



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

13 MARCH 2007

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**INDEX
(13 MARCH 2007)**

ITEM	REPORT DESCRIPTION	PAGE
10.1 ENVIRONMENTAL AND DEVELOPMENT SERVICES		
10.1.1	Further Report - Amendment No.25 - Planning and Building Policies - Policy - Appendix No.16 - 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 (Beaufort Precinct) PLA0168	57
10.1.2	No. 163 (Lot 13) Loftus Street, Corner Galwey Street, Leederville - Proposed Demolition of Existing Single House and Construction of Three (3) Two-Storey Single Houses (Leederville Precinct) PRO1939 (5.2007.69.1)	29
10.1.3	No.37 (Lot 172 D/P: 2334) Eton Street, North Perth - Proposed Two Storey Single House (North Perth Precinct) PRO3600 (5.2006.595.1)	10
10.1.4	No. 357 (Lot 3 D/P: 1879) Lord Street, Corner Broome Street, Highgate - Proposed Demolition of Existing Single House (Forrest Precinct) PRO1630 (5.2007.14.1)	96
10.1.5	No. 441 (Lot 11 D/P: 1114) William Street, Perth - Proposed Demolition of Existing Commercial Building (Beaufort Precinct) PRO0058 (5.2007.58.1)	102
10.1.6	Nos. 333 – 335 (Lots 9 and 10 and Part Lot 11) Oxford Street - Proposed Demolition of Existing Single House, and Proposed Mixed Use Development Comprising One (1) Grouped Dwelling, Two (2) Single Bedroom and Eight (8) Multiple Bedroom Multiple Dwellings, Office Building and Associated Basement Car Parking and Associated Facilities (Leederville Precinct) PRO1548 (5.2006.581.1)	43
10.1.7	Nos. 247-249 (Lot 19) Fitzgerald Street, Corner Lawley Street, Perth Proposed Change of Use from Warehouse to Educational Establishment to Existing Office and Showroom and Associated Alterations (Hyde Park Precinct) PRO0850 (5.2006.583.1)	13
10.1.8	No. 742 (Lot 30) Newcastle Street, Dual Frontage with Vincent Street, Leederville - Proposed Change of Use of Existing Leederville Hotel Car Park to a Fee Paying Car Park (Oxford Centre Precinct) PRO0630 (5.2006.541.1)	107
10.2 TECHNICAL SERVICES		
10.2.1	Further Report - Proposed Traffic and Parking Improvements - Lawler Street, North Perth, outside the Kyilla Primary School (TES0158) North Perth Precinct	17
10.2.2	Further Report - Proposed Streetscape Upgrade and Black Spot Improvement Project - Oxford Street, Leederville (TES0089 & TES0173) Oxford Centre, Leederville & Mount Hawthorn Centre Precincts	115

- 10.2.3 Proposal to Underground Power in Walcott Street between Beaufort and Fitzgerald Streets (TES0313) 120

10.3 CORPORATE SERVICES

- 10.3.1 Investment Report as at 28 February 2007 (FIN0005) 126
- 10.3.2 Authorisation of Expenditure for the period 1-28 February 2007 (FIN0005) 21
- 10.3.3 Proposed Artwork for 190 Scarborough Beach Road, Mt Hawthorn (PRO0446) 128
- 10.3.4 Request for Council to Waive Fees - Use of Loton Park for the Impact World Tour Events on 29, 30 and 31 March and 1 April 2007 (Beaufort Precinct) RES0013 38

10.4 CHIEF EXECUTIVE OFFICER

- 10.4.1 Use of the Council's Common Seal (ADM0042) 137
- 10.4.2 Information Bulletin 24

11. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

- 11.1 Cr Simon Chester - Request for a Report Concerning the Assessment of Development Applications 139
- 11.2 Cr Izzi Messina – Request for a Review of the Town’s Entry Signage 139

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

- Nil. 140

13. URGENT BUSINESS

- 13.1 No. 120 (Lot 1001) Claisebrook Road, East Perth - Proposed Removal of Operational Time Restrictions for Ready Mix Concrete Batching Plant by City of Perth 26

14. CONFIDENTIAL REPORTS (*Behind Closed Doors*)

- 14.1 Nos. 28-32 (Lots 401 and 1072) Carr Street, West Perth - Proposed Vehicular Gate Addition to Existing Grouped Dwellings - State Administrative Tribunal - Review Matter No. DR 460 of 2006 - Directions Hearing (Hyde Park Precinct) PRO0865 (5.2006.325.1) - *This report released for public information by the Chief Executive Officer on 30 January 2009* 141

- 14.2 Nos.16-18 (Lot 36 D/P: 3660) Knutsford Street, North Perth - Proposed Conversion of Six (6) Multiple Dwellings to Three (3) Two-Storey Grouped Dwellings and Construction of an Additional Three (3) Two-Storey Grouped Dwellings and Associated Undercroft Car Parking- State Administrative Tribunal -Review Matter No. DR 29 of 2007- Hearing (North Perth Precinct) PRO3193 (5.2005.2864.1) - **This report released for public information by the Chief Executive Officer on 30 January 2009** 146
- 14.3 No. 516 (Lot 5 D/P: 3830) Fitzgerald Street, North Perth - Alterations, and Garage with Loft and Carport Additions to Existing Single House -State Administrative Tribunal- Review Matter No. DR 644 of 2005-Determination (Norfolk Precinct) PRO2368 (5.2005.2855.1) - **This report released for public information by the Chief Executive Officer on 30 January 2009** 153
- 14.4 Proposed Aboriginal Art Works/Landscape at Robertson Park, Perth (Hyde Park Precinct) RES0016 161
- 15. CLOSURE** 163

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 March 2007, commencing at 6.00pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania, JP, declared the meeting open at 6.02pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Maddalena Torre South Ward

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward (until 8.50pm)
Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Mike Rootsey	Executive Manager, Corporate Services
Rick Lotznicker	Executive Manager, Technical Services
Chris Thomson	The Perth Voice (until approximately 8.30pm)

Approximately 7 Members of the Public

(c) Members on Leave of Absence:

Nil.

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

1. Mr Kelvin Oxwell of 182 James Street, Northbridge - Item 10.1.2 - Stated that he had sent an email to Elected Members, and would be happy to comply with any conditions that are attached to the approval.
2. Mr Peter Brownhill of 150 Claisebrook Road, Perth - Item 10.3.4 - Referred to an approval that was given to the use of Members Equity Stadium for the Impact World Tour. Stated that a request was put in for free parking at Loton Park or some kind of waiver, and that Jim MacLean had recommended that the waiver be granted. He further stated that he now understands that there is now a charge per vehicle which is 50% of the normal charge. He requested a waiver on the parking in Loton Park on the days that the Impact World Tour is running, stating that they have the facilities to advertise the Town of Vincent throughout the tour in return.

3. Mr Anthony Rechichi of 218 William Street, Northbridge - Item 10.1.6 - Regarding the proposal of development at 333 and 335 Oxford Street, Leederville. Stated that the development will be in accordance with the vision of how the streetscape will develop. Referred to conditions 9, 15 and 17 on the application that he would like to be amended, stating that he had sent an email to Council outlining these amendments.

There being no further questions from the public, the Presiding Member, Mayor Nick Catania, JP, closed Public Question Time at 6.14pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Cr Farrell applied for approved leave of absence for the Ordinary Meeting of Council on 27 March 2007, for work reasons.

Moved Cr Chester, Seconded Cr Ker

That Cr Farrell's request for leave of absence for the Ordinary Meeting of Council on 27 March 2007, for work commitments, be approved.

CARRIED (8-0)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

Nil

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved Cr Farrell, Seconded Cr Ker

That the Minutes of the Ordinary Meeting of Council held on 27 February 2007 be confirmed as a true and correct record.

CARRIED (8-0)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Employee of the Month Award for the Town of Vincent for February 2007

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. Also their photograph is displayed in the Town's Administration Centre Foyer, in the Library and at Beatty Park Leisure Centre.

For FEBRUARY 2007, the award is presented to Josephine Lockley, Waste Management Officer in the Town's Technical Services Division. Josephine was nominated by the Executive Manager Technical Services, Rick Lotznicker, after receiving an email from Town of Vincent resident, Mr David Durrant, expressing his appreciation for the "great service" provided by the Town regarding certain arrangements for the Bulk Verge

Collection, for which Josephine and her assistant, Linda Hack, are responsible.

Josephine's customer service in this matter was of a very high standard and reflected positively on the Town.

Josephine Lockley commenced with the Town as Waste Management Officer approximately 12 months ago.

During this time she has provided a high level of service to the Town's residents and ratepayers, often under trying conditions, and has developed many new initiatives.

Josephine who has formal qualifications in Environmental Management is a keen environmentalist who takes her job very seriously. She also often walks to work and catches public transport.

Josephine is currently assisting with the development of a new future direction for Waste Management in the Town and is looking forward to promoting improved environmental sustainability in the Town.

Congratulations Josephine - and well done!!

7.2 CEO Acknowledgement

I wish to congratulate the Chief Executive Officer on his recent advancement to the status of "Fellow" with the Local Government Managers' Association.

The Local Government Managers' Association acknowledges a member who has made a significant and active contribution to the LGMA and/or the local government industry.

The CEO has been a member of the LGMA for 12 years and has been in local government for 36 years, both at the former City of Perth for 23 years and at the Town of Vincent for almost 13 years. He is a strong supporter of the LGMA and is also a Fellow of the Institute of Environmental Health. It is pleasing that his contribution to local government over the 36 years has been formally recognised by his peers.

7.3 Urgent Business

I have approved of Urgent Business being considered on tonight's Agenda. This matter relates to Item 13.1 - No. 120 (Lot 1001) Claisebrook Road, East Perth - Proposed Removal of Operational Time Restrictions for Ready Mix Concrete Batching Plant by City of Perth.

The Town received a letter from the City of Perth only last Friday and the closing date for submissions is 19 March 2007 - which is before our next Ordinary Meeting of Council.

As these premises have been the subject of considerable community interest, the Chief Executive Officer has prepared a report for the consideration of the Council.

7.4 Successful Community Sporting and Recreation Facilities Funding Applications:

I am very pleased to announce that the Minister for Sport and Recreation, the Hon John Kobelke, MLA, wrote to the Town last week to advise that he had approved of the following CSRFF applications;

1. A grant of \$2,775 for the resurfacing of two hard courts at Loton Park Tennis Club, which will have a total project cost of \$8,300; and
2. \$83,333 to the Tennis Seniors Association of WA (previously Veterans Tennis) for the conversion of four existing grass courts to synthetic grass, together with lighting and upgrade of other courts, at a total project cost of \$270,000.

May I congratulate Mr Mike Rootsey, Executive Manager Corporate Services and the Town's Community Development staff for their hard work in the preparation of these applications. As you are aware, the competition for funding is most competitive and to be successful in 2 out of the 4 funding applications is a significant achievement, particularly, as the State Government has also approved of a grant of \$3,700,000 for the State Gymnastics Centre and upgrade of the Loftus Centre.

7.5 Loftus Centre Redevelopment

I am pleased to report that the Loftus Centre redevelopment commenced on the March long weekend and the Builder, Perkins Builders, has made good progress over the previous week and a half. The Town's website will contain a weekly update to regularly inform the community of the progress of this significant project.

8. DECLARATION OF INTERESTS

- 8.1 The Mayor declared a financial interest in Item 10.3.1 - Investment Report as at 28 February 2007. The nature of his interest being that he is the chairman of the North Perth Community Bank, in which the Town has investment shares.
- 8.2 Cr Messina declared a financial interest in Item 10.3.1 - Investment Report as at 28 February 2007. The nature of his interest being that he is a Director and Shareholder of the North Perth Community Bank.
- 8.3 Cr Doran-Wu declared a proximity interest in Item 10.1.2 - No. 163 (Lot 13) Loftus Street, Corner Galwey Street, Leederville - Proposed Demolition of Existing Single House and Construction of Three (3) Two-Storey Single Houses. The nature of her interest being that her partner owns property in close proximity.

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

Nil.

10. REPORTS

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

The Agenda Items were categorised as follows:

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

Items 10.1.2, 10.3.4, 10.1.6

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

Item 10.1.2

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

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

Cr Farrell	Item 14.4
Cr Chester	Items 10.1.1, 10.1.4, 10.1.5, 10.1.8, 10.2.2, 10.3.3 and 10.4.1
Cr Ker	Nil.
Cr Doran-Wu	Nil.
Cr Lake	Nil.
Cr Messina	Nil.
Cr Maier	Item 10.2.3
Mayor Catania	Nil.

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

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

Items 10.1.2 and 10.3.1

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

Items 10.1.3, 10.1.7, 10.2.1, 10.3.2, 10.4.2 and 13.1

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

Items 14.1, 14.2, 14.3 and 14.4

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

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

Items 10.1.3, 10.1.7, 10.2.1, 10.3.2, 10.4.2 and 13.1

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

Items 10.1.2, 10.3.4 and 10.1.6

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

Moved Cr Farrell, Seconded Cr Messina

That the following unopposed items be moved en bloc;

Items 10.1.3, 10.1.7, 10.2.1, 10.3.2, 10.4.2 and 13.1

CARRIED (8-0)

(Cr Torre was an apology.)

10.1.3 No.37 (Lot 172 D/P: 2334) Eton Street, North Perth - Proposed Two Storey Single House

Ward:	North	Date:	6 March 2007
Precinct:	North Perth; P08	File Ref:	PRO3600; 5.2006.595.1
Attachments:	001		
Reporting Officer(s):	O Hammond		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Design & Construct Residential on behalf of the owner O & S Douglas for proposed Two Storey Single House, at No. 37 (Lot 172 D/P: 2334) Eton Street, North Perth, and as shown on plans stamp-dated 29 January 2007, subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) first obtaining the consent of the owners of No. 35 Eton 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. 35 Eton Street in a good and clean condition;*
- (iii) the proposed swimming pool does not form part of this approval and is subject to a separate Swimming Pool Licence being applied to and obtained from the Town; and*
- (iv) any new street/front wall, fence and gate between the Eton Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

COUNCIL DECISION ITEM 10.1.3

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology.)

Landowner:	O & S Douglas
Applicant:	Design & Construct Residential
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R20
Existing Land Use:	Vacant
Use Class:	Single House
Use Classification:	"P"
Lot Area:	675 square metres
Access to Right of Way	N/A

BACKGROUND:

The Council at its Ordinary Meeting held on 22 August 2006 granted conditional approval for the demolition of existing warehouse and construction of two (2) single storey single houses.

DETAILS:

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Building Setbacks:	6 metres	5.337 metres	Supported – no undue impact on streetscape and considered acceptable.
- Upper Floor East/street			
- Ground Floor North (side 1)	1.5 metres	1.002 – 1.502 – 3.2 metres	Supported – no undue impact on neighbouring property and neighbour's consent submitted.
South (side 2)	1.5 metres	Nil – 1 – 1.5 – 2.11 metres	Supported – no undue impact on neighbouring property.
- Upper Floor South (side 2) Ens - stair	2 metres	1.5 – 2.94 metres	Supported – no undue impact on neighbouring property.

Building on Boundary: - South	Walls not higher than 3 metres with average of 2.7 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.	Maximum height – 3.061 metres Average height – 3.061 metres	Supported – minor variation on maximum height limit, no undue impact on neighbouring property.
Consultation Submissions			
Support (1)	<ul style="list-style-type: none"> Consent to setbacks pertaining the development potential of their lot is not hindered 		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

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

COMMENTS:

In light of the above, the construction of the proposed two (2) storey single house is recommended for approval, subject to standard and appropriate conditions.

**10.1.7 Nos. 247-249 (Lot 19) Fitzgerald Street, Corner Lawley Street, Perth
Proposed Change of Use from Warehouse to Educational
Establishment to Existing Office and Showroom and Associated
Alterations**

Ward:	South	Date:	2 March 2007
Precinct:	Hyde Park; P12	File Ref:	PRO0850; 5.2006.583.1
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by V Lien on behalf of the owner Buddhist Compassion Relief Tzu Chi Foundation of the Republic of China for proposed Change of Use from Warehouse to Educational Establishment to Existing Office and Showroom and Associated Alterations, at Nos. 247-249 (Lot 19 D/P: 4602) Fitzgerald Street, corner Lawley Street, West Perth, and as shown on plans stamp-dated 1 December 2006, and amended plans dated 12 March 2007 (west/south elevation and partial 1st floor) subject to the following conditions:

- (i) *classes shall be limited in size to have a maximum total of 30 students at any one time;*
- (ii) *prior to the first occupation of the development, six (6) class 2 and one (1) class 1 or 2 bicycle parking facilities shall be provided at a location convenient to the entrances of the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities;*
- (iii) *prior to the first occupation of the development, the applicant/owner shall pay a cash-in-lieu contribution of \$4,784 for the equivalent value of 1.84 car parking spaces, based on the cost of \$2,600 per bay as set out in the Town's 2006/2007 Budget;*
- (iv) *access, parking and toilet facilities for people with disabilities shall be provided on-site in accordance with the Building Code of Australia and AS 1428.1;*
- (v) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate planning application, and all signage shall be subject to a Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (vi) *doors, windows and adjacent floor areas fronting Fitzgerald Street and Lawley Street shall maintain an active and interactive relationship with these streets;*
- (vii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*

(viii) *the maximum gross floor area of the office and showroom components shall be limited to;*

(a) *138 square metres for the office component; and*

(b) *86 square metres for the showroom component.*

Any increase in floor space or number of students, or change of use for the subject property shall require further Planning Approval to be applied to and obtained from the Town;

(ix) *the 180 square metres of "outdoor resting area" and "outdoor roof terrace" shown on the approved plans shall be used strictly as open space and no other use; and*

(x) *any existing/proposed vehicular entry gates/doors adjacent to the car park shall be either open at all times or suitable management measures shall be implemented to ensure access is available for the visitors 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.*

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

COUNCIL DECISION ITEM 10.1.7

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology.)

ADDITIONAL INFORMATION:

The applicant has submitted amended plans, which a copy is attached, to address the discrepancy between the floor and elevation plan (windows to storeroom on the first floor on the western elevation) and to clarify the extent of the roofline. Accordingly, the Officer Recommendation preamble has been changed to reflect the above.

Landowner:	Buddhist Compassion Relief Tzu Chi Foundation of the Republic of China
Applicant:	V Lien
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Office, Showroom, and Warehouse
Use Class:	Educational Establishment
Use Classification:	"AA"
Lot Area:	544 square metres
Access to Right of Way	West side, 5.0 metres wide, sealed, Town-owned

BACKGROUND:

The Council at its Ordinary Meeting held on 14 June 2005 conditionally approved an application for alterations and additions to office, showroom and warehouse at the subject property.

DETAILS:

The proposal involves change of use from warehouse to educational establishment to existing office and showroom and associated alterations. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

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

Other Implications	
Legal/Policy	TPS 1 and associated Policies.
Strategic Implications	Nil
Financial/Budget Implications	Nil

Car Parking	
Car parking requirement (nearest whole number) - Office: 1 car bay per 50 square metres of gross floor area (proposed 138 square metres)= 2.76 car bays - Showroom: 3 spaces for the first 200 square metres of gross floor area and thereafter 1 space per 100 square metres of yard area or part thereof (proposed 86 square metres)= 3 car bays -Proposed Educational Establishment = (max. 30 students – one bay per four students) requires 7.5 bays	13 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.80 (within 50 metres of one or more existing public car parking place(s) with in excess of 50 car parking spaces) 	(0.68) 8.84 car bays
Minus the car parking provided on-site	7 car bays
Resultant shortfall	1.84 car bays

Bicycle Parking Facilities	
School <ul style="list-style-type: none"> • 1 space per 5 pupils (30 students) over year 4 (class 2) - 6 space Office <ul style="list-style-type: none"> • 1 per 200 square metres public area for employees (class 1 or 2)- 0.69 spaces • 1 space per 750 square metres over 1000 square metres for visitors (class 3)- Nil 	Nil proposed - has been conditioned accordingly.

* 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:

Car Parking

The Town's Policy regarding Parking and Access does not specify car parking requirements for the subject 'educational establishment' use; therefore, the parking requirement for this educational establishment is to be assessed on its merits.

The applicant has advised that there will be an approximate maximum of 30 students at any one time. A comparable use within the Parking and Access Policy may be a 'Reception Centre', as per the car parking calculations in the above table. In addressing the commercial car parking shortfall, a cash-in-lieu payment is considered appropriate in this instance.

Cash-In-Lieu of Car Parking

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

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

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

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

1. No land value component is to be included in the cash-in-lieu of car parking contribution until the draft amended Parking and Access Policy is finally adopted by the Council.
2. Planning applications received prior to and on 12 July 2005 (date of formal adoption of 2005/06 Budget and Fees and Charges) - the cash-in-lieu contribution is to be based on \$2,500 per car bay.
3. Planning application received after 12 July 2005 - the cash-in-lieu contribution is to be based on \$2,600 per car bay.

The proposal is supported as it is considered to not unduly impact on the amenity of the adjacent or surrounding properties, and is compliant with the Town's Policy relating to Parking and Access.

In light of the above, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters, including limiting the number of students at any one time.

10.2.1 Further Report - Proposed Traffic and Parking Improvements - Lawler Street, North Perth, outside the Kyilla Primary School

Ward:	North	Date:	6 March 2007
Precinct:	North Perth P8	File Ref:	TES0158
Attachments:	001		
Reporting Officer(s):	R Lotznicker		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report on the request received from the Kyilla Primary School for Traffic and Parking Improvements in Lawler Street adjacent to the northern boundary of the school;*
- (ii) *NOTES that*
 - (a) *five (5) options, as outlined on attached Plans No. 2478-CP-1 and 2, were considered by the Local Area Traffic Management Advisory Group at its meeting held on 22 February 2007;and*
 - (b) *should the proposal be ultimately approved, \$90,000 will need to be listed for consideration in the 2007/2008 draft budget;*
- (iii) *APPROVES IN PRINCIPLE the 'preferred' Traffic and Parking Improvement proposal estimated to cost \$90,000 as outlined on attached plan No 2478-CP-04;*
- (iv) *CONSULTS with the residents in Lawler Street directly affected by the proposal and then in surrounding streets who 'potentially' may be affected by the proposal, giving them 14 days in which to provide a response; and*
- (v) *RECEIVES a further report at the conclusion of the consultation process.*

COUNCIL DECISION ITEM 10.2.1

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of a request received from the Kyilla Primary School for Traffic and Parking Improvements in Lawler Street adjacent to the northern boundary of the school and the outcomes of the recent Local Area Traffic Management Advisory Group meeting

BACKGROUND:

As previously reported, the Council has, over the years, carried out various improvements within the road reserves to improve traffic safety and parking adjacent to some schools in the Town. These works have provided an improved amenity for parents and adjoining residents.

Following a request for similar improvements by the Kyilla Primary School to be carried out adjacent to the school in Lawler Street, a report was considered by the council at its Ordinary Meeting held on 7 November 2006, where the following decision was made.

"That the Council;

- (i) RECEIVES the report on the request for Traffic and parking improvements in Lawler Street, North Perth, outside the Kyilla Primary School;*
- (ii) NOTES;*
 - (a) the possible five (5) 'draft' improvement options as outlined on attached plans Nos 2478-CP-1 and 2478-CP-2;*
 - (b) that no funds have been allocated in the 2006/2007 financial year for improvement works along Lawler Street;*
- (iii) REFERS the matter to the Town's Local Area Traffic Management Advisory Group and invites representative/s from the Kyilla Primary school and representative/s from the adjoining residents to attend the meeting; and*
- (iv) RECEIVES a further report once the matter has been discussed by the LATM Advisory Group."*

DETAILS:

Local Area Traffic Management (LATM) Advisory Group meeting - 22 February 2007

In accordance with clause (iii) of the Council's decision, the matter was referred to the above meeting. In attendance at the meeting were two (2) representatives from the Kyilla Primary School.

Options Discussed

As previously reported to Council, five (5) 'possible' options were developed and discussed by the LATM Advisory Group (refer attached Plans No. 2478-CP.1 and 2478-CP.2).

The options included the following:

- *Option 1* - 90 degree angle parking south side of street with embayed parking north side.
- *Option 2* - 90 degree angle parking south side of street with 'no parking' north side.
- *Option 3* - 45 degree angle parking south side of street with 'no parking' north side. One way road system 'east to west'.
- *Option 4* - Parallel parking both sides of road with minor road widening required.
- *Option 5* - 45 degree angle parking south side of street with 'no parking' north side. One way road system 'west to east'.

Each of the above options was assessed by the LATM group and the advantages and disadvantages of each option discussed in detail.

It was considered that while option 1 provided the most number of parking spaces, there was concern that reversing from 90 degree bays with parking on the north side of the road would create an unacceptable risk for children alighting from vehicles. Similarly with option 2, while the risk is somewhat reduced due to 'no parking' proposed for the north side of the road, it was considered that in this situation reversing from the 90 degree bays in a two way road situation would result in a higher safety risk where children were involved.

Option 4, the parallel parking option, while providing a large number of parking spaces, was discounted due to children having to cross the road versus vehicle movements.

The group then considered options 3 and 5 and finally decided that a slightly modified option 3 i.e. 45 degree angle parking *south side* of street with 'no parking' *north side* with a one way road system from 'east to west' should be put forward as the preferred option.

The attached plan No 2478-CP-04 outlines the preferred option as modified and includes:

- Wider footpath - 2.3m wide (widening to be brick paved)
- Reduced travel lane width of 5.0m - line marking and red asphalt
- No stopping demarcation on north side (continuous yellow line and stencilling)
- Additional parking bays (increasing number of bays from 27 to 32)
- Low profile speed humps.
- Entry statements (nibs/raised pavement).

Comments/Conclusion

The one way proposal, while being the 'best' solution to the traffic and parking for the school, may create some access issues for the residents of Lawler Street. While it is considered that these would be minor, some minor traffic distribution on the adjoining streets may result.

Therefore, the wider area should be canvassed regarding the proposal including the residents in Lawler Street and portions of Bedford, Selkirk, Union, Clieveden and Hunter Street including the primary School as shown on appendix 10.2.1A

Several years ago a similar treatment was implemented outside the Mt Hawthorn Primary School in Mt Hawthorn, with positive outcomes for both residents and school users.

In addition, the existing road surface is in relatively poor condition and it is proposed that should the proposal be ultimately adopted by the Council, the road would be resurfaced as part of the 2007/2008 road resurfacing program.

CONSULTATION/ADVERTISING:

Residents in Lawler Street and portions of Bedford, Selkirk, Union, Clieveden and Hunter Streets will be requested to comment on the proposal.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2006-2011 – 1.1.6 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. “o) Investigate and implement traffic management improvements in liaison with the Local Area Traffic Management (LATM) Advisory Group.”

FINANCIAL/BUDGET IMPLICATIONS:

No funds are currently allocated in the 2006/2007 budget for this proposal.

COMMENTS:

The Town was requested to investigate parking and traffic improvements along Lawler Street outside the Kyilla Primary School. The Town's officers developed five (5) possible options which were subsequently discussed by the LATM advisory group.

It is recommended that the school and the community be consulted regarding the proposal and that a further report be presented to the Council at the conclusion of the consultation period.

10.3.2 Authorisation of Expenditure for the period 1 - 28 February 2007

Ward:	Both	Date:	06 March 2007
Precinct:	All	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	Melike Orchard		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

- (i) *Schedule of Accounts for the period 1–28 February 2007 and the list of payments;*
- (ii) *direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors;
and*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth superannuation plans;*

as shown in Appendix 10.3.2.

DECLARATION OF INTEREST

Members/ Officers	Voucher	Extent of Interest
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Nil.

COUNCIL DECISION ITEM 10.3.2

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology.)

PURPOSE OF REPORT:

To seek authorisation of expenditure for the period 1-28 February 2007.

BACKGROUND:

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Town of Vincent Advance Account	EFT	\$142,905.71
Total Municipal Account		\$142,905.71
Advance Account		
Automatic Cheques	57903-58205	\$517,259.07
EFT Batch	629-630	\$9,236.06
Municipal Account		
Transfer of Creditors by EFT Batch	624-625, 627, 631	\$1,538,064.81
Transfer of PAYG Tax by EFT	February 2007	\$184,748.43
Transfer of GST by EFT	February 2007	0.00
Transfer of Child Support by EFT	February 2007	\$643.02
Transfer of Superannuation by EFT City of Perth	February 2007	\$32,585.61
Local Government	February 2007	\$97,365.48
Total		\$2,379,902.48
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$4,548.51
Lease Fees		\$2,186.80
Corporate Master Cards		\$5,998.43
Australia Post Lease Equipment		\$0.00
2 Way Rental		\$0.00
Loan Repayment		\$65,678.86
Rejection Fees		\$15.00
ATM Rebate		\$0.00

Beatty Park - miscellaneous deposit	\$0.00
Total Bank Charges & Other Direct Debits	\$78,427.60
Less GST effect on Advance Account	-18,124.49
Total Payments	\$2,583,111.30

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 – Key Result Area 4.2 – Governance and Management

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

ADVERTISING/CONSULTATION:

Nil.

COMMENT:

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

10.4.2 Information Bulletin

Ward:	-	Date:	7 March 2007
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 13 March 2007, as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.2

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology.)

