (Logo)”, “Unit 17 663”, “9227 7727” and “saslocksmiths.com”); and
 - Four (4) signs on the western wall elevation (“S.A.S Locksmiths” “S.A.S Locksmiths (Logo)”, “9227 7727”, and “saslocksmiths.com”).
- 18 January 2010 Approval was granted under delegated authority for the amended retrospective signage application.

- 23 February 2010 The owners of the subject place submitted a petition with 49 signatures, supporting signage at S.A.S Locksmiths.
- 9 March 2010 The petition was read out at the Ordinary Meeting of Council. The Chief Executive Officer recommended that this petition be received and referred to the Director Development Services for investigation and report.
- 17 March 2010 An application for signage was submitted seeking retrospective approval.

DETAILS:

The proposal involves the re-consideration of unauthorised signage (Application for Retrospective Approval) at No. 17/663 (Lot: 53, Strata Lot: 20 STR: 10630) Newcastle Street, Leederville. The original application, the same proposed as part of this application, was refused by the Council at its Ordinary Meeting held on 17 November 2009.

The applicant’s submission, along with the petition signed by owners and tenants of surrounding properties of the subject site, supporting the proposed retrospective signage, is “*Laid on the Table and Attachment 002*”.

The extent of the application for retrospective approval includes the following:

- Six (6) signs on the northern wall elevation (“S.A.S Locksmiths”, “S.A.S Locksmiths (Logo)”, “Unit 17 663”, “Complete Security and Safety Centre”, “9227 7727” and “saslocksmiths.com”); and
- Five (5) signs on the western wall elevation (“S.A.S Locksmiths”, “S.A.S Locksmiths (Logo)”, “Complete Security and Safety Centre”, “9227 7727”, and “saslocksmiths.com”).

For both the northern and western wall elevations, the signage exists on the upper floor wall only. The ‘S.A.S Locksmiths’ logo along with the additional signage wording, as mentioned above, is a mix of black and white in colour for both the northern and western upper floor walls. In addition, both the northern and western walls for the upper and ground floors, have been painted in black, purple and white, with images of clouds and lightning strikes.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Sign Standards	The total signage area is not to exceed 10 per cent of the total area of the building wall in which that signage is located.	On the Northern Wall Elevation, the signage is approximately 22% of the total area of the building wall. On the Western Wall Elevation, the signage, when completed, will be approximately 28% of the total area of the building wall.	Supported – These variations are considered supportable as the signage will not result in an undue impact on the amenity of the area. The petition supporting the retrospective signage, underlines this as the majority of those who signed the petition, are from businesses within close proximity to the location of S.A.S Locksmiths, in the Entertainment Precinct of the Leederville Town Centre.

			<p>In addition, under the Town of Vincent's Development and Design Policy 3.5.2 'Signs and Advertising' xvii) Wall Sign, clause aa) states; <i>'if the background colour of the sign matches the balance of the colour of the wall on which it is located, then the area of the sign shall be determined by measuring around the words of the sign'</i>.</p> <p>As the overall paint scheme of the northern and western walls matches the colour of the signage, the area of signage calculated has been determined by measuring around the words as well as the 'S.A.S Locksmiths' logo signage on both walls.</p>
<p>Wall Sign</p>	<p>Be limited to a maximum number of two such signs on any one wall for each tenancy within a building other than a building within a residential zone. Not exceed 10 percent in area in total on any one wall (excluding projecting signs), unless a sign strategy acceptable to the Town of Vincent for the whole site has been submitted and approved. To ensure consistency in determining the area of a sign, the following guidance is provided:</p>	<p>Six (6) wall signs on the northern elevation wall.</p> <p>Five (5) wall signs on the western elevation wall.</p>	<p>Supported - The signage on the upper floor identifies the building as 'S.A.S Locksmiths'. The signage is not considered to unduly impact on the amenity of the area due to the presence of differing wall colours, and forms of signage prominent for the other commercial uses on-site, at No. 663 Newcastle Street.</p> <p>In addition, the petition signed by the owners (49 signatures) and tenants of surrounding properties stating that they have no objection to the signage as currently displayed and are happy for 'S.A.S Locksmiths' to continue to completion, highlights that the adjoining businesses do not feel as though the signage will have an impact on the area, let alone their businesses.</p>

	<p>aa) if the background colour of the sign matches the balance of the colour of the wall on which it is located, then the area of the sign shall be determined by measuring around the words of the sign.</p>	<p>The background colour is predominately black, purple and white. The black and white signage matches the predominant colours of both walls; therefore, the signage figures are as follows:</p> <p>On the Northern Wall Elevation, the signage is approximately 22% of the total area of the building wall, when measured around the words of the signage.</p> <p>On the Western Wall Elevation, the signage, when completed, will be approximately 28% of the total area of the building wall, when measured around the words of the signage.</p>	<p>Supported – Given the background colour complements the colour of the signage, it is deemed supportable as the signage is integrated into the overall building appearance, and does not adversely impact on the visual amenity and on the surrounding businesses.</p> <p>The signage is consistent with the contrasting building wall and signage colours within the site at No. 663 Newcastle Street, as well as urban art on a nearby building.</p>
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Consultation Submissions

The proposal was not advertised as it is considered not to involve intensification of the current use of the site, is incidental, associated and ancillary to the usage and development of the site, and is being referred to the Council for consideration and determination.

Other Implications

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

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

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

COMMENTS:

The Town's Policy No. 3.5.2 relating to Signs and Advertising states an objective of ensuring that the display of advertisements on properties does not adversely impact upon the amenity of the surrounding areas, while providing appropriate exposure of activities or services.

The building in this instance has signage which complements the existing visual amenity of the District Centre in which it is located. Adjoining and nearby buildings have a diverse range of building wall colours and signage, in addition to urban art, which is consistent with the vibrant atmosphere and colour of the Entertainment Precinct in the Leederville Town Centre.

In light of the above, as the signage is not considered to adversely impact on the visual amenity of the subject site and surrounding area, as highlighted by the petition signed by adjoining business owners and tenants within close proximity to No. 17/663 Newcastle Street, Leederville, it is recommended that the Council approve the application, subject to standard and appropriate conditions to address the above matters.

9.1.8 Nos. 566-570 (Lot 6;D/P 692) Beaufort Street, corner Clarence Street, Mount Lawley - Proposed Increase in Patronage to Existing Small Bar from 84 Persons to 120 Persons

Ward:	South	Date:	6 April 2010
Precinct:	Mount Lawley Centre; P11	File Ref:	PRO0816; 5.2010.46.1
Attachments:	001 ; 002		
Reporting Officer:	R Narroo, Senior Planning Officer (Statutory)		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Greg Rowe & Associates on behalf of the owner Austgold Holdings Pty Ltd for proposed Increase in Patronage to Existing Small Bar from 84 Persons to 120 Persons, at Nos. 566-570 (Lot 6; D/P 692) Beaufort Street, Mount Lawley, and as shown on plans stamp-dated 24 March 2010, subject to the following conditions:

- (i) *all signage that does not comply with the Town's Policy No. 3.5.2 relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (ii) *the maximum number of patrons to occupy the small bar at any one time shall be 120 persons;*
- (iii) *packaged liquor shall not be sold at the premises;*
- (iv) *within twenty-eight (28) days of the issue date of this 'Approval to Commence Development,' the owner(s), or the applicant on behalf of the owner(s) shall comply with the following requirements:*
 - (a) *pay a cash-in-lieu contribution of \$11,998 for the equivalent value of 4,285 car parking spaces, based on the cost of \$2,800 per bay as set out in the Town's 2009/2010 Budget; OR*
 - (b) *lodge an appropriate assurance bond/bank guarantee of a value of \$11,998 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*
 - (1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
 - (2) *to the owner(s)/applicant following receipt by the Town with a Statutory Declaration on the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development,'; or*
 - (3) *to the owner(s)/applicant where the subject 'Approval to Commence Development,' did not commence and subsequently expired.*

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

- (v) *a detailed management plan that addresses the control of noise, anti-social behaviour, traffic, car parking, disposal of rubbish and its collection and litter associated with the development and any other appropriate matters shall be submitted to and approved by the Town prior to the first occupation of the development, and thereafter implemented and maintained;*
- (vi) *the hours of operation of the small bar shall be limited to the following:*
- *Monday to Saturday- 12 noon to midnight;*
 - *Sunday- 12 noon to 10.00 pm;*
 - *New Year's Eve (Monday-Saturday)- 12 noon to 2.00 am New Year's Day;*
 - *New Year's Eve (Sunday) 12 noon- 2.00 am New Year's Day;*
 - *Good Friday- 12 noon- 10.00 pm (ancillary to a meal only);*
 - *Christmas Day- 12 noon – 10.00 pm (ancillary to a meal only);*
 - *Anzac Day- 12 noon to midnight; and*
 - *The above excludes any hours of extension which would require the prior consideration and approval of the Town; and*
- (vii) *the landowner entering into a Deed of Agreement with the Western Australian Planning Commission (WAPC) not to seek from either the Town of Vincent or the WAPC compensation for lost revenue when the road reserve/road widening is required. This Agreement is to be registered as a Caveat on the Certificate of Title.*

COUNCIL DECISION ITEM 9.1.8

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

Landowner:	Austgold Holdings Pty Ltd
Applicant:	Greg Rowe & Associates
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Take-Away Food Outlet and Unlisted Use (Small Bar)
Use Class:	Unlisted Use (Small Bar)
Use Classification:	"SA"
Lot Area:	594 square metres
Access to Right of Way	East/rear, 3.02 metres wide, sealed, Town owned

BACKGROUND:

11 December 1995 The Council at its Ordinary Meeting conditionally approved an additional use of local shop to an existing pizza bar shop/take away food outlet at No. 570 Beaufort Street.

- 26 May 1997 The Council at its Ordinary Meeting conditionally approved a change of use from an eating house to shop at No. 566 Beaufort Street.
- 22 August 2000 The Council at its Ordinary Meeting conditionally approved a change of use from a shop to an eating house at No. 566 Beaufort Street.
- 9 May 2006 The Council at its Ordinary Meeting deferred its decision for a change of use from shop and take away food outlet to shop, take away food outlet and eating house and associated alterations and additions.
- 27 June 2006 The Council at its Ordinary Meeting deferred its decision for a change of use from shop and take away food outlet to shop, take away food outlet and eating house and associated alterations and additions.
- 8 August 2006 The Council at its Ordinary Meeting conditionally approved change of use from shop and take away food outlet to shop, take away food outlet and eating house and associated alterations and additions.
- 28 March 2007 The State Administrative Tribunal upheld an application for review by the applicant to pay cash-in-lieu for 7.175 car parking spaces (not for 17.22 car parking spaces as stated in the Council Report on 8 August 2006).
- 4 November 2008 The Council at its Ordinary Meeting resolved to defer the application at the request of the applicant.
- 16 December 2008 The Council at its Ordinary Meeting conditionally approved change of use from take away food outlet and eating house to take away food outlet and unlisted use (small bar) and associated alterations and additions.

DETAILS:

The proposal involves increasing the patronage to the existing small bar from 84 persons to 120 persons.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Car Bays	20.8 car bays	6 car bays Shortfall= 4.285 car bays	Supported- Refer to "Comments" below.
Car Parking			
Car parking requirement (nearest whole number)			32 car bays
Existing Noodle Box (Take-Away Food Outlet)= 1 space per 4.5 square metres of seating area plus 1 space per 2.5 square metres of queuing area with a minimum of 4 spaces.			

