



**TOWN OF VINCENT**

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*"Enhancing and celebrating our diverse community"*

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# MINUTES

**14 APRIL 2009**

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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 14 April 2009, commencing at 6.00pm.

**1. DECLARATION OF OPENING**

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

**2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE**

**(a) Apologies:**

Anita Radici, Minutes Secretary – due to urgent family commitments.

**(b) Present:**

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

Approximately 46 Members of the Public

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

Cr Ian Ker due to personal commitments.  
Cr Noel Youngman due to personal commitments.

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

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

1. Giuseppe Cannavo – 81 Cowle Street, West Perth – Item 9.1.8. Stated that his satellite dish will not cause a problem and asked Council to approve the application.
2. Tony Casella – Level 2, 11 Ruth Street, Perth – Item 9.1.7 and 9.1.19. Requested that Items 9.1.7 and 9.1.19 be brought forward.
3. Jim Mouzalidis of 35 Galwey Street, Leederville – Item 9.1.19 and 9.1.14. Stated that he was not opposed to the development/structure, however requested that the setbacks be complied with as they significantly impact on his amenity – which the Planner agreed with. Found it surprising that the Planning Officers now support the 1m setback considering other alternatives that satisfy all parties and R Codes. Stated no Officer has gone to assess the impact on his home – kitchen and dining area including light, outlook, proximity and sound. The redevelopment on the adjoining property already impacts on his property, including the erection of the parapet wall on the boundary line for which, he believes, approval should not have been given as it must not be more than 3.5m above natural ground level or on average higher than 3m above ground level. He was advised by a registered building the parapet wall exceeds those requirements. Asked that the plans be amended to require a 1.5m setback in conformity with the Residential Codes of WA.

4. Kate Hobbs of 241 Beaufort Street, Perth – Item 14.1. Stated she had received a letter from the Town advising that an Item was on tonight’s agenda but was not sure why she is invited to attend.

**The Presiding Member, Nick Catania advised her that as she had lodged an appeal with the State Administrative Tribunal concerning the Council’s refusal of her development application, the Council is considering a further report on the matter (on a confidential basis) and therefore she has an opportunity to further address the Council.**

Kate Hobbs stated that she did not have any further information to provide to the Council.

5. Bruce Arnold of 3A Coogee Street, Mt Hawthorn – Item 9.1.3. Thanked the Officers for supporting the development application. Suggested that Council give consideration to clauses (iv)(f) - relating to the need for a 1.5m truncation of the right of way and clause (iv)(b) – relating to screening of Unit 3. Stated that the truncation requirement would be difficult to comply with and requested this be deleted and with respect to the screening, he stated that this was considered to comply with conditions of the R Codes and requested this also be deleted. Considered that his development will be of high quality and will not effect the amenity of the area and requested Council to approve the application.

6. Marie Slyth of 89 Carr Street, West Perth – Item 9.1.2. Spoke against the item as follows:  
At Special meeting 28 October 2008, Council adopted Planning and Building Policy 3.4.8 relating to Multiple Dwellings with modifications.

Understands it is the original intention of Clause 2 of this policy was to protect the low density character and amenity of residential areas within Cleaver, Smiths Lake, Hyde Park, Banks and Norfolk Precincts which are subject to Amendment 25 of the Town Planning Scheme No. 1 multiple dwellings.

Believes that everyone has been led now to accepting that two storey multiple dwellings will feature along all major roads in the TOV, but to now focus on our residential streets is something far more serious and invasive.

Considers if this draft policy is approved – which as quoted in the draft, permits two storey multiple dwellings throughout the town, effectively changing for ever the few precious character streetscapes we now have left in the TOV and which policy if approved will mean the end to our Vision 2024, which Vision our Officers worked so hard developing policies to protect. Asked what we are really trying to achieve? It was the TOV itself which took the original steps to create our Vision 2024, inviting its ratepayers to contribute to the vision. Finds it hard to believe that the Town’s officers would happily pull apart all the time and energy which went into creating the policies emanating from Vision 2024 – doing so is also a monstrous waste of ratepayers money. Asked why can’t we keep some of our Australian residential streetscapes in our town intact, instead of letting it become a developers kingdom?

Believes the reason why so many residents love living in the Town of Vincent has been because the town has been conscious of and working towards fulfilling the Vision 2024 preserving and protecting its character streetscapes which of course gives future generations a brief glimmer of the districts history. Like other cities in the world find so important to retain.

One final critical point which Council seems to have ignored, is to consider the health – mental and physical, of its ratepayers. Referred to our sense of place. This underlying quality of human life gives everyone a sense of belonging - belonging to our community – to our town. If this is spoiled – in this instance by permitting two storey multiple dwellings throughout the residential precincts, then so has our freedom to enjoy our lifestyles been taken away.

Requested the Council not impose this upon the people in TOV who actually do care for, work hard in our community and want to see Vision 2024 live.

7. Ian Xuyen Lu of Harold Street, Highgate – Item 9.1.16. Requested Council approve the application. Stated that in his opinion most objections are “*not true*”. Stated the premises do not create noise to the neighbours and he considers the letters of objection are incorrect. Stated the premises have operated for the previous 18 years without complaint. Stated the parking shortfall can be addressed and that the average number of attendees is 30 persons.
8. Sally Pearce of Kensington Design, 24 May Street, East Fremantle – Item 9.1.6. Stated she is representing the owners. Stated they are pleased with and support the Officers Recommendation. Asked Council to approve the application.
9. Barbara Horobin of Phelps Lane, Highgate – Item 9.1.16. Spoke against the proposed development. Referred to a temple in Wharf Street/Railway Parade Queens Park. Stated that she believed that noise and parking issues are a concern and that she is also speaking on behalf of Chris and Rod Costa. Stated that due to the non compliances, including the building setback and driveway, that the Council should refuse the application.
10. Richard Tang of 55 Harold Street, Highgate – Item 9.1.16. Spoke in favour of the development application and stated they have varied the plans many times at the request of the Town. Stated that they had operated in the same place for 18 years without complaint and asked Council to approve the application.
11. Steve Pandevski of Urban and Royal Perspectives, Unit 6, 41 Holder Way, Malaga – Item 9.1.9 and 9.1.15. Item 9.1.9 – Supported the proposal and recommendation as he considers it will be a substantial improvement to the amenity of the site which differs from the original proposal on 8 April 2008 and addresses relevant concerns addressed at that meeting. Believes approval will facilitate and identify a well proportioned development at the eastern gateway of Mt Hawthorn in a manner consistent with the draft Local Planning Strategy. Designed with regard for the amenity of the locality and its inhabitants. Believes there is approx 12 surplus car bays. Asked Council to approve the proposal. Re: Item 9.1.15 – At the meeting held 11 September 2007 the Council conditionally approved of five single bedroom group dwellings on the subject land and front fencing – which has been varied from that condition. Stated the fence is very amenable, permeable, maintains surveillance between the group dwelling and the street. Believes the report should have included information about streetscape. Believes the fence is compliant with the Council Policy. Does not support that the fence is a potential safety hazard as the verge in front of the land is approx 6m wide, not cluttered and does not contain a footpath. Believes the fence contributes positively to the streetscape.
12. Michael Pinches of 95 Hobart Street, Mt Hawthorn – Item 9.1.9. Spoke against the development application and in particular, raised the following objections – basement excavation being close to his boundary and mature trees are in jeopardy, the rear fence needs protection, the roof height is of concern as is visibility. Objected to the way his last letter of protest was used as a “seal of approval” for the plan when it was nothing other than an objection to it.

13. Pamela Woods of 33 Galwey Street, Leederville – Item 9.1.4. Stated she supports the Officer Recommendation and that there are many good reasons for support of the application. Requested Council’s support of this matter.
14. Maurice Ryan of Baker Avenue, Perth – Item 9.1.16. Spoke in support of the application. Stated that the premises have been operating for over 18 years. Considers that many of the objections are unfounded. Stated that the noise from the park, including soccer activities, croquet and TAFE all contribute to the noise in the area. Believes that the place of worship is providing a service to residents of the Town and requested that Council approve the application.

**Cr Messina departed the Chamber at 6.38pm.**

15. Nicole Debono of 29 Barnet Street, North Perth – Item 9.1.13. Spoke in favour of her application and stated she had sent an email to all Councillors on the weekend outlining the reasons why she believed the application should be supported. Requested Council approve the development application.

**Cr Messina returned to the Chamber at 6.42pm.**

16. Ann Aman representing the owners of Item 9.1.8. Advised they lodged a submission objecting the parapet wall on the south side of the building, setback and requirements not met by the proposal, balcony and driveway. Further stated that she does not believe her submission was included in the Officer Report. Requested the Council not approve the application.
17. Ron Humphrey of 3273 Lord Street– Item 9.1.4. Spoke against the development application and believes that this development will cause a precedent for the area. Stated he was one of four objectors who lodged a submission concerning height, bulk and scale. Believed that the design quality is subjective and, if approved, further consideration should be given to preparation of a local planning strategy for this area.
18. Tony Pestell of 47 Harold Street, Mt Lawley – Item 9.1.16. Spoke against the development application. Stated he had no objection to the activities, however he had lived in this street for over 10 years and was attracted by the streetscape. He queried what the building material, colours and finishes will be like, as he believes that these may not be in keeping with the area. Asked Council not to approve the application.
19. Elizabeth Pestell of 47 Harold Street, Mt Lawley – Item 9.1.16. Spoke against the development application on the grounds of intensification of use, noise from chanting and bells on some Sundays from midday to midnight. Stated that she had no issues on a personal level, however believes that parking in the area is congested. Further stated that she had complained of the use of an incinerator on site – her complaint was made to the Association and not to the Town. Requested the Council not approve the application.
20. Jeremy Millar of 127 Wright Street, Highgate – Item 9.1.16. Spoke against the proposed application and read the following statement:

*“Further to my email below I wish to present the following information to the Council.*

*My primary concern is the report does not adequately and accurately highlight the key issues that are “not consistent with the orderly and proper planning and preservation of the amenities of the locality”.*

*Intensification of the site has not been sufficiently addressed within the report. This is a fundamental issue given a purpose built place of worship will be located directly adjacent residential buildings and a consistent intact heritage streetscape. The use of the word "average" in the statement provided by the applicant to describe the number of persons in attendance is misleading. An "average" can equate to 20 people one night and 250 people the next. Currently as shown in our earlier photos more than 30 people use the building. Events occur during the week as well as on weekends and recently more activity has been occurring on a very regular basis. For example on Sunday night (12 April 2009) there was activity on the site up to 11.30pm.*

*There are many non compliances to Council policy highlighted in the report which are consistently supported with minimal justification. This is ambiguous and confusing, presenting a bias and subjective report given the recommendations. This includes:*

- *Building height. Council Policy is 3m to top of external wall and 6m to top of pitch. The development is 3.949 - 4.189m to top of external wall and 7.269m to top of pitch. This does not comply with Council Policy despite being supported.*
- *Building Set back. Ground Floor to Harold Street. Council Policy is 4.3m. The development is 4.65m to main building line. Ground floor to western boundary. Council Policy 4.8m. The development is 2.5 to 3m. This does not comply with Council Policy despite being supported.*
- *Non Residential Interface Policy. Council Policy is 6m. The development is 4.5m to the veranda. This does not comply with Council Policy despite being supported*
- *Driveways. Council Policy is 40% or 6m, whichever is lesser. The development is 8m. This does not comply with Council Policy despite being supported.*
- *Roof Forms. Council Policy is to be between 30 to 45 degrees. The development is 25 degrees. This does not comply with Council Policy despite being supported.*
- *Open Space. Council Policy is 45 percent. The development is 38 percent. This does not comply with Council Policy despite being supported.*

*Furthermore the proposed development does not comply with the Disability Discrimination Act, 1992 (Federal) and Western Australian Disability Services Act, 1993. An access toilet has not been provided in the development. Failure to comply with access and mobility standards is also in direct conflict with the Town of Vincent's Disability and Access Inclusion Plan 2006 - 2011.*

*I currently have no concerns about the current situation as it does bring colour, diversity and inclusion in the community. However any purpose built building will detrimentally affect the amenity of this residential area in so much as it significantly increases the use and function of the site. A community purpose built facility of this type should be provided in a more suitable location within the Town.*

*Thank you for taking the time to consider my submission."*

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

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

22. Kim MacCormack of 6 Carlton Street, West Leederville – Item 9.1.17. Spoke in favour of his development. Seeking approval of boundary fences which form the boundary and the only means of creating real private open space – by definition should permit the users of the space to remain unseen from the public as they pass by. Stated the standard fence of 1200 high with 600 above at 50% open will enable anyone more than 4ft high walking the boundary to enjoy uninterrupted views of the private open space of each house located at the northern end of the northern house and the southern end of the southern house. Stated as a result of the extraordinary setbacks imposed on the development there is no where that can be used as private open space other than the narrow drying courts on the western side of the house which will only hold 5/6 people. Advised that they have attempted to comprise with a variation of the location of the 50% open space in order to maintain some semblance of amenity for these spaces by calculating the total 50% area required for each length of fence and concentrating it on the centre of each fence for height which cannot be varied without unanimous approval by full Council. Stated the fence will match the fence at 59 View Street along side. Stated that the matter was not included in the original submission as this would be complicating the application. Requested Council give consideration to his application.
23. Tony Casella – Level 2, 11 Ruth Street, Perth – Item 9.1.7 and 9.1.19. Asked if he could speak a second time as when he first spoke it was on the understanding that he was just listing his items to be “brought forward” and he would be given a further opportunity to speak. In view of his misunderstanding, he stated that he would like to briefly speak on his two items: Item 9.1.7 – spoke in favour of the development application and stated that it was considered to be a high quality development which would be attractive to the amenity of the area. Stated that he had no objection to the bus stop remaining in front of the development as this is considered to be beneficial to persons visiting the proposed development. Item 9.1.19 – spoke in favour of the proposed boutique hotel, which is his personal development. Stated that he had travelled widely throughout the world and a boutique hotel would be beneficial for the area. Stated that the height of adjoining buildings such as the Coles development was at least as high as his proposed development, furthermore, the fifth level was setback, therefore reducing the bulk and scale. Stated that many sustainable initiatives had been included in the development and that it would have a high Green Star Rating. Asked Council to support the development application.

There being no further speakers, public question time was closed at approx. 7.05pm.

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

Nil.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

- 4.1 Cr Steed Farrell requested leave of absence from 15 April 2009 to 21 April 2009 (inclusive) due to work commitments.

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

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

**CARRIED (7-0)**

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

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

- 5.1 Petition received from Mrs T. Smythe of Redfern Street, North Perth together with 22 signatories from residents surrounding the park at Norham and Redfern Streets, North Perth requesting installation of BBQ and drinking fountain in the park.

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

**Moved Cr Farrell, Seconded Cr Messina**

*That the Petition be received, and referred to the Director Technical Services for investigation and report.*

**CARRIED (7-0)**

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

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

Minutes of the Ordinary Meeting of Council held on 24 March 2009.

**Moved Cr Farrell, Seconded Cr Lake**

*That the Minutes of the Ordinary Meeting of Council held 24 March 2009 be confirmed as a true and correct record.*

**CARRIED (7-0)**

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

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

**7.1 Employee of the Month Award for the Town of Vincent for April 2009**

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 APRIL 2009, the award is presented to George Dennison, Purchasing Officer at the Town's Depot. George was nominated by the Manager Engineering Operations, Con Economo, for the following reasons.

"George is a very valuable player at the Depot, willing to assist/help everyone in any way he can.

He is a very conscientious employee with a multitude of skills, whether he is inputting data in Authority, purchasing the cheapest item for Council or getting the best buy for the Town.

Apart from his role as Purchasing Officer, George is also the Emergency Evacuation Head Warden, Health & Safety Officer, qualified First Aid person and newly elected Grievance Officer for the Depot.

He jumps on the loader to load trucks, dispenses the store and offloads with the forklift incoming goods.

He also works with the tidy bin truck picking bins on Sundays and has worked well on construction crews on weekends.

He more than warrants this award."

Congratulations George - and well done!

**Received with Acclamation!**

7.2 Wedding Congratulations

It gives me great pleasure to advise that a member of our Council - Councillor Izzi Messina - was married on 14 March 2009.

On behalf of the Council, the Chief Executive Officer and the Town of Vincent Staff, I pass on warm congratulations to Izzi and his wife, Melissa, for a long and happy life together.

**Received with Acclamation!**

7.3 Blessing of the Roads Ceremony

I am pleased to announce that the Town of Vincent, in conjunction with local religious leaders, held a Blessing of the Roads Ceremony on Monday 6 April.

Held in front of the Redemptorist Monastery in Vincent Street, North Perth, the Blessing was given by Reverend Father Joseph Carroll from the Redemptorist Monastery, Reverend Jeni Goring from St Peter's Church and Reverend Father Barry Moss from St Patrick's Anglican Church.

The Blessing of the Roads Ceremony was held in the lead up to the Easter long weekend which, as we are all aware, is not only a time to rejoice and enjoy the warmth and closeness of family and friends, but also a very busy time on our roads and sadly, almost daily we see on the news or read in the paper about road crashes and the road toll.

In an effort to bring home the importance of road safety in our community, we are working with the WA Local Government Association's RoadWise Program and all other stakeholders to deliver the *Blessing of the Roads*.

## 8. DECLARATIONS OF INTERESTS

- 8.1 Cr Burns declared an interest affecting Impartiality in Item 9.1.3 – No. 15 (Lot 19 D/P: 6645) Baker Avenue, Perth - Proposed Additional Two (2) Two-Storey Grouped Dwellings with Roof Top Terrace to Existing Single House. The extent of her interest being that her husband is a director with the Applicant in a company unrelated to this matter.

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

Nil.

**10. REPORTS**

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

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

Items 9.1.18, 9.1.7, 9.1.19, 9.1.14, 9.1.3, 9.1.2, 9.1.16, 9.1.6, 9.1.9, 9.1.15, 9.1.13, 9.1.8, 9.1.4 and 9.1.17.

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

Item 9.1.3 and 9.2.4.

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

Nil.

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

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

|               |                                |
|---------------|--------------------------------|
| Cr Farrell    | Item 9.3.1.                    |
| Cr Messina    | Item 9.2.4.                    |
| Cr Doran-Wu   | Items 9.1.1 and 9.4.2.         |
| Cr Lake       | Items 9.1.5, 9.1.10 and 9.2.1. |
| Cr Burns      | Nil.                           |
| Cr Maier      | Items 9.1.11 and 9.4.3.        |
| Mayor Catania | Nil.                           |

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

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

Items 9.1.12, 9.1.20, 9.1.21, 9.1.22, 9.1.23, 9.1.24, 9.1.25, 9.1.26, 9.2.2, 9.2.3, 9.3.2, 9.3.3, 9.3.4 and 9.4.1.

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

Items 14.1 and 14.2.

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

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

Items 9.1.12, 9.1.20, 9.1.21, 9.1.22, 9.1.23, 9.1.24, 9.1.25, 9.1.26, 9.2.2, 9.2.3, 9.3.2, 9.3.3, 9.3.4 and 9.4.1.

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

Items 9.1.18, 9.1.7, 9.1.19, 9.1.14, 9.1.3, 9.1.2, 9.1.16, 9.1.6, 9.1.9, 9.1.15, 9.1.13, 9.1.8, 9.1.4 and 9.1.17.

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 approved "En Bloc", as recommended;*

*Items 9.1.12, 9.1.20, 9.1.21, 9.1.22, 9.1.23, 9.1.24, 9.1.25, 9.1.26, 9.2.2, 9.2.3, 9.3.2, 9.3.3, 9.3.4 and 9.4.1.*

**CARRIED (7-0)**

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

**9.1.12 Nos. 104-106 (Lot: 4 D/P; 1231) Parry Street, Perth - Proposed Partial Demolition of and Additions and Alterations to Existing Office**

|                              |                         |                    |                         |
|------------------------------|-------------------------|--------------------|-------------------------|
| <b>Ward:</b>                 | South                   | <b>Date:</b>       | 6 April 2009            |
| <b>Precinct:</b>             | Beaufort; P13           | <b>File Ref:</b>   | PRO3050;<br>5.2009.18.1 |
| <b>Attachments:</b>          | <a href="#">001 002</a> |                    |                         |
| <b>Reporting Officer(s):</b> | E Storm, Hoping Au      |                    |                         |
| <b>Checked/Endorsed by:</b>  | H Smith, R Boardman     | <b>Amended by:</b> | -                       |

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Chindarsi Architects on behalf of the owner Siac Pty Ltd for proposed Partial Demolition of and Alterations, Additions to Existing Office, at No. 104-106 (Lot: 4 D/P: 1231) Parry Street, Perth, and as shown on plans stamp-dated 17 March 2009, subject to:*

- (i) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (ii) *the gross floor area of the proposed office building shall be limited to 281 square metres;*
- (iii) *the windows, doors and adjacent floor area facing Parry Street shall maintain an active and interactive frontage to Parry Street;*
- (iv) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Parry Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) *any new street/front wall, fence and gate between the Parry 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;*
- (vi) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (vii) *first obtaining the consent of the owners of No. 110 Parry 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. 110 Parry Street in a good and clean condition; and*
- (viii) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town.*

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**COUNCIL DECISION ITEM 9.1.12**

**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (7-0)**

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

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|                               |  |
|-------------------------------|--|
| <b>Landowner:</b>             | Siac Pty Ltd   |
| <b>Applicant:</b>             | Chindarsi Architects   |
| <b>Zoning:</b>                | Metropolitan Region Scheme: Urban<br>Town Planning Scheme No. 1 (TPS 1): Residential/Commercial<br>R80 |
| <b>Existing Land Use:</b>     | Office Building  |
| <b>Use Class:</b>             | Office Building  |
| <b>Use Classification:</b>    | “AA”   |
| <b>Lot Area:</b>              | 281 square metres  |
| <b>Access to Right of Way</b> | N/A  |

**BACKGROUND:**

On 12 April 2005, the Council at its Ordinary Meeting resolved to approve a proposal for Partial Demolition of and Alterations, Additions and Two-Storey Single House to Existing Office Building subject to appropriate conditions.

**DETAILS:**

The proposal involves Partial Demolition of and Additions and Alterations to Existing Office.

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

**ASSESSMENT:**

**\*Note: The following Car Parking Assessment was corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.**

| <b>Non-Compliant Requirements</b>  |   |                          |  |
|--|---|--------------------------|--|
| <b>Requirements</b>  | <b>Required</b>   | <b>Proposed *</b>        | <b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>  |
| Density  | N/A   | N/A                      | Noted.   |
| Plot Ratio   | N/A   | N/A                      | Noted.   |
| Beaufort Precinct  | Buildings to contain a residential component of no less than 66 per cent of the existing or approved floor space. | 100 per cent office use. | Supported – the approved existing use is 100 per cent commercial (office use) and the 78 square metre office extension is not considered to have an undue impact on the amenity of the adjoining properties or streetscape. The adjoining properties on Parry Street and Edward Street are predominately wholly commercial uses. |
| <b>Consultation Submissions</b>  |   |                          |  |
| No consultation was required in this instance.   |   |                          |  |
| <b>Other Implications</b>  |   |                          |  |
| Legal/Policy   |   |                          | TPS 1 and associated Policies, and Residential Design Codes (R Codes).   |
| Strategic Implications   |   |                          | Nil  |
| Sustainability Implications  |   |                          | Nil  |
| Financial/Budget Implications  |   |                          | Nil  |
| <b>Commercial Car Parking</b>  |   |                          |  |
| Proposed Office Building (1 space per 50 square metres of gross floor area)  |   |                          | 7 car bays   |
| Apply the parking adjustment factors.  |   |                          | (0.55)   |
| <ul style="list-style-type: none"> <li>▪ 0.85 (within 400 metres of a rail station)</li> <li>▪ 0.90 (within 400 metres of one or more public car parks in excess of 50 spaces)</li> <li>▪ 0.85 (within 400 metres of a bus stop/station)</li> <li>▪ 0.90 (end of trip facilities)</li> </ul> |   |                          | 3.85 car bays  |
| Car parking provided on-site for <del>eating house</del> office component  |   |                          | 4 car bays   |
| Minus the most recently approved on-site parking shortfall <del>on-site</del>  |   |                          | Nil  |
| Resultant surplus  |   |                          | 0.15 car bay   |

\* 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:**

### **Beaufort Precinct Policy**

The land is zoned Residential/Commercial R80 with the immediate area characterised by dwellings being used for commercial purposes. The Town's Policy relating to the Beaufort Precinct specifies that mixed residential/commercial development is to incorporate a residential component of no less than 66 per cent of the existing or approved floor space.

Commercial uses dominate the immediate vicinity of the proposed development in the form of purpose built office buildings and single-storey residential buildings adapted for commercial uses. The enforcement of a residential component on the subject site is not considered reasonable in this instance by virtue of the established commercial amenity immediately adjoining and surrounding the subject site.

It is noted that the Council has on numerous occasions, where considered appropriate, supported proposals which effectively do not meet the requirements for 66 per cent of the floor area to be residential in this zone, on the grounds that the mixed-use requirement may be more effective in the short term in streets and neighbourhoods where the predominant use is residential, rather than the higher yielding commercial uses. Further, it is unlikely that the remainder of the street will convert to a predominantly residential use, as most of the existing commercial uses are lawful and established.

### **Heritage**

The subject place at Nos. 104-106 Parry Street, Perth is listed on the Town's Municipal Heritage Inventory as Management Category of B – Conservation Recommended.

The proposed works comprise the demolition of the existing lean-to addition to the rear of the building and the construction of a single storey extension including an office, kitchens and bathrooms to the rear.

A Heritage Impact Statement was undertaken on 16 February 2009 and based on the plans dated 22 January 2009. The Heritage Impact Statement indicates that the works do not involve any alteration to the significant heritage value of the building and are not able to be seen from the street front. Given this, it is considered that the proposed works will have no adverse impact on the heritage listed building at Nos. 104-106 Parry Street, Perth.

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

**9.1.20 Amendment No. 49 to Planning and Building Policies – Draft Amended Policy No. 3.2.1 Residential Design Elements**

|                              |                         |                    |              |
|------------------------------|-------------------------|--------------------|--------------|
| <b>Ward:</b>                 | Both                    | <b>Date:</b>       | 3 April 2009 |
| <b>Precinct:</b>             | All Precincts           | <b>File Ref:</b>   | PLA0197      |
| <b>Attachments:</b>          | <a href="#">001,002</a> |                    |              |
| <b>Reporting Officer(s):</b> | R Marie, E Saraceni     |                    |              |
| <b>Checked/Endorsed by:</b>  | H Smith, R Boardman     | <b>Amended by:</b> | -            |

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the final amended version of the Draft Amended Policy No. 3.2.1 relating to Residential Design Elements as shown in Appendix 9.1.20(a) resulting from the advertised version having been reviewed and with regard to eight (8) written submissions received during the formal advertising, as shown in Appendix 9.1.20(b), 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 Draft Amended Policy No. 3.2.1 relating to Residential Design Elements, as shown in Appendix 9.1.20(a) in accordance with Clause 47 (5)(b) of the Town's Town Planning Scheme No. 1; and
- (iii) **AUTHORISES** the Chief Executive Officer to advertise the final amended version of the adopted Amended Policy No. 3.2.1 relating to Residential Design Elements as shown in Appendix 9.1.20(a), in accordance with Clause 47 (6) of the Town's Town Planning Scheme No. 1.

**COUNCIL DECISION ITEM 9.1.20**

**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (7-0)**

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

**PURPOSE OF REPORT:**

The purpose of this report is to provide the Council with an overview of the outcomes of the formal advertising period for the Draft Amended Policy relating to Residential Design Elements, to present to the Council the final amended version of the Draft Amended Policy, and to seek final adoption of the Policy.

**BACKGROUND:**

18 December 2007 The Council at its Ordinary Meeting considered an item relating to the Residential Design Elements Policy and resolved in part as follows;

*“That the Council;*

...

- (ii) **ADOPTS** the further amended version of the Policy relating to Residential Design Elements, as shown in Attachment 10.1.15, in accordance with Clause 47 (5) (b) of the Town's Town Planning Scheme No. 1; subject to the Policy being further amended as follows:...

22 April 2008

The Council at its Ordinary Meeting considered an item relating to the Amendment No. 49 to Planning and Building Policies – Draft Amended Policy No. 3.2.1 Relating to Residential Design Elements, and resolved as follows;

*“That the Council;*

(i) *RECEIVES the Draft Amended Policy No. 3.2.1 relating to Residential Design Elements, as shown in Attachment 10.1.2 subject to the Policy being further amended as follows:*

(a) *clause SADC 9. (b) Setbacks From Rights of Way be amended to read as follows:*

*(b) ...*

*Dwellings fronting a right of way is required to be setback as follows:*

| <i>Feature facing Right of Way</i>                | <i>Minimum Setback (metres)</i>  |
|---|--|
| <i>Porches, Verandahs, Porticos, and the Like</i> | <i>1.5</i>   |
| <i>Building Walls on Ground Floor</i>             | <i>2.0</i>   |
| <i>Balconies on Upper Floor</i>                   | <i>2.5</i>   |
| <i>Building Walls on Upper Floors</i>             | <i>3.0</i>   |
| <i>Carports and Garages</i>                       | <i>6 metres manoeuvring distance located directly in front of carport and garage.”</i> |

(ii) *ADVERTISES the Draft Amended Policy No. 3.2.1 relating to Residential Design Elements for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*

(a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*

(b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*

(c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*

(iii) *after the expiry of the period for submissions:*

(a) *REVIEWS the Draft Amended Policy No. 3.2.1 relating to Residential Design Elements, having regard to any written submissions; and*

(b) *DETERMINES the Draft Amended Policy No. 3.2.1 relating to Residential Design Elements, with or without amendment, to or not to proceed with it.”*

- 13 May 2008 Formal advertising period commences.
- 10 June 2008 Formal advertising period closes.
- 28 October 2008 An item relating to the Draft Residential Streetscapes Policy was considered at a Special Meeting of Council held on 28 October 2008 and resolved in part as follows;
- “That the Council;*
- ...
- (vii) *AMENDS the Town’s Residential Design Elements Policy to delete reference to “maintaining a single storey presentation to street” or similar wording (wherever it appears) and AUTHORISES the Chief Executive Officer to amend the document accordingly to reflect Council decision.”*
- 16 December 2008 The Council at its Ordinary Meeting held on considered Amendment No. 49 relating to the Draft Amended Policy No. 3.2.1 Residential Design Elements and resolved as follows;
- “That the Council;*
- (i) *RECEIVES the further Draft Amended Policy No. 3.2.1 Residential Design Elements, as shown in Attachment 9.1.14, subject to the Policy being amended as follows:*
- (a) *clause 7.4.1 Preservation of Amenity on Adjoining Land and Surrounding Area be amended to read as follows:*
- ‘An Amenity Impact Statement may be required where a variation to the ~~Performance Criteria~~ Acceptable Development Criteria of the Policy is proposed...’;*
- (b) *clause 7.4.9 (ii) Solar Access be amended to read as follows:*
- ‘...  
The following measures are encouraged to maximise solar access while reducing the extent of overshadowing:*
- Internal and external living areas should be orientated in order to maximise solar access;*
  - Non-habitable rooms, such as laundries, bathrooms and storerooms should be located away from the northern aspect; and*
  - Skylights, translucent roofs and glass bricks should be used to improve solar access.’; and*

- (c) *clause BDADC 12 Solar Access be amended to read as follows:*

*‘Overshadowing/solar access for adjoining properties is to comply with the Acceptable Development Solar Access requirements of the Residential Design Codes.*

~~*The following measures are encouraged to maximise solar access while reducing the extent of overshadowing:*~~

- ~~• *Internal and external living areas should be orientated in order to maximise solar access;*~~
- ~~• *Non-habitable rooms, such as laundries, bathrooms and storerooms should be located away from the northern aspect; and*~~
- ~~• *Skylights, translucent roofs and glass bricks should be used to improve solar access.’*~~

- (ii) *ADVERTISES the further Draft Amended Policy No. 3.2.1 Residential Design Elements for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*

- (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
- (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
- (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*

- (iii) *after the expiry of the period for submissions:*

- (a) *REVIEWS the Draft Amended Policy No. 3.2.1 Residential Design Elements, having regard to any written submissions; and*
- (b) *DETERMINES the Draft Amended Policy No. 3.2.1 Residential Design Elements, with or without amendment, to or not to proceed with it.”*

27 January 2009      Formal advertising period commences for 28 days.

24 February 2009      Formal advertising period closes.

#### **DETAILS:**

The Draft Amended Policy relating to the Residential Design Elements has been advertised as required by Clause 47 of the Town of Vincent Town Planning Scheme No. 1.

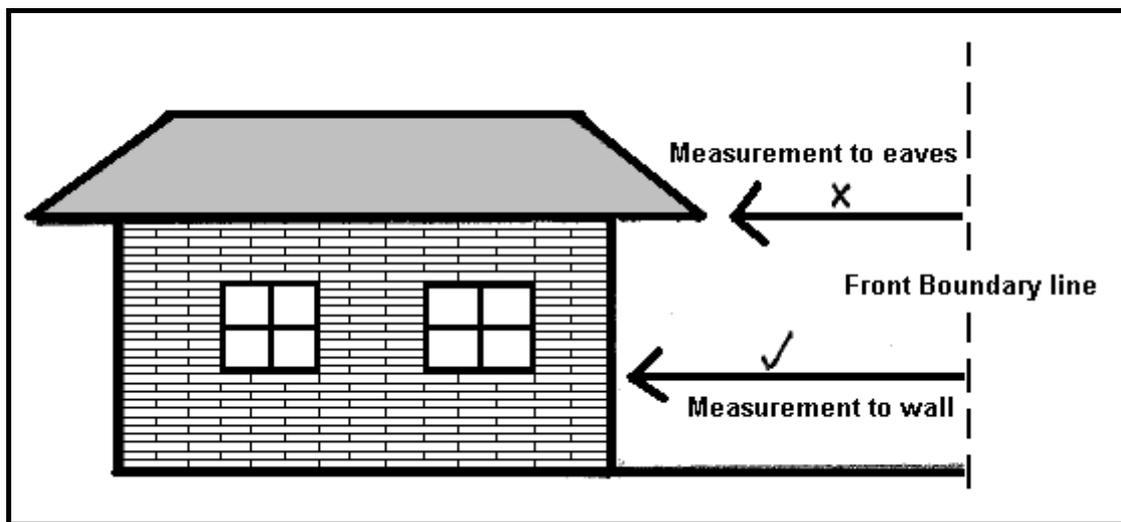
Following the completion of the advertising period, the Policy was further considered in light of the submissions received, and where appropriate, the draft Policy has been amended. The proposed further amendments are outlined below and depicted using strikethrough and underline.

#### Clause 6.4.2 Building Setbacks

Clause 6.4.2 is proposed to be amended to read as follows;

“Street setbacks are measured from the front boundary to the outer edge of the dwelling wall. The separation between dwellings is also important and contributes to the overall form of the locality and the rhythm of the streetscape.”

A new figure 4 is also to be inserted to this clause as follows;



*Figure 4: The Measurement of Setbacks (side view)*

#### Clause SPC 1. Streetscape Character

Clause SPC 1. is proposed to be amended to read as follows:

“(iii) High quality contemporary design is encouraged where considered appropriate within the context of the existing and emerging streetscape character.”

#### Clause SPC 5. Street Setbacks

Clause SPC 5. is proposed to be amended to read as follows:

“(ii) Variations to the Acceptable Development Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape; and the lesser setback is integral to the contemporary design of the development.”

**Clause SADC 5. Street Setback**

Clause SADC 5 (c) is proposed to be amended to read as follows:

“(c) ~~Unless otherwise stated, ground floor setbacks are to be in accordance with Table 1 of the Residential Design Codes; and~~ The upper floor setbacks are as follows:

| <b>Upper Floor Feature Facing Primary Street</b> | <b>Setback (metres)</b>  |
|--|--|
| Walls on Upper Floor                             | A minimum of two metres behind each portion of the ground floor setback. |
| Balconies on Upper Floor                         | A minimum of 1 metre behind the ground floor setback.                    |

*Note: The above setback requirements are a minimum requirement and an average of the above requirements is not acceptable.”*

**Clause SADC 11 Buildings on Boundary**

Clause SADC 11 is proposed to be amended to read as follows:

“(a) ~~Requirements in accordance with the Residential Design Codes. The term ‘up to a boundary’ means either on the boundary or any point closer than 0.75 metres between the boundary and the setback provided by table 1, tables 2a and 2b, figures 2a – 2e, and figure 3 of the Residential Design Codes.~~

(b) Walls built up to a boundary behind the front setback line are to be in accordance with clause 6.3.2 A2 of the Residential Design Codes.”

**Formatting**

Given the above amendments, the Draft Amended Policy incorporates appropriate minor changes to figure, clause and page numbering and formatting.

**CONSULTATION/ADVERTISING:**

The Draft Amended Policy was advertised for a period of 28 days, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1. The formal advertising period commenced on 27 January 2009 and closed on 24 February 2009.

In total, eight (8) submissions were received, two (2) of which were received after the consultation period. The break down of submissions received is as follows:

- Support: 3
- Object: 1
- Not stated: 4

The following Table summarises the main points/issues raised in the submissions. A full summary of the submissions can be found in Appendix 9.1.20(b).

| Support/Objection | Comments  | Officer Comments   |
|-------------------|---|--|
| Support (3)       | Concerns with clarification of front setback measurements in figure 3.  | Noted and supported – Policy has been amended to address concerns and clarify where setbacks are to be taken from.   |
|                   | Inconsistency in figure 5 with regard to location of garages and carports. Building is in front of main building. | Not supported- Figure referred to, depicts a carport. Carports can be located within the front setback; however, garages are discouraged.  |
|                   | Concerns with regard to clarity of requirements for screening devices.  | It is noted that Figure 20: Examples of Non-Compliant and Compliant Scenarios and Demonstration of How Privacy Cone of Vision is calculated, was accidentally removed from the advertised Policy. This Figure was unintentionally deleted from the Draft Amended Policy advertised and is to remain in the Policy. The figure has been re-inserted, further explanation is provided in the comments section of this report.  |
| Objection (1)     | No consistency within Town of Vincent.  | Noted – the Town’s Officer’s are of the opinion that it is the rich mix of housing that gives the Town its character and it is not the intention of the Policy to hinder diversity. One of the main aims of the Policy is to “ <i>encourage a diversity in housing styles, while facilitating new residential development that complements the character of the street.</i> ” It is considered that the objectives, aims, Performance Criteria and Acceptable Development Criteria are robust enough to ensure that this is achieved, whilst still encouraging development that is harmonious with the existing streetscape. |
|                   | Failure of <i>Vincent Vision 2024</i> to recognise need for density.  | Not Supported – It is considered that <i>Vincent Vision 2024</i> balances community needs and wants with best planning practices relating to densities. This is well documented in the <i>Draft Local Planning Strategy</i> which shows the Town taking the direction of encouraging increased densities along   |

|                |   |   |
|----------------|---|---|
|                |   | activity corridors and within Town Centre Areas, whilst maintaining appropriate existing residential areas. This approach is consistent with <i>Network City Principles</i> .   |
|                | Unnecessary restriction on 2 storey developments.   | Not supported – the Policy has been significantly amended to allow for flexibility with respect to two storey developments and all reference to maintenance of single storey streetscapes has been deleted.   |
|                | Setback provisions for upper storey should be removed.  | Not supported - It is considered necessary to provide provisions for upper floor setback requirements; however, as has been outlined previously, the Policy is robust enough to allow for variations provided the performance criteria, aims and objectives are still met.  |
|                | Planning should not be advocating particular architectural solutions, should be based on a case by case basis.  | Agreed – the performance based nature of the Policy ensures that applications are assessed on a case by case basis.   |
|                | Certain properties will be affected by more onerous controls, affecting market values.  | Not supported - Policy has been amended significantly to ensure that this is not the case, particularly with respect to removing restrictions on single storey streetscapes.  |
| Not Stated (4) | Confusion with deviation of privacy screening requirements from R Codes.  | Not supported - It is considered that Clause BDADC9 of the Policy sufficiently addresses the requirements for Privacy specified in the Residential Design Codes. It is considered that the differences are consistent with clause 5.3.1 (b) of the R Codes, which states that local authorities may augment the codes by providing additional Performance Criteria and Acceptable Development Criteria for any aspect that is not covered in the codes. |
|                | Formalising written consent to non-compliant design by owners of affected properties is an open invitation to poor design and potential intimidation. | Not supported – obtaining signatures is considered a form of advertising the variation under the Town’s Community Consultation Policy and only appropriate in circumstances where adjoining neighbours are the only affected properties of the variations; the  |

|  |  |   |
|--|--|---|
|  |  | signed plans essentially act as a form of submission. It is noted that as privacy is part of the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements, even where a neighbour's signature is obtained, the Town's Officers may not support the variation if it is deemed to have an undue impact on the amenity of the affected property. |
|  | Streetscape Acceptable Development Criteria (SADC) 4 (a) - consideration should be given to clarify and strengthen the methods of achieving the provisions such as implementing maximum heights for landscaping fronting the public realm. | Not supported – It is considered that the Policy provides adequate scope for this to be achieved; implementing maximum heights for landscaping is considered to be too prescriptive. The Policy intends to facilitate best possible design outcomes and the Town does not consider that overly prescriptive design guidelines are the best way to achieve this.                 |
|  | BDADC 1 (a) - could be modified to provide further clarity, such as setting an overshadowing limit or providing reference to limits within Town's TPS No. 1.   | Not supported – Overshadowing requirements are specified in BDADC 12 – Solar Access.  |
|  | BDADC 13 (3) - in some instances a roof over parking areas may result in adverse effects on the streetscape, which is not consistent with one of the key objectives of the Policy.   | Not supported - this is addressed in requirements for SADC 8 Setbacks of Garages and Carports as a result of the fact that Acceptable Development Criteria ensure that car parking structures do not dominate the streetscape.  |
|  | BDADC 11 (a) - Further consideration should be given to improving the sustainability criteria of new developments  | Not Supported – BDADC 11 provides requirements as to how energy efficient design principles can be achieved.  |

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2006-2011 states:

*“Natural and Built Environment*

*Objective 1.1 Improve and maintain environment and infrastructure*

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

*1.1.3 Enhance and maintain the character and heritage of the Town.*

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

### **SUSTAINABILITY IMPLICATIONS:**

If adopted, it is considered that the Draft Amended Residential Design Elements Policy will direct future development to occur in a manner that minimises undue negative impacts on the community and environment and promotes high quality sustainable design outcomes.

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

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

### **COMMENTS:**

In addition to the amendments previously proposed, it is considered appropriate that further amendments to the Draft Amended Policy outlined in the details section, be incorporated.

It is considered that the further amendments combined with the previous amendments will improve the operation and implementation of the Policy. The justification for each of the above new amendments is outlined below:

#### **Clause 6.4.2 Building Setbacks**

It was suggested in one of the submissions that Figure 3 relating to the measurement of setbacks does not clearly articulate whether front setbacks are measured to the eaves or to the wall. The Town's Officer's clarify that the setback is taken from the wall of the applicable elevation of the development. Amendments have been made to the wording of the appropriate clause and the insertion of a new Figure 4.

#### **Clause SPC 1. Street Setbacks**

Amendment of the above clause is proposed as a result of the further review of the Policy. The Town's Officers and applicants have noted that whilst the Policy promotes high quality design, it does not promote contemporary design. The addition of a new clause (iii) has therefore been proposed to make provision for contemporary design where appropriate, within the context of the immediate locality and streetscape. The addition of this clause will facilitate variations to other design element requirements, such as setbacks, new dwellings and roof forms, specified in other clauses within the Policy where the variations are as a result of the contemporary design of the development.

#### **Clause SPC 5. Street Setbacks**

The addition of a new clause SPC 5 (ii) has been proposed as a result of further investigation of the Policy in light of the implementation of the Policy. The proposed table for upper floor setbacks specified in clause SADC 5 (c) is appropriate for certain types of development, such as alterations and additions to existing dwellings or dwellings where the upper floor setback requirements do not compromise the design of the development, but not for developments where a lesser setback or two storey flushed wall appearance is integral to the contemporary design of the dwelling. Therefore, the Town's Officers have amended the clause to provide scope for variations to the upper floor setback requirements where the lesser setback requirement does not have an undue impact on the amenity of the existing streetscape and is integral to the overall design of the development.

### **Clause SADC 5 (c) Street Setback**

Amendment of the above clause is proposed as a result of further review of the Policy. In light of the fact that front setback requirements are sufficiently addressed in clause SADC 5 (a), the Town's Officers consider that the inclusion of further provisions relating to primary street ground floor setbacks is not appropriate as applicants are to comply with clause SADC 5 (a) in the first instance.

Further to the above, it is considered that the requirements specified in clause SADC 5(a) are in line with the Performance Criteria specified in SPC 5 but the portion of clause SADC 5 (c) proposed to be deleted is not.

### **Clause SADC 11 Buildings on Boundary**

Amendment of the above clause has been proposed as a result of the definition of boundary walls in the 2008 version of the Residential Design Codes being amended. The Residential Design Codes, 2008 state the following:

*"The term 'up to a boundary' means either on the boundary or between the boundary and the setback provided by table 1, tables 2a and 2b, figures 2a – 2e, and figure 3."*

This is in contrast to the 2002 version of the Codes which states the following:

*"The term 'up to a boundary' means either on the boundary or any point closer than 0.75 metres between the boundary and the setback provided by table 1, tables 2a and 2b, figures 2a – 2e, and figure 3."*

The Town's Officers consider that in the case of the Town of Vincent, the definition in the 2002 Codes is more appropriate, as the lots are smaller and it is often the case that there are variations to the side setback requirements specified in Tables 2a and 2b of the R Codes. It is noted that the tables referred to in both definitions remain unchanged from 2002 to 2008. Under the definition in the 2008 version, any variation to a side setback requirement specified in the abovementioned tables is considered a building on the boundary and it is considered that this will cause a significant amount of confusion for not only the Town's Statutory Planning Officers but also the neighbouring property owners that the variations are advertised to.

The Town's Officers consider that the previous definition served quite well. There are more often than not variations to side setback requirements as a result of lot sizes and alterations and additions to existing dwellings that are not considered to have an undue impact on the amenity of the adjoining properties. It is considered appropriate to incorporate the previous definition of boundary walls specified in the 2002 Codes as the definition in the Residential Design Elements Policy.

The Draft Amended Policy has proposed a new clause SADC 11 (b) that refers applicants and assessing Officers to the requirements specified in the R Codes for the criteria relating to the aforementioned design elements.

It is noted that the Town has scope to vary or replace the Acceptable Development provisions for boundary walls under clause 5.3.1 (a) of the Residential Design Codes.

### **Clause 7.4.8 Privacy - (i) Visual Privacy**

It was noted in the submissions received that Figure 20: Examples of Non-Compliant and Compliant Scenarios and Demonstration of How Privacy Cone of Vision is Calculated, was removed from the advertised version of the Policy. This deletion was unintentional and not outlined in the report presented to the Council at its Ordinary Meeting held on 16 December 2008. The Figure is therefore to remain in the Policy and will be included in the further advertising of the Draft Amended Policy. It is noted that as a result of the insertion of a new Figure 4, Figure 20 is now Figure 21.

### **Summary**

In light of the above justification and the submissions received, it is recommended that the Council receives and adopts the final version of the Amended Policy in accordance with the Officer Recommendation.

**9.1.21 Amendment No. 55 to Planning and Building Policies – Draft Policy relating to Car Stacking Systems**

|                              |                                   |                    |              |
|------------------------------|-----------------------------------|--------------------|--------------|
| <b>Ward:</b>                 | Both Wards                        | <b>Date:</b>       | 3 April 2009 |
| <b>Precinct:</b>             | All Precincts                     | <b>File Ref:</b>   | PLA0189      |
| <b>Attachments:</b>          | <a href="#">001 002</a>           |                    |              |
| <b>Reporting Officer(s):</b> | A Fox                             |                    |              |
| <b>Checked/Endorsed by:</b>  | H Smith, R Boardman, R Lotznicker | <b>Amended by:</b> | -            |

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the final amended version of the Policy relating to Car Stacking Systems as shown in Appendix 9.1.21(a), resulting from the advertised version having been reviewed and with regard to 2 written submissions received during, and 3 written submissions received after, the formal advertising period as shown in Appendix 9.1.21(b), 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 relating to Car Stacking Systems, as shown in Appendix 9.1.21(a), in accordance with Clause 47 (5)(b) of the Town's Town Planning Scheme No. 1; and*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the final amended version of the adopted Policy relating to Car Stacking Systems as shown in Appendix 9.1.21(a), in accordance with Clause 47 (6) of the Town's Town Planning Scheme No. 1.*

**COUNCIL DECISION ITEM 9.1.21**

**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (7-0)**

**(Cr Ker and Cr Youngman 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 as a result of advertising the Draft Policy, to present to the Council the final amended version of the Draft Policy relating to Car Stacking Systems, and to seek final adoption of the Policy.