DETAILS:

The items included in the Information Bulletin dated 13 March 2007 are as follows:

ITEM	DESCRIPTION
IB01	Letter from the State Administrative Tribunal attaching orders made on 22 February 2007. Youll v Town of Vincent. CC 2102 of 2006.
IB02	Letter from the State Administrative Tribunal enclosing orders made on 1 February 2007. Jaine & Anor v Town of Vincent. CC 2050 of 2006.
IB03	Letter from the State Administrative Tribunal enclosing a copy of the decision and orders made on 16 February 2007. Terry v Town of Vincent. DR 395 of 2006.
IB04	Letter from Gary Snook, MLA, Member for Moore, Congratulating Council on receiving a Commendation in the Accessible Communities Seniors Award for the Town's Transport Assistance Program
IB05	Letter from Western Australian Local Government Association regarding 2007 Association Honours
IB06	Hawthorn House Community Advisory Group - Minutes of Meeting held on 16 February 2007
IB07	Local Area Traffic Management Advisory Group - Minutes of Meetings held on 18 December 2006 and 29 January 2007
IB08	Safer Vincent Crime Prevention Partnership - Minutes of Meeting held on 17 January 2007

ITEM	DESCRIPTION
IB09	Register of Petitions - Progress Report - March 2007
IB10	Register of Notices of Motion - Progress Report - March 2007
IB11	Register of Reports to be Actioned - Progress Report - March 2007
IB12	Register of Legal Action
IB13	Register of State Administrative Tribunal Appeals
IB14	Forum Notes - 20 February 2007
IB15	Forum Advice - 20 March 2007

13.1 URGENT BUSINESS: No. 120 (Lot 1001) Claisebrook Road, East Perth - Proposed Removal of Operational Time Restrictions for Ready Mix Concrete Batching Plant by City of Perth

Ward:	-	Date:	13 March 2007
Precinct:	-	File Ref:	PRO0733
Attachments:	001		
Reporting Officer(s):	L Mach, S Teymant		
Checked/Endorsed by:	D Abel; R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *ADVISES the City of Perth that the Council strongly OBJECTS to the proposed removal of the restrictions on the hours of operation of 6.00 am to 7.00 pm Monday to Saturday to enable the plant to operate within a 24 hour time frame at No. 120 (Lot 1001) Claisebrook Road, East Perth, in relation to the Ready Mix Concrete Batching Plant, given the undue impact on nearby residential areas within the Town of Vincent;*
- (ii) *REQUESTS the City of Perth to advertise for community consultation in a 250 metre radius the Development Application proposing the removal of restrictions on the hours of operation of 6.00am to 7.00pm Monday to Saturday to enable the plant to operate within a 24 hour time frame at No. 120 (Lot 1001) Claisebrook Road, East Perth, regarding the Ready Mix Concrete Batching Plant as the proposal will have an undue impact on nearby residential areas within the Town of Vincent; and*
- (iii) *in the event of City of Perth deciding to approve the application without Community Consultation on the proposed altered hours of operation, the City of Perth is REQUESTED to INCLUDE the following Conditions of Approval and confirm the conditions in writing to the Town;*
 - (a) *prior to changes in operating hours Community Consultation be conducted with residents and business owners in a 250 metre radius around the batching plant to identify and address concerns regarding health, safety, noise, dust, heavy haulage traffic, and relevant amenity issues;*
 - (b) *a Complaint Handling System be implemented that includes a procedure to log and deal with complaints from residents and owners allegedly affected within the Town of Vincent;*
 - (c) *a Management Plan be required that includes the control and monitoring of dust, unreasonable noise after 10.00pm to 7.00am, and heavy haulage traffic, to the reasonable satisfaction of the City of Perth, residents/businesses in a 250 metre radius, the Department of Environment and Conservation and the Town of Vincent;*
 - (d) *the City of Perth commits to assist Town of Vincent residents with any complaints or queries raised in relation to the Plant and that the City of Perth's Environmental Health Officers undertake noise investigations including attending Town of Vincent properties for the purpose of undertaking sound level measurements; and*
 - (e) *a review of conditions by April 2008 including community consultation within a 250 metre radius.*

COUNCIL DECISION ITEM 13.1

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology.)

PURPOSE OF REPORT:

On 7 March 2007, the Town received correspondence from the City of Perth Approval Services advising of the receipt of a development application proposing the removal of restrictions on the hours of operation of 6.00 am to 7.00 pm Monday to Saturday to enable the plant to operate within a 24 hour time frame at No. 120 (Lot 1001) Claisebrook Road, East Perth, the Ready Mix Concrete Batching Plant. The Town has been given until 19 March 2007 to comment on the proposal.

BACKGROUND:

The applicant has advised in its submission (copy "*Laid on the Table*") that during the time where the East Perth Redevelopment Authority (EPRA) had planning jurisdiction of the subject site, a 12-month approval was granted by EPRA on 13 March 2001 for unlimited operating hours. It appears that this approval has since lapsed and the applicant has not applied for the approvals renewal, until this time.

DETAILS:

The Town has been given the opportunity to provide comments by the City of Perth regarding the planning application for the proposed removal of restrictions on the hours of operation of 6.00 am to 7.00 pm Monday to Saturday to enable the plant to operate within a 24 hour time frame at the subject site.

The applicant's submission is '*Laid on the Table*' for the Council's consideration.

The subject site will form part of the Town of Vincent as at 1 July 2007.

CONSULTATION/ADVERTISING:

Consultation and advertising is the responsibility of the City of Perth.

STRATEGIC IMPLICATIONS:

Town of Vincent Strategic Plan 2006 – 2011: '*1.1.4 Minimise negative impacts on the community and environment*'.

LEGAL POLICY:

City of Perth Town Planning Scheme, Environmental Protection Act 1986 (as amended), Environmental Protection (Concrete Batching) Regulations 1998 and the Environmental Protection (Noise) Regulations 1997.

The Senior Environmental Officer, Swan Goldfields Agricultural Region of the Department of Environment, monitors environmental compliance of the plant.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Although the onus was originally on EPRA and now on the City of Perth to assess the use of the premises, the Town has concerns with the subject planning application relating to insufficient community consultation, unreasonable noise, dust emissions, increased heavy haulage traffic flow and the impact on the Town's surrounding residents.

In light of this, it is considered prudent to request the action detailed in the Officer Recommendation.

The Presiding Member advised that Cr Doran-Wu had declared a proximity interest in this Item. Cr Doran-Wu departed the Chamber at 6.27pm and did not speak or vote on the matter.

10.1.2 No. 163 (Lot 13) Loftus Street, Corner Galwey Street, Leederville - Proposed Demolition of Existing Single House and Construction of Three (3) Two-Storey Single Houses

Ward:	North	Date:	2 March 2007
Precinct:	Leederville; P3	File Ref:	PRO1939; 5.2007.69.1
Attachments:	001, 002		
Reporting Officer(s):	V Lee		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by Morley Davis Architects on behalf of the owner Lindsey View Pty. Ltd. for proposed Demolition of Existing Single House and Construction of Three (3) Two-Storey Single Houses at No. 163 (Lot 13 D/P: 1509) Loftus Street, corner Galwey Street, Leederville, and as shown on plans stamp-dated 2 March 2007, subject to the following conditions:

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
 - (a) the development setback from Loftus Street, being in accordance with the Western Australian Planning Commissions Other Regional Road Reservation in the Metropolitan Region Scheme as per WAPC Plan 13.160/1. No structures including front fences and retaining walls shall be constructed within the Other Regional Road Reservation, OR, the applicant/owner is to obtain written approval from the Department for Planning and Infrastructure stating that any structures such as front fences and retaining walls is acceptable until such time as the land is required by the Department for Planning and Infrastructure/Western Australian Planning Commission;*
 - (b) the garage to Residence B being setback at or behind the front setback of that dwelling;*
 - (c) the carport to Residence B being 100 per cent being open on all sides at all times (open type gates/panels are permitted) except to the extent where it abuts the main dwelling building walls;*

- (d) *the 'screen/hoods' attached to the windows of bedroom 3 of Residence A and bedroom 3 of Residence B on the northern elevation, on the first floor, being a permanent obscure material and be non-moveable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 165 Loftus Street stating no objection to the respective proposed privacy encroachment; and*
- (e) *the verandah of Residence C on the eastern/Loftus Street elevation, on the ground floor, being reduced to a maximum width of 2.4 metres;*
- (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) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Loftus Street and Galwey Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (vi) *any new street/front wall, fence and gate on Loftus Street and Galwey Street, including along the side boundaries within this front setback area, shall comply with the following:*
- (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
- (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
- (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
- (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and a minimum 3.0 metres by 3.0 metres truncation where Galwey Street and Loftus Street intersect, to the satisfaction of the Western Australian Planning Commission, recognising the Other Regional Road Reservation; and*
- (f) *the solid portion adjacent to the Loftus Street boundary (setback to the satisfaction of the Western Australian Planning Commission, recognising the Other Regional Road Reservation) from the above truncation(s) can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features*

shall be submitted to and approved by the Town prior to the issue of a Building Licence;”

- (vii) *first obtaining the consent of the owners of No. 165 Loftus Street, Leederville for entry onto their land the owners of the subject land shall finish and maintain the surface of the strata boundary (parapet) walls facing No. 165 Loftus Street, Leederville in a good and clean condition;*
- (viii) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (ix) *prior to the first occupation of the development, the full length and width of the right of way from Galwey Street to the northern most boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant’s/owner(s)’ full expense; and*
- (x) *a bond and/or bank guarantee for \$3200 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence.*

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

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Ker

That new clause (iii) (e) of the corrected recommendation as shown below be deleted;

“(iii) (e) The verandah of resident C on the eastern/Loftus Street elevation, on the ground floor, being reduced to a maximum width of 2.4m;”

Debate ensued.

AMENDMENT CARRIED (5-2)

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

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

MOTION AS AMENDED CARRIED
BY AN ABSOLUTE MAJORITY (6-1)

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

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

COUNCIL DECISION ITEM 10.1.2

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by Morley Davis Architects on behalf of the owner Lindsey View Pty. Ltd. for proposed Demolition of Existing Single House and Construction of Three (3) Two-Storey Single Houses at No. 163 (Lot 13 D/P: 1509) Loftus Street, corner Galwey Street, Leederville, and as shown on plans stamp-dated 2 March 2007, subject to the following conditions:

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
 - (a) the development setback from Loftus Street, being in accordance with the Western Australian Planning Commissions Other Regional Road Reservation in the Metropolitan Region Scheme as per WAPC Plan 13.160/1. No structures including front fences and retaining walls shall be constructed within the Other Regional Road Reservation, OR, the applicant/owner is to obtain written approval from the Department for Planning and Infrastructure stating that any structures such as front fences and retaining walls is acceptable until such time as the land is required by the Department for Planning and Infrastructure/Western Australian Planning Commission;*
 - (b) the garage to Residence B being setback at or behind the front setback of that dwelling;*
 - (c) the carport to Residence B being 100 per cent being open on all sides at all times (open type gates/panels are permitted) except to the extent where it abuts the main dwelling building walls;*

- (d) *the 'screen/hoods' attached to the windows of bedroom 3 of Residence A and bedroom 3 of Residence B on the northern elevation, on the first floor, being a permanent obscure material and be non-moveable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 165 Loftus Street stating no objection to the respective proposed privacy encroachment;*
- (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) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Loftus Street and Galwey Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (vi) *any new street/front wall, fence and gate on Loftus Street and Galwey Street, including along the side boundaries within this front setback area, shall comply with the following:*
- (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
- (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
- (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
- (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and a minimum 3.0 metres by 3.0 metres truncation where Galwey Street and Loftus Street intersect, to the satisfaction of the Western Australian Planning Commission, recognising the Other Regional Road Reservation; and*
- (f) *the solid portion adjacent to the Loftus Street boundary (setback to the satisfaction of the Western Australian Planning Commission, recognising the Other Regional Road Reservation) from the above truncation(s) can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;”*

- (vii) *first obtaining the consent of the owners of No. 165 Loftus Street, Leederville for entry onto their land the owners of the subject land shall finish and maintain the surface of the strata boundary (parapet) walls facing No. 165 Loftus Street, Leederville in a good and clean condition;*
- (viii) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (ix) *prior to the first occupation of the development, the full length and width of the right of way from Galwey Street to the northern most boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense; and*
- (x) *a bond and/or bank guarantee for \$3200 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence.*

Landowner:	Lindsey View Pty Ltd
Applicant:	Morley Davis Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	534 square metres
Access to Right of Way	Western side, 4.2 metres wide, unsealed and privately owned.

BACKGROUND:

- 26 February 2002 The Council at its Ordinary Meeting resolved not to support the three lot freehold subdivision on the subject site.
- 26 March 2002 The Council at its Ordinary Meeting conditionally approved demolition of the existing dwelling and refused the development of three (3) two-storey grouped dwellings.
- 1 May 2002 The Western Australian Planning Commission refused the subdivision of the lot into three lots.
- 9 July 2002 The Council at its Ordinary Meeting conditionally approved the construction of three (3) two-storey grouped dwellings.
- 27 February 2007 The Council at its Ordinary Meeting refused an identical application as an 'Absolute Majority' vote was not achieved. The applicants have re-submitted their application and have requested the application be reported to the Council for re-consideration.

DETAILS:

Approval is sought for the demolition of the existing single house and construction of three (3) two-storey single houses. Vehicular access for the new dwellings is provided from Galwey Street and an adjoining right of way.

ASSESSMENT:

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

Non-Compliant Requirements			
Requirements	Requirements	Proposed	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	2.967 dwellings, R60	3 single houses, R60.7, 1.12 per cent density bonus	Noted – refer to Comments.
Site Area	Average Site Area = 180 square metres Minimum Site Area = 160 square metres	Average lot size = 178 square metres Dwelling A = 162 square metres Dwelling B = 162 square metres Dwelling C = 210 square metres	Supported - variation is considered minor and proposed lots are compliant with minimum lot size requirements.
Plot Ratio	0.65 maximum	Dwelling = A 0.65 Dwelling = B 0.63 Dwelling = C 0.62	Noted – no variation.
Setback to Galwey Street: Residence A Residence B Garage to Residence B	4 metres to ground floor, 6 metres to first floor 4 metres to ground floor 6 metres to first floor Garage to be setback at or behind the main dwelling	2.5 metres to ground floor 4 metres to first floor main building 3 metres to first floor balcony 3 metres to ground floor 4 metres to first floor main building 3 metres to first floor balcony Garage set 0.02 metre in front of Residence B	Supported - the visual bulk of the building is reduced by the first floor being stepped back from the ground floor. This creates a more open streetscape. Balconies shown as open style and a 'light weight' material reducing visual bulk of structure. Not supported - considered to have an undue impact on the streetscape and has been addressed in the Officer Recommendation.

<u>Setback to Loftus Street: Ground Floor Residence C</u>	<u>4 metres. However, a verandah may project not more than one (1) metre into the building setback area, provided that the total of such projections does not exceed 20 per cent of the frontage at any level.</u>	<u>1 metre projection for 32 percent (3.9 metres) of the lot frontage.</u>	<u>Supported in part - as it is considered to have an undue impact on the streetscape and approval has been conditioned to comply.</u>
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Consultation Submissions

This application has **NOT** been advertised. A similar application has been advertised within the past 12 months, in accordance with the Town's Community Consultation Policy. The comments received during the previous community consultation period for application 5.2006.590.1 are noted below.

Support	Nil	Noted
Western Australian Planning Commission	Requires the development to be setback in accordance with the Other Regional Road Reservation which requires 1.1 to 1.2 metres of land be ceded adjacent to Loftus Street and a 3 metre by 3 metre truncation at the intersection of Galwey Street and Loftus Street.	Supported – conditioned to be setback in accordance with Other Regional Road Reservation requirements. Requires modification to garden area adjacent to Loftus Street, but no changes required to the proposed building structures.
Objection (2)	Open space is negligible. Construction should be limited to two dwellings only.	Not supported - open space complies with R Code requirement. Not supported – refer to Comments regarding density.

Other Implications

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

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

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

COMMENTS:

Heritage

The existing place proposed for demolition was constructed circa 1922 and represents the generic building stock which was built around Perth following the First World War. The dwelling is tiled and has retained a few of its original features. The place was assessed for heritage value in 2002 in response to a previous application for demolition, which was conditionally approved. The original Heritage Assessment has been updated in terms of the current considerations and is shown as an attachment to this report.

Whilst the building contributes to the streetscape in terms of traditional setbacks and building style, the place has little cultural heritage significance and does not meet the minimum threshold for entry on to the Town's Municipal Heritage Inventory. It is therefore recommended that approval be granted for the demolition of the existing dwelling, subject to standard conditions.

Density

The applicant is seeking a 1.12 per cent variation to the average lot/site size. All dwellings meet the minimum lot area requirement of 160 square metres. Clause 3.1.3 of the R Codes allows a variation to the site area where the variation is not more than 5 per cent in area and it would facilitate the development of lots with separate and sufficient frontage to more than one public street. The proposed sites have a frontage of 13 metres and 13.5 metres wide to Galwey Street. This is comparable to the existing adjacent lots on Galwey Street which have frontages between 11.9 metres wide and 12.0 metres wide. Therefore, the proposed frontages are considered to be sufficient and fit into the existing streetscape.

Sense of Openness

The lot is bound by Loftus Street, Galwey Street and a right of way. This separation from other dwellings creates a sense of openness around the development.

Previously Approved Development

The Council at its Ordinary Meeting held on 9 July 2002, conditionally approved three (3) two-storey grouped dwellings on the subject site. Strata lots of 197.6, 167.7 and 168.8 square metres were proposed. At this time, residential development was assessed against the Residential Planning Codes 1991, which required an average and minimum lot area of 166.6 square metres. Therefore, the proposal complied with the lot area requirement. Notwithstanding, this Planning Approval has expired and the current application must be assessed against the current Residential Design Codes 2002 (R Codes 2002).

In this instance, a variation to the density is considered supportable.

Conclusion

In light of the above, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters. The conditions contained in the Officer Recommendation reflect the 'Proposed Amendments' that were carried at the Ordinary Meeting of Council held on 27 February 2007 when the previous application was considered by the Council.

10.3.4 Request for Council to Waive Fees - Use of Loton Park for the Impact World Tour Events on 29, 30 and 31 March and 1 April 2007

Ward:	South	Date:	6 March 2007
Precinct:	Beaufort, P13	File Ref:	RES0013
Attachments:	-		
Reporting Officer(s):	J MacLean		
Checked/Endorsed by:	R Boardman	Amended by:	John Giorgi

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the request from the Impact World Tour Organisers to waive the parking fees for the use of Loton Park for events at Members Equity Stadium on 29, 30 and 31 March and 1 April 2007;*
- (ii) *APPROVES of a 50% reduction in fees (estimated to be \$14,000 for the four days) to \$7,000 as sponsorship of the event, subject to;*
 - (a) *acknowledgement of the Town as a major sponsor in all future advertising of the event by the organisers, to the satisfaction of the Chief Executive Officer;*
 - (b) *payment of a refundable Bond, of \$2,000, to be used to undertake any necessary repairs or maintenance, caused by vehicles using the park; and*
 - (c) *payment of \$1,000 towards the costs of Town employees to supervise the volunteer parking attendants.*

Cr Doran-Wu returned to the Chamber at 6.30pm.

The Presiding Member advised Cr Doran-Wu that Item 10.1.2 was carried.

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Cr Chester departed the Chamber at 6.36pm.

Cr Messina departed the Chamber at 6.36pm.

Debate ensued.

Moved Cr Maier, Seconded Cr Ker

That clause (ii)(a) be deleted.

Debate ensued.

AMENDMENT CARRIED (6-0)

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

Debate ensued.

Moved Cr Ker, Seconded Cr Farrell

That clause (ii) be amended as follows:

(ii) *~~APPROVES of a 50%~~ **REFUSES** a requested reduction in fees (estimated to be \$14,000 for the four days), ~~to \$7,000 as sponsorship of the event, subject to; and requires;~~*

(a) payment of a refundable Bond, of \$2,000, to be used to undertake any necessary repairs or maintenance, caused by vehicles using the park; and

(b) payment of \$1,000 towards the costs of Town employees to supervise the volunteer parking attendants.

**AMENDMENT LOST ON THE
CASTING VOTE OF THE PRESIDING MEMBER (3-4)**

For

Cr Doran-Wu
Cr Farrell
Cr Ker

Against

Mayor Catania (2 votes - deliberative and casting vote)
Cr Lake
Cr Maier

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

Debate ensued.

**MOTION AS AMENDED CARRIED
ON THE CASTING VOTE OF THE PRESIDING MEMBER (4-3)**

For

Mayor Catania (2 votes)
Cr Lake
Cr Maier

Against

Cr Doran-Wu
Cr Farrell
Cr Ker

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

COUNCIL DECISION ITEM 10.3.4

That the Council;

(i) *RECEIVES the report on the request from the Impact World Tour Organisers to waive the parking fees for the use of Loton Park for events at Members Equity Stadium on 29, 30 and 31 March and 1 April 2007;*

(ii) *APPROVES of a 50% reduction in fees (estimated to be \$14,000 for the four days) to \$7,000 as sponsorship of the event, subject to;*

- (a) *payment of a refundable Bond, of \$2,000, to be used to undertake any necessary repairs or maintenance, caused by vehicles using the park; and*
 - (b) *payment of \$1,000 towards the costs of Town employees to supervise the volunteer parking attendants.*
-

PURPOSE OF REPORT:

The purpose of the report is to obtain approval from the Council to waive the regular fees, for the use of Loton Park, to enable the Impact World Tour to continue to offer a free event.

BACKGROUND:

Loton Park is immediately adjacent to Members Equity Stadium and is regularly used as a temporary car park, for patrons attending an event that is being held in the Stadium. The Council sets fees, as part of the annual budget deliberations, for vehicles that make use of Loton Park as a parking facility. An approach has been received from the organisers of Impact World Tour, for the Council to waive the fees for the use of Loton Park, for the four (4) Impact World Tour events on 29, 30 and 31 March and 1 April 2007.

DETAILS:

Impact World Tour is an action-packed event, which includes skateboarding, BMX cycling, music athletics and dance, to provide a unique show for families at no cost. The Impact World Tour teams are made up of volunteer performers, often acknowledged as being leaders in their own field, who are prepared to offer their services free-of-charge, to promote a positive message to families and youth.

The Impact World Tour is promoted as a "Community Event for the Whole Family" and, because local churches, businesses and individuals contribute to the running costs, it can be offered to the community with no entry fee. The purpose of the event is to provide the community with excellent entertainment, while also providing "uplifting messages of hope". All performances will cease by 10.00pm, so there should be minimal or no impact on residents living within close proximity to the venue.

As a result, the organising committee are seeking support from the Town of Vincent, by waiving the hire fees, to use Loton Park as a temporary parking facility for the four (4) performances, on 29, 30 and 31 March 2007 and 1 April 2007. Impact World Tour will provide experienced staff to ensure that vehicles are parked correctly and that wear and tear to the Loton Park reserve is kept to a minimum.

However, it is appropriate to seek a bond from the organisers to ensure that, should damage to Loton Park occur, the Town can make the necessary repairs, at short notice. The organisers would also be required to acknowledge the Town of Vincent at each of the events, as being "sponsors". Because the promotional flyers and advertisements have already been printed and distributed, it is not possible for the Town's Logo to be included. However, the organisers have indicated that the Town will be acknowledged at each event, by announcement over the public address system, by the Master of Ceremonies.

CONSULTATION/ADVERTISING:

The organisers of Impact World Tour have been asked to undertake a "letter-drop" of the surrounding area, but there is no need for further advertising or consultation.

LEGAL/POLICY:

There is no legal impediment to the above report. The request for sponsorship is in accordance with the Town's Policy 1.1.5 - Donations, Sponsorship and Waiving of Fees (approved at OMC 23 January 2007).

STRATEGIC IMPLICATIONS:

This proposal meets the criteria in the Town's Strategic Plan 2006-2011 Objective 2.1.4(b) *"Implement parking management strategies that provide assistance to businesses while maintaining the Town's commitment to the whole community"*. The above proposal would be in keeping with this strategy and would be in keeping with the Town's Policy 1.1.5, *"Donations, Sponsorships and Waiving of Fees and Charges"*.

FINANCIAL/BUDGET IMPLICATIONS:

By waiving the fees, for the hire of Loton Park, the Council will not receive the parking fees, that would have been collected, but other than this, there are no direct implications of this approval.

COMMENTS:

Impact World Tour is a community event, which is being offered free of charge to the public. The performers have offered their services at no cost and the expected outcomes of the event, will be a high-impact spectacular, where the community can enjoy the shows, while uplifting messages will have been given to the community. It is recommended for approval.

CEO's COMMENT:

The CEO amended this report to provide for a 50% reduction in fees, as the Organisers have already printed advertising material. Therefore, the Town's acknowledgement as a sponsor is substantially diminished. Furthermore, the Town's costs for supervising the volunteer carpark attendants should be paid.

The capacity of Loton Park is 350 vehicles at say \$10 per vehicle would equate to \$3,500 per day. The four days would equate to approximately \$14,000.

ADDITIONAL INFORMATION:

Following a recent article in *The West Australian* newspaper, Inside Cover, serious concerns have been expressed by some members of the community, about the underlying reason for the Impact World Tour events. It has been suggested that the way that the event is presented, it may have a pseudo-hypnotic effect on susceptible young people, by encouraging religious indoctrination.

From the available information, which is provided on the Impact World Tour website, it suggests that the primary purpose of the event is to *"harvest"* people for Christ. The success of the events appears to be measured by the number of people who receive the religious messages and the number of those who then convert to religion. The following messages were taken from letters that are quoted in the Impact World Tour website:

"Your prayers and finances are bringing in an awesome harvest all over the world. During this summer's Australia tour, TX was able to present the gospel to more than 33,000 people and over 2,000 of them made decisions to follow Jesus!"

*"Thank you to all our partners, for your prayers and financial support in 2006. It was an awesome harvest year - **over 10,000 people came to Christ!** Also many TX and Sports Net ministries have been started and many new believers equipped for ministry."*

Because the Impact World Tour events are marketed as "*Family Events*", which are free of entry charge, there is likely to be a large number of attendees at each of the events, held at Members Equity Stadium. However, some members of the community have questioned whether it is appropriate for the Town of Vincent to sponsor this type of promotion, which is provided under the guise of an extreme sports event.

10.1.6 Nos. 333 – 335 (Lots 9 and 10 and Part Lot 11) Oxford Street, Leederville - Proposed Demolition of Existing Single House, and Proposed Mixed Use Development Comprising One (1) Grouped Dwelling, Two (2) Single Bedroom and Eight (8) Multiple Bedroom Multiple Dwellings, Office Building and Associated Basement Car Parking and Associated Facilities

Ward:	North	Date:	6 March 2007
Precinct:	Leederville; P3	File Ref:	PRO1548; 5.2006.581.1
Attachments:	001 002		
Reporting Officer(s):	V Lee, S Kendall		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Rechichi Architects on behalf of the owner J & V Spaseski Family Trust for proposed Demolition of Existing Single House, and Proposed Mixed Use Development Comprising One (1) Grouped Dwelling, Two (2) Single Bedroom and Eight (8) Multiple Bedroom Multiple Dwellings, Office Building and Associated Basement Car Parking and Associated Facilities, at Nos. 333-335 (Lots 9 and 10 and Part Lot 11) Oxford Street, Leederville, and as shown on plans stamp-dated 1 December 2006 (Existing Survey/Demolition Plan), 2 February 2007 (Floor Plans and Elevations), and 1 March 2007 (Landscaping Plan, Overshadowing Diagram, Plot Ratio Calculation Area Plan), subject to the following conditions:

- (i) the subject redevelopment of No. 335 (Lot 10) Oxford Street, Leederville shall incorporate an interpretive plaque recognising the former use and history of the site, which is to be visible to the public along the Oxford Street frontage. The proposed plaque shall be undertaken in accordance with 'Heritage Management Policy No.3.6.4 - Interpretive Signage' and details of the proposed plaque shall be submitted to and approved by the Town prior to the issuing of a Building Licence;*
- (ii) an archival documented record of the place at No. 335 (Lot 10) Oxford Street, Leederville including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (iii) prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$1,600,000.00) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$16,000 subject to the Town agreeing to this arrangement. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (iv) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Oxford Street and right of way verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) *prior to the first occupation of the development, the car parking spaces provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development;*
- (vi) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (vii) *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;*
- (viii) *any new street/front wall, fence and gate on Oxford Street and the right of way, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.75 metre above the adjacent footpath level; and*
 - (f) *any solid portion adjacent to the Oxford Street boundary from the above truncations can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*

- (ix) *first obtaining the consent of the owners of No. 131 and No. 137 Oxford Street, Leederville for entry onto their land the owners of the subject land shall finish and maintain the surface of the strata boundary (parapet) walls facing Nos. 131 and 137 Oxford Street, Leederville in a good and clean condition;*
- (x) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (xi) *prior to the first occupation of the development, the ~~full length and width~~ 0.5 metre wide future widening of the right of way ~~from Galwey Street to the northern most boundary~~ abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;*
- (xii) *a bond and/or bank guarantee for \$2,400 for the full upgrade of the 0.5 metre wide future widening of the right of way shall be lodged prior to the issue of a Building Licence;"*
- (xiii) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments, the footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the Towns' specification. A refundable footpath upgrading bond and/or bank guarantee of \$2,160 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
- (xiv) *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;*
- (xv) *the maximum total gross floor area of the offices shall be limited to 120 square metres;*
- (xvi) *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);*
- (xvii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*

- (a) *the bin storage area being relocated such that it is not located within the front setback area; and*
- (b) *the balconies to Units 1 and 5 on the southern elevation and Units 4 and 8 on the northern elevations, being screened with a permanent obscure material above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*

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

- (xviii) *prior to the issue of a Building Licence the outstanding planning application fees of \$1,080 shall be paid to the Town, due to the revised cost of the development;*
- (xix) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site; and*
- (xx) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence.*

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

Cr's Chester and Messina returned to the Chamber at 6.49pm.

Moved Cr Farrell, **Seconded** Cr Maier

That the recommendation be adopted subject to the following;

That;

1. *clauses (xi) and (xii) be amended to read as follows:*

"(xi) prior to the first occupation of the development, the ~~full length and width~~ 0.5 metre wide future widening of the right of way from Galwey Street to the northern most boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;

(xii) a bond and/or bank guarantee for \$2,400 for the full upgrade of the 0.5 metre wide future widening of the right of way shall be lodged prior to the issue of a Building Licence;"

2. *clauses (ii) and (x) be deleted and the remaining clauses renumbered.*

Moved Cr Maier, **Seconded** Cr Messina

That clause (xi) of the corrected recommendation be deleted.

Debate ensued.

CARRIED (8-0)

(Cr Torre was an apology.)

Moved Cr Lake, Seconded Cr Messina

That clause (xii) of the corrected recommendation be deleted.

Debate ensued.

CARRIED (8-0)

(Cr Torre was an apology.)

Moved Cr Maier, Seconded Cr Messina

That;

clause (xvii)(a) be amended to read as follows:

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

- (a) *the bin storage area being ~~relocated such that it is not located within the front setback area~~ adequately screened from Oxford Street in a manner that is consistent with the Town's Street Walls and Fences Policy No.3.2.5;*

Debate ensued.