<p>Seating area = 15 square metres = 3.33 car bays. Queuing area = 6 square metres = 2.4 car bays.</p> <p>Small Bar = 1 space per 4.5 persons of maximum number of persons approved for the site.</p> <p>120 patrons at any one time= 26.67 car bays.</p> <p>Total= 32.4 car bays.</p>		
<p>Apply the adjustment factors:</p> <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 400 metres of a public car parking place with in excess of 75 car parking spaces) ▪ 0.90 (the proposed development provides “end-of-trip” facilities for bicycle users) 		<p>(0.65025)</p> <p>20.8 car bays</p>
<p>Minus the car parking provided on-site</p>		<p>6 car bays</p>
<p>Minus the most recently approved on-site car parking shortfall. On 28 March 2007, the State Administrative Tribunal upheld an application for review to pay cash-in-lieu for 7.175 car parking bays.</p> <p>On 16 December 2008, the Council approved an application to pay cash-in-lieu for 3.34 car parking bays.</p> <p>Total shortfall= 10.515 car bays</p>		<p>10.515 car bays</p>
<p>Resultant shortfall</p>		<p>4.285 car bays</p>
<p>Bicycle Parking</p>		
<p>Not Applicable</p>		<p>Noted</p>
<p>Consultation Submissions</p>		
<p>Support (2)</p>	<p>Nil</p>	<p>Noted.</p>
<p>Objections (12)</p>	<p>Use</p> <p>It is contradictory that a year ago the Council refused an application for GoGo’s small bar licence and yet continue to approve other small bars in the area.</p> <p>Car Parking</p> <p>The staff and patrons of the existing small bar park on the residential streets such as Clarence Street, Barlee Street, Roy Street and Gerald Street as there is no parking restriction on these streets. With the increased in patronage there will be more impact on these streets in terms of parking and traffic.</p>	<p>Not supported- Each application is assessed on its merits. It is noted that the Council at its Ordinary Meeting held on 9 March 2010 approved an application for a Small Bar for 120 patrons at No. 560 Beaufort Street. It is considered that this application for No. 566 Beaufort Street has a similar operation to that of No. 560 Beaufort Street.</p> <p>Not supported- Refer to “Comments” below.</p>

	<p>The Town should protect parking of the adjoining residents by giving them the opportunity to park themselves in front of their homes.</p> <p>The Town is taking cash-in-lieu for parking from businesses and is not doing anything for parking for the adjacent residential areas. There is no real solution to the car park shortfall for the Beaufort Street which is being more and more developed.</p> <p>The proposal has only six car bays and with an increase in patrons, more cars will be parked in the residential area. Residents are finding it impossible to park in front of their houses.</p> <p>Walk Way Space</p> <p>Given people wait outside the small – bar before getting into it, the increased in patronage will contribute to congest the walkway in front of the small bar and the streets.</p> <p>Health Regulations-Number of Patrons</p> <p>The upper bar and lower bar provide a total floor space of 89 square metres. Therefore, as per the Health Regulations 1992, the maximum occupancy is 105 people. It seems this calculation under Health Regulations has not been considered as part of this application and is not mentioned in the non-compliant table requirements.</p> <p>Litter</p> <p><i>“Litter resulting from licensed premises is an ongoing and increasing problem for adjoining streets and residents. Licenses need to be required to implement procedures to prevent patrons from leaving licensed premises with packaged alcohol and to provide regular sweeps of adjoining streets to remove litter.”</i></p> <p>Noise</p> <p>There is a noise issue with the existing bar now. With an increase patronage, the noise problem will be exacerbated.</p>	<p>Not supported- Not a planning issue.</p> <p>Not supported- The total floor area includes the courtyard area and, therefore, the total floor area is 141 square metres. As per the Town’s Health Services calculation, the small bar can have a maximum of 120 patrons. The number of patrons therefore is not mentioned in the Non-Compliant table.</p> <p>Supported- It is noted that packaged liquor is not to be sold on site. If this application is supported, as a condition of planning approval, there is a requirement to submit a detailed management plan to address issues such as rubbish collection and litter.</p> <p>Not supported- The small bar is required to comply with Noise Regulations.</p>
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Department for Planning and Infrastructure	The Department has no objections to the proposal on regional transport planning grounds. However, the subject property is affected by ORR reservation widening requirement for Beaufort Street. <i>“The land owner agrees that any compensation for loss of revenue arising from the increase in patronage will not be sought from the Council or Western Australian Planning Commission when the reserved land is required for upgrading of Beaufort Street.”</i>	Noted.
Other Implications		
Legal/Policy	TPS 1 and associated Policies.	
Strategic Implications	Nil	
Financial/Budget Implications	Nil	
Sustainability Implications	Nil	

Car Parking

Recognising the issues associated with car parking, and being an inner city locality with increasing pressures relating to car parking, the Town engaged Car Parking Consultants in 2008, to review the Town’s 2002 Car Parking Strategy and to prepare associated Precinct Parking Management Plans, for each of the 5 high activity centres located in the Town of Vincent.

Key recommendations have been identified in these documents, which have highlighted the need for the Town to implement measures that require a paradigm shift in its approach to car parking over the short, medium and long term. The documents were adopted by the Council at its Ordinary Meeting held on 9 March 2010.

To provide a framework to implement the key recommendations outlined in the Car Parking Strategy and Precinct Parking Management Plans, the Town is currently preparing an Implementation Plan to be considered by the Council at a meeting to be held on 27 April 2010, which will provide more details on the measures to be taken to address some of the concerns of the residents in the Mount Lawley area.

The preparation of the Car Parking Strategy and the associated Precinct Parking Management Plans illustrates the Town’s pro-active approach to managing parking to address the projected increase in population and associated residential and commercial intensification experienced by all local government authorities in close proximity to the CBD of Perth.

The recommendations within the Precinct Parking Management Plans recognise the need to balance the viability of businesses within the 5 Town Centre areas, whilst maintaining the amenity of surrounding residential areas. It is envisaged that the implementation plan to adopt these recommendations will assist in managing parking in the Town.

One of the key recommendations in the Precinct Parking Management Plans was to introduce more paid visitor parking within and surrounding the Town Centre of Mount Lawley/Highgate to address this balance between business operators and surrounding residents.

The Town's Policy No. 3.7.1 relating to Parking and Access suggests that the Council may determine to accept a cash-in-lieu payment where the shortfall is greater than 0.5 car bay to provide and/or upgrade parking in other car parking areas.

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

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

The subject application for Nos.566-570 Beaufort Street has a total car parking requirement of 20.8 car bays (after adjustment factors). If the above clause of the Parking and Access Policy is applied to the subject application, a total of 3.12 car bays are required to be provided on-site. Six car bays are provided on-site for this development which are located off the rear right of way.

It is noted that since the commencement of operation of this small bar in December 2009, the Town has not received any complaints.

In light of the above, given the Town's Car Parking Strategy for this area and the proposal satisfies the Parking and Access Policy for cash-in-lieu, it is not considered that the small bar's scale and nature will have an undue impact on the amenity of the area and rather, will contribute to the vitality and range of uses in the Mount Lawley area. Accordingly, it is recommended that the application be approved, subject to standard and appropriate conditions.

9.1.3 Nos. 234-236 (Lot 6 ; D/P 1148) Oxford Street, Leederville - Proposed Demolition of Existing Single House and Shop, and Construction of Four-Storey Office Development

Ward:	South	Date:	6 April 2010
Precinct:	Oxford Centre; P03	File Ref:	PRO4924; 5.2009.477.2
Attachments:	001 , 002		
Reporting Officers:	R Narroo, Senior Planning Officer (Statutory) H Au, Heritage Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Mandurah Building By Design on behalf of the owner Df Aylmore ATF Oxford Family Trust for proposed Demolition of Existing Single House and Shop and Construction of Four-Storey Office Development, at Nos.234-236 (Lot 6 ; D/P: 1148) Oxford Street, Leederville, and as shown on plans stamp-dated 30 March 2010, subject to the following conditions:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Oxford Street;*
 - (ii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *standard visual truncations, in accordance with the Town's policy and to the satisfaction to the Town Technical Services Division, at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised. Details of all required visual truncations shall be included on final drawings submitted for Building Licence requirements;*
 - (b) *a minimum of ten per cent of the site area (62.1 square metres) of landscaping;*
 - (c) *the boundary encroachment at the rear of the property is to be verified. If there is encroachment, the owner of the subject property is required to remove the encroachment at their own cost; and*
 - (d) *a fence wall of 4 metres high is to be provided along the eastern (rear) boundary.*
- The revised plans shall not result in any greater variation to the requirements of the Town's Policies;*
- (iii) *within twenty-eight (28) days of the issue date of this 'Approval to Commence Development', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:*
 - (a) *pay a cash-in-lieu contribution of \$11,536 for the equivalent value of 4.12 car parking spaces, based on the cost of \$2,800 per bay as set out in the Town's 2008/2009 Budget; OR*

(b) lodge an appropriate assurance bond/bank guarantee of a value of \$11,536 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:

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

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

- (iv) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (v) first obtaining the consent of the owners of No. 228 and Nos. 238-246 Oxford Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall, rear fence wall, facing No. 228 and Nos. 238-246 Oxford Street and No. 7 Burgess Street, in a good and clean condition;*
- (vi) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (vii) prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access to the site, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town;*
- (viii) doors, windows and adjacent floor area of the office fronting Oxford Street, shall maintain an active and interactive relationship with this street;*
- (ix) prior to the first occupation of the development, the car parking spaces provided for the offices shall be clearly marked and signposted;*
- (x) the maximum gross floor area for the commercial development shall be limited to 1128 square metres of office space, and further increase or decrease in area of offices may be allowed. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
- (xi) the car park shall be used only by employees, tenants, and visitors directly associated with the development;*

- (xii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation shall be submitted and approved prior to the issue of a Building Licence. The Council encourages landscaping methods which do not rely on reticulation. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s). Any landscaping at the intersection of the driveway access and Oxford Street must comply with the Town's Visual Truncation Policy. A list of Planting is to be submitted to the Town's Parks Services to assesses and approve prior to the issuing of the Building License;*
 - (xiii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
 - (xiv) *any proposed vehicular entry gates adjacent to the commercial car parking area shall be a minimum 50 per cent visually permeable and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development; and*
 - (xv) *additional design features using colour and/or relief being incorporated on the visible portions of the north and south faces of the building wall and the rear fence wall facing No. 228 and Nos. 238-246 Oxford Street and No. 7 Burgess Street, to reduce the visual impact of the boundary walls and the fence wall.*
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Moved Cr Maier, Seconded Cr Harvey

That the recommendation be adopted.

Debate ensued.

Cr McGrath departed the Chamber at 7.45pm.

Debate ensued.

AMENDMENT NO 1

Moved Cr Maier, Seconded Cr Topelberg

That clause (ii)(c) be deleted.

Debate ensued.

Cr McGrath returned to the Chamber at 7.47pm.

Debate ensued.

AMENDMENT NO 1 PUT AND CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

Debate ensued.

AMENDMENT NO 2

Moved Cr Buckels, Seconded Cr Burns

That:

1. *clause (ii)(d) be amended as follows:*

“(ii)(d) a the height of the proposed fence/wall of 4 metres high is to be provided along the eastern (rear) boundary is to be negotiated with the adjoining eastern owners at No. 5/7 and No. 6/7 Burgess Street, Leederville to the satisfaction of the Town;”

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

“(ii)(e) the proposed bin area is to be relocated to the proposed car bay 1 and a revised parking layout is to be provided;

3. *a new clause (xvi) be added as follows:*

“(xvi) prior to the first occupation of the development, six (6) class one or two and one (1) class 3 bicycle facilities shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facility shall be submitted to and approved by the Town prior to installation of such facilities.”

The Presiding Member, Deputy Mayor Cr Lake ruled that she would consider and vote on the amendment in three parts.

Debate ensued.

Cr Burns departed the Chamber at 8.10pm.

Debate ensued.

Cr Burns returned to the Chamber 8.11pm.

Debate ensued.

**AMENDMENT NO 2 CLAUSE (ii)(d) PUT AND CARRIED
ON THE CASTING VOTE OF THE PRESIDING MEMBER (5-4)**

For: Presiding Member, Deputy Mayor Cr Lake (two votes – deliberative and casting vote), Cr Buckels, Cr McGrath, Cr Maier

Against: Cr Burns, Cr Farrell, Cr Harvey, Cr Topelberg

(Mayor Catania was an apology for the meeting.)

Debate ensued.

AMENDMENT NO 2 CLAUSE (ii)(e) PUT AND CARRIED (7-1)

For: Presiding Member, Deputy Mayor Cr Lake, Cr Buckels, Cr Farrell, Cr Harvey, Cr McGrath, Cr Maier, Cr Topelberg

Against: Cr Burns

(Mayor Catania was an apology for the meeting.)

AMENDMENT NO 2 CLAUSE (xvi) PUT AND CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

Debate ensued.

AMENDMENT NO 3

Moved Cr Maier, Seconded Cr McGrath

That the new clause (ii)(d) above be deleted.

Debate ensued.

AMENDMENT NO 3 PUT AND CARRIED (5-3)

For: Cr Burns, Cr Harvey, Cr McGrath, Cr Maier, Cr Topelberg

Against: Presiding Member, Deputy Mayor Cr Lake, Cr Buckels, Cr Farrell

(Mayor Catania was an apology for the meeting.)

Debate ensued.

Cr Farrell departed the Chamber at 8.21pm.

Debate ensued.

Cr Farrell returned to the Chamber at 8.23pm.