**BACKGROUND:**

9 October 2007 The Council at its Ordinary Meeting considered Item 10.1.4 - No. 325 Charles Street, North Perth for a proposed two-storey with loft mixed use development comprising offices, four (4) multiple dwellings and basement car parking, and resolved the following;

*“That the Item be DEFERRED for further consideration by the Town’s Officers, and possible intensifications of the site.”*

Discussions at the Ordinary Meeting of Council proposed that further investigation of car stacking systems be undertaken, as the basement car parking proposed in the development included a car stacking system.

- 3 December 2008 In light of the number of applications proposing the use of car stacking systems, the matter was discussed at the Executive Management Team meeting on 3 December 2008. In light of this meeting, it was proposed that a new Planning Policy be developed with regard to car stacking systems.
- 16 December 2008 The Council at its Ordinary meeting held on 16 December 2008, conditionally approved Nos. 152-158 Fitzgerald Street, Perth - Proposed Part Demolition of and Conversion of and Alterations and Additions to Existing Warehouse to Create a Six-Storey Mixed Use Development Comprising Twenty Two (22) Multiple Dwellings, Three (3) Offices and Associated Car Parking (Including Car Stackers).
- 19 January 2009 The Council under delegated authority during the Council meeting recess period approved the following Officer Recommendation:
- “That the Council;*
- (i) RECEIVES the Report relating to Amendment No. 55 to Planning and Building Policies – Draft Policy relating to Car Stacking Systems as shown in Attachment 001;*
  - (ii) ADVERTISES the Policy relating to Amendment No. 55 to Planning and Building Policies – Draft Policy relating to Car Stacking Systems for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
    - (a) advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
    - (b) where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
    - (c) forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
  - (iii) after the expiry of the period for submissions:*
    - (a) reviews the Policy relating to Appendix No. 55 – Car Stacking Systems, having regard to any written submissions; and*
    - (b) determines the Policy relating to Appendix No. 55 – Car Stacking Systems, with or without amendment, to or not to proceed with them.”*
- 10 March 2009 The Council at its Ordinary Meeting conditionally approved the proposed construction of a two-storey single house with basement car parking and cellar at No. 2 Bream Cove, Mount Lawley (Serial No. 5.2008.468.1). The application proposed a car stacker to accommodate four vehicles, which will be contained in the garage accessed off Bream Cove.

**DETAILS:**

The Council is requested to consider the final amended version of the Draft Policy Relating to Car Stacking Systems following the formal advertising period.

**CONSULTATION/ADVERTISING:**

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

Advertising of the draft amended Policy concluded on 9 March 2009. Two (2) submissions were received during, and three (3) submissions were received after, the formal advertising period. All of the submissions objected to some aspects of the Policy. A summary of the submissions is provided in the Schedule of Submissions as shown in Appendix 9.1.21(b).

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2006-2011 states:

*"Natural and Built Environment*

*Objective 1.1 Improve and maintain environment and infrastructure*

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

*1.1.4 Minimise negative impacts on the community and environment."*

**FINANCIAL/BUDGET IMPLICATIONS:**

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

**LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies, Planning and Development Act 2005 and Town Planning Regulations 1967.

**COMMENTS:**

Below is a summary of the main concerns raised in the submissions received during and after the formal advertising period. Additionally, there were two issues raised by the Chief Executive Officer and Councillor Lake which have been further considered by the Town's Officers. Comments in relation to a number of the concerns received during the consultation period and the issues raised by the Chief Executive Officer and Councillor Lake are detailed below.

**Use of Car Stacking Systems Globally**

Three (3) of the written submissions received by the Town have made mention of car stacking systems being successfully used throughout the world, with one of the submissions commenting that car stacking systems have solved many urban problems, particularly in Europe. In responding to these comments, the Town's Officers would like to reiterate that in developing this Draft Policy, research was undertaken and consideration was given to the use of car stacking systems globally. While it is agreed that car stacking systems have been in operation around the world for some time, in developing this Policy, the advantages and disadvantages and the impact of such systems were considered in the context of the Town of Vincent. Moreover, the Town's Officers consider it inappropriate to compare the use of car stacking systems in the Town of Vincent with other high density cities, such as those found in Europe and Asia that have stark differences in relation to population and density, and very different development histories and patterns.

Additionally, the Town sought advice from Luxmoore Parking Consultants, who provided information relating to both the advantages and disadvantages of the systems. This information was also considered when developing the draft Policy.

### **Draft Policy ‘too onerous and restrictive’**

Concern was also raised that the Draft Policy is too onerous and constrictive. In response to this, the Town’s Officers would like to reiterate that the Draft Policy was developed, taking into account the information gathered on the operational aspects of car stacking systems, concerns raised by Technical Services staff, and information provided by Luxmoore Parking Consultants. While it is acknowledged that there are some considerable advantages to the use of car stacking systems, there are also considerable shortfalls that need to be addressed when assessing the appropriateness of these systems within the Town of Vincent. In light of these concerns, the Draft Policy requires that a comprehensive Parking Management Plan be submitted with an application for a development proposal including a car stacking system.

The function of the Parking Management Plan is to ensure that applicants of a development, incorporating a car stacking system, have considered the proposal in the context of the surrounding area, and have considered all technical and safety issues of the system. In effect, considerably more onus will be placed on the applicant to provide justification as to the suitability of the proposal as it relates to the surrounding area.

### **Car Stacking Systems in Residential Areas**

During the consultation period, one submission raised concern as to the restriction of car stacking systems in residential areas. In addition to this, the Town’s Chief Executive Officer raised an issue in relation to Policy Statement 2) of the Draft Policy, which states that, "*The Town will not support car stacking systems for any residential uses.*" Concern related to the overall blanket nature of this statement being too restrictive, and it was requested that further consideration/investigation be undertaken in relation to car stacking systems in residential areas.

As previously addressed, in developing the Draft Policy, the Town’s Officers have researched the use of car stacking systems globally. The research undertaken concluded that these systems relate predominately to large commercial type developments such as shopping centres, office developments or in the case of New Zealand, Rotorua Airport. There was some evidence to suggest that such systems existed in residential developments; however, these were for residential developments that were large in scale and generally high rise developments.

Advice from Luxmoore reaffirmed the finding that car stacking systems are generally appropriate for large scale commercial developments, stating that car stacking systems do not permit drivers to access their vehicle once parked; therefore, they are unsuitable for residential developments.

It should also be noted that given the infancy of car stacking systems in Perth, it is considered that the Town has the responsibility to develop the Policy with caution in the first instance in order to gauge the effectiveness of car stacking systems within the Town of Vincent, prior to the Town being able to consider the broader suitability of such systems.

In addressing the concern raised during the formal advertising of the Draft Policy and by the Chief Executive Officer, the Town’s Officers considered the appropriateness of car stacking systems within residential areas, and the limited and specialised demand (for example, the proposed development at No. 2 Bream Cove, Mount Lawley). Accordingly, the Policy has been amended to allow consideration of car stacking systems on a case by case basis. Accordingly, the following section of clause 4) of the Policy is proposed to be deleted:

- “4) ~~The Town of Vincent may consider car stacking systems in large scale commercial and mixed use developments. For the purpose of this Policy, large scale is defined as being developments greater than three (3) storeys or with a floor area of greater than 2000m<sup>2</sup> (whichever is the greater) where the Town is satisfied that there is no alternative option for car parking available, and the applicant demonstrates that the proposed bays will be for long term use.”~~

### **Access from District or Primary Distributor Road**

Two of the submissions received outside of the formal advertising period addressed concern in relation to Policy Statement (3) of the Draft Policy relating directly to access from a primary or distributor road. Concern was expressed that restricting access to car stacking systems from main roads may result in excessively limited development potential for these systems in appropriate areas.

Policy Statement 3) was included in the Draft Policy as a direct result of concerns raised by the Town's Technical Services in relation to vehicle queuing and potential negative impact to the level of service to the adjoining road. The Town's Officers have given further consideration to this issue and in light of the restrictive nature of this statement have amended the Draft Policy as follows:

"3) *The Town of Vincent will not support car stacking systems where access is gained directly from a district or primary distributor road- unless it can be demonstrated, to the satisfaction of the Town and/or Main Roads Western Australia that the proposed design will not have a negative impact on the level of service of the adjoining road by incorporating adequate vehicle queuing and vehicle storage within the overall car parking design.*"

### **The Town's Liability in relation to approved Car Stacking Systems**

Councillor Lake raised a concern in relation to the Town's liability should there be any problems/accidents as a result of a car stacking system approved by the Town.

In response to this concern, it should be noted that any approval for a car stacking system would have particular conditions applied to ensure that the system complies with the relevant Australian Standards. The Town's Chief Executive Officer has provided the following comments in relation to this.

#### "Planning Approval

*The Town/Council has a "duty of Care" to properly consider and determine an Application on its merit and apply appropriate conditions. Planning Approval is issued with respect to compliance with the TPS No. 1 and the Town's Policies. The Town's Draft Policy relating to Car Stackers makes specific reference to the approval of car stacking systems and that conditions relating to the location, size, accessibility and maintenance of such systems may be imposed. These matters are subject to consideration at Building Licence stage.*

#### Indemnification Clause

*With respect to the Building Code of Australia (BCA), car stackers are not adopted in the BCA; however, the BCA allows for "Alternative Solutions". This is justification only and not compliance with the BCA. It is noted that the car stacker in question proposed for 152-158 Fitzgerald St, Perth is provided with German specification and the Town's Principal Building Surveyor has noted concerns with respect to the gap in the floor which occurs when the floor of the stacker drops away potentially creating a safety issue. There are obviously ways to address this aspect, and condition (viii)(e) has been imposed in this regard. Whether the Alternative Solution, in the event of failure, would present a liability issue for the Town would probably need to be the subject of a legal opinion. However, it is further noted that a condition in this respect was applied to the Planning Approval, as follows:*

*"(j) the Applicant/Owner agrees to indemnify the Town for any claims, actions or litigation arising from the car stacker system; and"*

Australian Standard

*There are no current Australian Standards for Car Stackers at present. AS2890.1 (2004) covers off street parking - (Parking facilities, Part 1: Off-street parking). This is the Standard with which all Development Applications must comply. Therefore, if a car stacker is proposed, the Town's Technical Services require it to provide an amenity as close to conventional parking as is possible to achieve the same outcome. A great deal of research has been carried out by Technical Services to identify suitable conditions to ensure that the substitution of a car stacker for "at grade" parking doesn't result in problems in the future for either the Town, the occupants of the proposed development or the residents and business proprietors in the vicinity. The Town's Officers have inspected an operational stacker, and consulted with the manufacturer's representative, consulted with all other local Government areas where stacker applications have been received, with and with FESA.*

Conditions of Approval

*I am firmly of the opinion that the imposed conditions of approval have been applied for valid reasons. The Applicant is seeking to have a number of these deleted and/or amended. I strongly believe that because car stackers are new to WA and Australia in general, the Council must exercise care and caution in this matter.*

*Of major concern is the possibility of the stacker being rendered inoperable, and the subsequent simultaneous loss of ALL of the bays that the stacker provides. Other issues identified relate to minimizing the time involved in operating the stacker, so that the next user is not waiting unduly (only one car can make use of the stacker at any given time, and should the stacker accommodate say, 21 vehicles, peak usage times may result in cars backed up through the ROW or out onto the street, which is unacceptable).*

*The Australian Standard requires off street parking bays to accommodate, at minimum, the "B85" vehicle, which is defined as being represented by the Ford Falcon in all key dimensions other than height and turning circle. The Standard states that the height of all cars and station wagons is 1.5m or less, however this doesn't allow for 4 wheel drive vehicles, which can exceed 2m in height. The Town's Officers have applied conditions to the installation of a car stacker which require it to, as closely as is considered reasonable, accommodate the same range of vehicles as AS2890.1 (2004).*

Technical Service Conditions

*The specific conditions the Town's Technical Services have applied ensure that the stacker complies with the relevant Australian standards in terms of head clearance, manoeuvring etc. Reference has also been made to the manufacturer's specification in the conditions.*

FESA Requirement

*FESA have requested that all car stacker applications are forwarded to them for assessment as the vertical fire risk must be assessed and measures deployed to address this. They support several conditions being imposed (e.g. mechanical exhaust system, sprinklers)*

Town Insurance

*The Town's insurance policies require the Council and/or Administration to consider and determine an Application on its merit and apply appropriate conditions. Where this has occurred, it protects the Town in cases of accidents/mishaps. If the appropriate conditions are applied, the Town is required to follow-up and ensure they are properly complied with. If this is done, I am of the opinion that the majority of any liability which may arise would rest with the manufacturer/installer as long as the device was used and maintained in accordance with their requirements (and any conditions imposed on the approval of the Application).*

Potential Liability/Litigation

*The Town is exposed to potential liability/litigation in several areas;*

1. *Non-feasance and Misfeasance in Public Office*

*"Misfeasance" would most likely not apply in this case, as it relates to "acts that positively cause an outcome inflicting a loss".*

*"Non-feasance" describe omissions that fail to prevent an outcome or fail to confer a benefit and this may arise (e.g. if the Council fails to impose proper and reasonable conditions of approval or alternatively imposes any conditions which are without justification and/or are unreasonable).*

2. *Liability of Local Governments for Failing to Exercise Statutory Powers.*

*There are well known High Court decisions [e.g. Nagle vs Rottnest Island Authority (1993), Pyrenees Shire Council vs Day (1998)] which are used as precedent, if a local government fails to exercise proper "duty of care" (e.g. if the Employees fail to properly assess an Application and/or the Council fails to impose appropriate conditions or the Town fails to ensure that the imposed conditions are installed etc)."*

It is considered that the criteria to be detailed in the Parking Management Plan as outlined in section (4) a-g of the Draft Policy will provide a basis to ensure that the concerns raised above are addressed.

Additionally, the Policy has been amended to include an additional *clause (5)* to ensure that applications for Car Stackers Systems are referred to the Fire and Emergency Services Authority (FESA) for assessment in relation to the vertical fire risk.

**Conclusion**

Notwithstanding the above, it should also be noted that it is not the intention of the Draft Policy to prohibit the development of car stacking systems, but rather to give clear policy direction as to the development of such systems, ensuring that such systems are considered in the context of the surrounding area, being particularly mindful of the intended use, the location, the ongoing operational issues and amenity impacts of such systems.

As noted in the comments from the Technical Services Officers, a car stacking system nearing completion has been viewed in a commercial development in Subiaco. There are however, limited examples of car stacking systems operational in Western Australia, which adds to the difficulty in assessing the suitability of such systems on a first hand basis. As a result, in developing this Policy, the Town's Officers have been required to rely on the research conducted into car stacking systems both nationally and internationally, the assessment undertaken by Technical Services Officers in their viewing of the Subiaco car stacking system, and the advice gained from Luxmoore Parking Consultants.

In light of the submissions received, the draft Car Stacking Policy has been amended to address a number of concerns raised during the consultation period.

It is therefore recommended that the Council receives and adopts the amended version of the draft policy relating to Car Stacking Systems, in accordance with the Officers Recommendation.

**9.1.22 Amendment No. 56 to Planning and Building Policies – Draft Policy relating to Encroachments Over Crown Lands**

|                              |                     |                    |              |
|------------------------------|---------------------|--------------------|--------------|
| <b>Ward:</b>                 | Both Wards          | <b>Date:</b>       | 2 April 2009 |
| <b>Precinct:</b>             | All Precincts       | <b>File Ref:</b>   | PLA0206      |
| <b>Attachments:</b>          | <a href="#">001</a> |                    |              |
| <b>Reporting Officer(s):</b> | A Fox               |                    |              |
| <b>Checked/Endorsed by:</b>  | H Smith, R Boardman | <b>Amended by:</b> | -            |

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the final amended version of the Policy relating to Encroachments Over Crown Lands as shown in Appendix 9.1.22, resulting from the advertised version having been reviewed and with regard to 1 written submission 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 relating to Encroachments Over Crown Lands, as shown in Appendix 9.1.22, in accordance with Clause 47 (5)(b) of the Town's Town Planning Scheme No. 1; and*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the final amended version of the adopted Policy relating to Encroachments Over Crown Lands as shown in Appendix 9.1.22, in accordance with Clause 47 (6) of the Town's Town Planning Scheme No. 1.*

**COUNCIL DECISION ITEM 9.1.22**

**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (7-0)**

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

**PURPOSE OF REPORT:**

The purpose of this report is to provide the Council with an overview of the outcomes of the formal advertising period for the Draft Policy relation to Encroachments Over Crown Lands, to present to the Council the final amended version of the Draft Policy, and to seek final adoption of the Policy.

**BACKGROUND:**

12 February 2008      The Council at its Ordinary Meeting considered a proposal for a four (4) storey mixed used development comprising eight (8) offices, eleven (11) multiple dwellings and basement carpark located at Nos. 178 – 182 Stirling Street and, as a result of the consideration of the item and associated discussion, the Town's Officers were directed to draft a planning policy in relation to the encroachment of balcony structures over adjacent Crown land including road reserves.

- 8 April 2008                    The Town received a letter from the East Perth Redevelopment Authority requesting information on the Town's position in managing the issue of encroachments beyond property boundaries into road reserves.
- 19 January 2009            The Council under delegated authority during the Council meeting recess period approved the following Officer Recommendation:
- "That the Council;*
- (iv)     *RECEIVES the Draft Policy relating to Encroachments Over Crown Land, as shown in Appendix 9.1.6;*
  - (ii)     *ADVERTISES the Draft Policy relating to Encroachments Over Crown Land for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
    - (a)     *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
    - (b)     *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
    - (c)     *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
    - (iv)     *after the expiry of the period for submissions:*
      - (a)     *REVIEWS the Draft Policy relating to Encroachments Over Crown Land, having regard to any written submissions; and*
      - (b)     *DETERMINES the Draft Policy relating to Encroachments Over Crown Land, with or without amendment, to or not to proceed with them."*

**DETAILS:**

The Council is requested to consider the final amended version of the Draft Policy relating to Encroachments Over Crown Lands following the formal advertising period.

**CONSULTATION/ADVERTISING:**

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

Advertising of the draft amended Policy concluded on 9 March 2009. One (1) submission was received during the formal advertising period. This submission was received from Main Roads Western Australia, details of which are below.

**STRATEGIC IMPLICATIONS:**

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

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

**FINANCIAL/BUDGET IMPLICATIONS:**

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

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies, Planning and Development Act 2005 and Town Planning Regulations 1967.

**COMMENTS:**

During the formal advertising period, the Draft Policy was forwarded to Main Roads Western Australia (Main Roads) for comment. On 17 February 2009, the Town received written correspondence from Main Roads in relation to the Draft Policy.

Main Roads has provided the following comments:

*"Main Roads objects to the Amendment No. 56, Policy Statement item 1)(i) 'Public Roads' as this implies that encroachments over crown lands relating to **all** public roads would be determined by Council.*

*Main Roads would not object to the Amendment No. 56 if the Policy Statement item 1(i) was amended to read:*

*1) For the purposes of this Policy Crown Land is defined as:*

*(i) Public roads (excluding Primary Regional Roads)."*

As the Commissioner for Main Roads has responsibility for the care, control and maintenance of Primary Regional Roads, it is necessary for applications affecting these roads be assessed by Main Roads. The amendment to this clause will ensure that all developments and/or encroachments affecting Primary Regional Roads are directed to Main Roads for assessment and comment. Amending this clause would also prevent situations where an application involving a Primary Regional Road would be inadvertently assessed and determined by the Town of Vincent.

In light of the submission received by Main Roads, the Draft Policy relating to Encroachments over Crown Land has been amended accordingly.

A further amendment has been made to section 4 (iii) of the Draft Policy to provide a definition of 'sunscreens' to ensure consistency in the application of the Policy.

It is therefore recommended that the Council receives and adopts the amended version of the Draft Policy relating to Encroachments Over Crown Lands taking into consideration the feedback provided by Main Roads, and advertises the final amended version of the Policy in accordance with the Officer Recommendation.

**9.1.23 Amendment No. 61 to Planning and Building Policies – Draft Amended Policy No. 3.5.20 Relating to Property Numbering and Addressing**

|                              |                     |                    |              |
|------------------------------|---------------------|--------------------|--------------|
| <b>Ward:</b>                 | Both Wards          | <b>Date:</b>       | 2 April 2009 |
| <b>Precinct:</b>             | All Precincts       | <b>File Ref:</b>   | PLA0211      |
| <b>Attachments:</b>          | <a href="#">001</a> |                    |              |
| <b>Reporting Officer(s):</b> | R Marie             |                    |              |
| <b>Checked/Endorsed by:</b>  | H Smith, R Boardman | <b>Amended by:</b> |              |

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the Draft Amended Policy No. 3.5.20 relating to Property Numbering and Addressing, as shown in Appendix 9.1.23;
- (ii) **ADVERTISES** the Draft Amended Policy No. 3.5.20 relating to Property Numbering and Addressing for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:
  - (a) advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;
  - (b) where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and
  - (c) forwarding a copy of the subject Policy to the Western Australian Planning Commission;
- (iii) **ADVISES** Landgate and the Fire and Emergency Services Authority of Western Australian (FESA), Australia Post, Saint John Ambulance, Water Corporation, Synergy, Alinta Gas, Telstra, Western Australian Electoral Commission and the Australian Electoral Commission, of the advertising of the Draft Amended Policy; and
- (iv) **after the expiry of the period for submissions:**
  - (a) **REVIEWS** the Draft Amended Policy No. 3.5.20 relating to Property Numbering and Addressing, having regard to any written submissions; and
  - (b) **DETERMINES** the Draft Amended Policy No. 3.5.20 relating to Property Numbering and Addressing, with or without amendment, to or not to proceed with it.

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**COUNCIL DECISION ITEM 9.1.23**

**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (7-0)**

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

**PURPOSE OF REPORT:**

The purpose of this report is to present a Draft Amended Policy No. 3.5.20 relating to Property Numbering and Addressing, and to seek the Council's approval to advertise the Draft Amended Policy.

**BACKGROUND:**

A request was made by the Town's Approvals Liaison Officer, in late February 2009, to amend the Property and Numbering Policy to address concerns raised with mixed use development.

23 May 2006 The Council at its Ordinary Meeting held on 23 May 2006, considered an amendment to the Property Numbering and Addressing Policy and resolved as follows;

*"That the Council;*

- (i) RECEIVES the final version of the Policy Relating to Property Numbering and Addressing, as shown in Attachment 10.1.23, resulting from the advertised version having been reviewed and regard to one written submission 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 version of the Policy Relating to Property Numbering and Addressing, as shown in Attachment 10.1.23; and*
- (iii) AUTHORIZES the Chief Executive Officer to advertise the final version of the adopted Policy Relating to Property Numbering and Addressing, as shown in Attachment 10.1.23, in accordance with Clause 47 (6) of Town's Town Planning Scheme No. 1."*

**DETAILS:**

In recent years, the Town has received many more applications for mixed-use developments. It is noted that the Town's Policy No. 3.5.20 relating to Property Numbering and Addressing does not sufficiently address these types of developments. The Town's Officers have requested that the Policy be amended to address such issues, to ensure consistency when allocating property numbers and addresses.

The proposed amendments to the Policy are outlined below and in the attached Draft Amended Policy, and illustrated using strikethrough and underline.

**Clause 3 viii - Numbering for New Subdivisions and Developments**

It is proposed that a new clause be added to the Policy and it to be amended to read as follows:

"viii) Where there is a mixed-use development (as per the Residential Design Codes of Western Australia), the non-residential component is to be numbered 1A/(property number), 2A/(property number), 3A/(property number) and so on, and the residential component will be numbered with a numeric prefix followed by the property number, for example 1/(property number), 2/(property number), 3/(property number) and so on."

### **Clause 3 viii - Numbering for New Subdivisions and Developments**

Clause viii) be renumbered to read as follows;

~~“viii)x)~~ The owner or occupier of the development or subdivision requiring new or amended numbers is to meet all costs associated with the numbering and renumbering of properties, including any renumbering of other properties along the road as a result of that development or subdivision.”

It has also been noted that the *Department of Land Information* is now known as *Landgate*.

The Policy has been amended to read as follows;

### **Clause 1 - Determining the Property Number**

“The main access from a road to a property determines the correct address and number of a property. Properties must have the property number clearly displayed and visible from the street. This is in accordance with the ~~Department of Land Information (DLI)~~ Landgate guidelines and the requirements of the Fire and Emergency Services Authority of Western Australia (FESA);”

### **Clause 6i – Notification**

“... ”

- Australian Electoral Commission;
- Western Australian Electoral Commission;
- Telstra;
- Alinta Gas;
- Synergy;
- Water Corporation;
- Saint John Ambulance;
- Fire and Emergency Services Authority of Western Australia;
- Australia Post; and
- ~~Department of Land Information~~ Landgate.”

### **CONSULTATION/ADVERTISING:**

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

Section 6 of the Policy states that when there has been an approved change to a property address or number, a number of agencies and organisations are to be notified. It is considered that these agencies and organisations should be given the opportunity to comment on the changes outlined in the Draft Amended Policy as shown in Appendix 9.1.23 and therefore, notified of any consultation.

### **LEGAL/POLICY:**

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

### **STRATEGIC IMPLICATIONS:**

The Town of Vincent Strategic Plan 2006-2011 states;

#### “Natural and Built Environment

*Objective 1.1 Improve and maintain environment and infrastructure*

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

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

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

**COMMENTS:**

As previously outlined, mixed-use developments are becoming more prominent in the Town and in order to provide the newly created properties appropriate property numbers and addresses in the most logical manner, it was considered that the Policy should be amended to create consistency amongst these types of developments.

It has been noted that the Town's system requires that the first character in a property number be a number rather than a letter. Therefore, the non-residential component of a development would preclude "shop 1", "shop 2", "shop 3", etc. For this reason, it is proposed that for a mixed-use development, the non-residential component be numbered 1A/ (property number), 2A/ (property number), 3A/ (property number) and so on. The residential component will be numbered with a numeric prefix followed by the property number.

In accordance with this proposed Amendment, if a mixed-use development was proposed for No. 1 Vincent Street, comprising of three (3) non-residential components and six (6) residential dwellings for example, the property would be numbered as follows; 1A/1 Vincent Street, 2A/1 Vincent Street and 3A/1 Vincent Street for the non-residential components and 1/1 Vincent Street, 2/1 Vincent Street, 3/1 Vincent Street and so on, for the residential component.

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

**9.1.24 Town of Cambridge – West Leederville Planning and Urban Design Study**

|                              |                     |                    |              |
|------------------------------|---------------------|--------------------|--------------|
| <b>Ward:</b>                 | N/A                 | <b>Date:</b>       | 6 April 2009 |
| <b>Precinct:</b>             | N/A                 | <b>File Ref:</b>   | ORG0016      |
| <b>Attachments:</b>          | -                   |                    |              |
| <b>Reporting Officer(s):</b> | R Marie, E Saraceni |                    |              |
| <b>Checked/Endorsed by:</b>  | H Smith, R Boardman | <b>Amended by:</b> |              |

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report relating to the Town of Cambridge West Leederville Planning and Urban Design Study; and*
- (ii) *AUTHORISES the Chief Executive Officer to notify the Town of Cambridge that the Town of Vincent SUPPORTS IN PRINCIPLE the intent and content of the West Leederville Planning and Urban Design Study as “Laid on the Table”, subject to the following recommendations being made with respect to the scenario selected;*
  - (a) *being cognisant of realistic feasibility of infrastructure, transport and public utility costs, to support proposed development and intensification of the area;*
  - (b) *being based on regular engagement with local business operators and local residents;*
  - (c) *should avoid encroachment of commercial uses into existing residential areas and ensure the amenity of these areas is not compromised; and*
  - (d) *should encourage development to a maximum of eight (8) storeys.*

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**COUNCIL DECISION ITEM 9.1.24**

**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (7-0)**

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

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**PURPOSE OF REPORT:**

The purpose of this report is to inform the Council of the Town of Cambridge’s *West Leederville Planning and Urban Design Study* currently being advertised for public comment, and to provide a summary of the Study to the Council.

**BACKGROUND:**

The Town received an invitation dated 25 March 2009, from the Town of Cambridge, to formally comment on the *West Leederville Planning Urban Design Study*.

The Study has been publicised for public comment, with submissions closing on 24 April 2009. It is noted that Consultants presented a PowerPoint presentation to the Chief Executive Officer and Senior Officers on 15 December 2008, in regards to the study.

## **DETAILS:**

The study area is bounded by the lots on the northern side of Cambridge Street, the Mitchell Freeway to the north east, Thomas Street to the east, Railway Parade to the south and McCourt Street to the west. Given the study areas' close proximity to both the West Leederville and Leederville train stations, the principles of *Transit Oriented Development (TOD)* have been incorporated into the study.

The Study is part of the Town of Cambridge's Town Planning Scheme Review, and as part of this review, a Local Planning Strategy for the area is being developed. The need for the study has largely responded to development proposed in the surrounding areas, including the Subiaco Stadium and the Leederville Masterplan. The Study focuses on intensifying transport nodes and activity corridor areas.

The study proposes three (3) scenarios, '*Modest Change*', '*Targeted Change*' and '*Significant Change*' ('*Blue Sky*'). Each of the design options focus on three main attributes; Access, Movement and Parking, Land Use and Built Form. The overall public domain and key principles of sustainability have also been considered in the study.

The key aims of the study with respect to each of the abovementioned attributes are outlined below.

### **Access, Movement and Parking**

The study aims to promote sustainable modes of transport and encourage walking and cycling, by making pedestrian access more convenient and safer between public transport nodes. The study proposes to extend the Route 97 bus, and it is considered that this will increase accessibility to the area and surrounding train stations. The study also aims to provide appropriate car parking to service the businesses and residential areas.

### **Land Use**

Land uses will aim to create a sustainable, mixed use inner city location and activate the area; *TOD* principles will be utilised. Alfresco dining and retail uses will be encouraged in order to create a lively streetscape that reflects the lifestyle of the area and its community. The study aims to retain and protect the character of the existing residential areas.

### **Built Form and Urban Design**

The study will encourage high quality and innovative architecture, while maintaining the human scale of the streetscape. Solar access principles will be utilised and the built form will ensure a comfortable pedestrian environment. Linkages between public transport, public spaces and buildings will also be encouraged, as will universally accessible streets and footpaths.

### **Public Domain**

The study will aim to enhance the amenity of areas and expand the number of public spaces wherever possible. Crime prevention principles will be encouraged and the provision of street furniture within the public domain will form an integral part of the design and utilisation of this aspect.

### **Sustainability**

The Study will aim to promote sustainable practices by expanding public transport options, providing a range of housing choices, providing land for economic needs, and facilities for community well-being and health.

**CONSULTATION/ADVERTISING:**

The Town of Cambridge is currently advertising the Study for public comment, which closes on 24 April 2009.

**LEGAL/POLICY:**

Nil.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2006-2011 states:

*“Economic Development*

*Objective 2.1 Progress economic development with adequate financial resources*

*2.1.2 Develop and promote partnerships and alliances with key stakeholders.*

*2.1.3 Promote business development.*

*2.1.7 Implement the Leederville Masterplan.”*

**SUSTAINABILITY IMPLICATIONS:**

The study addresses the area’s strategic location between two inner city train stations, and aims to promote the use of public transport rather than private car use. The study also aims to better utilise and expand on the existing land uses within this established inner city area.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The *West Leederville Planning and Urban Design Study* is considered a sound planning document that addresses current best practice planning principles including enhancing *'Mainstreet'* principles, improving pedestrian amenity, and promoting *Transit Oriented Development*. The Study has shown to build on the attributes of the area including the Leederville Train Station and has factored in the master planning currently being undertaken by the Town of Vincent on the eastern side of the Leederville Train Station.

It is considered that the three scenarios for change are a practical approach that provides a sound basis to manage change effectively and realistically in the short and long term. It is important that the selection of the scenarios is based on feedback from the community, best practice planning principles, and the capacity of the existing and proposed infrastructure and public utilities, to support any proposed development.

The Town of Cambridge supplied the Town with a consultation form that is separated into two sections, Planning and Urban Design Principles, and Scenarios for Change. Each section has a number of questions relating to each topic and Five (5) options for an answer are provided, ranging from Strongly Disagree to Strongly Agree. For the purposes of this report, this section will address the questions specified in the consultation form provided by the Town of Cambridge. The questions proposed by the Town of Cambridge are outlined in italics, with the Town of Vincent’s response provided below.

## **Planning and Urban Design**

A number of principles have been identified to guide planning for the West Leederville study area. The following questions relate to these planning and urban design principles.

1. *Transit Oriented Development typically consists of a mix of retail, commercial and high density residential uses close to public transport options, thereby encouraging alternative forms of transport such as walking, cycling, taking the bus or the train. Should planning for the West Leederville Study Area be based upon Transit Oriented Development principles?*

Agree. It is considered appropriate, given the study areas proximity to the West Leederville and Leederville train stations, that *Transit Oriented Development* principles are applied. Notwithstanding the above, it is noted that the Mitchell Freeway acts as a significant barrier for pedestrian access between the study area and the Leederville train station and in light of this fact, it is also considered appropriate to apply other planning/urban design principles, such as '*Mainstreet*' principles, to the study.

Questions 2-6 relate to the aims and principles of the main attributes of the study; '*Access, Movement and Parking*', '*Land Use*', '*Built Form and Urban Design*', '*Public Domain*' and '*Sustainability*'. The Officer responses for each attribute are outlined in point form below:

### Access, Movement and Car Parking - Agree

- Given the close proximity to two train stations, the Town is supportive of the improvements to the pedestrian and cycle access to the train stations and along Cambridge Street.
- The extension to the Route 97 bus would create valuable links within the inner city area, between two key railway lines and between Subiaco Regional Centre and Leederville District Centre.
- While public transport use will be promoted, adequate parking must be provided to service businesses in the area.

### Land Use - Agree

- It is considered that Cambridge Street is an ideal location for mixed use development. Its location close to train stations and as a main transport link, provides many opportunities to diversify the area.
- The Town of Vincent supports the retention and protection of the highly-valued residential areas.

### Built Form - Agree

- Supportive of maintaining a 'human scale' in the streetscapes and public domain.
- Supportive of encouraging innovative urban design, particularly design that incorporates sustainability principles.
- Supportive of ensuring street and footpath networks are universally accessible.

### Public Domain - Agree

- Given that much of the study has been developed around *Transit Oriented Development* and '*Mainstreet*' principles, it is considered appropriate that the public domain be developed to ensure it is pedestrian orientated and prioritises pedestrian comfort.

### Sustainability - Agree

- It is considered that the promotion of sustainability principles is key to the ongoing development and implementation of the study.

### Scenarios for Change

The questions relating to scenarios for change examine the various principles of how the study was developed and the three options which are proposed in the study.

7. *Cambridge Street between Northwood Street and Southport Street be developed as a local 'high street' (active and pedestrian friendly streetscapes with slower traffic speeds).?*

Agree. Given the area's strategic location between two inner city train stations and Cambridge Street's role as a main thoroughfare, there is significant scope for the area to be developed comprehensively into an active, mixed-use node. Active and pedestrian-friendly streetscapes, combined with slower traffic speeds, will encourage people to utilise the 'high street'.

8. *Creation of an activated Northwood Street 'Transit Oriented Development' link to West Leederville train station and Subiaco Oval?*

Agree. Northwood Street would provide an appropriate link between the train station and Cambridge Street and would also present a clear and practical pedestrian link through to Subiaco Oval. The Town would need to ensure that the area is developed as a safe and easily accessible pedestrian link in order to encourage people to utilise this link.

9. *Creation of an activated Southport Street 'Transit Oriented Development' link to Leederville train station?*

Agree; however, given the barrier of the Freeway, it is important to ensure that Southport Street is safe and accessible for pedestrians and cyclists. The Town of Cambridge should ensure that pathways between the train station and Southport Street are well designed with appropriate lighting and street furniture and ensure that the streetscapes are active to ensure the area has appropriate surveillance. The overpass to the train station should also be redesigned to be more 'inviting' in order to ensure that pedestrians feel safe when using it.

10. *Improved connection between West Leederville and the Leederville train station and Leederville Town Centre?*

Strongly Agree. The Town is supportive of the extension of the Route 97 bus, which would improve the linkages between the West Leederville and Leederville train stations and the Leederville Town Centre. The extension of the bus route would create highly valued linkages between the northern train line and the Fremantle train line, which could minimise the need to travel into the City centre in order to change train lines. The improved accessibility has the potential to attract more people to the Leederville Town Centre.

### Preferred Scenario

The study proposes three (3) scenarios, '*Modest Change*', '*Targeted Change*' and '*Significant Change ('Blue Sky')*'. The Town of Vincent is supportive of the *Targeted Change* design option.

The *Targeted Change* option is considered appropriate to provide transition between the proposed study area and the Leederville Masterplan Area, given the high density development proposed for the Leederville Town Centre in the Town's Leederville Masterplan, the barrier imposed by the Mitchell Freeway, the existing medium density in the eastern portion of the Town of Cambridge, and the low to medium density to the west of the study area. It is considered that the building heights and scale of development proposed is more suitable for the area particularly in relation to its role within the Metropolitan Centre's hierarchy and its location between the District Centre of Leederville, and the Regional Centre of Subiaco.

### **Conclusion**

Whilst the Town supports the document in principle, it is considered important to give consideration to the following matters when further developing the study:

- Ensure that the amenity of the existing lower density residential areas are not compromised by any new development, or encroached upon by commercial uses;
- Transport, parking and infrastructure costs to be considered in any proposed development and intensification of the area;
- Ensure streetscape frontages are active and pedestrian friendly, particularly for development in excess of three storey; and
- Given the surrounding context, it is considered that a maximum eight (8) storey height limit would be appropriate.

The Town supports the Town of Cambridge's initiative to;

- Make pedestrian access from Leederville train station to Cambridge Street more convenient; and
- Extend the Route 97 bus to Leederville train station.

It is considered that the West Leederville study is in line with best planning practice through its employment of a combination of planning/urban design principles. The study will not compete with the Leederville Masterplan, rather it will compliment and enhance it through encouraging pedestrian and public transport linkages between the Town and the Town of Cambridge and the fact that the scale, intensity and mix of uses will not detract from the Leederville Masterplan. The study ultimately has the potential to attract an increased amount of patrons and activity to the Leederville Masterplan Area.

In light of the above, it is recommended that the Council support in-principle the content of the West Leederville Planning and Urban Design Study and respond to the Town of Cambridge in line with the Officer Recommendation.

**9.1.25 Building a Better Planning System Consultation Paper**

|                              |                       |                    |              |
|------------------------------|-----------------------|--------------------|--------------|
| <b>Ward:</b>                 | N/A                   | <b>Date:</b>       | 3 April 2009 |
| <b>Precinct:</b>             | N/A                   | <b>File Ref:</b>   | ORG0016      |
| <b>Attachments:</b>          | <a href="#">001</a>   |                    |              |
| <b>Reporting Officer(s):</b> | E Lebbos, T Woodhouse |                    |              |
| <b>Checked/Endorsed by:</b>  | H Smith, R Boardman   | <b>Amended by:</b> | -            |

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report relating to the “Building a Better Planning System Consultation Paper”; and*
- (ii) *AUTHORISES the Chief Executive Officer to notify the Department for Planning and Infrastructure (DPI) that the Town of Vincent SUPPORTS IN PRINCIPLE the intent and content of the “Building a Better Planning System Consultation Paper” as shown in Appendix 9.1.25 (electronically linked to this report), “Laid on the Table” and as circulated separately to Council Members along with the following recommendations for the DPI to;*
  - (a) *develop a core Policy to assist in the implementation of Network City;*
  - (b) *offer formal training in planning for Elected Members of Local Government authorities;*
  - (c) *develop a Policy to assist in the implementation of Affordable Housing options;*
  - (d) *develop greater synergy between planning Policy for metropolitan Perth and the supply and demand of basic utilities such as power and water;*
  - (e) *appreciate and provide greater guidance in the implementation of the objectives of Network City within inner city Local Government authorities to address the contradictions apparent in increasing residential densities in areas of pre-car subdivisions, and applying the Acceptable Development and Performance Based criteria of the R - Codes to assist in reducing the time taken to obtain planning approvals and subdivision referrals;*
  - (f) *ensure information requirements for development proposals are clear to applicants in order to avoid delays in the approvals process resulting from incomplete/incorrect application information; and*
  - (g) *establish clear and enforceable accountabilities and responsibilities in planning processes for:*
    - (1) *Council Members, with respect to planning related matters and Officer Recommendations, when making planning decisions;*
    - (2) *Planning Officers, in ensuring subdivision referrals and approvals are processed according to the statutory timeframes set out in the Planning and Development Act 2005; and*
    - (3) *the Department for Planning and Infrastructure, to ensure Network City principles are considered in their decision making processes;*

- (h) *consider recommendations to the State Government of Western Australia with respect to amending the State Administrative Tribunal Act 2004 and/or the Planning and Development Act 2005 and/or associated procedures to categorise the types of development applications that can be reviewed through the State Administrative Tribunal to place greater responsibility on Local Government authorities to determine minor development applications and to reduce the resources spent on attending the State Administrative Tribunal for trivial and non-planning related matters; and*
- (i) *extend the validation period of planning approvals from the current two years to a three year period.*

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**COUNCIL DECISION ITEM 9.1.25**

**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (7-0)**

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

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**PURPOSE OF REPORT:**

The purpose of this report is to inform the Council of the Department for Planning and Infrastructure’s *Building a Better Planning System Consultation Paper* currently being advertised for public comment, and to provide a summary of the Paper to the Council.

**BACKGROUND:**

In March 2009, the Department for Planning and Infrastructure published the *Building a Better Planning System Consultation Paper* setting out options to improve the efficiency and effectiveness of the planning system in Western Australia.

The consultation paper has been widely publicised for public comment, with submissions closing on 1 May 2009.

**DETAILS:**

*Building a Better Planning System* is a comprehensive industry and stakeholder consultation paper that has been compiled by the Department for Planning and Infrastructure. It sets out a broad planning reform agenda for improvement to the planning system and identifies a number of strategic priorities and actions to improve the planning framework. The Consultation Paper has been released for public comment to ensure that the community has the opportunity to provide feedback on the Paper prior to it being finalised by the Government.

*Building a Better Planning System* is presented in two parts. The first part provides an overview of the WA planning framework and focuses on reform in other jurisdictions and identifies strategic issues to be addressed in considering improvements in Western Australia. The second part of the document presents a proposed *Strategic Priorities and Action Plan* for building a better planning system. In developing this document, six key strategic priorities were identified by the Department to improve the functional capability and operational capacity of the planning system focus including: simplifying planning approvals; more effective planning instruments; prioritising major projects and developments; integrated infrastructure coordination; comprehensive regional and strategic planning frameworks; and strengthening governance and institutional arrangements.

As outlined below, the intention of the Consultation Paper is to deliver new and improved planning processes and instruments that will:

- clear the backlog of approval applications and reduce the time taken to obtain approvals;
- adopt a risk management based approach to development assessments to speed up approvals and simplify the processes;
- shift the focus away from statutory processing to the achievement of strategic outcomes;
- reduce complexities and inconsistencies through the adoption of standardised planning instruments such as Model Scheme Text and structure plans;
- enable better infrastructure coordination and give a spatial dimension to the State budget processes;
- focus on regional communities with particular attention being given to supporting economic development;
- develop a new vision for Perth and the regions of WA; and
- improve standards of governance through clearer and more effective accountabilities and responsibilities.

Following comment and advice, the intention of the Department is to release a final blueprint for reform based on consensus and a clear pathway ahead. The outcome will be a planning system that is best practice in Australia and has the strong support of the community.

#### Relevance to the Town of Vincent

A review of the Consultation Paper was undertaken by the Town's Officers, which indicated that the proposed recommendations will impact the Town's Policies and practices.

Whilst it is considered that the greatest relevance of the Consultation Paper to the Town of Vincent is the various actions currently underway to simplify the planning approvals process, it is important to reiterate that there is no 'one size fits all' approach and a broad holistic critique is required that identifies where the issues are and how they can be addressed. Obviously the pressures in assessing development applications in inner city metropolitan areas developed with small lot sizes prior to the advent of the motor car, such as Vincent, is quite different to local government authorities with relatively recent residential development patterns. By simply placing greater pressure on local government statutory planning sections to fasten the approvals process is considered futile, if it is not supported with clear State Planning Policy and procedure that can be readily applied in assessing development applications and preparing Policies and provisions.

The most notable of these actions is the extension of the 'short-track' subdivision system (an online referral and approvals system used to assess and determine urban subdivisions under five lots that meet certain criteria currently in six local governments) to other metropolitan Local Government authorities. The Town of Vincent has already received a formal invitation by the Western Australian Planning Commission to participate in this system in order to reduce the overall determination time to 30 days, and referral response times to 15 days from the current statutory referral times of 42 days. Another action that has great relevance to the Town is the move to delegate most built strata subdivision applications to Local Government. Currently, only built strata applications of five lots and under are undertaken by Local Government. In response to these proposed actions, the Town responded on 20 March 2009 that it is *'supportive and commends the Department for its introduction of a system which aims to reduce the timeframe of decisions on statutory applications and looks forward to participating in this exciting opportunity to improve service delivery.'*

**CONSULTATION/ADVERTISING:**

The Department for Planning and Infrastructure is currently advertising the Consultation Paper for public comment, which closes on 1 May 2009.

**LEGAL/POLICY:**

Nil.

**STRATEGIC IMPLICATIONS:**

The Town of Vincent Strategic Plan 2006-2011 states;

*“Leadership, Governance and Management*

*Objective 4.1 Provide good strategic decision-making, governance, leadership and professional management*

*4.1.4 Deliver services in ways that accord with the expectations of the community, whilst maintaining statutory compliance.”*

**SUSTAINABILITY IMPLICATIONS:**

The Consultation Paper proposes that climate change issues and a requirement for sustainable planning practices are important considerations in the development of a better planning system. *Building a Better Planning System* therefore aims to develop a strategic response to climate change so that the planning system has the strategic capability to respond to these changes and among other things, includes accommodating and supporting water and energy conservation, reducing carbon impact, providing low cost community housing, and increasing public transport use.

**FINANCIAL/BUDGET IMPLICATIONS:**

In the event of change, additional fees may be collated with respect to Built Strata applications and additional staffing resources may be required.

**COMMENTS:**

The various actions specified in the *Building a Better Planning System Consultation Paper* aim at developing a better planning system by establishing clear and enforceable accountabilities in planning processes and developing consistent timelines to provide certainty and avoid delays. It is considered that addressing the actions detailed in the Consultation Paper, together with the additional recommendations outlined by the Town's Officers, will assist in the streamlining of the planning process at the Town of Vincent, and across metropolitan, and regional Western Australia more generally.

In light of the above, it is considered that the Council receive the report and support the Officer's Recommendation to advise the Department for Planning and Infrastructure that the Town of Vincent supports the intent and content of the *Building a Better Planning System Consultation Paper* along with the additional recommendations as outlined in the Officer Recommendation.

**9.1.26 Dog Registration Promotion Campaign**

|                              |                        |                    |              |
|------------------------------|------------------------|--------------------|--------------|
| <b>Ward:</b>                 | Both                   | <b>Date:</b>       | 6 April 2009 |
| <b>Precinct:</b>             | All                    | <b>File Ref:</b>   | ENS0063      |
| <b>Attachments:</b>          | -                      |                    |              |
| <b>Reporting Officer(s):</b> | S Beanland, JP Morrice |                    |              |
| <b>Checked/Endorsed by:</b>  | J MacLean, R Boardman  | <b>Amended by:</b> | -            |

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **APPROVES** the:
- (a) *implementation of a Responsible Dog Ownership/Dog Registration Campaign; and*
  - (b) *employment of two (2) full-time temporary Authorised Officers for a period of eight weeks at an estimated cost of \$15,741, to undertake door-to-door dog registration checks, with the employment costs being offset against the revenue generated from the additional dog registrations that are paid; and*
- (ii) **NOTES** a further report will be submitted to the Council on the results of the Campaign on completion.

---

**COUNCIL DECISION ITEM 9.1.26**

**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (7-0)**

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

---

**PURPOSE OF REPORT:**

The purpose of this report is to obtain the Council’s approval to embark on a Dog Registration Promotion Campaign and increase the compliance with the Dog Act 1976 among all dog owners.

**BACKGROUND:**

The Dog Act 1976 requires all dogs over the age of three months to be registered with a local Government. The Town’s Rangers are charged with the responsibility of ensuring compliance with this State enactment.

Dog Registration has several benefits, not only to dog owners but to the community as a whole. These benefits include:

- a method for the Town to reunite dogs with their owners;
- promoting dog sterilisation through subsidised dog registration fees;
- tracking the history of a dog and recording nuisance/dangerous dogs;
- funding for increased patrols of the Town by Rangers; and
- funding for community education programs designed to promote responsible dog ownership and awareness.

Dog Registration is intended to be a user-pays arrangement for dog control and data-base maintenance by a Local Government. However, statistics from the Town of Vincent Dog Pound indicate that perhaps as many as 55% of dogs are currently unregistered, which represents as many as 3,000 dogs.

Dog Owners with an unregistered dog may be liable for a \$100.00 infringement notice, prescribed under the Dog Act 1976; however, the detection of unregistered dogs can be the biggest difficulty.