AMENDMENT LOST (0-8)

Moved Cr Maier, Seconded Cr Ker

clause (xvii)(b) be amended to read as follows:

- (b) *the balconies to Units 1 and 5 on the southern elevation ~~and Units 4 and 8 on the northern elevations,~~ being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished ~~first~~ balconies floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed; Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 331 Oxford Street, stating no objections to the proposed privacy encroachment.*

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

Debate ensued.

AMENDMENT LOST (2-6)

For
Cr Lake
Cr Maier

Against
Mayor Catania
Cr Chester
Cr Doran-Wu
Cr Farrell
Cr Ker
Cr Messina

(Cr Torre was an apology.)

Moved Cr Maier, Seconded Cr Ker

That new clauses (xxi) and (xxii) be added as follows:

"(xxi) 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 and non-residential activities; and*
- (b) the Town of Vincent will not issue a visitor 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.*

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

(xxii) prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, dust, traffic access via Oxford Street and the rear right of way, and any other appropriate matters, shall be submitted to and approved by the Town."

Debate ensued.

AMENDMENT CARRIED (5-3)

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

(Cr Torre was an apology.)

Moved Cr Lake, Seconded Cr Ker

That clause (xvii) (b) as follows be inserted:

(b) the balconies to Units 1 and 5 on the southern elevation ~~and Units 4 and 8 on the northern elevations~~, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished ~~first~~ balconies floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;

AMENDMENT CARRIED (8-0)

(Cr Torre was an apology.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.1.6

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Rechichi Architects on behalf of the owner J & V Spaseski Family Trust for proposed Demolition of Existing Single House, and Proposed Mixed Use Development Comprising One (1) Grouped Dwelling, Two (2) Single Bedroom and Eight (8) Multiple Bedroom Multiple Dwellings, Office Building and Associated Basement Car Parking and Associated Facilities, at Nos. 333-335 (Lots 9 and 10 and Part Lot 11) Oxford Street, Leederville, and as shown on plans stamp-dated 1 December 2006 (Existing Survey/Demolition Plan), 2 February 2007 (Floor Plans and Elevations), and 1 March 2007 (Landscaping Plan, Overshadowing Diagram, Plot Ratio Calculation Area Plan), subject to the following conditions:

- (i) the subject redevelopment of No. 335 (Lot 10) Oxford Street, Leederville shall incorporate an interpretive plaque recognising the former use and history of the site, which is to be visible to the public along the Oxford Street frontage. The proposed plaque shall be undertaken in accordance with 'Heritage Management Policy No.3.6.4 - Interpretive Signage' and details of the proposed plaque shall be submitted to and approved by the Town prior to the issuing of a Building Licence;*
- (ii) an archival documented record of the place at No. 335 (Lot 10) Oxford Street, Leederville including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (iii) prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$1,600,000.00) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$16,000 subject to the Town agreeing to this arrangement. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iv) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Oxford Street and right of way verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) prior to the first occupation of the development, the car parking spaces provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development;*

- (vi) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (vii) *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;*
- (viii) *any new street/front wall, fence and gate on Oxford Street and the right of way, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.75 metre above the adjacent footpath level; and*
 - (f) *any solid portion adjacent to the Oxford Street boundary from the above truncations can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (ix) *first obtaining the consent of the owners of No. 131 and No. 137 Oxford Street, Leederville for entry onto their land the owners of the subject land shall finish and maintain the surface of the strata boundary (parapet) walls facing Nos. 131 and 137 Oxford Street, Leederville in a good and clean condition;*
- (x) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*

- (xi) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments, the footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the Towns' specification. A refundable footpath upgrading bond and/or bank guarantee of \$2,160 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
- (xii) *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;*
- (xiii) *the maximum total gross floor area of the offices shall be limited to 120 square metres;*
- (xiv) *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);*
- (xv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the bin storage area being relocated such that it is not located within the front setback area; and*
- (b) *the balconies to Units 1 and 5 on the southern elevation being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished balconies floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- The revised plans shall not result in any greater variation to the requirements of the Town's Policies and the Residential Design Codes;*
- (xvi) *prior to the issue of a Building Licence the outstanding planning application fees of \$1,080 shall be paid to the Town, due to the revised cost of the development;*
- (xvii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site; and*

(xviii) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence.*

(xix) *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 and non-residential activities; and*

(b) *the Town of Vincent will not issue a visitor 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.*

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

(xx) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, dust, traffic access via Oxford Street and the rear right of way, and any other appropriate matters, shall be submitted to and approved by the Town.*

Landowner:	J & V Spaseski Family Trust
Applicant:	Rechichi Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Lot 9 = Single House Lot 10 and Pt 11 = Commercial Hall
Use Class:	Grouped Dwelling, Multiple Dwellings, Office Building
Use Classification:	"P", "P", "SA"
Lot Area:	1253 square metres
Access to Right of Way	Western side, 5 metres wide, sealed, Town owned

BACKGROUND:

14 September 2004 The Council at its Ordinary Meeting resolved to approve the proposed partial demolition of and alterations and additions to existing office and incidental showroom, and additional four (4) three-storey multiple dwellings and associated undercroft car parking at No. 335 Oxford Street.

11 October 2005 The Council at its Ordinary Meeting resolved to approve a change of use and partial demolition of and alterations and addition to existing office and incidental showroom to create two two-storey multiple dwellings and construction of additional four three-storey multiple dwellings, and associated undercroft car parking at No 335. Oxford Street.

DETAILS:

The proposal involves the demolition of the existing single house at No. 333 Oxford Street, and proposed mixed use development over Nos. 333 and 335 Oxford Street comprising one grouped dwelling (converted commercial hall), two single bedroom and eight multiple bedroom multiple dwellings, office building and associated basement car parking and associated facilities. Vehicle access is from the rear right of way.

The surrounding area is characterised by a range of uses, including schools, medical centre, an MP's office, a mortgage broker, car yards, school buildings and shops.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	7.55 multiple dwellings; OR 2 single bedroom dwellings plus one grouped dwelling plus 5.02 multiple bedroom multiple dwellings.	2 single bedroom dwellings plus one grouped dwelling plus 8 multiple bedroom multiple dwellings. 39.51 per cent density bonus.	Supported – refer to "Comments".
Plot Ratio	0.7, 877.6 square metres	0.98, 1229 square metres	Supported – plot ratio increase is proportional to the increase in density.
Building Setbacks	One wall built up to a boundary	Basement walls built up to boundary on both side boundaries to a height of 2.5 metres including boundary fencing.	Supported – northern side boundary abuts another wall on boundary, therefore no undue impact on northern neighbours. Southern side boundary – no objection received from southern neighbour, boundary wall steps down with slope of the land to minimise bulk of wall.
Building Setback : Units 9 and 10 Southern Elevation	2.3 metres	2 – 2.75 metres	Supported – no objection received from southern neighbour. The visual bulk of the building is reduced by the wall being stepped back in places.
Building Setback : Unit 8 Northern Elevation	Master bedroom – 1.2 metres Living area - 1.5 metres	0.5 metre 0.5 metre	Supported – no objection received from northern neighbour, which is a three storey dwelling with a nil setback.
Building Height	9 metres to pitch of roof from natural	9 metres to top of "butterfly" type roof	Supported – building to the north of the

	ground level, 6 metres to top of wall.	where wall extends to a flat roof.	development is three storey building of similar height, bulk and scale. Overall height complies with what would be acceptable for a two-storey pitched roof under the R Codes.
Policy 3.3.10 Oxford Locality Plan 10	Height: A general height limit of two storeys (including loft) can be considered.	Two storey plus basement. Buildings appear two storey from Oxford Street, however, effectively three storey (including basement) from the rear right of way.	Supported – building to the north of the development is three storey building of similar height, bulk and scale. Overall height complies with what would be acceptable for a two-storey pitched roof under the R Codes.
Policy 3.3.10 Oxford Locality Plan 10	Setback of second storey: setback a minimum of 6 metres from Oxford Street.	Unit 11: Existing building setback at 4.35 metres with new balcony setback 3.3 metres Unit 10: Second storey balcony and main building setback 4.35 metres.	Supported – two adjoining buildings to the north have reduced setbacks to Oxford Street, proposal provides transition between these buildings and residential dwellings to the south of the subject site.
Consultation Submissions			
Support (3)	No reasons provided.		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

* 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.

Commercial Car Parking

Car parking requirement (nearest whole number) - Office – 120 square metres requires 2.4 bays	2 car bays
Apply the adjustment factors; 0.85 (within 400 metres of a bus stop) 0.80 (min 45 per cent of Gross floor area is residential) 0.95 (within 400 metres of public car park with +25 bays) 0.95 (secure on-site bicycle parking)	(0.6137) 1.2274 car bays
Minus the commercial component car parking provided on-site	3 car bays
Minus the most recently approved on-site car parking shortfall	Nil.

(existing office of same GFA)	
Resultant surplus	1.773 car bays

COMMENTS:**Demolition**

The place at No. 333 (Lot 9) Oxford Street, Leederville was constructed in the Inter-war Bungalow style of architecture. The Wise Post Office Directories first list the subject place in 1930 along with Nos. 329 and 331 Oxford Street. Over the years, the Directories indicate that the occupancy of the dwellings changed frequently with each tenant staying for only a couple of years at a time.

The subject brick and iron dwelling has a simple two room presentation to the street with a hipped roof form and protruding gable over the front southern projecting room. An extension of the main room forms a verandah, which is supported by brick piers adorned with timber posts. The dwelling is set back approximately 10 metres from the road and sits below the natural ground level.

Although generally representative of an Interwar residence, the place is not an outstanding example of its type. Overall, the place is considered to have little cultural heritage significance and that it does not warrant a full heritage assessment. It is recommended that the proposal to demolish the place be approved, subject to standard conditions.

Density Bonus

The place at No. 335 (Lots 10) Oxford Street, Leederville is the former Soldier's Memorial Hall, which operated between 1936 and 1959 before being converted to squash courts. The place was formerly listed on the Town's Draft Municipal Heritage Inventory (MHI) with a Category C listing. The place is no longer on the MHI.

The provision of a density bonus is not restricted to places that are on or meet the threshold for inclusion onto the MHI. As stipulated in the Oxford Locality Plan No.10 *'the character of the existing housing (and Locality) is to be protected.'* The Town's Heritage Officers encourage the retention of the place at No. 335 Oxford Street, Leederville as it has value in the evolution of history in the locality, as it had connections with the Mount Hawthorn Returned Servicemen's League (RSL) and functioned as a meeting place, referred to as the Soldier's Memorial Hall. Therefore, Heritage Services support the provision of a density bonus for the proposed new development subject to conditions.

Single Bedroom Dwellings

The density bonus for the single bedroom dwellings is also supported as they are less than 60 square metres plot ratio area in size.

Strategic Planning

It is noted that surrounding development supports height to new buildings to approximately three storeys (given the western side of Oxford Street falls away).

The Town's Officers are currently preparing design guidelines relating to the Oxford Street area, whereby appropriate residential and mixed-use development will be encouraged and facilitated. These design guidelines have been in response to a number of recent development applications where variations have been supported where proposals are seen to contribute to the vitality and diversity of Oxford Street. It is noted, however, that the principles of the Economic Development Strategy discourage commercial development outside of the established town centres. Given the nature of surrounding mixed uses in this instance however, it is not considered that the proposed one office and 11 dwellings will detrimentally alter the

encouragement of uses in the Mount Hawthorn or Leederville Town Centres and is supported from a Strategic Planning viewpoint.

Conclusion

The application is considered acceptable and would not result in any undue impact on the amenity of the surrounding area. The application is, therefore, supported subject to standard and appropriate conditions to address the above matters.

10.1.1 Further Report - Amendment No.25 - Planning and Building Policies - Policy - Appendix No.16 - 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

Ward:	South	Date:	6 March 2007
Precinct:	Beaufort, P13	File Ref:	PLA0168
Attachments:	001		
Reporting Officer(s):	H Smith		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That the Council;

(i) *RECEIVES the final amended version of the Policy - Appendix No.16 - 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, as shown in Attachment 10.1.1, resulting from the advertised version having been reviewed and with regard to the nine (9) written submissions received during the formal advertising period and the comments received at an Elected Members Forum held on 14 November 2006, in accordance with Clauses 47 (4), and (5) (a) of the Town's Town Planning Scheme No. 1;*

(ii) *ADOPTS the final amended version of the Policy - Appendix No.16 - 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, as shown in Attachment 10.1.1, and subject to the Policy being amended as follows:*

(a) clause 7) i) be amended to read as follows:

'7) i) Subdivision - Unlike the surrounding residential areas, the subdivisional pattern of this street block is characteristically industrial, irregular in pattern with large lots. The ownership of property favours clusters of lots; hence there is scope for diversity in the types of development across the street block. The Town of Vincent encourages the amalgamation of lots to facilitate effective, rational and optimised development. Some ~~lots~~ lots fronting Fitzgerald Street are still affected by a Metropolitan Region Scheme road widening reservation of ~~between 3 and 6 metres~~ and the extent of the road widening reservation would need to be confirmed with the Western Australian Planning Commission.'

(b) clause 7) iii) be amended to read as follows:

'7) iii) Height and Massing - ...

Buildings are to define corners by building to the street alignment and create landmark features. Corners may be emphasised by greater scale or differing ~~geometries~~ geometries relative to surrounding development. This may include chamfering, curving, additional height, varying roof forms, verandahs, balconies or other design elements which accentuate corners.

- (iii) *AUTHORISES the Chief Executive Officer to advertise the final amended version of the adopted Policy - Appendix No.16 - Design Guidelines for the half street block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pental Lane, Perth, as shown in Attachment 10.1.1, in accordance with Clause 47 (6) of the Town's Town Planning Scheme No. 1.*

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

Moved Cr Chester, **Seconded** Cr Farrell

That the recommendation as corrected be adopted.

Debate ensued.

Moved Cr Chester, **Seconded** Cr Farrell

That clause (ii) be amended as follows:

- "(ii) *ADOPTS the final amended version of the Policy - Appendix No.16 - Design Guidelines for the half street block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pental Lane, Perth, as shown in Attachment 10.1.1, ~~and~~ subject to the Policy being amended as follows:*

- (a) *clause 7) ii) be amended to read as follows:*

"7) ii) Density and Mix - The street block is located within a transitional area characterised by a wide variety of uses. The remaining ~~semi~~ heavy industrial and intensive commercial service uses are expected to relocate and be replaced by appropriate contemporary inner-city uses. New development and change of use applications will require active ground floor uses. These will be characterised by:

- Residential commensurate with R160 density;*
- Mixed use within the area zoned Residential/Commercial, with a minimum ~~50~~ 66 per cent residential (commensurate with R160 density) and compatible commercial and non-residential uses, such as offices and consulting rooms;*
- Contemporary robust buildings, containing a variety of housing types to meet differing household types; ~~and~~*
- Opportunity for affordable housing; and*
- Shops, restaurants and other active and interactive uses commensurate with the locale, within the area zoned Commercial along Newcastle Street."*

Debate ensued.

At the request of Cr Messina the mover, Cr Chester, with the consent of the seconder Cr Farrell changed "50%" to read "66%".

CARRIED (8-0)

(Cr Torre was an apology.)

Moved Cr Chester, Seconded Cr Farrell

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

(c) *new clauses 7) xv) and xvi) be added as follows:*

"7) xv) Environment Sustainability - Developers will be required to demonstrate a high quality of environmental design that addresses issues such as building orientation, passive solar design, natural ventilation, shading, insulation, grey-water recycling sensitive to the high water table and energy and water efficient appliances.

Development applications are to be accompanied with an independent environment sustainability assessment report by a Green Star Accredited Professional not directly involved in the design team. The report should assess the development proposals consideration of but not limited to the above environmental design issues.

xvi) Access - Universal design is to be an integral component of the planning and design process. It should not be seen as an afterthought or as compromising other aspects of the overall design.

All development is required to comply with the Disability Standards for Access to Premises (Premises Standard)."

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Torre was an apology.)

Moved Cr Ker, Seconded Cr Farrell

That clause (ii) be amended as follows:

"(ii) ADOPTS the final amended version of the Policy - Appendix No.16 - 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, as shown in Attachment 10.1.1, ~~and~~ subject to the Policy being amended as follows:

(a) *clause 7) ii) be amended to read as follows:*

'7) ii) Density and Mix - The street block is located within a transitional area characterised by a wide variety of uses. The Town of Vincent recognises the opportunity available to develop this area with higher density development, consistent with development occurring south of Newcastle Street. As such, the Town of Vincent is seeking higher density development commensurate with an R160 density. The remaining ...'

(b) clause 7) ix) be amended to read as follows:

'7) ix) High Quality Design and Function - ...

The key principles of Crime Prevention through Environmental Design (CPTED, including the Office of Crime Prevention's 'Designing Out Crime' are to be employed in all new developments to reduce the opportunity for crime and to improve the public's perception of safety in the area.

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Torre was an apology.)

Cr Ker departed the Chamber at 7.22pm

Debate ensued.

Moved Cr Lake, Seconded Cr Farrell

That clause (ii) be amended as follows:

"(ii) *ADOPTS the final amended version of the Policy - Appendix No.16 - 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, as shown in Attachment 10.1.1, ~~and~~ subject to the Policy being amended as follows:*

(a) clause 7) ii) be amended to read as follows:

'7) ii) Density and Mix - ...

Shops, restaurants and other active and interactive uses at ground level commensurate with the locale.

Debate ensued

AMENDMENT LOST (2-5)

For

Cr Lake
Cr Maier

Against

Mayor Catania
Cr Chester
Cr Doran-Wu
Cr Farrell
Cr Messina

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

Cr Ker returned to the Chamber at 7.25pm.

Moved Cr Lake, Seconded Cr Messina

That clause (ii) be amended as follows:

(b) *clause 7) iv) be amended to read as follows:*

'7) iv) *Plot Ratio- Plot ratio provisions for residential development are to be generally in accordance with R160 pertaining to the Residential Design Codes however, the Town of Vincent may consider variations. Non-residential floorspace is ~~silent~~ not subject to plot ratio provisions in this respect.*

Debate ensued.

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

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

(Cr Torre was an apology.)

Moved Cr Lake, Seconded Cr Messina

(c) *second paragraph of clause 7) vi) be amended to read as follows:*

'7) vi) *Façade and Interface - ...*

Building facades are to be articulated and detailed (broken into distinct visual elements). The public faces of buildings are to be detailed in order to provide richness and variety, with accentuated elements aimed at reducing the perceived building bulk. The creation of expansive blank walls and featureless glazing is prohibited. Pedestrian entrances ~~from the street are to be mandatory for all buildings~~ must be clearly visible from the street.

Debate ensued.

AMENDMENT CARRIED (7-1)

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

(Cr Torre was an apology.)

Moved Cr Lake, Seconded Cr Messina

That clause (ii) be amended as follows:

(f) *clause 7) xi) be amended to read as follows:*

'7) xi) Landscaping and Public Art - High quality landscaping is to be provided to all hard and soft areas. The Town of Vincent's Percent for Art Policy is also to be referred to will apply.

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Torre was an apology.)

Moved Cr Lake, Seconded Cr Messina

That clause (ii) be amended as follows:

(d) *clause 7) vii) be amended to read as follows:*

'7) vii) Vehicle and Pedestrian Access - ...

Pedestrian and access is to be gained from the primary streets and Pental Lane. Pedestrian entrances from the street are to be mandatory for all buildings.'

AMENDMENT CARRIED (8-0)

(Cr Torre was an apology.)

Debate ensued.

Moved Cr Maier, Seconded Cr Lake

That clause (ii) be amended as follows:

*"(ii) **ADOPTS** the final amended version of the Policy - Appendix No.16 - Design Guidelines for the half street block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pental Lane, Perth, as shown in Attachment 10.1.1, ~~and~~ subject to the Policy being amended as follows:*

(a) *first paragraph of clause 7) vi) be amended to read as follows:*

'7) vi) Façade and Interface - Buildings are to have nil setbacks to the front, side and rear boundaries and the Fitzgerald Street road widening line, with the exception of Stuart Street, where a setback requirement of at least 1.5 metres from Stuart Street on the ground floor is required. Openings are to be provided to all levels facing the primary street, Pental Lane and rights of way. Buildings fronting onto ~~Newcastle Street~~ primary streets, including Pental Lane where appropriate, are to provide pedestrians with weather protection over the footpath (awnings)...'

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Torre was an apology.)

It was requested that the following be corrected (as opposed to a formal amendment) as it only involved a typographical error.

(c) clause 7) vii) be amended to read as follows:

'7) vii) *Vehicle and Pedestrian Access* - ...

Pedestrian ~~and~~ access is to be gained from the primary streets and Pandal Lane.

Cr Messina departed the Chamber at 7.37pm.

Debate ensued.

Cr Messina returned to the Chamber at 7.38pm.

Moved Cr Chester, Seconded Cr Farrell

That clause (ii) be amended as follows:

"(ii) *ADOPTS the final amended version of the Policy - Appendix No.16 - 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, as shown in Attachment 10.1.1 subject to the policy being amended as follows with the following passage being inserted between the first paragraph of the officer's clause 7 (xiv) and the second paragraph of 7 (xiv) and the word "may" replaced with "will" in the second paragraph.*

Affordable Owner Occupier Housing

Developers are provided with density bonuses to build extra residential units. A number of the extra residential units will be provided as Affordable Owner Occupier Housing (AOO) and sold as (AOO) to eligible candidates. The objective is to ensure that sales are affordable to people on low to middle incomes. The first unit above the number of permissible units for the site shall be allocated for the provision of AOO Housing. Thereafter 1 in 5 of the units sort above the permissible density shall be allocated for the provision of AOO Housing.

AOO units are built as part of a broader residential or mixed use development and shall look the same as other units. Costs are kept down by different internal fixtures and smaller unit sizes.

As home owners, AOO residents have the same responsibilities, such as rates, strata fees and property maintenance, as other homeowners and the same motivation to care for their most valuable asset.

Eligibility:

Candidates who meet the eligibility criteria will go into a ballot for the right to purchase one of the AOO units.

The ballot will be run by the Town of Vincent in consultation with DHW and the developer.

Eligibility criteria are used to assess a candidate's application. Eligibility will be based on the Department of housing and Works 'A First Start' Programme.

Important factors such as demonstrating a genuine desire or need to live in the area will be considered.

Maintenance to Scheme:

To ensure AOO units remain affordable in the future and after resale, notification and restrictions shall be placed on the Certificate of Title and Strata Management Scheme.

The Department of Housing and Works shall be responsible for any ongoing administration involved in the transfer of ownership. This ensures that the AOO units are only sold to other eligible buyers and the transfer of ownership will occur through a controlled process (i.e. no wills, private sales or bequests).

Debate ensued.

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

For

Cr Chester
Cr Doran-Wu
Cr Lake
Cr Messina

Against

Mayor Catania (2 votes)
Cr Farrell
Cr Ker
Cr Maier

(Cr Torre was an apology.)

Debate ensued.

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

That a new clause (iv) be added as follows;

“(iv) AUTHORISES the Chief Executive Officer to write a letter to the Minister for Housing and Works and the Department of Housing and Works inviting them to work in partnership with the Town to develop the most appropriate arrangements with the aim of developing affordable housing in this building.”

AMENDMENT CARRIED (8-0)

(Cr Torre was an apology.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.1.1

That the Council;

- (i) *RECEIVES the final amended version of the Policy - Appendix No.16 - 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, as shown in Attachment 10.1.1, resulting from the advertised version having been reviewed and with regard to the nine (9) written submissions received during the formal advertising period and the comments received at an Elected Members Forum held on 14 November 2006, in accordance with Clauses 47 (4), and (5) (a) of the Town's Town Planning Scheme No. 1;*

(ii) *ADOPTS the final amended version of the Policy - Appendix No.16 - 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, as shown in Attachment 10.1.1, subject to the Policy being amended as follows:*

(a) *clause 7) i) be amended to read as follows:*

"7) i) Subdivision - Unlike the surrounding residential areas, the subdivisional pattern of this street block is characteristically industrial, irregular in pattern with large lots. The ownership of property favours clusters of lots; hence there is scope for diversity in the types of development across the street block. The Town of Vincent encourages the amalgamation of lots to facilitate effective, rational and optimised development. Some lots fronting Fitzgerald Street are still affected by a Metropolitan Region Scheme road widening reservation of between 3 and 6 metres and the extent of the road widening reservation would need to be confirmed with the Western Australian Planning Commission."

(b) *clause 7) ii) be amended to read as follows:*

"7) ii) Density and Mix - The street block is located within a transitional area characterised by a wide variety of uses. The Town of Vincent recognises the opportunity available to develop this area with higher density development, consistent with development occurring south of Newcastle Street. As such, the Town of Vincent is seeking higher density development commensurate with an R160 density. The remaining semi heavy industrial and intensive commercial service uses are expected to relocate and be replaced by appropriate contemporary inner-city uses. New development and change of use applications will require active ground floor uses. These will be characterised by:

- Residential commensurate with R160 density;*
- Mixed use within the area zoned Residential/Commercial, with a minimum ~~50~~ 66 per cent residential (commensurate with R160 density) and compatible commercial and non-residential uses, such as offices and consulting rooms;*
- Contemporary robust buildings, containing a variety of housing types to meet differing household types; and*
- Opportunity for affordable housing; and*
- Shops, restaurants and other active and interactive uses commensurate with the locale, within the area zoned Commercial along Newcastle Street."*

(c) *clause 7) iii) be amended to read as follows:*

"7) iii) Height and Massing - ...

Buildings are to define corners by building to the street alignment and create landmark features. Corners may be emphasised by greater scale or differing geometries relative to surrounding development. This may include chamfering, curving, additional height, varying roof forms, verandahs, balconies or other design elements which accentuate corners."

(d) clause 7) iv) be amended to read as follows:

'7) iv) *Plot Ratio- Plot ratio provisions for residential development are to be generally in accordance with R160 pertaining to the Residential Design Codes however, the Town of Vincent may consider variations. Non-residential floorspace is ~~silent~~ not subject to plot ratio provisions in this respect.*

(e) clause 7) vi) be amended to read as follows:

'7) vi) *Façade and Interface -Buildings are to have nil setbacks to the front, side and rear boundaries and the Fitzgerald Street road widening line, with the exception of Stuart Street, where a setback requirement of at least 1.5 metres from Stuart Street on the ground floor is required. Openings are to be provided to all levels facing the primary street, Pental Lane and rights of way. Buildings fronting onto ~~Newcastle Street~~ primary streets, including Pental Lane where appropriate, are to provide pedestrians with weather protection over the footpath (awnings)...'*

Building facades are to be articulated and detailed (broken into distinct visual elements). The public faces of buildings are to be detailed in order to provide richness and variety, with accentuated elements aimed at reducing the perceived building bulk. The creation of expansive blank walls and featureless glazing is prohibited. Pedestrian entrances from the street are to be mandatory for all buildings must be clearly visible from the street.'

(f) clause 7) vii) be amended to read as follows:

'7) vii) *Vehicle and Pedestrian Access - ...*

Pedestrian access is to be gained from the primary streets and Pental Lane. Pedestrian entrances from the street are to be mandatory for all buildings.'

(g) clause 7) ix) be amended to read as follows:

'7) ix) *High Quality Design and Function - ...*

The key principles of Crime Prevention through Environmental Design (CPTED) including the Office of Crime Prevention's 'Designing Out Crime' are to be employed in all new developments to reduce the opportunity for crime and to improve the public's perception of safety in the area.'

(h) clause 7) xi) be amended to read as follows:

'7) xi) *Landscaping and Public Art - High quality landscaping is to be provided to all hard and soft areas. The Town of Vincent's Percent for Art Policy is also to be referred to will apply.'*

(i) new clauses 7) xv) and xvi) be added as follows:

'7) xv) Environment Sustainability - Developers will be required to demonstrate a high quality of environmental design that addresses issues such as building orientation, passive solar design, natural ventilation, shading, insulation, grey-water recycling sensitive to the high water table and energy and water efficient appliances.

Development applications are to be accompanied with an independent environment sustainability assessment report by a Green Star Accredited Professional not directly involved in the design team. The report should assess the development proposals consideration of but not limited to the above environmental design issues.

- 7) *xvi) Access - Universal design is to be an integral component of the planning and design process. It should not be seen as an afterthought or as compromising other aspects of the overall design.*

All development is required to comply with the Disability Standards for Access to Premises (Premises Standard)."

- (iii) *AUTHORISES the Chief Executive Officer to advertise the final amended version of the adopted Policy - Appendix No.16 - 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, as shown in Attachment 10.1.1, in accordance with Clause 47 (6) of the Town's Town Planning Scheme No. 1; and*
- (iv) *AUTHORISES the Chief Executive Officer to write a letter to the Minister for Housing and Works and the Department of Housing and Works inviting them to work in partnership with the Town to develop the most appropriate arrangements with the aim of developing affordable housing in this building.*

FURTHER REPORT:

The Council at its Ordinary Meeting held on 26 September 2006 considered the proposed Policy Amendment and resolved that the Item be DEFERRED for consideration at an Elected Members Forum. An Elected Members Forum was held on 14 November 2006.

Discussion at the Forum primarily related to the provision of affordable housing within the subject street block along with examples of methods and constructed outcomes of affordable housing within the metropolitan area. Further, Elected Members discussed the absence of an Affordable Housing Strategy for the whole of the Town and concern was expressed that targeting this particular area in an ad hoc fashion was not necessarily desirable without adequate provisions in place to guide this type of housing. The Council at its Ordinary Meeting held on 21 November 2006, has subsequently requested the Chief Executive Officer, to;

- "(i) *prepare a Project Brief and the Terms of Reference for Council's approval for the preparation of an "Affordable Housing Strategy" and such Strategy to include the following:*
- (a) *the role of local government and various key stakeholders;*
 - (b) *definition of "affordable housing", "social housing", "special needs housing", "rent", "ownership" and "occupier" "eligibility criteria";*
 - (c) *identification of potential partnerships including Banks and their roles;*
 - (d) *"triple bottom line" objectives and sustainability principles;*
 - (e) *relationship with the Town's planning and building policies and other legislation (including application, bonuses or concessions based on density, zoning, car parking provisions);*
 - (f) *identification and assessment of the various affordable housing models including examples; and*

- (g) *an Implementation Plan for the proposed Strategy and including the financial implications for the Town;*
- (ii) *identify a source of funds to carry out the proposed Affordable Housing Strategy; and*
- (iii) *submit a report on the Draft Project Brief and Terms of Reference for the Council's consideration no later than April 2007."*

Accordingly, the draft Policy relating to the subject street block has been amended to reflect deference to an Affordable Housing Strategy for the Town of Vincent. As such, it is considered appropriate that the Policy not be further delayed pending the outcome of such a Strategy and that, in the meantime, discussion with prospective developers or purchasers regarding affordable housing will be undertaken by the Town's Officers. In this respect, Officers will inform and encourage interested parties of existing provisions within the Residential Design Codes and Affordable Owner Occupier Schemes currently being considered by the Department of Housing and Works and the opportunities for affordable housing that this street block could realise.