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

COUNCIL DECISION ITEM 9.1.3

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Mandurah Building By Design on behalf of the owner Df Aylmore ATF Oxford Family Trust for proposed Demolition of Existing Single House and Shop and Construction of Four-Storey Office Development, at Nos.234-236 (Lot 6 ; D/P: 1148) Oxford Street, Leederville, and as shown on plans stamp-dated 30 March 2010, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Oxford Street;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) standard visual truncations, in accordance with the Town's policy and to the satisfaction to the Town Technical Services Division, at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised. Details of all required visual truncations shall be included on final drawings submitted for Building Licence requirements;*

- (b) a minimum of ten per cent of the site area (62.1 square metres) of landscaping; and*
- (c) the proposed bin area is to be relocated to the proposed car bay 1 and a revised parking layout is to be provided.*

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

- (iii) within twenty-eight (28) days of the issue date of this 'Approval to Commence Development', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:*
 - (a) pay a cash-in-lieu contribution of \$11,536 for the equivalent value of 4.12 car parking spaces, based on the cost of \$2,800 per bay as set out in the Town's 2008/2009 Budget; OR*
 - (b) lodge an appropriate assurance bond/bank guarantee of a value of \$11,536 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*
 - (1) to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
 - (2) to the owner(s)/applicant following receipt by the Town of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or*
 - (3) to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.*

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

- (iv) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (v) first obtaining the consent of the owners of No. 228 and Nos. 238-246 Oxford Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall, rear fence wall, facing No. 228 and Nos. 238-246 Oxford Street and No. 7 Burgess Street, in a good and clean condition;*
- (vi) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (vii) prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access to the site, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town;*

- (viii) *doors, windows and adjacent floor area of the office fronting Oxford Street, shall maintain an active and interactive relationship with this street;*
- (ix) *prior to the first occupation of the development, the car parking spaces provided for the offices shall be clearly marked and signposted;*
- (x) *the maximum gross floor area for the commercial development shall be limited to 1128 square metres of office space, and further increase or decrease in area of offices may be allowed. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
- (xi) *the car park shall be used only by employees, tenants, and visitors directly associated with the development;*
- (xii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation shall be submitted and approved prior to the issue of a Building Licence. The Council encourages landscaping methods which do not rely on reticulation. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s). Any landscaping at the intersection of the driveway access and Oxford Street must comply with the Town's Visual Truncation Policy. A list of Planting is to be submitted to the Town's Parks Services to assesses and approve prior to the issuing of the Building License;*
- (xiii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (xiv) *any proposed vehicular entry gates adjacent to the commercial car parking area shall be a minimum 50 per cent visually permeable and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
- (xv) *additional design features using colour and/or relief being incorporated on the visible portions of the north and south faces of the building wall and the rear fence wall facing No. 228 and Nos. 238-246 Oxford Street and No. 7 Burgess Street, to reduce the visual impact of the boundary walls and the fence wall; and*
- (xvi) *prior to the first occupation of the development, six (6) class one or two and one (1) class 3 bicycle facilities shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facility shall be submitted to and approved by the Town prior to installation of such facilities.*

Landowner:	Df Aylmore ATF Oxford Family Trust
Applicant:	Mandurah Building By Design
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Shop and Single House
Use Class:	Office
Use Classification:	"P"
Lot Area:	621 square metres
Access to Right of Way	Not applicable

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of a shop and single house and construction of a four storey office building.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Number of Storeys	2 storeys	4 storeys	Supported- Refer to "Comments" below.
Height	7 metres	13.9 metres	Supported-Refer to "Comments" below.
Car Parking	13.85 car bays	10 car bays Shortfall- 3.85 car bays	Supported- Refer to "Comments" below.
Landscaping	Ten per cent of site area= 62.1 square metres	35.2 square metres	Not supported- The application is required to comply with this requirement.
Fence	Rear Fence= 1.8 metres	Rear fence= 2.4 metres	Supported- The proposed fence will replace the existing fence on the boundary.
Consultation Submissions			
Support (1)	No comments.		Noted.
Objections (6)	<p>The proposed development will impact on the amenity of the adjoining residential area in terms of scale and bulk. It does not comply with the Non-residential/Residential Development Interface Policy as this policy limits commercial development to 2 storeys where sites abut an Residential R40 zone.</p> <p>The fourth storey is out of character with the area, will be visually dominant and will impact on the streetscape.</p>		<p>Not supported- Refer to 'Comments' below. It is noted that the first, second and third floors are setback 17.45 metres from the rear boundary, which comply with the required setback of 9 metres.</p> <p>Not supported- Refer to "Comments" below. The fourth storey is setback 7.21 metres from the front boundary and it is considered will not have an undue impact on the streetscape.</p>

	<p>The proposed building will have an impact on the privacy of the adjoining neighbours in terms of primary outdoor space and living areas. <i>“It is acknowledged that the proposed building is setback at 19.17m (balcony only 17.45m) whereas a 2 storey building would be permitted to be setback at 9.0. However the attached elevation shows that a 4 or even a 3 storey building at 19.17m will have a significantly greater impact than the permitted 2 storey building at the permitted 9m setback. In fact the impact would only be similar if the proposed building was a maximum of 2 and a half storeys (at 19.17 m setback).”</i></p> <p>There will be overshadowing of the adjoining properties.</p> <p>The rear fence should be erected to the same height as that on either side of the development; that is, 4 metres high to enhance security and privacy.</p>	<p>Not supported- The setbacks of the balconies on the first, second and third floors comply with the requirements of the R-Codes in terms of privacy (7.5 metres).</p> <p>Not supported- As shown on the overshadowing diagram, the overshadowing will impact on the adjoining southern commercial properties and not on the eastern residential properties. In this instance there is no overshadowing issue to the residential properties.</p> <p>Supported- A 4 metre high wall/fence at the rear will provide better screening to the eastern residential properties. The 4 metre high wall/fence will match in terms of height with the 4 metre high fence on 238-246 Oxford Street (adjacent northern property) and the boundary wall on No. 228 Oxford Street (adjacent southern property) Therefore, if this application is supported, as a condition of planning approval, a 4 metre high wall/fence will be required to be constructed along the rear boundary.</p>
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Other Implications	
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications	Nil
Sustainability Implications	Nil
Financial/Budget Implications	Nil

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

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

Car Parking and Bicycle Calculations

Car Parking- Commercial Component		
Car parking requirement (nearest whole number)	23 car bays	
Office-1 space per 50 square metres of gross floor area (proposed 1128 square metres)		
Total= $22.56= 23$		
Apply the parking adjustment factors.	(0.6141)	
<ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.85 (within 400 metres of one or more public car parks in excess of 75 spaces) • 0.85 (within 800 metres of a rail station) 	14.12 car bays	
Minus the car parking provided on-site	10 car bays	
Minus the most recently approved on-site car parking shortfall	Not applicable	
Resultant shortfall	4.12 car bays	
Bicycle Parking Facilities		
Requirements	Required	Provided
Office Building	Class 1 or 2- 1 space per 200 square metres of gross floor area= $5.64=6$	Bike store shown on plan.
	Class 3 – 1 space per 750 square metres over 1000 square metres= 1	Bike store shown on plan.

COMMENTS:

Demolition

The single storey subject brick and tile shop and attached house at Nos. 234-236 Oxford Street, Leederville was built in the Inter-war Retail style of architecture circa 1930. The subject shop has a nil setback to Oxford Street whilst the attached residence is recessed to the northern side of the shop behind a front verandah.

The first resident listed at the subject place in 1910 in the Post Office Directories is Paul Eva, a butcher, who stayed at the subject place until 1920. Since then, the subject dwelling has been transferred several times to new owners and occupiers.

A full Heritage Assessment was undertaken for Nos. 234-236 Oxford Street, Leederville, based on the plan dated 6 November 2009, which indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory. In this instance, it is considered that approval should be granted for demolition subject to standard condition.

Strategic Planning

The Local Planning Strategy provides the strategic direction for the development along Oxford Street, which has been identified as an "Activity Corridor", consistent with the principles of the State Planning documents, *'Network City'* and more recently *'Directions 2031'*. The information within section 10.5 of the Local Planning Strategy relates predominately to the appropriate mix of land use along the corridor and does not specify exactly the height prescribed; however, based on the type of uses and zonings proposed along the length of the corridor and the rationale for Activity Corridors espoused by *'Network City'* and *'Directions 2031'*, a greater height than what is predominately along Oxford Street at the present time would be appropriate to accommodate this change.

The Local Planning Strategy was endorsed by the Council at its Ordinary Meeting held on 14 April 2009, to be forwarded to the Western Australian Planning Commission (WAPC) for certification. Whilst the Local Planning Strategy has yet to be certified by the WAPC, it has been prepared following extensive community engagement through *Vincent Vision 2024*, and in line with best practice planning principles and liaison with the Department of Planning. The robust nature of the Town's existing Town Planning Scheme No. 1 enables it to adapt to evolving planning principles so that development applications that are received by the Town, that meet the broad objectives of the Town's Town Planning Scheme No. 1, can be considered by the Town.

The Local Planning Strategy states that the area adjacent to the subject property is to remain at Residential R40. In line with the principles espoused by *'Network City'* and *'Directions 2031'*, increases in dwelling densities are to be targeted and blanket increases in zonings are not appropriate. For this reason, targeted higher density areas within Leederville have been proposed, however some existing medium density zonings have been recommended to remain, to allow for the retention of existing character and to accommodate a range of housing choice and type. Given this, there will generally need to be an interface between 2 different zonings. Recognising this, the Town has adopted the Non-Residential/Residential Interface Policy No. 3.4.3 to ensure appropriate interface is achieved, which is considered in assessing a development application of that proposed.

It is considered that in this case, the nature of the proposed development supports the broad objectives of the Scheme, the key objectives of the existing Policies adopted pursuant to the Town Planning Scheme No. 1 and the strategic direction outlined in the Local Planning Strategy.

Bulk and Scale

The Town's Interface Policy specifies that where a non-residential development abuts a residential area to the rear, the required setback is 6 metres and where non-residential development adjacent to residential areas zoned Residential R40, the maximum height of 2 storeys. These requirements can be varied subject to the development not having an impact on the adjoining properties.

The first, second and third floors are setback 17.45 metres from the rear boundary which comply with the Interface Policy, as well as the Precinct Policy requirements. As outlined in the Assessment Table, the proposal complies with the overshadowing and privacy requirements. In addition, the wall on the fourth floor is setback 7.21 metres from Oxford Street, which will minimise the impact on the streetscape and a 4 metre high wall will be required along the rear boundary which will ensure better screening to the adjacent residential properties. In this instance, it is considered there will be no undue impact on the amenity of the area.

Car Parking

The Town's Policy No. 3.7.1 relating to Parking and Access suggests that the Council may determine to accept a cash-in-lieu payment where the shortfall is greater than 0.5 car bay, to provide and/or upgrade parking in other car parking areas.

Clause 22 (ii) of the Town's Policy No. 3.7.1 relating Parking and Access, states that in determining whether this development should be refused on car parking grounds, the following percentage should be used as a guide:

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

In this instance, the applicant is providing in excess of 15 per cent of the required bays on-site (3 car bays required, 10 car bays provided).

Given the locational context of the subject site, within 800 metres from a train station, accessibility to public transport, public car parking, it is considered that the shortfall will not have an undue impact on the amenity of the area.

Given the above, it is recommended that the application be approved as per the Officer Recommendation.

9.1.4 No. 82 (Lot 2; D/P 1206) Carr Street and No. 4 (Lot 1; D/P 1206) Florence Street, West Perth - Proposed Demolition of Two (2) Existing Single Houses and Construction of Four (4), Two-Storey Single Houses

Ward:	South	Date:	6 April 2010
Precinct:	Cleaver Precinct; P05	File Ref:	PRO4879; 5.2009.411.2
Attachments:	001 ; 002 ; 003		
Reporting Officer:	D Pirone, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Matthew Coniglio Architect on behalf of the owners of the Estate of Late R Carbone and B, D & Carbone & C Calabro for proposed Demolition of Two (2) Existing Single Houses and Construction of Four (4), Two-Storey Single Houses, at No. 82 (Lot 2; D/P 1206) Carr Street and No. 4 (Lot 1; D/P 1206) Florence Street, West Perth, and as shown on plans stamp-dated 10 February 2010 and 13 April 2010, subject to the following conditions:

- (i) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Carr Street and Florence Street;*
- (iii) *any new street/front wall, fence and gate within the Carr Street and Florence Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (iv) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (v) *first obtaining the consent of the owners of No. 6 Florence Street and No. 78 Carr Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 6 Florence Street, in a good and clean condition; and*
- (vi) *a detailed landscaping plan, including a list of plants and the landscaping of the Carr Street and Florence Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verges shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s).*

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

Cr Harvey departed the Chamber at 8.31pm.

COUNCIL DECISION ITEM 9.1.4

Moved Cr Maier, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

Cr Harvey returned to the Chamber at 8.32pm.

Debate ensued.

MOTION PUT AND CARRIED (6-2)

For: Presiding Member, Deputy Mayor Cr Lake, Cr Burns, Cr Farrell, Cr Harvey, Cr Maier, Cr Topelberg

Against: Cr Buckels, Cr McGrath

(Mayor Catania was an apology for the meeting.)

Landowner:	Estate of Late R Carbone and B, D & Carbone & C Calabro
Applicant:	Matthew Coniglio Architect
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	911 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

20 January 2009 The Western Australian Planning Commission conditionally approved a freehold subdivision of No. 82 Carr Street and No. 4 Florence Street into four green title lots.

DETAILS:

The proposal involves the demolition of the two existing single houses and the construction of four (4), two-storey single houses. The demolition of the existing single houses is contained in and required by one of the eight conditions of subdivision approval.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density:	5.06 single houses at R80	4 single houses	Noted – No variation proposed.