**DETAILS:**

The Town's Rangers are currently undertaking a number of programmes to encourage responsible dog ownership including;

- Ranger attendance at puppy pre-school;
- random dog registration checks at the Town's Reserves; and
- advertisements in the Town's Newsletters and web-site.

However, the Town's current methods of ensuring compliance with the registration requirements of the Dog Act 1976 are not equitable among all dog owners as it targets only those who are actively participating in community activities.

There are generally believed to be three types of dog owners:

- Responsible Dog Owners – these dog owners are involved in programmes like “Puppy Pre-school” at their local veterinary centres, walk their dogs at the Town's Dog Exercise areas and generally ensure their dogs are registered and wear an identification on the collar.
- Ambivalent Dog Owners – these owners believe their dog will not escape their yards or may be too small/young/old to be a “problem” dog. However, they still should be recorded on the Town's Register.
- Irresponsible Dog Owners – these dogs are more likely to wander at larger due to inadequate fencing and/or the owner's lack of care. The dog owners can be difficult to identify as the dogs often do not wear collars and identification, they do not exercise their dogs in the Town's reserves, do not participate in the “Puppy Preschool” schemes operated at local veterinary centres, and may choose to be unaware of the requirements of the State legislation.

Where the enforcement of registration is only capable of achieving partial compliance, the dog owners who pay are clearly being disadvantaged, especially when the funds raised from dog registrations are being used to pay for the management of others who are not so responsible.

The Town's Ranger and Community Safety Services record statistics of impounded dogs on a quarterly basis. As all dogs released by the Pound are required to be registered at the time of release, statistics are available regarding the percentage of unregistered dogs.

The following table shows the percentage of dogs, which at the time of impounding were currently unregistered.

| <b>Quarter Ending</b> | <b>Dogs Released</b> | <b>Already Registered</b> | <b>Percentage Unregistered</b> |
|-----------------------|----------------------|---------------------------|--------------------------------|
| March 2005            | 29                   | 15                        | 48.28%                         |
| June 2005             | 33                   | 12                        | 63.64%                         |
| September 2005        | 24                   | 13                        | 45.83%                         |
| December 2005         | 21                   | 5                         | 76.19%                         |

| <b>Quarter Ending</b> | <b>Dogs Released</b> | <b>Already Registered</b> | <b>Percentage Unregistered</b> |
|-----------------------|----------------------|---------------------------|--------------------------------|
| March 2006            | 24                   | 5                         | 79.17%                         |
| June 2006             | 17                   | 12                        | 29.41%                         |
| September 2006        | 23                   | 9                         | 60.87%                         |
| December 2006         | 24                   | 13                        | 45.83%                         |
| March 2007            | 24                   | 12                        | 50.00%                         |
| June 2007             | 20                   | 13                        | 35.00%                         |
| September 2007        | 33                   | 10                        | 69.70%                         |
| December 2007         | 20                   | 7                         | 65.00%                         |
| March 2008            | 18                   | 8                         | 55.56%                         |
| June 2008             | 36                   | 21                        | 41.67%                         |
| September 2008        | 31                   | 14                        | 54.84%                         |
| December 2008         | 11                   | 5                         | 54.55%                         |

**Average Total -Unregistered Dogs (Prior to Impounding)****54.74%**

This statistical information indicates the average percentage of dogs that were unregistered prior to impounding to be close to 55%. It is impossible to tell if this figure is indicative across the whole of the Town; however, assuming this to be case, this represents approximately 3,000 dogs or based on an average of \$20.00 for registration, \$60,000.00 increase in revenue annually should the unregistered dogs be identified and registration enforced.

Each year, Ranger and Community Safety Services reports in its Annual Report that it is believed that approximately 500 dogs, within the Town of Vincent, are unregistered. Even if this is a more accurate assessment, this represents \$10,000.00 annually.

The strategy of Authorised Officers door knocking in the area is that, even if the dog owner is not at home, addresses where dogs are kept can be identified through sight and sound. This is because dogs will generally run to the front of a fence or bark behind a closed door.

The Town of Vincent has technology available to identify those addresses whereby no dogs are currently registered. If a dog is seen or heard at the address, the Dog Registration Officer can flag that address and provide information and registration forms to the dog owner.

The Dog Registration Officers will carry a small float and receipt book to accept on-the-spot payments and facilitate effortless registration for dog owners. The payment and completed dog registration form can then be returned to the Cashier at the Town's Administration and Civic Centre for processing and a tag to be issued.

However, should the dog remain unregistered after seven days, the matter will be referred to a Ranger for follow-up. It will be at the Ranger's discretion whether an infringement notice is appropriate.

The Campaign would take around two months to complete and for safety reasons, two Officers would operate each day.

An advertisement in the local newspapers has two benefits:

- Dog owners may be proactive in the registration of their dog if they become aware of the campaign commencing in their area; and
- To aid in the identification of the Dog Registration Officers when knocking on the doors.

Once a dog is registered the first time, each subsequent registration is easier to enforce. This is because the ownership information is recorded on the Town's register. Accordingly, the benefits of undertaking the dog registration campaign will have a flow on effect for a number of years, and for the lifetime of the dog.

A number of municipalities across the metropolitan area, including City of Stirling, City of Joondalup and City of Wanneroo, have undertaken a dog registration door knock campaign as a method of broadening the target group for enforcement of the Dog Act 1976 and promoting responsible dog ownership to all dog owners. The success of their campaigns is obvious through an increase in the number of dogs registered. Most Local Governments acknowledge the success and usually repeat the door knocks annually, or every second year.

**LEGAL/POLICY:**

The Town of Vincent has the responsibility for the enforcement of various Acts, Regulations and Local Laws. This includes the Dog Act, in particular the registration of dogs. It is a requirement for Officers issuing Dog Registrations to be appointed as Registration Officers under the Dog Act 1976.

Section 3.24 of the Local Government Act 1995 requires any person, who will act on behalf of a Local Government, to be expressly authorised by it to do so.

**STRATEGIC IMPLICATIONS:**

These appointments are in keeping with the Town's Strategic Plan 2006-2011, 4.1.4 "*Deliver Services in ways that accord with the expectations of the community, whilst maintaining statutory compliance.*"

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**CONSULTATION/ADVERTISING:**

There will be a need to advertise the appointments and it is suggested that the Campaign be advertised in Local Newspapers.

**FINANCIAL/BUDGET IMPLICATIONS:**

The cost to the Town, based on two Officers employed for eight weeks on Level 3A, including casual rates, will be \$15,741.

The following table identifies the potential increase in registration income, per hundred dogs identified (based on an average registration fee of \$20.00) annually (it should be noted that, once a dog has been identified, most owners will continue to register the animal in subsequent years):

| <b>Number of Dogs identified</b> | <b>Amount</b> |
|----------------------------------|---------------|
| 100                              | \$2,000.00    |
| 200                              | \$4,000.00    |
| 400                              | \$8,000.00    |
| 500                              | \$10,000.00   |
| 1000                             | \$20,000.00   |

Accordingly, should 800 dogs be identified, the expenditure will be covered by the income in the first year. It should be noted that an increase in dog registration income for subsequent years will also result.

**COMMENTS:**

The approval of the above mentioned Campaign will ensure that the Ranger and Community Safety Services can be proactive in enforcing the Dog Act 1976 and is recommended for approval.

**9.2.2 Further Report – ‘Updated’ Right of Way Upgrade and Acquisition Program 2008 to 2016**

|                              |                         |                    |              |
|------------------------------|-------------------------|--------------------|--------------|
| <b>Ward:</b>                 | Both                    | <b>Date:</b>       | 6 April 2009 |
| <b>Precinct:</b>             | All                     | <b>File Ref:</b>   | TES0451      |
| <b>Attachments:</b>          | <a href="#">001</a>     |                    |              |
| <b>Reporting Officer(s):</b> | R Lotznicker, A Munyard |                    |              |
| <b>Checked/Endorsed by:</b>  | John Giorgi             | <b>Amended by:</b> | -            |

**OFFICER RECOMMENDATION:**

*That the Council;*

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

**COUNCIL DECISION ITEM 9.2.2**

**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (7-0)**

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

**PURPOSE OF REPORT:**

The purpose of this report is to seek the Council's approval for a revised ROW Acquisition and Upgrade program, based on current and projected costs.

**BACKGROUND:**

At its Ordinary meeting held on 12 August 2008, the Council adopted a revised Right of Way Upgrade and Acquisition Program schedule for the remaining privately owned ROWs within the Town and made the following decision:

- "(i) *RECEIVES the report on the revised Right of Way Upgrade and Acquisition Program 2008/2009 to 2014/2015;*
- (ii) *APPROVES;*
  - (a) *the amendment to the 2008/2009 Right of Way Upgrade and Acquisition Program as outlined in the report and included in appendix 10.2.4; and*
  - (b) *the Right of Way Upgrade and Acquisition Program schedule for the remaining privately owned ROWs within the Town as outlined in appendix 10.2.4;*
- (iii) *ACKNOWLEDGES that there may be a necessity to vary the new schedule for operational reasons or to exercise good governance as outlined in the report;*
- (iv) *RECEIVES an annual 'progress' report on the Right of Way Upgrade and Acquisition Program;*
- (v) *PLACES the amended 2008/2009 Right of Way Upgrade and Acquisition Program, as outlined in appendix 10.2.4, on the Town's web site, along with a document that explains the use of the scoring system, with a footnote that the program may be subject to change; and*
- (vi) *REQUESTS that every endeavour be made by the beginning of each year to acquire the ROWs that are scheduled for upgrade in that year and the following year."*

**DETAILS:**

As previously reported to Council, there are approximately 550 ROWs in the Town and 102 remain unsealed, with all but a couple of these being privately owned, and therefore acquisition is necessary prior to any works being undertaken.

All unmade ROWs were re-assessed for prioritising of acquisition and upgrade in accordance with the adopted criteria.

The report presented to the Council on 12 August 2008 comprehensively details the process, criteria and rationale in developing the adopted program.

**Proposed amendments to the adopted program:**

The ROW program adopted by the Council (Item 10.2.4 Ordinary Meeting of Council 12 August 2008) was based on an estimated cost for ROW upgrade.

The actual costs of upgrade for the 2008/2009 program exceeded the estimated costs as outlined in the program.

Using the actual costs as a guide, and allowing for increases in costs over the life of the program, the Director Technical Services has revised the adopted program to ensure that it now more realistically reflects the actual cost of construction.

This has resulted in the individual ROW projects generally remaining in the same order as the previously adopted program, however, some minor adjustments have been made and the program length has being extended due to the allowance for increased costs.

**CONSULTATION/ADVERTISING:**

N/A

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.6 Enhance and maintain the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment. *“(a) Implement infrastructure upgrade programs, including streetscape enhancements, footpaths, rights of way and roads.”*

**SUSTAINABILITY IMPLICATIONS:**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

The Town's annual budget has traditionally included an amount of \$300,000 for the implementation of the program. The revised program suggests a slight increase in annual funding for several years from 2010 to 2011, with a decrease in the last year.

**COMMENTS:**

The Council approved the new assessment table and scoring criteria at its Ordinary Meeting held on 5 December 2006, and this was applied to formulate a schedule which reflected current conditions and priorities.

Due to the actual costs of upgrade exceeding the estimated costs in a number of situations, the adopted ROW program has been amended to reflect this.

It is therefore recommended that the Council adopt the revised program.

**9.2.3 Progress Report No 2 - Sustainable Environment Plan 2007 – 2012**

|                              |                         |                    |              |
|------------------------------|-------------------------|--------------------|--------------|
| <b>Ward:</b>                 | Both                    | <b>Date:</b>       | 6 April 2009 |
| <b>Precinct:</b>             | All                     | <b>File Ref:</b>   | PLA0175      |
| <b>Attachments:</b>          | <a href="#">001</a>     |                    |              |
| <b>Reporting Officer(s):</b> | J Lockley, R Lotznicker |                    |              |
| <b>Checked/Endorsed by:</b>  | John Giorgi             | <b>Amended by:</b> | -            |

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the Progress Report No 2 as at 6 April 2009, concerning the Sustainable Environment Plan 2007 - 2012;*
- (ii) *NOTES that;*
  - (a) *the “Actions” and “Target” dates for completion, as outlined in the adopted Sustainable Environment Plan 2007 – 2012, have been reviewed and updated;*
  - (b) *a number of the timeframes for actions to be completed have been amended in accordance with current officers' capacity and other priorities and a number of actions contained in the plan were considered to be beyond the Town's jurisdiction or similar to other actions in the Plan and, therefore, these actions were either deleted or amalgamated;*
  - (c) *as previously requested, a Sustainable Environmental Plan 2007 – 2012 Draft Implementation Table Actions and Targets has been prepared which incorporates matters mentioned in clauses (ii)(a) and (b) above;*
  - (d) *the Draft Sustainable Environmental Plan 2007 – 2012 Implementation Plan will be referred to the Town's Sustainable Advisory Group;*
  - (e) *a further report on a Draft Implementation Plan with the updated actions and targets following consideration by the Sustainability Advisory Group; and*
  - (f) *Progress Reports will be submitted to the Council on a quaterly basis, in the future; and*
- (iii) *APPROVES the minor changes made to the Sustainable Environment Plan 2007 - 2012 ‘actions’ as outlined in strike through/underlined in Appendix 9.2.3.*

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**COUNCIL DECISION ITEM 9.2.3**

**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (7-0)**

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

**PURPOSE OF REPORT:**

The purpose of this report is to update the Council on the progress on the implementation of the Sustainable Environment Plan 2007 – 2012 and to advise of some suggested changes to the Sustainable Environment Plan 2007-2012 actions and targets.

**BACKGROUND:**

22 August 2006: The Council at its Ordinary Meeting resolved the following in relation to Item 10.4.7 – Sustainable Environment Plan 2006 – 2011;

“That the Draft Sustainable Environment Plan 2006 - 2011 as shown in Appendix 10.4.7 be referred to the Sustainability Advisory Group for its consideration and comment prior to Council approving the Plan.”

27 September 2006: A meeting of the Sustainable Advisory Group was convened to review and consider the draft Sustainable Environment Plan 2006-2011 (SEP) referred from the Ordinary Meeting of Council held on 22 August 2006.

19 October 2006: A memorandum was issued to the Chief Executive Officer from the Executive Manager Environmental and Development Services summarising the comments made at the Sustainability Advisory Group meeting held on 27 September 2006 and the Town's Officers' proposed course of action with regard to the progression of the SEP and associated Implementation Strategy.

20 November 2006 The Sustainable Advisory Group reconvened and reviewed an amended version of the draft SEP which incorporated previous comments received by the Group.

19 December 2006 Progress Report No 1 was submitted to an Ordinary Meeting of Council, where (in part) the Council decided to:

*(ii) ADOPT the following recommendations in response to the Sustainable Advisory Group's resolutions;*

*(a) the final draft Sustainable Environment Plan 2006 – 2011 be presented to an Ordinary Meeting of Council no later than 27 February 2007 with the recommendation to advertise the Plan for Public Comment;*

*(b) the Implementation Plan be prepared following the adoption of the Sustainable Environment Plan 2006 – 2011 no later than April 2007;*

*(c) the draft Implementation Plan be referred to the Sustainability Advisory Group for consideration and comment prior to the Council considering and determining the Implementation Plan; and*

*(d) a maximum of two (2) workshops be conducted with the community as part of the preparation of the Implementation Plan.”*

- 13 February 2007: The Council resolved to approve in principle the draft sustainable environment plan 2007–2012 and authorised the Chief Executive Officer to advertise the Draft Sustainable Environment Plan 2007–2012 for a period of six (6) weeks, seeking public comment; and report back to the Council with any public submissions received.
- 3 March 2007: The draft Sustainable Environment Plan was advertised for six (6) consecutive weeks in the Voice News and Guardian newspapers, ending 13 April 2007, and placed on the Town's Website for a period of two (2) months.
- 26 April 2007: The Town sent correspondence to Community Precinct Groups inviting comment on the draft Plan by 25 May 2007.
- 12 June 2007: The Council adopted the final amended version of the Sustainable Environment Plan 2007 and authorised the Chief Executive Officer to prepare the Sustainable Environment Plan Draft Annual Implementation Plan and refer the Draft Annual Implementation Plan to the Sustainable Advisory Group for consideration and comment prior to the Draft Annual Implementation Plan being referred to the Council for consideration and determination.

#### **DETAILS:**

The Sustainable Environment Plan (SEP) was developed as a strategic framework for initiatives to be undertaken by the Town and wider community with regard to enhancing and protecting the Town's environment, under the five key focus areas - air, water, biodiversity, energy and waste management.

At its Ordinary Meeting held on 12 June 2007, the Council adopted the final amended version of the Sustainable Environment Plan 2007.

The Council further authorised the Chief Executive Officer to prepare a Draft Annual Implementation Plan and refer the Draft Plan to the Sustainable Advisory Group for consideration and comment prior to it being referred back to the Council for consideration and determination.

#### **Review of the Sustainable Environment Plan by the Environmental Officer:**

The Town's Environmental Officer has reviewed the Actions and Targets of the Sustainable Environment Plan to update the completed actions, the current actions and target dates. In addition, a number of the timeframes for actions to be completed have been amended as per the current officer's capacity and priorities. Following this review, some actions were considered to be beyond the Town's jurisdiction or were very similar to other actions and so it has been suggested that these actions are removed.

As requested by the Council, a draft Sustainable Environment Draft Annual Implementation Plan, which comprises specific goals, actions, measures and timeframes for achieving these initiatives, has been prepared. The Implementation Plan will operate as the working document under which specific actions can be achieved and will be regularly reviewed and updated to ensure changing needs and priorities are considered.

As previously requested by the Council, the draft Implementation Plan will be forwarded to the Sustainability Advisory Group for comments and then reported to council for adoption.

**Sustainable Management System Review:**

While not the subject of this report, the following brief update is provided regarding this matter.

At its ordinary meeting held on 24 June 2006, the Council received an update on the Sustainability Management System Review and the International Council for Local Environmental Initiatives (ICLEI)/Cities for Climate Protection.

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

As requested, an internal working group was recently established and the Environmental Officer, with the assistance of an experienced Project Officer, is progressing this matter and a separate progress report on this matter will be reported to Council in April/May 2009.

It is envisaged that the Sustainability Strategy, when completed, will be the over arching document in which the Sustainable Environment Plan and associated documentation will form a part of.

**CONSULTATION/ADVERTISING:**

The Sustainable Environment Plan was previously advertised to the community for comments.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

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

Objective 1: Natural and Built Environment, Objective 1.1 *Improve and maintain environment and infrastructure*; Objective 2: Economic Development Objective 2.1, *Progress economic development with adequate financial resources*; Objective 3: Community Development: Objective 3.1, *Enhance community development and wellbeing*; Objective 4: *Leadership. Governance and Management*; Objective 4.1, *Provide good strategic decision-making, governance, leadership*.

**SUSTAINABILITY IMPLICATIONS:**

The Sustainable Environment Plan 2007-2012 is a document that the Council has endorsed to ensure that the Town's local environment is enhanced and protected and the community is involved in the process. The sustainable implications for the Town are a better environment, more aware and involved community and officers of the Town through the internal working group and economic benefits from reduced resource use.

**FINANCIAL/BUDGET IMPLICATIONS:**

Given this project involves and affects all service areas within the Town, funding will be determined in the Plan for the Future and subsequent Budgets for each of the respective service areas, following the adoption of the reviewed Sustainable Environment Plan and Implementation table. An amount of \$7,000 for the preparation of the Implementation Plan has been included in the 08/09 budget.

**COMMENTS:**

The Sustainable Environment Plan 2007-2012 has been reviewed and the Implementation table prepared. This has resulted in a requirement to update the completed actions and to re-assess the current actions and target dates in the Sustainable Environment Plan 2007-2012.

In addition, a number of the timeframes within the Sustainable Environment Plan 2007-2012 for action need to be amended/updated/removed. These include actions which are either beyond the Town's jurisdiction or are very similar to other actions within the category.

The proposed changes to the actions and indicators are reflected in the Draft Implementation table, which incorporates a completion timeframe and comments on the actions taken to complete the listed actions.

**9.3.2 Disability Future Directions 2025 Consultation - Submission**

|                              |                         |                    |               |
|------------------------------|-------------------------|--------------------|---------------|
| <b>Ward:</b>                 | Both                    | <b>Date:</b>       | 30 March 2009 |
| <b>Precinct:</b>             | All                     | <b>File Ref:</b>   | CMS0053       |
| <b>Attachments:</b>          |                         |                    |               |
| <b>Reporting Officer(s):</b> | D Retsas                |                    |               |
| <b>Checked/Endorsed by:</b>  | J Anthony/<br>M Rootsey | <b>Amended by:</b> |               |

**OFFICER RECOMMENDATION:**

*That the Council:*

- (i) **RECEIVES** the Town's submission on the Disability Future Directions 2025 Consultation; and
- (ii) **ADVISES** the Disability Services Commission of its comments.

**COUNCIL DECISION ITEM 9.3.2**

**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED "EN BLOC" (7-0)**

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

**PURPOSE OF REPORT**

To present the completed *Disability Future Directions 2025 Consultation Kit Questionnaire* submission to Council.

**BACKGROUND**

The Town was invited to provide comments and recommendations in regard to the Disability Services Commission (DSC), Disability Future Directions (DFD) 2025 Consultation Kit Questionnaire.

DFD 2025 describes long-term future directions for disability in Western Australia. It includes the vision and future priorities for people with disabilities, their families and their carers, the factors most likely to shape the future, and the recommended pathways to progress forward. Information about this strategy is contained in the draft document 'DFD 2025: A long-term strategy for disability in Western Australia'.

The draft document is the outcome of extensive information gathering, discussions and consultation with people with disabilities, their families and carers and government agencies, academics and research institutions and service providers. The draft document was available for comment and the consultation kit was designed to assist people to provide feedback. Feedback from the DFD 2025 Consultation Kit Questionnaire will help to shape the final DSC, DFD 2025 document.

## DETAILS

The DFD 2025 Consultation Kit provided the framework by which comments could be submitted, through the provision of the consultation questionnaire and guidelines for completing the questions as an individual or as a group.

The questionnaire had three sections, which were as follows:

- **Section 1:** General questions;
- **Section 2:** Priority areas and Pathways; and
- **Section 3:** Keeping DFD 2025 Alive.

All three sections of the DFD 2025 Consultation Kit Questionnaire contain some feedback from the Town of Vincent; however selected areas of interest were given priority in providing responses.

It should be noted that each recommended comment in the report has been viewed and endorsed by the Universal Access Advisory Group.

The comments as listed in the following DFD 2025 Consultation Kit Questionnaire report have been submitted to the DSC.

### **Section 1: General Questions:**

**Overall, how well will implementing the priority areas and pathways described in the DFD 2025 document help to achieve the vision\* for people with disabilities over the next 15 to 20 years? Please give reasons.**

(\*All people live in welcoming communities which facilitate citizenship, friendship, mutual support and a fair go for everyone.)

The Town of Vincent is proactive in supporting and acknowledging the importance of creating a community, where there is equal access for all members to participate in activities and access facilities. The Town welcomes the opportunity to provide input into Disability Future Directions 2025 (DFD 2025).

DFD 2025 aims to embrace the needs and develop diverse support strategies for all people with disabilities, families, and their carers. The proposed priority areas and pathways to create and implement the DFD 2025 goals are broad and diverse and include developing welcoming, well designed and accessible homes and communities, ensuring financial security and employment, and developing assistance for people who are ageing.

**Are there any important areas not covered as priority areas that you would like to include? Please describe the area/s:**

The DFD 2025 document appears to be a comprehensive framework for proactively addressing the identified priority areas and pathways in regard to future issues of concern, which may arise with the prospect for positive development outcomes for all people with disabilities.

However, feedback has been provided in Section 2: Priority Areas and Pathways:

- Priority Area 1: Financial security and employment;
- Priority Area 2: Well-designed housing and communities;
- Priority Area 3: People who are ageing;
- Priority Area 4: People with high support needs;
- Priority Area 5: Families and carers;
- Priority Area 6: People living in regional and remote areas;
- Priority Area 7: Life-long learning;
- Priority Area 8: Support by specialist disability services; and
- Section 3: Keeping DFD 2025 alive.

## **Section 2: Priority Areas and Pathways:**

Please select the priority areas that most interest you to give feedback. If all eight priority areas are of interest to you, please provide feedback on all of them.

### **Priority Area 1: Financial security and employment:**

**How effective will the pathways be in achieving aspirations for this priority area (as described in the box at the top of the priority area)?**

Financial security, employment and government assistance are a priority and essential for people with disabilities and their carers and the pathways outlined provide opportunities to enable them to become more empowered.

**Are there any important and additional pathways that you would like to include? Please describe each pathway.**

The following two pathways could provide specific financial assistance to promote and assist with health issues for people with disabilities:

- Health care cover that is affordable for low income earners and offers benefits which are similar to private health care cover for people with disabilities; and
- Provide government funding for people with disabilities, to access a range of professional services and resources to promote health and wellbeing within their local community.

### **Priority Area 2: Well-designed housing and communities:**

**How effective will the pathways be in achieving aspirations for this priority area (as described in the box at the top of the priority area)?**

The listed pathways for the priority areas are broad and provide the opportunity for universal access for all people.

**Are there any important and additional pathways that you would like to include? Please describe each pathway.**

The following pathways note specific areas of focus:

- People who require nursing home care should have the option of care, accommodation, or housing which is age specific;
- Increase the provision of crisis care and emergency accommodation for the increasing number of homeless people with disabilities;
- Increase the required ratio of ACROD bays in parking areas; and
- Promote the correct use of ACROD parking bays; and
- Consider infrastructure such as road width and traffic lights, which change to quickly, for people who are ageing or have a disability.

### **Priority Area 3: People who are ageing:**

**How effective will the pathways be in achieving aspirations for this priority area (as described in the box at the top of the priority area)?**

The pathways suggested for this priority area are proactive in supporting an ageing community.

**Are there any important and additional pathways that you would like to include? Please describe each pathway.**

Additional pathways could include:

- Intergenerational activities to promote social interaction;
- Provide affordable home maintenance, to enable people who are ageing to remain independent and safe in their own homes;
- Promote and provide seniors activities within local communities, which are affordable;
- Transport options which are accessible, flexible, and economical; and
- Transport options which are directed and operated by and within the local community.

**Are you aware of any work that has occurred or is occurring in relation to any of the pathways (local, national or international)? Please describe.**

Local services provide access to transport options for people who are ageing or disabled.

**Priority Area 4: People with high support needs:**

**How effective will the pathways be in achieving aspirations for this priority area (as described in the box at the top of the priority area)?**

The pathways outlined are comprehensive and should provide for positive input from cares and people with high support needs.

**Priority Area 5: Families and carers:**

**How effective will the pathways be in achieving aspirations for this priority area (as described in the box at the top of the priority area)?**

This pathway is significant due to the fact that carers and families need to be supported in a variety of ways to maintain their own health and well being.

**Are there any important and additional pathways that you would like to include? Please describe each pathway.**

Additional pathways to benefit carers could include;

- Skill development training within the home to increase, promote or maintain carers independence and well being;
- More services and funding for carers and the person they are caring for to attend social outings together to increase their interaction with the community.

**Priority Area 6: People living in regional and remote areas:**

**How effective will the pathways be in achieving aspirations for this priority area (as described in the box at the top of the priority area)?**

People with disabilities who live in regional and remote areas face additional challenges in contrast to the metropolitan areas; however the outlined pathways could provide more opportunities for equitable outcomes for people in remote and rural communities.

**Are there any important and additional pathways that you would like to include? Please describe each pathway.**

Additional pathways could include:

- Patient Assisted Transport Scheme (PATS) is a regional funding service, however the eligibility criteria and funding it provides is limited and needs to be more flexible to provide for a more comprehensive service for people with disabilities; and
- Promote and provide financial support for the establishment of social support groups to create interaction and help overcome isolation created by distance and disability.

**Priority Area 7: Life-long learning:**

**How effective will the pathways be in achieving aspirations for this priority area (as described in the box at the top of the priority area)?**

Life-long learning is an important aspect to maintain and promote interaction and inclusiveness within communities for people with disabilities.

**Are there any important and additional pathways that you would like to include? Please describe each pathway.**

Further to the outlined pathways noted above is the following;

- Education aimed at primary school aged children to develop an awareness of physical and mental health and implement strategies to prevent injuries or disabilities.

**Priority Area 8: Support by specialist disability services:**

**How effective will the pathways be in achieving aspirations for this priority area (as described in the box at the top of the priority area)?**

Pathways listed in the DFD 2025 document are diverse and would seem to have the ability to cover a broad range of future issues.

**Are there any important and additional pathways that you would like to include? Please describe each pathway.**

An additional pathway for this priority could include;

- The provision and promotion of health advocates at service centres such as hospitals to provide equitable representation with medical professionals for people with disabilities; and
- Health advocates providing consistent and continuous information and record information from people with disabilities.

**Section 3: Keeping DFD 2025 alive:**

What can be done to keep the DFD 2025 process alive and engage a wider audience?

- Mail out yearly updates and reviews, which invite responses from people with disabilities, nominated agencies, carers, families, individuals, local government and state government departments; and
- Provide opportunities to hear from and listen to people with disabilities, their families, carers, and the service sectors which support them.
- Disability Service Commission provide a specific section on their web site to DFD 2025, promote it widely and keep it up to date with DFD 2025 developments and provide an annual update of progress.

**CONSULTATION/ADVERTISING**

N/A.

**LEGAL/POLICY**

N/A.

### **STRATEGIC IMPLICATIONS**

The submitted *DFD 2025 Consultation Kit Questionnaire* addresses the following strategic objectives of the Town's Strategic Plan 2006-2011:

- 3.1.1 Celebrate and acknowledge the Town's cultural and social diversity
  - (c) *Promote an appropriate range of resources and programs, in various formats for members of the community.*
  
- 3.1.2 Provide and develop a range of community programs and community safety initiatives
  - (h) *Ensure community programs are accessible and inclusive of people with disabilities*

### **SUSTAINABILITY IMPLICATIONS**

N/A

### **FINANCIAL/BUDGET IMPLICATIONS**

N/A

### **COMMENTS**

The DFD 2025 Consultation Kit Questionnaire report provided a timely opportunity for the Town to be involved with the DSC in the developmental framework associated with the final DFD 2025 document, and participate in the promotion, social inclusion, and quality of life of Town of Vincent residents with disabilities.

**9.3.3 Meals on Wheels Service Provision 2009**

|                              |            |                    |              |
|------------------------------|------------|--------------------|--------------|
| <b>Ward:</b>                 | Both       | <b>Date:</b>       | 9 March 2009 |
| <b>Precinct:</b>             | All        | <b>File Ref:</b>   | CMS0011      |
| <b>Attachments:</b>          |            |                    |              |
| <b>Reporting Officer(s):</b> | J. Anthony |                    |              |
| <b>Checked/Endorsed by:</b>  | M. Rootsey | <b>Amended by:</b> |              |

**OFFICER RECOMMENDATION:**

*That Council;*

- (i) *APPROVES the contribution of \$2.00 per meal to HACC eligible residents in the Town of Vincent for 2009, as part of the Meals on Wheels services provided by the City of Stirling;*
- (ii) *NOTES that a further report on the Meals on Wheels service provided by City of Stirling will be submitted to the Council in June 2009 and ongoing annual evaluation reports as a condition of the funding allocation; and*
- (iii) *AUTHORISES the Chief Executive Officer to negotiate terms and conditions for a Memorandum of Understanding to be signed between the Town of Vincent and City of Stirling for a period of 12 (twelve) months.*

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**COUNCIL DECISION ITEM 9.3.3**

**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED "EN BLOC" (7-0)**

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

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**PURPOSE OF REPORT:**

To seek approval for financial support towards the costs of running the Meals on Wheels service for Town of Vincent residents, by the City of Stirling.

**BACKGROUND:**

At the Ordinary Council meeting on 20 November 2007, the following recommendation was adopted;

*"That Council;*

- (i) *APPROVES the allocation of \$30,000 provided to the Rosewood Care Group to deliver a Meals on Wheels services to eligible residents in the Town of Vincent for 2007/2008; and*
- (ii) *REQUESTS an interim evaluation report on the Meals on Wheels service provided by Rosewood Care Group by January 2008 and a final evaluation report by July 2008 as a condition of the funding allocation."*

**DETAILS:**

Meals on Wheels services that are available to the Town's residents are primarily funded by the Home and Community Care (HACC) Program, which is a cost-shared program between the Commonwealth and State/Territory governments. The HACC Program is a key provider of community care services to frail aged people and younger people with disabilities, and their carers

Rosewood Care group were a HACC contracted service provider for meals on wheels, meals at centre and assessments for HACC eligible residents in the Town of Vincent. In 2007, Rosewood were facing a number of issues in terms of needing to upgrade its food preparation responsibilities and undergoing changes in their service provision which effectively saw them losing a significant number of their staff and volunteers.

Despite active promotional strategies, Rosewood had not been able to recruit enough volunteer drivers to deliver the meals. Paid staff had to be used to assist with deliveries which resulted in Rosewood struggling to keep up with service provision costs.

As a result of Rosewood not being able to sustain the current service delivery requirements, they proceeded to inform HACC and undertook negotiations with another service provider to continue the service. In mid-December 2008, the Town's officers were informed by Rosewood that they would no longer be involved in the provision of Meals on Wheels from January 2009 onwards. The City of Stirling was approved by HACC to prepare and deliver the meals that Rosewood had been responsible for. The Town has no opportunity to input into which service provider is selected to deliver HACC services i.e. Meals on Wheels. This is solely the responsibility of HACC who administer and oversee the provision of Meals on Wheels services, and whose mandate is to service frail aged seniors and younger people with disabilities in all localities.

The City of Stirling have been a long time provider of Meals on Wheels and their service holds an internationally recognised safety certification which is independently audited twice a year. The service is very comprehensively set up with infrastructure in place such as kitchens, paid staff and volunteers who are trained, as well as transport.

Rosewood has claimed \$24,750 for a total of 9,353 meals that were delivered in 2008. The City of Stirling have so far registered 44 meals on wheels recipients in the Town of Vincent and during the month of January delivered 805 meals. Given that the handover of service provision is still in early stages, and that the City is still receiving new referrals from the Town since it started, it is anticipated that the figure will increase in the coming months.

A Memorandum of Understanding will be required to outline the responsibilities of either party in such an agreement. The City of Stirling will be delivering 2 course meals at a cost to the client of \$6.50. Each client will receive a 300ml orange juice each week as part of the meal provision. The City would also be responsible for assessing new clients in the Town to determine eligibility for HACC services. The Town will in turn be required to contribute \$2.00 per meal for each meal provided to a registered Town of Vincent resident.

**CONSULTATION/ADVERTISING:**

N/A.

**LEGAL/POLICY:**

N/A.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2006 – 2011: Strategic Objective 3-Community Development

*3.1.2 Provide and develop a range of community programs and community safety initiatives.*

**SUSTAINABILITY IMPLICATIONS:**

N/A.

**FINANCIAL/BUDGET IMPLICATIONS:**

The Town of Vincent allocated a contribution to Rosewood Care of \$31,200 as listed in the 2008/2009 Financial Budget to provide a Meals on Wheels service to eligible residents in the Town.

**COMMENTS:**

It is important that the delivery of the Meals on Wheels service continues to be provided to the seniors in the Town of Vincent. Whilst the Town had no input into which service provider delivers Meals on Wheels to its residents, our responsibility is to ensure that vulnerable residents in the Town have access to meals that are affordable and nutritious, ensuring their overall health and wellbeing.

It is recommended that support to the new service provider, the City of Stirling, be approved subject to an evaluation report being provided at the end of six months. It is important that the Town is privy to any changes in standards and outcomes of the service delivery given the significant changes that have occurred during this year. All aspects of the service should be maintained in order to continue to secure funding from the Town. This would include ensuring high quality of assessments and advice to seniors on the service and how it operates, delivery of meals, number of residents serviced, ability to cater to a wide range of tastes and needs of the client group and most importantly the ability to respond to the needs and expectations of the client group. This report should also outline continuous improvement strategies to meet the needs of clients in the Town of Vincent.

**9.3.4 Beatty Park Redevelopment - Progress Report No. 1**

|                              |             |                    |              |
|------------------------------|-------------|--------------------|--------------|
| <b>Ward:</b>                 | South       | <b>Date:</b>       | 7 April 2009 |
| <b>Precinct:</b>             | Smith Lakes | <b>File Ref:</b>   | CMS0003      |
| <b>Attachments:</b>          | -           |                    |              |
| <b>Reporting Officer(s):</b> | M. Rootsey  |                    |              |
| <b>Checked/Endorsed by:</b>  | John Giorgi | <b>Amended by:</b> |              |

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the Progress Report No. 1 as at 7 April 2009, concerning the Beatty Park Redevelopment; and*
- (ii) *NOTES that;*
  - (a) *the Town has submitted an application for the Regional and Local Community Infrastructure Program – Strategic Projects 2008/09 (RLCIP) for the Beatty Park Redevelopment; and*
  - (b) *a further report will be submitted to the Council, once a decision is announced by the Federal Government.*

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**COUNCIL DECISION ITEM 9.3.4**

**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (7-0)**

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

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**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council on the current progress of the Beatty Park Redevelopment Project.

**BACKGROUND:**

At the Ordinary Meeting of Council, held on the 16 December 2008, the following resolution was adopted:

*“That the Council;*

- (i) *RECEIVES the report on the Community Consultation on the concept plans for the Redevelopment of Beatty Park Leisure Centre;*
- (ii) *CONSIDERS the submissions received from the Community Consultation;*

- (iii) *AUTHORISES the Chief Executive Officer to:*
- (a) *instruct the Project Architect to prepare the final Plans for the redevelopment at Beatty Park Leisure Centre for the consideration of the Council;*
  - (b) *provide a further report including a detailed Business Plan to support the final Plans, by June 2009;*
  - (c) *call a tender to appoint consultants and sub-consultants to assist in the preparation of the final design;*
  - (d) *investigate the use of geothermal and/or solar technology, water saving and other environmentally sustainable initiatives for the redevelopment project and engage consultants to assist the Town in this matter;*
  - (e) *negotiate and determine the Project Architect fees, depending upon the final project design and costs; and*
  - (f) *instruct the Project Architect to ensure that the redevelopment plans will minimise any further impact on significant trees;*
- (iv) *APPROVES;*
- (a) *the appointment of Peter Hunt Architects for the Design Development, Contract Documentation and Contract Administration stages of the Project, at an estimated cost of \$360,000, in accordance with Tender No. 336-06 Provision of Architectural Services for the Beatty Park Leisure Centre Redevelopment and NOTES that the fees will vary depending upon the final project design and costs; and*
  - (b) *the Revised Timeline, as detailed in this report; and*
- (v) *NOTES that further reports will be submitted to the Council, as the project progresses.”*

## **DETAILS:**

### **Concept Plans:**

After this report was submitted to Council on the 16 December 2008, the Beatty Park Leisure Centre Redevelopment Working Group has met to discuss the community consultation feedback and the recommendations made for the consideration in the Concept Plans following the Study Tour that was undertaken by the Chief Executive Officer, Manager Beatty Park Leisure Centre and Assistant Manager - Aquatic and Operations Beatty Park Leisure Centre, in October 2008.

As a result, the Project Architect, in conjunction with the Beatty Park Leisure Centre Redevelopment Working Group have revisited the Concept Plans and the following amendments/changes are to be included in the final plan:

- Increased Gym area from 537m<sup>2</sup> to 750 m<sup>2</sup>;
- Increased Group Fitness area from 367 m<sup>2</sup> to 605 m<sup>2</sup> (part of this area to be used for gym area);
- Carpark changed to remove raised deck and reconfiguration of existing carpark;
- Hot pool configuration changed to local the pool outside existing building footprint and allow for club room and changeroom/offices to be included;

- Teaching pool (13m x10m x 1.2m) added to the grassed area at the Western end of dive pool;
- Beatty Park administration offices moved from lower level to upper level in new building;
- Staff and public change facilities reconfigured in lower level of new building;
- Stairway between levels in new building reconfigured;
- Café slightly changed to accommodate gym and stairway changes;

The final plans will be presented to Council following the outcome of the Federal Government Grant Submission.

**Funding:**

The Town submitted an application for funding from the Federal Government under the Regional and Local Community Infrastructure Program – Strategic Projects 2008/09 (RLCIP) for \$17.5 million. Discussions have been held with the Department of Sport and Recreation concerning a State Government Grant.

This Federal Funding Grant submission required a considerable amount of information and included the following:

- Three (3) year cash flow projections for the Town including:
  - Projected capital cost of establishing the project;
  - Projected revenues for future years;
- Last three (3) annual reports for the Town;
- Proof of loan approvals, (if applicable);
- Cost estimates and/or calculations for products or services included in the project;
- Feasibility Study Report;
- Business Plan with cash flow projections;
- Detailed Project Plan;
- Budget Template; and
- Architectural Plans.

References for this submission were obtained from Stephen Smith, MP, Federal Member for Perth, John Hyde, MLA, State Member for Perth and user groups.

The Town has received acknowledgement of its application and have been advised that there is significant competition for these funds. It is expected that the Federal Minister for Infrastructure, Transport, Regional Development and Local Government will make an announcement in the near future.

Meetings have been held with the Department of Sport and Recreation to ascertain whether funding would be available from them for this project. To date, while the response at Officer level has generally been positive and the Department has acknowledged the importance of the facility to the Recreation Industry in Western Australia, it has not advised the Town of an amount. The Town will be looking for an amount which currently exceeds the limit for the CRSSF funding. A final submission for funding will be made to the State Government when the final concept plans and business case are approved by Council.

**Business Case:**

A draft business case was prepared as required for the Federal Funding Grant Submission. This will be presented to the Council following the outcome of the Federal Grant Submission (if successful).

**Costs:**

The project architect engaged an estimator to provide an overall cost of the project. They have advised that it is estimated to cost approximately \$22 million. This figure includes costs for geothermal work (\$1.5 million) and a contingency component (\$2 million).

**Geothermal:**

The project architect has contacted a number of consultants, who specialise in this area of expertise to ascertain the issues involved.

The Town is currently awaiting further feedback from the consultants on the aspects of the implementation of a geothermal solution.

**CONSULTATION/ADVERTISING:**

N/A.

**LEGAL/POLICY:**

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

Beatty Park Leisure Centre is registered on the State Heritage List of Western Australia.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2009 – 2014 – Key Result Area: Natural and Built Environment:

*“...1.1.6 Enhance and maintain the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment:*

- (i) Complete feasibility study, investigate funding options and implement the Redevelopment of the Beatty Park Leisure Centre...”*

**SUSTAINABILITY IMPLICATION:**

The redevelopment is to be financially, socially and environmentally sustainable.

Objectives have been adopted for the project and approved by the Council.

**FINANCIAL/BUDGET IMPLICATIONS:**

The outcome of the Federal Grant Submission is critical for the funding of the project and will determine the impact on the future timelines for the Town’s budgets. Further financial modelling will be made, once the grant decision is known.

**COMMENTS:**

The project is progressing well in line with the adopted timeline, and the Town will be in a position to present the final concept plans and business case in the near future.

As advised, a considerable amount of resources was involved in the preparation of the Federal Grant Submission, however if the Town is successful with this application, it will minimise the impact of the Town’s finances and enable the construction phase to be undertaken without constraints. A further report will be submitted to the Council, once a decision is announced by the Federal Government. It is anticipated that a decision will be announced in late April/early May 2009.

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

|                              |             |                    |              |
|------------------------------|-------------|--------------------|--------------|
| <b>Ward:</b>                 | -           | <b>Date:</b>       | 1 April 2009 |
| <b>Precinct:</b>             | -           | <b>File Ref:</b>   | ADM0042      |
| <b>Attachments:</b>          | -           |                    |              |
| <b>Reporting Officer(s):</b> | M McKahey   |                    |              |
| <b>Checked/Endorsed by:</b>  | John Giorgi | <b>Amended by:</b> | -            |

**OFFICER RECOMMENDATION:**

*That the Council NOTES the use of the Council's Common Seal on the documents listed in the report, for the month of March 2009.*

**COUNCIL DECISION ITEM 9.4.1**

**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED "EN BLOC" (7-0)**

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

**BACKGROUND:**

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

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

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

| <b>Date</b> | <b>Document</b>      | <b>No of copies</b> | <b>Details</b>   |
|-------------|----------------------|---------------------|--|
| 3/03/09     | 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 Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Trinity College Meeting - 4 March 2009 (Gareth Naven Room) |
| 9/03/09     | Gas Supply Agreement | 2                   | Town of Vincent - Beatty Park Leisure Centre and Alinta Gas of 12-14 The Esplanade, Perth WA 6000 re: Gas Supply Agreement for Beatty Park Leisure Centre with effect from 1 January 2009.   |

| <b>Date</b> | <b>Document</b>                | <b>No of copies</b> | <b>Details</b>  |
|-------------|--------------------------------|---------------------|---|
| 12/03/09    | 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 Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Wesley College/Cancer Council Fundraiser - 13 March 2009 (Members Equity Bank Lounge)   |
| 17/03/09    | Lease                          | 3                   | Town of Vincent and North Perth Playgroup (Inc), 15 Haynes Street, North Perth WA 6006 - <i>Five (5) years from 1 January 2009 to 31 December 2013.</i>   |
| 23/03/09    | Withdrawal of Caveat           | 2                   | Town of Vincent and Downings Legal of Level 11, 2 Mill Street, Perth WA 6000 re: Nos. 207-209 (Lot 13 D/P 37061) Scarborough Beach Road (corner Buxton Street), Mount Hawthorn - <i>To satisfaction Clause (ii) of Conditional Approval of Ordinary Meeting of Council held on 22/10/02 - relating to Application for change of use for the subject place to Child Centre.</i>  |
| 23/03/09    | Notification Under Section 70A | 3                   | Town of Vincent and Schnapper Developments Pty Ltd of PO Box 458 Wembley re: Nos. 59-61 (Lots 10, 16, 17, 18, 19 and 20) Brewer Street and Thorley Street, Perth (to be known as "Pavilion Apartments") - <i>To satisfy Clause (v) of Conditional Approval of Ordinary Meeting of Council held on 12/06/07 relating to demolition of existing Warehouse Buildings and construction of four (4) storey Residential Building comprising forty (40) Multiple Dwellings and Basement Car Parking.</i> |
| 23/03/09    | Building Grant Agreement       | 2                   | Town of Vincent - YMCA HQ Youth Centre and Lotteries Commission, trading as Lotterywest, of 74 Walters Drive, Osborne Park, WA re: 60 Frame Court, Leederville  |
| 24/03/09    | Withdrawal of Caveat           | 2                   | Town of Vincent and Downings Legal of Level 11, 2 Mill Street, Perth WA 6000 re: No. 46 (Lots 27 and 28) Bondi Street, Mount Hawthorn - <i>To satisfy Clause (vi) of Conditional Approval of Ordinary Meeting of Council held on 6/12/05 for proposed demolition of existing single house and construction of single house with basement and undercroft car parking.</i>  |
| 25/03/09    | Deed of Licence                | 1                   | Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Factor 30 Films Pty Ltd of Level 1, Rear, Alexander Building, 649 Beaufort Street, Mount Lawley WA 6050 re: Factor 30 - Synergy and 303 Advertising Commercial Shoot (Seating - Grandstand/Eastern/Southern areas)   |
| 30/03/09    | 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 Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Department of Sport and Recreation Workshop - 2 April 2009 (Gareth Naven Room)  |

**9.1.18 No. 81 (Lot: Y11 D/P: 1151) Cowle Street, corner Charles Street, West Perth - Proposed Satellite Dish to Existing Single House**

|                              |                     |                    |                         |
|------------------------------|---------------------|--------------------|-------------------------|
| <b>Ward:</b>                 | South               | <b>Date:</b>       | 6 April 2009            |
| <b>Precinct:</b>             | Hyde Park; P12      | <b>File Ref:</b>   | PRO4631;<br>5.2009.42.1 |
| <b>Attachments:</b>          | <a href="#">001</a> |                    |                         |
| <b>Reporting Officer(s):</b> | A Reynolds          |                    |                         |
| <b>Checked/Endorsed by:</b>  | H Smith, R Boardman | <b>Amended by:</b> | -                       |

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by the owner C & G Cannavo for proposed Satellite Dish to Existing Single House, at No. 81 (Lot: Y11 D/P: 1151) Cowle Street, corner Charles Street, West Perth, and as shown on plans stamp-dated 16 February 2009, for the following reasons:*

- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (b) *the non-compliance with the Town's Policy relating to Domestic Satellite Dishes, Microwave Antennae and Tower Masts.*

**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

Debate ensued.

**MOTION PUT AND LOST (0-7)**

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

**Reasons for Changing the Officer Recommendation:**

1. House is located near a Town of Vincent owned park and therefore the impact on neighbouring properties will be minimal;
2. There are trees in the park which will screen the satellite dish; and
3. The satellite dish is not visible from Cowle Street.