In addition, it is noted that the draft Policy has been amended to include the property at Nos.37-43 Stuart Street, Perth which was inadvertently absent from the initial draft Policy.

The 'Corrected Recommendation' and 'Proposed Amendments' (in part) requested by Elected Members prepared for the Ordinary Meeting of Council held on 12 September 2006, have been incorporated into the final amended version of the Policy as shown in the attachment to the report.

Accordingly, the total changes to the draft Policy are as follows:

- (i) an additional clause (xiv) - Affordability, relating to affordable housing;
- (ii) the inclusion of the property at Nos.37-43 Stuart Street, Perth to the subject street block;
- (iii) the Corrected Recommendation presented in the Agenda Item 10.1.12 to the Ordinary Meeting of Council held on 12 September 2006; and
- (iv) amendments to the draft Policy as a result of the formal advertising period which have previously been reported to the Ordinary Meetings of Council held on 12 and 26 September 2006.

In light of the above, it is recommended that the Council receives, adopts and advertises the final amended version of the draft new Policy as outlined in the Officer Recommendation.

In addition, the Town's Executive Manager Environmental and Development Services and Manager Planning Building and Heritage Services met with the architect, Fred Zuideveld, of Overman and Zuideveld on 6 March 2007 to discuss preliminary concept plans for the subject development. The plans demonstrated at three (3) storey mixed use building fronting Fitzgerald Street and connected to an eight (8) storey multiple dwellings building fronting Pandal Lane, with a basement carpark.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 26 September 2006:

"FURTHER OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the final amended version of the Policy - Appendix No.16 - 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, as shown in Attachment 10.1.13, resulting from the advertised version having been reviewed and regard to the nine (9) written submissions received during the formal advertising period, in accordance with Clauses 47 (4), and (5) (a) of the Town's Town Planning Scheme No. 1;

- (ii) *ADOPTS the final amended version of the Policy - Appendix No. 16 - Design Guidelines for the half street block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pental Lane, Perth, as shown in Attachments 10.1.13; and*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the final amended version of the adopted Policy - Appendix No. 16 - Design Guidelines for the half street block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pental Lane, Perth, as shown in Attachment 10.1.13, in accordance with Clause 47 (6) of the Town's Town Planning Scheme No. 1.*

COUNCIL DECISION ITEM 10.1.13

Moved Cr Doran-Wu, Seconded Cr Farrell

That the recommendation be adopted.

Journalists Giovanni Torre and Lindsay Mc Phee left the meeting at 8.00pm.

Debate ensued.

Moved Cr Maier, Seconded Cr

That clause 7(xiv) - Affordability of the Policy be deleted.

Cr Maier's motion did not get seconded as a motion for deferral was moved by Cr Chester.

Moved Cr Chester, Seconded Cr Doran-Wu

That the Item be DEFERRED for consideration at an Elected Members Forum.

CARRIED (7-2)

For

Mayor Catania

Cr Chester

Cr Doran-Wu

Cr Farrell

Cr Ker

Cr Messina

Cr Torre

Against

Cr Lake

Cr Maier

FURTHER REPORT:

The Council at its Ordinary Meeting held on 12 September 2006 considered the proposed Policy Amendment and resolved that the Item be DEFERRED to allow for further investigation and consideration by the Town's Officers.

The Corrected Recommendation and Proposed Amendments requested by Elected Members, and considered by the Council at its Ordinary Meeting held on 12 September 2006, have been incorporated into the final amended version of the Policy as shown in the attachment to the report, and as such, the Officer Recommendation has not changed.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 12 September 2006:

“OFFICER RECOMMENDATION:

That the Council;

(i) *RECEIVES the final amended version of the Policy - Appendix No.16 - 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, as shown in Attachment 10.1.15, resulting from the advertised version having been reviewed and regard to the nine (9) written submissions received during the formal advertising period, in accordance with Clauses 47 (4), and (5) (a) of the Town's Town Planning Scheme No. 1;*

"(ii) *ADOPTS the final amended version of the Policy - Appendix No.16 - 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, as shown in Attachment 10.1.15-2; and, subject to the Policy being amended as follows:*

(a) *clause 7) be renumbered to read as follows:*

'7) *DESIGN GUIDELINES*

These Guidelines will achieve the above objectives by considering the following design features:

↳ SITE PLANNING

↳ i) Subdivision - ...

↳ ii) Density and Mix - ...

↳ iii) Height and Massing - ...

↳ iv) Plot Ratio - ...

↳ v) Connectivity and Legibility - ...

↳ vi) Facade and Interface - ...

↳ vii) Vehicle and Pedestrian Access - ...

↳ viii) Car Parking - ...

↳ ix) High Quality Design and Function - ...

↳ x) Total Open and Personal Outdoor Space and External Amenities - ...

↳ xi) Landscaping and Public Art - ...

↳ xii) Sound Attenuation and Proximity to Commercial and Entertainment Uses - ...

~~ii)~~ xiii) *Location of General Plant - ..."*

- (iii) *AUTHORISES the Chief Executive Officer to advertise the final amended version of the adopted Policy - Appendix No.16 - 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, as shown in Attachment 10.1.15, in accordance with Clause 47 (6) of the Town's Town Planning Scheme No. 1.*

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

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

COUNCIL DECISION ITEM 10.1.12

Moved Cr Chester, Seconded Cr Farrell

That this item be DEFERRED for further consideration.

CARRIED (8-0)

(Cr Doran-Wu on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an overview of the submissions received during the advertising period for this Policy and to present to the Council the final version of the Policy - Appendix No.16 - 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, and to seek final adoption.

BACKGROUND:

The Council at its Ordinary Meeting held on 6 December 2005 resolved the following:

"That the Council;

- (i) *RECEIVES the Draft Policy Relating to Appendix No.16 Design Guidelines for the Area bounded by Newcastle, Fitzgerald and Stuart Streets and Pandal Lane, Perth, as shown in Attachment 10.1.16;*
- (ii) *ADVERTISES the Draft Policy Relating to Appendix 16 Design Guidelines for the Area bounded by Newcastle, Fitzgerald and Stuart Streets and Pandal Lane, Perth, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
- (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*

- (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
- (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iii) *after the expiry of the period for submissions:*
- (a) *REVIEWS the draft Policy Relating to Appendix 16 Design Guidelines for the Area bounded by Newcastle, Fitzgerald and Stuart Streets and Pandal Lane, Perth, having regard to any written submissions; and*
- (b) *determines the draft Policy Relating to Appendix 16 Design Guidelines for the Area bounded by Newcastle, Fitzgerald and Stuart Streets and Pandal Lane, Perth, with or without amendment, to or not to proceed with them.*
- (iv) *AMENDS the Draft Policy relating to Appendix No.16 Design Guidelines for the Area bounded by Newcastle, Fitzgerald and Stuart Streets and Pandal Lane, Perth as shown in Attachment 10.1.16, prior to clauses (i), (ii) and (iii) above being actioned by:*
- (a) *amending the heading of the Policy as follows:*
- “DESIGN GUIDELINES FOR THE HALF STREET BLOCK AREA BOUNDED BY FITZGERALD, NEWCASTLE (ALL LOTS BETWEEN PALMERSTON AND FITZGERALD STREETS) AND STUART STREETS AND PENDAL LANE, PERTH”*
- (b) *amending heading 3 as follows:*
- 3) ~~CHARCATERISTICS~~ CHARACTERISTICS
- (c) *amending clause 5 as follows:*
- 5) i) *SITE PLANNING*
- d) *Plot Ratio - Plot ratio provisions for residential development are to be in accordance with ~~the Residential Design Codes R160~~ pertaining to the Residential Design Codes however, the Town of Vincent may consider variations. Non-residential floorspace is silent in this respect.*
- f) *Façade and Interface - Buildings are to have nil setbacks to the front, side and rear boundaries and the Fitzgerald Street road widening line to create an urban edge.....*
- h) *Car Parking - Car parking bays are to be provided in accordance with the Town Planning Scheme, the Town's Policy relating to Parking and Access Policy..*
- j) *Total Open and Personal Outdoor Space and External Amenities - Open space provision is to be generally in accordance with Residential R160 pertaining to the Residential Design Codes however, the Town of Vincent*

may consider variations in the context of the development's proximity to Robertson Park. The provision of private open space for all residential dwellings is to be highly functional, well-designed and where possible, located to capture views and sunlight. ~~The provision of total open space is to be considered in the context of the development's proximity to Robertson Park and the Town of Vincent will consider variations in this respect.~~

(d) amending clause 1 as follows:

“1) INTRODUCTION

These Guidelines apply to all land within the development area bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pental Lane, Perth.”

(e) amending clause 2 as follows:

“2) CONTEXT

The half street block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Street and Pental Lane covers an area just over 2 hectares. It is characterised by a variety of semi-industrial and commercial uses fronting Newcastle Street and ~~Miss Maud's head office and bakehouse, warehouses and a large recently vacated piece of land fronting Fitzgerald Street and backing onto Pental Lane.~~”

(f) amending clause 5 as follows:

“5) DESIGN FEATURES

i) b) *Density and Mix - The street block is located within a transitional area characterised by a wide variety of uses. The remaining semi-industrial and commercial service uses are expected to relocate and be replaced by appropriate inner-city uses. These will be characterised by:*

- *Mixed use, minimum 50 per cent residential (commensurate with R160 density) and compatible commercial and non-residential uses;*
- *Contemporary robust buildings, containing a variety of housing types to meet differing household types; and*
- ~~*Opportunity for an eating house fronting Stuart Street and overlooking Robertson Park; and*~~
- *Opportunity for affordable housing.*

f) *Façade and Interface Buildings are to have nil setbacks to the front, side and rear boundaries, and the Fitzgerald Street road widening ~~to create an urban edge line, with the exception of Stuart Street, where a setback requirement of~~*

at least 1.5 metres from Stuart Street on the ground floor is required.

k) ~~Landscaping and Public Art - High quality landscaping is to be provided to all hard and soft areas. In this respect, landscaping to the Stuart Street properties is to recognise and carry through the known layers of history relevant to this area, in particular, the seasonal wetland, former Chinese market gardens and the Aboriginal heritage trail. The Town's Community Development and Parks and Heritage Services will be able to provide information in this respect. Likewise, there are a myriad of focus for public art interpretation. The Town's Policy Relating to Public Art should be referred to.~~

~~l) Sound Attenuation and Proximity to Commercial and Entertainment Uses - Noise attenuation in inner city and urban areas is critical to ensure the harmonious co-existence of a mix of land uses. The East Perth Redevelopment Authority, in New Northbridge, have prepared comprehensive measures addressing noise intrusion, for developments that receive noise, and noise emissions, for developments that emit noise. Similarly, new developments within the Guidelines area will be required to prove sound attenuation at the planning stage with a view to the following aspects:~~

- ~~• Identifying and addressing existing noise sources;~~
- ~~• Designing building layout taking into consideration identified noise emitters; and~~
- ~~• The incorporation of appropriate noise attenuation measures at the time of construction to minimise the intrusion and emission of noise, whatever the case may be.~~

~~The Town may require that acoustic reporting and noise management plans demonstrating the level of acoustic measures, are taken into account in the design of the building to reduce and/or minimise noise intrusion and/or emissions prior to the issue of a Building Licence for the development and that any management plans and measures be maintained and on going.~~

l) Sound Attenuation - A development objective is to facilitate good quality and well-designed buildings for residential, commercial and mixed-use purposes. In doing so, it is acknowledged that certain measures may need to be taken to minimise any adverse effect on amenity, particularly residential. In addition to land uses, the impact caused by other associated noise sources such as machinery/infrastructure, needs to be taken into account. In this regard, the Town may, where appropriate, seek alterations to plans to limit the impact of noise on a development, or impose conditions to reduce the level of noise emitted and/or received by a development. Any new or

refurbished development or any conversion of part or all of an existing building that will accommodate new residential or other noise sensitive uses must:

- Be designed, orientated and constructed to include noise attenuation measures such as appropriate glazing of windows, position balconies having regard for noise sources, minimise window areas facing a noise source and designating certain areas within the building layout for less noise sensitive uses or activities.
- Consider the incorporation of ducted air conditioning and/or ventilation systems in consultation with an acoustic consultant.
- Have walls, roofs, external glazing and doors and the air conditioning or ventilation systems designed by a qualified acoustic consultant, who must certify that the incorporation of the design features recommended by the consultant will achieve a satisfactory level of sound attenuation. Any application for residential or other noise sensitive uses, as determined by the Town, will need to be accompanied by an acoustic report prepared by a qualified acoustic (noise) consultant.

For further information regarding sound attenuation, it is recommended that applicants refer to Australian Standard AS-NZS2107:2000 - Acoustics -Recommended Design Sound Levels and Reverberation Times for Building Interiors."

DETAILS:

The Policy/Design Guidelines aim to achieve the following objectives:

- i) To facilitate good quality and well-designed buildings for residential, commercial and mixed-use purposes.
- ii) To maximise the use and enjoyment of the excellent public open space afforded in the area.
- iii) To maximise the opportunities afforded by the area's proximity to the central business district, major public transport routes, road networks and gateway to the Town of Vincent.
- iv) To create a premier example of robust building forms catering to a variety of uses within a pleasant inner-urban environment.
- v) To create a mixed-use environment where the amenity of all users is respected and considered.
- vi) To build on the sense of place evidenced by the area's history and cultural diversity.
- vii) To provide incentive for the use of 'green building' techniques and the provision of 'affordable housing'.

CONSULTATION/ADVERTISING:

Advertising commenced on 10 January 2006 and concluded on 14 February 2006, pursuant to Clause 47 of the Town of Vincent Town Planning Scheme No. 1.

The advertising included:

- an advertisement circulated for four weeks consecutively in the Guardian and Voice newspapers;
- referral letters to: affected and neighbouring landowners, relevant agencies, including the Western Australian Planning Commission, Main Roads of Western Australia, City of Perth, East Perth Redevelopment Authority, Heritage Council of Western Australia and Precinct Groups; and
- displayed in the Town of Vincent's Administration and Civic Centre, Library and Beatty Park Leisure Centre, and was accessible from the Community Consultation page of the Town's website.

At the completion of the advertising period, a total of 9 submissions were received, including three (3) submissions (stating no objection) from referral agencies.

The remaining 6 submissions were not necessarily objecting to the Draft Guidelines but rather, making comment on aspects of the Guidelines. A summary of the salient points of these submissions and recommended outcome are as follows:

Name/Address	Summary of Submission	Officers Comment
Heritage Council of Western Australia	<p>"...the following comments are provided for consideration at the review stage of the proposed amendment:</p> <p><u>Height and Massing</u> New development should respond sympathetically in terms of scale to the adjacent State Registered places. The scale of new development should not dominate a heritage place and should not have an adverse impact on the cultural heritage significance of the place.</p> <p><u>Facade and Interface</u> It is noted that new buildings are to have a nil setback to boundaries except for Stuart Street, where a setback of 1.5 metres is required. Appropriate boundary and street setbacks should be required for development adjacent to the former Maltings Plant (ie Stuart and Palmerston Street frontages and Newcastle and Fitzgerald Street rears)."</p>	<p>Noted, and duly reflected in the policy.</p> <p>Noted, however, it is not considered necessary that additional setback of buildings from Pandal Lane be provided. It is noted that only those lots adjacent to Pandal Lane and the Maltings (new buildings) have the potential for re-development.</p>
Mr J Connor, Maltings unit owner	<p>"That any structures located on the north side of Newcastle Street, between Pandal Lane and Palmerston Street, be restricted to a maximum height of three storeys. a) be in keeping with the height and presence of buildings located on the south side of Newcastle Street, and will therefore result in a balanced</p>	<p>Noted, and the Policy states: ".. a maximum of three storeys to the primary streets...A minimum height of two storeys to the primary streets is considered appropriate."</p>

	<p><i>streetscape; and</i></p> <p><i>b) minimise the interruption of views and lines of sight from existing residences within the Maltings development."</i></p>	
<p><i>George Sheldon, Architect for owner of Lot 2, corner of Fitzgerald and Stuart Streets, Perth</i></p>	<p><i>"...the stated aims of the Town, as expressed in the documents provided are fully and enthusiastically supported.</i></p> <p><i>On the assumption that the aims and objectives of the Town will be supported..., this submission addresses the anticipated potential problems that are likely to arise when ...developing his property further...</i></p> <p><i>It would be impossible to develop the site with open space at ground or upper levels...The setback requirements of at least 1.5 metres from Stuart Street on ground floor would not be able to be implemented and, in our opinion, would not be justified given the narrowness of the site and the newly established existing conversion of the building for use as an art gallery ...</i></p> <p><i>Given the circumstances, there really is no scope or capacity for increasing the parking provisions for use by residents within the property."</i></p>	<p><i>Noted, however, the aspects of concern would be considered as part of a development application, determination of which would be based on the individual merit of the proposal.</i></p>
<p><i>Alinta Network Services</i></p>	<p><i>Standard conditions relating to construction</i></p>	<p><i>Noted.</i></p>
<p><i>Main Roads, Western Australia</i></p>	<p><i>"The proposal does not affect roads under Main Roads control and as such no comment is made."</i></p>	<p><i>Noted.</i></p>
<p><i>Roy Gardner (co-owner of two units within the Maltings complex)</i></p>	<p><i>"...I have some reservations regarding the 8 storey height guidelines for the development.As such, I am hopeful that at this time of economic prosperity, it may be possible to see constructed a significant landmark building that will be regarded by future generations with a degree of approval....I would be disappointed though if such an opportunity was missed on this occasion and a boring, drab building was constructed that maximised developer profits and left the area blighted with an ordinary eight storey high office/residential block that contributed nothing to the</i></p>	<p><i>Noted. Clause i) 'High Quality Design and Function' of the Draft Design Guidelines states the following in this respect:</i></p> <p><i>"The use of highly qualified practitioners for architectural and urban design is strongly encouraged given the expectation for architectural diversity in innovative, contemporary development in this area. The resultant development should be robust, with well-designed buildings facilitating flexible spaces adaptive to a range of uses</i></p>

	<p><i>ambiance of the local area. ...Conversely an imaginative and impressive development (such as the Maltings and Rialto development nearby) would endure well into the future and support the areas progress, and reflect positively on the wisdom of the Council for their contribution to the process."</i></p>	<p><i>and housing types. Buildings should have a rich visual character with reference made to the local character, heritage and features by complementary or contrasting design."</i></p>
<p><i>East Perth Redevelopment Authority</i></p>	<ul style="list-style-type: none"> • <u><i>"Development Objectives:</i></u> <i>An objective of the guidelines is to provide incentives for the use of green building techniques and the provision of affordable housing, yet there appears to be nothing in the guidelines to support this. the Town should be prepared with a comprehensive strategy and incentives in place.</i> • <u><i>Site Planning – Subdivision:</i></u> <i>The guidelines identify that the existing subdivision pattern is irregular and reflective of its past industrial uses. It is therefore apparent that the site will need to be re-subdivided and the design guidelines should provide some guidance to the developer on what form the future subdivision pattern should take, dependent on the future built form that is desired.</i> • <u><i>Site Planning – Density and Mix:</i></u> <ul style="list-style-type: none"> – <i>It is considered that this section should be more specific about what type of non-residential uses should be developed (i.e. retail, commercial, entertainment etc) and that the development of active ground floor uses should be made a requirement;</i> – <i>This section states that the existing semi-industrial uses are to be replaced by “appropriate inner city uses”. It is considered that the term “appropriate inner city uses” may not be the most appropriate choice of words, as this is a subjective statement that suggests that light industrial uses have no place in the inner city, which is not entirely true. It is suggested that the desired new uses should be stated in lieu of this term.</i> 	<p><i>Supported, with wording modified to reflect encouragement.</i></p> <p><i>Noted, however it is not considered that a reconfiguration of the lots is necessary given that development on the lots fronting Newcastle and Fitzgerald Streets are encouraged to be robust.</i></p> <p><i>Supported, with amendments made to the respective section of the Policy.</i></p>

	<p><i>will not be permitted;</i></p> <ul style="list-style-type: none"> <i>– It is recommended that the requirement to provide weather protection should apply to all frontages and not just the Newcastle Street frontage; and</i> <i>– It is suggested that this section should be further developed to ensure that all street front elevations are articulated to provide visual interest to the detail and scale of the development. Architectural detailing to provide visual richness and variety through the use of colour, texture, materials and a combination of elements (balconies, awnings, windows and other architectural features) should also be stated as a requirement.</i> <ul style="list-style-type: none"> ● <u><i>Site Planning – Vehicle and Pedestrian Access:</i></u> <i>We query the relevance of the requirement that car parking is discouraged within the front setback area, given that nil street setbacks are a requirement (with the exception of Stuart Street). Notwithstanding this, if the potential for parking in front setback areas does exist, it is considered that the Town should take a stronger stance on this matter and not permit any parking in the front setback area, rather than simply discouraging it as per the current draft guidelines.</i> ● <u><i>Site Planning – High Quality Design and Function:</i></u> <i>This section is supported as it is considered important that innovative and high quality buildings are developed in this location. However, it is suggested that this section could benefit from the inclusion of more specific guidance as to what the Town considers to be a “well designed building”. Design is a subjective matter, so the provision of greater clarity on the characteristics of good design should minimise the risk of leaving this open to interpretation by developers or in an appeal situation.</i> 	<p><i>Supported, with amendments made to the respective section of the Policy.</i></p> <p><i>Noted</i></p> <p><i>Supported, with amendments made to the respective section of the Policy.</i></p>
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	<ul style="list-style-type: none"> • <u>Total Open and Personal Outdoor Space and External Amenities:</u> This section is supported, however it is further suggested that minimum balcony dimensions should be specified to ensure that the objective of providing functional private outdoor spaces is met. EPRA generally requires a minimum balcony dimension of 2.4 metres in its own guidelines; • <u>Site Planning – Landscaping and Public Art:</u> Whilst public art is mentioned in the title of this section, there is no further mention of it in the ensuing guidelines. It is considered that the Town's percent for art scheme should be referenced in this section. • <u>Safe Design (CPTED) Principles:</u> It is recommended that some specific requirements about how buildings should be designed to minimise crime and improve public perceptions of safety should be included in the guidelines. • <u>Site Planning - Sound Attenuation and Proximity to Commercial and Entertainment Uses:</u> This is a very significant consideration in Northbridge and it is suggested that this section could be improved by referencing EPRA's policy on sound attenuation and our previous experiences in this area." 	<p>Supported, with amendments made to the respective section of the Policy.</p> <p>Supported, with amendments made to the respective section of the Policy.</p> <p>Noted.</p>
<p>City of Perth</p>	<p>"The City has no comment to make on this proposed amendment."</p>	<p>Noted.</p>
<p>Water Corporation</p>	<p>"...the Water Corporation has no objection in principle to the proposal but would like to make the following comment. This existing area is served by the Water Corporation wastewater system; some sewer pipes are located within private with and without the protection of easements. ...it is important that the location of these sewer pipes be investigated to ensure they don't conflict or are located to facilitate the proposed development."</p>	<p>Noted.</p>

LEGAL/POLICY:

Town Planning Scheme No.1 and associated Policies.

STRATEGIC IMPLICATIONS:

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

“1.3 Develop, implement and promote sustainable urban design...”

FINANCIAL/BUDGET IMPLICATIONS:

There is provision of \$88,760 in the 2006/2007 Budget for Town Planning Scheme Amendments and Policies.

COMMENTS:

The comments received during the consultation process are acknowledged as above. With regard to the comprehensive comments received from the East Perth Redevelopment Authority, its experience in the nearby area is acknowledged and aspects of the Policy duly reflect those comments; however, matters regarding re-subdivision of the land and the Town's intervention in the development of the street block, have not resulted in amendments to the Policy. The Town's approach to the Draft Guidelines was not to be over-prescriptive, but rather to encourage and provide guidance to landowners in this area.

In light of the above, it is recommended that the Council receives, adopts and advertises the final amended version of the draft new Policy as outlined in the Officer Recommendation.”

FURTHER OFFICER RECOMMENDATION:

That the Council;

- (i) RECEIVES the final amended version of the Policy - Appendix No. 16 - 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, as shown in Attachment 10.1.13, resulting from the advertised version having been reviewed and regard to the nine (9) written submissions received during the formal advertising period, in accordance with Clauses 47 (4), and (5) (a) of the Town's Town Planning Scheme No. 1;*
- (ii) ADOPTS the final amended version of the Policy - Appendix No. 16 - 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, as shown in Attachments 10.1.13; and*
- (iii) AUTHORISES the Chief Executive Officer to advertise the final amended version of the adopted Policy - Appendix No. 16 - 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, as shown in Attachment 10.1.13, in accordance with Clause 47 (6) of the Town's Town Planning Scheme No. 1.*

COUNCIL DECISION ITEM 10.1.13

Moved Cr Doran-Wu, Seconded Cr Farrell

That the recommendation be adopted.

Journalists Giovanni Torre and Lindsay Mc Phee left the meeting at 8.00pm.

Debate ensued.

Moved Cr Maier, Seconded Cr

That clause 7(xiv) - Affordability of the Policy be deleted.

Cr Maier's motion did not get seconded as a motion for deferral was moved by Cr Chester.

Moved Cr Chester, Seconded Cr Doran-Wu

That the Item be DEFERRED for consideration at an Elected Members Forum.

CARRIED (7-2)

For

Mayor Catania

Cr Chester

Cr Doran-Wu

Cr Farrell

Cr Ker

Cr Messina

Cr Torre

Against

Cr Lake

Cr Maier

FURTHER REPORT:

The Council at its Ordinary Meeting held on 12 September 2006 considered the proposed Policy Amendment and resolved that the Item be DEFERRED to allow for further investigation and consideration by the Town's Officers.

The Corrected Recommendation and Proposed Amendments requested by Elected Members, and considered by the Council at its Ordinary Meeting held on 12 September 2006, have been incorporated into the final amended version of the Policy as shown in the attachment to the report, and as such, the Officer Recommendation has not changed.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 12 September 2006:

“OFFICER RECOMMENDATION:

That the Council;

(i) RECEIVES the final amended version of the Policy - Appendix No. 16 - 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, as shown in Attachment 10.1.15, resulting from the advertised version having been reviewed and regard to the nine (9) written submissions received during the formal advertising period, in accordance with Clauses 47 (4), and (5) (a) of the Town's Town Planning Scheme No. 1;

“(ii) ADOPTS the final amended version of the Policy - Appendix No. 16 - 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, as shown in Attachment 10.1.15-2; and, subject to the Policy being amended as follows:

(a) *clause 7) be renumbered to read as follows:*

'7) DESIGN GUIDELINES

These Guidelines will achieve the above objectives by considering the following design features:

↳ SITE PLANNING

↳ i) Subdivision - ...

↳ ii) Density and Mix - ...

↳ iii) Height and Massing - ...

↳ iv) Plot Ratio - ...

↳ v) Connectivity and Legibility - ...

↳ vi) Facade and Interface - ...

↳ vii) Vehicle and Pedestrian Access - ...

↳ viii) Car Parking - ...

↳ ix) High Quality Design and Function - ...

↳ x) Total Open and Personal Outdoor Space and External Amenities - ...

↳ xi) Landscaping and Public Art - ...

↳ xii) Sound Attenuation and Proximity to Commercial and Entertainment Uses - ...

↳ xiii) Location of General Plant - ..."

(iii) *AUTHORISES the Chief Executive Officer to advertise the final amended version of the adopted Policy - Appendix No.16 - 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, as shown in Attachment 10.1.15, in accordance with Clause 47 (6) of the Town's Town Planning Scheme No. 1.*

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

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

COUNCIL DECISION ITEM 10.1.12

Moved Cr Chester, Seconded Cr Farrell

That this item be DEFERRED for further consideration.

CARRIED (8-0)

(Cr Doran-Wu on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an overview of the submissions received during the advertising period for this Policy and to present to the Council the final version of the Policy - Appendix No.16 - Design Guidelines for the half street block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pental Lane, Perth, and to seek final adoption.

BACKGROUND:

The Council at its Ordinary Meeting held on 6 December 2005 resolved the following:

"That the Council;

- (i) RECEIVES the Draft Policy Relating to Appendix No. 16 Design Guidelines for the Area bounded by Newcastle, Fitzgerald and Stuart Streets and Pental Lane, Perth, as shown in Attachment 10.1.16;*
- (ii) ADVERTISES the Draft Policy Relating to Appendix 16 Design Guidelines for the Area bounded by Newcastle, Fitzgerald and Stuart Streets and Pental Lane, Perth, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
 - (c) forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iii) after the expiry of the period for submissions:*
 - (a) REVIEWS the draft Policy Relating to Appendix 16 Design Guidelines for the Area bounded by Newcastle, Fitzgerald and Stuart Streets and Pental Lane, Perth, having regard to any written submissions; and*
 - (b) determines the draft Policy Relating to Appendix 16 Design Guidelines for the Area bounded by Newcastle, Fitzgerald and Stuart Streets and Pental Lane, Perth, with or without amendment, to or not to proceed with them.*
- (iv) AMENDS the Draft Policy relating to Appendix No. 16 Design Guidelines for the Area bounded by Newcastle, Fitzgerald and Stuart Streets and Pental Lane, Perth as*

shown in Attachment 10.1.16, prior to clauses (i), (ii) and (iii) above being actioned by:

(a) amending the heading of the Policy as follows:

“DESIGN GUIDELINES FOR THE HALF STREET BLOCK AREA BOUNDED BY FITZGERALD, NEWCASTLE (ALL LOTS BETWEEN PALMERSTON AND FITZGERALD STREETS) AND STUART STREETS AND PENDAL LANE, PERTH”

(b) amending heading 3 as follows:

3) ~~CHARCATERISTICS~~ CHARACTERISTICS

(c) amending clause 5 as follows:

5) i) SITE PLANNING

d) *Plot Ratio - Plot ratio provisions for residential development are to be in accordance with ~~the Residential Design Codes R160~~ pertaining to the Residential Design Codes however, the Town of Vincent may consider variations. ~~Non-residential floorspace is silent in this respect.~~*

f) *Façade and Interface - Buildings are to have nil setbacks to the front, side and rear boundaries and the Fitzgerald Street road widening line to create an urban edge.....*

h) *Car Parking - Car parking bays are to be provided in accordance with the Town Planning Scheme, the Town's Policy relating to Parking and Access ~~Policy~~..*

j) *Total Open and Personal Outdoor Space and External Amenities - Open space provision is to be generally in accordance with Residential R160 pertaining to the Residential Design Codes however, the Town of Vincent may consider variations in the context of the development's proximity to Robertson Park. The provision of private open space for all residential dwellings is to be highly functional, well-designed and where possible, located to capture views and sunlight. ~~The provision of total open space is to be considered in the context of the development's proximity to Robertson Park and the Town of Vincent will consider variations in this respect.~~”*

(d) amending clause 1 as follows:

“1) INTRODUCTION

These Guidelines apply to all land within the development area bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth.”