Plot Ratio:	N/A	N/A	Noted.
<p>Building Setbacks: Unit 1 Ground Floor -North</p> <p>Upper Floor -West (Florence Street)</p>	<p>1.5 metres</p> <p>2 metres behind the ground floor main building line.</p>	<p>Nil – 2.4 metres</p> <p>3.88 metres in front of the ground floor main building line.</p>	<p>Supported – Not considered to have an undue impact on the neighbouring property and no objections received from adjoining property owner.</p> <p>The proposed upper floor setbacks are not considered to have an undue impact on the amenity of the area as whilst the upper floor is located 4 metres in front of the ground floor main building line, it is setback 1.5 metres behind the carport, which reduces the impact of the carports on Florence Street.</p>
<p>Unit 2 Upper Floor -West (Florence Street)</p> <p>Unit 3 Upper Floor -West (Florence Street)</p>	<p>2 metres behind the ground floor main building line.</p> <p>2 metres behind the ground floor main building line.</p>	<p>3.88 metres in front of the ground floor main building line.</p> <p>3.88 metres in front of the ground floor main building line.</p>	<p>The proposed upper floor setbacks are not considered to have an undue impact on the amenity of the area, as whilst the upper floor is located 4 metres in front of the ground floor main building line, it is setback 1.5 metres behind the carport, which reduces the impact of the carports on Florence Street.</p> <p>The proposed upper floor setbacks are not considered to have an undue impact on the amenity of the area, as whilst the upper floor is located 4 metres in front of the ground floor main building line, it is setback 1.5 metres behind the carport, which reduces the impact of the carports on Florence Street.</p>

Unit 4 Upper Floor -West (Florence Street)	2 metres behind the ground floor main building line.	0.9 metre in front of the ground floor main building line.	Supported – See “Comments”.
Vehicular Access:	The total aggregate width of driveways are not to exceed 40 percent (12.2 metres) of the width of the frontage or 6 metres, whichever is the lesser.	Total width on Florence Street frontage is 9 metres or 29.5 percent of the width of the frontage.	Supported – The driveways for each of the lots on the Florence Street frontage are at the required minimum of 3 metres and totals less than the required 40 percent of the width of the frontage.
Roof Forms:	The roof form shall be compatible with the existing streetscape.	Concealed roof proposed.	Supported – See “Comments”.

Consultation Submissions

Support (4)	No comments provided.	Noted.
Objection (3)	<ul style="list-style-type: none"> • Building setbacks to the north. • Street setbacks. • Number of crossovers reduces the number of street car parking. • Contemporary roof form. 	<ul style="list-style-type: none"> • Not supported – Not considered to have an undue impact on the neighbouring property and no objection was received from the adjacent land owner. • Not supported – See “Comments”. • Not supported – Each proposed lot is entitled to their own crossover to access their site for car parking. • Not supported – See “Comments”.

Other Implications

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

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

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

COMMENTS:

Demolition

The subject dwelling at No. 82 Carr Street is an example of a two-storey brick and tile post-war Conventional Suburban Style Bungalow constructed circa 1975, replacing a weatherboard dwelling built circa 1908.

The subject dwelling at No. 4 Florence Street, West Perth is an example of a one storey post-war Conventional Suburban Style Bungalow constructed circa 1954, replacing a dwelling built circa 1907.

A full Heritage Assessment was undertaken for No. 82 Carr Street and No. 4 Florence Street, West Perth, based on the plan dated 2 October 2009, which indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory.

Roof Forms and Design

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

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

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

9.1.12 LATE ITEM – URGENT BUSINESS: No. 9 (Lot 17; D/P 785) Hammond Street, West Perth - Proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Grouped Dwellings – State Administrative Tribunal (SAT) – Review Matter No. DR 87 of 2010

Ward:	South	Date:	12 April 2010
Precinct:	Cleaver; P05	File Ref:	PRO4729; 5.2009.545.1
Attachments:	-		
Reporting Officer:	D Pirone, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That, given the decision by the Council at its Ordinary Meeting held on 23 February 2010 to refuse the application, the Council;

- (i) *RECEIVES the report relating to No. 9 (Lot 17; D/P 785) Hammond Street, West Perth – State Administrative Tribunal (SAT) Review Matter No. DR 87 of 2010; and*
- (ii) *NOMINATES to attend the mediation at the Town of Vincent Administration Centre on Tuesday, 20 April 2010 at 4:00pm as per the SAT Orders given at the Directions Hearing held on 9 April 2010.*

Moved Cr Topelberg, Seconded Cr Burns

That the recommendation be adopted.

The Presiding Member, Deputy Mayor Lake called for nominations.

Debate ensued.

Cr McGrath nominated with Cr Maier as deputy.

No further nominations were received.

COUNCIL DECISION ITEM 9.1.12

That, given the decision by the Council at its Ordinary Meeting held on 23 February 2010 to refuse the application, the Council;

- (i) *RECEIVES the report relating to No. 9 (Lot 17; D/P 785) Hammond Street, West Perth – State Administrative Tribunal (SAT) Review Matter No. DR 87 of 2010; and*
- (ii) *NOMINATES Cr McGrath (and Cr Maier as deputy) to attend the mediation at the Town of Vincent Administration Centre on Tuesday, 20 April 2010 at 4:00pm as per the SAT Orders given at the Directions Hearing held on 9 April 2010.*

MOTION PUT AND CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

PURPOSE OF REPORT:

- To update the Council on the above review matter;
- To comply with the requirements of the Town's Policy/Procedure for SAT; and
- To advise the Council that they are invited to attend the mediation to be held at the Town of Vincent Administration Centre on Tuesday, 20 April 2010.

BACKGROUND:

- 9 June 2009 The Town confirmed at the request of the applicant, that a Planning Application for Two (2) Two Storey Grouped Dwellings with basement received on 22 June 2009, is withdrawn.
- 23 February 2010 The Council at its Ordinary Meeting resolved to refuse a planning application for demolition of existing single house and construction of two, two-storey grouped dwellings for the following reasons:
- “1. *Non-compliance with open space and minimum lot size requirements.*
2. *Non-compliance with density.”*
- 25 March 2010 The Town received a SAT application to review the decision made by the Council at its Ordinary Meeting held on 23 February 2009.
- 9 April 2010 Directions Hearing at SAT.

DETAILS:

The proposal involved the demolition of the existing single house and the construction of two, two-storey grouped dwellings, which was refused by the Council at its Ordinary Meeting held on 23 February 2010.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The Town's Officers will attempt to mediate with the applicant; however, if the applicant wishes to take the matter to a final hearing, a Town Planning Consultant will be required to be employed.

COMMENTS:

The purpose of this report is to invite the Mayor and/or Councillors to attend the Mediation to be held at the Town of Vincent Administration Centre on 20 April 2010. The purpose of a Mediation is to discuss with the applicant, a suitable outcome for all.

9.2.2 Swan River Regional Recreational Path – Banks Reserve to Bardon Park

Ward:	South	Date:	6 April 2010
Precinct:	Banks; P15	File Ref:	TES0172 & RES0008
Attachments:	001 ; 002		
Reporting Officer:	J van den Bok – Manager Parks & Property Services		
Responsible Officer:	R Lotznicker – Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *ADVISES the Western Australian Planning Commission (WAPC) that the Town is now prepared to assume the care, control and management of the Swan River Regional Recreational Path (Tony Di Scerni Pathway) and associated landscaping within its boundaries as shown in Appendix 9.2.2, effective from 1 July 2010;*
- (ii) *NOTES that;*
 - (a) *the Department of Planning (DoP) have previously undertaken, or are in the process of finalising, all work requirements for completion by 30 June 2010;*
 - (b) *while some members of the community have raised some concerns due to a perceived lack of water flow through the existing water bodies in the area of the recreational path, Officers from both the Town and DoP have undertaken a detailed inspection the systems and are satisfied that adequate water flow/flushing is occurring;*
 - (c) *an alternative access path along the rear of properties from 100 to 114 Joel Terrace must be maintained and utilised as required to allow the necessary heavy plant and equipment access to undertake the required maintenance of the area; and*
 - (d) *the DoP have advised they will initiate an amalgamation of the various lots comprising the reserve area to create one allotment vested in the Town of Vincent for recreational purposes as outlined in Red in the Appendix 9.2.2; and*
- (iii) *LISTS an amount of \$80,000 on the draft annual operating budget to maintain the area identified as the Tony Di Scerni pathway.*

COUNCIL DECISION ITEM 9.2.2

Moved Cr Maier, Seconded Cr McGrath

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the progress of works and discussions with officers from the DoP in relation to the above project and to seek approval to take over the care control and management of the area as of 1 July 2010.

BACKGROUND:

At the Ordinary Meeting of Council held on 12 August 2008, a further report was presented in relation to the Swan River Regional Recreational Path project where it was resolved:

"That the Council;

- (i) RECEIVES the report in relation to Swan River Regional Recreational Path project from Banks Reserve to Bardon Park;*
- (ii) NOTES that the;*
 - (a) Department for Planning and Infrastructure (DPI) have completed the construction of the Swan River Regional Recreational Path but have not completed the landscaping component of the project to the Town's satisfaction and on several previous occasions have requested that the Town take on the care, control and management of the area;*
 - (b) proposed structural screening on the western side of the southern boardwalk did not proceed due to the conflicting views of adjacent residents, however, this issue has now been resolved to the satisfaction of all parties by using suitable native plants to provide a "soft" but effective long-term screen along the western side of the southern most boardwalk;*
- (iii) ADVISES the Western Australian Planning Commission (WAPC) that;*
 - (a) the Town is not prepared to accept responsibility for the Swan River Regional Recreational Path project area (within the Town) until all aspects of the project have been completed to the full satisfaction of the Town and at the earliest not until 2009/2010; and*
 - (b) a minimum of twelve months notice is required, in order to allow the Town to allocate funds in the Budget for maintenance purposes; and*
- (iv) RECEIVES a further report/s on this matter when additional information is received and/or further progress has been made with regard to the Swan River Regional Recreational Path project area within the Town."*

DETAILS:

Several meeting have been held with DoP officers on site over the past 18 months to inspect and discuss the various works being undertaken by the DoP and requested by the Town.

DoP officers have been very accommodating and have now undertaken the majority of works requested and additional works including some fencing and security light shielding, as these issues have been brought to their attention.

Major Infrastructure

The Town's officers initially advised the DoP that they expected at least a twelve (12) month maintenance period (to December 2007) as is normally the case with such projects, however, given the unknowns in terms of what damage the river may cause during winter storm periods and the potential expense of such damage, it was then suggested that a 24 month period elapse prior to the Town even considering any takeover of the path and associated infrastructure.

Officer's Comments

It has now been nearly four (4) years since the pathway was opened for use. As indicated above, inspections of all infrastructure items including the paths, jetties, bridges, fencing and lights have been undertaken on a regular basis since August 2008 and whilst some engineering works have been implemented to reduce erosion where the path almost meets the river, all infrastructure items are in good condition.

The DoP has also undertaken additional fencing where required in an effort to restrict access and further damage to plantings and the river edge, where fishermen are often found digging for worms.

Lighting issues have been an ongoing problem along the path and the DoP has also installed light shields to restrict glare and recently wire cages to prevent vandalism.

Currently the DoP is arranging refurbishment of the jetties along the river frontage and these works will be completed shortly.

Landscaping Works

Landscape works were completed in July 2007, however, after twelve (12) months from final completion, many plants perished and the area looked sparse and unkept.

A mowing strip or garden kerb was initially requested to be installed to restrict the invasion of perennial turf grasses from taking over the planted areas and several natural springs that run through this area were requested to be enhanced by removing adjoining turf and being planted up with suitable local native sedges and plants.

Officer's Comments

Since August 2008 the DoP has concentrated on a replanting and weed control program which has had excellent results. Whilst not all garden areas have been planted as originally planned, the site is now quite acceptable in terms of plant concentrations and weed control.

Replanting will almost always have to occur to some degree on an annual basis and it is likely that this site could be regularly targeted on National Tree Day in July of each year, where staff and community members plant native trees/shrubs.

The installation of a garden kerb was discussed at length for some time between officers of the Town and DoP, together with various contractors quoting on the job. It was resolved that a garden kerb would not be beneficial due to the unstable nature of the soil profile. It would be likely that the kerb would crack and be easily damaged by turf maintenance machinery and therefore herbicide control was the better option of controlling invasive turf grasses.

The cost savings made by DoP in this regard was directed to additional shrub/groundcover planting during the 2009 winter season.

The Town's officers are now of the opinion that the area is of a reasonable standard and have in fact been mowing the grassed areas at the DoP's expense for nearly twelve (12) months and overseeing any maintenance works being undertaken by contractors.

Whilst the Town was originally advised that the Swan River Trust (SRT) would be advising the DoP of any further works required following their conditional approval for the project in 2006, no further advice has been received from the SRT after numerous requests.

CONSULTATION/ADVERTISING:

The Banks Precinct Action group and Town of Vincent residents with properties backing onto the area will be advised of the Council's decision.

LEGAL/POLICY:

This project has been required to comply with various State and Federal Acts, however, the Town has had little involvement as these issues and subsequent approvals have been handled by DoP.

STRATEGIC IMPLICATIONS:

In accordance with Objective One of the Strategic Plan 2009-2014 – 1.1.4 Minimise negative impacts on the community and environment “*h) Continue to improve aesthetics and amenity and encourage regeneration of degraded buildings and vacant land*”.

SUSTAINABILITY IMPLICATIONS:

Whilst the Town initially requested that a Management or Maintenance Plan for the area be prepared by DoP and presented to the Town, this has never been received nor is it now the intention of the DoP to prepare any such documentation.