**ALTERNATIVE RECOMMENDATION – COUNCIL DECISION ITEM 9.1.18**

**Moved Cr Farrell, Seconded Cr Burns**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by the owner C & G Cannavo for proposed Satellite Dish to Existing Single House, at No. 81 (Lot: Y11 D/P: 1151) Cowle Street, corner Charles Street, West Perth, and as shown on plans stamp-dated 16 February 2009.*

**MOTION PUT AND CARRIED (7-0)**

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

|                               |  |
|-------------------------------|--|
| <b>Landowner:</b>             | C & G Cannavo  |
| <b>Applicant:</b>             | G Cannavo  |
| <b>Zoning:</b>                | Metropolitan Region Scheme: Urban<br>Town Planning Scheme No. 1 (TPS 1): Residential R80 |
| <b>Existing Land Use:</b>     | Single House   |
| <b>Use Class:</b>             | Single House   |
| <b>Use Classification:</b>    | "P"  |
| <b>Lot Area:</b>              | 277 square metres  |
| <b>Access to Right of Way</b> | South side, 3 metres wide, sealed, privately owned                                       |

**BACKGROUND:**

No specific background directly relates to the proposal.

**DETAILS:**

The application involves the proposed erection of a Satellite dish on the roof of the existing single house.

**ASSESSMENT:**

| <b>Non-Compliant Requirements</b>   |   |   |  |
|---|---|---|--|
| <b>Requirements</b>   | <b>Required</b>   | <b>Proposed</b>   | <b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>  |
| Plot Ratio:   | N/A   | N/A   | Noted – no variation   |
| Domestic Satellite Dishes, Microwave Antennae and Tower Masts Policy No. 3.5.5. | To be less than one metre in diameter.<br><br>Not to be located on a wall or that portion of the roof of a building which faces, or is visible from the street.<br><br>The satellite dish is coloured in a similar colour to the wall or roof of the building it is erected upon if it is visible from any nearby properties. | 2.3 metres in diameter.<br><br>The proposed satellite dish is to be located on the rear portion of roof to the main dwelling and will be clearly visible from Charles Street.<br><br>Black powder coated steel frame. | Not supported – see “Comments”<br><br>Not supported – see “Comments”<br><br>Not supported – see “Comments” |
| <b>Consultation Submissions</b>   |   |   |  |
| Support (2)   | No comments provided.   |   | Noted.   |
| Objection   | Nil   |   | Noted.   |

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

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

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

**COMMENTS:**

The proposed satellite dish at the subject property is to be located on the roof and to the rear of the main dwelling, which is highly visible from Charles Street. The proposed satellite dish is to have a diameter of 2.3 metres, which is considered to have an undue impact on the amenity of the area.

The location of the proposed satellite dish, in combination with the size and construction materials used, increases the visual impact of the satellite dish from Charles Street. As Charles Street is a Primary Distributor, significant vehicle traffic will be able to view the dish.

A site visit was conducted on 23 December 2008 by the Town's Officers and it is confirmed that there are alternative locations within the site for an appropriately located satellite dish. Modifications relating to the relocation of the clothes drying area and possibly the water tank at the rear of the dwelling, to enable the satellite dish to be placed at ground level would however, be required.

In light of the above, it is recommended that the Council refuses the subject application for the reasons stated in the Officer Recommendation.

**9.1.7 No. 5 (Lot: 51 D/P: 6194) Scarborough Beach Road, North Perth - Proposed Demolition of Existing Recreational Facility and Construction of Five-Storey Mixed Use Development Comprising Four (4) Two Bedroom Multiple Dwellings, Two (2) Single Bedroom Multiple Dwellings, Eleven (11) Offices, Three (3) Shops, One Amenity Room and Associated Basement Car Parking**

|                              |                     |                    |                          |
|------------------------------|---------------------|--------------------|--------------------------|
| <b>Ward:</b>                 | North               | <b>Date:</b>       | 3 April 2008             |
| <b>Precinct:</b>             | Charles Centre; P07 | <b>File Ref:</b>   | PRO0790;<br>5.2008.443.1 |
| <b>Attachments:</b>          | <a href="#">001</a> |                    |                          |
| <b>Reporting Officer(s):</b> | R Narroo            |                    |                          |
| <b>Checked/Endorsed by:</b>  | H Smith, R Boardman | <b>Amended by:</b> | -                        |

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Anthony J Casella on behalf of the owner LMN Property Group Pty Ltd for proposed Demolition of Existing Recreational Facility and Construction of Five-Storey Mixed Use Development Comprising Four (4) Two Bedroom Multiple Dwellings, Two (2) Single Bedroom Multiple Dwellings, Eleven (11) Offices, Three (3) Shops, One Amenity Room and Associated Basement Car Parking, at No. 5 (Lot: 51 D/P: 6194) Scarborough Beach Road, North Perth, and as shown on site plan and undercroft/ground floor plans stamp-dated 31 March 2009 , floor plans (first, second and third floors), elevations stamp-dated 30 March 2009, subject to the following conditions:*

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
  - (a) *the provision of end of trip bicycle facilities in accordance with the Town's Parking and Access Policy;*
  - (b) *the alfresco area is not part of this planning approval and is to be deleted from the plans; and*
  - (c) *the bin compound being redesigned to accommodate the following bins:*

*Residential*

*Single Bedroom Dwelling*

*General Waste: Half (0.5) mobile garbage bin or equal to 120 litres per unit (collected weekly); and*

*Recycle Waste: Half (0.5) mobile recycle bin or equal to 120 litres per unit (collected fortnightly);*

*Dwellings*

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

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

*Commercial*

*General Waste: One (1) mobile garage bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof;*

*Recycle Waste: One (1) mobile garage bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof; and*

- (d) the proposed awning over Scarborough Beach Road being a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 500 millimetres from the kerb line of Scarborough Beach Road.*

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

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

~~*(a) pay a cash in lieu public art contribution of \$40,000 for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$4,000,000); OR*~~

~~*(b) lodge an appropriate public art assurance bond/bank guarantee of a value of \$ 40,000 with the Town. The assurance bond/bank guarantee will only be released to the owner(s)/applicant in the following circumstances:*~~

~~*(1) designs for art work(s) valued at one per cent (1%) of the estimated total cost of the development (\$4,000,000) have been submitted to and approved by the Town. 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 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); or*~~

~~*(2) a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development,' have been submitted to and approved by the Town; or*~~

~~*(3) the subject 'Approval to Commence Development' did not commence and subsequently expired.*~~

~~In the circumstance where the owner(s)/applicant has elected clause (b)(1) and there has been no submission or approval of the design for art work within six (6) months from the date of issue of the Building Licence, the Town may claim the monies assured to them in the above bond or bank guarantee without further notice to the owner(s)/applicant for the provisions of art works in the Town.~~

~~The Town's Community Development Services have the discretion to extend the six (6) month deadline that applies to clause (b) (1) under this condition of approval if:~~

~~(aa) a formal request has been submitted to the Town in writing for such an extension before the date of the six (6) month deadline; and~~

~~(bb) the Town's Arts Officer is satisfied that significant negotiations have been entered into by the owner(s)/applicant to provide the art work;~~

(iii) the owner(s), or the applicant on behalf of the owner(s), shall comply with the Town of Vincent Percent for Public Art Policy No. 3.5.13 and the Percent for Public Art Guidelines for Developers, including:

(a) within twenty eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash in Lieu Percent for Public Art Contribution, of \$40,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$4,000,000); and

(b) in conjunction with the above chosen option;

(1) Option 1 –

prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and

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

OR

(2) Option 2 –

prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the Town for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;

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

(a) pay a cash-in-lieu contribution of \$9,884 for the equivalent value of 3.53 car parking spaces, based on the cost of \$2,800 per bay as set out in the Town's 2008/2009 Budget; OR

(b) lodge an appropriate assurance bond/bank guarantee of a value of \$9,884 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:

(1) to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or

- (2) *to the owner(s)/applicant following receipt by the Town of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or*
- (3) *to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.*

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

- (v) *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;*
- (vi) *first obtaining the consent of the owners of No. 1 and No. 7 Howlett 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. 1 and No. 7 Howlett Street in a good and clean condition;*
- (vii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (viii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access via Scarborough Beach Road or Howlett Street, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town;*
- (ix) *prior to the first occupation of the development, eight (8) class one or two plus three (3) class three bicycle parking facilities, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (x) *the on-site car parking area for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
- (xi) *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;*
  - (b) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units or office. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development;*

- (c) *a maximum of one (1) bedroom and two (2) occupants are permitted in the single bedroom dwellings (Units 3 and 4) at any one time; and*
- (d) *the floor plan layout of the single bedroom dwelling (Units 3 and 4) shall be maintained in accordance with the Planning Approval plans.*

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

- (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) *doors, windows and adjacent floor areas of the retail and office components fronting Scarborough Beach Road shall maintain an active and interactive relationship with this street;*
- (xiv) *prior to the first occupation of the development, 6 car parking spaces for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development;*
- (xv) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (xvi) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (xvii) *the maximum gross floor area for the non-residential component shall be limited to 1055 square metres of offices and 344 square metres of shops, and further increase or decrease in the number of offices and shops tenancies may be allowed. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
- (xviii) *the car parking area for the office and shop (retail) component shall be shown as 'common property' on any strata or surveys strata subdivision plan for the property;*
- (xix) *any new street/front wall, fence and gate within the Scarborough Street setback area, including along the side boundaries within this street setback area, shall comply with the following:*
  - (a) *solid portion of wall may increase to a maximum height of 1.8 metres above adjacent footpath level provided that the wall or fence has at least two (2) significant appropriate design features (as determined by the Town of Vincent) to reduce the visual impact- for example, significant open structures, recesses and/or planters facing the road at regular intervals and varying materials, finishes and/or colours;*

- (b) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
- (c) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (d) *the solid portion adjacent to the Scarborough Beach Road boundary from the above truncation(s) can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials, and the incorporation of varying materials, finishes and/or colours are considered to 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;*
- (xx) *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 Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$6,400 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;*
- (xxi) *prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;*
- (xxii) *any proposed vehicular gate for car park visible from Howlett Street, being a minimum 50 percent visually permeable when viewed from Howlett Street;*
- (xxiii) *archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (xxiv) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (xxv) *the car park shall be used only by employees, tenants, and visitors directly associated with the development;*
- (xxvi) *prior to the first occupation of the development, power shall be undergrounded across the Scarborough Beach Road frontage of the development thereby relocating the terminating pole and eliminating one or more bays (a bay refers to the length of cable between two power poles) at the full expense of applicant's/owner's;*
- (xxvii) *the amenity room shall be used only by owners/tenants of the building. Any use of the room other than an amenity room shall require Planning Approval to be applied to and obtained from the Town; and*
- (xxviii) *the cost of removing the existing bus shelter owned by the Town shall be borne by the applicant/developer. The bus stop must remain in its current location unless written permission is granted by TransPerth for its removal.*

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

**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

Debate ensued.

**AMENDMENT**

**Moved Cr Maier, Seconded Cr Lake**

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

*“(xix) any new street/front wall, fence and gate within the Scarborough Beach Road setback area, including along the side boundaries within this street setback area, shall comply with the following:*

*(a) ~~solid portion of wall may increase to a maximum height of 1.8 metres above adjacent footpath level provided that the wall or fence has at least two (2) significant appropriate design features (as determined by the Town of Vincent) to reduce the visual impact for example, significant open structures, recesses and/or planters facing the road at regular intervals and varying materials, finishes and/or colours;~~*

*the maximum height being 1.8 metres above the adjacent footpath level;*

.....

*(e) the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*

*(f) the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*

*(g) the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level and a minimum of fifty percent visually permeable above 1.2 metres;”*

Debate ensued.

The Mover, Cr Maier advised that he wished to change his amendment to also include the deletion of subclause (xix)(d). The Seconder, Cr Lake agreed.

Debate ensued.

**REVISED AMENDMENT PUT AND CARRIED (4-3)**

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

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

Debate ensued.

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

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

**COUNCIL DECISION ITEM 9.1.7**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Anthony J Casella on behalf of the owner LMN Property Group Pty Ltd for proposed Demolition of Existing Recreational Facility and Construction of Five-Storey Mixed Use Development Comprising Four (4) Two Bedroom Multiple Dwellings, Two (2) Single Bedroom Multiple Dwellings, Eleven (11) Offices, Three (3) Shops, One Amenity Room and Associated Basement Car Parking, at No. 5 (Lot: 51 D/P: 6194) Scarborough Beach Road, North Perth, and as shown on site plan and undercroft/ground floor plans stamp-dated 31 March 2009 , floor plans (first, second and third floors), elevations stamp-dated 30 March 2009, subject to the following conditions:*

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
  - (a) the provision of end of trip bicycle facilities in accordance with the Town's Parking and Access Policy;*
  - (b) the alfresco area is not part of this planning approval and is to be deleted from the plans; and*
  - (c) the bin compound being redesigned to accommodate the following bins:*
    - Residential*
      - Single Bedroom Dwelling*
        - General Waste: Half (0.5) mobile garbage bin or equal to 120 litres per unit (collected weekly); and*
        - Recycle Waste: Half (0.5) mobile recycle bin or equal to 120 litres per unit (collected fortnightly);*
      - Dwellings*
        - General Waste: One (1) mobile garbage bin or equal to 240 litres per unit (collected weekly); and*
        - Recycle Waste: One (1) mobile recycle bin or equal to 240 litres per unit (collected fortnightly); and*
      - Commercial*
        - General Waste: One (1) mobile garage bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof;*
        - Recycle Waste: One (1) mobile garage bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof; and*

- (d) *the proposed awning over Scarborough Beach Road being a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 500 millimetres from the kerb line of Scarborough Beach Road.*

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

- (iii) *the owner(s), or the applicant on behalf of the owner(s), shall comply with the Town of Vincent Percent for Public Art Policy No. 3.5.13 and the Percent for Public Art Guidelines for Developers, including:*

- (a) *within twenty eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash in Lieu Percent for Public Art Contribution, of \$40,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$4,000,000); and*

- (b) *in conjunction with the above chosen option;*

- (1) *Option 1 –  
prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and*

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

**OR**

- (2) *Option 2 –  
prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the Town for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;*

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

- (a) *pay a cash-in-lieu contribution of \$9,884 for the equivalent value of 3.53 car parking spaces, based on the cost of \$2,800 per bay as set out in the Town's 2008/2009 Budget; OR*

- (b) *lodge an appropriate assurance bond/bank guarantee of a value of \$9,884 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*

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

- (3) *to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.*

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

- (v) *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;*
- (vi) *first obtaining the consent of the owners of No. 1 and No. 7 Howlett 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. 1 and No. 7 Howlett Street in a good and clean condition;*
- (vii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (viii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access via Scarborough Beach Road or Howlett Street, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town;*
- (ix) *prior to the first occupation of the development, eight (8) class one or two plus three (3) class three bicycle parking facilities, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (x) *the on-site car parking area for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
- (xi) *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;*
- (b) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units or office. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development;*
- (c) *a maximum of one (1) bedroom and two (2) occupants are permitted in the single bedroom dwellings (Units 3 and 4) at any one time; and*
- (d) *the floor plan layout of the single bedroom dwelling (Units 3 and 4) shall be maintained in accordance with the Planning Approval plans.*

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

- (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) *doors, windows and adjacent floor areas of the retail and office components fronting Scarborough Beach Road shall maintain an active and interactive relationship with this street;*
- (xiv) *prior to the first occupation of the development, 6 car parking spaces for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development;*
- (xv) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (xvi) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (xvii) *the maximum gross floor area for the non-residential component shall be limited to 1055 square metres of offices and 344 square metres of shops, and further increase or decrease in the number of offices and shops tenancies may be allowed. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
- (xviii) *the car parking area for the office and shop (retail) component shall be shown as 'common property' on any strata or surveys strata subdivision plan for the property;*
- (xix) *any new street/front wall, fence and gate within the Scarborough Street setback area, including along the side boundaries within this street setback area, shall comply with the following:*
  - (a) *the maximum height being 1.8 metres above the adjacent footpath level;*
  - (b) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
  - (c) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
  - (d) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
  - (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
  - (f) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level and a minimum of fifty percent visually permeable above 1.2 metres;"*

- (xx) *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 Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$6,400 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;*
- (xxi) *prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;*
- (xxii) *any proposed vehicular gate for car park visible from Howlett Street, being a minimum 50 percent visually permeable when viewed from Howlett Street;*
- (xxiii) *archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (xxiv) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (xxv) *the car park shall be used only by employees, tenants, and visitors directly associated with the development;*
- (xxvi) *prior to the first occupation of the development, power shall be undergrounded across the Scarborough Beach Road frontage of the development thereby relocating the terminating pole and eliminating one or more bays (a bay refers to the length of cable between two power poles) at the full expense of applicant's/owner's;*
- (xxvii) *the amenity room shall be used only by owners/tenants of the building. Any use of the room other than an amenity room shall require Planning Approval to be applied to and obtained from the Town; and*
- (xxviii) *the cost of removing the existing bus shelter owned by the Town shall be borne by the applicant/developer. The bus stop must remain in its current location unless written permission is granted by TransPerth for its removal.*

|                               |   |
|-------------------------------|---|
| <b>Landowner:</b>             | LMN Property Group Pty Ltd & Signet Enterprises Pty Ltd                             |
| <b>Applicant:</b>             | Anthony J Casella   |
| <b>Zoning:</b>                | Metropolitan Region Scheme: Urban<br>Town Planning Scheme No. 1 (TPS 1): Commercial |
| <b>Existing Land Use:</b>     | Unused Fitness Centre Building  |
| <b>Use Class:</b>             | Multiple Dwelling, Office Building and Shop   |
| <b>Use Classification:</b>    | Multiple Dwelling "AA",<br>Office Building "P"<br>Shop "P"                          |
| <b>Lot Area:</b>              | 1053 square metres  |
| <b>Access to Right of Way</b> | Not applicable  |

**BACKGROUND:**

29 January 1997

The Town under Delegated Authority granted conditional approval for change of use from storeroom to office.

15 March 2006 The Town under Delegated Authority granted conditional approval for change of use to recreational facility (fitness centre) and associated alterations and portico additions to existing building.

15 January 2008 The Town under Delegated Authority granted conditional approval for partial demolition of and additions and alterations to approved recreational facility (fitness centre).

**DETAILS:**

The proposal involves the demolition of the recreational facility and construction of a five-storey mixed use development comprising four, two-bedroom multiple dwellings, two, single bedroom multiple dwellings, eleven offices, three shops, an amenity room and associated basement car parking.

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

**ASSESSMENT:**

| <b>Non-Compliant Requirements</b>    |  |  |   |
|--------------------------------------|--|--|---|
| <b>Requirements</b>                  | <b>Required</b>  | <b>Proposed *</b>  | <b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>   |
| Density                              | R 80-8 multiple dwellings or 12 single bedroom dwellings | R 50.3- 4 multiple dwellings and 2 single bedroom multiple dwellings | Noted –no variation.  |
| Plot Ratio                           | 1 or 1053square metres                                   | 1.12 – 1179.4 square metres  | Supported- the proposed building incorporates appropriate articulation and design features to reduce the visual impact on this area. The fifth storey is setback from both Scarborough Beach Road and Howlett Street, and is not considered to have an adverse impact on the amenity of the area. |
| Number of Storeys                    | Two storeys; third storey can be considered              | Five storeys including basement                                      | Supported- refer to "Comments" below.   |
| Height                               | Three storeys= 10 metres                                 | Five storeys= 14.2 metres  | Supported- the number of storeys and height is supportable.   |
| Car Parking Spaces for shops/offices | 35.53 car bays   | 32 car bays<br>Shortfall of 3.53 car bays                            | Supported- refer to Car Parking Calculation Table and the "Comments" below.   |
| Bicycle Parking Spaces               | 11 bicycle spaces  | 9 bicycle spaces   | Not supported- a condition of planning approval will be for the provision of 11 bicycle spaces.   |

|                                 |  |  |  |
|---------------------------------|--|--|--|
| Stores                          | Minimum dimension= 1.5 metres<br><br>Minimum area= 4 square metres   | Minimum dimension= 1.02 metre<br><br>Amended plan= 1.5 metres<br><br>Area = 2.8 square metres<br><br>Amended plan= 4.05 to 4.1 square metres | Noted - amended plans indicate that the proposed stores are compliant.   |
| Alfresco Area                   | Alfresco Area attached to a café/restaurant  | Alfresco area attached to a shop   | Not supported- refer to "Comments" below.  |
| <b>Consultation Submissions</b> |  |  |  |
| Support                         | Nil  |  | Noted  |
| Objection(3)                    | <p>Number of storeys and Height</p> <p>The height limitation should be 3 storeys as per planning guidelines. The amenity of the surrounding area is being compromised.</p> <p>Parking</p> <p>The commercial area is already struggling with parking overflow. The proposed development will result in more parking on Scarborough Beach Road or into residential areas.</p> <p>Stores</p> <p>Reducing the size of the stores will lead to visual pollution, encroachment into public areas from private storage and loss of amenity for local residents.</p> |  | <p>Not supported- refer to "Comments" below.</p> <p>Not supported- refer to "Comments" below.</p> <p>Not supported- refer to "Assessment Table" above.</p> |
| <b>Other Implications</b>       |  |  |  |
| Legal/Policy                    |  | TPS 1 and associated Policies, and Residential Design Codes (R Codes).   |  |
| Strategic Implications          |  | Nil  |  |
| Sustainability Implications     |  | Nil  |  |
| Financial/Budget Implications   |  | Nil  |  |

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

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

### Car and Bicycle Parking

In accordance with the Residential Design Codes, on-site car parking requirements for multiple dwellings in mixed-use developments, may be reduced to one car bay per dwelling where on-site parking required for other users is available outside normal business hours. A total of 6 car bays have been provided for the residential uses. The balance of car bays available for the commercial component (offices/shop) in this instance is 32 car bays.

| <b>Car Parking- Commercial Component</b>  |                                  |
|---|----------------------------------|
| Car parking requirement (nearest whole number)<br><br>Office: 1 car bay per 50 square metres gross office floor area (proposed 1055square metres) = 21.1 car bays.<br>Shop (Retail): 1 car bay per 15 square metres (proposed 344 square metres= 22.93<br>Total= 44.03  | 44 car bays                      |
| Apply the parking adjustment factors.<br><ul style="list-style-type: none"> <li>• 0.85 (within 400 metres of a bus stop)</li> <li>• 0.95 (within 400 metres of one or more public car parks in excess of 25spaces)</li> </ul>   | (0.8075)<br><br>35.53 car bays   |
| Minus the car parking provided on-site  | 32 car bays                      |
| Minus the most recently approved on-site car parking shortfall  | Not applicable                   |
| Resultant shortfall   | 3.53 car bays                    |
| <b>Bicycle Parking Facilities</b>   |                                  |
| Offices <ul style="list-style-type: none"> <li>• 1 space per 200 (proposed 1055 square metres) square metres gross floor area (class 1 or 2) – 5.275 spaces.= 6 spaces</li> <li>• 1 space per 750 (proposed 1055 square metres) square metres over 1,000 square metres for visitors (class 3) – 0.07 space= 1 space.</li> </ul> Shop (Retail) <ul style="list-style-type: none"> <li>• 1 space per 300 (proposed 344 square metres) square metres gross floor area (class 1 or 2)= 1.15 space= 2 spaces</li> <li>• 1 space per 200 (proposed 344 square metres) square metres gross floor area (class 3) = 1.72 spaces= 2 spaces</li> </ul> Total bicycle bays required= 11 | 9 bicycle parking bays provided. |

**COMMENTS:**

**Demolition**

The subject place at No. 5 Scarborough Beach Road, North Perth comprises a brick shop built in the Late Twentieth Century Retail style, featuring a simple dark red brick façade along the Scarborough Beach Road frontage. The single storey building has a shop front with large flush paned windows and brass window frames. The rear section of the subject building features smaller windows and lower ceiling than the front part. An open car park is located to the rear of the commercial building, with an additional access to Howlett Street to the south.

The subject property was built circa 1963 and replaced an earlier residence that was built on the site circa 1923.

Historical information indicates that the original residential house constructed circa 1923 was occupied by Charles S. Kirkby until 1961 when the property was transferred to William Jackson.

A review of the City of Perth Building Licences indicates that in the early 1960s the residential property that originally occupied the site was demolished to make way for the commercial use of the site. Since this time, the existing building has operated as a bank, office, store room, retail tropical fish shop and more recently a recreational facility.

A preliminary heritage check indicates that the subject place has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory.

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

### **Redevelopment-Number of Storeys and Height**

The basement is considered a storey as more than 50 per cent of the basement level is above the natural ground level; hence, the proposed development is considered to be five storeys. The height and overall design of the proposal is not considered to create an unacceptable bulk and scale issue. The fifth storey is setback 17.5 metres from Howlett Street and 34 metres from Scarborough Beach Road. When viewed from Scarborough Beach Road the building will be only four storeys. There are other buildings in the vicinity which are four storeys including the basement. The fifth floor does not occupy the whole length of the site which reduces any perception of bulk. Therefore, the proposed five storeys including the basement is supported.

### **Alfresco Area**

The applicant was advised that the Town does not support alfresco attached to the proposed shop. Generally alfresco is supported when it is attached to a café/restaurant. Given that the applicant is maintaining the alfresco area, in the event of approval, the alfresco area will not form part of the approval.

### **Car Parking**

The Town's Policy relating to Parking and Access suggests that the Council may determine to accept a cash-in-lieu payment where the shortfall is greater than 0.5 car bay to provide and/or upgrade parking in other car parking areas. In this instance, the resultant car parking shortfall of 3.53 car bays would equate to a payment of \$9,884. The parking shortfall is not considered excessive, and is therefore supported subject to the cash-in-lieu payment.

### **Conclusion**

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

**9.1.19 No. 172 (Lot 510) Newcastle Street, Perth - Proposed Five-Storey Hotel Addition To Rear Single Storey Heritage Building - Land Within The East Perth Redevelopment Authority (EPRA) Area**

|                              |                     |                    |              |
|------------------------------|---------------------|--------------------|--------------|
| <b>Ward:</b>                 | N/A                 | <b>Date:</b>       | 6 April 2009 |
| <b>Precinct:</b>             | N/A                 | <b>File Ref:</b>   | PRO2980      |
| <b>Attachments:</b>          | <a href="#">001</a> |                    |              |
| <b>Reporting Officer(s):</b> | S Kendall           |                    |              |
| <b>Checked/Endorsed by:</b>  | H Smith, R Boardman | <b>Amended by:</b> | -            |

**OFFICER RECOMMENDATION:**

*That the Council;*

*ADVISES the East Perth Redevelopment Authority (EPRA) that it DOES NOT SUPPORT the proposed five storey hotel addition to the rear of the existing single storey heritage building at No. 172 (Lot 510) Newcastle Street, Dual Frontage to Washing Lane, Northbridge, and as shown on plans stamp dated 26 February 2009, for the following reasons:*

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the building height and building setback requirements of the East Perth Redevelopment Authority's Village Northbridge Design Guidelines for the Lindsay Street Precinct;*
- (iii) the development is not of a scale compatible with the existing single storey heritage listed building at No. 172 (Lot 510) Newcastle Street, Northbridge;*
- (iv) the proposed car parking area and bin store does not comply with the Town's Technical Services requirements and relevant Australian Standards, as follows, and requires further consideration;*
  - (a) if car parking spaces are proposed they must be compliant with AS2390.1 and there must also be provisions for a disabled car parking bay;*
  - (b) the bin compound and bin pick-up area must be independent of and not encroach into the proposed car parking bays;*
  - (c) pedestrian access needs to be provided from Washing Lane to the foyer of the hotel;*
  - (d) further information is required on the operation of the sliding gate to Washing Lane;*
  - (e) a minimum 1.5 metres by 1.5 metres visual truncation where walls, fences and gates adjoin vehicle access points should be provided. Walls, fences and gates may be located within this truncation area provided the maximum height of the solid portion is 0.65 metre above the adjacent footpath level and the maximum width and depth of any posts and piers being 355 millimetres and a maximum diameter of 500 millimetres; and*

- (f) *detail is required of the proposed loading and unloading facilities/areas for visitors utilising the hotel and also the provision of a separate commercial loading and unloading facility. It is not appropriate for such facilities to be reliant on Newcastle Street and Washing Lane which are both heavily utilised; and*
- (v) *the development does not comply with a number of the requirements of the Building Code of Australia (BCA), in particular the requirements for fire safety, protection of openings, distance of travel, and access and toilet facilities for people with disabilities. Changes to satisfy these elements of the BCA may result in changes to the external elevations of the proposal and, as such, it is recommended that the proposal be modified to be compliant prior to the issue of Planning Approval.*

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**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

Debate ensued.

**MOTION PUT AND LOST (0-7)**

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

**Reasons for Changing the Officer Recommendation:**

1. Retention of existing heritage;
2. Level 5 is setback;
3. Proposed development is consistent with heights of nearby buildings; and
4. Proposed development is considered sustainable and has a Green Star Rating.

**ALTERNATIVE RECOMMENDATION**

**Moved Cr Messina, Seconded Cr Farrell**

*That the Council ADVISES the East Perth Redevelopment Authority (EPRA) that it SUPPORTS the proposal in its current form and that the Council would be supportive of a proposal with a height limit of five stories and subject to compliance with the following:*

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *first obtaining the consent of the owners of Lots 509 and 511 Newcastle Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Lots 509 and 511 Newcastle Street in a good and clean condition;*
- (iii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town; and*

- (iv) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating:*
- (a) *all car-parking bays being dimensioned and all car parking facilities complying with the minimum specifications and dimensions specified in the Town's Parking and Access Policy and Australian Standards AS2890.1 – "Off Street Parking";*
  - (b) *the bin compound and bin pick-up area being independent of and not encroaching into the proposed car parking bays;*
  - (c) *the provision of a pedestrian access being provided from Washing Lane to the foyer of the hotel;*
  - (d) *the sliding gate to Washing Lane being openable the entire width of the adjacent car parking bays;*
  - (e) *a minimum 1.5 metres by 1.5 metres visual truncation where walls, fences and gates adjoin vehicle access points being provided. Walls, fences and gates may be located within this truncation area provided the maximum height of the solid portion is 0.65 metre above the adjacent footpath level and the maximum width and depth of any posts and piers being 355 millimetres and a maximum diameter of 500 millimetres;*
  - (f) *detail being provided of the proposed loading and unloading facilities/areas for visitors utilising the hotel and also the provision of a separate commercial loading and unloading facility. It is not appropriate for such facilities to be reliant on Newcastle Street and Washing Lane which are both heavily utilised;*
  - (g) *the provision of a car parking bay for people with disabilities; and*
  - (h) *the building complying with the requirements of the Building Code of Australia (BCA), in particular the requirements for fire safety, protection of openings, distance of travel, and access and toilet facilities for people with disabilities.*

*The revised plans shall not result in any greater variation to the requirements of EPRA's Policies.*

Debate ensued.

AMENDMENT

Moved Cr Doran-Wu, Seconded Cr Burns

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

*"(iv)(i) retention of sustainability elements including photovoltaic cells and solar hot water systems."*

**AMENDMENT PUT AND CARRIED (7-0)**

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

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

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

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

**COUNCIL DECISION ITEM 9.1.19**

*That the Council ADVISES the East Perth Redevelopment Authority (EPRA) that it SUPPORTS the proposal in its current form and that the Council would be supportive of a proposal with a height limit of five stories and subject to compliance with the following:*

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *first obtaining the consent of the owners of Lots 509 and 511 Newcastle Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Lots 509 and 511 Newcastle Street in a good and clean condition;*
- (iii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town; and*
- (iv) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating:*
  - (a) *all car-parking bays being dimensioned and all car parking facilities complying with the minimum specifications and dimensions specified in the Town's Parking and Access Policy and Australian Standards AS2890.1 – "Off Street Parking";*
  - (b) *the bin compound and bin pick-up area being independent of and not encroaching into the proposed car parking bays;*
  - (c) *the provision of a pedestrian access being provided from Washing Lane to the foyer of the hotel;*
  - (d) *the sliding gate to Washing Lane being openable the entire width of the adjacent car parking bays;*
  - (e) *a minimum 1.5 metres by 1.5 metres visual truncation where walls, fences and gates adjoin vehicle access points being provided. Walls, fences and gates may be located within this truncation area provided the maximum height of the solid portion is 0.65 metre above the adjacent footpath level and the maximum width and depth of any posts and piers being 355 millimetres and a maximum diameter of 500 millimetres;*

- (f) *detail being provided of the proposed loading and unloading facilities/areas for visitors utilising the hotel and also the provision of a separate commercial loading and unloading facility. It is not appropriate for such facilities to be reliant on Newcastle Street and Washing Lane which are both heavily utilised;*
- (g) *the provision of a car parking bay for people with disabilities;*
- (h) *the building complying with the requirements of the Building Code of Australia (BCA), in particular the requirements for fire safety, protection of openings, distance of travel, and access and toilet facilities for people with disabilities; and*
- (i) *retention of sustainability elements including photovoltaic cells and solar hot water systems.*

*The revised plans shall not result in any greater variation to the requirements of EPRA's Policies.*

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#### **PURPOSE OF REPORT:**

The property is within the Town of Vincent, therefore, the East Perth Redevelopment Authority (EPRA) has referred the subject development application to the Town for comment.

#### **BACKGROUND:**

5 February 2009      The EPRA approved an application for alterations and additions to the existing heritage building and change of use from residence to commercial (restaurant) at the subject property.

#### **DETAILS:**

The subject site at No. 172 (Lot 510) Newcastle Street, Northbridge currently comprises a single storey heritage listed building, and is under the planning jurisdiction of the EPRA. The proposal involves the construction of a contemporary five storey hotel development behind the heritage listed property.

The EPRA's Village Northbridge Design Guidelines for the Lindsay Street Precinct specify that the required height of the development is to be restricted to 9 metres or two-storeys and that side setbacks should maintain the setback established by the existing building. The proposed development comprises five storeys at a maximum height of approximately 16.5 metres, with nil setbacks to both side boundaries. The proposal complies with EPRA's site coverage and plot ratio requirements.

The applicant has prepared a submission in support of the application which is partially summarised below and is "Laid on the Table":

- *"The existing building will be upgraded structurally and internal renovations will be undertaken as part of the café function.*
- *The heritage building is situated in the middle of the block with a deep front setback providing opportunity for a generous front alfresco area but this does not impact on the ability to build further on the site.*
- *The renovated and enhanced heritage building will be constructed in the public domain for patrons and passers by to enjoy. The integration of the new hotel function further enhances this public use and interaction between buildings.*

- *The hotel incorporates a foyer reception area and 30 suites to cater for the international tourism market. The building will incorporate art work and detailing within its façade. This built form is distant from the street front as a consequence of the heritage building and its architectural treatment.*
- *The new hotel building has been designed to also create a frontage to Washing Lane in character and style. Balconies have been detailed for security, street activation and northern light access.*
- *Relaxation to height is sought in the context of the benefits the proposal provides. The deep street setback significantly diminishes building form, which is a result of heritage enhancement and conservation."*

**CONSULTATION/ADVERTISING:**

Not required.

**LEGAL/POLICY:**

East Perth Redevelopment Act 1991;  
East Perth Redevelopment Scheme, 1992; and  
The Village Northbridge Lindsay Street Precinct Guidelines.

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Building Services**

The Town's Building Services have advised that the application is non-compliant with a number of the Building Code of Australia (BCA) provisions. Changes to satisfy these elements of the BCA may result in changes to the external elevations of the proposal and, as such, it is recommended that the proposal be modified to be compliant prior to the issue of Planning Approval.

In order for the applicant to achieve compliance with the BCA provisions, it is recommended that the applicant employs a private Building Consultant to prepare a BCA Assessment Report. The Town's Building Services have advised that they will be available to discuss this matter further with the applicants, and that a Building Licence will be required for the proposed development if planning approval is issued.

**Technical Services**

The Town's Technical Services have reviewed the scope of the works and have advised that there are some non-compliant issues with the car parking arrangement as outlined below:

- If car parking spaces are proposed they must be compliant with AS2390.1, and there must also be provision for a disabled car parking bay.
- The bin compound and bin pick-up area must be independent of, and not encroach into, the proposed car parking bays.
- Pedestrian access needs to be provided from Washing Lane to the foyer.

- Further information is required on the operation of the sliding gate to Washing Lane.
- A minimum 1.5 metres by 1.5 metres visual truncation where walls, fences and gates adjoin vehicle access points should be provided. Walls, fences and gates may be located within this truncation area provided the maximum height of the solid portion is 0.65 metre above the adjacent footpath level and the maximum width and depth of any posts and piers being 355 millimetres and a maximum diameter of 500 millimetres.

### **Health Services**

Health Services have no objection to the proposal.

### **Planning Services**

As outlined in the 'Details' section of this report, the proposed development does vary from the requirements of the EPRA Guidelines, particularly in relation to building height. Whilst it is noted that the development is eligible for development bonuses and planning concessions as it retains a Heritage Listed dwelling, it is considered that the scale and height of the development is not compatible with the existing subject streetscape, and does not relate to the height, bulk or form of the single storey dwelling, on the subject lot.

Furthermore, there is concern regarding the operation of the site as a hotel without appropriate on-site loading and unloading facilities/areas for visitors utilising the hotel, which are distinctly separate from any commercial loading and unloading facilities.

### **Heritage Services**

The subject dwelling at No. 172 Newcastle Street is on the East Perth Redevelopment Authority's Heritage Inventory. The place is considered to have some aesthetic value as a modestly detailed Federation bungalow style building. It is considered that the five-storey boutique hotel proposed to be constructed behind the existing heritage building would have a substantial visual impact on the heritage place. Whilst the proposed hotel is clearly distinguishable from the original form and fabric of the heritage building, the height and bulk of the hotel is considered to overshadow and obscure the existing visual setting of the heritage listed property.

### **Conclusion**

The Town's Officers acknowledge that the contemporary proposal has incorporated many intricate design details, material finishes, artwork and articulation in order to provide interest to both Newcastle Street and Washing Lane. However, the significant deviation in terms of height from the EPRA's Village Northbridge Design Guidelines for the Lindsay Street Precinct is considered unsupportable. Furthermore, there are a number of Technical Services and Building Services requirements that require addressing before a favourable recommendation for the proposal can be considered.

In light of the above, it is recommended that the Council recommend refusal of the subject application to the EPRA.

**9.1.14 No. 33 (Lot: 102 D/P: 85633) Galwey Street, Leederville - Change of Use from Garage/Studio to Ancillary Accommodation – Application for Retrospective Approval and Proposed Patio and Deck Addition to Existing Single House – Reconsideration of Condition**

|                              |                     |                    |              |
|------------------------------|---------------------|--------------------|--------------|
| <b>Ward:</b>                 | North               | <b>Date:</b>       | 7 April 2009 |
| <b>Precinct:</b>             | Leederville; P03    | <b>File Ref:</b>   | 5.2009.91.1  |
| <b>Attachments:</b>          | <a href="#">001</a> |                    |              |
| <b>Reporting Officer(s):</b> | A Reynolds          |                    |              |
| <b>Checked/Endorsed by:</b>  | H Smith, R Boardman | <b>Amended by:</b> | -            |

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by the owner P Woods for proposed Change of use from Garage/Studio to Ancillary Accommodation – Application for Retrospective Approval and Patio and Deck Addition to Existing Single House – Reconsideration of Condition, at No. 33 (Lot: 102 D/P: 85633) Galwey Street, Leederville, and as shown on plans stamp-dated 23 March 2009, subject to the following conditions:*

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *any new street/front wall, fence and gate within the Galwey Street setback area, including along the side boundaries within this street setback area, shall comply with the following:*
  - (a) *the maximum height being 1.8 metres above the adjacent footpath level;*
  - (b) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
  - (c) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
  - (d) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
  - (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed;*
  - (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iii) *the finished floor level of the patio and deck area shall not be greater than 0.5 metre above the natural ground level;*

- (iv) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (v) *within 28 days of the issue of the 'Approval to Commence Development', a Section 70A Transfer of Land Act 1893 Notification shall be registered against the Certificate of Title for the land advising proprietors or prospective proprietors of the existence of the following conditions which affect the use or enjoyment of the ancillary accommodation structure on the land:*
- (a) *the ancillary accommodation structure shall only be occupied by a member or members of the family of the occupier of the main dwelling;*
  - (b) *the ancillary accommodation structure shall not be used or rented out as a separate dwelling to the main dwelling;*
  - (c) *the person or persons for whom the ancillary accommodation structure is to be constructed, is for use by that person or persons and shall be used for no other purposes or by other persons;*
  - (d) *the ancillary accommodation structure shall not be occupied by any more than two (2) persons at any one time; and*
  - (e) *the Town of Vincent will not issue a residential car parking permit to any owner or occupier of the residential unit/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*
- This notification shall be prepared and registered by the Town's Solicitors or other Solicitors agreed upon by the Town at the cost of the applicant/owner;*
- (vi) *the loft area of the ancillary accommodation structure shall not be used for habitable purposes; and*
- (vii) *within twenty eight (28) days from date of this approval of the ancillary accommodation, an application for retrospective approval (Form 8) is to be submitted to and approved by the Town's Building Services.*

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**COUNCIL DECISION ITEM 9.1.14**

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

**MOTION PUT AND CARRIED (7-0)**

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

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|                               |  |
|-------------------------------|--|
| <b>Landowner:</b>             | P Woods  |
| <b>Applicant:</b>             | P Woods  |
| <b>Zoning:</b>                | Metropolitan Region Scheme: Urban<br>Town Planning Scheme No. 1 (TPS 1): Residential R30 |
| <b>Existing Land Use:</b>     | Single House   |
| <b>Use Class:</b>             | Single House   |
| <b>Use Classification:</b>    | "P"  |
| <b>Lot Area:</b>              | 443 square metres  |
| <b>Access to Right of Way</b> | South side, 3 metres wide, unsealed, privately owned                                     |

**BACKGROUND:**

16 August 1993                      The City of Perth Council conditionally approved an application for three single houses at the subject property.

17 November 2008                The Town under delegated authority from the Council approved a proposed patio and deck subject to conditions including:

*“(v) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the patio and deck on the western elevation to be set back a minimum of 1.5 metres from the western boundary.*

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

24 February 2009                The Town under delegated authority from the Council refused an application for proposed change of use from garage/studio to ancillary accommodation for the following reasons:

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

*(ii) the non-compliance with the Town’s Ancillary Accommodation Policy 3.4.1 as the proposed Ancillary Accommodation does not comply within the minimum parking requirement of three onsite bays.”*

**DETAILS:**

The proposal involves the reconsideration of condition (v) of the approval for proposed patio and deck addition to existing single house granted by the Town on 17 November 2008, as well as a retrospective application for change of use from garage to ancillary accommodation.

The applicant has prepared a submission in support of the application, which is partially summarised below and is *"Laid on the Table"*.

- *"the original building approval recommendation of 29 July 1993 refers to the separate building as a studio as well as a garage... the owner was therefore under the understanding that it was acceptable for this building to be used as either a garage and/or a studio workshop, not considering a studio as a habitable room, in the sense of a bedroom or living room.*

- *It is increasingly difficult to contain all our family's living and accommodation needs within the house, and I am keen to utilise the studio space as an extra activity room.*
- *The change would not entail any additional persons on the premises than the one adult and two children who already live here."*

**ASSESSMENT:**

| <b>Non-Compliant Requirements</b>  |   |  |  |
|--|---|--|--|
| <b>Requirements</b>  | <b>Required</b>   | <b>Proposed *</b>  | <b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>              |
| Plot Ratio:  | N/A   | N/A  | Noted – no variation.  |
| Setbacks (Patio):  | 1.5 metres  | 1 metre – 1.9 metres   | Supported – see “Comments”   |
| Ancillary Accommodation:   | The lot is required to be a minimum of 450 square metres.   | Lot area = 443 square metres   | Supported – see “Comments”   |
|  | 2 car bays for the main dwelling and 1 car bay for the ancillary accommodation.   | 2 car bays   | Supported – see “Comments”   |
| <b>Consultation Submissions</b>  |   |  |  |
| Note: The application for the retrospective change of use from garage to ancillary accommodation was not advertised as the application was refused under delegated authority. The Director Development Services advised that the advertising of the subject application was not required as the application for the patio and deck addition was advertised in the original planning application. |   |  |  |
| Support (1)  | <ul style="list-style-type: none"> <li>• No comments provided as the applicant obtained the neighbour’s consent.</li> </ul>     | <ul style="list-style-type: none"> <li>• Noted.</li> </ul>   |  |
| Objection (1)  | <ul style="list-style-type: none"> <li>• Building setbacks</li> <li>• Existing parapet wall</li> <li>• Overshadowing</li> </ul> | <ul style="list-style-type: none"> <li>• Not supported – see “Comments”</li> <li>• Not supported – the subject wall was approved by the City of Perth on 29 July 1993.</li> <li>• Not supported – the proposal complies with the overshadowing requirements of the R Codes.</li> </ul> |  |
| <b>Other Implications</b>  |   |  |  |
| Legal/Policy   |   |  | TPS 1 and associated Policies, and Residential Design Codes (R Codes). |
| Strategic Implications   |   |  | Nil  |
| Sustainability Implications  |   |  | Nil  |
| Financial/Budget Implications  |   |  | Nil  |

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

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

## COMMENTS:

### Reconsideration of Condition

The Town's Officers have considered the application to reconsider condition (v) of the Planning Approval for proposed patio and deck addition to existing single house granted by the Town under delegated authority from the Council on 17 November 2008.

Condition (v) states the following:

*“(v) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the patio and deck on the western elevation to be set back a minimum of 1.5 metres from the western boundary.*

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

Since the application of the above condition, the Town's Officers have undertaken an on-site meeting to review the appropriateness of the above condition.

In an attempt to ameliorate any adverse impact on the adjacent neighbour, the applicant has staggered the setback of the patio, with setbacks ranging from 1 metre to 1.9 metres. The lesser setback of 1 metre forms an extension of the existing house and is not considered to have an undue impact on the neighbouring property. Furthermore, the overall height of the patio is 3.6 metres to the top of the 20 degree pitch, and a height of 2.5 metres to 2.7 metres to the top of the eaves. The height is less than the existing single house to further reduce the impact on the neighbouring properties. It is noted that the Town is able to consider under delegated authority patio structures with its supports on the boundary and where the roof is setback a minimum 500 millimetres.

### Ancillary Accommodation

The proposed change of use from garage/studio to ancillary accommodation at the subject site reduces the number of onsite car parking from two bays to one bay. In an attempt to comply with the Town's requirements, the applicant has demonstrated the provision of a substitute/second bay located between the former garage and the rear boundary of the lot. It is noted that this second bay is non-complaint with the Australian Standards for a car bay and manoeuvring requirements due to obstructions. Any vehicle using this bay is also required to reverse nearly 20 metres out onto Scott Street.

### Technical Services

The Town's Technical Services do not support the use of the above area as a parking bay as the area is partially walled off from the right of way, with metal gates swinging inwards. This area is inaccessible to a vehicle as it is walled, with metal, inward opening gates. Manoeuvring is obstructed. Turning is not possible and exiting in forward gear would necessitate negotiating a further two, 90 degree, non-truncated 3 metre right of way legs; therefore, the egress is limited to reversing nearly 20 metres out onto Scott Street.

### Conclusion

The continued use of the Garage as Ancillary Accommodation will not increase the demand for additional car parking bays on-site, nor will on-street parking result as a consequence of the parking shortfall. The non-compliance with the Town's on-site parking requirements is therefore not considered to have an adverse effect on the location. In light of the above, it is recommended that the Council support the application, subject to standard and appropriate conditions to address the above matters.

**9.1.3 No. 15 (Lot 19 D/P: 6645) Baker Avenue, Perth - Proposed Additional Two (2) Two-Storey Grouped Dwellings with Roof Top Terrace to Existing Single House**

|                              |   |                    |                          |
|------------------------------|---|--------------------|--------------------------|
| <b>Ward:</b>                 | South                                     | <b>Date:</b>       | 3 April 2009             |
| <b>Precinct:</b>             | Hyde Park Precinct;<br>P12                | <b>File Ref:</b>   | PRO3434;<br>5.2008.370.1 |
| <b>Attachments:</b>          | <a href="#">001</a> , <a href="#">002</a> |                    |                          |
| <b>Reporting Officer(s):</b> | S Kendall, T Woodhouse                    |                    |                          |
| <b>Checked/Endorsed by:</b>  | H Smith, R Boardman                       | <b>Amended by:</b> | -                        |

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES BY AN ABSOLUTE MAJORITY the application submitted by B M Arnold on behalf of the owner B D Maluish & E A English for proposed Additional Two (2) Two-Storey Grouped Dwellings with Roof Top Terrace to Existing Single House, at No. 15 (Lot 19 D/P: 6645) Baker Avenue, Perth, and as shown on plans stamp-dated 23 March 2009, subject to the following conditions:*

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (iii) first obtaining the consent of the owners of Nos. 13 and 17 Baker Avenue for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing Nos. 13 and 17 Baker Avenue in a good and clean condition;*
- (iv) any new street/front wall, fence and gate within the Baker Avenue setback area, including along the side boundaries within this street setback area, shall comply with the following:*
  - (a) the maximum height being 1.8 metres above the adjacent footpath level;*
  - (b) the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
  - (c) the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
  - (d) the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
  - (e) the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*

- (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the provision of a minimum 1 metre by 1 metre visual truncation where the driveway meets the right of way for the proposed dwellings;*
- (b) *the north-western roof-top balustrade of Unit 2 and the south-western roof-top balustrade of Unit 3 being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished floor level, within the 7.5 metre cone of vision to the south western boundary. 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. 13 Baker Avenue stating no objection to the respective proposed privacy encroachment; and*
- (c) *the proposed building on boundary for each dwelling complying with the Residential Design Codes in terms of building height.*

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

- (vi) *no development shall occur within 1 metre of the north-western boundary of No. 15 Baker Avenue, Perth as a 1 metre wide right of way widening is a requirement of the Town; and*
- (vii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Baker Avenue verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s).*

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**Moved Cr Messina, Seconded Cr Maier**

*That the recommendation be adopted.*

**Debate ensued.**

**Cr Farrell returned to the Chamber at 9.17pm.**

**AMENDMENT NO 1**

**Moved Cr Maier, Seconded Cr Lake**

*That a new clause (viii) be inserted as follows:*

*“(viii) prior to the issue of a Building Licence, the owner(s) shall enter into a legal agreement 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 for the conservation of the existing dwelling. All costs associated with this condition shall be borne by the applicant/owner(s).”*

**AMENDMENT NO 1 PUT AND CARRIED (6-1)**

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

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

Debate ensued.