(e) amending clause 2 as follows:

“2) *CONTEXT*

The half street block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Street and Pandal Lane covers an area just over 2 hectares. It is characterised by a variety of semi-industrial and commercial uses fronting Newcastle Street and ~~Miss Maud's head office and bakehouse, warehouses and a large recently vacated piece of land fronting~~ Fitzgerald Street and backing onto Pandal Lane.”

(f) *amending clause 5 as follows:*

“5) *DESIGN FEATURES*

i) b) *Density and Mix - The street block is located within a transitional area characterised by a wide variety of uses. The remaining semi-industrial and commercial service uses are expected to relocate and be replaced by appropriate inner-city uses. These will be characterised by:*

- *Mixed use, minimum 50 per cent residential (commensurate with R160 density) and compatible commercial and non-residential uses;*
- *Contemporary robust buildings, containing a variety of housing types to meet differing household types; and*
- *~~Opportunity for an eating house fronting Stuart Street and overlooking Robertson Park; and~~*
- *Opportunity for affordable housing.*

f) *Façade and Interface Buildings are to have nil setbacks to the front, side and rear boundaries, and the Fitzgerald Street road widening ~~to create an urban edge line, with the exception of Stuart Street, where a setback requirement of at least 1.5 metres from Stuart Street on the ground floor is required.~~*

k) *Landscaping and Public Art - High quality landscaping is to be provided to all hard and soft areas. ~~In this respect, landscaping to the Stuart Street properties is to recognise and carry through the known layers of history relevant to this area, in particular, the seasonal wetland, former Chinese market gardens and the Aboriginal heritage trail. The Town's Community Development and Parks and Heritage Services will be able to provide information in this respect. Likewise, there are a myriad of focus for public art interpretation. The Town's Policy Relating to Public Art should be referred to.~~*

l) *~~Sound Attenuation and Proximity to Commercial and Entertainment Uses - Noise attenuation in inner city and urban areas is critical to ensure the harmonious co-existence of a mix of land uses. The East Perth~~*

~~Redevelopment Authority, in New Northbridge, have prepared comprehensive measures addressing noise intrusion, for developments that receive noise, and noise emissions, for developments that emit noise. Similarly, new developments within the Guidelines area will be required to prove sound attenuation at the planning stage with a view to the following aspects:~~

- ~~• Identifying and addressing existing noise sources;~~
- ~~• Designing building layout taking into consideration identified noise emitters; and~~
- ~~• The incorporation of appropriate noise attenuation measures at the time of construction to minimise the intrusion and emission of noise, whatever the case may be.~~

~~The Town may require that acoustic reporting and noise management plans demonstrating the level of acoustic measures, are taken into account in the design of the building to reduce and/or minimise noise intrusion and/or emissions prior to the issue of a Building Licence for the development and that any management plans and measures be maintained and on going.~~

l) Sound Attenuation - A development objective is to facilitate good quality and well-designed buildings for residential, commercial and mixed-use purposes. In doing so, it is acknowledged that certain measures may need to be taken to minimise any adverse effect on amenity, particularly residential. In addition to land uses, the impact caused by other associated noise sources such as machinery/infrastructure, needs to be taken into account. In this regard, the Town may, where appropriate, seek alterations to plans to limit the impact of noise on a development, or impose conditions to reduce the level of noise emitted and/or received by a development. Any new or refurbished development or any conversion of part or all of an existing building that will accommodate new residential or other noise sensitive uses must:

- Be designed, orientated and constructed to include noise attenuation measures such as appropriate glazing of windows, position balconies having regard for noise sources, minimise window areas facing a noise source and designating certain areas within the building layout for less noise sensitive uses or activities.
- Consider the incorporation of ducted air conditioning and/or ventilation systems in consultation with an acoustic consultant.
- Have walls, roofs, external glazing and doors and the air conditioning or ventilation systems designed by a qualified acoustic consultant, who must certify that the incorporation of the design features recommended by

the consultant will achieve a satisfactory level of sound attenuation. Any application for residential or other noise sensitive uses, as determined by the Town, will need to be accompanied by an acoustic report prepared by a qualified acoustic (noise) consultant.

For further information regarding sound attenuation, it is recommended that applicants refer to Australian Standard AS-NZS2107:2000 - Acoustics -Recommended Design Sound Levels and Reverberation Times for Building Interiors."

DETAILS:

The Policy/Design Guidelines aim to achieve the following objectives:

- i) To facilitate good quality and well-designed buildings for residential, commercial and mixed-use purposes.*
- ii) To maximise the use and enjoyment of the excellent public open space afforded in the area.*
- iii) To maximise the opportunities afforded by the area's proximity to the central business district, major public transport routes, road networks and gateway to the Town of Vincent.*
- iv) To create a premier example of robust building forms catering to a variety of uses within a pleasant inner-urban environment.*
- v) To create a mixed-use environment where the amenity of all users is respected and considered.*
- vi) To build on the sense of place evidenced by the area's history and cultural diversity.*
- vii) To provide incentive for the use of 'green building' techniques and the provision of 'affordable housing'.*

CONSULTATION/ADVERTISING:

Advertising commenced on 10 January 2006 and concluded on 14 February 2006, pursuant to Clause 47 of the Town of Vincent Town Planning Scheme No.1.

The advertising included:

- an advertisement circulated for four weeks consecutively in the Guardian and Voice newspapers;*
- referral letters to: affected and neighbouring landowners, relevant agencies, including the Western Australian Planning Commission, Main Roads of Western Australia, City of Perth, East Perth Redevelopment Authority, Heritage Council of Western Australia and Precinct Groups; and*
- displayed in the Town of Vincent's Administration and Civic Centre, Library and Beatty Park Leisure Centre, and was accessible from the Community Consultation page of the Town's website.*

At the completion of the advertising period, a total of 9 submissions were received, including three (3) submissions (stating no objection) from referral agencies.

The remaining 6 submissions were not necessarily objecting to the Draft Guidelines but rather, making comment on aspects of the Guidelines. A summary of the salient points of these submissions and recommended outcome are as follows:

Name/Address	Summary of Submission	Officers Comment
<p>Heritage Council of Western Australia</p>	<p>"...the following comments are provided for consideration at the review stage of the proposed amendment:</p> <p><u>Height and Massing</u> New development should respond sympathetically in terms of scale to the adjacent State Registered places. The scale of new development should not dominate a heritage place and should not have an adverse impact on the cultural heritage significance of the place.</p> <p><u>Facade and Interface</u> It is noted that new buildings are to have a nil setback to boundaries except for Stuart Street, where a setback of 1.5 metres is required. Appropriate boundary and street setbacks should be required for development adjacent to the former Maltings Plant (ie Stuart and Palmerston Street frontages and Newcastle and Fitzgerald Street rears)."</p>	<p>Noted, and duly reflected in the policy.</p> <p>Noted, however, it is not considered necessary that additional setback of buildings from Pandal Lane be provided. It is noted that only those lots adjacent to Pandal Lane and the Maltings (new buildings) have the potential for re-development.</p>
<p>Mr J Connor, Maltings unit owner</p>	<p>"That any structures located on the north side of Newcastle Street, between Pandal Lane and Palmerston Street, be restricted to a maximum height of three storeys.</p> <p>a) be in keeping with the height and presence of buildings located on the south side of Newcastle Street, and will therefore result in a balanced streetscape; and</p> <p>b) minimise the interruption of views and lines of sight from existing residences within the Maltings development."</p>	<p>Noted, and the Policy states: "... a maximum of three storeys to the primary streets...A minimum height of two storeys to the primary streets is considered appropriate."</p>
<p>George Sheldon, Architect for owner of Lot 2, corner of Fitzgerald and Stuart Streets, Perth</p>	<p>"...the stated aims of the Town, as expressed in the documents provided are fully and enthusiastically supported.</p> <p>On the assumption that the aims and objectives of the Town will be supported..., this submission addresses the anticipated potential problems that are likely to arise when ...developing his property further...</p>	<p>Noted, however, the aspects of concern would be considered as part of a development application, determination of which would be based on the individual merit of the proposal.</p>

	<p><i>It would be impossible to develop the site with open space at ground or upper levels...The setback requirements of at least 1.5 metres from Stuart Street on ground floor would not be able to be implemented and, in our opinion, would not be justified given the narrowness of the site and the newly established existing conversion of the building for use as an art gallery ...</i></p> <p><i>Given the circumstances, there really is no scope or capacity for increasing the parking provisions for use by residents within the property."</i></p>	
Alinta Network Services	Standard conditions relating to construction	Noted.
Main Roads, Western Australia	"The proposal does not affect roads under Main Roads control and as such no comment is made."	Noted.
Roy Gardner (co-owner of two units within the Maltings complex)	<p><i>"...I have some reservations regarding the 8 storey height guidelines for the development.As such, I am hopeful that at this time of economic prosperity, it may be possible to see constructed a significant landmark building that will be regarded by future generations with a degree of approval....I would be disappointed though if such an opportunity was missed on this occasion and a boring, drab building was constructed that maximised developer profits and left the area blighted with an ordinary eight storey high office/residential block that contributed nothing to the ambiance of the local area. ...Conversely an imaginative and impressive development (such as the Maltings and Rialto development nearby) would endure well into the future and support the areas progress, and reflect positively on the wisdom of the Council for their contribution to the process."</i></p>	<p>Noted. Clause i) 'High Quality Design and Function' of the Draft Design Guidelines states the following in this respect:</p> <p><i>"The use of highly qualified practitioners for architectural and urban design is strongly encouraged given the expectation for architectural diversity in innovative, contemporary development in this area. The resultant development should be robust, with well-designed buildings facilitating flexible spaces adaptive to a range of uses and housing types. Buildings should have a rich visual character with reference made to the local character, heritage and features by complementary or contrasting design."</i></p>
East Perth Redevelopment Authority	<ul style="list-style-type: none"> <i>"Development Objectives: An objective of the guidelines is to provide incentives for the use of green building techniques and the provision of affordable housing, yet there appears to be nothing in the guidelines to support this. the</i> 	Supported, with wording modified to reflect encouragement.

	<p><i>Town should be prepared with a comprehensive strategy and incentives in place.</i></p> <ul style="list-style-type: none"> • <u>Site Planning – Subdivision:</u> <i>The guidelines identify that the existing subdivision pattern is irregular and reflective of its past industrial uses. It is therefore apparent that the site will need to be re-subdivided and the design guidelines should provide some guidance to the developer on what form the future subdivision pattern should take, dependent on the future built form that is desired.</i> • <u>Site Planning – Density and Mix:</u> <ul style="list-style-type: none"> – <i>It is considered that this section should be more specific about what type of non-residential uses should be developed (i.e. retail, commercial, entertainment etc) and that the development of active ground floor uses should be made a requirement;</i> – <i>This section states that the existing semi-industrial uses are to be replaced by “appropriate inner city uses”. It is considered that the term “appropriate inner city uses” may not be the most appropriate choice of words, as this is a subjective statement that suggests that light industrial uses have no place in the inner city, which is not entirely true. It is suggested that the desired new uses should be stated in lieu of this term.</i> • <u>Site Planning – Height and Massing:</u> <i>We refer you to our earlier comments about height and massing. It is also considered that special corner treatments to reinforce and emphasise street corners should be made a requirement, rather than simply encouraged. This should also be supported with guidance on how corner elements should be treated (e.g. taller parapet on the corner, prominent, cantilevered canopy higher than flanking canopies etc).</i> • <u>Site Planning – Connectivity and Legibility:</u> 	<p><i>Noted, however it is not considered that a reconfiguration of the lots is necessary given that development on the lots fronting Newcastle and Fitzgerald Streets are encouraged to be robust.</i></p> <p><i>Supported, with amendments made to the respective section of the Policy.</i></p> <p><i>Supported, as above.</i></p> <p><i>Supported, with amendments made to the respective section</i></p>
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	<ul style="list-style-type: none"> • <u>Site Planning – Vehicle and Pedestrian Access:</u> <i>We query the relevance of the requirement that car parking is discouraged within the front setback area, given that nil street setbacks are a requirement (with the exception of Stuart Street). Notwithstanding this, if the potential for parking in front setback areas does exist, it is considered that the Town should take a stronger stance on this matter and not permit any parking in the front setback area, rather than simply discouraging it as per the current draft guidelines.</i> • <u>Site Planning – High Quality Design and Function:</u> <i>This section is supported as it is considered important that innovative and high quality buildings are developed in this location. However, it is suggested that this section could benefit from the inclusion of more specific guidance as to what the Town considers to be a “well designed building”. Design is a subjective matter, so the provision of greater clarity on the characteristics of good design should minimise the risk of leaving this open to interpretation by developers or in an appeal situation.</i> • <u>Total Open and Personal Outdoor Space and External Amenities:</u> <i>This section is supported, however it is further suggested that minimum balcony dimensions should be specified to ensure that the objective of providing functional private outdoor spaces is met. EPRA generally requires a minimum balcony dimension of 2.4 metres in its own guidelines;</i> • <u>Site Planning – Landscaping and Public Art:</u> <i>Whilst public art is mentioned in the title of this section, there is no further mention of it in the ensuing guidelines. It is considered that the Town’s percent for art scheme should be referenced in this section.</i> 	<p><i>Supported, with amendments made to the respective section of the Policy.</i></p> <p><i>Noted.</i></p> <p><i>Supported, with amendments made to the respective section of the Policy.</i></p> <p><i>Supported, with amendments made to the respective section of the Policy.</i></p>
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	<ul style="list-style-type: none"> • <u>Safe Design (CPTED) Principles:</u> <i>It is recommended that some specific requirements about how buildings should be designed to minimise crime and improve public perceptions of safety should be included in the guidelines.</i> • <u>Site Planning - Sound Attenuation and Proximity to Commercial and Entertainment Uses:</u> <i>This is a very significant consideration in Northbridge and it is suggested that this section could be improved by referencing EPRA's policy on sound attenuation and our previous experiences in this area."</i> 	<p><i>Supported, with amendments made to the respective section of the Policy.</i></p> <p><i>Noted.</i></p>
City of Perth	<i>"The City has no comment to make on this proposed amendment."</i>	<i>Noted.</i>
Water Corporation	<i>"...the Water Corporation has no objection in principle to the proposal but would like to make the following comment. This existing area is served by the Water Corporation wastewater system; some sewer pipes are located within private with and without the protection of easements. ...it is important that the location of these sewer pipes be investigated to ensure they don't conflict or are located to facilitate the proposed development."</i>	<i>Noted.</i>

LEGAL/POLICY:

Town Planning Scheme No.1 and associated Policies.

STRATEGIC IMPLICATIONS:

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

"1.3 Develop, implement and promote sustainable urban design..."

FINANCIAL/BUDGET IMPLICATIONS:

There is provision of \$88,760 in the 2006/2007 Budget for Town Planning Scheme Amendments and Policies.

COMMENTS:

The comments received during the consultation process are acknowledged as above. With regard to the comprehensive comments received from the East Perth Redevelopment Authority, its experience in the nearby area is acknowledged and aspects of the Policy duly reflect those comments; however, matters regarding re-subdivision of the land and the Town's intervention in the development of the street block, have not resulted in amendments to the Policy. The Town's approach to the Draft Guidelines was not to be over-prescriptive, but rather to encourage and provide guidance to landowners in this area.

In light of the above, it is recommended that the Council receives, adopts and advertises the final amended version of the draft new Policy as outlined in the Officer Recommendation."

10.1.4 No. 357 (Lot 3 D/P: 1879) Lord Street, Corner Broome Street, Highgate - Proposed Demolition of Existing Single House

Ward:	South	Date:	2 March 2007
Precinct:	Forrest; P14	File Ref:	PRO1630; 5.2007.14.1
Attachments:	001 002		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by owner C E Bellamy for proposed Demolition of Existing Single House, at No. 357 (Lot 3 D/P: 1879) Lord Street, corner Broome Street, Highgate, and as shown on plans stamped 18 January, subject to the following conditions:

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) a redevelopment proposal for the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
- (iv) support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
- (v) demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community; and*
- (vi) any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies.*

Moved Cr Messina, Seconded Cr Ker

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

- (vii) a detailed landscaping plan, prepared in consultation with the Town's Parks Services Section for the site at No. 357 (Lot 3 D/P: 1879) Lord Street, corner Broome Street, Highgate shall be submitted and approved prior to the issue of a Demolition Licence. Where the redevelopment of the property has not been substantially commenced within 12 months of the issue date of the Demolition Licence, the approved landscaping plan works shall be undertaken and completed within a further three (3) months from the issue of the Demolition Licence and maintained thereafter by the owner(s)/occupier(s).*

Debate ensued.

Moved Cr Maier, Seconded Cr Messina

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

- (vii) *a detailed landscaping plan, prepared in consultation with the Town's Parks Services Section for the site at No. 357 (Lot 3 D/P: 1879) Lord Street, corner Broome Street, Highgate shall be submitted and approved prior to the issue of a Demolition Licence. Where the redevelopment of the property has not been substantially commenced within 6 months of the issue date of the Demolition Licence, the approved landscaping plan works shall be undertaken and completed within a further three (3) months from the issue of the Demolition Licence and maintained thereafter by the owner(s)/occupier(s).*

AMENDMENT CARRIED (7-1)

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

(Cr Torre was an apology.)

MOTION AS AMENDED CARRIED (6-2)

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

(Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.1.4

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by owner C E Bellamy for proposed Demolition of Existing Single House, at No. 357 (Lot 3 D/P: 1879) Lord Street, corner Broome Street, Highgate, and as shown on plans stamped 18 January, subject to the following conditions:

- (i) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*

- (iii) *a redevelopment proposal for the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
- (iv) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
- (v) *demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community;*
- (vi) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies; and*
- (vii) *a detailed landscaping plan, prepared in consultation with the Town's Parks Services Section for the site at No. 357 (Lot 3 D/P: 1879) Lord Street, corner Broome Street, Highgate shall be submitted and approved prior to the issue of a Demolition Licence. Where the redevelopment of the property has not been substantially commenced within 6 months of the issue date of the Demolition Licence, the approved landscaping plan works shall be undertaken and completed within a further three (3) months from the issue of the Demolition Licence and maintained thereafter by the owner(s)/occupier(s).*

Landowner:	C E Bellamy
Applicant:	C E Bellamy
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:	544 square metres
Access to Right of Way	N/A

BACKGROUND:

On 29 January 2001, a planning application for the demolition of the subject dwelling at No. 357 Lord Street, Highgate was refused by the Town under delegated authority from the Council for reasons associated with its cultural heritage value. At the time, the place was referred to the Hocking Planning and Architecture Collaboration for consideration for listing on the Town's Municipal Heritage Inventory.

Under the Heritage of Western Australia Act 1990, there is a legal requirement for the Town to review and update its Municipal Heritage Inventory (MHI). The Town of Vincent released a draft list of places considered to have cultural heritage value on 21 June 2006, for community consultation. The subject place at No. 357 (Lot 3 D/P: 1879) Lord Street, Highgate was recognised on the draft list. After a period of community consultation, a revised MHI was adopted by the Council at its Ordinary Meeting held on 12 September 2006. The adopted list comprises places which had received no objections from the owners.

The subject place was identified by Heritage consultants, the Hocking Planning and Architecture Collaboration as a Category B place as it is a fine and representative example of an Inter-war Bungalow, which has retained a high level of integrity in an appropriate setting.

The owner of the subject place objected to the proposed listing of the place onto the MHI for various reasons including:

- The property is the owner's inheritance;
- Demolition would enable two blocks to be created for the owner's children;
- The construction of new houses would enhance the streetscape; and
- The existing house would not be strong enough to warrant the financial outlay of any extension.

The Council at its Ordinary Meeting held on 7 November 2006 considered a methodology for approximately 109 submissions received for Category B places identified as part of the draft MHI. The methodology was not supported. The Council resolved to further consider the matter at the Ordinary Meeting of Council held on 21 November 2006 and requested the Chief Executive Officer to carry out a preliminary assessment of the Category B properties/places and to group these accordingly.

The Council at its Ordinary Meeting held on 21 November 2006 considered an alternative procedure of determination of properties/places listed in Category B of the draft MHI, and approved the following groups:

- GROUP 1 - Properties where the owner has either lodged or not lodged an objection and the property is considered not to meet the threshold for inclusion on the Municipal Heritage Inventory (MHI);
- GROUP 2 - Properties forming part of a group, where the owner has not objected but forms part of a group within which another owner has objected. These places without objections are considered to meet the threshold for inclusion on the Town's MHI; and
- GROUP 3 - Properties where the owner has made a submission requesting further information or clarification and should therefore be deferred.

At the Ordinary Meeting of Council held on 21 November 2006, the Council did not make a formal decision on "Group 4" properties/places due to a procedural oversight.

- GROUP 4 - Properties where the owner has clearly objected and more information is required to be obtained via a Full Assessment, before an informed decision can be made.

The Council at its Ordinary Meeting held on 5 December 2006, resolved as follows:

"That the Council APPROVES of the following procedure of determination of properties/places listed in Category B;

- (i) GROUP 4 - *Properties where the owner has clearly objected and more information is required to be obtained via a Full Assessment, before an informed decision can be made;*

- (a) *DEFERS listing the following properties, as more information is required to be obtained and a Full Assessment is necessary, before an informed decision can be made;*

1. *Nos. 30 - 44 (Lots 1 & 2) Angove Street, North Perth*
2. *Nos. 56 - 58 (Lot 33) Angove Street, North Perth*
3. *Nos. 124 - 126 (Lot Y1) Brisbane Street, Perth*
4. *Nos. 215 - 299 (Lot 1) Bulwer Street, Perth*

5. Nos. 294(Lot 1) and 296 (Lot 2) Bulwer Street, Perth
6. No. 76 (Lot 116) Buxton Street, Mount Hawthorn (Part of Group)
7. No. 78 (Lot 117) Buxton Street, Mount Hawthorn (Part of Group)
8. No. 4 (Lot 2) Coogee Street, Mount Hawthorn
9. No. 220 (Lot 35) Charles Street, North Perth
10. No. 5 (Lot Y6) Cowle Street, West Perth (Part of Group)
11. Nos. 17 - 19 (Lots 20 & 21) Cowle Street, West Perth
12. No. 13 (Lot 43) Daphne Street, North Perth
13. No. 57 (Lots 14, 15 & 16) Fairfield Street, Mount Hawthorn
14. No. 73 (Lots 25, 26 & Y27) Fairfield Street, Mount Hawthorn
15. No. 53 (Lot 26) Florence Street, West Perth
16. No. 459 (Lot 8) Fitzgerald Street, North Perth
17. No. 3 (Lot 10) Gallop Street, West Perth
18. No.107 (Lot 18) Glendower Street, Perth (Part of Group)
19. Nos. 53 - 61 (Lot 48) Grosvenor Road, Mount Lawley (Part of Group)
20. No. 28 (Lot 22) Hutt Street, Mount Lawley (Part of Group)
21. No. 137 (Lots 317 & 318) Joel Terrace, Mount Lawley
22. No. 42 (Lot 24) Lynton Street, Mount Hawthorn
23. No. 25A (Lot 2) Leake Street, North Perth
24. No. 183 (Lot 66) Loftus Street, Leederville
25. No. 1 (Lot 1) Monmouth Street, Mount Lawley (Part of Group)
26. No. 482 (Lot 114) Newcastle Street, West Perth (Part of Group)
27. No. 486 (Lot 1) Newcastle Street, West Perth (Part of Group)
28. No. 490 (Lots 2 & 3) Newcastle Street, West Perth (Part of Group)
29. No. 336 (Lot 6 & 8) Oxford Street, Leederville
30. No. 99 (Lot 2) Palmerston Street, Perth
31. No. 109 (Lot 9) Palmerston Street, Perth
32. Nos. 165 (Lot 1) and 163 (Lot 2) Palmerston Street, Perth (Part of Group)
33. No. 62 (Lot 1) Robinson Avenue, Perth
34. Nos. 47 - 49 (Lot 2) Robinson Avenue, Perth (Part of Group)
35. No.240 (Lot 136) Stirling Street, Perth (Part of Group)
36. No. 234 (Lot 302) Stirling Street, Perth
37. Nos. 10 - 12 (Lot 1) View Street, North Perth
38. No. 100 (Lots 134 & 133) Vincent Street, Mount Lawley (Part of Group)
39. Nos. 102A (Lot 132) &102B (Lot 131) Vincent Street, Mount Lawley (Part of Group)
40. No. 131 (Lot 51) Lake Street, Perth
41. No. 105 (Lot 1) Brisbane Street, Perth
42. No. 357 (Lot 3) Lord Street, Highgate
43. No. 154 (Lots 288 & 289) Raglan Road, North Perth; and

- (b) *the Full Assessments undertaken for commercial properties in Group 4 above IDENTIFIES the key portions of the properties that contribute most significantly to the heritage significance of the place."*

DETAILS:

The proposal involves the demolition of the existing single storey house and associated outbuildings, which has been identified on the Town's draft Municipal Heritage Inventory.

ASSESSMENT:

The draft MHI has been widely and extensively advertised. Owners have been consulted in writing at various stages throughout the project. 'GROUP 4' places are currently being investigated in further detail by the Town's Heritage Officers and internal site inspections and full heritage assessments are being undertaken with the co-operation of the owners where possible.

Formal advertising has appeared in local newspapers, workshops for owners have been undertaken, 64 one-on-one meetings have occurred between owners and Officers from the Town, information packs provided and progress reports have been provided to the Council throughout the project. The Chief Executive Officer conducted media briefings at the start of the consultation period and conducted an interview with Channel 10 television.

The demolition application has been advertised in accordance with the Town's Community Consultation Policy No. 4.1.5.

Non-Compliant Requirements			
Requirements	Requirements	Requirements	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

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

COMMENTS:

In order to clarify the cultural heritage significance of the place in relation to the Town's Policy 3.6.2: Heritage Management - Assessment, an updated Heritage Assessment was prepared by the Town's Heritage Officers and is an attachment to the report. An internal site visit was undertaken of the dwelling on 25 January 2007.

The site visit revealed that the place is in a poor condition as there are numerous cracks throughout the dwelling, the floors in the bathroom are sagging, the mortar to the front façade has significantly deteriorated and the guttering has rusted and is hanging in places. In addition to this, since the time of the original heritage assessment a number of the dwellings along the portion of Lord Street between Broome Street and Lincoln Street have been demolished reducing the integrity of its setting.

The revised heritage assessment indicated that although the place at No. 357 Lord Street, Highgate is representative of an Inter-war Bungalow, it has little aesthetic, scientific or social value. There is no evidence that the place is linked with any important persons or historical events. In light of this, it is considered that the place does not meet the minimum criteria for entry into the Town's Municipal Heritage Inventory and that the demolition should be approved in accordance with the Officer Recommendation.

10.1.5 No. 441 (Lot 11 D/P: 1114) William Street, Perth - Proposed Demolition of Existing Commercial Building

Ward:	South	Date:	6 March 2007
Precinct:	Beaufort; P13	File Ref:	PRO0058 5.2007.58.1
Attachments:	001_002		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by C S Lau on behalf of the owner C S & J S Lau & M K De Almeida for proposed Demolition of Existing Commercial Building, at No. 441 (Lot 11 D/P: 1114) William Street, Perth, and as shown on plans stamp-dated, subject to the following conditions:

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
- (iv) demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community;*
- (v) any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies; and*
- (vi) a detailed landscaping plan, prepared in consultation with the Town's Parks Services Section for the site at No. 441 (Lot 11 D/P: 1114) William Street, Perth, shall be submitted and approved prior to the issue of a Demolition Licence. Where the redevelopment of the property has not been substantially commenced within 12 months of the issue date of the Demolition Licence, the approved landscaping plan works shall be undertaken and completed within a further three 3 months from the issue of the Demolition Licence and maintained thereafter by the owner(s)/occupier(s).*

Moved Cr Doran-Wu, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Cr Messina departed the Chamber at 8.12pm.

Debate ensued.

Cr Messina returned to the Chamber at 8.15pm.

Moved Cr Maier, Seconded Cr Messina

That clause (vi) be amended as follows:

“(vi) *a detailed landscaping plan, prepared in consultation with the Town’s Parks Services Section for the site at No. 441 (Lot 11 D/P: 1114) William Street, Perth, shall be submitted and approved prior to the issue of a Demolition Licence. Where the redevelopment of the property has not been substantially commenced within 6 months of the issue date of the Demolition Licence, the approved landscaping plan works shall be undertaken and completed within a further three 3 months from the issue of the Demolition Licence and maintained thereafter by the owner(s)/occupier(s).”*

Debate ensued.

AMENDMENT CARRIED (7-1)

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

(Cr Torre was an apology.)

Moved Cr Lake, Seconded Cr

That this Item be deferred.

Motion lapsed for want of a seconder.

MOTION AS AMENDED LOST (1-7)

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

(Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.1.5 LOST

Reasons:

- 1. It is a commercial site and the property development on it is currently built boundary to boundary, therefore is an appropriate building form for the area.**
- 2. An undesirable precedent will be created.**

Landowner:	C S & J S Lau & M K De Almeida
Applicant:	C S Lau
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Vacant Commercial Building
Use Class:	Office Building
Use Classification:	"P"
Lot Area:	255 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the two-storey rendered brick and iron building at No.441 William Street, Perth, which is in a poor condition.