The Town’s officers do not believe it is worth pursuing this matter with DoP and consider that, if required, a Management Plan can be prepared by the Town’s new Project Officer - Environment in due course.

FINANCIAL/BUDGET IMPLICATIONS:

In the previous report to Council in regard to this project, it was estimated that an amount of \$45,000 would be required to cover all operating expenses, however, following discussions with DoP field staff, they have indicated that a total of \$80,000 has been allocated annually for the maintenance of the area of pathway/landscaping within the Town of Vincent’s boundaries.

Therefore, an amount of \$80,000 has been listed in the Town’s draft 2010/2011 budget as a new Operating item: Tony Di Scerni Pathway – Maintenance.

COMMENTS:

A large number of the community already consider this area to be maintained by the Town due to the Town’s presence on site (undertaking mowing operations for DoP) from time to time and the various Town of Vincent signage that has been erected along the pathway.

The DoP is now in the process of completing the remaining outstanding works as previously identified by the Town along the Tony Di Scerni pathway within the Town of Vincent boundary.

Therefore, given the above, it is considered that the Town should now take on the care, control and maintenance of the area within its boundary and budget accordingly.

9.2.3 Proposed Reintroduction of Two Way Traffic on Beaufort and William Streets, Perth - Progress Report No. 4

Ward:	South	Date:	7 April 2010
Precinct:	Beaufort P13	File Ref:	TES0473
Attachments:	001		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *NOTES the following;*
- (a) *the City of Perth seeks agreement with the Town of Vincent for the staging of the reintroduction of two-way traffic with their preferred staging within the City of Perth, subject to approval by the Commissioner for Main Roads, being as follows; (refer Appendix 9.2.3A & B):*
- *William Street, Roe Street to Newcastle Street - May 2010*
 - *Beaufort Street - Roe Street to Newcastle Street - July 2010*
- (b) *Main Roads WA previously advised they would not support the proposal to convert William Street between Brisbane and Newcastle Streets from the current one-way to two-way traffic flow, with only one (1) lane provided in each direction, unless the following measures were undertaken:*
- *An agreement with the City of Perth regarding future plans for the whole of William Street;*
 - *The completion of traffic modelling for the proposed modifications to William Street;*
 - *Additional routes to be considered for vehicle access to the CBD to compensate for the downgrading of William Street;*
 - *Community consultation undertaken;*
 - *Traffic signal phasing at the intersections of William Street with Brisbane Street and Newcastle Street have been investigated in more detail; and*
- (c) *the Town's officers have prepared a possible two stage plan which would revert Beaufort Street to two way in 2010/2011 and William Street/Brisbane Street in 2011/2012 at an estimated cost of \$600,000 as shown in Appendix 9.2.3 C to F;*
- (ii) *SUPPORTS IN PRINCIPLE the proposal to reintroduce 'two way' traffic in William, Beaufort and Brisbane Streets subject to the City of Perth agreeing to undertake the following:*
- (a) *carry out additional modelling on the Town's proposed Option 1 & Option 2 scenarios as mentioned in clause 1 (i)(c);*
- (b) *update its traffic data to address the anomalies and resubmit the corrected data to the Town;*
- (c) *ensure that the conditions as outlined in clause 1 (i)(b) are fully complied with;*

- (d) *indicate what discussions have taken place with the Public Transport Authority (PTA) with regard to the proposal and advises what, if any, changes would be required to the road layout to accommodate PTA;*
- (e) *agree to fund the design/documentation of signal modifications and any other design requirements associated with the two way street proposal within the Town at both the William/Brisbane and Beaufort/Brisbane Street intersections; and*
- (f) *provide further clarification on the proposed intersection treatments and proposed clearway zones during the AM and PM peak periods;*
- (iii) *LISTS \$250,000 for consideration in the 2010/2011 draft budget for modifications at Brisbane/Beaufort and Brisbane Street between Beaufort Street and Stirling Street;*
- (iv) *CONSULTS with businesses and residents of Beaufort Street, Brisbane Street, William Street and other parties affected by the proposal;*
- (v) *WRITES to Main Roads WA and the PTA seeking their further comments regarding the proposal, including but not limited to the suggested staging by both the Town and the City of Perth;*
- (vi) *RECEIVES a further report at the conclusion of the consultation and once feedback has been received from the City of Perth, Main Roads WA and the PTA; and*
- (vii) *NOTES that the Town's officers will be submitting an application for funding from the 2011/2012 Metropolitan Regional Road 'Improvement' Program to implement changes associated with reverting William Street and Brisbane Street from one way to two way.*

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

Moved Cr Topelberg, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Topelberg, Seconded Cr Farrell

That a new clause (ii)(g) be inserted as follows:

“(ii)(g) notify the Town of Vincent that they recognise William Street and Beaufort Street as Designated Activity Corridors in the Town of Vincent and that they address these Designated Activity Corridors as part of their “to not through” access philosophy;”

AMENDMENT PUT AND CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

MOTION AS AMENDED PUT AND CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

COUNCIL DECISION ITEM 9.2.3

That the Council;

- (i) *NOTES the following;*
- (a) *the City of Perth seeks agreement with the Town of Vincent for the staging of the reintroduction of two-way traffic with their preferred staging within the City of Perth, subject to approval by the Commissioner for Main Roads, being as follows; (refer Appendix 9.2.3A & B):*
- *William Street, Roe Street to Newcastle Street - May 2010*
 - *Beaufort Street - Roe Street to Newcastle Street - July 2010*
- (b) *Main Roads WA previously advised they would not support the proposal to convert William Street between Brisbane and Newcastle Streets from the current one-way to two-way traffic flow, with only one (1) lane provided in each direction, unless the following measures were undertaken:*
- *An agreement with the City of Perth regarding future plans for the whole of William Street;*
 - *The completion of traffic modelling for the proposed modifications to William Street;*
 - *Additional routes to be considered for vehicle access to the CBD to compensate for the downgrading of William Street;*
 - *Community consultation undertaken;*
 - *Traffic signal phasing at the intersections of William Street with Brisbane Street and Newcastle Street have been investigated in more detail; and*
- (c) *the Town's officers have prepared a possible two stage plan which would revert Beaufort Street to two way in 2010/2011 and William Street/Brisbane Street in 2011/2012 at an estimated cost of \$600,000 as shown in Appendix 9.2.3 C to F;*
- (ii) *SUPPORTS IN PRINCIPLE the proposal to reintroduce 'two way' traffic in William, Beaufort and Brisbane Streets subject to the City of Perth agreeing to undertake the following:*
- (a) *carry out additional modelling on the Town's proposed Option 1 & Option 2 scenarios as mentioned in clause (i)(c);*
- (b) *update its traffic data to address the anomalies and resubmit the corrected data to the Town;*
- (c) *ensure that the conditions as outlined in clause (i)(b) are fully complied with;*
- (d) *indicate what discussions have taken place with the Public Transport Authority (PTA) with regard to the proposal and advises what, if any, changes would be required to the road layout to accommodate PTA;*
- (e) *agree to fund the design/documentation of signal modifications and any other design requirements associated with the two way street proposal within the Town at both the William/Brisbane and Beaufort/Brisbane Street intersections;*

- (f) *provide further clarification on the proposed intersection treatments and proposed clearway zones during the AM and PM peak periods; and*
- (g) *notify the Town of Vincent that they recognise William Street and Beaufort Street as Designated Activity Corridors in the Town of Vincent and that they address these Designated Activity Corridors as part of their "to not through" access philosophy;*
- (iii) *LISTS \$250,000 for consideration in the 2010/2011 draft budget for modifications at Brisbane/Beaufort and Brisbane Street between Beaufort Street and Stirling Street;*
- (iv) *CONSULTS with businesses and residents of Beaufort Street, Brisbane Street, William Street and other parties affected by the proposal;*
- (v) *WRITES to Main Roads WA and the PTA seeking their further comments regarding the proposal, including but not limited to the suggested staging by both the Town and the City of Perth;*
- (vi) *RECEIVES a further report at the conclusion of the consultation and once feedback has been received from the City of Perth, Main Roads WA and the PTA; and*
- (vii) *NOTES that the Town's officers will be submitting an application for funding from the 2011/2012 Metropolitan Regional Road 'Improvement' Program to implement changes associated with reverting William Street and Brisbane Street from one way to two way.*

PURPOSE OF REPORT:

The purpose of this report is to update the Council on the reintroduction of two way traffic in the Town's and City of Perth's roads.

BACKGROUND:

As the Council is aware, the William Street streetscape between Brisbane and Newcastle Streets, was significantly upgraded by the Town in 2006/2007, including the reduction of the carriageway from a four (4) lane one-way road to a two (2) lane road with permanent embayed parking. The Council is also aware of the City of Perth's proposal to convert William Street, between Roe and Newcastle Streets, from one-way to two-way traffic to complement the works undertaken in William Street in 2008/09 south of Wellington Street.

Council Members Forum held on 11 November 2008:

Officers from the City of Perth gave a Power Point presentation on the William Street two-way proposal at the Forum. The presentation outlined the City's proposal to revert William Street, between Roe and Newcastle Streets, from one-way to two-way. The implications of this proposal were discussed in terms of "level of service" of William Street and the potential impact on adjoining streets.

Ordinary Meeting of Council held on 2 December 2008:

The Council considered a progress report on the implications of modifying the traffic flow on William Street, Brisbane to Newcastle Streets, and other important roads in the immediate vicinity.

The William Street upgrade concept proposal was progressively developed since 1999 in liaison with a number of stake holders, including the City of Perth (CoP) and the East Perth Redevelopment Authority (EPRA).

The main issue during the development of the design was the reduction of William Street from four (4) to two (2) traffic lanes and the possible reversion, in the future, from a one-way road to a two-way road.

The Council was advised that the overall design and implementation of the Town's William Street upgrade allowed for the street to be changed from 'one-way' to 'two-way' in the future by implementing the following changes;

- Modifications to the traffic signals at the Newcastle Street/William Street intersection and some minor reversing and paving on the western side of William Street on the Town's side.
- Modifications to 'out only' restriction (change right turn only Robinson Avenue west into William Street to left turn only), removal of kerbing/brick paving and laying of new paving.
- Modifications on Brisbane Street (east side of William) and William Street (south west side of William Street).

The Council also noted that should the traffic flow in William Street be changed from one-way to two-way in the future, it would be expected that the traffic flow changes would also be implemented in Brisbane Street, between William and Beaufort Streets, Brisbane Street, between Beaufort and Stirling Streets, and Beaufort Street, between Brisbane and Newcastle Streets.

It was further noted that in 2006 when Main Roads WA (MRWA) was requested by the Town to provide comments on the possible conversion of William Street from one-way to two-way, MRWA advised they would not support the proposal to convert William Street between Brisbane and Newcastle Streets from the current one-way to two-way traffic flow, with only one (1) lane provided in each direction, unless the following measures were undertaken:

- An agreement with the CoP regarding future plans for the whole of William Street;
- The completion of Traffic modelling for the proposed modifications to William Street;
- Additional routes to be considered for vehicle access to the CBD to compensate for the downgrading of William Street;
- Community consultation undertaken;
- Traffic signal phasing at the intersections of William Street with Brisbane Street and Newcastle Street have been investigated in more detail;

Council Members Forum held 16 February 2010

The City of Perth officers attended the forum, where they advised that as part of its strategic plan, the City was progressively changing one-way roads to two-way roads to make the road network more legible and to implement a "to, not through" access philosophy to the City's roads. The presentation included the following:

- The reintroduction of two-way traffic had occurred on William Street, between Wellington Street and Mounts Bay Road, and preparations for that to occur on the section of William Street between Wellington Street and Newcastle Street were well under way. The Esplanade and Barrack Street (between St George's Terrace and The Esplanade) were due to be operating with two-way traffic flow by early 2010.

- Beaufort Street, from Wellington Street to Newcastle Street, together with the short section of James Street, between Beaufort Street and Stirling Street, were the next one-way roads planned to be changed to two-way traffic.
- This overall project was intended to be implemented with minimal physical or operational impact by maintaining the existing kerb lines as much as practical. Only relatively minor road works such as the removal of kerb extensions and minor realignment of kerb lines would be required at a few intersections. Additional traffic signal infrastructure would be required at all signalised intersections to cater for southbound traffic.
- North of Newcastle Street, Beaufort Street was within the Town of Vincent and the Town had previously indicated in-principle support for Beaufort Street and William Street becoming two-way.
- The Town of Vincent's support of this treatment was important for the road network to be legible and operate as efficiently as possible. It was recommended that the City of Perth develop a concept Masterplan for the extension of the two-way treatment, in partnership with the Town of Vincent.
- The detailed programming of when the conversion may happen was not yet resolved. It was likely the City of Perth may need to convert its sections of William Street and Beaufort Street to two-way ahead of the Town of Vincent.
- It was anticipated that two-way traffic would be implemented on Beaufort Street late in the 2009/10 financial year.
- The reintroduction of two-way traffic on Beaufort Street was another important step in making the road network more legible and permeable and progressing the City's "to, not through" access strategy.
- MRWA has indicated its reluctance to approve any more two-way street conversions until more detail is presented on the overall program. The continuation of this project would assist in building the detailed information that MRWA is requesting.