**AMENDMENT NO 2**

**Moved Cr Maier, Seconded Cr Lake**

*That subclause (v)(b) be amended to read as follows:*

*“(v)(b) the north-western roof-top balustrade of Unit 2 and the south-western roof-top balustrade of Unit 3 being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished floor level, within the 7.5 metre cone of vision to the south western boundary or demonstrate compliance with section 6.8.1A1(iii) of the R-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. 13 Baker Avenue stating no objection to the respective proposed privacy encroachment; and”*

Debate ensued.

**AMENDMENT NO 2 PUT AND LOST (2-5)**

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

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

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

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

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

**COUNCIL DECISION ITEM 9.1.3**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES BY AN ABSOLUTE MAJORITY the application submitted by B M Arnold on behalf of the owner B D Maluish & E A English for proposed Additional Two (2) Two-Storey Grouped Dwellings with Roof Top Terrace to Existing Single House, at No. 15 (Lot 19 D/P: 6645) Baker Avenue, Perth, and as shown on plans stamp-dated 23 March 2009, subject to the following conditions:*

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (iii) first obtaining the consent of the owners of Nos. 13 and 17 Baker Avenue for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing Nos. 13 and 17 Baker Avenue in a good and clean condition;*
- (iv) any new street/front wall, fence and gate within the Baker Avenue setback area, including along the side boundaries within this street setback area, shall comply with the following:*
  - (a) the maximum height being 1.8 metres above the adjacent footpath level;*
  - (b) the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
  - (c) the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
  - (d) the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
  - (e) the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*

- (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the provision of a minimum 1 metre by 1 metre visual truncation where the driveway meets the right of way for the proposed dwellings;*
- (b) *the north-western roof-top balustrade of Unit 2 and the south-western roof-top balustrade of Unit 3 being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished floor level, within the 7.5 metre cone of vision to the south western boundary. 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. 13 Baker Avenue stating no objection to the respective proposed privacy encroachment; and*
- (c) *the proposed building on boundary for each dwelling complying with the Residential Design Codes in terms of building height.*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (vi) *no development shall occur within 1 metre of the north-western boundary of No. 15 Baker Avenue, Perth as a 1 metre wide right of way widening is a requirement of the Town;*
- (vii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Baker Avenue verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (viii) *prior to the issue of a Building Licence, the owner(s) shall enter into a legal agreement 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 for the conservation of the existing dwelling. All costs associated with this condition shall be borne by the applicant/owner(s).*

|                               |  |
|-------------------------------|--|
| <b>Landowner:</b>             | B D Maluish & E A English  |
| <b>Applicant:</b>             | B M Arnold   |
| <b>Zoning:</b>                | Metropolitan Region Scheme: Urban<br>Town Planning Scheme No. 1 (TPS 1): Residential R80 |
| <b>Existing Land Use:</b>     | Single House   |
| <b>Use Class:</b>             | Grouped Dwelling   |
| <b>Use Classification:</b>    | "P"  |
| <b>Lot Area:</b>              | 660 square metres  |
| <b>Access to Right of Way</b> | Western side, 4 metres wide, sealed, Town owned  |

**BACKGROUND:**

No specific background directly relates to the proposal.

**DETAILS:**

The proposal involves the construction of two, two-storey grouped dwellings at the rear of the existing single storey dwelling at No. 15 Baker Avenue, Perth. The subject property forms part of a heritage listed streetscape, which has a management category B - Conservation Recommended listing on the Town's Municipal Heritage Inventory.

It is noted that whilst the plans depict the two proposed units as single bedroom units, the proposed units have been assessed as grouped dwellings as they exceed the minimum floor area for single bedroom dwellings.

The applicant has prepared a submission to justify the variation to the stores and in response to the objections raised during the period of community consultation. This submission is partially summarised below and "*Laid on the Table*":

- *"The R-Codes do not stipulate that the 4m<sup>2</sup> required area has to be located in 1 area; (proposed - 4.4m<sup>2</sup>-with an internal dimension of 1m and split into separate 2 areas for each dwelling.*
- *The requirements as set out by the codes is that 1 bedroom dwellings are required to have an area of 4m<sup>2</sup> , with a minimum internal dimension of 1.5m. This requirement is the same as a 4 bedroom 3 bathroom dwelling which is disproportionate. The provisions for storage in the codes is more likely based on a 3 bedroom dwelling.*

*However the Codes also state that storage needs to be "adequate for the needs of residents". Bearing this in mind, there is likely to be only 2 people maximum living in each dwelling and the stores as proposed are both sufficient and practical especially when considering that it could be argued that a 4 bedroom dwelling, which could house 5 people, should probably have a larger area with a greater minimum dimension than is specified in the codes.*

- *This "jarring architecture" is an example of architecture which is current and representative of today's' built form. We were not interested in proposing a pair of "mock federation" buildings.*
- *In addition, this style has been proposed so that the new work clearly differs from the original house and therefore it does not distort or obscure the cultural significance of the heritage listed house which is being retained as part of the development... This approach stems from the philosophy and concept outlined in the Burra Chapter, which is a document acknowledged throughout Australia as one of the most significant and important guides to the maintenance and encouragement of architecture in heritage areas and streetscapes.*
- *The proposal also conforms to all the requirements set out in the Codes for visual privacy.*
- *Street numbers 1, 3, 7, 9, 11, 17, and 19 Baker Avenue all have provision for parking in the front setback. Number 1 has a double lock up garage which greatly obstructs views to the house behind.*
- *The introduction of 2 additional dwellings creating an increase in traffic in the laneways and on Baker is acknowledged, however would be preposterous to suggest that these increases are not acceptable to an inner city area which is coded R80. The development is of a type as nominated by the Codes, and within a density as coded by the TOV."*

**ASSESSMENT:**

| <b>Non-Compliant Requirements</b>                         |                                |  |   |
|---|--------------------------------|--|---|
| <b>Requirements</b>                                       | <b>Required</b>                | <b>Proposed *</b>                                      | <b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>   |
| Density   | 3.6 dwellings                  | 3 dwellings  | No variation.   |
| Plot Ratio  | N/A                            | N/A  | Noted.  |
| Minimum Site Area   | 160 square metres              | Lot 2 - 138 square metres<br>Lot 3 - 130 square metres | Supported – the retention of the existing dwelling maintains the amenity of the heritage listed streetscape and can be supported as per clause 27 of the Town's TPS No. 1.  |
| Building Setbacks:<br>Ground floor to north west boundary | 1.5 metres                     | Nil - 1.5 metres                                       | Supported - as the building on boundary has been conditioned to comply in terms of height, which results in the ground floor to north west boundary setback being complaint.  |
| Ground floor south west boundary                          | 1.5 metres                     | Nil - 1.5 metres                                       | Supported - as the building on boundary has been conditioned to comply in terms of height, which results in the ground floor to south-west boundary setback being complaint.  |
| First floor north west boundary                           | 2.1 metres                     | 1.5 metres   | Supported - as the variation is considered minor, the proposal complies with the overshadowing requirements and as articulation is provided in the elevation to moderate the visual impact of the building bulk on the adjacent property. |
| First floor south west boundary                           | 2.1 metres                     | 1.5 metres   | Supported - as above.   |
| Outdoor Living Area                                       | Behind the street setback area | Unit 1 - Within street setback area.                   | Supported - not considered to have an undue impact on the streetscape or the amenity of the area and as the applicant has a surplus of outdoor living spaces when considering the rear covered courtyard space.                           |

|  |  |   |  |
|--|--|---|--|
| Privacy                                    |  |   |  |
| Unit 2 north west side of roof top terrace | 7.5 metres or screening  | 4 metres to south west boundary   | Not supported - conditioned to comply.   |
| Unit 3 south west side of roof top terrace | 7.5 metres or screening  | 7 metres to south west boundary   | Not supported - conditioned to comply.   |
| Unit 3 north west side of roof top terrace | 7.5 metres or screening  | 4.5 metres to northern boundary   | Supported - the privacy encroachment into the northern neighbour is minor, in that it is an encroachment of 2.3 square metres in area along the north-western corner of the adjacent property. It does not result in any direct overlooking however, provides for visual surveillance to the right of way. |
| Essential Facilities                       |  |   |  |
| Stores                                     | An enclosed lockable storage area with a minimum area of 4 metres and a minimum dimension of 1.5 metres.   | Two store areas with a minimum dimension of 1 metre and a total area of 4.3 metres. | Supported- the two stores are considered functional and as the application meets almost all other R Code requirements.   |
| Building on boundary                       | Average height 3 metres  | Proposed boundary walls - 3.4 metres  | Not supported - considered to impact on adjacent property owners and in light of objections this element has been conditioned to comply.   |
| Visual Truncation                          | 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 | Lack of detail for rear properties on achieving compliance.                         | Not supported - conditioned to comply.   |

| Consultation Submissions                                      |  |  |
|---|--|--|
| Support   | Nil.   | Noted.   |
| Objection (5 - two without names or affected address details) | Privacy issues.  | Not supported - where there are privacy encroachments these have been conditioned to comply.   |
|   | The development conflicts with the objectives of the Town's Town Planning Scheme No. 1 (TPS No. 1) and R Codes.  | Not supported - the subject site is being developed in accordance with the density code for the site, it facilitates and encourages the provision of a wide range of choices in housing, and is considered appropriate for this inner city location. Furthermore, the provisions under the TPS No. 1 for the Hyde Park Precinct state <i>"The Council will consider any variation to the Residential Planning Codes where it is necessary to maintain the prevailing historic character of the precinct, particularly with regard to the redevelopment of small lots."</i> |
|   | The introduction of car bays in the front setback area will have a negative impact on the important streetscape, which is traditionally occupied by gardens. | Not supported - refer to 'Heritage' comments below.  |
|   | Overshadowing, Building Height and parapet walls will create a feeling of enclosure and will decrease natural ventilation.                                   | Not supported - the overshadowing is compliant with the R Code requirements and since the period of community consultation the applicant has amended the plans to ensure the building height is compliant.   |

|                               |   |   |
|-------------------------------|---|---|
|                               | Baker Avenue and Astone Lane already have problems with traffic and the proposed development will increase traffic and emissions and exacerbate problems. | Not supported - whilst traffic will increase as part of this development, the development accommodates sufficient on-site car parking bays for the residential use, has provided for the widening of the rights of way abutting the property to reduce any potential conflict with adjacent residential properties and those that utilise this right of way. Furthermore the development has a sufficient setback to ensure the majority of all vehicle movements are achieved within the property. |
|                               | The modern design and size would be out of place in this unique heritage listed street.   | Not supported - refer to 'Heritage' comments below.   |
| <b>Other Implications</b>     |   |   |
| Legal/Policy                  |   | TPS 1 and associated Policies, and Residential Design Codes (R Codes).  |
| Strategic Implications        |   | Nil   |
| Sustainability Implications   |   | Nil   |
| Financial/Budget Implications |   | Nil   |

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

**COMMENTS:**

**Heritage**

The proposed development comprising two, two-storey grouped dwellings to the rear of the heritage-listed property at No. 15 Baker Avenue has been assessed in accordance with the Town's Policy relating to Heritage Management - Development Guidelines.

The subject place is one of eight (8) brick and tile dwellings along Baker Avenue constructed in the Inter-War Bungalow style that address Birdwood Square. Collectively, the dwellings are considered to have heritage value as follows:

- *some aesthetic value* as cohesive row of dwellings exhibiting characteristics of the Inter-war bungalow style of architecture providing an important vista to Birdwood Square; and
- *some historic value* through reflecting the change of focus of suburban development from land speculation to planned communities with particular emphasis placed on amenity as encouraged through the Garden City Movement.

The proposed development is setback 20.45 metres from the front facade of the existing heritage listed property and approximately 30 metres from the front lot boundary. These considerable setbacks have sought to demonstrate minimal impact of the proposed development on the aesthetic value of the single storey streetscape. Additional plans submitted 26 November 2008 provide further context with regard to the impact of the proposed development on the streetscape.

The contemporary style of the proposed development including the bulk and scale, the use of simple planes and a concealed roof form are considered to provide an appropriate demarcation between the architectural features and building materials of the existing 1920s Bungalow and the proposed additional grouped dwellings.

Whilst the proposed development will eventuate in the loss of the rear garden, a key element of bungalows constructed in the Inter-War period, it is considered that the retention of the existing dwelling and the front garden will ensure that the setting of the property remains in keeping with the uniformity of the streetscape addressing Birdwood Square, whilst also allowing an increase in density in this inner city location.

In light of the above, there is no objection to the proposed additional two, two-storey grouped dwellings from Heritage Services.

### **Conclusion**

In considering the density coding under the TPS No. 1 and the size of lots along Baker Avenue, this is a locality where it is reasonable to expect that the future amenity would include lots redeveloped with at least an additional dwelling. In this context and in light of the minor variations proposed, 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. If the Council is inclined to approve the application, the Council is required to approve it by an 'Absolute Majority', as the applicant is seeking a variation to the minimum site area requirements.

**9.1.2 Further Report - Amendment No. 58 to Planning and Building Policies – Draft Amended Policy relating to Multiple Dwellings**

|                              |                     |                    |              |
|------------------------------|---------------------|--------------------|--------------|
| <b>Ward:</b>                 | Both Wards          | <b>Date:</b>       | 7 April 2009 |
| <b>Precinct:</b>             | All Precincts       | <b>File Ref:</b>   | PLA0200      |
| <b>Attachments:</b>          | <a href="#">001</a> |                    |              |
| <b>Reporting Officer(s):</b> | A Fox               |                    |              |
| <b>Checked/Endorsed by:</b>  | H Smith, R Boardman | <b>Amended by:</b> | -            |

**FURTHER OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the Further Draft Amended Policy relating to Multiple Dwellings, as shown in Appendix 9.1.2;
- (ii) **ADOPTS** the Further Draft Amended Policy relating to Multiple Dwellings to be applied in the interim until the formal adoption of the draft Policy;
- (iii) **ADVERTISES** the Further Draft Amended Policy relating to Multiple Dwellings for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:
  - (a) advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;
  - (b) where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and
  - (c) forwarding a copy of the subject Policy to the Western Australian Planning Commission; and
- (iv) after the expiry of the period for submissions:
  - (a) **REVIEWS** the Further Draft Amended Policy relating to Multiple Dwellings, having regard to any written submissions; and
  - (b) **DETERMINES** the draft Amended Policy relating to Multiple Dwellings, with or without amendment, to or not to proceed with them.

**COUNCIL DECISION ITEM 9.1.2**

**Moved Cr Farrell, Seconded Cr Lake**

*That the recommendation be adopted.*

Debate ensued.

Cr Messina departed the Chamber at 7.47pm.

Debate ensued.

Cr Messina returned to the Chamber at 7.49pm.

Debate ensued.

**AMENDMENT**

**Moved Cr Maier, Seconded Cr Lake**

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

*“(ii) ADOPTS the Draft Amended Policy relating to Multiple Dwellings in the interim until the formal adoption of the amended Policy; subject to the Policy being further amended as follows:*

(b) *A new Clause 2) to the Policy Statement to be added to read as follows:*

*‘2) Multiple Dwelling developments on Residential R80 zoned land within the Cleaver and Hyde Park Precincts are to have a minimum total lot area of 1,000 square metres.’*

(2) *That additional clauses (v) and (vi) be added to read as follows:*

*“(v) INITIATE an Amendment to the Town of Vincent Town Planning Scheme No.1 to change the zoning in the Cleaver and Hyde Park Precincts from Residential R80 to Residential R60 and to allow multiple dwellings in those Precincts; and*

*(vi) FURTHER CONSIDERS removing the 1,000 square metre restriction in the Cleaver and Hyde Park Precincts once the above Amendment to the Town of Vincent Town Planning Scheme No.1 has been gazetted.”*

Debate ensued.

Cr Lake requested the amendment be considered and voted on in two parts.

The Presiding Member, Mayor Nick Catania ruled that he would consider and vote on the amendment in two parts.

**AMENDMENT CLAUSE (1) PUT AND LOST (2-5)**

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

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

**AMENDMENT CLAUSE (2) PUT AND LOST (2-5)**

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

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

**PROCEDURAL MOTION**

**Moved Cr Lake, Seconded Cr Maier**

*That the item be DEFERRED for further consideration.*

**PROCEDURAL MOTION PUT AND LOST (2-5)**

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

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

**MOTION PUT AND CARRIED (5-2)**

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

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

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**FURTHER REPORT:**

***\*Note: The following Further Report was corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.***

The Council at its Special Meeting held on 28 October 2008, adopted Planning and Building Policy No. 3.4.8 relating to Multiple Dwellings, with modifications. However, following approval of the Policy there were some matters that proved to be problematic to the implementation of the Policy. Other matters require clarification to remove ambiguity. These matters were of concern to the Town's Statutory Planning Officers and applicants.

Of significant concern was Clause (2) of the Policy, which states the following:

"2) *Multiple Dwelling developments are to have a minimum total lot area of 1000 square metres.*"

The original intention of Clause (2) was to protect the low scale character and amenity of residential areas, in particular within the Cleaver, Smith Lake, Hyde Park, Banks and Norfolk Precincts, which are the subject of Amendment No. 25 to amend the 'no multiple dwellings' provision in Town Planning Scheme No. 1 (TPS No. 1). However, this blanket requirement of 1000 square metres for all multiple dwelling developments proved too restrictive for areas zoned Commercial, Town Centre, District Centre, Residential/Commercial, Precincts where multiple dwellings are permitted under TPS No. 1, and where multiple dwellings are considered a suitable housing choice.

In order to address the matters of concern within the Policy, the Town's Officers initiated Policy Amendment No. 58 to amend the Multiple Dwellings Policy. A number of amendments were made to the Policy, including an amendment to Clause (2) as follows:

- 2) *Multiple Dwelling developments on Residential R20, R30, R40 and R50 zoned land within the Cleaver, Smith's Lake, Hyde Park, Banks and Norfolk Precincts are to have a minimum total lot area of 1000 square metres*

At its Ordinary Meeting held on 24 March 2009, the Council considered the Draft Amended Policy relating to Multiple Dwellings.

Prior to this meeting, a number of concerns were raised by Councillors Lake and Maier in relation to Clause (2) of the Policy, the definition of Multiple Dwellings and the zoning of the Hyde Park and Cleaver Precincts. In order to address these concerns, the Town's Officers prepared 'Proposed Amendments' for consideration at the meeting.

~~Councillors Sally Lake and Dudley Maier~~ The Town's Officers proposed the following amendment:

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

- "(ii) ADOPTS the Draft Amended Policy relating to Multiple Dwellings in the interim until the formal adoption of the amended Policy; subject to the Policy being further amended as follows:*

*(b) Clause 2) of the Policy Statement is amended to read as follows:*

- '2) ~~Multiple Dwelling developments on Residential R20, R30, R40 and R50 zoned land in within the Cleaver, Smith's, Lake, Hyde Park, Banks and Norfolk Precincts~~ on Residential zoned land are to have a minimum total lot area of 1000 square metres. This does not apply to Multiple Dwelling developments in areas zoned Commercial, Residential/Commercial, District Centre and Local Centre.'"*

~~It is considered that~~ Further consideration of the above amendment has revealed that is not appropriate as it would exclude a number of lots suitable for multiple dwelling developments in Precincts the subject of Amendment No.25 to remove the 'no multiple dwellings' provision, and unfairly further restrict lots less than 1000 square metres in Residential zoned land in Precincts where Multiple Dwellings are currently permitted. It is considered that the proposed amendment would not promote or achieve a mix of dwelling types and styles within the Town.

In addition to the above amendment, Councillor Dudley Maier also proposed the following amendment:

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

- "(ii) ADOPTS the Draft Amended Policy relating to Multiple Dwellings in the interim until the formal adoption of the amended Policy; subject to the Policy being further amended as follows:*

*The Definition of Multiple Dwellings being deleted and replaced with:*

*Multiple Dwelling*

*'A dwelling in a group of more than one dwelling on a lot where any substantial part of the dwelling is vertically above or below part of another dwelling, or a dwelling above the ground floor in a mixed use development.'*

(2) *That additional clauses (v) and (vi) be added to read as follows:*

“(v) *INITIATE an Amendment to the Town of Vincent Town Planning Scheme No. 1 to change the zoning in the Cleaver and Hyde Park Precincts from Residential R80 to Residential R60 and to allow multiple dwellings in those Precincts; and*

(vi) *FURTHER CONSIDERS removing the 1000 square metre restriction in the Cleaver and Hyde Park Precincts once the above Amendment to the Town of Vincent Town Planning Scheme No. 1 has been gazetted.”*

It is considered that the above amendment (1) is not supported by the Town’s Officers given that the Officer’s amendment to the Policy, with respect to a definition of Multiple Dwellings, provides more clarity and appropriateness in the context of applications considered by the Town.

With respect to proposed amendment (2) above, it is not considered appropriate to rezone the land within the Hyde Park and Cleaver Precincts as this would significantly reduce the potential for Residential zoned lots within these Precincts that are suitable for redevelopment into multiple dwellings to be redeveloped to their maximum potential, subsequently reducing the potential of the aforementioned Precincts to provide a diverse mix of dwelling types and styles. The subject Precincts proximity to the Perth Central Business District and transport networks result in these Precincts being suitable areas to provide a diverse mix of dwelling types and styles.

The above proposed amendments were not discussed and considered further at the meeting, for a number of reasons. Consequently, the Policy was unchanged and was received, adopted in the interim and approved for advertising.

Following the meeting, further consideration has been given to Clause (2) and the Town’s Officers have reconsidered the necessity of this clause within the context of the Policy.

The initial implementation and further review of the Policy has determined that the inclusion of Clause (2) was ill conceived in the first instance, as it unfairly restricts development within the subject Precincts.

It is noted that there are negative connotations associated with multiple dwelling developments and it is important to note that designs have significantly evolved since the 1960’s and 1970’s ‘block of flats’ style of design. It is considered that the rationalisation of Clause (2) in preventing these undesirable styles of developments is somewhat questionable and unnecessarily restrictive given contemporary building forms, as it is considered that the form of contemporary multiple dwelling developments can have a similar impact on the street and adjoining properties to grouped dwellings, given that the building bulk and form of the two dwelling types, as determined by the Policy provisions relating to the subject land, is not vastly different.

Additionally, the inclusion of Clause (2) to the Policy restricts the opportunity for Multiple Dwelling developments within these areas to provide affordable housing opportunities and alternative forms of ancillary accommodation; therefore, limiting the Town’s potential to provide alternate and diverse forms of housing.

It should also be noted that a significant part of the Cleaver Precinct is currently compromised by older style 60’s and 70’s multiple dwelling developments. The inclusion of clause (2) restricts the potential for these properties to be redeveloped with contemporary multiple dwelling developments.

It is also considered that an increase in the amount of dwellings and a variety of housing choices should be facilitated in areas such as the Hyde Park and Cleaver Precincts as a result of their close proximity to the Centre Business District and transport networks.

The Multiple Dwellings Policy should facilitate the development of multiple dwellings in a responsible manner in these areas to ensure optimal use of the land and the Town's Officers consider that there is considerable existing scope within the Policy, particularly in relation to height, to ensure that the amenity of residential areas will not be unduly compromised by the deletion of Clause (2).

In order to further strengthen the scope of the Policy to protect the amenity of existing residential areas, the Town's Officers propose an additional amendment to Clause (10) to read as follows:

~~“(10)...~~

*All Multiple Dwellings within Residential zoned areas not located along a major road are to be a maximum height of 2 storeys in accordance with the Town's existing policies relating to residential development.'...*

This amendment is proposed to further address the development of multiple dwellings within residential areas that are not along a major road. It is intended that this additional clause will further reiterate the Town's intention to protect the low scale amenity and character of residential areas and will assist in alleviating concern/confusion raised by residents during the public consultation period and as a result of the initial implementation of the Policy.

### **Conclusion**

It should be noted, that as the Multiple Dwellings Policy covers the entire Town, substantial consideration has been given to developing a Policy that will facilitate the development of multiple dwellings in suitable areas, while protecting the amenity of existing residential areas. In developing this Policy the Town's Officers have taken into consideration the future strategic objectives and direction of the Town and the concerns raised by local residents. It is considered that the Policy relating to Multiple Dwellings adopted by Council on 28 October 2008 has substantial provisions that will guide suitable multiple dwelling developments across the Town and ensure that they are developed in suitable areas and that the proposed further amendments to the Draft Amended Policy will further ensure that this is achieved.

In light of the above, it is recommended that the Council receives, adopts in the interim and advertises the further amended version of the Draft Amended Policy relating to Multiple Dwellings in accordance with the Officer Recommendation.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 24 March 2009.

#### *“OFFICER RECOMMENDATION:*

*That the Council;*

- (i) RECEIVES the Draft Amended Policy Relating to Multiple Dwellings, as shown in Attachment 001;*
- (ii) ADOPTS the Draft Amended Policy Relating to Multiple Dwellings in the interim until the formal adoption of the Amended Policy;*

- (iii) *ADVERTISES the Draft Amended Policy Relating to Multiple Dwellings for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
- (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
  - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
  - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iv) *after the expiry of the period for submissions:*
- (a) *REVIEWS the Draft Amended Policy Relating to Multiple Dwellings, having regard to any written submissions; and*
  - (b) *DETERMINES the Draft Amended Policy Relating to Multiple Dwellings, with or without amendment, to or not to proceed with them.*

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COUNCIL DECISION ITEM 9.1.9

Moved Cr Farrell, Seconded Cr Youngman

*That the recommendation be adopted.*

CARRIED "EN BLOC" (7-0)

*(Cr Ker and Cr Messina on approved leave of absence.)*

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**PURPOSE OF REPORT:**

*The purpose of this report is to present a Draft Amended Policy relating to Multiple Dwellings, to seek the Council's approval to advertise the Draft Amended Policy, and to advertise the Draft Amended Policy in the interim until formal adoption of the amended policy.*

**BACKGROUND:**

*In the preparation of the Local Planning Strategy, the Town initiated Scheme Amendment No. 25, to remove clauses relating to 'no multiple dwellings' in the Precincts of Cleaver, Smith's Lake, Norfolk, Hyde Park and Banks. This amendment was initiated in order to provide better utilisation of the land and greater diversity of housing choice within these Precincts, and in particular along major roads and within areas coded higher density residential, commercial and mixed use.*

*Upon initiation of Scheme Amendment No. 25, the Town's Officers prepared a Draft Multiple Dwellings Policy. The initial Multiple Dwellings Policy was developed in order to facilitate good quality, well designed multiple dwelling development that responds sensitively to the existing character of the area. The Multiple Dwellings Policy covers the whole of the Town, including the Precincts subject to Amendment No. 25 and is intended to be a generic basis from which multiple dwelling developments are controlled and managed.*

*The following background information details the progression of the Multiple Dwellings Policy:*

26 February 2008     *The Council considered a report outlining the initiation of an Amendment to Town Planning Scheme No. 1 and a Draft Policy relating to multiple dwellings at its Ordinary Meeting and resolved as follows:*

*“That the Item be DEFERRED to allow for further discussion within Council on this topic.”*

13 May 2008         *The Council considered a further report relating to the proposed Scheme Amendment and Draft Policy relating to Multiple Dwellings and resolved as follows:*

*“That the item be DEFERRED to allow for further consideration.”*

27 May 2008         *The Council considered a further report relating to the proposed Scheme Amendment and Draft Policy relating to Multiple Dwellings and resolved to initiate an amendment, subject to modifying the Scheme Text.*

26 August 2008     *The Council considered a report relating to the Draft Policy relating to Multiple Dwellings and resolved as follows:*

*"That the Item be DEFERRED to;*

- (i) enable Council Members to provide feedback to the Chief Executive Officer and Directors;*
- (ii) have the public gallery's concerns that were voiced at tonight's meeting, referred to the Officers for investigation; and*
- (iii) analyse the submissions already received."*

28 October 2008     *The Council considered a report relating to the Draft Policy relating to Multiple Dwellings and resolved to receive, adopt and advertise the final amended version of the Policy.*

#### *DETAILS:*

*Since the adoption of the Policy on 28 October 2008, the following issues have emerged that have required the Town's Officers to initiate amendments to the Policy.*

#### *Inclusion of a definition for a Multiple Dwelling*

*The Residential Design Codes gives the definition for a multiple dwelling as:*

*"A dwelling in a group of more than one dwelling on a lot where any part of a dwelling is vertically above part of any other but:*

- does not include a grouped dwelling; and*
- includes any dwellings above the ground floor in a mixed use development."*

*The application of this definition in the assessment of development applications has resulted in varying interpretations in development applications determined by the Town. Two such examples have been appealed to the State Administrative Tribunal (SAT), namely Filton Pty Ltd and Town of Vincent [2006] WASAT 70 and Metropolitan Management Pty Ltd and Town of Vincent [2008] WASAT 261.*

*In the matter Filton Pty Ltd and Town of Vincent, the Tribunal determined that the proposed development comprised "grouped dwellings" rather than "multiple dwellings". In considering this, the SAT, determined that in the context of the R Codes read as a whole, the words "partly vertically above" in the definition of "grouped dwellings" and the words "any part of a dwelling" in the definition of "multiple dwellings" mean "in relation to a substantial part vertically above" and "any substantial part of a dwelling", respectively. The minor and contrived projections of areas of bathrooms above garages of other units do not have the effect of transforming the development from "grouped dwellings" to "multiple dwellings".*

*Similarly, the SAT considered a matter between Metropolitan Management Pty Ltd and Town of Vincent [2008] WASAT 261 whereby the Tribunal reiterated its previous conclusion at the Filton and Town of Vincent matter and determined that it can be reasonably argued that the minor overlap of the loft floor spaces over the adjoining dwellings cannot be accepted as 'substantial' and thus cannot constitute a 'multiple dwelling'.*

*In both the situations discussed above, there was a discrepancy with regard to applying and interpreting what constitutes a 'multiple dwelling'. In considering this, the SAT determined that the words 'any part of a dwelling' in the R Codes definition of multiple dwellings should have the meaning 'any substantial part of a dwelling' in order for the definition to be applied reasonably. In these cases, it was reasonably argued that minor overlaps shown in the proposed developments cannot be accepted as 'substantial' and those were more accurately described as 'grouped dwellings'.*

*Drawing on these two examples, it is considered appropriate that the Town develop a more specific definition of what constitutes a multiple dwelling than what appears in the R Codes to ensure clarity and transparency in the assessment and determination of development applications by the Town.*

*A revised definition of what constitutes a Multiple Dwelling is proposed to be incorporated into the Draft Policy as follows:*

*"A dwelling in a group of more than one dwelling on a lot where ~~any part of a dwelling~~ 50 per cent or greater of floor area of a dwelling is vertically above part of any other but:*

- does not include a grouped dwelling; and*
- includes any dwellings above the ground floor in a mixed use development."*

*Clause relating to minimum lot area of 1000 square metre*

*Policy No. 3.4.8 relating to Multiple Dwelling approved by the Council on 28 October 2008 requires that all multiple dwelling developments have a minimum total lot area of 1000 square metres. This clause stemmed from the original intention of the 'No Multiple Dwellings' Scheme provision to protect the low scale and residential character of the area, particularly in the Precincts of Cleaver, Smith's Lake, Hyde Park, Banks and Norfolk. Essentially, this provision was included in the Policy to ensure continued appropriate development within these areas.*

*Since the adoption of the Multiple Dwellings Policy No. 3.4.8, the Town has received a number of development applications for multiple dwellings in Precincts where multiple dwellings are permitted under the Town's Town Planning Scheme No. 1. Whilst the Town's Officers consider that this minimum area requirement is justified in certain areas for the reasons detailed above, in practice it has revealed that it is inappropriate for the provisions to apply across the whole of the Town, particularly in areas zoned District Centre, Local Centre, Commercial and Residential/Commercial and areas of high density residential coding.*

*The intent of Amendment No. 58 therefore, is to revise Policy No. 3.4.8 relating to Multiple Dwellings and to modify Clause (2) relating to the minimum lot area of 1000 square metres for Multiple Dwellings, to read as follows:*

- “2) Multiple Dwelling developments on Residential R20, R30, R40 and R50 zoned land within the Cleaver, Smith’s Lake, Hyde Park, Banks and Norfolk Precincts are to have a minimum total lot area of 1000 square metres.”*

*Removal of reference to ‘recognised streetscape’ and Residential Streetscapes Policy*

*As the draft Residential Streetscapes Policy has not been adopted by the Council, all reference to ‘recognised streetscapes’ and the related Residential Streetscapes Policy have been removed.*

*Clause (3) of the amended draft Multiple Dwellings Policy does however, require that multiple dwelling developments in areas characterised by single storey dwellings are cognisant of the streetscape character. This clause has been amended to ensure multiple dwelling developments in predominately single storey streetscape are respectful to the existing amenity and character of the streetscape, particularly in relation to bulk and scale of the development.*

**CONSULTATION/ADVERTISING:**

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

**LEGAL/POLICY:**

*Town Planning Scheme No. 1 and associated Policies.*

**STRATEGIC IMPLICATIONS:**

*Strategic Plan 2006-2011 – Strategic Objective: Natural and Built Environment  
1.1.2 Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision.*

**FINANCIAL/BUDGET IMPLICATIONS:**

*The current 2008/2009 Budget allocates \$60,000 for Town Planning Scheme Amendments and Policies.*

**COMMENTS:**

*It is considered that the proposed amendment to modify the Multiple Dwellings Policy will align the Multiple Dwellings Policy with the original intention of the ‘No Multiple Dwellings’ provision, to ensure the preservation of the low scale and residential character within certain precincts, while still facilitating high quality multiple dwelling developments in appropriately located areas.*

*In light of the above, it is recommended that the Council receives, adopts in the interim and advertises the draft amended Multiple Dwellings Policy as outlined in this report. Following the advertising period, the Council are to consider any submissions made in relation to the draft amended Multiple Dwellings Policy No. 3.4.8.”*

**9.1.16 No. 55 (Lots 304 and 305 D/P: 30336) Harold Street, corner Wright Street, Highgate - Demolition of Existing Place of Public Worship and Construction of Single-Storey Place of Public Worship and Two-Storey Ancillary Office and Caretakers Accommodation Building**

|                              |                     |                    |                          |
|------------------------------|---------------------|--------------------|--------------------------|
| <b>Ward:</b>                 | South               | <b>Date:</b>       | 6 April 2009             |
| <b>Precinct:</b>             | Forrest; P14        | <b>File Ref:</b>   | PRO1718;<br>5.2008.397.1 |
| <b>Attachments:</b>          | <a href="#">001</a> |                    |                          |
| <b>Reporting Officer(s):</b> | S Kendall, H Au     |                    |                          |
| <b>Checked/Endorsed by:</b>  | H Smith, R Boardman | <b>Amended by:</b> | -                        |

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by Ian Xuyen Lu and Associates on behalf of the owner W A Indo-China Benevolent Association for proposed Demolition of Existing Place of Public Worship and Construction of Single-Storey Place of Public Worship and Two-Storey Ancillary Office and Caretakers Accommodation Building, at No. 55 (Lots 304 and 305 D/P: 30336) Harold Street, corner Wright Street, Highgate and as shown on amended plans stamp-dated 3 March 2009, for the following reasons:*

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the requirements of the Town's Policies relating to Parking and Access (Policy No. 3.7.1); and*
- (iii) consideration of the objections received.*

---

**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

Debate ensued.

**MOTION PUT AND LOST (0-7)**

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

**Reasons for Changing the Officer Recommendation:**

- 1. No significant intensification of the use; and**
- 2. Premises have been used for similar purposes for the past 18 years, without complaints being recorded with the Town.**

## ALTERNATIVE RECOMMENDATION

### Moved Cr Maier, Seconded Cr Burns

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Ian Xuyen Lu and Associates on behalf of the owner W A Indo-China Benevolent Association for proposed Demolition of Existing Place of Public Worship and Construction of Single-Storey Place of Public Worship and Two-Storey Ancillary Office and Caretakers Accommodation Building, at No.55 (Lots 304 and 305 D/P: 30336) Harold Street, corner Wright Street, Highgate and as shown on amended plans stamp-dated 3 March 2009, subject to the following conditions:*

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) prior to the issue of a Building Licence, 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);*
- (iii) 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;*
- (iv) prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town;*
- (v) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (vi) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (vii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
  - (a) any new street/front wall, fence, gate and/or entry statement within the Harold Street setback area including along the side boundaries within these street setback areas, shall comply with the following:*
    - (1) the maximum height being 1.8 metres above the adjacent footpath level;*

- (2) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
- (3) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
- (4) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres; and*
- (5) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed;*
- (b) *the provision of a minimum 1.5 metres by 1.5 metres visual truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (c) *the provision of a 2 metre by 2 metre truncation being provided at the Harold and Wright Street intersection. No development shall occur within this truncation as this will be required to be ceded as part of the amalgamation of the two lots;*
- (d) *the provision of two significant appropriate design feature shall be incorporated into the secondary street fence abutting Wright Street, behind the primary street setback. Examples of design features may include significant openings facing the street at regular intervals, landscaping boxes and varying materials, finishes and/or colours; and*
- (e) *the driveway along Wright Street being reduced to a maximum width of 6 metres.*

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

- (viii) *a detailed landscaping plan, including a list of plants and the landscaping of the Harold and Wright Street road verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (ix) *the ancillary kitchen facility shall only serve congregants of the Place of Public Worship at No. 55 Harold Street. The provision of welfare services such as free meals to non-congregants or accommodation is not permitted;*
- (x) *a sum of \$350 for the cost of removal of one (1) Chinese Tallow from the verge where the proposed crossover is to enter Wright Street and its replacement shall be paid prior to the issuing of the Building Licence. No other street verge tree(s) shall be removed/pruned unless written approval has been received from the Town's Parks Services;*

- (xi) *the maximum number of persons to occupy the premises at any one time shall be 30 persons;*
- (xii) *prior to the first occupation of the building, the applicant shall provide a register of events/religious events proposed to be held throughout the year, detailing the proposed number of congregants, the likely number of vehicles associated with the events and details of the hours of the event. The maximum number of persons to occupy the premises during religious festivals may exceed the 30 person limit subject to a Management Plan being submitted to and approved by the Town. The Management Plan shall outline measures to address additional car parking requirements, noise and a complaints monitoring system whereby the facilities management contact details being provided to the owners and occupants of the adjacent residential properties within a 100 metre radius of the subject site;*
- (xiii) *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; and*
- (xiv) *the Place of Public Worship shall not be used for services before 7:00AM and after 10:00PM of an evening.*

Debate ensued.

Cr Burns requested that the words “*on an annual basis*” be inserted after the word “*year*” in line 2 of clause (xii). The Mover, Cr Maier agreed to this change. Therefore the revised clause (xii) reads as follows:

“(xii) *prior to the first occupation of the building, the applicant shall provide a register of events/religious events proposed to be held throughout the year on an annual basis, detailing the proposed number of congregants, the likely number of vehicles associated with the events and details of the hours of the event. The maximum number of persons to occupy the premises during religious festivals may exceed the 30 person limit subject to a Management Plan being submitted to and approved by the Town. The Management Plan shall outline measures to address additional car parking requirements, noise and a complaints monitoring system whereby the facilities management contact details being provided to the owners and occupants of the adjacent residential properties within a 100 metre radius of the subject site;*”

**AMENDMENT NO 1**

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

*That clauses (xii) and (xiv) be deleted.*

Debate ensued.

The Presiding Member ruled that he would consider and vote on each clause separately.

**AMENDMENT NO 1 CLAUSE (xii) PUT AND LOST (2-5)**

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

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

**AMENDMENT NO 1 CLAUSE (xiv) PUT AND CARRIED (6-1)**

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

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

Debate ensued.

**AMENDMENT NO 2**

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

*That clauses (xi) and (xii) be reworded to read as follows:*

- “(xi) the maximum number of persons to occupy the premises at any one time shall not exceed the prescribed limit ~~be 30 persons~~; and*
- (xii) prior to the first occupation of the building, the applicant shall provide a register of events/religious events proposed to be held throughout the year on an annual basis, detailing the proposed number of congregants, the likely number of vehicles associated with the events and details of the hours of the event. The maximum number of persons to occupy the premises during religious festivals may exceed the ~~30 person~~ the prescribed limit subject to a Management Plan being submitted to and approved by the Town. The Management Plan shall outline measures to address additional car parking requirements, noise and a complaints monitoring system whereby the facilities management contact details being provided to the owners and occupants of the adjacent residential properties within a 100 metre radius of the subject site;”*

Debate ensued.

The Chief Executive Officer advised the Council that the Health Act (Public Buildings) Regulations will prescribe the maximum number of persons permitted on the premises. The maximum number of persons is calculated using a combination of the clear floor space, number and width of exits and number of sanitary conveniences (toilets and hand basins) on the premises. The lowest common denominator for each of these items is used to determine the prescribed limit of persons.

**AMENDMENT NO 2 PUT AND CARRIED (6-1)**

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

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

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

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

**COUNCIL DECISION ITEM 9.1.16**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Ian Xuyen Lu and Associates on behalf of the owner W A Indo-China Benevolent Association for proposed Demolition of Existing Place of Public Worship and Construction of Single-Storey Place of Public Worship and Two-Storey Ancillary Office and Caretakers Accommodation Building, at No.55 (Lots 304 and 305 D/P: 30336) Harold Street, corner Wright Street, Highgate and as shown on amended plans stamp-dated 3 March 2009, subject to the following conditions:*

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) prior to the issue of a Building Licence, 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);*
- (iii) 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;*
- (iv) prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town;*
- (v) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (vi) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (vii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
  - (a) any new street/front wall, fence, gate and/or entry statement within the Harold Street setback area including along the side boundaries within these street setback areas, shall comply with the following:*
    - (1) the maximum height being 1.8 metres above the adjacent footpath level;*
    - (2) the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*

- (3) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
- (4) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres; and*
- (5) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed;*
- (b) *the provision of a minimum 1.5 metres by 1.5 metres visual truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (c) *the provision of a 2 metre by 2 metre truncation being provided at the Harold and Wright Street intersection. No development shall occur within this truncation as this will be required to be ceded as part of the amalgamation of the two lots;*
- (d) *the provision of two significant appropriate design feature shall be incorporated into the secondary street fence abutting Wright Street, behind the primary street setback. Examples of design features may include significant openings facing the street at regular intervals, landscaping boxes and varying materials, finishes and/or colours; and*
- (e) *the driveway along Wright Street being reduced to a maximum width of 6 metres.*

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

- (viii) *a detailed landscaping plan, including a list of plants and the landscaping of the Harold and Wright Street road verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (ix) *the ancillary kitchen facility shall only serve congregants of the Place of Public Worship at No. 55 Harold Street. The provision of welfare services such as free meals to non-congregants or accommodation is not permitted;*
- (x) *a sum of \$350 for the cost of removal of one (1) Chinese Tallow from the verge where the proposed crossover is to enter Wright Street and its replacement shall be paid prior to the issuing of the Building Licence. No other street verge tree(s) shall be removed/pruned unless written approval has been received from the Town's Parks Services;*
- (xi) *the maximum number of persons to occupy the premises at any one time shall not exceed the prescribed limit;*

- (xii) *prior to the first occupation of the building, the applicant shall provide a register of events/religious events proposed to be held throughout the year on an annual basis, detailing the proposed number of congregants, the likely number of vehicles associated with the events and details of the hours of the event. The maximum number of persons to occupy the premises during religious festivals may exceed the prescribed limit subject to a Management Plan being submitted to and approved by the Town. The Management Plan shall outline measures to address additional car parking requirements, noise and a complaints monitoring system whereby the facilities management contact details being provided to the owners and occupants of the adjacent residential properties within a 100 metre radius of the subject site; and*
- (xiii) *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.*

**The Chief Executive Officer inserted the following reasons for altering the Alternative Recommendation, so as to provide an explanation for the amendments:**

- 1. The amendments which were carried were made on the basis of deleting the times for the place for public worship, as these are not normally imposed on other similar churches/places in the Town; and**
- 2. The “30 person” limit was removed and replaced with “the prescribed limit” as this will be determined by the Health Act (Public Buildings) Regulations.**

|                               |  |
|-------------------------------|--|
| <b>Landowner:</b>             | W A Indo-China Benevolent Association  |
| <b>Applicant:</b>             | Ian Xuyen Lu and Associates  |
| <b>Zoning:</b>                | Metropolitan Region Scheme: Urban<br>Town Planning Scheme No. 1 (TPS 1): Residential R50 |
| <b>Existing Land Use:</b>     | Place of Public Worship  |
| <b>Use Class:</b>             | Place of Public Worship  |
| <b>Use Classification:</b>    | "AA"   |
| <b>Lot Area:</b>              | 668 square metres  |
| <b>Access to Right of Way</b> | N/A  |

**BACKGROUND:**

12 February 1996      The Council approved an application for Place of Public Worship at the subject place. At this time a car parking shortfall of 51.5 car parking bays was approved and the Cash-in-Lieu contribution was waived.

**DETAILS:**

The proposal involves the demolition of the existing place of public worship and the construction of a single-storey place of public worship and two-storey ancillary office and caretaker's accommodation building. The existing store along the southern boundary is being retained as part of this proposal.

The subject site is currently occupied by a single storey brick and tile dwelling, which has been operating as a place of worship and meeting place for the Western Australian Indo-China Chinese Benevolent Association since 1990. The surrounding area is predominantly single storey private residences; Forrest Park is located directly in front of the property along Harold Street.

The Western Australian Indo-Chinese Benevolent Association was formed by a group of Indo-China Chinese refugees in Perth in the early eighties. It is a non-profit organisation with a primary aim to assist and cater for newly arrived Chinese refugees during their early stage of settlement. In support of the application, the applicant has prepared a submission which is partially summarised below and is "*Laid on the Table*".