To address the concerns regarding the safety of the structure, the applicant is seeking consideration of the non-application of the Town's standard condition requiring a development proposal for the redevelopment of the subject property being approved by the Town prior to the issue of a Demolition Licence. The owners, in a letter dated 9 February 2007, have requested that the standard condition not be applied for the following reasons:

- The building is in a very poor condition;
- Whilst numerous attempts to secure the building have been made vagrants have managed to break in; and
- The squatters have caused numerous problems in the neighbourhood.

To support this request, the applicant has submitted a letter from Andreotta Cardenosa Consulting Engineers, which comments on the structural stability of the building. The letter states *'the damage within the structural elements is considered significant in terms of ensuring safety within the building'*. The document further states that the staircase is in danger of collapse, elements damaged by fire will require immediate replacement and the presence of termite activity is of significant concern. This letter is contained as an attachment to this report.

In addition to the letter from Andreotta Cardenosa Consulting Engineers, the applicant has obtained a petition from neighbouring residents and businesses, which requests that the Council approve the demolition of the subject building in light of its bad condition and ongoing problems with squatters. A letter of support for the demolition of the subject place has also been provided by John Hyde MLA. Both the petition and letter from Mr Hyde are contained within the attachment to this report.

In this instance, it is considered prudent to expedite the consideration of the demolition aspect of the proposal and for the non-application of the Town's standard condition, which requires a redevelopment proposal for the subject property to be approved by the Council prior to the issue of a Demolition Licence.

ASSESSMENT:

Clause 3.13 of the Town's Community Consultation Policy No. 4.1.5 states:

3.13 The Chief Executive Officer have the discretion to vary the provisions of this policy with regard to a Planning, Building and Heritage Matter due to specific exceptional circumstances relating to that matter.

A greater extent and nature of notification and consultation than that required...

A lesser extent and nature of notification and consultation than that required by this policy may be undertaken where the development is required to prevent an immediate threat to the health and safety of the public.'

As further outlined in the 'Comment' section of this report, the above place is considered to be a threat to the amenity and safety to the residents and businesses in the vicinity of William Street. Therefore, to expedite the consideration of the proposed demolition, a period of community consultation was not undertaken for the proposed demolition of the subject place.

However, to ensure that any concerns regarding the demolition of the above place will have the opportunity to be voiced and noted by the Council, all the owners and occupiers that would have been consulted during the period of community consultation, as outlined in the Community Consultation Policy No. 4.1.5 Diagram 2A, will be advised that the above application will be considered by the Council at the Ordinary Meeting to be held on 13 March 2007.

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			
No advertising was undertaken for this application for reasons previously advised.			
Other Implications			
Legal/Policy		TPS 1 and associated Policies and the Residential Design Codes (R Codes).	
Strategic Implications		Nil	
Financial/Budget Implications		Nil	

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

COMMENTS:

Health Comments

The above premises has presented significant problems for the Town, the Western Australian Police and surrounding residents and business owners, since April 2003, due to its use by squatters causing subsequent anti-social behaviour. Despite being secured against entry on numerous occasions by both the Town's contractors and the property owner, the premises continue to be re-entered and used by squatters, resulting in nearby residents and business owners contacting the Town and Police Services with complaints regarding alleged unauthorised access. The Town's Environmental Health Officer subsequently encourages the demolition or refurbishment of the building at No. 441 William Street, Perth, as soon as practical to minimise the undue impact of vagrant activity associated with the building on surrounding residents and businesses.

Heritage Comments

A full Heritage Assessment is contained within the attachment to this report.

A site visit to the subject place at No. 441 William Street, Perth was undertaken by the Town's Heritage Officers on 19 February 2007. At this time, an internal inspection of the property was not undertaken as there were concerns regarding the structural stability of the place, resulting from an internal fire and the possible threat of vagrants.

The subject two-storey rendered brick and iron place was constructed circa 1908. It is understood from the Metropolitan Sewerage Map Plans and from the City of Perth Building Licence Plans that the place was originally constructed as a two-storey dwelling. The place has been subject to continuous adaptation over the years to accommodate an office and boarding house function. As documented in the attached Heritage Assessment, the place is considered to have little aesthetic, scientific or social value. There is no evidence that the place is linked with any important persons or historical events. In light of this, it is considered that the place does not meet the minimum criteria for entry into the Town's Municipal Heritage Inventory and that the application for demolition should be approved as per the Officer Recommendation.

The request for the non-application of the standard condition requiring redevelopment approval on the Planning Approval is supported by the Town's Officers. This is a standard condition, as per clause 41 of the Town Planning Scheme No.1, which is applied to the approval of all demolition within the Town and is intended to stop parcels of land being left vacant and enables opportunity for the dwelling to be retained. Whilst the request not to apply the condition is not generally granted, it is considered that, in this instance, as the place is causing concern to its immediate neighbours and is structurally unsound, the condition not be imposed, as reflected in the Officer Recommendation.

10.1.8 No. 742 (Lot 30) Newcastle Street, Dual Frontage with Vincent Street, Leederville - Proposed Change of Use of Existing Leederville Hotel Car Park to a Fee Paying Car Park

Ward:	South	Date:	6 March 2007
Precinct:	Oxford Centre; P 4	File Ref:	PRO0630; 5.2006.541.1
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by P Prendiville on behalf of the owners Argyle Holdings Pty Ltd, Tegra Pty Ltd & others for proposed change of use of existing Leederville Hotel Car Park to a Fee Paying Car Park at No. 742 (Lot 30) Newcastle Street, dual frontage with Vincent Street, Leederville and as shown on plans stamp-dated 13 November 2006, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality with respect to the adverse affect on the visual amenity of the locality and the streetscapes of Vincent Street;*
- (ii) the proposal is inconsistent with the Town's Policy relating to the Oxford Centre Precinct in terms of the provision of buildings facing the street and to promote an active and permeable interface; and*
- (iii) that an approval or temporary approval of a fee-paying car park on this site will set a precedent which will be detrimental to the surrounding area.*

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Farrell

That the Council NOTES that the Council had previously approved development on this site with a specified amount of parking and this will detract from that parking.

AMENDMENT CARRIED (8-0)

(Cr Torre was an apology.)

Cr Doran-Wu departed the Chamber at 8.27pm.

Debate ensued.

Cr Doran-Wu returned to the Chamber at 8.29pm.

Moved Cr Lake, Seconded Cr Messina

That;

1. *the existing recommendation be renumbered as clause (i) (a) to (c); and*
2. *a new clause (ii) be added as follows:*

"(ii) REQUESTS the Chief Executive Officer to advise the applicant in writing of the alternatives available to address the current problems being experienced and suggest measures that the Town can assist in overcoming the problems (such as commuters and staff of other businesses parking all day)."

AMENDMENT CARRIED (8-0)

(Cr Torre was an apology.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.1.8

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council

- (i) *REFUSES the application submitted by P Prendiville on behalf of the owners Argyle Holdings Pty Ltd, Tegra Pty Ltd & others for proposed change of use of existing Leederville Hotel Car Park to a Fee Paying Car Park at No. 742 (Lot 30) Newcastle Street, dual frontage with Vincent Street, Leederville and as shown on plans stamp-dated 13 November 2006, for the following reasons:*
 - (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality with respect to the adverse affect on the visual amenity of the locality and the streetscapes of Vincent Street;*
 - (b) *the proposal is inconsistent with the Town's Policy relating to the Oxford Centre Precinct in terms of the provision of buildings facing the street and to promote an active and permeable interface; and*
 - (c) *that an approval or temporary approval of a fee-paying car park on this site will set a precedent which will be detrimental to the surrounding area;*
- (ii) *REQUESTS the Chief Executive Officer to advise the applicant in writing of the alternatives available to address the current problems being experienced and suggest measures that the Town can assist in overcoming the problems (such as commuters and staff of other businesses parking all day); and*
- (iii) *NOTES that the Council had previously approved development on this site with a specified amount of parking and this will detract from that parking.*

Landowner:	Argyle Holdings Pty Ltd, Tegra Pty Ltd & Others
Applicant:	P Prendiville
Zoning:	Metropolitan Region Scheme: Urban and Other Regional Road. Town Planning Scheme No.1 (TPS 1): District Centre and Other

	Regional Road.
Existing Land Use:	Hotel
Use Class:	Hotel and Car Park
Use Classification:	"SA" and "AA"
Lot Area:	5367 square metres
Access to Right of Way	South of car park side, 3 metres wide, sealed, Town owned

BACKGROUND:

- 23 August 1999 The Council at its Ordinary Meeting conditionally approved the additions of eating house and tavern to existing hotel and alterations and additions to existing bottle shop (Leederville Hotel).
- 12 December 2001 The Council at its Ordinary Meeting conditionally approved alterations and additions to the existing hotel, tavern, eating house and bottle shop.
- 28 May 2002 The Council at its Ordinary Meeting refused an application for alfresco dining on the footpath within the Newcastle Street road reserve.
- 25 June 2002 The Council at its Ordinary Meeting conditionally approved alterations and additions to the existing hotel and associated car parking.
- 7 October 2003 The Council at its Ordinary Meeting resolved to receive the Leederville Hotel written submission for Extended Trading Permit, not support on-going extended trading hours, and that the Director of Liquor Licensing be advised that due consideration be given to the objection received by the Town.
- 22 June 2004 The Council at its Ordinary Meeting resolved to amend the "Land Use Parking Requirement Table", which involved increasing the car parking requirements for hotel from 1 car bay per 4.5 square metres of gross public assembly floor area to 1 space per 3.8 square metres of public floor area or 1 space per 4.5 persons of maximum number of persons approved for the site, whichever is greater.
- 10 August 2004 The Council at its Ordinary Meeting conditionally approved the proposed demolition of existing canopy, alterations and additions to existing hotel.
- 14 December 2005 The proposal was referred to the Department for Planning and Infrastructure (DPI) for comments.
- 9 May 2006 The Council at its Ordinary Meeting conditionally approved proposed partial demolition, additions and alterations to existing hotel, bottle shop and alterations to car parking area and crossovers at the above site.
- 4 August 2006 The Town has received a copy of the review application dated 31 July 2006, submitted to State Administrative Tribunal (SAT) from the applicant relating to conditions imposed by the Council at its Ordinary Meeting held on 9 May 2006.

22 August 2006 The Council at its Ordinary Meeting conditionally approved the proposed partial demolition of and additions and alterations to existing hotel, demolition and construction of bottle shop and alterations to car parking area and crossovers subject to revised conditions, which formed part of the review application dated 31 July 2006, submitted to State Administrative Tribunal (SAT) from the applicant relating to conditions imposed by the Council at its Ordinary Meeting held on 9 May 2006.

13 February 2007 The Council at its Ordinary Meeting conditionally approved the amended plans submitted as part of the Building Licence application for the proposed development for the proposed partial demolition of and additions and alterations to existing hotel and demolition and construction of bottle shop and alterations to car parking area and crossovers granted approval by the Council on 22 August 2006 and issued on 30 August 2006.

DETAILS:

The proposal involves change of use from car park associated with the Leederville Hotel into a fee paying car park, which is open to the patrons of the Leederville Hotel and the public. The applicant's submission is summarised as follows:

- The Leederville Hotel car park is not primarily used by patrons, and almost all car bays are being used by staff and customers of adjoining businesses and those in transit to Perth City.
- The on-going cost as a result of damage caused by cars being parked on islands and the kerb.
- Undertaken a survey of 75 customers, of which 64 per cent of customers would use hotel car park, when and if car bays are available.
- Of the customers that do use the car park, 35 per cent were prepared to pay a fee.
- Of the customers that do not use the car park, 62 per cent use other car parking facilities in the area.
- The proposal includes installation of parking meters, (or ticket machines) to improve safety and presentation.
- To allow proper management of the facility and its operation, the management of the fee paying car park would be contracted out to a private company such as Wilson Parking. The parking charges would be maintained to be similar to those managed by Town of Vincent.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
Consultation Submissions			
Support (1)	No comments provided.		Noted.
Objection (2)	A full assessment of the impact of the conversion of the car park to a paid car park should be undertaken and its impact on the neighbouring businesses and properties.		Noted – as a full assessment is not required in this instance as the proposal is not supported.
	<p>When the above Leederville car park is full (Sunday's excepted), patrons of Leederville Hotel park their cars on kerb islands or park in the TAB's car park, which has an impact on TAB's business, as TAB customers are not able to find a vacant car bay at the TAB car park site. Moreover, members of the public who are unwilling to pay for the use of the fee paying car park will use the TAB car park or the ROW for their car parking needs. If Council were to approve this proposal, as a minimum a local law similar to Local Law No. 57 of City of Subiaco should be adopted by the Town, which allows private business to have recourse through the Council's local law to control and restrict the use of private car parks associated with the individual business.</p>		<p>Noted - as the Town of Vincent Local Law relating to Parking Facilities has a provision to issue infringement notices to vehicles that park in the TAB private car park. However, it is not possible to enforce this, if there is signage which invites "Customers", "Clients", "Visitors", etc, because of the common definitions of these terms. A "customer" would not necessarily be someone who is in the premises at the material time, but would include someone who has used the service, or purchased something from a premises, days/weeks/months ago. The Town's Officers recommend specific wording for a sign that allows enforcement if an application is made to the Town. The sign simply says "No Unauthorised Parking" and refers to the Town's Local Law and to the Registration number of the property.</p>
	<p>Patrons of the Leederville Hotel allegedly using the TAB rear car park on Wednesday evenings, resulting in TAB staff having difficulty in removing their own cars at close of business at 9 pm onwards. Additional debris is left such as drink containers, used syringes, vomit and the odour of</p>		<p>Noted – the issue of not being able to remove one's motor vehicle from the car park is a private matter to be resolved between the affected parties. However, it is the responsibility of the owners</p>

	<p>urine, and it cannot be asserted with absolute certainty that this is caused by the Leederville Hotel, but the coincidental nature of these occurrences on a Wednesday evening is compelling. If approval is granted, a minimum the proponent should install clearly signposted receptacles in prominent positions in the car park, and also install public toilet facility, which should be maintained by the proponent.</p>	<p>of the Leederville Hotel to ensure rubbish and other related matters are removed from the car park. This matter will be further monitored by the Town Health Services.</p>
	<p>Currently the ROW is not always accessible, due to delivery vehicles servicing the Leederville Hotel or other businesses with Oxford Street frontage. If the proposal is approved, the proponent should ensure to provide loading bays on-site and the Town of Vincent should upgrade existing signage for the ROW to ensure the status of the ROW and penalties for any breaches.</p>	<p>Noted – as the ROW is not allowed to be closed or blocked at any time for vehicular access. Should the ROW be blocked, then the Town’s Ranger Services is to be contacted for appropriate action to be taken.</p>
	<p>The proposal will result in lack of car parking for general commuters.</p>	<p>Not supported – as the car park proposal by the Leederville Hotel is for the patron use associated with the Leederville Hotel, and also will be available for use by the general commuters/public who may wish to pay and park motor vehicles at the subject car park.</p>
Other Implications		
Legal/Policy		TPS 1 and associated Policies.
Strategic Implications		Nil
Financial/Budget Implications		Nil

Car Parking

The Leederville Hotel is a long established business on the subject property, which has undergone various internal and external modifications since its establishment. The most recent Planning Approval for development was granted at the Ordinary Meeting of Council held on 22 August 2006 for proposed additions and alterations and associated car parking to existing hotel. Car parking at that time was assessed as follows:

Requirements	Required	Proposed
Car parking	225.35 car bays	101 car bays

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

"Parking

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

Car Parking -Current Proposal

Requirements	Required No. of Car bays
Retail: Bottle Shop - 1 car bays per 15 square metres of gross floor area (proposed 250 square metres). Hotel: 1 space per 3.8 (1671) square metres of public floor area.	16.67 car bays 439.74 car bays
Note: 1 car bay per 4.5 patrons (2115 patrons) is not being used as the patron numbers are likely to be reduced, as a result of the redevelopment of the site.	
Total car parking required before adjustment factor (nearest whole number)	456 car bays
Apply the parking adjustment factors. <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop). ▪ 0.80 (within metres to a Rail station). ▪ 0.85 (within 400 metres of a car park with 75 car bays). ▪ 0.90 (District Centre). ▪ 0.95 (bicycle facilities). 	(0.49419) 225.35 car bays
Minus "NIL" car bays provided on-site, due to this proposal for a fee paying car park and 366 car bays shortfall as stated in the "Comments" section.	366 car bays
Resultant surplus	140.65 car bays

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

COMMENTS:

The proposal has been referred to the Western Australian Planning Commission (WAPC) as the proposal abuts Vincent Street, which is classified as an "Other Regional Road" and also due to regional implications. The Town has not received a response from the WAPC, at the time this Agenda Report was prepared.

A 'car park' is an 'AA' use within a District Centre zone, requiring the discretion of the Council to approve the use. The proposal fails to comply with the intention of the Oxford Centre Precinct as set out in the Town's Planning Policy No.3.1.4, in terms provision of buildings facing the street and to promote an active and permeable interface.

There is concern that private 'fee paying' car parks of this nature visually detract from the public environment and character of the area and, preferably, should not be visible from streets and public spaces. Amended plans to redevelop the hotel and car park have been approved by the Council at its Ordinary Meeting held 13 February 2007 which improves the amenity of the area and it is considered that an approval or temporary approval of a fee paying car park on this site will set an entrenched precedent which will be detrimental to the surrounding area.

The current car park detrimentally impacts on the visual amenity of the immediate area and there is concern that further entrenching this car parking activity rather than an appropriate building fronting Vincent Street, will prejudice the emerging rejuvenation of the area and the Town's activities with respect to the Leederville Masterplan.

The Oxford Centre Study 2000 notes that any future redevelopment of the hotel car park should not front Vincent Street and any car parking provided for the site should be screened from the street.

The Town is also concerned that private 'fee paying' car parks of this nature are attracted to land outside of the East Perth Redevelopment Authority area and the City of Perth given the significant difference in car parking requirements under the respective town planning schemes. In this respect, the Town is circumspect of any proposals for car parking, which may supplement shortfalls on car parking in adjoining authorities or provide all-day parking for city workers, at the expense of the Town's amenity.

Summary

For the reasons outlined above, it is considered that a proposal of this nature is considered to have a negative impact on the streetscape and intention for the Oxford Centre. It is therefore recommended that the application be refused.

10.2.2 Further Report - Proposed Streetscape Upgrade and Black Spot Improvement Project - Oxford Street, Leederville

Ward:	Both	Date:	7 March 2007
Precinct:	Oxford Centre Precinct P4, Leederville Precinct P3 & Mount Hawthorn Centre Precinct P2	File Ref:	TES0089 & TES0173
Attachments:	001		
Reporting Officer(s):	R Lotznicker		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report on Stage 1 of Oxford Street Streetscape Upgrade proposal and the proposed installation of a roundabout as part of the State Black Spot Improvement Project at the intersection of Bourke and Oxford Streets, Leederville;*
- (ii) *NOTES the positive comments received during the Community consultation and the comments received by the Public Transport Authority regarding the proposal;*
- (iii) *APPROVES the implementation of the proposed implementation of Stage 1 of the proposed Oxford Street upgrade project, between Bourke and Richmond Streets, and the proposed Bourke Street roundabout, estimated to cost \$173,000, as shown on Plans No. 2472-CP-2 and 3;*
- (iv) *REQUESTS Main Roads WA to extend the existing 50 kph speed limit along Oxford Street from Vincent Street up to Bourke Street once the proposals as outlined in clause (iii) have been implemented;*
- (v) *LISTS \$100,000 for consideration in the 2007/2008 draft for the continuation of the Oxford Street Streetscape Upgrade proposal to Anzac Road, as shown on attached Plan No. 2472-CP-1; and*
- (vi) *ADVISES the respondents of its decision.*

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Lake

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

- “(iii) *APPROVES the implementation of the proposed implementation of Stage 1 of the proposed Oxford Street upgrade project, between Bourke and Richmond Streets, and the proposed Bourke Street roundabout, estimated to cost \$173,000, as shown on Plans No. 2472-CP-2 and 3 subject to the inclusion of a tuart tree in the centre of the proposed roundabout”;*

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

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

(Cr Torre was an apology.)

ORIGINAL MOTION CARRIED (8-0)

(Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.2.2

That the Council;

- (i) *RECEIVES the further report on Stage 1 of Oxford Street Streetscape Upgrade proposal and the proposed installation of a roundabout as part of the State Black Spot Improvement Project at the intersection of Bourke and Oxford Streets, Leederville;*
- (ii) *NOTES the positive comments received during the Community consultation and the comments received by the Public Transport Authority regarding the proposal;*
- (iii) *APPROVES the implementation of the proposed implementation of Stage 1 of the proposed Oxford Street upgrade project, between Bourke and Richmond Streets, and the proposed Bourke Street roundabout, estimated to cost \$173,000, as shown on Plans No. 2472-CP-2 and 3;*
- (iv) *REQUESTS Main Roads WA to extend the existing 50 kph speed limit along Oxford Street from Vincent Street up to Bourke Street once the proposals as outlined in clause (iii) have been implemented;*
- (v) *LISTS \$100,000 for consideration in the 2007/2008 draft for the continuation of the Oxford Street Streetscape Upgrade proposal to Anzac Road, as shown on attached Plan No. 2472-CP-1; and*
- (vi) *ADVISES the respondents of its decision.*

PURPOSE OF REPORT:

The purpose of this further report is to advise the Council of the outcome of the recent community consultation regarding the proposal to implement a staged streetscape upgrade of Oxford Street to improve pedestrian safety, address an accident black spot and lower the speed limit.

BACKGROUND:

A report on the "Oxford Street Upgrade" Concept proposal and the proposed installation of a roundabout as part of the State Black Spot Improvement Project at the intersection of Bourke and Oxford Streets was presented to the Council at its ordinary Meeting held on 5 December 2006, where the following decision was adopted:

"That the Council;

- (i) RECEIVES the report on the overall "Oxford Street Upgrade" Concept proposal as shown on drawing 2472-CP-1 and proposed "Stage 1" as shown on Plan No 2472-CP-2 including the proposed installation of a roundabout as part of the State Black Spot Improvement Project at the intersection of Bourke and Oxford Streets as shown on drawing 2472-CP-3;*
- (ii) APPROVES IN PRINCIPLE;*
 - (a) the overall "Oxford Street Upgrade" Concept proposal as shown on drawing 2472-CP-1 and submits the proposal to Main Roads WA, the Department for Planning and Infrastructure's Bikewest unit, the Bicycle Transport Alliance and Transperth for comment; and*
 - (b) the proposed implementation of Stage 1 of the proposed Oxford Street upgrade project, between Bourke and Richmond Streets, including the proposed Bourke Street roundabout as shown on drawings 2472-CP-2 and 2472-CP-3;*
- (iii) CONSULTS with the community (commencing in the latter part of January 2007) regarding Stage 1 of the proposed Oxford Street upgrade project, between Bourke and Richmond Streets, including the proposed Bourke Street roundabout as shown on drawings 2472-CP-2 and 2472-CP-3;*
- (iv) CONSIDERS implementing further stages of the "Oxford Street Upgrade" proposal in subsequent financial years subject to the availability of funding and favourable comments from the stakeholders as mentioned in clause (ii) above; and*
- (v) RECEIVES a further report/s on the proposal as outlined in clause (ii)(a) and clause (iii) once stakeholder feedback has been received."*

DETAILS:

In accordance with clause (iv) of the Council's decision, on 31 January 2007 38 letters were distributed to residents in the affected area. The proposal was also posted on the Town's website.

At the conclusion of the consultation period on 19 February 2007, four (4) responses had been received, all overwhelmingly *in favour* of the proposal as presented. A response was also received from the Public Transport Authority (PTA) on 24 January 2007.

"In relation to the proposed roundabouts, Transperth is keen to ensure that the impact on bus services is limited. From the plans for the roundabout at Bourke Street it appears that the outside radius for the roundabout is approximately 13.2 m, except for the north east quadrant, which appears to be around 12.5m. While this is reasonably restrictive for buses, the fact that the bus routes are only making a straight-through movement means that these dimensions should be adequate.

However, Transperth would like to make a request that Council consider a slight reduction in the size of the central island, or perhaps a lower profile for the island. This will help to reduce the inevitable discomfort for passengers as the bus mounts the kerb, which is likely to occur under the current design."

Officer's Comments

A reduction in the size of the central island is not supported as it fully complies with the relevant standards for a Roundabout on a bus route. A lowering of the outer circle profile can be considered during the works.

"In respect to the roundabout at Scarborough Beach Road, I would like to request that Transperth be involved in the consultation process for the detailed planning of this intersection when it commences. This is a reasonably critical intersection for bus operations and it is important for us to ensure the impact on bus services will be limited."

Officer's Comments

Noted. This will be considered if and when this project receives future Blackspot funding

"In terms of bus stop locations and impacts, the concept of embayed parking, which by default will result in embayed bus stops, does not raise any concerns from Transperth in this instance. However, I note from the plans that there are likely to be impacts on the locations of some existing bus stops, for example, the bus stop north-west of Wilberforce Street, due to the location of additional kerb treatments and pedestrian crossings.

As a result, I would ask that these impacts be discussed and appropriate locations determined for any bus stops that require relocating prior to works commencing. In addition, Transperth's new ticketing system, SmartRider, requires certain processes to be followed when relocating bus stops. This is to ensure that the system continues to function appropriately and that passengers are charged the correct fare for their journey.

I believe that these matters would be best handled through face to face liaison. As a result, it would be appreciated if an appropriate Council officer could contact me directly so that we can arrange a meeting at a suitable time. However, I understand that this may be better suited to a time when Council has prepared more detailed plans for the proposed works."

Officer's Comments

Noted. These matters will be discussed on site with PTA representatives prior to commencing the works

CONSULTATION/ADVERTISING:

It is recommended that the respondents be advised of the Council decision.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2006-2011 – 1.1.6 *Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.*

FINANCIAL/BUDGET IMPLICATIONS:

The 2006/07 budget includes \$35,000 for Pedestrian Refuge Islands – Oxford Street and \$138,000 for the Proposed Black Spot Improvement Project, construction of a roundabout at the intersection of Oxford and Bourke Streets, Leederville, of which the State is contributing \$92,000.

COMMENTS:

As indicated in the report, the character of the Oxford Street streetscape is constantly evolving as new and future developments are completed. The Proposed Oxford Street Upgrade proposal will complement and enhance both the existing and future community needs and expectations and has been developed in consultation with Planning Services, who are currently undertaking a Town Planning Scheme Review which will include Town Centre Concept Plans.

In light of the success of the Oxford Street / Anzac Road roundabout, it is considered that the proposed Stage 1 of the streetscape enhancement works and roundabout at the Oxford and Bourke Streets intersection will continue the intended transformation of Oxford Street and it is requested that the officer's recommendation be adopted.

10.2.3 Proposal to Underground Power in Walcott Street between Beaufort and Charles Streets

Ward:	Both	Date:	06 March 2007
Precinct:	Forrest; P14, Mt Lawley Centre; P11	File Ref:	TES0313
Attachments:	001		
Reporting Officer(s):	R Lotznicker, S Moodley		
Checked/Endorsed by:	R Lotznicker John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report on *Undergrounding Power in Walcott Street between Beaufort and Charles Streets*;
- (ii) **APPROVES IN PRINCIPLE** the request to participate in Western Power's proposal to underground the power in Walcott Street, subject to;
 - (a) *Western Power agreeing to contribute 50% of the total project cost which is estimated to be in the order of \$2,510,000;*
 - (b) *the remaining 50% of the cost be shared equally on a 25% split between the Town of Vincent (\$700,000) and City of Stirling (\$700,000) subject to the final designs, ensuring the proposed works on either side of Walcott Street are of fairly equal scope;*
 - (c) *the majority of the Town of Vincent residents affected by the scheme, agreeing to contribute financially to the project on a similar basis as the current Highgate East SUPP;*
 - (d) *the Town's contribution being fixed such that the resident's contribution be restricted by the upper contribution amount indicated to them in the consultation material; and*
 - (e) *the Town approving of the final designs and pole style/light fixtures;*
- (iii) **ADVISES** Western Power that the Town's approval of the project is conditional upon the Town deferring any payments towards the project until 2008/2009 financial year, as this project will not be funded in the 2007/2008 financial year due to other funding commitments and priorities;
- (iv) **AUTHORISES** the Chief Executive Officer to enter into discussions with Western Power concerning the terms and conditions and design considerations of the project;
- (v) **ADVISES** the City of Stirling and Western Power of its decision; and
- (vi) **RECEIVES** a further report on the matter once a formal response has been received from Western Power.

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Cr Chester departed the Chamber at 8.35pm.

Debate ensued.

Cr Chester returned to the Chamber at 8.37pm.

Moved Cr Ker, Seconded Cr Farrell

That a new clause be added as follows;

- (vii) *AUTHORISES the Chief Executive Officer and Executive Manager Technical Services together with the Mayor to meet with Western Power to renegotiate the terms and conditions of the proposal.*

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Torre was an apology.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.2.3

That the Council;

- (i) *RECEIVES the report on Undergrounding Power in Walcott Street between Beaufort and Charles Streets;*
- (ii) *APPROVES IN PRINCIPLE the request to participate in Western Power's proposal to underground the power in Walcott Street, subject to;*
- (a) *Western Power agreeing to contribute 50% of the total project cost which is estimated to be in the order of \$2,510,000;*
 - (b) *the remaining 50% of the cost be shared equally on a 25% split between the Town of Vincent (\$700,000) and City of Stirling (\$700,000) subject to the final designs, ensuring the proposed works on either side of Walcott Street are of fairly equal scope;*
 - (c) *the majority of the Town of Vincent residents affected by the scheme, agreeing to contribute financially to the project on a similar basis as the current Highgate East SUPP;*
 - (d) *the Town's contribution being fixed such that the resident's contribution be restricted by the upper contribution amount indicated to them in the consultation material; and*
 - (e) *the Town approving of the final designs and pole style/light fixtures;*

- (iii) *ADVISES Western Power that the Town's approval of the project is conditional upon the Town deferring any payments towards the project until 2008/2009 financial year, as this project will not be funded in the 2007/2008 financial year due to other funding commitments and priorities;*
 - (iv) *AUTHORISES the Chief Executive Officer to enter into discussions with Western Power concerning the terms and conditions and design considerations of the project;*
 - (v) *ADVISES the City of Stirling and Western Power of its decision;*
 - (vi) *RECEIVES a further report on the matter once a formal response has been received from Western Power; and*
 - (vii) *AUTHORISES the Chief Executive Officer and Executive Manager Technical Services together with the Mayor to meet with Western Power to renegotiate the terms and conditions of the proposal.*
-

PURPOSE OF REPORT

The purpose to this report is to advise Council of the proposal from Western Power to underground the overhead power lines on Walcott Street between Beaufort and Charles Streets.