The Town's Director Technical Services made a brief presentation of how both Beaufort Street and William Street, within the Town could be converted to two way as a staged approach commencing in 2010/2011, subject to the Council allocating funds in the 2010/2011 budget.

DETAILS:

The City of Perth is well advanced in its planning to convert William Street, between Newcastle to Roe Streets, from one-way southbound to two-way traffic in 2010.

Letter from City of Perth

Following the Council forum, a letter was received from the City of Perth in March 2010. An extract from the letter is outlined below.

"I refer to the presentation about the reintroduction of two-way traffic at the Town of Vincent's Forum by myself and Philip Moore on 16 February 2010.

Thank you for enabling the city to make this second presentation. We found the dialogue very helpful in enabling us to move towards a satisfactory outcome for both councils. For your information and records, please find enclosed a copy of our presentations made at the Forum.

I confirm that the City of Perth wishes to reintroduce two-way traffic in Beaufort Street and William Street. As part of this I am formally requesting approval in principle from the Town of Vincent for the City of Perth to carry out alterations to the intersections of William Street/Newcastle Street and Beaufort Street/Newcastle Street, as shown on the concept drawings previously approved by the City of Perth, to enable two-way traffic to be implemented. The detailed drawings for the proposed work at the intersections should be available by the end of March 2010.

The City also seeks agreement with the Town of Vincent for the staging of the reintroduction of two-way traffic. Our preferred staging within the City of Perth, subject to approval by the Commissioner for Main Roads, is:

- 1. William Street, Roe Street to Newcastle Street - May 2010*
- 2. Beaufort Street - Roe Street to Newcastle Street - July 2010*

At the meeting with John McDonald, John provided some outputs from the City of Perth SATURN traffic model showing forecast AM and PM peak hour traffic flows at the Beaufort Street/Newcastle Street and the William Street/Newcastle Street intersections for a number of scenarios.

- | | |
|----------------------|-------------------------------------------------------------------------------------------------------------------------------|
| <i>Scenario 1 -</i> | <i>Existing layout + 2-way traffic on Horseshoe Bridge</i> |
| <i>Scenario 2 -</i> | <i>Scenario 1 + 2-way traffic in William Street south of Newcastle Street</i> |
| <i>Scenario 3 -</i> | <i>Scenario 1 + 2-way traffic in Beaufort Street and William Street south of Newcastle Street</i> |
| <i>Scenario 4 -</i> | <i>Scenario 1 + 2-way traffic in Beaufort Street south of Brisbane Street and in William Street south of Newcastle Street</i> |
| <i>Scenario 4A -</i> | <i>Scenario 1 + 2-way traffic in Beaufort Street and William Street south of Brisbane Street and in Brisbane Street</i> |

The traffic figures for Scenarios 4 and 4A are not realistic within the northern part of the area shown on the plan because zero southbound flow is shown in Beaufort Street south of Brisbane Street even though Beaufort Street is supposed to be two-way. We are investigating the reason for this, but in the meantime I would recommend some reasonable manual adjustment in this area for intersection concept design purposes.

Can you let me know if you would like us to look at carrying out any additional modelling for your assessment purposes."

Note: The City of Perth Plans are contained in appendix 9.2.3 A and B.

Officers' Discussion/Proposals:

At its Ordinary Meeting held on 2 December 2008, the Council was advised that the preliminary indicative cost to convert William/Beaufort/Brisbane to 'two way' was in the order of \$1.26m.

The Director Technical Services has since revised these costs, due to design changes, to approximately \$0.6m. The redesign minimises service relocations and increases use of line marking.

The revised costings are based on the proposal within the Town being staged over two financial years as follows:

- Stage 1 – Brisbane/Beaufort approx \$250,000
- Stage 2 – Brisbane/William approx \$350,000

Possible Stage 1 (2010/2011) Appendix 9.2.3 C & D

Convert Beaufort Street to 'two way' - leave William Street as one way:

Works required:

- Modify Brisbane/Beaufort Intersection
- Modify Brisbane Street (Beaufort to Stirling Street)
- Modify 'roundabout' at Stirling/Brisbane

Estimated Cost \$250,000

Officer's Comments:

Note: This scenario is based on the City of Perth having already converted William and Beaufort to two way south of Newcastle Street.

The predominant peak AM traffic flow is south along Beaufort Street. Converting Beaufort Street from 'one way' to 'two way' and leaving Brisbane Street (Beaufort to William) and William Street as one way (as stage 1) would result in the following:

- Southbound AM traffic would continue to travel south down Beaufort south of Brisbane Street or west along Brisbane Street and south along Beaufort Street
- North Bound PM traffic would be able to exit the City of Perth via Beaufort Street all of the way north or via William Street to Newcastle Street and then turn either left or right to access either Fitzgerald Street or more than likely Beaufort Street.

Possible Stage 2 (2011/2012) Appendix 9.2.3 E, F & G

Convert William Street to 'two way' (including Brisbane Street between William and Beaufort Street)

Works required:

- Modify Brisbane/William Intersection
- Modify Robinson Ave entry (minor)
- Modify Monger Ave entry (minor)

Estimated Cost \$350,000

Officer's Comments

Note: This scenario is based on the City of Perth having converted William and Beaufort Streets to two way south of Newcastle Street and the Town having already converted Beaufort Street north of Newcastle Street to two way.

- Southbound AM traffic would continue to travel south down Beaufort, south of Brisbane Street, or west along Brisbane Street and south along William Street
- North Bound PM traffic would be able to exit the City of Perth via Beaufort Street all of the way north or via William Street all the way.

Conclusion/Recommendations:

The City of Perth is seeking agreement with the Town for the staging of the reintroduction of two-way traffic with their preferred staging (within the City of Perth) subject to approval by the Commissioner for Main Roads, being as follows:

- William Street, Roe Street to Newcastle Street - May 2010
- Beaufort Street - Roe Street to Newcastle Street - July 2010

In addition, the City of Perth was investigating the reason for some anomalies in their modelling and has recommended that some reasonable manual adjustment could be undertaken in the affected locations for intersection concept design purposes.

The City of Perth have also asked whether the Town would like them to look at carrying out any additional modelling for the Town's assessment purposes.

It is considered that additional modelling is required to 'model' the Town's proposed Option 1 and Option 2 scenario. It is also considered that the City of Perth should update the traffic data to address the anomalies and resubmit the corrected data to the Town.

From the City's plans it appears that Beaufort Street would function as a two lane two way road southbound during the AM peak and vice versa during the PM peak. William Street would function as a one-lane two-way road at all times (due to the embayed parking), however, for both William and Beaufort Streets, the intersections would still comprise four lanes at all times.

PTA may have some comments regarding dedicated bus lanes in Beaufort Street.

CONSULTATION/ADVERTISING:

Consultation with businesses and residents of Beaufort Street, Brisbane Street, William Street and other parties affected by the proposal will be carried out. The Town will write to MRWA and the PTA seeking their further comments regarding the proposal, including but not limited to the suggested staging by both the Town and the City of Perth.

LEGAL/POLICY:

Brisbane, William and Beaufort Streets, to Newcastle Street, are District Distributor A roads under the care, control and management of the Town of Vincent.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *“(i) implement the William Street Upgrade (Brisbane Street to Newcastle Street)”*.

SUSTAINABILITY IMPLICATIONS:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

Stage one of the Town's proposal is estimated to cost in the order of \$250,000

COMMENTS:

The City of Perth is pushing ahead with its strategic objectives of reverting one-way roads to two-way to make the road network more legible and to implement a *'to, not through'* access philosophy.

The impact of the changes have been modelled by the City and discussions with the Town have been progressing for a number of years now.

Two of the Town's roads which are directly affected by the City of Perth's proposed changes are William and Beaufort Streets, with Brisbane Street to a lesser extent.

It is considered that the City's proposal should be supported in principle, subject to a number of conditions as outlined in the officer's recommendation

9.2.4 City of Stirling's Proposed Streetscape Improvements in Beaufort Street, Mt Lawley, between Walcott Street and Queens Crescent

Ward:	North	Date:	7 April 2010
Precinct:	Mt Lawley Centre P11	File Ref:	TES0067/TES0207
Attachments:	001		
Reporting Officer:	C Wilson, Manager Asset & Design Services		
Checked/Endorsed by:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council:

- (i) *ADVISES the City of Stirling that it SUPPORTS their proposed Mt Lawley Commercial Precinct Streetscape Improvement Plan, as shown in Plans Appendix 9.2.4A – D;*
- (ii) *AUTHORISES the Chief Executive Officer to enter into discussions with the City of Stirling to determine an equitable cost sharing arrangement for the upgrading of the traffic control signals and pedestrian ramps on the Town's side of the Walcott and Beaufort Streets intersection and the proposed timing of the works to minimise the impact upon the Town's Capital works program;*
- (iii) *NOTES that:*
 - (a) *the City of Stirling's Mt Lawley Commercial Precinct Streetscape Improvement project involves modifications to the traffic control signals and pedestrian ramps at the intersection of Walcott and Beaufort Streets, including those on the Town's side of the intersection; and*
 - (b) *\$60,000 has been included in the 2010/11 Draft Budget to fund the Town's portion of the works; and*
- (iv) *ADVISES the Beaufort Network Group and local business proprietors of its decisions and invites them to provide comments on the City of Stirling's proposal.*

Moved Cr McGrath, Seconded Cr Maier

That the recommendation be adopted, with the following new clauses (i) and (ii)(b).

“That the Council;

- (i) *ADVISES the City of Stirling that it SUPPORTS in principle their proposed Mt Lawley Commercial Precinct Streetscape Improvement Plan, as shown in Plans Appendix 9.2.4A – D but is concerned of a potentially inconsistent streetscape theme north and south of Walcott Street;*
- (ii) *AUTHORISES the Chief Executive Officer to enter into discussions with the City of Stirling to:*
 - (a) determine an equitable cost sharing arrangement for the upgrading of the traffic control signals and pedestrian ramps on the Town's side of the Walcott and Beaufort Streets intersection and the proposed timing of the works to minimise the impact upon the Town's Capital Works Program; and*

- (b) identify opportunities for the City of Stirling to adopt a similar theme and approach as the Town to further streetscape development on Beaufort Street following Notice of Motion 23 February 2010 "Proposed Beaufort Streetscape Upgrade and Art Project" to facilitate the maintenance and enhancement of a consistent Beaufort Street "identity" north and south of Walcott Street."

Debate ensued.

Cr Topelberg departed the Chamber at 8.52pm.

Debate ensued.

Cr Topelberg returned to the Chamber at 8.54pm.

Debate ensued.

REVISED MOTION PUT AND CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

COUNCIL DECISION ITEM 9.2.4

That the Council:

- (i) *ADVISES the City of Stirling that it SUPPORTS in principle their proposed Mt Lawley Commercial Precinct Streetscape Improvement Plan, as shown in Plans Appendix 9.2.4A – D but is concerned of a potentially inconsistent streetscape theme north and south of Walcott Street;*
- (ii) *AUTHORISES the Chief Executive Officer to enter into discussions with the City of Stirling to:*
- (a) *determine an equitable cost sharing arrangement for the upgrading of the traffic control signals and pedestrian ramps on the Town's side of the Walcott and Beaufort Streets intersection and the proposed timing of the works to minimise the impact upon the Town's Capital Works Program; and*
- (b) *identify opportunities for the City of Stirling to adopt a similar theme and approach as the Town to further streetscape development on Beaufort Street following Notice of Motion 23 February 2010 "Proposed Beaufort Streetscape Upgrade and Art Project" to facilitate the maintenance and enhancement of a consistent Beaufort Street "identity" north and south of Walcott Street;*
- (iii) *NOTES that:*
- (a) *the City of Stirling's Mt Lawley Commercial Precinct Streetscape Improvement project involves modifications to the traffic control signals and pedestrian ramps at the intersection of Walcott and Beaufort Streets, including those on the Town's side of the intersection; and*
- (b) *\$60,000 has been included in the 2010/11 Draft Budget to fund the Town's portion of the works; and*
- (iv) *ADVISES the Beaufort Network Group and local business proprietors of its decisions and invites them to provide comments on the City of Stirling's proposal.*

PURPOSE OF REPORT:

To advise the Council of the City of Stirling's Mt Lawley Commercial Precinct Streetscape Improvement Plan and potential costs to the Town.

BACKGROUND:

In February 2010 the Town received correspondence from the City of Stirling's Economic Development and Urban Regeneration section advising of the City's proposed Mt Lawley Commercial Precinct Streetscape Improvement Plan.

The City of Stirling Council endorsed Stage 1 of the plan at its Ordinary meeting of 18 August 2009.

While the majority of the works are north of Walcott Street and therefore within the City, the project does impact upon the Town's side of the Walcott and Beaufort Streets intersection with proposed modifications to the traffic control signals and pedestrian ramps.

Further, while the proposed improvements and changes are significant, as outlined in the main body of the report, the works also include the removal of the three (3) palm trees in the centre of Beaufort Street, which are mirrored on the Town's or southern side of the intersection.