- *"The Association has approximately 300 registering member; however the majority of these members do not attend during usual weekend gathering. The average number of persons in attendance is usually thirty (30) people or less.*
- *The Association has operated as an office and worship centre for the last 18 years without any complaints from its surrounding community.*
- *Currently there are some inconveniences with the existing building because it is an old building that was not originally designed to be used for the Association's purposes.*
- *There are not many members that visit the Association during the weekdays except for several festivals that are celebrated during the year for members and public to pay homage to the budda and ancestors.*
- *One retreat will be a permanent accommodation for a person to look after the worship place and the other retreat will be reserved for short term accommodation of interstate visitors' such as a monk or nun.*
- *As a charity organisation, the kitchen is only to be used to cook vegetarian food to offer free lunch on the weekend when people gather to pay respect to Buddha or their ancestors."*

**ASSESSMENT:**

| <b>Non-Compliant Requirements</b>                                  |  |  |  |
|--|--|--|--|
| <b>Requirements</b>  | <b>Required</b>  | <b>Proposed *</b>                        | <b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>  |
| Density  | 3.7 dwellings  | 1 caretakers unit                        | No Variation.  |
| Plot Ratio   | 0.6 or 400 square metres   | 0.12 or 84.58 square metres              | No Variation.  |
| Building Height:<br><br>Single Storey building portion of building | 3 metres to top of external wall<br><br>6 metres to top of pitch | 3.949 - 4.189 metres<br><br>7.269 metres | Supported - the proposed external wall height corresponds to the parapet wall of an adjacent residential building and as the overall proposed heights are less then what would be permitted should a two storey building be proposed to Harold Street. |

|  |   |   |   |
|--|---|---|---|
| Building Setbacks –                                    |   |   |   |
| Ground floor to Harold Street                          | To reflect the predominate street setback (4.2 metres)  | In line with adjacent western property.<br>- 3 metres to verandah.<br>- 4.65 to main building line. | Supported - as the proposal is in line with adjacent western property and therefore maintains the street setback pattern.   |
| Ground floor to western boundary                       | 4.8 metres  | - 1 metre to verandah<br>- 2.5 - 3 metres to main building line                                     | Supported - not considered to impact on the amenity of the area and no objection has been received from the adjacent affected neighbour.  |
| Non/residential Residential Interface Policy No. 3.4.3 |   |   |   |
| Rear (southern) setback                                | 6 metres  | - 4.5 metres to verandah.<br>- 6 metres to main building line.<br>- Retention of existing store.    | Supported - the application has been amended since the first period of community consultation to improve the interface with the rear southern property.   |
| Driveways  | 40 percent (12.3) or 6 metres, whichever is the lesser. | 8 metres  | Supported - the driveway only comprises 25 per cent of the lot width and will not detract from the streetscape.   |
| Street Walls and fences                                |   |   |   |
| Piers  | no wider than 0.355 metre                               | 0.4 metre   | Not supported - would be conditioned to comply in the event of an approval.   |
| Roof Forms   | To be between 30 and 45 degrees                         | 25 degrees  | Supported - as the proposed roof forms have been designed so that it does not unduly increase the bulk of the building or cause undue overshadowing of adjacent properties, as per the Performance Criteria of the Town's RDE's. The proposed roof forms are not considered to have an undue impact on the amenity of the area and as it provides a subtle differentiation between the adjacent residential uses. |

|  |  |             |  |
|--|--|-------------|--|
| Open Space   | 45 per cent  | 38 per cent | Supported - having regard to the proposed "Place of Public Worship" use, the building has sufficient open space for the needs of the occupants. Sufficient open space has been provided to enable landscaping and to complement the building.  |
| <b>Consultation Submissions</b>  |  |             |  |
| Support (1)  | <ul style="list-style-type: none"> <li>• The development brings colour and diversity.</li> <li>• The congregants and their worship are worthy of inclusion in the community.</li> </ul>  |             | Supported.<br><br>Supported.   |
| <p>Objection (59)</p> <ul style="list-style-type: none"> <li>• 7- original unique submissions signed by the author</li> <li>• 52- signed copied pre-printed proforma letters.</li> </ul> | <ul style="list-style-type: none"> <li>• Demand for off-site parking is high and the current proposal will exacerbate the problem. Especially in light of the current redevelopment plans for Forrest Park, Soccer Club, Highgate Forrest Park Playgroup and Croquet Facility and Mount Lawley TAFE.</li> <li>• Activities have been undertaken during the week, as well as weekend, and when festivals occur like Chinese New Year, it can run into the night. These hours of operation are not appropriate in a residential area.</li> <li>• The southern adjacent property was never advertised to for the initial formalisation of the use in 1996.</li> </ul> |             | <p>Supported - refer to comments below.</p> <p>Noted - since the use has been formally recognised at the subject site (12 years), the Town has not received any complaints in relation to such festivals. In the event of an approval, a condition could be imposed to require the applicant to prepare a Management Plan to be submitted to the Town to ensure they are cognisant and to address operating hours, noise and potential parking issues for such events in a residential area.</p> <p>Noted - it is presumptuous to suggest that an objection when the use was first under consideration from the southern adjacent property owner would have resulted in a refusal.</p> |

|  |   |  |
|--|---|--|
|  | <ul style="list-style-type: none"> <li>• The proposal will reduce adjacent property values.</li> <br/> <li>• Existing weekly noise from the subject property ranges from chanting, singing, bells, and drums disturb adjacent neighbours.</li> <br/> <li>• Rats and other pests are rampant and the approval of the commercial kitchen will exasperate this situation.</li> </ul> | <p>Not Supported - as per the Town's Community Consultation Policy, comments received which are based on civil or non-planning matters, such as property values, will not be considered.</p><br><p>Not supported - the Town has not received any noise complaints in relation to No. 55 Harold Street, Highgate; therefore, has not been able to substantiate that there has been unreasonable noise being emitted from the premises in the past. Furthermore, the premises must comply with the general assigned levels detailed in Regulation 7 of the Environmental Protection (Noise) Regulations 1997 (the Regulations). Special conditions detailed in Regulation 15 of the Regulations apply if the owner of the premises applies and becomes exempt from paying rates under the provisions of the Local Government Act 1995 because of religious use.</p><br><p>Not supported - the Town's Environmental Health Officers have undertaken an inspection to the subject place and could not identify any rodent activity. However, the owner was requested to bait for rodents as a preventative measure. It is to be noted that there is a large food source available to rodents in the area, being the large fig trees in the adjacent Forrest Park, which will make rodent control difficult in the area in general.</p> |
|--|---|--|

|  |   |   |
|--|---|---|
|  | <ul style="list-style-type: none"> <li>• There is no need to redevelop the site considering the site is only actively used for religious purposes on Sunday Mornings and such a use would be more appropriate for a residential/commercial or commercial area.</li> <br/> <li>• This modern development is not in keeping with the architecture that exists in the immediate area.</li> <br/> <li>• Lack of street corner truncation.</li> <br/> <li>• Entry gates are completely unacceptable.</li> <br/> <li>• This is a particularly intensive use in a residential setting, particularly in view of the design aimed at increasing the number of patrons.</li> <br/> <li>• The use of the proposed commercial kitchen and dining should have been incorporated into the description of the proposed development.</li> </ul> | <p>Not supported - under the Town of Vincent Town Planning Scheme, a <i>"Place of Public Worship"</i> is denoted as an "AA" use within a Residential zone. It is to be noted that the use of the lot as a <i>"Place of Public Worship"</i> was previously approved by the Council in 1996. Furthermore, the applicant has advised there is a need to redevelop the site as <i>'there are some inconveniences with the existing building because it is an old building that was not originally designed to be used for the Association's purposes.'</i></p> <p>Not supported - replicating the old historical buildings will not necessarily result in a better streetscape outcome. The proposed facility will be readily identifiable from the heritage streetscape.</p> <p>Noted - such a requirement would be requested in the event of an amalgamation.</p> <p>Supported - the entry gates have been deleted from the proposal.</p> <p>Not supported - refer to comments below.</p> <p>Not supported - refer to comments below.</p> |
|--|---|---|

| <b>Other Implications</b>  |   |
|--|---|
| Legal/Policy   | TPS 1 and associated Policies, and Residential Design Codes (R Codes).  |
| Strategic Implications   | Nil   |
| Sustainability Implications  | Nil   |
| Financial/Budget Implications  | Nil   |
| <b>Car Parking Requirements</b>  |   |
| Car parking requirement (nearest whole number)<br>Place of Assembly - <i>1 space per 3.8 square metres of public floor area (165.79 square metres/3.8 = 43.62 car bays) or 1 space per 4.5 persons of maximum number of persons approved for the site, whichever is the greater (30 persons – 6.6 bays)</i><br>Office - 1 space per 50 square metres of gross floor area (78.12 square metres/50 = 1.56 car bays)<br>Residential Building - 1 space per bedroom or 1 space per 3 beds provided, whichever is the greater (2 spaces required) | 47 car bays   |
| Apply the parking adjustment factors.<br><ul style="list-style-type: none"> <li>▪ 0.85 (the proposed development is within 800 metres of a rail station)</li> <li>▪ 0.85 (the proposed development is within 400 metres of a bus stop/station)</li> </ul>  | (0.7225)<br><br>33.9 car bays   |
| Minus the car parking provided on-site (2 car bays)  | 31.9 car bays   |
| Minus the most recently approved on-site car parking shortfall   | The previously approved car parking short fall cannot be taken into consideration as the applicant is completely demolishing the subject place. |
| Resultant shortfall  | 31.9 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:

### Heritage

#### Demolition

The subject place at No. 55 Harold Street was constructed circa 1967 in a Post-war Conventional Suburban Style Bungalow. A preliminary heritage review indicates that the subject place at No. 55 Harold Street, Highgate has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory and approval is recommended for its demolition.

#### Redevelopment

The proposed new development abuts a group of modest Federation Bungalow dwellings at Nos. 57 - 75 Harold Street, Highgate which is listed on the Town of Vincent Municipal Heritage Inventory as a Management Category B - Conservation Recommended.

It is considered that the proposed development has sought to minimise the impact of the scale and bulk of the proposed development on the adjacent heritage places, by way of maintaining the established front setback, by aligning the eaves with the parapet of the adjacent heritage listed property and by positioning the bulk of the roof with a sufficient street setback so as not to overshadow or visually detract from the adjacent heritage listed properties. In light of the non-residential use of the property, it is not considered appropriate to constrain the proposal by applying a residential design approach. The building design is considered acceptable in that it will be readily identifiable from the heritage streetscape whilst not being an overwhelming or dominant structure.

It is to be noted that the subject corner lot has a significantly wider street frontage (21.69 metres) compared to the abutting heritage properties, which have a 12 metre lot width average. In light of this, the proposed scale of the building and its form is not considered inappropriate.

## **Planning**

### Proposed Kitchen

During the period of community consultation, a complaint was received that the existing 'Place of Public Worship' is also used as a commercial kitchen. The applicant has advised that: "*as charity organisation, the kitchen is only to be used to cook vegetarian food to offer free lunch on the weekend when people gather to pay respect to Buddha or their ancestors.*"

It is considered that a "Place of Public Worship" would comprise public worship in the tradition of a recognised religion and incidental uses, such as pastoral care, social and educational activities for congregants, and, to an extent, community education and other activities facilitated by the Church. In this context, the provision of free refreshments being provided to congregants, before or after services, or free meals being provided to congregants, is consistent with the following definition of a 'Place of Public Worship' under the Town's Town Planning Scheme No. 1:

*"means any land or building used primarily for the religious activities of a church, but does not include an institution for primary, secondary, or higher education, or a residential training institution."*

In light of above, in the event of an approval, a condition could be imposed to manage the operation of the kitchen facility to ensure that welfare services, such as free meals to non-congregants or accommodation, is not permitted.

### Car Parking

In determining whether a proposed development should be refused on car parking grounds, the Town's Parking and Access Policy states that as a guide, a minimum of 15 per cent of the required car bays should be provided on-site where the total requirement is between 11 and 40 car bays (after adjustment factors), and the balance should be provided as a cash-in-lieu contribution. In this instance, 4.7 car bays should be provided on-site, with two (with room for an additional third car bay) being provided.

As outlined in the background section to this report, the Council at its Ordinary Meeting held 12 February 1996, approved an application for 'Place of Public Worship' at the subject place with a car parking shortfall of 51.5 car parking bays. At this time, the required 'cash-in-lieu' contribution was waived.

The Town's Officers acknowledge that the facility has been in operation at the subject site for a number of years and that the subject car parking shortfall is less than proposed in the initial 1996 application. In the pursuit of orderly and proper planning however, it is important that the Town manage the future land uses in a manner that ensures adequate on-site car parking is provided to ensure that the amenity of the residential area is not unduly impacted upon by car parking spillover. In this regard, the car parking shortfall is not supportable.

### Conclusion

In light of the significant number of objections received and the car parking shortfall, the application has been recommended for refusal.

**9.1.6 No. 49 (Lot: 57 D/P: 672) Mary Street, Highgate - Proposed Partial Demolition of and Alterations and Two-Storey Addition to Existing Single House – Amended Planning Approval**

|                              |                     |                    |                         |
|------------------------------|---------------------|--------------------|-------------------------|
| <b>Ward:</b>                 | South               | <b>Date:</b>       | 3 April 2009            |
| <b>Precinct:</b>             | Hyde Park; P12      | <b>File Ref:</b>   | PRO2008;<br>5.2009.48.1 |
| <b>Attachments:</b>          | <a href="#">001</a> |                    |                         |
| <b>Reporting Officer(s):</b> | D Pirone            |                    |                         |
| <b>Checked/Endorsed by:</b>  | H Smith, R Boardman | <b>Amended by:</b> | -                       |

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Kensington Design on behalf of the owner L & J Turner for proposed Partial Demolition of and Alterations and Two-Storey Addition to Existing Single House – Amended Planning Approval, at No. 49 (Lot: 57 D/P: 672) Mary Street, Highgate, and as shown on plans stamp-dated 19 February 2009, subject to the following conditions:*

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

- (iii) *first obtaining the consent of the owners of Nos. 51-53 Mary Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 51-53 Mary Street in a good and clean condition;*
- (iv) *the proposed games room, store and garage structure shall not be used for industrial, commercial or sleeping purposes, and is for the sole personal use of the inhabitants of the main dwelling only;*
- (v) *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*
- (vi) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s).*

**COUNCIL DECISION ITEM 9.1.6**

**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

**Cr Burns departed the Chamber at 8.40pm.**

**MOTION PUT AND CARRIED (5-1)**

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

**(Cr Ker and Cr Youngman on approved leave of absence. Cr Burns was absent from the Chamber and did not vote.)**

|                               |  |
|-------------------------------|--|
| <b>Landowner:</b>             | L & J C Turner   |
| <b>Applicant:</b>             | Kensington Design  |
| <b>Zoning:</b>                | Metropolitan Region Scheme: Urban<br>Town Planning Scheme No. 1 (TPS 1): Residential R80 |
| <b>Existing Land Use:</b>     | Single House   |
| <b>Use Class:</b>             | Single House   |
| <b>Use Classification:</b>    | "P"  |
| <b>Lot Area:</b>              | 426 square metres  |
| <b>Access to Right of Way</b> | South side, 5 metres wide, sealed, Town owned  |

**BACKGROUND:**

- 27 August 2002                      The Council at its Ordinary Meeting conditionally approved an application for proposed additional four, two-storey single bedroom dwellings to two (2) existing single houses, three (3) multiple dwellings (including two (2) single bedroom multiple dwellings on the subject site).
- 17 January 2008                      The Town under Delegated Authority from the Council conditionally approved an application for partial demolition of and alterations and two-storey addition to existing single house.

**DETAILS:**

The proposal involves amendments to the Planning Approval granted on the 17 January 2008. These amendments include:

- The increase in floor level of the ground floor from 26.62 to 27.13;
- The increase in floor level of the upper floor from 30.55 to 31.086;
- The increase in floor level of the garage from 23.96 to 24.387; and
- The setback of the garage has reduced from 3 metres to 1.86 metres.

The proposed amendments result in an increase in the height of the building, which ultimately creates a variation.

**ASSESSMENT:**

| <b>Non-Compliant Requirements</b>   |                 |                         |  |
|---|-----------------|-------------------------|--|
| <b>Requirements</b>   | <b>Required</b> | <b>Proposed *</b>       | <b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>  |
| Density:  | 2.36 dwellings  | 1 dwelling              | Noted – no variation.  |
| Plot Ratio:   | N/A             | N/A                     | Noted.   |
| Building Setbacks:<br>Main Building<br>Ground Floor<br>-East (Bed 2, Bed 3, Bathroom) | 2.4 metres      | 1 metre –<br>1.5 metres | Supported – not considered to have an undue impact on neighbouring property. Letter of support received from the affected neighbour.   |
| -West   | 1.7 metres      | Nil                     | Supported – not considered to have an undue impact on the neighbouring property as the boundary wall is against the neighbours two-storey boundary wall. Letter of support received from the affected neighbour. |
| First Floor<br>-East (Kitchen, Balcony)   | 1.7 metres      | 1.5 metres              | Supported – not considered to have an undue impact on neighbouring property. Letter of support received from the affected neighbour.   |
| -West   | 2.3 metres      | Nil                     | Supported – not considered to have an undue impact on the neighbouring property as the boundary wall is against the neighbours two-storey boundary wall. Letter of support received from the affected neighbour. |

|                                |  |  |  |
|--------------------------------|--|--|--|
| Garage/Games Room<br>-East     | 1.1 metres   | Nil  | Supported – not considered to have an undue impact on neighbouring property. Letter of support received from the affected neighbour.   |
| -West                          | 1.1 metres   | Nil  | Supported – not considered to have an undue impact on the neighbouring property as the boundary wall is against the neighbours two-storey boundary wall. Letter of support received from the affected neighbour.   |
| Buildings on Boundary:         | Walls not higher than 3.5 metres with average of 3 metres for 2/3 (28.11 metres) the length of the balance of the boundary behind the front setback, to one side boundary. | Two boundary walls proposed.<br><br>-East Boundary<br>Wall Length = 6.49 metres<br>Wall Height = 4.6 metres – 5 metres (average height = 4.8 metres)<br><br>-West Boundary<br>Wall Length –<br>Main Building = 21.7 metres<br>Garage = 6.49 metres<br>Total Wall Length = 28.19 metres<br>Wall Height –<br>Main Building = 4.1 metres – 8.2 metres (average height = 5.975 metres)<br>Garage = 4.8 metres – 5.1 metres (average height = 4.95 metres). | Supported – not considered to have an undue impact on neighbouring property. Letter of support received from the affected neighbour.<br><br>Supported – not considered to have an undue impact on the neighbouring property as the boundary wall is against the neighbours two-storey boundary wall. Letter of support received from the affected neighbour. |
| Site Works:<br>Retaining Walls | Not to exceed a height of 500 millimetres above the natural ground level.  | -East wall<br>Maximum height = 1.7 metres<br><br>-West wall<br>Maximum height = 1.9 metres   | Supported – due to the steep incline of the land, the proposed variations are considered acceptable and will not have an undue impact on the neighbouring properties.  |

|  |   |  |   |
|--|---|--|---|
| Building Height:                                   | Maximum height of 6 metres to the top of the eaves, above the natural ground level. | Maximum height = 8.3 metres                  | Supported – see “Comments”.   |
|  | Maximum height of 9 metres to the top of the pitch, above the natural ground level. | Maximum height = 10 metres                   | Supported – see “Comments”.   |
| Privacy Setbacks:<br>Balcony to the Kitchen/Living | 7.5 metres  | 5.2 metres to the eastern property boundary. | Supported – letter of support received from the affected neighbour. |
|  |   | 0.5 metre to the western property boundary.  | Supported – letter of support received from the affected neighbour. |
| Fencing Local Law:                                 | Dividing fences shall not exceed 1.8 metres above the natural ground level.         | -West wall Maximum height = 3.8 metres       | Supported – letter of support received from the affected neighbour. |

**Consultation Submissions**

Advertising was not required in this instance as the application is for an amendment to the Planning Approval granted by the Town under delegated authority from the Council on 17 January 2008. The applicant has provided letters of support from both owners of the adjoining properties.

**Other Implications**

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

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

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

**COMMENTS:**

The proposed increase in height from the original planning application approved under delegated authority from the Council on 17 January 2008, is due to the three-storey approvals granted by the Council for Nos. 47 and 51 Mary Street. The applicant has indicated that the proposed increase in height will not have undue impact as it will be of similar heights than that previously approved.

The Town's Officers support the increase in height and note that the Residential Design Elements Policy refers to building height as the contribution to bulk and scale of dwellings on the streetscape and neighbouring properties. In this instance, the proposed bulk and scale is not considered to have an undue impact on the streetscape, due to the retention of the front portion of the existing house and the fact that the proposed addition begins 8.5 metres from Mary Street. The Residential Design Elements Policy also allows for variations to building heights under certain circumstances, including when the natural level of the site is sloping, provided that a compliant two storey height presence is maintained when viewed from the street. In this instance, the slope of the subject property is approximately 3.75 metres from the Mary Street boundary to the rear boundary. The application meets the aforementioned criteria; therefore, the variation to height requirements at the rear of the property can be considered.

### **Conclusion**

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

**9.1.9 Nos. 110-112 (Lot: 442, 443 and 444 D/P: 2334) Scarborough Beach Road, corner Edinboro Street, Mount Hawthorn - Proposed Demolition of Existing Building (Hire Yard/Open Air Display) and Construction of a Three-Storey Mixed Use Development Comprising Six (6) Multiple Dwellings, Two (2) Offices and Associated Basement Car Parking**

|                              |                     |                    |                          |
|------------------------------|---------------------|--------------------|--------------------------|
| <b>Ward:</b>                 | North               | <b>Date:</b>       | 6 April 2009             |
| <b>Precinct:</b>             | Mount Hawthorn; P01 | <b>File Ref:</b>   | PRO4094;<br>5.2008.587.1 |
| <b>Attachments:</b>          | <a href="#">001</a> |                    |                          |
| <b>Reporting Officer(s):</b> | D Pirone            |                    |                          |
| <b>Checked/Endorsed by:</b>  | H Smith, R Boardman | <b>Amended by:</b> | -                        |

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Planning Enterprises on behalf of the owner B & V Ristevski for proposed Demolition of Existing Building (Hire Yard/Open Air Display) and Construction of Three-Storey Mixed Use Development Comprising Six (6) Multiple Dwellings, Two (2) Offices and Associated Basement Car Parking, at Nos. 110-112 (Lot: 442, 443 and 444 D/P: 2334) Scarborough Beach Road, Mount Hawthorn, and as shown on plans stamp-dated 17 December 2008 and 27 February 2009, 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(s) 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 the Building Licence, revised plans shall be submitted and approved demonstrating the following:*
  - (a) a bin compound being provided in accordance with the Town's Health Services specifications, divided into commercial and residential areas and sized to contain:-*

**Residential Properties**

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

**Commercial Properties**

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

- (b) *the balcony off bedroom 1 and the living area of unit 2 on the northern and eastern elevations, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the first 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. 95 Hobart Street stating no objection to the respective proposed privacy encroachments;*
- (c) *the proposed crossover on Edinboro Street being reduced to a maximum width of 6 metres; and*
- (d) *a minimum of two (2) appropriate significant design features being incorporated into the wall on the north-west elevation of the ground floor.*

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

- (iv) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (v) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
- (vi) *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;*
- (vii) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the dwellings that:*
  - (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*
  - (b) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential unit/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

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

- (viii) *the owner(s), or the applicant on behalf of the owner(s), shall comply with the Town of Vincent Percent for Public Art Policy No. 3.5.13 and the Percent for Public Art Guidelines for Developers, including:*
- (a) *within twenty – eight (28) days of the issue date of this ‘Approval to Commence Development’, elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash in Lieu Percent for Public Art Contribution, of \$20,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$2,000,000); and*
- (b) *in conjunction with the above chosen option;*
- (1) *Option 1 –  
prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and*
- prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work;*
- OR**
- (2) *Option 2 –  
prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the Town for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;*
- (ix) *first obtaining the consent of the owners of Nos. 104-106 Scarborough Beach Road for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 104-106 Scarborough Beach Road in a good and clean condition;*
- (x) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (xi) *the doors, windows and adjacent floor areas on the ground floor fronting Scarborough Beach Road and Edinboro Street shall maintain an active and interactive relationship with this street;*
- (xii) *the total gross floor area of the offices shall be limited to 321 square metres. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
- (xiii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (xiv) *prior to the first occupation of the development a minimum of 6 car parking spaces for the residential component of the development, shall be clearly marked and signposted for the exclusive use of the residents of the development;*

- (xv) *the on-site car parking area for the offices/non-residential component shall be available for the occupiers and visitors of the residential component outside normal business hours;*
- (xvi) *the car parking area shown for the offices/non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xvii) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (xviii) *any proposed vehicular entry gates to the car parking area shall have a minimum 50 per cent visually permeable and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
- (xix) *prior to the first occupation of the development, two (2) class one or two bicycle parking facility, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facility shall be submitted and approved prior to the installation of such facility;*
- (xx) *prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;*
- (xxi) *any new street/front wall, fence and gate within the Scarborough Beach Road and Edinboro Street setback areas, including along the side boundaries within these street setback areas, shall comply with the following:*
  - (a) *the maximum height being 1.8 metres above the adjacent footpath level;*
  - (b) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
  - (c) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
  - (d) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
  - (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed;*
  - (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*

- (g) *the solid portion adjacent to the Edinboro Street boundary from the above truncation(s) can increase to a maximum height of 1.8 metres above adjacent footpath level provided that the wall or fence has at least two (2) significant appropriate design features (as determined by the Town of Vincent) to reduce the visual impact – for example, 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;*
- (xxii) *continuous and complementary awnings being provided over the Scarborough Beach Road and Edinboro Street footpath in accordance with the Town's Local Laws relating to Verandahs and Awnings over Streets, with the awnings being a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 500 millimetres from the kerb line of Beaufort Street and Harold Street; and*
- (xxiii) *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).*

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**COUNCIL DECISION ITEM 9.1.9**

**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

Cr Burns returned to the Chamber at 8.41pm.

Debate ensued.

**MOTION PUT AND CARRIED (6-1)**

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

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



- The proposed redevelopment is more consistent with the character, amenity and prevailing uses within the immediate locality when compared to the existing service/light industrial buildings and land use currently contained upon the subject land.
- The proposed building is substantially smaller in scale, bulk, height and floor area when compared to the previous application considered by the Council at its Ordinary Meeting held on 8 April 2008, where it resolved to defer consideration of the matter.
- The subject land is located along an “Activity Corridor” (Scarborough Beach Road) on the fringe of an “Activity Centre” (Mount Hawthorn District Centre) as identified by Draft State Planning Policy – Network City. The proposed mixed use development at the density and floor area mix proposed, is consistent with the intent and objectives of Network City.
- The residential component of the proposed building is considered to satisfy the applicable residential density and relevant performance criteria contained in the Residential Design Codes of Western Australia.
- The provision for commercial (office) opportunities on the subject land will assist the Town in achieving its stated objectives contained in the Council’s adopted Economic Development Strategy.
- Car parking in excess of that required by the Town is provided, as well as the provision for motor cycle parking and bicycle parking.
- End of trip facilities, (that is, showers) are provided to service the proposed commercial (office) use).
- The building has been setback from boundaries using a tiered approach and having regard to the existing and desired streetscape, the amenity of adjoining properties and existing built form in the immediate locality.
- The proposed development does not overshadow, restrict ventilation, affect views or generate any privacy concerns for adjoining properties.
- The design of the building and the skillion roof line affectively ameliorates the potential impact of any building height and bulk issues, and it is considered that it would perhaps have a lesser building bulk and scale impact on the immediate locality than that of a comparable two storey plus loft development with a traditional gabled or hipped roof line.
- It provides high quality and low maintenance landscaped areas to enhance the visual appearance of the proposed development.
- The façade of the proposed development is interesting, articulated and provides for the integration of high quality materials which further contribute to the amenity and character of the local streetscape. The design also provides a level of activity with the street and encourages passive surveillance of the abutting streetscape and the nearby local park.
- With the aim of not impeding the efficient and safe movement of vehicles and pedestrians using the Scarborough Beach Road road reserve, vehicle access to the site is maintained from the existing secondary street crossover (that is, Edinboro Street).
- The proposed building is similar in size and scale to existing developments located in the immediate locality, with reference to Lot 300 corner Scarborough Beach Road and Oxford Street and Lot 500 corner Scarborough Beach Road and Dunedin Street – “old Mount Hawthorn market site.”

**ASSESSMENT:**

| <b>Non-Compliant Requirements</b> |                          |                       |   |
|-----------------------------------|--------------------------|-----------------------|---|
| <b>Requirements</b>               | <b>Required</b>          | <b>Proposed *</b>     | <b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b> |
| Density:                          | 6.10 multiple dwellings. | 6 multiple dwellings. | Noted – no variation.                                     |

|   |  |   |  |
|---|--|---|--|
| Plot Ratio:   | 0.7 or<br>709 square metres                          | 0.58 or<br>591 square metres                                      | Noted – no variation.  |
| Building Setbacks:<br>Ground Floor<br>-East                     | 1.5 metres   | Nil – 4.5 metres  | Supported – not considered to have an undue impact on the neighbouring property. |
| First Floor<br>-South<br>(Scarborough<br>Beach Road)<br>Balcony | 1 metre behind the ground floor main building line.  | In line with the ground floor main building line.                 | Supported – not considered to have an undue impact on the streetscape.           |
| Main Building   | 2 metres behind the ground floor main building line. | In line to 3.6 metres behind the ground floor main building line. | Supported – not considered to have an undue impact on the streetscape.           |
| -East (Unit 1)  | 4.1 metres   | 3.5 metres –<br>10 metres   | Supported – not considered to have an undue impact on the neighbouring property. |
| -North  | 6 metres   | 3.59 metres –<br>4.53 metres                                      | Supported – not considered to have an undue impact on the neighbouring property. |
| Second Floor<br>-South<br>(Scarborough<br>Beach Road)           | 2 metres behind the ground floor main building line. | In line to 4 metres behind the ground floor main building line.   | Supported – not considered to have an undue impact on the streetscape.           |
| -North  | 6 metres   | 5.074 metres  | Supported – not considered to have an undue impact on the neighbouring property. |
| Number of<br>Storeys:   | 2 storeys  | 3 storeys   | Supported – see “Comments”.  |
| Building Height:<br>-Concealed Roof                             | A maximum of 7 metres to the top of the building.    | Maximum height proposed = 9.7 metres.                             | Supported – see “Comments”.  |
| -Pitch Roof (Lift<br>Shaft Tower)                               | A maximum of 6 metres to the top of the eaves.       | Maximum height proposed = 10.6 metres.                            | Supported – see “Comments”.  |
|   | A maximum of 9 metres to the top of the pitch.       | Maximum height proposed = 11.6 metres.                            | Supported – see “Comments”.  |

|  |   |  |                            |
|--|---|--|----------------------------|
| Town of Vincent Economic Development Strategy:   | No requirement to add new commercial precincts or nodes as all Vincent's residents live within 1 kilometre of a commercial centre.  | Commercial use in a residential zone.  | Supported – see "Comments" |
| <b>Residential Car Parking</b>   |   |  |                            |
| In accordance with the Residential Design Codes requirements for mixed use development, on-site car parking requirements for multiple dwellings may be reduced to one per dwelling where on-site parking required for other uses is available outside normal business hours. A total of 22 car bays have been provided for the subject development, where 6 car bays are allocated to residential, the balance of the car bays available for the commercial component in this instance is 16 car bays. |   |  |                            |
| <b>Commercial Car Parking</b>  |   |  |                            |
| Car parking requirement (nearest whole number)   |   |  | = 6 car bays               |
| <ul style="list-style-type: none"> <li>Office (321 square metres) – requires 6.42 car bays</li> </ul>  |   |  |                            |
| Apply the adjustment factors:  |   |  | (0.646)                    |
| <ul style="list-style-type: none"> <li>0.85 (within 400 metres of bus stop)</li> <li>0.80 (contains a mix of uses, where at least 45 per cent of the gross floor area is residential)</li> <li>0.95 (within 400 metres of a public car park with an excess of 25 car bays)</li> </ul>  |   |  | = 3.876 car bays           |
| Minus the car parking provided on-site   |   |  | 16 car bays for commercial |
| Minus the most recently approved on-site car parking shortfall   |   |  | N/A                        |
| Resultant surplus  |   |  | 12.124 car bays            |
| <b>Bicycle Parking</b>   |   |  |                            |
| Office   |   |  |                            |
| <ul style="list-style-type: none"> <li>1 per 200 square metres public area for employees (class 1 or 2) = 1.605 spaces</li> <li>1 space per 750 square metres over 1000 square metres for visitors (class 3) = Nil</li> </ul>  |   |  |                            |
| Total class one or two bicycle spaces = 1.605 spaces = 2 spaces  |   |  |                            |
| Total class three bicycle spaces = Nil   |   |  |                            |
| <b>Consultation Submissions</b>  |   |  |                            |
| Support  | Nil   | Noted.   |                            |
| Objection (7)  | <ul style="list-style-type: none"> <li>Four storeys are too high for the area.</li> <li>Loss of privacy.</li> <li>Loss of on-street car parking.</li> <li>Boundary wall.</li> <li>Overshadowing.</li> </ul> | <ul style="list-style-type: none"> <li>Not supported – the proposal is for a three-storey development. The basement is not considered as a storey as it is more than 50 per cent below the natural ground level.</li> <li>Not supported – the development is compliant with all privacy requirements of the R Codes, except for one balcony. A condition is included in the Officer Recommendation.</li> <li>Not supported – only one crossover has been proposed for the development and a condition has been applied for the crossover to be reduced to a maximum width of 6 metres, which is compliant with the Town's Policies.</li> <li>Not supported – the proposed boundary wall is compliant with the buildings on boundary requirements of the R Codes.</li> <li>Not supported – the proposal is compliant with the maximum overshadowing requirements of the R Codes.</li> </ul> |                            |

|                               |   |  |
|-------------------------------|---|--|
|                               | <ul style="list-style-type: none"> <li>• Plot ratio.</li> <li>• Commercial uses in a residential zone.</li> <li>• Excavation and damage to neighbouring properties.</li> </ul>  | <ul style="list-style-type: none"> <li>• Not supported – the proposed plot ratio floor area is compliant with the requirements of the R Codes.</li> <li>• Not supported – see “Comments”.</li> <li>• Supported – in the event of an approval, this will be addressed at the Building Licence stage.</li> </ul> |
| <b>Other Implications</b>     |   |  |
| Legal/Policy                  | TPS 1 and associated Policies, and Residential Design Codes (R Codes).  |  |
| Strategic Implications        | Nil   |  |
| Financial/Budget Implications | Nil   |  |
| Sustainability Implications   | The proposal will be required to satisfy the energy efficiency requirements of the Building Code of Australia at the Building Licence stage. The proposal would maximise the potential use of the land, taking into consideration its close proximity to the City and major transport routes. |  |

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

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

**COMMENTS:**

**Demolition**

The place at Nos. 110-112 Scarborough Beach Road, Mount Hawthorn, was built circa 1956, and operated as a Shell service station until 1984. It then operated as a caryard, and more recently as an equipment hire and handyman business. It occupies a prominent location on the northeast intersection of Scarborough Beach Road and Edinboro Street. The current structure replaced an earlier service station and motor garage that operated there from around 1929. There is no evidence, however, that any of the earlier structure remains.

A preliminary check indicates that the subject place at Nos. 110-112 Scarborough Beach Road has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town’s Municipal Heritage Inventory.

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

**Town of Vincent Economic Development Strategy**

The Town’s Economic Development Strategy was published in 2005 and generally states that commercial activity should not be facilitated in residential zones. This is due to the fact that all of the Town’s town and commercial centres are within a 1 kilometre radius from all residential areas. Notwithstanding the above, the more recently prepared Draft Local Planning Strategy states that the subject site at Nos. 110-112 Scarborough Beach Road is a ‘strategic development site’. The Draft Strategy also states that Mount Hawthorn lacks an identifiable gateway and that Axford Park exhibits elements consistent with a town square, in particular

given the bordering land parcels, including the subject site, which have the potential for much higher and proficient use. The Draft Strategy states that the strategic development sites have prominence in their location and are ideally suited to mixed use developments which have the potential to provide human activity and interaction in the town centre. The objectives for strategic development sites are as follows:

- *“to facilitate good quality and well-designed buildings for residential, commercial and mixed use purposes;*
- *To maximise those sites so located to satisfy a recognised need for future housing to be met in the established metropolitan suburbs;*
- *To maximise the existing infrastructure and services afforded to residents and landowners of Mount Hawthorn;*
- *To maximise the opportunities afforded by the particular sites proximity to, or within a town centre and major public transport routes and road networks;*
- *To create premier examples of robust building forms catering to a variety of uses within a pleasant urban environment;*
- *To create medium-high density and mixed use environments where the amenity of all users is respected and considered;*
- *To facilitate a diverse range of affordable housing; and*
- *To build on the sense of place evidenced by the surrounding area’s history and cultural diversity.”*

It is evident that the proposed development complies with the above objectives of the subject strategic development site of the Draft Local Planning Strategy and as such a mixed-use development, that is predominantly residential, is supported by the Town’s Officers.

### **Building Height**

The previous planning application that was refused by the Council indicated a four-storey development at the subject site. The subject application is three-storeys, which is a variation to the Town’s Residential Design Elements Policy; however, the third storey is setback a significant distance from all boundaries, and is located in the centre of the site. This creates interest and articulation in the elevations, as well as reducing the impact of bulk and scale on the rear neighbouring properties. The development also provides a landmark tower facing Scarborough Beach Road that is consistent with the requirements of the Local Planning Strategy, which encourages development to capitalise on the opportunities afforded by strategic development sites.

By setting back the third storey as proposed, and maintaining a skillion roof line, the building bulk and scale impact with respect to the streetscape, hence minimising any impact on adjoining properties. Furthermore, the Town’s Officers are of the view that the proposed three storey development, with a skillion roof line, has a lesser impact with respect to building bulk and scale, on the immediate locality, than that of a comparable two storey plus loft development with a traditional gabled or hipped roof line.

### **Consultation Submissions**

The previous application for a four-storey development proposing three levels of commercial and one level of residential attracted the same number, and general nature of objections. However, a surrounding landowner commented in their submission that *“the revised plans have significantly addressed a number of our original objections to the new building proposal”*. Furthermore, the revised planning application has also addressed a number of variations proposed in the original application.

### **Conclusion**

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

**9.1.15 No. 301 (Lot: 1 D/P: 5184) Oxford Street, corner Wylie Place, Leederville  
- Proposed Front Fence Addition to Existing Grouped Dwelling  
(Application for Retrospective Approval)**

|                              |                     |                    |                         |
|------------------------------|---------------------|--------------------|-------------------------|
| <b>Ward:</b>                 | North               | <b>Date:</b>       | 6 April 2009            |
| <b>Precinct:</b>             | Leederville; P 03   | <b>File Ref:</b>   | PRO3902;<br>5.2009.87.1 |
| <b>Attachments:</b>          | <a href="#">001</a> |                    |                         |
| <b>Reporting Officer(s):</b> | E Storm             |                    |                         |
| <b>Checked/Endorsed by:</b>  | H Smith, R Boardman | <b>Amended by:</b> | -                       |

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by Urban & Rural Perspectives on behalf of the owner Esteem Pty Ltd & D J Condidorio for proposed Front Fence Addition to Existing Grouped Dwelling (Retrospective Application), at No. 301 (Lot: 1 D/P: 5184) Oxford Street, corner Wylie Place, Leederville, and as shown on plans stamp-dated 20 March 2009, 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;*
  - (b) *the non-compliance with clause SADC 13 of the Town's Policy No. 3.2.1 relating to Residential Design Elements, which requires the solid portion of a wall to have a maximum height of 1.2 metres above the adjacent footpath level and posts and piers to have a maximum height of 1.8 metres above the adjacent footpath level;*
  - (c) *the street walls and front fences requirements proposed to be varied are as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements; and*
  - (d) *the non-compliance with the Town's Policy relating to Visual Sight Line Truncations – Driveways and Right of Ways;*
- (ii) *advises the applicant and owners that the unauthorised front/street fence shall be modified to comply/removed within twenty-eight (28) days of notification; and*
- (iii) *AUTHORISES the Chief Executive Officer to proceed with legal proceedings should the above front/street fence remain after this twenty-eight (28) days period.*

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**COUNCIL DECISION ITEM 9.1.15**

**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

**Debate ensued.**

**Cr Doran-Wu departed the Chamber at 8.42pm.**

**Debate ensued.**

**Cr Doran-Wu returned to the Chamber at 8.43pm.**

**Debate ensued.**

**MOTION PUT AND CARRIED (4-3)**

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

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

|                               |  |
|-------------------------------|--|
| <b>Landowner:</b>             | Esteem Pty Ltd & D J Condidorio  |
| <b>Applicant:</b>             | Urban & Rural Perspectives   |
| <b>Zoning:</b>                | Metropolitan Region Scheme: (MRS): Urban<br>Town Planning Scheme No. 1 (TPS 1): Residential R 60 |
| <b>Existing Land Use:</b>     | Grouped Dwellings  |
| <b>Use Class:</b>             | Grouped Dwelling   |
| <b>Use Classification:</b>    | "P"  |
| <b>Lot Area:</b>              | 594 square metres  |
| <b>Access to Right of Way</b> | N/A  |

**BACKGROUND:**

21 April 2008 The unauthorised construction of a front fence came to the Town's attention, and after further investigation, was found to be non-compliant with the Town's requirements.

**DETAILS:**

The application involves the construction of a new front/street fence on Wylie Place and Oxford Street to five (5) approved single bedroom dwellings.

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

**ASSESSMENT:**

| <b>Non-Compliant Requirements</b> |  |                               |   |
|-----------------------------------|--|-------------------------------|---|
| <b>Requirements</b>               | <b>Required</b>  | <b>Proposed *</b>             | <b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b> |
| Plot Ratio                        | N/A  | N/A                           | Noted.  |
| SADC 13. Street Walls and Fences  | Maximum height of solid portion of wall to be 1.2 metres above adjacent footpath level and a minimum of fifty percent visually permeable above 1.2 metres. | Maximum height of 2.4 metres. | Not supported – see 'Comments' section.                   |

|  |  |  |   |
|--|--|--|---|
|  | Posts and Piers to have a maximum height of 1.8 metres above adjacent footpath level and side boundaries.                              | Maximum height of 2.22 metres  | Not supported – see ‘Comments’ section.   |
| Policy No. 2.2.12 relating to Truncations                                  | The area within a sight line shall be maintained clear of obstructions above the height of 650 millimetres for 1.5 metre by 1.5 metre. | Height of walls adjoining access leg<br>Unit 3 – 990 millimetres<br>Unit 4 – 780 millimetres<br>Unit 5 – 890 millimetres | Not supported - this requirement is to ensure adequate visibility of pedestrians, cyclists or other vehicles by the driver of the vehicle exiting the parking space and non-compliance would result in a potential safety hazard. |
| <b>Consultation Submissions</b>  |  |  |   |
| No consultation was required as the Officer Recommendation is for refusal. |  |  |   |
| <b>Other Implications</b>  |  |  |   |
| Legal/Policy   |  | TPS 1 and associated Policies, and Residential Design Codes (R Codes).   |   |
| Strategic Implications   |  | Nil  |   |
| Sustainability Implications  |  | Nil  |   |
| Financial/Budget Implications  |  | Nil  |   |

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

**COMMENTS:**

The Town’s Residential Design Elements Policy requires that the solid portion of street walls and fences within the primary street setback area, including along the side boundaries are to have a maximum height of 1.2 metres above adjacent footpath level and a minimum of fifty percent visual permeability above 1.2 metres. The application also proposes a variation to the 1.8 metre height requirement for the piers of the walls. As variations to the street walls and fences requirements are contained in the Town’s Policy relating to Non-Variations of Specific Development Standards and Requirements, it is not supportable at an Officer level.

In light of the above, it is recommended that the Council refuse the front/street fence and duly authorise the Chief Executive Officer to commence legal proceedings in the event the fence is not removed or modified to comply within 28 days of the date of determination.

**9.1.13 No. 29 (Lot 139 D/P: 7489) Barnet Street, North Perth - Proposed Two (2) Two-Storey Grouped Dwellings**

|                              |                     |                    |                         |
|------------------------------|---------------------|--------------------|-------------------------|
| <b>Ward:</b>                 | North               | <b>Date:</b>       | 6 April 2009            |
| <b>Precinct:</b>             | Smith's Lake; P06   | <b>File Ref:</b>   | PRO4352;<br>5.2009.63.1 |
| <b>Attachments:</b>          | <a href="#">001</a> |                    |                         |
| <b>Reporting Officer(s):</b> | S Kendall           |                    |                         |
| <b>Checked/Endorsed by:</b>  | H Smith, R Boardman | <b>Amended by:</b> | -                       |

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by N J Debono on behalf of the owner S P & N J & M E Debono for proposed Two (2) Two-Storey Grouped Dwellings, at No. 29 (Lot 139 D/P: 7489) Barnet Street, North Perth, and as shown on plans stamp-dated 27 February 2009, subject to the following conditions:*

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (iii) first obtaining the consent of the owners of Nos. 31 and 27 Barnet Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing Nos. 31 and 27 Barnet Street in a good and clean condition; and*
- (iv) any new street/front wall, fence and gate within the Barnet Street setback area, including along the side boundaries within this street setback area, shall comply with the following:*
  - (a) the maximum height being 1.8 metres above the adjacent footpath level;*
  - (b) the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
  - (c) the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
  - (d) the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
  - (e) the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
  - (f) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*

- (v) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Barnett Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the proposed building on boundary for the laundry, kitchen and pantry of the proposed southern unit being reduced in height to comply with the 3 metre average requirement of the Residential Design Codes; and*
- (b) *the proposed building on boundary for the garage of the proposed northern unit being reduced in height to comply with the 3.5 metre maximum height requirement of the Residential Design Codes.*

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

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**COUNCIL DECISION ITEM 9.1.13**

**Moved Cr Farrell, Seconded Cr Maier**

*That the recommendation be adopted.*

Debate ensued.

**MOTION PUT AND CARRIED (7-0)**

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

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|                               |  |
|-------------------------------|--|
| <b>Landowner:</b>             | S P & N J & M E Debono   |
| <b>Applicant:</b>             | N J Debono   |
| <b>Zoning:</b>                | Metropolitan Region Scheme: Urban<br>Town Planning Scheme No. 1 (TPS 1): Residential R30 |
| <b>Existing Land Use:</b>     | Single house   |
| <b>Use Class:</b>             | Grouped Dwelling   |
| <b>Use Classification:</b>    | "P"  |
| <b>Lot Area:</b>              | 906 square metres  |
| <b>Access to Right of Way</b> | N/A  |

**BACKGROUND:**

25 October 2007

Conditional approval was granted by the Western Australian Planning Commission for the subdivision of the subject place into two lots in a side by side arrangement.

- 27 May 2008            The Council at its Ordinary Meeting considered an application for proposed demolition of existing single house and construction of two (2) two-storey grouped dwellings at No. 29 Barnet Street, North Perth. The Council resolved to conditionally approve the proposed demolition and refuse the proposed construction of two (2) two-storey grouped dwellings 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;*
- (b) *the non-compliance with the building height, building setbacks, building on boundary, vehicular access and privacy requirements of the Residential Design Codes, and the Town's Policy relating to the Barnet Locality; and*
- (c) *consideration of the objections received."*
- 10 July 2008            The owners of the subject property submitted an application for review of the above Council refusal decision to the SAT.
- 4 December 2008        The SAT dismissed the above application for review and affirmed the Town's decision.

**DETAILS:**

The proposal involves the construction of two (2) two-storey grouped dwellings at No. 29 Barnet Street, North Perth.

As outlined in the 'Background' to this report, a similar application has previously been considered by the Council and the SAT. Whilst the SAT ultimately dismissed the appeal, the following was noted in its reasons for its decision:

*"The Tribunal found that because of the density coding under the town planning scheme and the size of lots, this was a locality where it could reasonably be expected that the future amenity would include lots redeveloped with at least an additional dwelling. It was also concluded that two-storey dwellings would be appropriate in the locality with a garage at the ground level building line with access from the frontage street.*

*The Tribunal found, however, that it could not support the proposed development. The development would be too inconsistent with the character and amenity of the locality because of the reduced front setback, the construction extending to both side boundaries at the first floor level and the roof form of one of the proposed dwellings. It was considered that all of these concerns could not be readily addressed by conditions, and fresh consideration of the design was required."*

As a result of the above SAT decision, the applicant amended the proposal in the following manner to address the SAT's concerns on the previous development and has submitted a fresh application for consideration:

- The previous non-complaint front setbacks have been further setback to comply with the 6 metre requirements of the Barnet Locality Statement; and
- The two-storey building on boundary components have been deleted from the proposal.

Prior to lodging the above application, the applicant was advised that any new fresh application for the subject site would be required to be assessed in accordance with the new Residential Design Elements Policy (RDEs), as opposed to the Policies which were in place at the time the original application was assessed; that is, the Barnet Locality Statement. Needless to say the applicant was aggrieved by such a requirement considering the time and expense taken to progress the application through the SAT process and the inevitable approval of a similar amended proposal as a result of the deliberations outlined in the SAT decision.

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

**ASSESSMENT:**

In light of the above, the Town's Officers have undertaken an assessment of the proposal in accordance with the Barnet Locality Statement, which was in place prior to the adoption of the RDE's and also the RDE's.