BACKGROUND:

Western Power has contacted the Town in relation to the existing steel power poles located in Walcott Street between Beaufort and Green Streets. They had originally proposed to replace the steel poles with wooden poles in this section due to concerns regarding the viability and safety concerns of steel power poles.

Discussions at Officer level indicated that the Town would not be in agreeance with the proposition of simply exchanging steel poles with timber poles due to wider girth of timber poles and narrow footpaths on Walcott Street.

In addition, the Highgate East SUPP boundary ends at the Walcott and Beaufort Street intersection and consequently the extension of the works along Walcott Street would be more effectively dealt with if the SUPP could be extended to include Walcott Street up to Fitzgerald (Stage one), and Fitzgerald Street up to Charles Street (Stage Two).

This section of Walcott Street is shared between the Town and City of Stirling.

A feasibility assessment by Western Power indicates that the cost of replacing the steel poles with timber is in the same order of cost to them contributing 50% of the cost of undergrounding.

DETAILS:

Western Power's proposed option to underground the power in Walcott Street is suggested to be staged.

- Stage 1 Beaufort Street - Fitzgerald Street - 1.65km
- Stage 2 Fitzgerald Street - Charles Street - 1.75km

The construction of these sections would be carried out over the 2006/07 and the 2007/08 financial years but would be seamless in terms of continuity between Stage 1 and Stage 2.

Western Power has indicated that if the Town and City of Stirling financially commit to the project by March 2007, they would be in a position to incorporate these additional works into the schedule of the Highgate East SUPP.

Initial cost estimates for the undergrounding of power in Walcott Street, with the 50% Western Power contribution, the cost per lot within the Town based on a 25% contribution, is slightly higher than the cost per lot for the Highgate East SUPP.

Note: Cost per lot and actual cost to each property owner will differ.

Western Power's total estimated cost for Stages 1 and 2 is \$2,510,800. Based on 50% contribution by Western Power, Vincent and Stirling would need to contribute \$631,847 each plus additional cost to cover powder coating of poles and deferred payment (see table below).

The following table indicates the cost breakdowns for stages 1 and 2 for Vincent.

Stages 1 and 2	Beaufort St to Charles St
25% Contribution	\$631,847
Plus powder coated light poles	\$ 7,000
Plus 10% allowance for deferred pensioner payments	\$ 63,885
Total Estimate Contribution	\$702,732 (excl GST)
Estimated number of lots	134
Average cost per lot	\$ 5,244
Estimated number of property owners	270
Estimated number of Pensioners	28 (10.4%)

It is estimated that approximately 10% of Vincent's owners in Walcott Street are pensioners. Assuming all pensioners take up the deferred payment option, the Town will need to make an allowance for \$63,885 in the budget.

The current Highgate East SUPP scheme is based on the user pays principal, with owners affected and gaining benefit being required to contribute funding based on the approved contributions model.

As in the previous SUPP scheme, the Town would need to seek the residents' view on the underground power proposal and their willingness to contribute. At this stage Western Power have not commissioned the detailed design for the work or indicated whether transformer sites are likely to be required.

Town of Vincent Options

1. Agree with Western Power's proposal in principle subject to the majority of affected residents agreeing to contribute to 25% of the installation cost.
2. Do not agree with Western Power's proposal. - In taking this position, the Town would need to acknowledge that Western Power may replace the existing steel poles in Walcott Street with timber poles under their duty of care responsibilities.

CONSULTATION/ADVERTISING:

Not applicable at this stage. Full consultation with affected owners will be carried out at a later date.

LEGAL/POLICY:

The funding and owner contribution cost recovery model used for Highgate East SUPP to be compliant with current legislation.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2006 - 2011 - 1.1.16 *Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. "j) Develop a strategy for the staged implementation of underground power throughout the Town."*

FINANCIAL/BUDGET IMPLICATIONS:

Town of Vincent Funding requirement

Subject to the project conditions and approvals, a contractual agreement would be entered into between Western Power and the Town.

Under the terms of the contractual agreement, the Town will be required to provide 25 percent of the total project funding, with Western Power providing 50 percent and the City of Stirling providing the remaining 25 percent.

The Town will completely recover the 25 percent project cost contribution from the affected property owners. Where the Town owns properties within the scheme, the Town would be required to contribute towards this as in the Highgate East SUPP.

The Town would need to allocate \$700,000 in the 2007/2008 budget should this work proceed. However, as these works are without forward planning and notification to the Town and the Town's 2007/2008 Draft Budget already is listed with planned capital works, the Town cannot include the project without the need to borrow or impose a significant rate increase. Neither option is supported by the Town's Executive Management Team, however, the project does have merit and a "Deferred Payment" Option is a possibility and should be pursued with Western Power. Under these circumstances, it is recommended that the Council notes the proposal and requests that Western Power allows to Town to defer payment of its contribution until 2008/2009.

COMMENTS:

The Town has always adopted a proactive role in the undergrounding of power in conjunction with the State Underground Power Program.

The Town may not agree that it is the responsibility for local government to directly contribute to the improvements to Western Power's infrastructure however, based on user pays principle the SUPP schemes do provide an avenue for residents and the Town to enhance the general amenity and streetscapes for the areas involved. In the Highgate East SUPP resident survey, we had an overwhelming majority of 83% in favour of underground power with 78% willing to contribute towards the scheme.

The proposal from Western Power for an undergrounding scheme in Walcott Street between Beaufort and Charles Streets relates directly to a compliance and safety issue that they have with their infrastructure. The Town could adopt the point of view that this is solely their problem and that the Town should not be involved.

Without both Vincent's and Stirling's co-operation, Western Power may resort to simply replacing the existing steel poles with timber ones, which not only leaves the overhead network but timber poles also have a wider girth and may encroach future on a major distributor road. This is considered undesirable.

Once a response has been received from Western Power the matter will be further reported to the Council.

The Chief Executive Officer advised that Mayor Catania and Cr Messina had declared a financial interest in this matter. Mayor Catania and Cr Messina departed the Chamber at 8.38pm and did not speak or vote on the matter.

In the Mayors absence, Deputy Mayor Cr Farrell assumed the Chair.

10.3.1 Investment Report as at 28 February 2007

Ward:	Both	Date:	2 March 2007
Precinct:	All	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	M Howard-Bath		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 28 February 2007 as detailed in attachment 10.3.1.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Chester, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED (6-0)

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

Cr Messina returned to the Chamber at 8.40pm

PURPOSE OF REPORT:

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

BACKGROUND:

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

Council's Investment Portfolio is spread across several Financial Institutions in accordance with Policy Number 1.2.4.

DETAILS:

Total Investments for the period ended 28 February 2007 were \$18,120,252 compared with \$18,745,252 at 31 January 2007. At 28 February 2006, \$14,753,127 was invested.

Total accrued interest earned on Investments as at 28 February 2007:

	Budget	Actual	%
	\$	\$	
Municipal	370,000	352,369	95.23
Reserve	434,300	399,908	92.08

COMMENT:

As the Town performs only a custodial role in respect of monies held in Trust Fund Investments these monies cannot be used for Council purposes, and are excluded from the Financial Statements.

The major contributing factor of the significant increase in funds held in investments over the level of funds held last year is due to the receipt in November of the \$3.8M loan funds for the Underground Power Project these funds will be called down over the twelve month period of the project.

10.3.3 Approval of Proposed Public Artwork for 190 Scarborough Beach Road, Mt Hawthorn and Review of Per Cent For Art Scheme Policy

Ward:	North	Date:	12 February 2007
Precinct:	Mount Hawthorn	File Ref:	PRO 0446
Attachments:	001		
Reporting Officer(s):	R Gunning		
Checked/Endorsed by:	J.Anthony / M Rootsey	Amended by:	John Giorgi

OFFICER RECOMMENDATION:

That the Council;

- (i) **APPROVES** the artwork proposal for 190 Scarborough Beach Road, Mount Hawthorn as shown in Appendix 10.3.3A and subject to;
- (a) *the owners of the development (and subsequent Body Corporate) entering into a legal agreement with the Town which requires them to maintain the proposed artwork (for the life of the artwork) to the satisfaction of the Town;*
- (b) *the specific location being approved by the Town's Executive Manager Technical Services as shown in the Plan at Appendix 10.3.3B; and*
- (ii) **AMENDS** Policy No. 1.1.8 - Percent for Art Scheme as follows:
- (a) *amending the Town of Vincent Statement to read as follows:*
- "All new public buildings ~~and works projects~~ over the value of ~~\$100,000~~ \$2 million will have 1% of the total project cost set aside for the development of public art works that reflect the place, locality and/or community."*
- (b) *amending Developer Statement clause (1) as follows:*
- "1. Proposals for commercial, non-residential, and/or mixed residential/commercial developments over the value of ~~\$500,000~~ \$2 million are required to set aside a minimum of one (1) per cent of the estimated total project cost for the development of public art works which reflect the place, locality and/or community."*
- (c) *inserting a new clause 5 as follows:*
- "5. The owners of a development, which is the subject of the Town's Percent for Art Scheme Policy, will be required to enter into a legal Agreement with the Town. Such Agreement will include the following:*
- (a) *The developer (and any subsequent owners) of the subject development will be required to fully maintain the artwork in a safe and aesthetic condition, at their cost, to the total satisfaction of the Town, for the life the artwork and to comply with any reasonable request by the Town;*

- (b) *The owner of the artwork to temporarily remove the artwork and to reinstate it (thereafter) should it be necessary to allow a public utility or service authority to carry out necessary/essential works;*
- (c) *The owner of the artwork shall provide a notice sign or plaque stating the artist's name and title of the artwork which shall be permanently and publicly displayed and identified with the artwork. The location and form of the sign is to be agreed upon by both the artist and the Town;*
- (d) (i) *Failure to comply with the Agreement by the developer/owner, the Town, in its absolute discretion, after giving the owner of the artwork twenty-eight (28) days notice in writing of the Town's intention to do so, and the owner failing to comply with the requirements of the notice, may carry out the requirements of the notice, including the removal the artwork from the site:*
- *for the purposes of either relocating (permanently or temporarily), cleaning, repairing, storing, selling or otherwise disposing of the artwork;*
- (ii) *The Town may also take action as specified in clause (d)(i) in the event of:*
- *it becoming unsafe, damaged, "tagged" with graffiti or vandalised or irreparable;*
 - *to allow future works in the public place;*
 - *or where the artwork is not being maintained to the satisfaction of the Town;*
- (iii) *The Town to recover any costs associated with such works from the developer/owner;*
- (e) *The Town to be indemnified from any liability whatsoever in the event of any claim being lodged against the developer/owner or the Town;*
- (f) *Any other relevant matters which may arise, as determined by the Town's Chief Executive Officer (ie copyright, insurance).";*
- (iii) **AUTHORISES** *the Chief Executive Officer to:*
- (a) *advertise the proposed amended policy for a period of twenty-one (21) days, seeking public comment;*
- (b) *report back to Council with any submissions received; and*
- (c) *include the amended policy in the Town's Policy Manual if no public submissions are received; and*
- (iv) **REQUESTS** *the Chief Executive Officer to review Policy 1.1.8 - Per Cent for Art in its entirety.*

Moved Cr Lake, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

Moved Cr Messina, Seconded Cr Ker

That existing clause (i) be deleted and that a new clause (i) be inserted as follows:

~~(i) APPROVES the artwork proposal for 190 Scarborough Beach Road, Mount Hawthorn as shown in Appendix 10.3.3A and subject to;~~

~~(a) the owners of the development (and subsequent Body Corporate) entering into a legal agreement with the Town which requires them to maintain the proposed artwork (for the life of the artwork) to the satisfaction of the Town;~~

~~(b) the specific location being approved by the Town's Executive Manager Technical Services as shown in the Plan at Appendix 10.3.3B; and~~

(i) DEFERS the approval of the artwork at 190 Scarborough Beach Road and refers the artwork and any subsequent artwork in the future be referred to the Town's Art Advisory Group for consideration and comment, prior to being reported to the Council.

AMENDMENT CARRIED (7-0)

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

Moved Cr Chester, Seconded Cr Messina

That a clause (ii) (a) be amended as follows:

(ii) **AMENDS** Policy No. 1.1.8 - Percent for Art Scheme as follows:

(a) *amending the Town of Vincent Statement to read as follows:*

"All new public buildings and works projects over the value of \$100,000 ~~\$2 million~~ \$500,000 will have 1% of the total project cost set aside for the development of public art works that reflect the place, locality and/or community.

AMENDMENT CARRIED (7-0)

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

Moved Cr Chester, Seconded Cr Messina

That clause (ii) (b) be amended as follows:

(b) *amending Developer Statement clause (1) as follows:*

"1. Proposals for commercial, non-residential, and/or mixed residential/commercial developments over the value of \$500,000 ~~\$2~~\$1 million are required to set aside a minimum of one (1) per cent of the estimated total project cost for the development of public art works which reflect the place, locality and/or community.

AMENDMENT CARRIED (7-0)

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

Debate ensued.

Moved Cr Lake, Seconded Cr

That clauses (ii) and (iii) of the motion be deferred

The Chief Executive Officer advised the Council that it was preferable for the policy amendment concerning the legal agreement be adopted at this stage.

Cr Lake withdrew the motion to defer.

MOTION AS AMENDED CARRIED (7-0)

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

Mayor Catania returned to the Chamber at 8.48pm and assumed the Chair.

COUNCIL DECISION ITEM 10.3.3

That the Council;

- (i) *DEFERS the approval of the artwork at 190 Scarborough Beach Road and refers the artwork and subsequent artwork be referred to the Town's Art Advisory Group for consideration and comment. and*
- (ii) *AMENDS Policy No. 1.1.8 - Percent for Art Scheme as follows:*
 - (a) *amending the Town of Vincent Statement to read as follows:*

"All new public buildings and works projects over the value of \$500,000 will have 1% of the total project cost set aside for the development of public art works that reflect the place, locality and/or community.
 - (b) *amending Developer Statement clause (1) as follows:*

"1. Proposals for commercial, non-residential, and/or mixed residential/commercial developments over the value of \$1 million are required to set aside a minimum of one (1) per cent of the estimated total project cost for the development of public art works which reflect the place, locality and/or community.
 - (c) *inserting a new clause 5 as follows:*

- “5. *The owners of a development, which is the subject of the Town’s Percent for Art Scheme Policy, will be required to enter into a legal Agreement with the Town. Such Agreement will include the following:*
- (a) *The developer (and any subsequent owners) of the subject development will be required to fully maintain the artwork in a safe and aesthetic condition, at their cost, to the total satisfaction of the Town, for the life the artwork and to comply with any reasonable request by the Town;*
 - (b) *The owner of the artwork to temporarily remove the artwork and to reinstate it (thereafter) should it be necessary to allow a public utility or service authority to carry out necessary/essential works;*
 - (c) *The owner of the artwork shall provide a notice sign or plaque stating the artist's name and title of the artwork which shall be permanently and publicly displayed and identified with the artwork. The location and form of the sign is to be agreed upon by both the artist and the Town;*
 - (d) (i) *Failure to comply with the Agreement by the developer/owner, the Town, in its absolute discretion, after giving the owner of the artwork twenty-eight (28) days notice in writing of the Town's intention to do so, and the owner failing to comply with the requirements of the notice, may carry out the requirements of the notice, including the removal the artwork from the site:*
 - *for the purposes of either relocating (permanently or temporarily), cleaning, repairing, storing, selling or otherwise disposing of the artwork;*
 - (ii) *The Town may also take action as specified in clause (d)(i) in the event of:*
 - *it becoming unsafe, damaged, “tagged” with graffiti or vandalised or irreparable;*
 - *to allow future works in the public place;*
 - *or where the artwork is not being maintained to the satisfaction of the Town;*
 - (iii) *The Town to recover any costs associated with such works from the developer/owner;*
 - (e) *The Town to be indemnified from any liability whatsoever in the event of any claim being lodged against the developer/owner or the Town;*

- (f) *Any other relevant matters which may arise, as determined by the Town's Chief Executive Officer (ie copyright, insurance).";*
- (iii) **AUTHORISES the Chief Executive Officer to:**
- (a) *advertise the proposed amended policy for a period of twenty-one (21) days, seeking public comment;*
 - (b) *report back to Council with any submissions received; and*
 - (c) *include the amended policy in the Town's Policy Manual if no public submissions are received; and*
- (iv) **REQUESTS the Chief Executive Officer to review Policy 1.1.8 - Per Cent for Art in its entirety.**
-

PURPOSE OF REPORT:

To provide details and designs for approval of artwork as part of the Town of Vincent's Percent for Art Scheme, Policy No 1.1.8 for the development at 190 Scarborough Beach Road, Mount Hawthorn and to amend the Town's current policy.

BACKGROUND:

As part of the Town of Vincent's Percent for Art Scheme, Keytown Constructions Pty Ltd, the developers of Geo Apartments have engaged Rima Zabaneh to create a free standing sculpture. Geo Apartments is a mixed use building consisting of three stories including lofts, four shops, one eating house, nine multiple dwellings and undercroft car parking situated on the corner of Scarborough Beach Road and Matlock Street.

While the art work is to be located within the Matlock Street road reserve, the nominated position does not straddle standard service authority alignments. However, the onus is on the developer to determine the exact location of the various services prior to installation. Further, in the advent that the art work has to be removed, be it as a result of damage, accidental or malicious, a request of the Town or other services authorities, it would be at the developers cost. Therefore, this should be included as part of the legal Agreement.

DETAILS:

The artwork will be a metal sculpture located in the footpath in the front of Geo Apartments on Matlock Street set several metres back from the corner of Scarborough Beach Road. The sculpture will be approximately four metres high and 1.5 metres diameters at its widest point. The sculpture will be made from raw weathering steel that will form a protective layer of rust.

The plans of the sculpture and its location have been reviewed by Planning and Technical Services and have accepted the proposal it in regards to visual sight lines for traffic and safety for pedestrians. Although Planning and Technical services acknowledge that the location of the artwork's footings is unlikely to interfere with any underground services; the developers will still be obliged to determine the location of underground services before installation.

Rima Zabaneh is an artist who graduated from Curtin University in 2004. In that comparatively short time she has already successfully completed two public art commissions, most notably 'Elemental Harvest' a free standing metal construction for Land Corp at Harvest Lakes as well as exhibiting consistently in group exhibitions. Zabaneh was recommended to the developers via Tony Jones one of Perth's leading public artists. It is clear from the previous work Zabaneh is more than capable to take on this commission.

The artist has stated the inspiration for the sculpture takes its starting point from development's name, Geo Apartments, and based the idea on "snippets of the globe map to form their own globe, while the choice of these snippets is loose and takes into account the practical as well as aesthetic side of the sculpture, special care was taken to include Australia as a whole." As mentioned earlier, the sculpture will be made from raw weathering steel that forms a protective layer of rust which gives the sculpture rich and natural tones and creates an engaging tension between the material with its more earthbound organic tones that clearly relate to the streetscape and the artwork's imagery, which has more celestial concerns.

CONSULTATION/ADVERTISING:

The community will be consulted about the proposed artwork, for at least twenty-one (21) days, as set out by the Town's Community Consultation Policy.

LEGAL/POLICY:

The artwork has been commissioned in accordance with the Town of Vincent's Percent for Art Policy which states that for a "commercial, non-residential, and /or mixed residential/commercial developments over the value of \$500, 000 are to set aside a minimum of one percent of the estimated total project cost of the development of public art works which reflect the place, locality and /or community."

STRATEGIC IMPLICATIONS:

Plan for the Future - Strategic Plan 2006-2011

3.1 Enhance community development and well being.

3.1.1 Celebrate and acknowledge the town's cultural and social diversity

(g) Deliver a coordinated program plan to promote public and community art in the Town."

FINANCIAL/BUDGET IMPLICATIONS:

As a condition of the percent for art policy, the artwork's budget of \$21,000 is the responsibility of Keytown Constructions Pty Ltd. The developer has also agreed in writing to carry out any cleaning or maintenance to the work. As Geo Apartments is a development of strata title units, Keytown Constructions has stated that before 'the titles pass from Keytown to the unit owners, we will ensure that the Management Statement is amended to place the responsibility upon the Body Corporate for the ongoing maintenance of the art work'. Therefore there would no financial implications for the Town.

COMMENTS:

The sculpture will add greatly to the rich variation of forms and structures of this prominent location and as such has the potential to be seen as an excellent example of the Percent for Art Scheme.

Note: The Chief Executive Officers comment below was corrected and distributed prior to the meeting. Changes are indicated by strikethrough, italic font and underline

CORRECTED CEO's COMMENT:

The Chief Executive Officer has amended this report to include an amendment to the Town's current policy requiring the developer/future owners to comply with the proposed legal Agreement and also increase the threshold applicable to provide consistency and to remove ambiguity.

Public Artwork - Proposed Legal Agreement

Currently, the Town has ~~one~~ three pieces of public artwork provided by a Developer, in a public place. These include:

1. the street artwork located on the corner of Newcastle/Lake Streets, Perth;
2. acrylic blocks installed in the footpath outside the Kailis's premises in Oxford Street, Leederville; and
3. artwork outside development at 250 Beaufort Street, Perth.

~~It was~~ These were installed in 2005. At present there is no documentation requiring the artwork to be maintained, repaired or removed etc and should this be necessary, this cost would be borne by the Town.

In future years, the amount of public artwork which will be provided by developers (as a requirement of the Town's percent for Art Policy) will no doubt increase. It is inevitable that over time, these pieces of artwork will be required to be maintained/repaired as a result of age, damage/vandalism and this cost could be substantial. Furthermore, responsibility for the payment of costs associated with relocation of the public artwork to facilitate public utility works to be carried out is unclear at present.

The Council may recall several years ago, a piece of public artwork in an adjoining local government was damaged and became deteriorated to such an extent that became an eyesore and necessitated removal. In this case, the owners did not want to repair the artwork and the artist was not in a financial position to carry out repairs. Much public angst occurred whilst the matter was being resolved and finally the artwork was removed to a rural property. A legal Agreement would provide clarity and protection to the Town and all parties involved for the future.

Public Artwork - Threshold Value

At present the Town's policy becomes applicable where the private developer building has a value of \$500,000. This amount is considered far too low and has not been increased since the inception of the policy. Due to the increased building escalation costs over the previous years, it is appropriate that this amount be increased to \$2 million. This amount will be the same as the Department of Housing and Works' Policy and a number of other local governments who have a similar policy. Therefore it will provide consistency.

The current policy is also ambiguous as it requires Town of Vincent - "*new public buildings and works projects over the value of \$100,000 will have 1% of the total project cost set aside for development of public art ...*".

For reasons unknown, (perhaps it was too ambiguous) this clause of the policy has not been utilised by the Town since its inception, except in the case of major public buildings (eg DSR building at 244 Vincent Street). Many of the Town's current works projects exceed the current threshold of \$100,000 and it is considered unreasonable and cost inefficient to apply it to "*works projects*". Reference to "*works projects*" should therefore be deleted.

It is also recommended that the amounts in the Town's policy be the same for the Town as for private developers and value be the same as prescribed by the Department of Housing and Works, which is currently \$2 million.

Review of Policy

It is recommended that the current amendments be applicable forthwith. However, it would be appropriate to review the Town's current policy in its entirety.

10.4.1 Use of the Council's Common Seal

Ward:	-	Date:	7 March 2007
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

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

COUNCIL DECISION ITEM 10.4.1

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology.)

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
13/02/07	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services, Gate 7, Subiaco Oval, Subiaco Road, Subiaco re: Mustard Function - 14 February 2007 (Corporate Suite Nos. 10 and 11)
16/02/07	Withdrawal of Caveat	3	Town of Vincent and Mullins Handcock, 13/37 St Georges Terrace, Perth re: No. 77 (Lot 277) Lawler Street, North Perth (<i>Caveat originally lodged to ensure the conservation of the existing</i>

Date	Document	No of copies	Details
			<i>building. Owners now wish to sell the property and requested that caveat be withdrawn <u>and re-logged again when the sale is finalised.</u></i>
22/02/07	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Perth Glory Pty Ltd of 310 Pier Street, Perth WA 6000 re: Perth Glory Press Conference - 23 February 2007 (Gareth Naven Room, Change Rooms and Pitch)
27/02/07	Deed of Covenant	3	Town of Vincent and G & N Capolingua of PO Box 323, Mount Hawthorn and Commonwealth Bank of Australia re: No. 46 (Lots 27 & 28) Bondi Street, Mount Hawthorn - Demolition of existing single house and construction of single house with basement and undercroft car parking - Legal Agreement/Deed of Covenant for Amalgamation
01/03/07	Local Law Amendment	1	Amendment to Town of Vincent Local Law relating to Parking Facilities, Amendment No. 1 - 2007
2/03/07	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Football Federation Australia Ltd of Level 7, 26 College Street, Sydney NSW 2000 re: Press Conference - 2 March 2007 (Gareth Naven Room, Change Rooms and Pitch)
2/03/07	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services, Gate 7, Subiaco Oval, Subiaco Road, Subiaco re: Mustard Function - 8 March 2007 (Corporate Suite No. 10)
2/03/07	Financial Assistance Agreement	2	Town of Vincent and the State of Western Australia represented by the Minister for Sport and Recreation of 10th Floor, Dumas House, 2 Havelock Street, West Perth, WA 6005 re: Loftus Centre - financial contribution
7/03/07	Deed of Mutual Agreement	3	Town of Vincent and A C Kazim of 19 Hibbertia Court, Maida Vale and S Yan Wai Wong of 19 Hillway Street, Nedlands regarding No. 77 (Lot 277) Lawler Street, North Perth - <i>To ensure conservation of the existing building.</i>

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Notice of Motion – Cr Simon Chester – Request for a Report Concerning the Assessment of Development Applications

That;

- (i) *the Council AUTHORISES the Chief Executive Officer to provide a report identifying any and all instances of;*
 - (a) *where any current practice used in the Officers' assessment of development applications is not contained in a formally adopted policy of the Town; and*
 - (b) *where the current practice of the Officers in the assessment of development applications is not to utilise or apply either any part of, or completely, a formally adopted policy of the Town; and*
- (ii) *the report to be provided to the Council no later than April 2007.*

COUNCIL DECISION ITEM 11.1

Moved Cr Chester, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Cr Farrell departed the meeting at 8.50pm and did not return.

CARRIED (7-0)

(Cr Torre was an apology. Cr Farrell had left the meeting.)

Note: This motion was “DEFERRED” at the Ordinary Meeting of Council held on 27 February 2007 as the proposer of the motion (Cr Chester) was an apology for the meeting.

11.2 Notice of Motion – Cr Izzi Messina – Request for a Review of the Town's Entry Signage

That;

- (i) *the Chief Executive Officer be requested to investigate and report on options for possible new Entry Signage for the Town;*
- (ii) *the report include types of signage available, purchase costs, maintenance, possible suggestions for a new slogan, the appropriateness of the current slogan - "The Town of Vincent is a Nuclear Free Zone"; and*
- (iii) *the report be submitted to the Council no later than May 2007."*

COUNCIL DECISION ITEM 11.2

Moved Cr Messina, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

Moved Cr Messina, Seconded Cr Doran-Wu

That the notice of motion be DEFERRED to allow Cr Messina to consider further information.

MOTION CARRIED (5-2)

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

(Cr Torre was an apology. Cr Farrell had left the meeting.)

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

See page 26 for Item 13.1 which was carried en bloc relating to - No. 120 (Lot 1001) Claisebrook Road, East Perth - Proposed Removal of Operational Time Restrictions for Ready Mix Concrete Batching Plant by City of Perth.

At 9.00pm Moved Cr Ker, Seconded Cr Doran-Wu

That the meeting proceed behind closed doors to consider Items 14.1, 14.2, 14.3 and 14.4 as they contain legal advice obtained, or which may be obtained by the Town.

CARRIED (7-0)

(Cr Torre was an apology. Cr Farrell had departed the meeting.)

14. CONFIDENTIAL REPORTS (Behind Closed Doors)

14.1 CONFIDENTIAL REPORT - Nos. 28-32 (Lots 401 and 1072) Carr Street, West Perth - Proposed Vehicular Gate Addition to Existing Grouped Dwellings - State Administrative Tribunal - Review Matter No. DR 460 of 2006 - Directions Hearing

Ward:	South	Date:	2 March 2007
Precinct:	Hyde Park; P12	File Ref:	PRO0865; 5.2006.325.1
Attachments:	-		
Reporting Officer(s):	O Hammond; R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council SUPPORTS as part of the State Administrative Tribunal Review Matter No. DR 460 of 2006 for the Proposed Gate Addition to Existing Grouped Dwellings at Nos. 28-32 (Lots 401 and 1072) Carr Street, West Perth, the details as shown on amended plans stamp-dated 23 February 2007, subject to the following conditions:

- (i) the proposed vehicular and pedestrian gates adjacent to the Carr Street shall be minimum 50 percent visually permeable when viewed from Carr Street; and*
- (ii) the signage relating to internal visitor car bays 1/28 and 2/28 shall be clearly visible from the outside of the proposed vehicular gate and details be submitted to and approved by the Town, prior to the signage being installed.*

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

Moved Cr Ker, Seconded Cr Lake

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

"(iii) suitable management measures and the provision of an 'audiolink' or other communication device which is appropriately located for the driver of vehicles entering the property shall be implemented to ensure access is available for visitors of the grouped dwellings at all times. Details of the management measures and the 'audiolink' or other communication device shall be submitted to and approved by the Town prior to the installation of the proposed vehicular gate."

AMENDMENT CARRIED (7-0)

(Cr Torre was an apology. Cr Farrell had departed the meeting.)

MOTION AS AMENDED CARRIED (4-3)

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

(Cr Torre was an apology. Cr Farrell had departed the meeting.)