The major works are unlikely to commence for several months, however, preliminary works, such as the recent modifications to the awnings of the Astor Cinema, have already begun.

DETAILS:

In February 2010 the Town received correspondence from the City of Stirling advising of the impending commencement of works on its Mt Lawley Commercial Precinct Streetscape Improvement Plan.

Stage 1 of the plan was endorsed by the City of Stirling Council at its Ordinary meeting of 18 August 2009.

Stage 1 involves the section between Walcott Street and the City's public car parks, approximately 150m north of the intersection. Stage 2, which is yet to be approved by Council, extends the works through to Queens Crescent.

Stage 1 comprises the following elements:

- Removal of the three (3) mature palm trees in the centre of Beaufort Street outside the Astor Cinema
- Red asphalt carriageway
- Verge tree plantings (Whiteflower Kurrajong (Brachychiton Populneum))
- Upgraded and new double outreach central median road lighting
- Upgraded and new car parking lighting
- Banner poles
- Street furniture
- Brickpaved paths/urban stone mix
- Reticulation
- New Kerbing.
- Advisory and regulatory line marking and signage
- Traffic control signal modifications to improve pedestrian safety, and
- New pedestrian ramps with tactile indicators

The City's approved budget for Stage 1 is \$1.8 million.

Proposed signal modifications and other improvements intersection of Walcott & Beaufort Streets

As part of Stage 1 the City is looking to improve pedestrian access and safety at the intersection of Walcott and Beaufort Streets. Currently all four pedestrian crossing legs have a 'kink' in them, as illustrated on the attached GHD drawing No. 61-25049-C02.

The proposed improvements involve modifying the existing median islands to remove the 'kink', which in turn requires the relocation of the majority of the traffic control signal poles. As a further enhancement, the pedestrian crossing ramps will be upgraded to conform to current disability access standards, including tactile indicators, while the signals will be upgraded to LED.

It is important to stress that the full pedestrian crossing phase will be maintained.

As the extent of works is essentially equally divided (either side of the Walcott Street boundary) the City is seeking a contribution from the Town.

The City's Engineering Consultants have estimated the cost to be in the order of \$114,000 of which the Town's contribution would be \$57,000. To this ends \$60,000 has been included on the 2010/2011 'draft' budget.

It is generally acknowledged that the Walcott/Beaufort Street intersection is a hostile environment for pedestrians and the proposed changes should greatly improve the situation.

It is therefore considered important to "sign off" on the City of Stirling's proposed streetscape upgrade proposal so that the intersection improvements can proceed.

CONSULTATION/ADVERTISING:

A further report will be submitted to the Council at the conclusion of the Town's discussions with the City of Stirling, Beaufort Network Group and local business proprietors.

LEGAL/POLICY:

Both Beaufort and Walcott Streets are District Distributor A roads under the care, control and management of the relevant Local Government.

Walcott Street is a boundary road with the City of Stirling and therefore under the Local Government Act the City of Stirling is neither obliged nor able to fully fund works within an adjoining Local Authority.

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

N/A

FINANCIAL/BUDGET IMPLICATIONS:

An allocation of \$60,000 has been included in the 'draft' 2010/2011 budget as the Town's contribution to the proposed intersection modifications.

COMMENTS:

The profile of/and activity in the Town's portion of the Mt Lawley Centre Precinct is closely aligned to that of the City of Stirling's section and to the general public the area is seen as a single entity. Therefore, any improvements on the City's side will have positive spin-offs for the Town.

Further, in accordance with the Notice of Motion tabled at the Ordinary meeting of Council held on 23 February 2010 - *Proposed Beaufort Streetscape Upgrade and Art Project* - there may be an opportunity for the Town to pick-up on some of the elements and themes adopted by the City of Stirling to reinforce the area's continuity while maintaining the Town's own identity or style.

9.4.4 LATE ITEM – URGENT BUSINESS: Delegated Authority – Local Government (Miscellaneous Provisions) Act 1960 and Building Regulations 1989

Ward:	Both	Date:	13 April 2010
Precinct:	All	File Ref:	ADM0038
Attachments:	001		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council pursuant to Section 5.42(1) of Division 4 of Part 5 of the Local Government Act 1995, APPROVES BY AN ABSOLUTE MAJORITY the delegation of the exercise of its powers and duties to the Chief Executive Officer, for the Delegations Nos. 70-77 inclusive (as amended) in the Register of Delegations 2009/2010, as shown in Appendix 9.4.4.

COUNCIL DECISION ITEM 9.4.4

Moved Cr Maier, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (8-0)

(Mayor Catania was an apology for the meeting.)

PURPOSE OF REPORT:

The purpose of this report is to seek Council's urgent approval of Delegated Authority pursuant to the Local Government (Miscellaneous Provisions) Act 1960 and the Building Regulations 1989.

BACKGROUND:

As the Council is aware, the Town's Administration is currently investigating a complaint relating to a development involving sheet piling. Action has been taken by the Town's Officers as a result of complaints received. Legal advice has been provided by the Town's solicitors.

Delegation Nos. 70-75 inclusive and No. 77

These Delegations have been previously approved and have been in place for a number of years. The Town's solicitors have recommended that they be reworded to more closely reflect the wording in the Act, so as to minimise any ambiguity. Changes are shown by underlining and strike-thru.

Delegation No. 76

This is a new Delegation which has been recommended by the Town's solicitors, which has arisen as a result of investigations concerning a recent complaint involving sheet piling on a building site.

This Delegation will enable the Chief Executive Officer to impose "Requirements" issued pursuant to Regulation 27(4) of the Building Regulations 1989.

LEGAL/POLICY:

The Local Government Act 1995, at Section 5.42(1), allows for a Council to delegate to the Chief Executive Officer its powers and functions.

The purpose of delegating authority to the Chief Executive Officer is to provide for the efficient and orderly administration of the day to day functions of the Local Government. The Chief Executive Officer exercises the delegated authority in accordance with Council's policies.

Section 5.42(1) of the Local Government Act 1995 gives power to a Council to delegate to the Chief Executive Officer the exercise of its powers and functions; prescribes those functions and powers which cannot be delegated; allows for a Chief Executive Officer to further delegate to an employee of the Town; and states that the Chief Executive Officer is to keep a register of delegations. The delegations are to be reviewed at least once each financial year by the Council and the person exercising a delegated power it to keep appropriate records.

Building Regulations 1989 and Local Government (Miscellaneous Provisions) Act 1960.

STRATEGIC IMPLICATIONS:

The use of delegations is in keeping with the Council's Strategic Plan 2009-2014 – Leadership, Governance and Management, Objective 4.1.2 – "*Manage the Organisation in a responsible, efficient and accountable manner.*"

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Council's approval of this Delegation, will allow for the Chief Executive Officer to expeditiously deal with complaints which may arise and require urgent action.

Accordingly, it is recommended that the Council approve of the Delegation as recommended.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 Notice of Motion – Cr Maier – Relating to The Perth Voice Journalists

That:

- (i) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to Section 5.25(1)(e) of the Local Government Act 1995, the Council resolves to REVOKE the resolution adopted by the Council at its Ordinary Meeting held on 28 April 2009 (Item 10.1);*
- (ii) *Councillor Dudley Maier MOVES a motion to REVOKE the decision by deleting the following:*
 - “That the Council;*
 - (i) *NOTES that;*
 - (a) *there is no legal or moral obligation for any organisation to provide privileges to or respond to any questions from any reporters/journalists;*
 - (b) *the action taken against the reporters of "The Perth Voice" newspaper to remove their privilege of using the Media Desk in the Town of Vincent Council Chamber on 19 March 2009 was justified on the basis of their;*
 - 1. *continued failure to comply with the Australian Journalists' Code of Ethics when reporting on matters concerning the Town and when dealing with the Town;*
 - 2. *continued failure to follow and comply with the Town's Media protocol;*
 - 3. *repeated failure to report accurately and objectively in their articles relating to the Town; and*
 - 4. *failure to correct or amend such incorrect Articles; and*
 - (ii) *REQUESTS the Chief Executive Officer to restore the privilege of using the media desk in the Town of Vincent Council Chamber to the reporters of "The Perth Voice" newspaper subject to them agreeing to comply with the;*
 - (a) *Australian Journalists' Code of Ethics when dealing with the Town, the Council Members and the Town's employees; and*
 - (b) *Town's Media protocol and procedures.”*
- (iii) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(1)(e) of the Local Government Act 1995, three Elected Members, namely Councillors Maier, Lake and Buckels, being one third of the number of offices of members of the Council, SUPPORT this motion;*
- (iv) *the Council APPROVES BY AN ABSOLUTE MAJORITY to REVOKE the resolution listed in clauses (i) and (ii) of the Council meeting held on 28 April 2009, shown above;*
- (v) *the Council NOTES that reporters from "The Perth Voice" are bound by the Media Entertainment and Arts Alliance "Media Code of Ethics"; and*
- (vi) *the Council REQUESTS that reporters from "The Perth Voice" be given the same privileges as reporters from any other media organisation.*

Moved Cr Maier, Seconded Cr Buckels

That the Motion be adopted.

Cr Maier spoke to his Motion. He stated he had received a letter from the Editor of "The Perth Voice" (Fremantle Herald) Newspaper dated 13 April 2010. He read several excerpts from the letter.

Debate ensued.

AMENDMENT NO 1

Moved Cr Maier, Seconded Cr McGrath

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

"(v) the Council believes that there is a moral obligation to respond to questions from journalists/reporters."

Debate ensued.

AMENDMENT NO 1 PUT AND LOST (2-6)

For: Presiding Member, Deputy Mayor Cr Lake, Cr Maier

Against: Cr Buckels, Cr Burns, Cr Farrell, Cr Harvey, Cr McGrath, Cr Topelberg

(Mayor Catania was an apology for the meeting.)

Debate ensued.

Cr Farrell asked if the letter from "The Perth Voice" newspaper had been received by the Town or the Chief Executive Officer.

The Chief Executive Officer responded "no".

Cr Farrell requested Cr Maier to table the letter in question, to allow all Councillors to read it.

Debate ensued.

AMENDMENT NO 2

Moved Cr Burns, Seconded Cr Farrell

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

*"(v) the Council ~~NOTES~~ **REQUIRES** that reporters from "The Perth Voice" be bound by the Media Entertainment and Arts Alliance "Media Code of Ethics"; and"*

Debate ensued.

AMENDMENT NO 2 PUT AND CARRIED (6-2)

For: Presiding Member, Deputy Mayor Cr Lake, Cr Buckels, Cr Burns, Cr Farrell, Cr Harvey, Cr Topelberg

Against: Cr McGrath, Cr Maier

(Mayor Catania was an apology for the meeting.)

Debate ensued.

Cr Farrell again requested the letter to be tabled, as he believed the contents were crucial to the Motion under consideration. The request was supported by a number of other Councillors.

Cr Buckels suggested the Item be deferred to allow the letter to be tabled and circulated.

Cr Maier agreed to table the letter.

At 9.20pm the Presiding Member, Deputy Mayor Cr Lake Adjourned the meeting for 5 minutes to allow for the letter from the Fremantle Herald to Cr Maier and the Media Entertainment and Arts Alliance – Code of Ethics to be tabled and read by all Councillors as shown in Appendix 10.1-[001](#).

The letter and Code of Ethics were tabled and provided to all Councillors.

The Meeting resumed at 9.25pm, with the following persons present:

Cr Sally Lake (Deputy Mayor)	Presiding Member, South Ward
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Steed Farrell	North Ward
Cr Taryn Harvey	North Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Helen Smith	Manager Planning Building and Heritage Services
Veronica Jumeaux	Solicitor from Downings Legal
Anita Radici	Executive Assistant (Minutes Secretary)

No members of the public were present. There was one (1) journalist present in the public gallery.

Debate ensued.

AMENDMENT NO 3

Moved Cr Farrell, Seconded Cr Topelberg

That a new clause (vi) be inserted as follows and the remaining clause be renumbered:

“(vi) the Council REQUESTS that “The Perth Voice” respect the Town’s Media protocols and procedures; and”

Debate ensued.

AMENDMENT NO 3 PUT AND CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

Debate ensued.

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

(Mayor Catania was an apology for the meeting.)