The proposal complies with the requirements of the Barnet Locality Statement and hence no specific table has been provided for this assessment. Table No. 1 provides the Non-Compliant Requirements under the R Codes and Table No. 2 provides the additional non-compliant requirements of the proposal in the context of the RDEs.

| <b>Table 1: Non-Compliant Requirements Under the R Codes</b> |   |   |   |
|--|---|---|---|
| <b>Requirements</b>  | <b>Required</b>   | <b>Proposed *</b>   | <b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>   |
| Density  | 3.02 dwellings  | 2 dwellings   | No variation.   |
| Plot Ratio   | N/A   | N/A   | Noted.  |
| Building Side Setbacks –                                     |   |   |   |
| Ground floor to northern boundary                            | 1.5 metres  | Nil - 1.005 - 1.505 - 3.8 metres                                  | Supported - no objection received from adjacent neighbour and not considered to impact on amenity of area or streetscape.   |
| Ground floor to southern boundary                            | 1.5 metres  | Nil - 1.555 - 2.255 metres  | Supported - as above.   |
| First floor 'bridge' to northern boundary                    | 2.2 metres  | 2.1 metres  | Supported - as above.   |
| First floor 'balcony, bridge and WIR' to southern boundary   | 6.4 metres  | 2.225 - 2.265 - 2.3 metres  | Supported - as above.   |
| Privacy  |   |   |   |
| Front balcony to southern boundary                           | 7.5 metres of screening   | 2.255 metres  | Supported - there is a lesser need to prevent overlooking to areas which are visible from the street.   |
| Building on Boundary   | Walls not higher than 3.5 metres with an average of 3 metres for 2/3 (30.2 metres) for two-thirds the length of the balance of the boundary behind the front setback, along one boundary. | Northern Unit<br>Length - 6.510 metres<br>Max height - 3.8 metres | Supported in part- no objection has been received from adjacent affected neighbour; however, the maximum height for the building on boundary has been conditioned to comply with the maximum height requirement for building on boundary. |

|   |   | Southern Unit<br>Length - 23.43 metres<br>Max height - 3.5 metres  | Supported in part - no objection has been received from adjacent affected neighbour; however, the rear portion of the southern units building on boundary has been conditioned to comply with the 3 metre height average to reduce any potential for and adverse impact.  |
|---|---|--|---|
| <b>Table 2: Additional Non-Compliant Requirements Under Residential Design Elements (RDEs) Policy</b>                             |   |  |   |
| <b>Requirements</b>   | <b>Required</b>   | <b>Proposed *</b>  | <b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>   |
| SADC 5. Street Setbacks:<br><br>Ground Floor Setback to Barnet Street<br>First floor to Barnet Street (front boundary) both units | In line with predominant street setback (9.3 metres)<br>- 2 metres behind the ground floor main building line.<br><br>- Balcony 1 metre behind the ground floor main building line. | 6 and 6.013 metres<br><br>1.6 - 2 metres behind ground floor main building line.<br><br>500 millimetres in front of ground floor main building line. | Supported - refer to comments below.<br><br>Supported - refer to comments below.<br><br>Supported - refer to comments below.  |
| SADC 8 - Garage Setback   | Setback a minimum of 500 millimetres behind front main building line (not porch).   | Setback a minimum of 500 millimetres behind porch.   | Supported - as the applicant has designed the porch as an integral part of the building, which presents as a solid main building with associated roof covering.   |
| BDADC 3. Roof Forms   | Roof pitches between 30 and 45 degrees encouraged.  | Skillion roof forms.   | Supported - as the proposed roof forms have been designed so as to not unduly increase the bulk of the building or cause undue overshadowing of adjacent properties, as per the Performance Criteria of the Town's RDE's. The proposed roof forms are not considered to have an undue impact on the amenity of the area and as this creates an opportunity to encourage and support innovative and contemporary design. |

| <b>Consultation Submissions</b> |  |       |
|---------------------------------|--|-------|
| Support                         | Nil.   | Noted |
| Objection                       | Nil.   | Noted |
| <b>Other Implications</b>       |  |       |
| Legal/Policy                    | TPS 1 and associated Policies, and Residential Design Codes (R Codes). |       |
| Strategic Implications          | Nil  |       |
| Sustainability Implications     | Nil  |       |
| Financial/Budget Implications   | Nil  |       |

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

### **Residential Design Elements and Transition Procedures**

The Residential Design Elements Policy introduced significant changes to the development requirements for residential development throughout the Town. Soon after the adoption of the Residential Design Elements Policy on 18 December 2007, the Town received strong complaints from numerous ratepayers that their proposals had been designed in accordance with the previous Policy requirements and not the Residential Design Elements Policy. In many cases, applicants were designing their proposals over lengthy periods in consultation with the Town's Officers, and were not aware of the impending Residential Design Elements Policy and its implications.

Given the above predicament placed on this applicant and to be impartial in dealing with these proposals, in April 2008, the Town implemented an interim procedure whereby planning applications for new dwellings received between 18 December 2007 and 18 April 2008, inclusive, where the applicant could demonstrate, in writing, that the initial plans for the subject proposal were prepared between 1 July 2007 and 18 December 2007, were assessed, advertised and determined in accordance with the requirements that were in place immediately prior to the adoption of the Residential Design Elements Policy.

Whilst it has been over a year since the implementation of the RDEs, it is important to recognise that the applicant has been working on a design for the subject property since July 2007. Acknowledging the policy changes, the applicant has aimed to address some of the requirements of the RDE's. However, as previously advised, in light of the SAT decision and length of time taken since the lodgement of the original application and associated costs, the applicant is pursuing a proposal similar to their original design.

It is to be noted that the current proposal is compliant with the requirements of the Barnet Locality Plan Policy, which were in place immediately prior to the adoption of the RDEs Policy, and the basis for the original design.

### **Street Setbacks**

In light of the above, it is considered fair and reasonable to assess the application having due regard to the Barnet Locality Plan Policy and to note that the current proposal is compliant with the Barnet Locality Plan Policy requirements. However, the following comment is provided in order to address the proposed variations to the street setback requirement of the RDE's as outlined in Table 2 of the Officer Assessment.

The Residential Design Elements Policy states that the Town recognises that in some residential areas there may be more opportunity for innovative design and architectural styles. It is considered that this proposal provides an opportunity to support and foster innovative and contemporary development within the Town when considering that approval has been granted for the demolition of the existing house, that a side by side subdivision has been approved for the site and that the subject site has not been identified on the Town's Draft Residential Streetscapes Policy. Furthermore, the proposal is similar to development, located along Albert Street, and as it also provides an opportunity for visual surveillance to Charles Veryard Reserve Opposite.

### **Conclusion**

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

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

|                              |                     |                    |                          |
|------------------------------|---------------------|--------------------|--------------------------|
| <b>Ward:</b>                 | North               | <b>Date:</b>       | 6 April 2009             |
| <b>Precinct:</b>             | Leederville; P03    | <b>File Ref:</b>   | PRO2066;<br>5.2008.599.1 |
| <b>Attachments:</b>          | <a href="#">001</a> |                    |                          |
| <b>Reporting Officer(s):</b> | D Pirone            |                    |                          |
| <b>Checked/Endorsed by:</b>  | H Smith, R Boardman | <b>Amended by:</b> | -                        |

**OFFICER RECOMMENDATION:**

*That the Council;*

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

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

**Residential Properties**

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

**Commercial Properties**

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

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

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

- (iii) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
- (iv) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (v) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the dwellings that:*
- (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*
- (b) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential unit/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*
- This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the dwellings;*
- (vi) *first obtaining the consent of the owners of Nos. 264 and 256 Oxford Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 264 and 256 Oxford Street in a good and clean condition;*
- (vii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (viii) *the doors, windows and adjacent floor areas on the ground floor fronting Oxford Street shall maintain an active and interactive relationship with this street;*
- (ix) *the total gross floor area of the offices shall be limited to 160 square metres. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
- (x) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (xi) *prior to the first occupation of the development a minimum of 2 car parking spaces for the commercial component of the development, shall be clearly marked and signposted for the exclusive use of the staff/customers of the development;*

- (xii) *the on-site car parking area for the offices/non-residential component shall be available for the occupiers and visitors of the residential component outside normal business hours;*
- (xiii) *the car parking area shown for the offices/non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xiv) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (xv) *any proposed vehicular entry gates to the car parking area shall have a minimum 50 per cent visually permeable and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
- (xvi) *prior to the first occupation of the development, one (1) class one or two bicycle parking facility, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facility shall be submitted and approved prior to the installation of such facility;*
- (xvii) *prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer; and*
- (xviii) *any new street/front wall, fence and gate within the Oxford Street setback areas, including along the side boundaries within this street setback area, shall comply with the following:*
  - (a) *the maximum height being 1.8 metres above the adjacent footpath level;*
  - (b) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
  - (c) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
  - (d) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
  - (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
  - (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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**COUNCIL DECISION ITEM 9.1.8**

**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

Debate ensued.

**PROCEDURAL MOTION**

**Moved Cr Messina, Seconded Cr Farrell**

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

**PROCEDURAL MOTION PUT AND CARRIED (7-0)**

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

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

**BACKGROUND:**

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

**DETAILS:**

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

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

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

**ASSESSMENT:**

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

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

|  |  |   |  |
|--|--|---|--|
| -East  | 6 metres   | 1.69 metres –<br>2.4 metres   | Supported – not considered to have an undue impact on the neighbouring property and no objections received from the effected land owner.   |
| Buildings on Boundary:                         | Walls not higher than 3.5 metres with average of 3 metres for 2/3 (26.82 metres) the length of the balance of the boundary behind the front setback, to one side boundary.   | Two boundary walls proposed.<br><br>-South<br>Height = 5 metres – 7.2 metres (average height = 6.1 metres)<br>Length = 38.4 metres<br><br>-North (car bay)<br>Height = 2.6 metres – 2.8 metres (average height = 2.7 metres)<br>Length = 6.2 metres | Supported – not considered to have an undue impact on the neighbouring property and no objections received from the effected land owner.<br><br>Supported – the northern boundary wall is compliant with the requirements of the R Codes.                                      |
| Overshadowing:                                 | Overshadowing shall not exceed a maximum of 50 per cent of the lot area of the neighbouring property.  | 66 per cent of the lot area of the neighbouring property.   | Supported – not considered to have an undue impact on the neighbouring property and no objections received from the effected land owner.   |
| Town of Vincent Economic Development Strategy: | No requirement to add new commercial precincts or nodes as all Vincent’s residents live within 1 kilometre of a commercial centre.   | Commercial use in a residential zone.   | Supported – see “Comments”.  |
| Multiple Dwellings Policy:                     | Multiple dwelling developments are to have a minimum total lot area of 1000 square metres.   | Lot area = 607 square metres.   | Supported – this variation is not considered to have an undue impact on the amenity of area. Note: The Multiple Dwellings Policy is under review, whereby the 1000 square metre minimum lot size required, is proposed to be no longer applicable to the Leederville Precinct. |
| <b>Consultation Submissions</b>                |  |   |  |
| Support (2)                                    | <ul style="list-style-type: none"> <li>This development is appropriate for this site which has been left vacant for a number of years.</li> <li>Mixed-use development should be encouraged on main roads.</li> </ul> | <ul style="list-style-type: none"> <li>Noted.</li> <li>Noted.</li> </ul>  |  |
| Objection (1)                                  | No comments provided.  |   | Noted.   |

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

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

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

**COMMENTS:**

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

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

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

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

**Conclusion**

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

**9.1.4 Nos. 272-282 (Lots: 21, 104, 100, 102, 101 and 103), Lord Street, Corner Windsor Street, Perth - Demolition of Existing Buildings and Construction of Five-Storey Commercial Development Comprising Shops and Offices and Associated Basement Car Parking**

|                              |                         |                    |                          |
|------------------------------|-------------------------|--------------------|--------------------------|
| <b>Ward:</b>                 | South                   | <b>Date:</b>       | 6 April 2009             |
| <b>Precinct:</b>             | Banks; P15              | <b>File Ref:</b>   | PRO1388;<br>5.2008.431.1 |
| <b>Attachments:</b>          | <a href="#">001_002</a> |                    |                          |
| <b>Reporting Officer(s):</b> | R Rasiah, S Kendall     |                    |                          |
| <b>Checked/Endorsed by:</b>  | H Smith; R Boardman     | <b>Amended by:</b> | -                        |

**CHIEF EXECUTIVE OFFICER AND DIRECTOR DEVELOPMENT SERVICES RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by TPG on behalf of the owner Norwindsor Pty Ltd for proposed Demolition of Existing Buildings and Construction of Five-Storey Commercial Development Comprising Shops and Offices and Associated Basement Car Parking, at Nos. 272- 282 (Lots: 21, 104, 100, 102, 101 and 103) Lord Street, corner Windsor Street, Perth and as shown on plans stamp-dated 3 February 2009, 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) the alfresco area does not form part of this approval;*
- (iv) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (v) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
  - (a) the provision of end of trip facilities for bicycle users in accordance with the Town's Policy relating to Parking and Access;*
  - (b) the bin compound being redesigned to accommodate the following bins:*
    - General Waste: One (1) mobile garage bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof;*
    - Recycle Waste: One (1) mobile garage bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof;*

- (c) *the proposed awning over Lord Street and Windsor Street being a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 500 millimetres from the kerb line of Lord Street and Windsor Street;*
- (d) *design features to be incorporated into the north facing bin storage walls;*
- (e) *minimum 1.5 metres x 1.5 metres visual truncations where the crossover meets Windsor Street; and*
- (f) ~~*proposed wing walls along the Lord Street frontage being deleted.*~~

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

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

~~(a) *pay a cash in lieu public art contribution of \$200,000 for the equivalent value of one per cent (1%) of the estimated total cost of the development (20,000,000); OR*~~

~~(b) *lodge an appropriate public art assurance bond/bank guarantee of a value of \$ 200,000 with the Town. The assurance bond/bank guarantee will only be released to the owner(s)/applicant in the following circumstances:*~~

~~(1) *designs for art work(s) valued at one per cent (1%) of the estimated total cost of the development (\$20,000,000) have been submitted to and approved by the Town. 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 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); or*~~

~~(2) *a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development,' have been submitted to and approved by the Town; or*~~

~~(3) *the subject 'Approval to Commence Development' did not commence and subsequently expired.*~~

~~*In the circumstance where the owner(s)/applicant has elected clause (2)(i) and there has been no submission or approval of the design for art work within six (6) months from the date of issue of the Building Licence, the Town may claim the monies assured to them in the above bond or bank guarantee without further notice to the owner(s)/applicant for the provisions of art works in the Town.*~~

~~*The Town's Community Development Services have the discretion to extend the six (6) month deadline that applies to clause (2)(i) under this condition of approval if:*~~

~~(aa) *a formal request has been submitted to the Town in writing for such an extension before the date of the six (6) month deadline; and*~~

~~(bb) the Town's Arts Officer is satisfied that significant negotiations have been entered into by the owner(s)/applicant to provide the art work;~~

(vi) the owner(s), or the applicant on behalf of the owner(s), shall comply with the Town of Vincent Percent for Public Art Policy No. 3.5.13 and the Percent for Public Art Guidelines for Developers, including:

(a) within twenty eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash in Lieu Percent for Public Art Contribution, of \$200,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$20,000,000); and

(b) in conjunction with the above chosen option;

(1) Option 1 –

prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and

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

OR

(2) Option 2 –

prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the Town for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;

(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 proposed vehicular entry gates to the car parking area shall have a minimum 50 per cent visually permeable and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;

(ix) first obtaining the consent of the owners of No. 268 Lord Street and Nos. 39-41 Windsor 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. 268 Lord Street and Nos. 39-41 Windsor Street in a good and clean condition;

(x) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;

- (xi) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access to the site, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town;*
- (xii) *prior to the first occupation of the development, thirty three (33) class one or two plus ten (10) class three bicycle parking facilities, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (xiii) *doors, windows and adjacent floor areas of the offices and shops components fronting Lord Street and Windsor Street shall maintain an active and interactive relationship with this street;*
- (xiv) *prior to the first occupation of the development, the car parking spaces provided for the offices and shop component of the development shall be clearly marked and signposted;*
- (xv) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s). The two existing Camphor Laurel trees located on Windsor Street frontage are to be retained;*
- (xvi) *the maximum gross floor area for the non-residential component shall be limited to 6,149 square metres of offices and 645 square metres of shops, and further increase or decrease in the number of offices and eating house tenancies may be allowed. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
- (xvii) *the car parking area shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xviii) *the car park shall be used only by employees, tenants, and visitors directly associated with the development;*
- (xix) *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);*
- (xx) *a detailed landscaping plan, including a list of plants, the landscaping and reticulation of the Lord Street and Windsor Street verges adjacent to the subject property shall be submitted and approved prior to the issue of the Building Licence. The landscaping shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (xxi) *prior to the issue of a Building Licence, a management plan addressing how a vehicle will enter/exit a tandem parking bay when there is a vehicle already parked at the rear or front parking bay, to be submitted and approved by the Town;*
- (xxii) *the landowner entering into a Deed of Agreement with the Western Australian Planning Commission (WAPC) not to seek from either the Town of Vincent or the WAPC compensation for any loss, damage or expense to remove the approved works (landscaping) which encroach the Other Regional Road Reserve/road widening requirement when the road reserve/road widening is required. This Agreement is to be registered as a Caveat on the Certificate of Title;*
- (xxiii) *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 Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$50,000 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; and*
- (xxiv) *The applicant/owner's monetary contribution to the necessary modification of the Lord and Windsor Streets intersection shall be \$12,500. Payment shall be made prior to the issue of the Building Licence; and*
- (xxv) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town.*

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

- ~~(i) — in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by TPG on behalf of the owner Norwindsor Pty Ltd for proposed Construction of Five Storey Commercial Development Comprising Shops and Offices and Associated Basement Car Parking, at Nos. 272-282 (Lots: 21, 104, 100, 102, 101 and 103) Lord Street, corner Windsor Street, Perth and as shown on plans stamped 3 February 2009 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;~~
  - ~~(b) — the non-compliance with the building height requirements of the Town's Policies Nos. 3.1.15 and 3.4.3 relating to the Banks Precinct and Non-Residential/Residential Development Interface;~~
  - ~~(c) — the development creates an undesirable precedent for similar scale and nature developments on other potential development sites along Lord Street within the Banks Precinct; and~~
  - ~~(d) — consideration of the objections received.~~

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**Moved** Cr Farrell, **Seconded** Cr Messina

*That the recommendation be adopted.*

Debate ensued.

**MOTION PUT AND CARRIED (5-2)**

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

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

**COUNCIL DECISION ITEM 9.1.4**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by TPG on behalf of the owner Norwindsor Pty Ltd for proposed Demolition of Existing Buildings and Construction of Five-Storey Commercial Development Comprising Shops and Offices and Associated Basement Car Parking, at Nos. 272- 282 (Lots: 21, 104, 100, 102, 101 and 103) Lord Street, corner Windsor Street, Perth and as shown on plans stamp-dated 3 February 2009, 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) *the alfresco area does not form part of this approval;*
- (iv) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
  - (a) *the provision of end of trip facilities for bicycle users in accordance with the Town's Policy relating to Parking and Access;*
  - (b) *the bin compound being redesigned to accommodate the following bins:*

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| <i>General Waste:</i> | <i>One (1) mobile garage bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof;</i> |
| <i>Recycle Waste:</i> | <i>One (1) mobile garage bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof;</i> |

- (c) *the proposed awning over Lord Street and Windsor Street being a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 500 millimetres from the kerb line of Lord Street and Windsor Street;*
- (d) *design features to be incorporated into the north facing bin storage walls; and*
- (e) *minimum 1.5 metres x 1.5 metres visual truncations where the crossover meets Windsor Street;*

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

- (vi) *the owner(s), or the applicant on behalf of the owner(s), shall comply with the Town of Vincent Percent for Public Art Policy No. 3.5.13 and the Percent for Public Art Guidelines for Developers, including:*
  - (a) *within twenty eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash in Lieu Percent for Public Art Contribution, of \$200,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$20,000,000); and*
  - (b) *in conjunction with the above chosen option;*
    - (1) *Option 1 –  
prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and  
  
prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work;*

**OR**
    - (2) *Option 2 –  
prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the Town for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;*
- (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 proposed vehicular entry gates to the car parking area shall have a minimum 50 per cent visually permeable and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
- (ix) *first obtaining the consent of the owners of No. 268 Lord Street and Nos. 39-41 Windsor 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. 268 Lord Street and Nos. 39-41 Windsor Street in a good and clean condition;*

- (x) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (xi) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access to the site, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town;*
- (xii) *prior to the first occupation of the development, thirty three (33) class one or two plus ten (10) class three bicycle parking facilities, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (xiii) *doors, windows and adjacent floor areas of the offices and shops components fronting Lord Street and Windsor Street shall maintain an active and interactive relationship with this street;*
- (xiv) *prior to the first occupation of the development, the car parking spaces provided for the offices and shop component of the development shall be clearly marked and signposted;*
- (xv) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s). The two existing Camphor Laurel trees located on Windsor Street frontage are to be retained;*
- (xvi) *the maximum gross floor area for the non-residential component shall be limited to 6,149 square metres of offices and 645 square metres of shops, and further increase or decrease in the number of offices and eating house tenancies may be allowed. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
- (xvii) *the car parking area shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xviii) *the car park shall be used only by employees, tenants, and visitors directly associated with the development;*
- (xix) *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);*
- (xx) *a detailed landscaping plan, including a list of plants, the landscaping and reticulation of the Lord Street and Windsor Street verges adjacent to the subject property shall be submitted and approved prior to the issue of the Building Licence. The landscaping shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (xxi) *prior to the issue of a Building Licence, a management plan addressing how a vehicle will enter/exit a tandem parking bay when there is a vehicle already parked at the rear or front parking bay, to be submitted and approved by the Town;*
- (xxii) *the landowner entering into a Deed of Agreement with the Western Australian Planning Commission (WAPC) not to seek from either the Town of Vincent or the WAPC compensation for any loss, damage or expense to remove the approved works (landscaping) which encroach the Other Regional Road Reserve/road widening requirement when the road reserve/road widening is required. This Agreement is to be registered as a Caveat on the Certificate of Title;*
- (xxiii) *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 Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$50,000 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; and*
- (xxiv) *The applicant/owner's monetary contribution to the necessary modification of the Lord and Windsor Streets intersection shall be \$12,500. Payment shall be made prior to the issue of the Building Licence; and*
- (xxv) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town.*

|                               |   |
|-------------------------------|---|
| <b>Landowner:</b>             | Norwindsor Pty Ltd  |
| <b>Applicant:</b>             | TPG Town Planning and Urban Design  |
| <b>Zoning:</b>                | Metropolitan Region Scheme: Urban and 'Other Regional Roads Reservation'<br>Town Planning Scheme No. 1 (TPS 1): Commercial and 'Other Regional Roads Reservation' |
| <b>Existing Land Use:</b>     | Vacant land and Commercial Building   |
| <b>Use Class:</b>             | Office Building and Shop  |
| <b>Use Classification:</b>    | "P" and "P"   |
| <b>Lot Area:</b>              | 2,825 square metres   |
| <b>Access to Right of Way</b> | Not applicable  |

#### **BACKGROUND:**

26 August 2003

The Council at its Ordinary Meeting considered and approved the proposed demolition of existing building and the construction of a mixed use development consisting of additions to existing hotel; change of use from hotel to one (1) eating house, one (1) shop, one (1) office and four (4) multiple dwellings; construction of two (2)-storey mixed-use development comprising two (2) offices and two (2) multiple dwellings; and construction of twelve (12) multiple dwellings and undercroft car parking at the above site.

- 4 March 2004 The Western Australian Planning Commission refused the proposed demolition of existing building and the construction of a mixed use development at the above site as it involved substantial works within "Other Regional Road Reservation" (Lord Street), contrary to orderly and proper planning and would create an undesirable precedent.
- 7 November 2006 The Council at its Ordinary Meeting considered a Confidential Report regarding Nos.272-282 (Lots 21,100-104) Lord Street, Perth (Norwood Hotel) in terms of the Municipal Heritage Inventory.
- 5 September 2008 Planning Application Serial 5.2008.28.1 for a seven storey including basement mixed use development consisting of offices, shops, multiple dwellings and associated car parking was withdrawn.
- 16 and 30 March 2009 The Town's Officers met with the applicants and Main Roads WA in relation to the traffic related matters associated with the above proposal. An invited representative from the Department for Planning and Infrastructure did not attend these meetings.

It is noted that the Applicants have discussed the possibility of significant residential development on this site however have been unable to pursue such plans given the land is affected by the 'No Multiple Dwellings' provision in Clause 20 of the Town Planning Scheme.

**DETAILS:**

The proposal involves demolition of an existing building and the construction of a 5 storey building consisting of offices, shops and basement car parking. Access to the site is via Windsor Street. There is a 5 metre road widening along the Lord Street frontage of the subject site.

The owner's Planning Consultant has submitted a comprehensive response (attached) in relation to the issues raised in the advertising submissions received.

The applicant's submission for the proposal, including the Traffic Statement, is "*Laid on the Table*".

**ASSESSMENT:**

| <b>Non-Compliant Requirements</b> |                 |                   |  |
|-----------------------------------|-----------------|-------------------|--|
| <b>Requirements</b>               | <b>Required</b> | <b>Proposed *</b> | <b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>  |
| Plot Ratio                        | Not applicable  | Not applicable    | Noted- as there is no plot ratio requirement for commercial development, and the plot ratio requirements in the Precinct Policy refer only to residential development. |

|   |   |  |   |
|---|---|--|---|
| No. of Storeys  | 3 storeys plus loft   | 5 storeys and basement car park  | <p><del>Not supported</del> as the 5th storey (4th floor) height and overall design of the proposal is considered to result in an unacceptable bulk and scale issue in the context of the surrounding buildings along both sides of Lord Street in the immediate vicinity of the site.</p> <p><u>Supported-</u> the subject site is a corner lot and the development exhibits a strong presence. The fifth storey will not occupy the whole area of the site, which will minimise the impact on the streetscape and the amenity of the area.</p>  |
| <p>Building Setbacks:</p> <p>Ground Floor west (Lord Street) side.</p> <p>Ground floor-east side.</p> <p>First floor-west (Lord Street) side.</p> <p>Second floor-west (Lord Street) side</p> | <p>Buildings to be consistent with the adjoining buildings.</p> <p>1.5 metres</p> <p>Buildings to be consistent with the adjoining buildings.</p> <p>Buildings to be consistent with the adjoining buildings.</p> | <p>6.416 metres, of which 5 metres is required for road widening purposes.</p> <p>Nil to 12.7 metres</p> <p>5.37 metres to 6.416 metres of which 5 metres is required for road widening purposes.</p> <p>5.37 metres to 19 metres of which 5 metres is required for road widening purposes. Wing blade projections of 230 millimetres into road reserve.</p> | <p>Supported - as no undue impact on the streetscape.</p> <p>Supported - as the setback variation is not considered to create an undue adverse effect on the adjoining property.</p> <p>Supported - as the setback variation is not considered to unduly affect the Lord Street streetscape.</p> <p>Set back is supported - as above. However, the wing blade projections of 230 millimetres into the road reserve is not supported, as they do not comply with the Section 400 (1a) of the Local Government (Miscellaneous Provisions) Act 1960, as they form part of the building and do not fall into the building category of "string courses, cornices, copings, eaves or window sills" which are allowed.</p> |

|   |   |  |   |
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| <p>Third floor-west (Lord Street) side.</p>         | <p>Buildings to be consistent with the adjoining buildings.</p> | <p>5.37 metres to 19 metres of which 5 metres is required for road widening purposes. Wing blade projections of 230 millimetres into road reserve.</p> | <p>Set back is supported - as above. However, the wing blade projections of 230 millimetres into the road reserve is not supported, as they do not comply with the Section 400 (1a) of the Local Government (Miscellaneous Provisions) Act 1960, as they form part of the building and do not fall into the building category of "string courses, cornices, copings, eaves or window sills" which are allowed.</p>  |
| <p>Fourth floor-west (Lord Street) side</p>         | <p>Buildings to be consistent with the adjoining buildings.</p> | <p>5.37 metres to 19 metres of which 5 metres is required for road widening purposes. Wing blade projections of 230 millimetres into road reserve.</p> | <p><del>Not supported as the 5th storey (4th floor) height and overall design of the proposal is considered to result in an unacceptable bulk and scale issue.</del> <u>Setback is supported - as the subject site is a corner lot and the development exhibits a strong presence, and will not impact on the streetscape and the amenity of the area.. However, the wing blade projections of 230 millimetres into the road reserve is not supported, as they do not comply with the Section 400 (1a) of the Local Government (Miscellaneous Provisions) Act 1960, as they form part of the building and do not fall into the building category of "string courses, cornices, copings, eaves or window sills" which are allowed.</u></p> |
| <p>Non-Residential Adjacent to Residential Area</p> | <p>2 storeys</p>  | <p>5 storeys</p>   | <p><del>Not supported as the 5th storey (4th floor) height and overall design of the proposal is considered to result in an unacceptable bulk and scale issue.</del> <u>Supported- the subject site is a corner lot and the</u></p>   |

|                                 |   |  |
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|                                 |   | <p><u>development exhibits a strong presence. The fifth storey will not occupy the whole area of the site which will minimise the impact on the streetscape and the amenity of the area.</u></p>   |
| <b>Consultation Submissions</b> |   |  |
| Support (3)                     | <ul style="list-style-type: none"> <li>No comments provided.</li> </ul>   | Noted.   |
| Objections (4)                  | <ul style="list-style-type: none"> <li>Will “Dwarf” and is out of scale with neighbouring single storey development. Need to scale down by at least one storey.</li> </ul>                                  | <p><del>Supported</del> — as the development as proposed is considered to have an undue impact on the existing streetscape and amenity of the area as a result of unacceptable height, bulk and scale.</p> <p>Not supported - the proposed development is of high quality and contemporaneous in nature. The subject site is a corner lot and the development exhibits a strong presence and encourages maximum interaction at street level. The fifth storey will not occupy the whole area of the site and will not impact on the streetscape and the amenity of the area.</p> |
|                                 | <ul style="list-style-type: none"> <li>The development is too large in scale (height) and bulk, and inconsistent with the amenity of the area, and developments on both sides of Lord Street.</li> </ul>    | <p><del>Supported</del> — as above.</p> <p>Not supported - the proposed development is of high quality and contemporaneous in nature. The subject site is a corner lot and the development exhibits a strong presence and encourages maximum interaction at street level. The fifth storey will not occupy the whole area of the site and will not impact on the streetscape and the amenity of the area.</p>  |
|                                 | <ul style="list-style-type: none"> <li>Concerns on the overshadowing impact on the adjoining lot to the east side, which is currently being developed for 7 single storey residential dwellings.</li> </ul> | Not supported - as the overshadowing will fall over the adjoining lot to the south side, which is also zoned Commercial, due to the orientation of the lots.   |

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|  | <ul style="list-style-type: none"> <li>• Need to comply with required height, setbacks and landscaping requirements.</li> </ul>   | <p>Not supported in part - as the setback, excluding the 4th floor setback variations, are considered not to have an undue impact on the amenity of the area. The landscaping variation is however not supported, as there is opportunity to comply with the landscaping requirements, as the site will be a vacant site once the existing building is demolished.</p>   |
|  | <ul style="list-style-type: none"> <li>• On-site car parking is inadequate for “450” workers and visitors for a development with a floor area of 7,097 square metres of retail and office space. There is likely to result in kerb side car parking, especially along Winsor Street.</li> </ul>   | <p>Not supported- as the car parking provided is in compliance with the Town's Parking and Access Policy.</p>  |
|  | <ul style="list-style-type: none"> <li>• Strongly disagree with the applicant’s contention that the proposal will “encourage a vibrant street environment”, and it is contended that in reality the development will have the opposite effect, due to its overwhelming height and mass. What is required is a clever iconic architectural design of a sympathetic scale to existing structure is really what is needed to ensure a vibrant street environment.</li> </ul> | <p><del>Supported in part as the height, bulk and scale is considered to unduly affect the existing streetscape. Comments relating to design are considered subjective and are the opinion of the person who lodged the submission.</del></p> <p><u>Not supported - the proposed development is of high quality and contemporaneous in nature. The subject site is a corner lot and the development exhibits a strong presence and encourages maximum interaction at street level. The fifth storey will not occupy the whole area of the site and will not impact on the streetscape and the amenity of the area.</u></p> |

|  |  |   |
|--|--|---|
|  | <ul style="list-style-type: none"> <li>The proposal due to its height and scale may materially detract from the visual impact and significance of the heritage listed Dilhorn House situated at the corner of Lord and Bulwer Streets.</li> </ul>  | <p><del>Supported in part in terms of excessive bulk and scale. It is to be noted that Dilhorn House is located a fair distance from the subject site, at the intersection of Bulwer and Lord Streets.</del></p> <p><u>Not supported - the proposed development is of high quality and contemporaneous in nature. The subject site is a corner lot and the development exhibits a strong presence and encourages maximum interaction at street level. The fifth storey will not occupy the whole area of the site and will not impact on the streetscape and the amenity of the area.</u></p> |
|  | <ul style="list-style-type: none"> <li>The development does absolutely little to encourage innovative and exciting redevelopment of the area. The façade is “reminiscent of excesses of the 80’s and 90’s”.</li> </ul>   | <p>Noted.</p>   |
|  | <ul style="list-style-type: none"> <li>Approval of this development may set an unfortunate precedent for this section of Lord Street. “Do we really want a smaller scaled version of the canyons of St Georges Terrace recreated along one of the Town of Vincent’s significant thoroughfares?”</li> </ul> | <p>Supported- as the height, bulk and scale would result in an undue impact on the amenity and streetscape of the area.</p> <p><del>Supported as above.</del></p> <p><u>Not supported - the proposed development is of high quality and contemporaneous in nature. The subject site is a corner lot and the development exhibits a strong presence and encourages maximum interaction at street level. It is considered that the area is currently underdeveloped and presents an opportunity for intensification and regeneration.</u></p>   |

|  |  |   |
|--|--|---|
| One submission received not stating whether the proposal is supported or not supported.  |  | Noted.  |
| <b>Other Implications</b>  |  |   |
| Legal/Policy   |  | TPS 1 and associated Policies.  |
| Strategic Implications   |  | Nil   |
| Sustainability Implications  |  | The proposal will be required to satisfy the energy efficiency requirements of the Building Code of Australia at the Building Licence stage. The proposal would maximise the potential use of the land, taking into consideration its close proximity to the City and major transport routes. |
| Financial/Budget Implications  |  | Nil   |
| <b>Car Parking</b>   |  |   |
| Car parking requirement (nearest whole number)   |  | 166 car bays  |
| <ul style="list-style-type: none"> <li>• Office: 1 car bay per 50 square metres gross office floor area (6,149 square metres) = 122.98 car bays.</li> <li>• Shop (retail): 1 car bay per 15 square metres of gross floor area (645 square metres) = 43 car bays</li> </ul> Total = 165.98 car bays   |  |   |
| Apply the adjustment factors.  |  | (0.68)  |
| <ul style="list-style-type: none"> <li>• 0.85 (within 400 metres of a bus stop)</li> <li>• 0.80 (within 400 metres of a rail station)</li> </ul>   |  | 112.88 car bays   |
| Minus the car parking provided on-site (excluding the 2 smaller size car bays but including the 9 tandem car bays)   |  | 141 car bays  |
| Minus the most recently approved on-site car parking shortfall   |  | Not applicable as proposal is to redevelop the site.  |
| Surplus  |  | 28.12 car bays  |
| <b>Bicycle Parking Facilities</b>  |  |   |
| Office <ul style="list-style-type: none"> <li>• 1 per 200 (proposed 6,149) square metres of gross floor area for employees (class 1 or 2) - 30.75 spaces.</li> <li>• 1 space per 750 (proposed 6,149) square metres of gross floor area over 1,000 square metres for visitors (class 3) - 6.87 spaces.</li> </ul> Shop <ul style="list-style-type: none"> <li>• 1 space per 300 (proposed 645) square metres of gross floor area for employees (class 1 or 2) - 2.15 spaces.</li> <li>• 1 space per 200 (proposed 645) square metres of gross floor area for visitors (class 3) - 3.23 spaces</li> </ul> |  | Some bicycle facilities have been provided including end of trip facilities. This can be addressed at Building Licence stage if approval is granted.  |

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

## **COMMENTS:**

### **Demolition**

The subject property at No. 272 Lord Street, Perth comprises a brick, fibro and iron commercial building, which is currently being used as an automotive transmission repair business. A review of the 1953 Metropolitan Sewerage Map Plan reveals that the rear portion of the subject building may have once been used as a bakery and that originally there was a brick and iron dwelling at the Lord Street frontage. It is not clear when the front dwelling was demolished and the lot used wholly for commercial purposes.

No. 272 Lord Street, Perth is not listed on the Town's Municipal Heritage Inventory and is not considered to have any specific cultural heritage value that would make it eligible for consideration for inclusion on the Town's Municipal Heritage Inventory. It is considered that the place does not require any further investigation and that a full Heritage Assessment is not warranted. Therefore, it is recommended that the application to demolish the place be approved, subject to a quality archival record and other standard conditions.

### **Department for Planning and Infrastructure (DPI) Comments**

The DPI in their response letter dated 31 October 2008 has advised as follows:

- The property is affected by a 5 metre road widening along the Lord Street frontage.
- The DPI has also further sought clarification from the applicant regarding some of the information supplied.
- Non-support for the 3 parallel car bays along the Lord Street road reservation, which will not be permitted.
- Crossover from Windsor Street is supported.
- Could have major traffic safety impact at the corner of Lord Street and Windsor Street, unless this intersection is improved. The DPI has also noted that the Traffic Statement submitted suggests that the above intersection can operate satisfactorily.
- The DPI recommends that the developer consider measures to enable safe vehicular movements in and out of Windsor Street and other improvements, which should be a condition of planning approval prior to occupancy of the building.
- There may be a need by the Western Australian Planning Commission to prepare an MRS Amendment to increase the land requirement at this intersection.
- That the proposal is referred to Main Road WA for comments, as it may have an impact on the Summer, Lord and Bulwer Streets signalised intersection, and the owners may be required to contribute to the improvements works if necessary.
- Consideration is given to safe crossing points for cyclists on both Lord and Windsor Streets, considering the number of bicycle racks being proposed.

DPI Officers have advised in their letter dated 12 December 2008 that the matters raised are to be resolved to the satisfaction of the Town of Vincent. In terms of the revised plans dated 3 February 2009, the DPI has advised that the changes in the revised plans were minor in nature and that their previous comments of 12 December 2008 are reiterated.

### **Technical Services Comments**

The Town's Technical Services have advised the following matters are required to be further resolved prior to the issue of a building licence:

- Provision of area for 60 bins in a compliant bin store. The applicants have advised that this will be addressed at Building Licence stage.
- Small car bays are not acceptable unless they provide parking in excess of the requirement and are to be in compliance with the relevant Australian Standards.

- The proposed building encroachments outside the lot boundary with the exception of an awning at street level are not supportable. Cornices and architectural features of 230 millimetres or less are permissible.
- Visual truncations must be provided and clearly shown at the intersection of the crossover and Windsor Street Road Reserve, on the Building Licence drawings.

The DPI has flagged concerns with the increase in traffic which will be generated by this development at the Windsor Street/Lord Street intersection and has recommended intersection improvements.

The owners/applicants of No. 272 and No. 288 Lord Street and a representative of Main Roads WA attended meetings with the Town's Senior Officers to discuss traffic issues associated with the two proposed developments. After comprehensive discussion, it was recommended that there would be proposed modification of the intersection of Lord Street and Windsor Street to address the traffic issues likely to be generated by the two proposals. The proposed modifications were supported by the representative of Main Roads WA. The two respective Applicants of No. 272 and No. 288 Lord Street also agreed to contribute 50 per cent of the costs for the modification of the intersection at Lord and Windsor Streets.

### **Building Services Comments**

The Town's Building Services have advised that the proposal is non-compliant with various Building Code of Australia (BCA) deemed-to-satisfy provisions. These non-compliant requirements can either be addressed via revised plans or the applicants can seek advice from an appropriate consultant regarding alternative solutions.

### **Conclusion**

~~In general, the proposal in its current form is not supportable, as it is considered to have an undue impact on the amenity and streetscape of the area for the above mentioned reasons, which can be alleviated if the top floor were to be removed.~~

### **Chief Executive Officer and Director Development Services Comments:**

The Chief Executive Officer and Director Development Services have changed the Officer Recommendation for the following reasons:

#### Locality

Lord Street is a particularly diverse environment by virtue of its large traffic volumes, the accommodation of a variety of building types and uses and its close proximity to public transport and the Central Business District.

#### Proposed Development

The planning application is considered to generally improve the streetscape and surrounding area through the redevelopment of an under-utilised site, which will provide a catalyst for other sites to be developed. The proposed development is of high quality and contemporaneous in nature. The subject site is a corner lot and it is crucial that development on this site exhibits a strong presence and encourages maximum interaction at street level. The fifth storey will not occupy the whole area of the site and will not impact on the streetscape and the amenity of the area.

Proposed Bulk and Scale

The proposal is also consistent with the approach by the Council to consider development of greater scale, height and intensity in the general surrounds, particularly with respect to two residential developments of 28 and 40 units respectively at No. 337 Lord Street and Nos. 59-61 Brewer Street, corner of Pier and Thorley Streets, East Perth. The subject sites are located along a designated Activity Corridor with a direct 2 kilometre link to the Central Business District, within 150 metres of the proposed Members Equity Stadium Precinct and within close proximity to public transport routes.

It is considered that the area is currently underdeveloped and presents an opportunity for intensification and regeneration. Strategically, the immediate and surrounding areas have significant potential as regeneration areas alongside the proposed Members Equity Stadium Precinct and the land acquired from the City of Perth in July 2007, south of Summers Street, which are proposed to be designated for significant intensification and regeneration as part of proposed Town Planning Scheme No. 2. The subject site is also within approximately 500 metres of two Strategic Development Sites, which are also proposed to undergo significant intensification as part of proposed Town Planning Scheme No. 2.

Proposed Vision for this Locality

In the event that the Council approves this development, further consideration should be given to the Draft Local Planning Strategy and 'vision' for this emerging regeneration area.

Precedent

Approval of a specific development cannot be used as a precedent. Every application is considered and determined upon their merit.

Consideration of Objections

Four objections were received and the concerns have been commented upon by the Town's Officers (as detailed in the report).

Applicant's Submission

The Applicant's Planning Consultants (TPG) have provided a comprehensive submission to address the various concerns which have been raised. The submission (as "Laid on the Table") is supported and for that reason have not been repeated in this report.

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

**9.1.17 No. 57 (Lot: 38 D/P: 1577) View Street, corner Vine Street, North Perth - Proposed Boundary Fence Addition to Approved Two (2) Two-Storey Single Houses**

|                              |                     |                    |                         |
|------------------------------|---------------------|--------------------|-------------------------|
| <b>Ward:</b>                 | South               | <b>Date:</b>       | 6 April 2009            |
| <b>Precinct:</b>             | Smith's Lake ; P06  | <b>File Ref:</b>   | PRO4527;<br>5.2009.81.1 |
| <b>Attachments:</b>          | <a href="#">001</a> |                    |                         |
| <b>Reporting Officer(s):</b> | E Storm             |                    |                         |
| <b>Checked/Endorsed by:</b>  | H Smith, R Boardman | <b>Amended by:</b> | -                       |

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by MacCormac Architects on behalf of the owner A J & J M Anning & A P MacCormac for proposed Boundary Fence Addition to Approved Two (2) Two-Storey Single Houses, at No. 57 (Lot: 38 D/P: 1577) View Street, Corner Vine Street, North Perth, and as shown on plans stamp-dated 17 March 2009, 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;*
- (b) *the non-compliance with clause SADC 13 of the Town's Policy No. 3.2.1 relating to Residential Design Elements, which requires the solid portion of a wall to have a maximum height of 1.2 metres above the adjacent footpath level; and*
- (c) *variations to Street Walls and Fences cannot be supported at Officer level as this requirement is contained in the Town's Policy No. 3.2.1 relating to Non-Variation of Specific Development Standards and Requirements.*

**COUNCIL DECISION ITEM 9.1.17**

**Moved Cr Messina, Seconded Cr Burns**

*That the recommendation be adopted.*

**MOTION PUT AND CARRIED (7-0)**

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

|                            |   |
|----------------------------|---|
| <b>Landowner:</b>          | A J & J M Anning & A P MacCormac  |
| <b>Applicant:</b>          | MacCormac Architects  |
| <b>Zoning:</b>             | Metropolitan Region Scheme: (MRS): Urban<br>Town Planning Scheme No. 1 (TPS 1): Residential R40 |
| <b>Existing Land Use:</b>  | Single House  |
| <b>Use Class:</b>          | Single House  |
| <b>Use Classification:</b> | "P"   |
| <b>Lot Area:</b>           | 449 square metres   |

**BACKGROUND:**

24 February 2009 The Council approved two (2) two storey dwellings at the subject site.

**DETAILS:**

The application involves the construction of a new front fence to View and Vine Streets.

**ASSESSMENT:**

| <b>Non-Compliant Requirements</b>  |   |  |  |
|--|---|--|--|
| <b>Requirements</b>  | <b>Required</b>   | <b>Proposed *</b>  | <b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>              |
| Plot Ratio   | N/A   | N/A  |  |
| SADC 13. Street Walls and Fences   | Maximum height of solid portion of wall to be 1.2 metres above adjacent footpath level and a minimum of fifty percent visually permeable above 1.2 metres | 1.8 metres solid wall with portions of fence 50 per cent open. | Not supported – see ‘comments’ section.                                |
| <b>Consultation Submissions</b>  |   |  |  |
| The application was not advertised as the Officer Recommendation is for refusal. |   |  |  |
| Support  | N/A   |  | Noted.   |
| Objection  | N/A   |  | Noted.   |
| <b>Other Implications</b>  |   |  |  |
| Legal/Policy   |   |  | TPS 1 and associated Policies, and Residential Design Codes (R Codes). |
| Strategic Implications   |   |  | Nil  |
| Financial Implications   |   |  | Nil  |
| Sustainability Implications  |   |  | Nil  |

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

**COMMENTS:**

The Town’s Residential Design Elements Policy requires that the solid portion of street walls and fences within the primary street setback area, including along the side boundaries, to have a maximum height of 1.2 metres above adjacent footpath level and a minimum fifty percent visual permeability above 1.2 metres. As variations to street walls and fences requirements are contained in the Town’s Policy relating to Non-Variations of Specific Development Standards and Requirements, the proposal is not supportable at Planning Officer level.

Accordingly, it is recommended that the application be refused.

### 9.1.1 Further Report - Draft Local Planning Strategy

|                       |                     |             |              |
|-----------------------|---------------------|-------------|--------------|
| Ward:                 | Both Wards          | Date:       | 6 April 2009 |
| Precinct:             | All Precincts       | File Ref:   | PLA0140      |
| Attachments:          | <a href="#">001</a> |             |              |
| Reporting Officer(s): | T Woodhouse         |             |              |
| Checked/Endorsed by:  | H Smith, R Boardman | Amended by: | -            |

#### OFFICER RECOMMENDATION:

*That the Council;*

- (i) *RECEIVES the Amended Draft Local Planning Strategy as shown in Appendix 9.1.1 (electronically linked to this report), "Laid on the Table" and circulated separately to Council Members;*
- (ii) *ADOPTS:*
  - (a) *the Amended Draft Local Planning Strategy; and*
  - (b) *the revised timeline relating to the review of Town Planning Scheme No. 1 estimated to be completed and the new Town Planning Scheme No. 2 gazetted by July 2010; and*
- (iii) *REFERS the Amended Draft Local Planning Strategy to the Western Australian Planning Commission for certification in accordance with the Town Planning Regulations.*

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

*That the recommendation be adopted.*

Debate ensued.

#### AMENDMENT NO 1

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

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

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

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

“...  
“

*The key objectives of the Policy would be to:*

- *Promote the key principles of Transport Orientated Development (TOD);*
- *Activates a currently underutilised area by enhancing the amenity of current and future residents;*
- *Enable the stadium to co-exist harmoniously with a range of new landuses, including a broad range of recreational, cultural and entertainment uses to attract local residents and visitors;*

- Maintains and enhances public recreational open space;
- Creates an area with high quality pedestrian amenity including infrastructure and trees;
- Improve connectivity between the Stadium and surrounding transport nodes and networks, including McIver Station by establishing and maintaining a high level of amenity, safety and legibility in the urban form;
- Preserve the presence of the Stadium itself whilst successfully integrating it with existing adjacent landuses, including residential and commercial in order to create a seamless transition between the two;
- Create strong linkages between the Stadium and the proposed designation of Beaufort Street as an Activity Corridor and the Mount Lawley/Highgate Town Centre;
- Create a pedestrian focused environment whilst accommodating easy circulation for cars, public transport and cyclists; and
- ~~Give the highest priority to the continued every day use of the surrounding streets of the Stadium.”~~

Debate ensued.

Cr Lake requested that the amendment and the last sentence “Give the highest priority to the continued every day use of the surrounding streets of the Stadium.” be considered and voted on separately. The Presiding Member, Mayor Nick Catania agreed to Cr Lake’s request.

#### AMENDMENT NO 1 – PART I

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

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

“...  
“

The key objectives of the Policy would be to:

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

#### AMENDMENT NO 1 – PART I PUT AND CARRIED (7-0)

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

**AMENDMENT NO 1 – PART II**

*Deletion of the following sentence:*

~~“Give the highest priority to the continued every day use of the surrounding streets of the Stadium.”~~

**AMENDMENT NO 1 – PART II PUT AND CARRIED (5-2)**

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

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

**AMENDMENT NO 2**

*That the Council considers listing an amount of \$50,000 in the Draft Budget 2009-10 to carry out a Masterplan of the proposed Stadium Precinct.*

Debate ensued.

The Chief Executive Officer advised the Council that the current Draft Budget currently showed a significant rate increase, due to increases in Waste Management Tipping Fees, loss of interest on investment returns and that an additional \$50,000 would compound the problem of reducing the rate increase to an acceptable level.

Debate ensued.

**AMENDMENT NO 2 PUT AND LOST (3-4)**

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

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

Debate ensued.

Cr Farrell departed the Chamber at 9.15pm.

Debate ensued.

**MOTION AS AMENDMENT PUT AND CARRIED (6-0)**

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

### **COUNCIL DECISION ITEM 9.1.1**

*That the Council;*

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

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

*"...*

*The key objectives of the Policy would be to:*

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

- (ii) *ADOPTS:*

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

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

### **ADDITIONAL INFORMATION:**

The Draft Local Planning Strategy has been presented to the Council at its Ordinary Meetings held on 28 October 2008 and 2 December 2008; on both of these occasions, it was deferred. As a result of the deferrals, it has been necessary to amend the timeline for the review of Town Planning Scheme No. 1. The Town's Officers note that a revised Gantt Chart to reflect the revised timeline was not included as an Appendix to this report however, has been prepared as additional information.