COUNCIL DECISION ITEM 14.1

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council SUPPORTS as part of the State Administrative Tribunal Review Matter No. DR 460 of 2006 for the Proposed Gate Addition to Existing Grouped Dwellings at Nos. 28-32 (Lots 401 and 1072) Carr Street, West Perth, the details as shown on amended plans stamp-dated 23 February 2007, subject to the following conditions:

- (i) the proposed vehicular and pedestrian gates adjacent to the Carr Street shall be minimum 50 percent visually permeable when viewed from Carr Street;*
- (ii) the signage relating to internal visitor car bays 1/28 and 2/28 shall be clearly visible from the outside of the proposed vehicular gate and details be submitted to and approved by the Town, prior to the signage being installed; and*
- (iii) suitable management measures and the provision of an 'audiolink' or other communication device which is appropriately located for the driver of vehicles entering the property shall be implemented to ensure access is available for visitors of the grouped dwellings at all times. Details of the management measures and the 'audiolink' or other communication device shall be submitted to and approved by the Town prior to the installation of the proposed vehicular gate.*

Note: The Chief Executive Officer advised that this report is now released to the public as the Council has determined the matter.

PURPOSE OF REPORT:

The purpose of this report is for the Council to reconsider its decision of Planning Refusal issued under delegated authority on 22 November 2006 relating to the installation of security gates in front of the existing visitor car bays for the grouped dwelling development. Amended plans dated 23 February 2007 have been submitted for the subject development as part of Review Matter No. DR 460 of 2006 to the State Administrative Tribunal (SAT). The matter is currently being mediated at the SAT, and the Town is represented by its Officers.

Landowner:	Owners of Strata Plan 48321 and 48322
Applicant:	Greg Rowe and Associates
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Grouped Dwelling
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	1333 square metres (Lot 401), 1012 square metres (Lot 1072)
Access to Right of Way	N/A

Note: The Background Report below was corrected and distributed prior to the meeting. Changes are indicated by strikethrough, italic font and underline

CORRECTED BACKGROUND:

~~20 January~~ 24 February 2004 The Council at its Ordinary Meeting conditionally approved the demolition of two existing single houses and construction of eight (8) two-storey grouped dwellings on No. 28 Carr Street, and six (6) two-storey grouped dwellings on No. 32 Carr Street subject to several conditions, including the following condition:

“(iii) prior to the first occupation of the development, two (2) visitors car parking bays shall be provided, clearly marked and signposted for such, visible from the point of entry and outside any security barrier.”

7 September 2004 The Town conditionally approved a Building Licence for the construction of eight (8) two-storey grouped dwellings on No. 28 Carr Street, and six (6) two-storey grouped dwellings on No. 32 Carr Street.

18 January 2005 The Council at its Ordinary Meeting resolved to refuse an application for a proposed vehicular gate, involving reconsideration of condition of Planning Approval for eight (8) two-storey grouped dwellings on No. 28 Carr Street, and six (6) two-storey grouped dwellings on No. 32 Carr Street.

20 December 2005 The Council at its Ordinary Meeting resolved to conditionally approve an application for a proposed street/front fence and gates to existing grouped dwellings (application for retrospective approval). The Council also resolved that:

“(ii) (b) the electronic gate shall be subject to a separate Planning Approval and Building Licence application being submitted to and approved by the Town prior to the erection of the subject structure. The visitor bay should be within the development and be provided uninhibited access from the public realm.”

22 November 2006 The proposed vehicular gate addition to existing group dwellings was refused under delegated authority. The plans refused were the same plans as those refused by Council at its Ordinary Meeting held on 18 January 2005, for the following reasons:

"(i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and

(ii) the non-compliance with the Access and Car Parking requirements of the Residential Design Codes as the proposed gate creates a security barrier to the visitors' bays within the development."

17 January 2007 Direction hearing at SAT.

15 February 2007 Further direction hearing at SAT, inviting the Town to reconsider its decision issued under delegated authority on 22 November 2006.

29 March 2007 Further directions hearing to be held.

DETAILS:

Following the State Administrative Tribunal directions hearing held on 15 February 2007, the applicant has submitted the following additional details in support of the amended proposal, and has requested the Council to further consider the matter under review.

- The amended plans involve the proposed visually permeable security and pedestrian gate being positioned a minimum of 10 metres northwards into the development from the front boundary.
- The 10 metres setback distance from the front boundary will allow for 2 motor vehicles being able to be parked in a tandem position while waiting for the gate to be opened.
- Additional signage is also proposed for the on-site visitor car bays which would be more easily identifiable by visitors through the visually permeable gates while waiting in the motor vehicle for the security gates to be opened.
- In past correspondence received, security of the complex is a constant issue, as a few of the dwellings have been broken into in the past couple of months. Trespassers in past have also used the complex for "illegal" drug activities, parking of vehicles during the day time, and toilet facilities, as most of the owners/residents are away during the daytime.
- Entry to the complex will be controlled via an inter-com system located where the gates are to be proposed.

The distance of the gates previously proposed and refused under delegated authority on 22 November 2006 were 7.5 metres from the front boundary.

CONSULTATION/ADVERTISING:

Not required.

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.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The amended proposal would ensure that 2 visitors' vehicles can be adequately accommodated on-site within the development and thereby not obstructing any vehicular traffic along Carr Street nor pedestrian traffic using the footpath directly adjacent to the site. The proposal is considered supportable in the interest of preservation of amenities of the locality and subject to appropriate conditions as contained in this Officer Recommendation.

14.2 CONFIDENTIAL REPORT - Nos.16-18 (Lot 36 D/P: 3660) Knutsford Street, North Perth - Proposed Conversion of Six (6) Multiple Dwellings to Three (3) Two-Storey Grouped Dwellings and Construction of an Additional Three (3) Two-Storey Grouped Dwellings and Associated Undercroft Car Parking- State Administrative Tribunal -Review Matter No. DR 29 of 2007- Hearing

Ward:	North	Date:	2 March 2007
Precinct:	North Perth; P8	File Ref:	PRO3193; 5.2005.2864.1
Attachments:	-		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *the Council RECEIVES the report relating to Nos. 16-18 (Lot 36 D/P: 3660) Knutsford Street, North Perth- Proposed Conversion of Six (6) Multiple Dwellings to Three (3) Two-Storey Grouped Dwellings and Construction of an Additional Three (3) Two-Storey Grouped Dwellings and Associated Undercroft Car-Parking- State Administrative Tribunal- Review Matter No. DR 29 of 2007- Hearing;*
- "(ii) (a) *any new street/front wall, fence and gate between the ~~Harold Street~~ boundary and the ~~Stirling~~ Knutsford Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (2) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (4) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (5) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;"*
- (b) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*

- (c) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Knutsford Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (d) *the carport segmented door of Townhouses 4, 5 and 6 facing the right of way shall be visually permeable, with a minimum 50 per cent transparency;*
- (e) *the carports adjacent to Knutsford Street shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted);*
- (f) *first obtaining the consent of the owners of No.20 Knutsford Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No.20 Knutsford Street in a good and clean condition; and*
- (g) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (1) *the balcony of Townhouse 1 on the eastern elevation on the upper floor, being screened with a permanent obscure material and non openable to a minimum of 1.6 metres above the finished first floor level within the 7.5 metres 'cone of vision' to the northern boundary as stipulated in the Residential Design Codes. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No.20 Knutsford Street stating no objections to the proposed privacy encroachment;*
 - (2) *the window to the kitchen of Townhouse 6 on the eastern elevation on the first floor, being screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject window not exceeding one square metre in aggregate in the respective subject wall, so that it is not considered to be a major opening as defined in the Residential Design Codes 2002. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 11 Mabel Street stating no objections to the proposed privacy encroachment;*
 - (3) *the front setback area being adequately landscaped to reduce the visual impact of the driveways to the satisfaction of the Town; and*
 - (4) *the carports of Townhouses 1, 2, and 3 adjacent to Knutsford Street being redesigned to be in keeping with the style of the existing building.*

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

(iii) ***NOMINATES Councillor to represent the Town as a witness in the full SAT hearing to be held on 2 May 2007 and 3 May 2007; and***

(iv) ***INVITES the four (4) residents who objected to the proposal to represent the Town as witnesses in the full SAT hearing to be held on 2 May 2007 and 3 May 2007.***

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

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

Moved Cr Ker, Seconded Cr Messina

That clause (ii) (g) (4) be amended to read as follows:

"(ii)(g)(4) the carports of Townhouses 1, 2, and 3 adjacent to Knutsford Street being redesigned to be in keeping with the style of the existing building and each having a total maximum width of 3.0 metres and complying with the minimum width required for a single carport in accordance with AS. 2890.1."

AMENDMENT CARRIED (7-0)

(Cr Torre was an apology. Cr Farrell had departed the meeting.)

MOTION AS AMENDED CARRIED (7-0)

(Cr Torre was an apology. Cr Farrell had departed the meeting.)

COUNCIL DECISION ITEM 14.2

That;

(i) *the Council RECEIVES the report relating to Nos. 16-18 (Lot 36 D/P: 3660) Knutsford Street, North Perth- Proposed Conversion of Six (6) Multiple Dwellings to Three (3) Two-Storey Grouped Dwellings and Construction of an Additional Three (3) Two-Storey Grouped Dwellings and Associated Undercroft Car-Parking-State Administrative Tribunal- Review Matter No. DR 29 of 2007- Hearing;*

"(ii) (a) any new street/front wall, fence and gate between the ~~Harold Street~~ boundary and the ~~Stirling~~ Knutsford Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:

- (1) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
- (2) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
- (3) the maximum width, depth and diameter of posts and piers being 350 millimetres;*

- (4) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
- (5) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;"*
- (b) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (c) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Knutsford Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (d) *the carport segmented door of Townhouses 4, 5 and 6 facing the right of way shall be visually permeable, with a minimum 50 per cent transparency;*
- (e) *the carports adjacent to Knutsford Street shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted);*
- (f) *first obtaining the consent of the owners of No.20 Knutsford Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No.20 Knutsford Street in a good and clean condition; and*
- (g) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (1) *the balcony of Townhouse 1 on the eastern elevation on the upper floor, being screened with a permanent obscure material and non openable to a minimum of 1.6 metres above the finished first floor level within the 7.5 metres 'cone of vision' to the northern boundary as stipulated in the Residential Design Codes. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No.20 Knutsford Street stating no objections to the proposed privacy encroachment;*

- (2) *the window to the kitchen of Townhouse 6 on the eastern elevation on the first floor, being screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject window not exceeding one square metre in aggregate in the respective subject wall, so that it is not considered to be a major opening as defined in the Residential Design Codes 2002. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 11 Mabel Street stating no objections to the proposed privacy encroachment;*
- (3) *the front setback area being adequately landscaped to reduce the visual impact of the driveways to the satisfaction of the Town; and*
- (4) *the carports of Townhouses 1, 2, and 3 adjacent to Knutsford Street being redesigned to be in keeping with the style of the existing building and each having a total maximum width of 3.0 metres and complying with the minimum width required for a single carport in accordance with AS. 2890.1*

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

- (iii) *NOMINATES Councillor Ker to represent the Town as a witness in the full SAT hearing to be held on 2 May 2007 and 3 May 2007; and*
- (iv) *INVITES the four (4) residents who objected to the proposal to represent the Town as witnesses in the full SAT hearing to be held on 2 May 2007 and 3 May 2007.*

Note: The Chief Executive Officer advised that this report is now released to the public as the Council has determined the matter.

PURPOSE OF REPORT:

- To update the Council on the above review application.
- To comply with the requirements of the Town's Policy/Procedure for SAT.
- To consider an Elected Member(s) and those who made objections to appear as witnesses on behalf of the Town.
- To file draft "without prejudice" conditions of approval in advance of the hearing concerning the Council's refusal of the above application.

CORRECTED BACKGROUND TABLE:

Landowner:	Lomond Properties Pty Ltd <u>A F Princi & P V Smith & S J Pigliardo</u>
Applicant:	Lomond Properties Pty Ltd <u>P Smith</u>
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80 <u>Residential R30/40</u>
Existing Land Use:	Motel <u>Multiple Dwellings</u>
Use Class:	Motel, Office Building <u>Grouped Dwellings</u>
Use Classification:	"SA", "SA" "P"
Lot Area:	2478 square metres <u>1012 square metres</u>
Access to Right of Way	N/A <u>South side, 7.0 metres wide, sealed, privately owned</u>

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

BACKGROUND:

- 5 December 2006 The Council at its Ordinary Meeting resolved to refuse an application for conversion of six (6) multiple dwellings to three (3) two-storey grouped dwellings and construction of an additional three (3) two-storey grouped dwellings and associated undercroft car-parking at the subject property.
- 19 January 2007 Application lodged with the State Administrative Tribunal to review the Council's decision.
- 9 February 2007 Directions Hearing held at the State Administrative Tribunal (SAT).
- 2 May 2007 and
3 May 2007 Full Hearing to be held at SAT

DETAILS:

The proposal involves conversion of six (6) multiple dwellings to three (3) two-storey grouped dwellings and construction of an additional three (3) two-storey grouped dwellings and associated undercroft car-parking at the subject property.

CONSULTATION/ADVERTISING:

Not required.

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.

FINANCIAL/BUDGET IMPLICATIONS:

Cost associated with the services of Mr. Simon Bain of SJB Town Planning and Urban Design to represent the Town.

COMMENTS:

The SAT has advised that the draft conditions would be *"without prejudice"* and *"is not a concession by the decision-maker that approval of the application is appropriate"*. The SAT has introduced the above practice for the following two reasons:

- (1) Under Section 9 of the State Administrative Tribunal Act 2004 (WA), the objectives include *"to act as speedily and with as little formality and technicality as practicable, and minimise the costs to the parties"*.
- (2) The SAT needs to have a full appreciation of all conditions applicable prior to making a reliable decision.

In accordance with the Policy/Procedure for State Administrative Tribunal, the following is recommended:

- The Council "Files" and "Serves" the draft "without prejudice" conditions applicable to the above development if the above review is allowed by the SAT; and
- The Council nominates an Elected Member(s) and those who made objections to represent the Town as witnesses in the full SAT hearing.

14.3 CONFIDENTIAL REPORT - No. 516 (Lot 5 D/P: 3830) Fitzgerald Street, North Perth - Alterations, and Garage with Loft and Carport Additions to Existing Single House -State Administrative Tribunal- Review Matter No. DR 644 of 2005-Determination

Ward:	South	Date:	7 March 2007
Precinct:	Norfolk; P10	File Ref:	PRO2368; 5.2005.2855.1
Attachments:	-		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

That;

(i) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, the Council resolves to CHANGE clause (iv) (ii) (d) (2), of the resolution adopted by the Council at its Ordinary Meeting held on 24 October 2006 (Confidential Item 14.3);*

(ii) *Councillor..... MOVES a motion to CHANGE the decision by amending the following clause:*

"(iv) (ii) (d) (2) an additional three courses of brickwork shall be added to the "as constructed" southern elevation wall in order to ensure that rain water run-off will be confined to, and contained within, the subject site at No.516 Fitzgerald Street, North Perth, within 90 days of the SAT Orders and subject to first obtaining the consent of the owners of No.514 (Lot 6) Fitzgerald Street, North Perth, if access over No. 514 Fitzgerald Street is needed to construct this southern elevation wall."

(iii) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three Elected Members, namely Councillor, Councillor and Councillor, being one third of the number of offices of members of the Council, SUPPORTS this motion; and*

(iv) *the Council RESOLVES BY AN ABSOLUTE MAJORITY to CHANGE the decision by amending the subject clause to read as follows;*

"(iv) (ii) (d) (2) an additional three courses of brickwork shall be added to the "as constructed" southern elevation wall in order to ensure that rain water run-off will be confined to, and contained within, the subject site at No.516 Fitzgerald Street, North Perth, within 90 days of the ~~SAT Orders~~ of the issue of a Building Licence, whereby the Building Licence application is to be submitted to the Town by 27 March 2007 and subject to first obtaining the consent of the owners of No.514 (Lot 6) Fitzgerald Street, North Perth, if access over No. 514 Fitzgerald Street is needed to construct this southern elevation wall."

Moved Cr Chester, Seconded Cr Maier

That the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY (7-0)

(Cr Torre was an apology. Cr Farrell had departed the meeting.)

COUNCIL DECISION ITEM 14.3

That;

(i) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, the Council resolves to CHANGE clause (iv) (ii) (d) (2), of the resolution adopted by the Council at its Ordinary Meeting held on 24 October 2006 (Confidential Item 14.3);*

(ii) *Councillor Chester MOVES a motion to CHANGE the decision by amending the following clause:*

"(iv) (ii) (d) (2) an additional three courses of brickwork shall be added to the "as constructed" southern elevation wall in order to ensure that rain water run-off will be confined to, and contained within, the subject site at No.516 Fitzgerald Street, North Perth, within 90 days of the SAT Orders and subject to first obtaining the consent of the owners of No.514 (Lot 6) Fitzgerald Street, North Perth, if access over No. 514 Fitzgerald Street is needed to construct this southern elevation wall."

(iii) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three Elected Members, namely Councillor Chester, Councillor Maier and Councillor Ker, being one third of the number of offices of members of the Council, SUPPORTS this motion; and*

(iv) *the Council RESOLVES BY AN ABSOLUTE MAJORITY to CHANGE the decision by amending the subject clause to read as follows;*

"(iv) (ii) (d) (2) an additional three courses of brickwork shall be added to the "as constructed" southern elevation wall in order to ensure that rain water run-off will be confined to, and contained within, the subject site at No.516 Fitzgerald Street, North Perth, within 90 days of the issue of a Building Licence, whereby the Building Licence application is to be submitted to the Town by 27 March 2007 and subject to first obtaining the consent of the owners of No.514 (Lot 6) Fitzgerald Street, North Perth, if access over No. 514 Fitzgerald Street is needed to construct this southern elevation wall."

Note: The Chief Executive Officer advised that this report is now released to the public as the Council has determined the matter.

PURPOSE OF REPORT:

The purpose of this report is for the Council to reconsider a condition applied for the subject development submitted as part of the application for Review Matter No. DR 644 of 2005 to the State administrative Tribunal (SAT) at its Ordinary Meeting held on 24 October 2006 at the request of SAT.

Landowner:	L A Ingram
Applicant:	L A Ingram
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	630 square metres
Access to Right of Way	East side, 5 metres wide, unsealed, privately owned

BACKGROUND:

- 29 May 2003 Development Application received by the Town for Partial Demolition of and Alterations, Additions, Triple Garage with Cellar and Loft to Existing Single House.
- 12 August 2003 Conditional approval granted at the Ordinary Meeting of Council (OMC) for Partial Demolition of and Alterations, Additions, Triple Garage with Cellar and Loft to Existing Single House.
- 20 August 2003 Approval to Commence Development issued to applicant.
- 15 December 2003 Building Licence application received by the Town.
- 17 December 2003 Planning Officer requested Planning Approval conditions (i), (iii), (iv), (v), (vi), (vii), (viii), (ix) and (x) be included on the Building Licence. Clearance given for issue of Building Licence. Building Licence granted.
- 22 March 2005 Licensed Surveyors certification received from Brook Marsh Licensed Surveyors confirming that the boundary walls and gutters are clear of the boundary from 0.21 metre to 0.26 metre.
- 22 March 2005 The Council, at its Ordinary Meeting, resolved the following:
- "(i) *RECEIVES the report relating to variations to Planning Approval and Building Licence for partial demolition of and alterations, additions, triple garage with cellar and loft to existing single house at No. 516 (Lot 5) Fitzgerald Street, North Perth;*
 - (ii) *REQUESTS the owners of No. 516 (Lot 5) Fitzgerald Street, North Perth to submit the following information to the satisfaction of the Town, within 28 days of the date of notification:*

- (a) *planning application, including relevant plans and payment of the relevant fees, for the existing development and all amendments made to the Planning Approval issued on 20 August 2003;*
 - (b) *structural engineers certification confirming the structural adequacy of the existing development; and*
 - (c) *licensed surveyors certification confirming the existing development is located entirely on the subject lot; and*
- (iii) *REGARDS as unacceptable the internal administrative processes and practices that provided the Building Licence approval dated 17 December 2003 for alterations and additions to 516 Fitzgerald Street, North Perth with significantly greater variations than the conditional planning approval provided by Council dated 12 August 2003."*
- 12 May 2005 Structural Surveyors certification received from Andreotta Cardenosa Consulting Engineers that the structures are structurally adequate.
- 12 May 2005 Application for alterations, and garage with loft and carport additions to existing single house (application for retrospective approval), received by the Town.
- 11 October 2005 The Council, at its Ordinary Meeting, resolved to approve alterations, and garage with loft and carport additions to existing single house (application for retrospective approval).
- 21 December 2005 State Administrative Tribunal (SAT) direction hearing, where the Review matter was further adjourned.
- 18 January 2006 Further direction hearing at SAT, inviting respondent (Town) to reconsider its decision under review.
- 21 February 2006 At its Special Meeting, the Council re-considered previous conditions of approval and revised plans as part of the SAT Review matter, and resolved as follows:
- "That;*
- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council, as part of the State Administrative Tribunal Review Matter DR 644 of 2005 for the alterations, and garage with loft and carport additions to existing single house at No.516 (Lot 5) Fitzgerald Street, North Perth, ADVISES the State Administrative Tribunal as follows:*
- (a) *the Council SUPPORTS the deletion of Condition (i)(b);*

- (b) *the Council SUPPORTS the deletion of Condition (ii)(e), subject to the western facing window being non-openable for a height of 1.6 metres from the upper floor finished floor level, and that the obscure film be of the same material as stated in the information brochure and quote dated 16 January 2006 from Eclipse Window Tinting and maintained thereafter as required to prevent any undue overlooking into No. 514 Fitzgerald Street, North Perth; and*
- (c) *the Council DOES NOT SUPPORT the deletion of Condition(ii)(d) and further AMENDS Condition (ii)(d) to read as follows:*
- "(ii)(d) the existing wall of the garage with loft addition on the southern elevation being modified to provide a parapet wall to the southern boundary within 90 days of notification, and subject to first obtaining the consent of the owners of No.514 (Lot 6) Fitzgerald Street, North Perth, if access over No.514 Fitzgerald Street is needed to construct this parapet wall;" and*
- (ii) *the Council AUTHORISES the Chief Executive Officer to make the information available to the public, after the review application has been determined and finalised by the State Administrative Tribunal."*

23 August 2006

SAT determined the above review matter on papers and the following Orders were issued:

1. *"The preliminary issue is answered in terms of the reasons of the Tribunal published with these orders.*
2. *Unless the applicants object in writing within 21 days (in which case the matter is to be listed for directions before Mr. Graham), consistently with those reasons, the respondent is invited, under the provisions of s 31(2) (c) of the State Administrative Tribunal Act 2004 (WA), to set aside its decision of 21 February 2006 and substitute a new decision(s) which does not use the expression "parapet wall".*
3. *Subject to paragraph 2 of these orders, reconsideration by the respondent in the terms indicated finalises the review and the review shall stand dismissed without prejudice to the applicant's ability to seek a further review on the substituted decision."*

In terms of Order 2 above, no submissions were made by the applicants within the 21 days period.

24 October 2006

The Council, at its Ordinary Meeting, considered the above matter as a "Confidential Item" and resolved as follows:

"That;

- (i) pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, the Council PROCEEDS "behind closed doors" at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members for Proposed Alterations, and Garage with Loft and Carport Additions to Existing Single House at No. 516 (Lot 5 D/P: 3830) Fitzgerald Street, North Perth - State Administrative Tribunal-Review Matter No. DR 644 of 2005, as the matter contains legal advice obtained, or which may be obtained by the Town; and*
- (ii) the Council AUTHORISES the Chief Executive Officer to make public the confidential report, or any part of it, at the appropriate time.*

COUNCIL DECISION ITEM 14.3

That;

- (i) in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, the Council resolves to CHANGE clause (i) (c) of the resolution adopted by the Council at its Special Meeting held on 21 February 2006 (Confidential Item 14.1);*

- (ii) Councillor Torre MOVES a motion to CHANGE the decision by amending the following clause:*

"(i) (c)the Council DOES NOT SUPPORT the deletion of condition (ii) (d) and further AMENDS Condition (ii) (d) to read as follows:

"(ii) (d) the existing wall of the garage with loft addition on the southern elevation being modified to provide a parapet wall to the southern boundary within 90 days of notification, and subject to first obtaining the consent of the owners of No. 514 (Lot 6) Fitzgerald Street, North Perth, if access over No. 514 Fitzgerald Street is needed to construct this parapet wall; and"

- (iii) in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three Elected Members, namely Councillor Chester, Councillor Ker and Councillor Doran-Wu, being one third of the number of offices of members of the Council, SUPPORTS this motion; and*

(iv) the Council RESOLVES BY AN ABSOLUTE MAJORITY to CHANGE the decision by amending the subject clause to read as follows;

"(i) (c) the Council SUPPORTS the substitution of condition (ii) (d) with the following conditions:

"(ii) (d) (1) the existing eaves and guttering on the southern elevation of the garage with loft (games room) at No. 516 Fitzgerald Street, North Perth shall be removed; and

(ii) (d) (2) an additional three courses of brickwork shall be added to the "as constructed" southern elevation wall in order to ensure that rain water run-off will be confined to, and contained within, the subject site at No. 516 Fitzgerald Street, North Perth, within 90 days of the SAT Orders and subject to first obtaining the consent of the owners of No. 514 (Lot 6) Fitzgerald Street, North Perth, if access over No. 514 Fitzgerald Street is needed to construct this southern elevation wall."

14 February 2007

State Administrative Tribunal (SAT) further direction hearing.

DETAILS:

The SAT letter dated 16 February 2007 (attached) requests the Council to delete the words *"...of the SAT ORDERS....."* in (iv) (ii) (d) (2) of the Council's Resolution made at its Ordinary Meeting held on 24 October 2006, which in part is as follows:

"(iv) (ii) (d) (2) an additional three courses of brickwork shall be added to the "as constructed" southern elevation wall in order to ensure that rain water run-off will be confined to, and contained within, the subject site at No. 516 Fitzgerald Street, North Perth, within 90 days of the SAT Orders and subject to first obtaining the consent of the owners of No. 514 (Lot 6) Fitzgerald Street, North Perth, if access over No. 514 Fitzgerald Street is needed to construct this southern elevation wall."

The SAT letter dated 16 February 2007 also required the Town's Officers to discuss the building requirements in order to effect the planning conditions included in conditions (iv) (ii) (d) (1) and (iv) (ii) (d) (2) above and if possible that these two planning conditions be issued at the same time in order to maximise the time for the applicants to meet the conditions and complete the required building.

COMMENTS:

The Town's Planning and Building Officers have met the owner and the designer of the above site on 26 February 2007. The owners have submitted the following information dated 28 February 2007 (separately attached for Elected Members), summarised in terms of time frames for submitting the Building Licence application for the additional 3 courses of brickwork along the southern boundary wall, the removal of the guttering and eaves and structural engineer's details and when the work can be completed by:

- Building Licence application and structural engineer's details to be submitted by 28 days from 26 February 2007 (that is, 27 March 2007).

- A further 90 days from the date the Building Licence is issued by the Town for the above mentioned work. The reasons given for the extension of time is due to the availability of getting a builder for the size of the job, willingness of a builder to work along side an asbestos garage/wall and weather.
- Tinting on the western window will be completed by 2 April 2007.

The Town's Officers consider the request as reasonable in the current building climate and the difficulty in getting trades persons to undertake the required work.

14.4 CONFIDENTIAL REPORT - Proposed Aboriginal Art Works Robertson Park, Perth

COUNCIL DECISION ITEM 14.4

That the Council;

- (i) *RECEIVES the report on the proposed Aboriginal Art Works/Landscape at Robertson Park;*
- "(ii) *APPROVES the implementation of the proposed Landscaping/Artwork as shown in Appendices 14.4A and B subject to the:*
 - (a) *full cost of the works including any relocation of services, new services and any reinstatements be borne by the applicant;*
 - (b) *proposed landscaping works be installed in liaison with and to the full satisfaction of the Executive Manager Technical Services;*
 - (c) *proposed artwork component, 'mosaic waterhole' being designed and constructed in liaison with the Town's Arts officer and the Executive Manager Technical Services;*
 - (d) *applicant agreeing to fund the maintenance of the landscaping area and the artwork for five (5) years from the completion of the works including but not limited to funding replacement plants and any damage caused to the artwork and/or landscaping within this period;*
 - (e) *Town of Vincent agreeing to take over the ongoing maintenance of the landscaping and artworks after five (5) years from the completion of the works only if the works have been constructed to the required standard and the landscaping has been adequately maintained during this period;*
- (iii) *RESERVES its right to remove the landscaping and/or the art works at any time in the future should the artwork become unsafe, damaged or for any other reason;*
- (iv) *ADVISES all parties of its Decision; and*
- (v) *NOTES the sensitivity of this matter and DIRECTS that this report remain strictly confidential.*

CARRIED (6-1)

For

Mayor Catania
Cr Chester
Cr Doran-Wu
Cr Ker
Cr Lake
Cr Maier

Against

Cr Messina

(Cr Torre was an apology. Cr Farrell had departed the meeting.)

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it relates to the personal affairs of a person.

LEGAL/POLICY:

The Town of Vincent Local Law Relating to Standing Orders states the following:

“2.15 Confidential business

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is –*
- (i) to be treated as strictly confidential; and*
 - (ii) not, without the authority of Council, to be disclosed to any person other than–*
 - (a) the Members; and*
 - (b) Officers of the Council but only to the extent necessary for the purpose of carrying out their duties;*
- prior to the discussion of that matter at a meeting of the council held with open doors.*
- (2) *Any report, document or correspondence which is to be placed before the Council or any committee and which is in the opinion of the Chief Executive Officer of a confidential nature, may at his or her discretion be marked as such and –*
- (i) then to be treated as strictly confidential; and*
 - (ii) is not without the authority of the Council to be disclosed to any person other than the Mayor, Councillors or the Officers of the Council referred to in sub-clause (1).”*

COMMENTS:

The confidential report is provided separately to Elected Members, the Chief Executive Officer and Executive Managers.

At the conclusion of this matter, the Council may wish to make some details available to the public.

At 9.10pm **Moved Cr Lake, Seconded Cr Maier**

That an "open" meeting be resumed.

CARRIED (7-0)

(Cr Torre was an apology. Cr Farrell had left the meeting.)

15. CLOSURE

The Presiding Member, Mayor Nick Catania, JP, declared the meeting closed at 9.10pm with the following persons present:

Mayor Nick Catania, JP	Presiding Member
Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Mike Rootsey	Executive Manager, Corporate Services
Rick Lotznicker	Executive Manager, Technical Services

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 13 March 2007.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2007