COUNCIL DECISION ITEM 10.1

That:

- (i) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to Section 5.25(1)(e) of the Local Government Act 1995, the Council resolves to REVOKE the resolution adopted by the Council at its Ordinary Meeting held on 28 April 2009 (Item 10.1);*
- (ii) *Councillor Dudley Maier MOVES a motion to REVOKE the decision by deleting the following:*
 - “That the Council;*
 - (i) *NOTES that;*
 - (a) *there is no legal or moral obligation for any organisation to provide privileges to or respond to any questions from any reporters/journalists;*
 - (b) *the action taken against the reporters of "The Perth Voice" newspaper to remove their privilege of using the Media Desk in the Town of Vincent Council Chamber on 19 March 2009 was justified on the basis of their;*
 - 1. *continued failure to comply with the Australian Journalists' Code of Ethics when reporting on matters concerning the Town and when dealing with the Town;*
 - 2. *continued failure to follow and comply with the Town's Media protocol;*
 - 3. *repeated failure to report accurately and objectively in their articles relating to the Town; and*
 - 4. *failure to correct or amend such incorrect Articles; and*
 - (ii) *REQUESTS the Chief Executive Officer to restore the privilege of using the media desk in the Town of Vincent Council Chamber to the reporters of "The Perth Voice" newspaper subject to them agreeing to comply with the;*
 - (a) *Australian Journalists' Code of Ethics when dealing with the Town, the Council Members and the Town's employees; and*
 - (b) *Town's Media protocol and procedures.”*
- (iii) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(1)(e) of the Local Government Act 1995, three Elected Members, namely Councillors Maier, Lake and Buckels, being one third of the number of offices of members of the Council, SUPPORT this motion;*
- (iv) *the Council APPROVES BY AN ABSOLUTE MAJORITY to REVOKE the resolution listed in clauses (i) and (ii) of the Council meeting held on 28 April 2009, shown above;*
- (v) *the Council REQUIRES that reporters from "The Perth Voice" be bound by the Media Entertainment and Arts Alliance "Media Code of Ethics";*
- (vi) *the Council requests that "The Perth Voice" respect the Town's Media protocols and procedures; and*
- (v) *the Council REQUESTS that reporters from "The Perth Voice" be given the same privileges as reporters from any other media organisation.*

ADMINISTRATION COMMENTS:

The Town of Vincent Local Law Relating to Standing Orders 2008, PART 3 – Meetings – Procedure and Conduct, Clause 3.21(3) states:

“...(3) The Council or a committee shall not vote on a motion to revoke or change a decision of the Council or committee whether the motion of revocation or change is moved with or without notice, if at the time the motion is moved or notice is given –

- (a) action has been taken to implement the decision; or*
- (b) where the decision concerns the issue of an approval or the authorisation of a licence, permit or certificate and where that approval or authorisation of a licence, permit or certificate has been put into effect by the Council in writing to the applicant or the applicant’s agent by an employee of the Council authorised to do so;*

without having considered a statement of impact prepared by or at the direction of the CEO of the legal and financial consequences of the proposed revocation or change.”

Action Taken to Implement the Decision

The Council decision of the Ordinary Meeting of Council held on 28 April 2009 (Item 10.1) has been implemented. A number of letters have been sent to “*The Perth Voice*” Newspaper.

On 4 May 2009 the following letter was sent to “*The Perth Voice*” Newspaper:

*“Mr Andrew Smith
Owner/Publisher/Editor
The Perth Voice
PO Box 85
North Fremantle WA 6159*

Dear Andrew

MEDIA DESK – TOWN OF VINCENT COUNCIL CHAMBER

I write regarding the media desk located in the Town of Vincent Council Chamber. As you are aware, the invitation for representatives of your paper to occupy a seat at this desk was revoked on 19 March 2009.

At the Ordinary Meeting of Council held on 28 April 2009 (Item 10.1), the Council considered a Motion concerning the matter and resolved the following:

“That the Council;

- (i) NOTES that;*
 - (a) there is no legal or moral obligation for any organisation to provide privileges to or respond to any questions from any reporters/journalists;*
 - (b) the action taken against the reporters of “The Perth Voice” newspaper to remove their privilege of using the Media Desk in the Town of Vincent Council Chamber on 19 March 2009 was justified on the basis of their;*
 - 1. continued failure to comply with the Australian Journalists’ Code of Ethics when reporting on matters concerning the Town and when dealing with the Town;*

2. *continued failure to follow and comply with the Town's Media protocol;*
 3. *repeated failure to report accurately and objectively in their articles relating to the Town; and*
 4. *failure to correct or amend such incorrect Articles; and*
- (ii) *REQUESTS the Chief Executive Officer to restore the privilege of using the media desk in the Town of Vincent Council Chamber to the reporters of "The Perth Voice" newspaper subject to them agreeing to comply with the;*
- (a) *Australian Journalists' Association Code of Ethics when dealing with the Town, the Council Members and the Town's employees; and*
 - (b) *Town's Media protocol and procedures."*

Despite your rejection of our attempts to meet with you to discuss various issues, the Town is still seeking to remedy a situation that has deteriorated to the detriment of both parties. To this end, the Council has, as noted above, resolved to re-instate its invitation for representatives of your paper to occupy a seat at the media desk in the Council Chamber during Council Meetings subject to compliance with the aforementioned conditions. For clarity, these conditions are as follows:

1. *AJA Code of Ethics*

Although the Town cannot ascertain if all of the paper's staff are members of the Media Entertainment and Arts Alliance, the understanding will be that all reporting and editorial staff at The Perth Voice will abide by the AJA Code of Ethics when dealing with the Town, the Council and the Town's employees.

2. *Media Enquiry Protocol*

Reporting staff of The Perth Voice will adhere to the Town's media enquiry protocol. Enquiries are to be directed to the Town's Public Relations Officer in the first instance. It is reiterated that in accordance with the Local Government Act 1995, the Mayor is the official spokesperson for the Town and therefore the only person authorised to comment on an official Town position or decision/represent the views of the Town. When delegated by the Mayor, the Chief Executive Officer may speak on matters. At no time may any Town employee, with the exception of the Chief Executive Officer (via our Public Relations), be approached for information.

Reporters may choose to contact Council Members for comment on matters on which the Town has not made a decision (so long as the Town's Code of Conduct for Council Members and Employees and Local Government Act Regulations and Guidelines are adhered to). It is at the discretion of the individual Council Member if they will provide personal comment on any matter and they must make it clear that it is their personal opinion that is being given and that it in no way reflects the official position of the Town or will influence the Council in its decision-making.

We do not believe that the two conditions above are onerous or unreasonable and trust that you and your journalists will be in agreement. A letter from the Owner/Publisher/Editor agreeing to these conditions would be appreciated so that the Town can restore the media desk privilege as soon as possible whilst ensuring that the conditions of re-instatement will be met.

In the event that you and your journalists agree to the conditions, we look forward to welcoming your reporting staff back to the media desk in the Council Chamber and to the Town and the paper establishing a better working relationship. We await your response.

Yours sincerely

JOHN GIORGI, JP
CHIEF EXECUTIVE OFFICER

cc: Mayor Nick Catania
All Councillors
Mr David Cohen, MEAA”

As at 7 April 2010 no written reply has been received from “*The Perth Voice*”.

Current Relationship

In 2008/2009 several of “*The Perth Voice*” journalists persistently flouted the Town’s Media Protocols and Procedures. One journalist’s poor standard of reporting and dealings with the Town necessitated numerous letters being sent to “*The Perth Voice*” Editor to correct incorrect articles and a request for the journalist to comply with the Town’s policies, Media Protocols, and Procedures. The letters resulted in very little improvement and the situation only improved when the journalist departed the newspaper, in mid 2009.

Since mid 2009, there has been a change in some of “*The Perth Voice*” newspaper journalists who cover the Town of Vincent. The current journalists comply with the Town’s Media Protocol and Procedures (apart from one occasion in February 2010 when a reporter directly contacted an employee for information). Notwithstanding, a cordial relationship exists with the current journalists.

STATEMENT OF IMPACT

1. Financial Implications

There are no financial implications associated with the proposed revocation of the Council decision.

2. Legal Implications

2.1 There are no legal implications associated with the proposed revocation of the Council decision and Notice of Motion, apart from clause (v), which states:

“(v) *the Council NOTES that reporters from “The Perth Voice” are bound by the Media Entertainment and Arts Alliance “Media Code of Ethics”.*”

It should be noted that the journalists at “*The Perth Voice*” newspaper or any publication/media outlet for that matter are not bound by the Media Entertainment and Arts Alliance Code of Ethics – they are only bound to the Code if they are members of the Media Alliance (which is voluntary – not a requirement to work in the media industry). The Town does not have any information whether the journalists from “*The Perth Voice*” newspaper are members of the Media Entertainment and Arts Alliance. Therefore the blanket statement (v) is incorrect, unless information or verification is provided to the Council and/or the Town that “*The Perth Voice*” newspaper journalists are financial members. The Council should therefore have this information and be properly informed before it considers clause (v) of the Notice of Motion.

The media protocol has been explained verbally, via email and in writing to the journalists/publisher of “*The Perth Voice*” newspaper. This information is provided to all journalists who contact the Town's Public Relations Officer. The Town's Media Statements Policy No. 4.1.25 also addresses the protocol in as much as it indicates that the Mayor and/or CEO are the only spokespersons.

- 2.2 The journalists of “*The Perth Voice*” newspaper (as with all other journalists) will still be required to comply with the Town’s Media Protocol and Procedures and the Media Entertainment and Arts Alliance “Media Code of Ethics”.
- 2.3 There is no legal or moral obligation for any organisation to provide privileges to or respond to any questions from any reporters/journalists.

However, subject to “*The Perth Voice*” journalists continuing to abide with the Town’s Media Protocols and Procedures, the Town will continue to reciprocate and respond to questions (where appropriate) and provide information/Media Statements – as is current.

- 2.4 The Council’s Code of Conduct – clause 8.5(ii) states; “*The Mayor and/or the Chief Executive Officer will take appropriate action (including issuing a statement to the media) correct any misinformation or erroneous information which is in the public area*”.

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

PROCEDURAL MOTION

At 9.37pm Moved Cr Burns, Seconded Cr Harvey

That Council proceed “behind closed doors” to consider confidential item 14.1, as this matter relates to information concerning legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

PROCEDURAL MOTION PUT AND CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

No members of the public were present. There was one (1) journalist present in the public gallery who departed the Chamber at 9.37pm.

14.1 Revised Confidential Report: Nos. 602-610 (Lot: 89 D/P: 692, Lot: 404 and 405 D/P: 32639) Beaufort Street, Mount Lawley – Construction of Four-Storey Mixed Use Development and Associated Basement Car Parking – Progress Report No. 1

Ward:	South	Date:	13 April 2010
Precinct:	Mount Lawley Centre, P11	File Ref:	PRO4329
Attachments:	-		
Reporting Officers:	H Smith, Manager Planning, Building and Heritage Services; R Boardman, Director Development Services; John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

REVISED OFFICER RECOMMENDATION:

That the Council:

- (i) *NOTES the Progress Report No. 1 relating to the development at Nos. 602-610 (Lot: 89 D/P: 692, Lot: 404 and 405 D/P: 32639) Beaufort Street, Mount Lawley;*
- (ii) *IS OF THE OPINION that the building operations at No. 602-610 (Lots: 404 and 405 D/P: 32639) Beaufort Street has and will continue to cause damage to buildings in the vicinity, by vibration to the property of an owner of land in the vicinity of the land on which such operations or earthworks are being carried out;*
- (iii) *ENDORSES the action taken by the Chief Executive Officer in dealing with this matter, as outlined in the legal advice detailed in this report; and*
- (iv) *NOTES that the State Administrative Tribunal has listed the matter of review for a Directions Hearing to be held on Thursday 15 April 2010.*

PROCEDURAL MOTION

Moved Cr Maier, Seconded Cr Doran-Wu

That Standing Orders be suspended to allow for discussion on the item and allow the Town's Solicitor to address the meeting.

PROCEDURAL MOTION PUT AND CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

The Chief Executive Officer briefed the Council on the Item.

The Town's Solicitor addressed the meeting and answered questions.

The Director Development Services answered questions.

PROCEDURAL MOTION

Moved Cr Topelberg, Seconded Cr Burns

That Standing Orders be resumed.

PROCEDURAL MOTION PUT AND CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

The Presiding Member, Deputy Mayor Cr Lake stated a motion needed to moved to extend the closure of meeting time, as the Council's Policy relating to Council meetings requires meetings to cease by 10.00pm and it was currently 10.29pm.

PROCEDURAL MOTION

Moved Cr Burns, Seconded Cr Topelberg

That the meeting be extended to allow for Item 14.1 to be determined.

PROCEDURAL MOTION PUT AND CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

COUNCIL DECISION ITEM 14.1

Moved Cr Burns, Seconded Cr Harvey

That the revised recommendation be adopted.

REVISED MOTION PUT AND CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

LEGAL:

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The Town of Vincent Local Law Relating to Standing Orders states the following:

“2.14 Confidential business

(1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

In accordance with the legislation, the report is to be kept confidential until determined by the Council to be released for public information.

At the conclusion of these matters, the Council may wish to make some details available to the public.

PROCEDURAL MOTION

At 10.30pm Moved Cr Burns, Seconded Cr Harvey

That the Council resume an “open meeting”.

PROCEDURAL MOTION PUT AND CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

15. CLOSURE

The Presiding Member, Deputy Mayor Sally Lake, declared the meeting closed at 10.31pm with the following persons present:

Cr Sally Lake (Deputy Mayor)	Presiding Member, South Ward
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Steed Farrell	North Ward
Cr Taryn Harvey	North Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Helen Smith	Manager Planning Building and Heritage Services
Veronica Jumeaux	Solicitor from Downings Legal
Anita Radici	Executive Assistant (Minutes Secretary)

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 13 April 2010.

Signed:Presiding Member
Deputy Mayor, Cr Sally Lake

Dated this day of 2010