**FURTHER REPORT:**

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

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

The Council at its Special Meeting held on 28 October 2008 considered the Draft Local Planning Strategy and resolved as follows:

*"That the Council;*

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

*(a) Page 2 - Housing Dwelling Type be amended to read as follows:*

*"... Flats, units or apartments account for 17 percent of the Town's housing stock, significantly ~~less~~ more than the 8.5 percent for the metropolitan area...";*

*(b) Page 30 - Income be amended to read as follows:*

*"... The Town of Vincent as a whole has a higher percentage of its population earning a higher income ~~level per week~~ than the metropolitan ~~area~~ average. ~~Within the metropolitan area, there are more people earning less than \$1000 per week compared with the Town Vincent. However there are some suburbs within the Town that have more low income residents than the Town generally, in particular Mount Lawley, Highgate and North Perth.~~*

*~~In contrast, 4.1 percent of the metropolitan areas population is earning over \$2000 per week compared with the population within the Town where 6.4 percent are earning over \$2000 per week. Mount Hawthorn contains significantly higher levels of high income earners than other suburbs within the Town.~~*

*Within the Town 6.4 percent earn over \$2000 per week compared with a metropolitan average of 4.1 percent. Mount Hawthorn contains significantly higher levels of high income earners than other suburbs within the Town.*

*However, the suburbs of Mount Lawley, Highgate and North Perth have more low income residents than other areas of the Town...";*

*(c) Page 31 Method of Travel be amended to read as follows:*

*"... A much higher proportion of people in the Town of Vincent also walk or cycle to work compared to ~~2.3 percent~~ for the metropolitan area...";*

*(d) Page 42 Affordable Housing Strategy be amended to read as follows:*

*"... ~~Accordingly, the facilitation of affordable housing and consideration of a policy to realise these opportunities will be considered by the Council following formal consultation of the Draft Strategy in December 2008.~~*

*The Council considered the Draft Affordable Housing Strategy at its Special Meeting held on 14 October 2008 and resolved to further consider ‘affordable housing’ options relating to non-familial ancillary housing and ‘strategic development sites’ in the Town Planning Scheme Review and the Local Planning Strategy. The Council also noted its support for the Town entering into discussions with Local Service Providers and Institutions to define mutually beneficial partnership arrangements, where appropriate, on strategic development sites. The Draft Affordable Housing Strategy is to be formally advertised (including the four detailed briefs) for a period of twenty-eight (28) days, after which time the Council would consider the submissions received...’;*

(e) Pages. 49-51 - Review of Road Reserves be amended to read as follows:

“... ”

| 1. London Street- Proposed 24.4 metre Reserve   |   |   |
|---|---|---|
| Road Section                                    | Retain MRS  | Remove MRS  |
| Scarborough Beach Road to Hobart Street         | Yes<br>Extent to accommodate possible future intersection modifications at Scarborough Beach Road to be determined. | No  |
| Hobart Street to Ellesmere Street               | No  | Yes<br><del>Additional works and expense to install median islands not justified. Cost of purchasing land to widen road in order to install median islands not justified.</del> |
| Ellesmere Street to Green Street                | Yes<br>Extent to accommodate future intersection modifications to be determined.                                    | No  |
| 2. Loftus Street- Proposed 23 metre Reserve     |   |   |
| Section   | Retain  | Remove  |
| Vincent Street to Anzac Road                    | No  | Yes<br><del>Additional works and expense to install median islands not justified. Cost of purchasing land to widen road in order to install median islands not justified.</del> |
| 3. Walcott Street- Proposed 23 metre Reserve    |   |   |
| Section   | Retain  | Remove  |
| Charles Street to Lord Street                   | No  | Yes<br><del>Additional works and expense to install median islands not justified. Cost of purchasing land to widen road in order to install median islands not justified.</del> |
| 4. Fitzgerald Street- Proposed 23 metre Reserve |   |   |
| Section   | Retain  | Remove  |
| Charles Street to Lord Street                   | No  | Yes<br><del>Additional works and expense to install median islands not justified. Cost of purchasing land to widen road in order to install median islands not justified.</del> |

| 5. Vincent Street- Proposed 23 metre Reserve      |  |  |
|---|--|--|
| Section   | Retain   | Remove   |
| Freeway to Charles Street                         | No   | Yes<br><del>Additional works and expense to install median islands not justified. Cost of purchasing land to widen road in order to install median islands not justified.</del>  |
| Charles Street to Bulwer Street                   | Yes<br>Extent to accommodate possible future intersection modifications at Bulwer Street to be determined. | No.  |
| 6. Beaufort Street – Proposed 23 to 25m Reserve   |  |  |
| Section   | Retain   | Remove   |
| Parry Street to Greenway Street                   | Generally Not applicable   |  |
| Greenway Street to south of Bulwer Street         | No   | Yes.<br><del>Additional works and expense to install median islands not justified. Cost of purchasing land to widen road in order to install median islands not justified.</del> |
| Intersection of Bulwer Street and Beaufort Street | Yes<br>Extent to accommodate possible future intersection modifications to be determined.                  | No   |
| North of Bulwer Street to Broome Street           | No   | Yes.<br><del>Additional works and expense to install median islands not justified. Cost of purchasing land to widen road in order to install median islands not justified.</del> |
| Broome Street to Harold Street                    | Not applicable   |  |
| Harold Street to Walcott Street                   | No   | Yes.<br><del>Additional works and expense to install median islands not justified. Cost of purchasing land to widen road in order to install median islands not justified.</del> |
| 7. William Street – Proposed 23.0m Reserve        |  |  |
| Section   | Retain   | Remove   |
| Vincent Street to Walcott Street                  | No   | Yes.<br><del>Additional works and expense to install median islands not justified. Cost of purchasing land to widen road in order to install median islands not justified.</del> |

... ”;

(f) Page 82 - 7.4.4 Local and Commercial Areas be amended to read as follows:

“... Beaufort Street provides a vital conduit between the town centre of Mount Lawley and Northbridge ~~Leederville~~ and displays numerous opportunities for linear intensification of land uses supported by good levels of public transport... ”;

(g) Page 88 – 7.6 Zoning Recommendations be amended to read as follows:

~~“... It is further noted that discussion of the land zoned Residential R20 in the Banks Precinct is outlined in 9.56.2 Former Eton Locality with respect to the Scheme Amendment considered by the former Minister for Planning and Infrastructure to down zone the locality.~~

The Town Planning Scheme review involved a holistic review of the Town employing the principles of Network City, the outcomes of Vincent Vision 2024 and contemporary planning practice. In this respect, the housing survey, including the identification of potential residential streetscapes, and a comparative review of the Town's residential areas together with an area within the Banks Precincts in Mount Lawley, (down-coded to Residential R20 in 2002), revealed that this area, given its relative proximity to the Central Business District of Perth and the comparative level of amenity to other residential areas in the Town, was neither unlike nor exceptional to many streets within the Town, nor Mount Lawley respectively. It is noted however, that three of the seven streets within this area were identified as potential ‘residential streetscapes’.

It is further noted that the ‘transit oriented development’ analysis revealed that all of the land zoned Residential R20 within Mount Lawley is either within 400 or 800 metres of the East Perth and Mount Lawley Rail Stations. Consistent with the recommendations throughout the Strategy, similarly located land has warranted a recommendation of a significantly higher residential density zoning.

Whilst justification of the maintenance of Residential R20 zoning in these areas is unsubstantiated, there is little evidence of a significant shift in residents’ wishes in this regard and given that this area contributes to housing choice within the Town, it is considered appropriate, at this point in time, to maintain the Residential R20 zoning within the Banks Precinct.

The Town’s Officers would however, record that further consideration of this area with respect to comparative zoning analysis should be undertaken in any future housing surveys and Town Planning Scheme Reviews to ensure consistency and the orderly and proper planning of the area...”;

(h) Page 95 - Pedestrian Movement be amended to read as follows:

“... The improvement of the pedestrian link, particularly its visual clarity and safety, between Claisebrook Station and Members Equity Stadium, especially for crossing Lord Street, is considered essential to any improvement works carried out in this area...”;

(i) Page 111 - 8.4.1 The Town Centre be amended to read as follows:

~~“... William Street provides primary access to the Northbridge Entertainment area, the Perth Cultural Precinct and the Central Business District. however, the infrastructure comprises overhead power, concrete slab paths and associated infrastructure, underdeveloped adjoining land and vacant blocks, no soft landscaping/verge trees and no public art or street furniture...”;~~

(j) Page 112 - 8.4.1 The Town Centre be amended to read as follows:

~~“... It comprises a one way road north to south to the Central Business District with four (4) two (2) lanes of traffic, however, operates predominantly as a two (2) lane road...”;~~

(k) Page 117 – Architectural Style be amended to read as follows:

“... All buildings zoned Commercial or Residential/Commercial are encouraged to have a nil setback to Brisbane Street...”;

(l) Page 118 – Architectural Style be amended to read as follows:



“No. 205 Brisbane Street, Perth



Nos.140-142 Brisbane Street, corner Lake Street, Perth

... ”;

(m) Page 139 - 9.5.3 Strategic Development Sites be amended to read as follows:

“... ~~The Knutsford Hotel was demolished in 2004 and to date, a proposal to redevelop the site.~~ The Council at its Ordinary Meeting held on 27 May 2008 approved a four-storey mixed use development comprising twenty five (25) multiple dwellings (including 15 single bedroom dwellings and 10 two-bedroom dwellings), four (4) offices, one (1) eating house and associated car parking on the subject site...”; and

(n) Page 142 – 9.6.2 Former Eton Locality be amended to read as follows:

“... ~~the comparative review of the Town's residential areas together with the former Eton Locality and an area within the Banks Precincts in Mount Lawley, (both down-coded to Residential R20 in 2002), revealed that both of these this areas, given their its relative proximity to the Central Business District of Perth and the comparative level of amenity to other residential areas in the Town, were-was neither unlike nor exceptional to many streets within the Town, nor North Perth or Mount Lawley respectively. It is particularly relatable to note that few streets within the former Eton Locality were identified for their streetscape value, whereas three of the seven streets within the similarly zoned Mount Lawley, were.~~ Correspondingly, justification of the maintenance of Residential R20 zoning in ~~these~~-this areas-is unsubstantiated.

~~Further, with respect to Mount Lawley, it is noted that the ‘transit oriented development’ analysis revealed that all of the land zoned Residential R20 within Mount Lawley is either within 400 or 800 metres of the East Perth and Mount Lawley rail stations. Consistent with the recommendations throughout the Strategy, similarly located land has warranted a recommendation of a significantly higher residential zoning.~~

*Notwithstanding the above, given the outcomes of Vincent Vision 2024 with respect to the North Perth area, which espouses a maintenance of the Residential R20 zoning in the former Eton Locality, the consistent approach taken by the Town with respect to the initial and subsequent Scheme Amendments, that ~~both of these~~ this areas contribute to housing choice within the Town, and that there is little evidence of a significant shift in residents' wishes in this regard, it is considered appropriate at this point in time, to maintain the Residential R20 zoning within the ~~Banks Precinct and that the land within the former Eton Locality, with the exception of London Street, also to maintain a Residential R20 zoning.~~ In terms of those lots fronting London Street within the former Eton Locality, it is considered appropriate, that consistent with all other major roads within the Town, the zoning be Residential R60. As noted in 9.5.2 Local Centres and 9.5.3 Strategic Development Sites of the Strategy, this recommendation includes the former 'Midland Brick display' site at No. 6 London Street, North Perth.*

*The Town's Officers would however record that further consideration of ~~both of these~~ this areas with respect to comparative zoning analysis should be undertaken in any future housing surveys and Town Planning Scheme Reviews to ensure consistency and the orderly and proper planning of the areas..."; and*

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

#### **DETAILS:**

Following the deferral of this item at the Ordinary Meeting of Council held on 2 December 2008, the Director Development Services circulated a memorandum dated 17 December 2008 inviting all Council Members to provide a list of issues they identified in the amended Draft Local Planning Strategy in which they considered required further consideration to be incorporated into a further report being prepared for presentation to the Council.

No comments were received from the Council Members in response to this Memorandum. However, the Town's Planning Officers have listened to the audio tape of the Ordinary Meeting of Council held on 2 December 2008 and summarised the key concerns raised by the Council Members. The concerns raised have formed the basis for the preparation of this further report and appropriate amendments to the Draft Local Planning Strategy.

The key concerns have been listed below with associated Officers comments in response. The Draft Local Planning Strategy has been amended to reflect the previous 2 December 2008 Council resolution, and the Council Members comments where considered appropriate. The amended Draft Local Planning Strategy is "*Laid on the Table*" and has been circulated separately to Council Members.

#### **Summary of Comments Raised by Council Members**

1. Document considered lengthy and verbose

##### *Officer Comment*

Under Regulation 12A(3) of the Town Planning Regulations 1967, where a scheme envisages the zoning or classification of land, the Scheme Report shall be in the form of a Local Planning Strategy (LPS). Under Regulation 12A (3), the LPS is to:

- set out the long term planning directions for the local government;
- apply State and regional planning policies; and
- provide the rationale for the zones and other provisions of the scheme.

Essentially, a Local Planning Strategy is a planning document that aims to provide broad direction for the future growth and development for a designated local government and to inform the basis for the zones and provisions of the Town Planning Scheme.

It is not intended as a document to be promoted to the public to read in its entirety, rather to provide a broader context to assist in strategic decision making and to support the provisions of the Town's new Town Planning Scheme No. 2. It is considered that the Town is indeed fortunate to have a wealth of information received during the *Vincent Vision 2024* process that has been successfully combined with relevant State and regional planning policies and principles in the development of the Strategy.

Regulation 12A of the Town Planning Regulations 1967 was inserted on 22 October 1999. The addition of this Regulation in 1999 has meant that most local government authorities have not yet, or are in the process of preparing a Local Planning Strategy, and those viewed in draft form are similarly comprehensive and detailed as the Town's Draft Strategy.

In light of the above, amendments to shorten the Local Planning Strategy are not considered appropriate.

2. Rezoning of London Street to R60 goes against popular concern

*Officer Comment*

The preparation of the Local Planning Strategy has involved a holistic review of the Town employing the principles of Network City, the outcomes of *Vincent Vision 2024* and contemporary planning application. The proposed zoning of Residential R60 along London Street is consistent with best practice planning principles and the proposed zoning of all other major roads within the Town.

Support for this was raised by several community members who were in attendance at the Ordinary Meeting of Council on 2 December 2008, who commented that '*London Street is a busy road and not conducive to family living and is ideal for higher density housing*' and '*rezoning to R60 will enhance the streetscape by improving the undercapitalised and underdeveloped housing stock currently present along London Street.*'

In light of above, amendments to the Local Planning Strategy are not considered required in this instance.

3. Creation of Stadium Precinct to manage development surrounding Members Equity Stadium (Perth Oval)

*Officer Comment*

The Town's Planning Officers have carried out further research into the possibility of developing a Members Equity Stadium Precinct. One of the most positive attributes of this area is its public transport accessibility, with the Stadium being within a walkable catchment from McIver and East Perth Train Stations. In carrying out the research, the City of Subiaco and Town of Claremont have been examined in terms of how development has been managed surrounding the Subiaco and Claremont Football Club Ovals respectively. Subiaco Oval, like Members Equity Stadium, has good public transport accessibility, and is in close proximity to Perth's CBD, with residential areas immediately surrounding the Oval, and the commercial centre being within 500 metres of the Oval. Likewise in Claremont, there is currently a proposal for a mixed use and residential development surrounding the Claremont Football Oval, which is within a walkable catchment to the Claremont Train Station. It is important to note however, that an actual 'Stadium Precinct' has not been developed as a planning tool by either Local Authority, as a mechanism to manage development in the respective areas.

The Brisbane City Council was also examined in terms of how it has dealt with development surrounding 'The Gabba' stadium, known as the Brisbane Cricket Ground (BCG), situated in Woolloongabba. The stadium itself is a 42,000 seat oval sports venue which hosts Australian Football League (AFL) and national and international cricket events. Similar to both Subiaco and Claremont, there is no specific planning policies or scheme provisions relating to dedicated development surrounding the Stadium.

On an international level, the Wembley Masterplan sets out specific provisions for a modern urban development with a comprehensive range of leisure and commercial facilities at its core, including the Wembley Stadium which was completed in 2007. The Masterplan is shown to be largely developed in line with the principles of *Transport Orientated Development* (TOD) demonstrated through the integration of the Stadium and Wembley Central Station and the promotion of surrounding mixed use development.

Whilst it is considered that developing a specific Stadium Precinct for Members Equity Stadium, similar to that demonstrated in the Wembley example above, is currently inappropriate, a dedicated Planning Policy to guide and manage development and growth in the area bordered by Stirling Street, Newcastle Street, East Perth/Midland Railway line, Summers Street, and Bulwer Street and Members Equity Stadium may be prepared and adopted pursuant to the proposed new Town Planning Scheme No. 2.

The key objectives of the Policy would be to:

- Enable the stadium to co-exist harmoniously with a range of new landuses;
- Improve connectivity between the Stadium and surrounding transport nodes and networks, including McIver and East Perth Train Stations by establishing and maintaining a high level of amenity, safety and legibility in the urban form;
- Preserve the presence of the Stadium itself whilst successfully integrating it with existing adjacent landuses, including residential and commercial in order to create a seamless transition between the two;
- Create strong linkages between the Stadium Precinct and the various activity corridors/town centres;
- Create a pedestrian focused environment whilst accommodating easy circulation for cars, public transport and cyclists; and
- Give the highest priority to the continued every day use of the surrounding streets of the Stadium.

In light of the above, appropriate amendments to section 7.4.5 of the Local Planning Strategy relating to the Members Equity Stadium has been included in the amended draft document attached to this report.

#### 4. Further meetings between Council Members and the Town's Officers

##### *Officer Comment*

It is considered that sufficient consultation has taken place with Council Members in the preparation of the Local Planning Strategy. To undertake further consultation will further prolong the process of endorsement of the Local Planning Strategy and the gazettal of the Town's Town Planning Scheme No. 2 and thus further delay the ability for development at the Town to be managed in line with current best practice planning principles.

##### Comments made by Community Member

During Public Question Time at the Ordinary Meeting of Council held on 2 December 2008, a prominent local architect and member of the public, offered strong support for the Local Planning Strategy noting that it was, '*a great document, demonstrates really good vision for the future*'.

### Further Amendments

The Town's Officers have further reviewed the Strategy in light of any resolutions of the Council relating to Strategic Projects and Policy Amendments that have taken place since 2 December 2008 and have amended the Strategy accordingly.

### Development Contributions Policy

Following the resolution of the Council at its Ordinary Meeting held on 16 December 2008 relating to the above matter, the Town's Officers proceeded to develop a Draft Policy relating to Development Contributions for Infrastructure. The Policy was initially intended to specifically apply to the Town's Leederville Masterplan Area, but further discussion between the Town's Officers has resulted in the decision for the Policy to comprehensively apply to the District Centre and Commercial zones within each precinct of the Town.

The above Policy is an interim measure, as part of proposed Town Planning Scheme No. 2, the Leederville Masterplan, West Perth Regeneration Masterplan, Glendalough Station Precinct and Town Centre Areas are proposed to become Special Control Areas whereby Development Contribution Plans for each area are to be prepared in accordance with Draft State Planning Policy 3.6 relating to Development Contributions for Infrastructure. The possibility of the inclusion of other areas within the Scheme that are likely to undergo significant changes in the type and intensity of land uses as a result of the recommendations of the LPS may also be considered.

Part 11.0 relating to Future Scheme Provisions of the LPS has been amended to include provisions for the abovementioned Special Control Areas.

### Procedure in endorsing a Local Planning Strategy

Under Regulation 12A(3) of the Town Planning Regulations, where a scheme envisages the zoning or classification of land, the Scheme Report shall be in the form of a Local Planning Strategy (LPS). Under Regulation 12A (3), the LPS is to:

- set out the long term planning directions for the local government;
- apply State and regional planning policies; and
- provide the rationale for the zones and other provisions of the scheme.

The procedure for the advertisement and endorsement of the LPS is set out in Regulation 12B as follows:

- *“The Local Government forwards the draft LPS to the Commission. The Commission is required to certify that the LPS is consistent with Regulation 12A(3) as set out above.*
- *When the Commission has certified a LPS as being consistent with Regulation 12A(3), in the case of a LPS being prepared with a new scheme, the LPS is advertised as if it were part of the scheme. In the case of a LPS prepared independently of a new scheme, the advertising requirements are as set out in Regulation 12B(2). This requires the publication of a notice of the LPS once a week for two consecutive weeks in a local newspaper; the forwarding of copies of the LPS to any person or public authority which has an interest in the LPS; and the undertaking of such other consultations and the taking of such other steps as the local government considers appropriate to give notice of the LPS.*
- *The submission period is the same as for the scheme where the LPS is prepared with a new scheme and 21 days where the LPS is prepared independently of a new scheme.*

- *After the expiry of the submission period, the local government is to review the LPS in the light of any submissions, adopt the LPS with any modifications as it thinks fit in response to the submissions, and forward a copy of the LPS to the Commission for its endorsement.*
- *Notice of the Commission's endorsement of the LPS is published in a newspaper circulating in the scheme area. A copy of the LPS is to be made available for public inspection during business hours at the offices of the local government and the Commission."*

It should be noted that the subject LPS has been prepared with a new Scheme. The Minister does not need to approve or refuse the LPS because it does not form part of the Scheme Text. It is necessary, however, for the Commission to endorse the LPS because it is the strategic basis for the Scheme, and to ensure consistency with State and regional policies.

#### **CONSULTATION/ADVERTISING:**

There is a statutory requirement to advertise the draft new Town Planning Scheme No. 2 for 3 months. The Local Planning Strategy will be advertised with Town Planning Scheme No. 2 during this advertising period.

#### **LEGAL/POLICY:**

There is a statutory requirement for the Town to commence a review of its Town Planning Scheme No. 1 every five years, and to bring this to completion as soon as practicable. The statutory provisions relating to a Town Planning Scheme and its review are prescribed in the *Planning and Development Act 2005* and *Town Planning Regulations 1967*.

#### **STRATEGIC IMPLICATIONS:**

Strategic Plan 2006-2011: Objective 1.1 Improve and Maintain Environment and Infrastructure:

...

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

..."

#### **SUSTAINABILITY IMPLICATIONS:**

The preparation of the Local Planning Strategy as part of the Review of the Town of Vincent Town Planning Scheme has considered sustainability in great detail and is considered to promote a sustainable future for the Town.

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

The 2008/2009 Budget lists \$62,000 for Town Planning Scheme Amendments and Policies. An amount of \$30,000 has been allocated to carry out a Peer Review of the new Town Planning Scheme text and supporting documentation as noted by the Council at its Ordinary Meeting held on 9 October 2007.

**COMMENTS:**

Drafting of the new scheme text and maps is progressing and clearly, the Council's consideration of the amended Draft Local Planning Strategy and its endorsement of the content and recommendations are considered crucial to the Town's Officers being able to progress Town Planning Scheme No. 2. Given the Council decision to defer the endorsement of the Amended Draft Local Planning Strategy at the Ordinary Meeting of Council held on 2 December 2008, the timelines indicated in the Town Planning Scheme Review Progress Report No. 8 and updated in the Memorandum dated 31 October 2008 and circulated to Council Members on 31 October 2008 (as below) has since been further updated as shown below.

|  |  |
|--|--|
| Council Member comments on the Draft Local Planning Strategy (LPS)                                     | 17 November 2008 ( <u>completed</u> )  |
| Draft LPS to be considered by the Council at its Ordinary Meeting                                      | <del>2 December 2008</del> ( <u>deferred to 14 April 2009</u> )                                |
| Draft Town Planning Scheme No. 2 Text and Maps to be considered by the Council at its Ordinary Meeting | 10 February 2009 (assumed first Ordinary Meeting of Council in 2009)<br>( <u>9 June 2009</u> ) |
| Peer Review of Draft TPS No. 2   | <del>March 2009</del> <u>July 2009</u>   |
| Estimated Promulgation of TPS No. 2  | <del>April 2010</del> <u>July 2010</u>   |

Accordingly, it is recommended that the Council receives the Amended Draft Local Planning Strategy (LPS), endorses the Amended Draft Local Planning Strategy and refers the Amended Draft Local Planning Strategy to the Western Australian Planning Commission for certification in accordance with the Town Planning Regulations as outlined in the Officer Recommendation.

**9.1.5 No. 288 (Lot: 123 D/P: 4540), Nos. 296-302 (Lot: 2 D/P: 1197, Lot: 3 D/P: 1197, Lot: 1 D/P: 1197) and No. 306 (Lot: 4 D/P: 1197) Lord Street, corner Windsor Street, Highgate - Proposed Construction of Five Storey Commercial Development Comprising Offices, Eating House and Basement Car Parking**

|                              |                     |                    |                          |
|------------------------------|---------------------|--------------------|--------------------------|
| <b>Ward:</b>                 | South               | <b>Date:</b>       | 7 April 2009             |
| <b>Precinct:</b>             | Banks- P15          | <b>File Ref:</b>   | PRO 4462;<br>5.2009.79.1 |
| <b>Attachments:</b>          | <a href="#">001</a> |                    |                          |
| <b>Reporting Officer(s):</b> | R Narroo            |                    |                          |
| <b>Checked/Endorsed by:</b>  | H Smith, R Boardman | <b>Amended by:</b> | -                        |

**CHIEF EXECUTIVE OFFICER AND DIRECTOR DEVELOPMENT SERVICES  
RECOMMENDATION:**

*That the Council;*

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by J Italiano on behalf of the owner Avalon Holdings (WA) Pty Ltd for proposed construction of five storey commercial development comprising offices, eating house and basement car parking at No. 288 (Lot: 123 D/P: 4540), Nos. 296-302 (Lot: 2 D/P:1197, Lot: 3 D/P:1197, Lot: 1 D/P: 1197) and No. 306 (Lot: 4 D/P:1197) Lord Street, Highgate, and as shown on plans stamp-dated 2 April 2009, subject to the following conditions:*
  - (a) *the proposed signage does not form part of this approval;*
  - (b) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
  - (c) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
    - (1) *the end of trip bicycle facilities being redesigned as follows:*
      - (i) *a minimum of one female shower and one male shower, located in separate change rooms;*
      - (ii) *additional shower facilities to be provided at a rate of one female shower and one male shower for every additional 10 bicycle parking bays, to a maximum of five female and five male showers per development;*
      - (iii) *end of journey facilities should be located as close as possible to the bicycle parking facilities;*
      - (iv) *the change rooms to be secure facilities capable of being locked; and*
      - (v) *a locker to be provided for each bicycle parking bay;*

- (2) *the bin compound being redesigned to accommodate the following bins:*

*General Waste: One (1) mobile garage bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof;*

*Recycle Waste: One (1) mobile garage bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof;*

- (3) *the proposed parking along Windsor Street does not form part of this approval;*

- (4) *the proposed awning over Lord Street and Windsor Street being a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 500 millimetres from the kerb line of Lord Street and Windsor Street; and*

- (5) *a landscaping area of 257.6 square metres being provided.*

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

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

- ~~(1) pay a cash in lieu public art contribution of \$85,000 for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$8,500,000); OR~~

- ~~(2) lodge an appropriate public art assurance bond/bank guarantee of a value of (\$85,000) with the Town. The assurance bond/bank guarantee will only be released to the owner(s)/applicant in the following circumstances:~~

~~(i) designs for art work(s) valued at one per cent (1%) of the estimated total cost of the development (\$8,500,000) have been submitted to and approved by the Town. 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 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); or~~

~~(ii) a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development,' have been submitted to and approved by the Town; or~~

~~(iii) the subject 'Approval to Commence Development' did not commence and subsequently expired.~~

~~In the circumstance where the owner(s)/applicant has elected clause (2)(i) and there has been no submission or approval of the design for art work within six (6) months from the date of issue of the Building Licence, the Town may claim the monies assured to them in the above bond or bank guarantee without further notice to the owner(s)/applicant for the provisions of art works in the Town.~~

~~The Town's Community Development Services have the discretion to extend the six (6) month deadline that applies to clause (2)(i) under this condition of approval if:~~

~~(aa) a formal request has been submitted to the Town in writing for such an extension before the date of the six (6) month deadline; and~~

~~(bb) the Town's Arts Officer is satisfied that significant negotiations have been entered into by the owner(s)/applicant to provide the art work;~~

(d) the owner(s), or the applicant on behalf of the owner(s), shall comply with the Town of Vincent Percent for Public Art Policy No. 3.5.13 and the Percent for Public Art Guidelines for Developers, including:

(a) within twenty eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash in Lieu Percent for Public Art Contribution, of \$85,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$8,500,000); and

(b) in conjunction with the above chosen option;

(1) Option 1 –

prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and

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

OR

(2) Option 2 –

prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the Town for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;”

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

(1) pay a cash-in-lieu contribution of \$4,144 for the equivalent value of 1.48 car parking spaces, based on the cost of \$2,800 per bay as set out in the Town's 2008/2009 Budget; OR

- (2) *lodge an appropriate assurance bond/bank guarantee of a value of \$4,144 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*
- (i) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
  - (ii) *to the owner(s)/applicant following receipt by the Town of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or*
  - (iii) *to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.*
- The car parking shortfall and consequent cash-in-lieu contribution can be reduced as a result of a greater number of car bays being provided on-site and to reflect the new changes in the car parking requirements;*
- (f) *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;*
  - (g) *first obtaining the consent of the owners of No. 308 Lord 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. 308 Lord Street in a good and clean condition;*
  - (h) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
  - (i) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access to the site, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town;*
  - (j) *prior to the first occupation of the development, forty-two (42) class one or two plus fourteen (14) class three bicycle parking facilities, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
  - (k) *doors, windows and adjacent floor areas of the office and eating house components fronting Lord Street and Windsor Street shall maintain an active and interactive relationship with this street;*
  - (l) *prior to the first occupation of the development, the car parking spaces provided for the offices and eating house component of the development shall be clearly marked and signposted;*

- (m) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s). The two existing Camphor Laurel trees located on Windsor Street frontage are to be retained;*
- (n) *the maximum gross floor area for the non-residential component shall be limited to 7,895 square metres of offices and 124 square metres of eating house, and further increase or decrease in the number of offices and eating house tenancies may be allowed. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
- (o) *the car parking area for the office and eating house (cafe) component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (p) *the car park shall be used only by employees, tenants, and visitors directly associated with the development;*
- (q) *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)*
- (r) *a detailed landscaping plan, including a list of plants, the landscaping and reticulation of the Lord Street and Windsor Street verges adjacent to the subject property shall be submitted and approved prior to the issue of the Building Licence. The landscaping shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (s) *prior to the issue of a Building Licence, a management plan addressing how a vehicle will enter/exit a tandem parking bay when there is a vehicle already parked at the rear or front parking bay, to be submitted and approved by the Town;*
- (t) *the landowner entering into a Deed of Agreement with the Western Australian Planning Commission (WAPC) not to seek from either the Town of Vincent or the WAPC compensation for any loss, damage or expense to remove the approved works (awning, alfresco area and landscaping) which encroach the Other Regional Road Reserve/road widening requirement when the road reserve/road widening is required. This Agreement is to be registered as a Caveat on the Certificate of Title;*

- (u) *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 Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$75,000 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; and*
- (v) *The applicant/owner's monetary contribution to the necessary modification of the Lord and Windsor Street intersection shall be \$12,500. Payment shall be paid prior to the issue of the Building Licence; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by J Italiano on behalf of the owner Avalon Holdings (WA) Pty Ltd for proposed signage at No. 288 (Lot: 123 D/P: 4540), Nos. 296-302 (Lot: 2 D/P:1197, Lot: 3 D/P 1197, Lot: 1 D/P: 1197) and No. 306 (Lot: 4 D/P:1197) Lord Street, Highgate, and as shown on plans stamp-dated 2 April 2009, for the following reasons:*
  - (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
  - (b) *the non-compliance with the Town's Policy No. 3.5.2 relating to Signs and Advertising.*

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

**~~OFFICER RECOMMENDATION:~~**

**~~That the Council;~~**

**~~in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by J Italiano on behalf of the owner Avalon Holdings (WA) Pty Ltd for proposed construction of five storey commercial development comprising offices, eating house and basement car parking at No. 288 (Lot: 123 D/P: 4540), Nos. 296-302 (Lot: 2 D/P:1197, Lot: 3D/P 1197, Lot: 1 D/P: 1197) and No. 306 (Lot: 4 D/P:1197) Lord Street, Highgate, and as shown on plans stamp-dated 2 April 2009, for the following reasons:~~**

- ~~(i) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*~~
- ~~(ii) *the non-compliance with the building height requirements of the Town's Policies relating to the Banks Precinct and Non-Residential/Residential Development Interface respectively;*~~
- ~~(iii) *the development creates an undesirable precedent for further proposals of a similar scale and nature on other potential developments sites along Lord Street within the Banks Precinct;*~~
- ~~(iii) *the non-compliance with the Town's Policy No. 3.5.2 relating to Signs and Advertising; and*~~
- ~~(iv) *consideration of the objections received.*~~

---

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

Debate ensued.

**MOTION PUT AND CARRIED (5-2)**

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

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

**COUNCIL DECISION ITEM 9.1.5**

*That the Council;*

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by J Italiano on behalf of the owner Avalon Holdings (WA) Pty Ltd for proposed construction of five storey commercial development comprising offices, eating house and basement car parking at No. 288 (Lot: 123 D/P: 4540), Nos. 296-302 (Lot: 2 D/P:1197, Lot: 3 D/P:1197, Lot: 1 D/P: 1197) and No. 306 (Lot: 4 D/P:1197) Lord Street, Highgate, and as shown on plans stamp-dated 2 April 2009, subject to the following conditions:*
- (a) *the proposed signage does not form part of this approval;*
  - (b) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
  - (c) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
    - (1) *the end of trip bicycle facilities being redesigned as follows:*
      - (i) *a minimum of one female shower and one male shower, located in separate change rooms;*
      - (ii) *additional shower facilities to be provided at a rate of one female shower and one male shower for every additional 10 bicycle parking bays, to a maximum of five female and five male showers per development;*
      - (iii) *end of journey facilities should be located as close as possible to the bicycle parking facilities;*
      - (iv) *the change rooms to be secure facilities capable of being locked; and*
      - (v) *a locker to be provided for each bicycle parking bay;*

- (2) *the bin compound being redesigned to accommodate the following bins:*

*General Waste: One (1) mobile garage bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof;*

*Recycle Waste: One (1) mobile garage bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof;*

- (3) *the proposed parking along Windsor Street does not form part of this approval;*

- (4) *the proposed awning over Lord Street and Windsor Street being a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 500 millimetres from the kerb line of Lord Street and Windsor Street; and*

- (5) *a landscaping area of 257.6 square metres being provided.*

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

- (d) *the owner(s), or the applicant on behalf of the owner(s), shall comply with the Town of Vincent Percent for Public Art Policy No. 3.5.13 and the Percent for Public Art Guidelines for Developers, including:*

- (a) *within twenty eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash in Lieu Percent for Public Art Contribution, of \$85,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$8,500,000); and*

- (b) *in conjunction with the above chosen option;*

- (1) *Option 1 – prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and*

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

**OR**

- (2) *Option 2 – prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the Town for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;”*

- (e) *within twenty-eight (28) days of the issue date of this 'Approval to Commence Development', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:*
- (1) *pay a cash-in-lieu contribution of \$4,144 for the equivalent value of 1.48 car parking spaces, based on the cost of \$2,800 per bay as set out in the Town's 2008/2009 Budget; OR*
  - (2) *lodge an appropriate assurance bond/bank guarantee of a value of \$4,144 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*
    - (i) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
    - (ii) *to the owner(s)/applicant following receipt by the Town of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or*
    - (iii) *to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.*
- The car parking shortfall and consequent cash-in-lieu contribution can be reduced as a result of a greater number of car bays being provided on-site and to reflect the new changes in the car parking requirements;*
- (f) *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;*
- (g) *first obtaining the consent of the owners of No. 308 Lord 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. 308 Lord Street in a good and clean condition;*
- (h) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (i) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access to the site, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town;*
- (j) *prior to the first occupation of the development, forty-two (42) class one or two plus fourteen (14) class three bicycle parking facilities, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*

- (k) *doors, windows and adjacent floor areas of the office and eating house components fronting Lord Street and Windsor Street shall maintain an active and interactive relationship with this street;*
- (l) *prior to the first occupation of the development, the car parking spaces provided for the offices and eating house component of the development shall be clearly marked and signposted;*
- (m) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s). The two existing Camphor Laurel trees located on Windsor Street frontage are to be retained;*
- (n) *the maximum gross floor area for the non-residential component shall be limited to 7,895 square metres of offices and 124 square metres of eating house, and further increase or decrease in the number of offices and eating house tenancies may be allowed. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
- (o) *the car parking area for the office and eating house (cafe) component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (p) *the car park shall be used only by employees, tenants, and visitors directly associated with the development;*
- (q) *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)*
- (r) *a detailed landscaping plan, including a list of plants, the landscaping and reticulation of the Lord Street and Windsor Street verges adjacent to the subject property shall be submitted and approved prior to the issue of the Building Licence. The landscaping shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (s) *prior to the issue of a Building Licence, a management plan addressing how a vehicle will enter/exit a tandem parking bay when there is a vehicle already parked at the rear or front parking bay, to be submitted and approved by the Town;*

- (t) *the landowner entering into a Deed of Agreement with the Western Australian Planning Commission (WAPC) not to seek from either the Town of Vincent or the WAPC compensation for any loss, damage or expense to remove the approved works (awning, alfresco area and landscaping) which encroach the Other Regional Road Reserve/road widening requirement when the road reserve/road widening is required. This Agreement is to be registered as a Caveat on the Certificate of Title;*
- (u) *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 Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$75,000 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; and*
- (v) *The applicant/owner's monetary contribution to the necessary modification of the Lord and Windsor Street intersection shall be \$12,500. Payment shall be paid prior to the issue of the Building Licence; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by J Italiano on behalf of the owner Avalon Holdings (WA) Pty Ltd for proposed signage at No. 288 (Lot: 123 D/P: 4540), Nos. 296-302 (Lot: 2 D/P:1197, Lot: 3 D/P 1197, Lot: 1 D/P: 1197) and No. 306 (Lot: 4 D/P:1197) Lord Street, Highgate, and as shown on plans stamp-dated 2 April 2009, for the following reasons:*
- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (b) *the non-compliance with the Town's Policy No. 3.5.2 relating to Signs and Advertising.*

|                               |   |
|-------------------------------|---|
| <b>Landowner:</b>             | Avalon Holdings (WA) Pty Ltd  |
| <b>Applicant:</b>             | J Italiano  |
| <b>Zoning:</b>                | Metropolitan Region Scheme: Urban and 'Other Regional Roads Reservation'<br>Town Planning Scheme No. 1 (TPS 1): Commercial and 'Other Regional Roads Reservation' |
| <b>Existing Land Use:</b>     | Corner shop   |
| <b>Use Class:</b>             | Office Building, Eating House   |
| <b>Use Classification:</b>    | "P"   |
| <b>Lot Area:</b>              | 2,576 square metres   |
| <b>Access to Right of Way</b> | East side, 3.62 metres wide, sealed, Town owned   |

**BACKGROUND:**

5 December 2006 The Council at its Ordinary Meeting considered and approved a proposed mixed-use development comprising offices and fourteen grouped dwellings at Nos.296-306 Lord Street, Highgate.

16 June 2008 The Western Australian Planning Commission conditionally approved the amalgamation of No. 288 (Lot 123 D/P 4540) and Nos.296-306 (Lots 1-4 D/P: 1197) Lord Street, corner Windsor Street, Highgate.

24 March 2009 The Council at its Ordinary Meeting considered and approved the proposed demolition of existing corner shop and attached Single House at No. 288 Lord Street, Highgate.

It is noted that the Applicants have discussed the possibility of significant residential development on this site however have been unable to pursue such plans given the land is affected by the 'No Multiple Dwellings' provision in Clause 20 of the Town Planning Scheme.

**DETAILS:**

The proposal involves the construction of a five storey commercial development comprising offices, eating house and basement car parking.

**ASSESSMENT:**

| <b>Non-Compliant Requirements</b> |                     |                                 |   |
|-----------------------------------|---------------------|---------------------------------|---|
| <b>Requirements</b>               | <b>Required</b>     | <b>Proposed *</b>               | <b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>   |
| Plot Ratio                        | Not applicable      | Not applicable                  | Noted- as there is no plot ratio requirement for commercial development, and the plot ratio requirements in the Precinct Policy refer to residential development.   |
| Number of Storeys                 | 3 storeys plus loft | 5 storeys and basement car park | <del>Not supported- the fifth storey will have a detrimental visual impact, as well as creating an unacceptable bulk and scale issue, which will have an adverse impact on the amenity of the area.</del><br><u>Supported- the subject site is a corner lot and the development exhibits a strong presence without detracting from the amenity. The fifth storey will not occupy the whole area of the site and is setback further than other floors from Lord Street and from the rear Right of Way which will minimise the impact on the streetscape and the amenity of the area.</u> |

|  |   |  |  |
|--|---|--|--|
| <p>Building Setbacks:</p> <p><u>Basement and Ground Floors</u></p> <p>Western boundary-Lord Street</p> <p>South boundary-Windsor Street</p> <p>Eastern Boundary-Right of Way</p> | <p>Buildings setback to be consistent with the adjoining buildings.</p> <p>Buildings setback to be consistent with the adjoining buildings.</p> <p>6 metres</p> | <p>5 metres</p> <p>Nil</p> <p>1.39 metres</p>                | <p>Supported- as no undue impact on the streetscape. The Council approved a similar setback for a proposed mixed-use development on the subject site on 5 December 2006.</p> <p>Supported- as a corner site, no undue impact on the streetscape. The Council approved a nil setback along Windsor Street for a proposed mixed-use development on the subject site on 5 December 2006.</p> <p>Supported- as the building is setback 5.11 metres, including the width of the right of way, from the adjoining rear residential building, there will be no unreasonable undue impact on the amenity of the existing dwelling. The proposal complies with the overshadowing requirement.</p> |
| <p><u>First and Second Floors</u></p> <p>Western boundary-Lord Street</p> <p>South boundary-Windsor Street</p> <p>Eastern Boundary-Right of Way</p>                              | <p>Buildings setback to be consistent with the adjoining buildings.</p> <p>Buildings setback to be consistent with the adjoining buildings.</p> <p>6 metres</p> | <p>5.3 metres</p> <p>0.1 to 0.3 metre</p> <p>4.39 metres</p> | <p>Supported- as no undue impact on the streetscape.</p> <p>Supported- as no undue impact on the streetscape.</p> <p>Supported- as the building is setback 8.11 metres, including the width of the right of way, from the adjoining rear residential building, there will be no unreasonable undue impact on the amenity of the existing dwelling. The proposal complies with the overshadowing requirement.</p>   |

|  |  |  |   |
|--|--|--|---|
| <u>Third Floor</u>                           |  |  |   |
| Western boundary- Lord Street                | Buildings setback to be consistent with the adjoining buildings. | 5.3 metres to 6.4 metres                 | Supported- as no undue impact on the streetscape.   |
| South boundary- Windsor Street               | Buildings setback to be consistent with the adjoining buildings. | 0.2 metre to 1.7 metres                  | Supported- as no undue impact on the streetscape.   |
| Eastern Boundary- Right of Way               | 6 metres   | 3.3 metres to 4.7 metres                 | Supported- as the building is setback 9.51 metres, including the width of the right of way, from the adjoining rear residential building, there will be no unreasonable undue impact on the amenity of the existing dwelling. The proposal complies with the overshadowing requirement. |
| <u>Fourth Floor</u>                          |  |  |   |
| Western boundary- Lord Street                | Buildings to be consistent with the adjoining buildings.         | 6.4 metres                               | Supported- as no undue impact on the streetscape.   |
| South boundary- Windsor Street               | Buildings to be consistent with the adjoining buildings.         | 0.2 metre to 1.7 metres                  | Supported- as no undue impact on the streetscape.   |
| Non-Residential Adjacent to Residential Area | 2 storeys  | 5 storeys                                | <del>Not supported as above.</del><br><u>Supported- as above.</u>   |
| Landscaping                                  | 10 per cent of site area= 257.6 square metres                    | Landscaping provided= 224 square metres  | <del>Not supported in the event the application is supported, the landscaping requirement will be a condition of approval.</del><br><u>Supported- condition of planning approval.</u>   |
| Car Parking                                  | 126.48 car bays  | 125 car bays (shortfall = 1.48 car bays) | Supported- in the event the application is supported, a cash-in-lieu contribution for parking will be required.   |

|                                 |  |                  |  |
|---------------------------------|--|------------------|--|
| Bicycle Parking                 | 56 bicycle bays                                      | 47 bicycle bays  | <del>Not supported in the event the application is supported, the bicycle bays requirement will be a condition of approval.</del><br><u>Supported- condition of planning approval.</u> |
| Signage                         | Not to exceed 10 square metres in area in aggregate. | 21 square metres | Not supported- undue visual impact on the amenity of the area.   |
| <b>Consultation Submissions</b> |  |                  |  |
| Support                         | Nil  |                  | Noted.   |
| Objection                       | Nil  |                  | Noted.   |
| <b>Other Implications</b>       |  |                  |  |
| Legal/Policy                    |  |                  | TPS 1 and associated Policies, and Residential Design Codes (R Codes).   |
| Strategic Implications          |  |                  | Nil  |
| Sustainability Implications     |  |                  | Nil  |
| Financial/Budget Implications   |  |                  | Nil  |

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

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

### Bicycle and Car Parking Calculations

|   |                                   |
|---|-----------------------------------|
| <b>Car Parking- Commercial Component</b>  |                                   |
| Car parking requirement (nearest whole number)  | 186 car bays                      |
| Office: 1 car bay per 50 square metres gross office floor area (proposed 7,895 square metres) = 157.9 car bays.<br>Eating House (Café and Alfresco Area): 1 space per 4.5 square metres of public area (proposed 124 square metres)= 27.6 car bays<br>Total= 185.5 car bays   |                                   |
| Apply the parking adjustment factors.   | (0.68)                            |
| <ul style="list-style-type: none"> <li>• 0.85 (within 400 metres of a bus stop)</li> <li>• 0.8 (within 400 metres of a rail station)</li> </ul>   | 126.48 car bays                   |
| Minus the car parking provided on-site (excluding the 7 smaller size car bays)  | 125 car bays                      |
| Minus the most recently approved on-site car parking shortfall  | Not applicable                    |
| Resultant shortfall   | 1.48 car bays                     |
| <b>Bicycle Parking Facilities</b>   |                                   |
| Offices <ul style="list-style-type: none"> <li>• 1 space per 200 (proposed 7,895 square metres) square metres gross floor area (class 1 or 2) – 39.475 spaces.= 40 spaces</li> <li>• 1 space per 750 (proposed 7,895 square metres) square metres over 1,000 square metres for visitors (class 3) – 9.2 space= 10 spaces</li> </ul> | 47 bicycle parking bays provided. |

|   |  |
|---|--|
| <p>Eating House (Café and Alfresco Area)</p> <ul style="list-style-type: none"><li>• 1 space per 100 (proposed 124 square metres) square metres gross floor area (class 1 or 2)= 1.24 spaces= 2 spaces</li><li>• 2 spaces plus 1 space per 100 (proposed 124 square metres) square metres gross floor area (class 3) = 3.24 spaces= 4 spaces</li></ul> <p>Total bicycle bays required= 56</p> |  |
|---|--|

It is noted that the parking proposed along Windsor Street is not included as part of the parking calculation; any parking generated by a development is to be contained within the boundaries of the subject site.

#### **COMMENTS:**

##### **Department for Planning and Infrastructure (DPI)**

The DPI in their response letter dated 25 February 2009 have advised the following:

- The property is affected by a 5 metres road widening along the Lord Street frontage;
- The land owner entering into a deed of agreement with the WAPC for developments on the reserved land; and
- A number of issues relating to traffic are associated with the proposed development. It is recommended that the traffic issues be investigated by the Town of Vincent to maintain an acceptable service at intersections.

##### **Technical Services Comments**

The owners/applicants of No. 272 and No. 288 Lord Street and a representative of Main Roads WA attended meetings with the Town's Senior Officers to discuss traffic issues associated with the two proposed developments. After comprehensive discussion, it was recommended that there would be proposed modification of the intersection of Lord Street and Windsor Street to address the traffic issues likely to be generated by the two proposals. The proposed modifications were supported by the representative of Main Roads WA. The two respective Applicants of No. 272 and No. 288 Lord Street also agreed to contribute 50 per cent of the costs for the modification of the intersection at Lord and Windsor Streets.

##### **Building Services Comments**

The Town's Building Services have advised that the proposal is non-compliant with various Code of Australia (BCA) deemed-to-satisfy provisions. These non-compliant requirements can either be addressed via revised plans or the applicants can seek advice from an appropriate Building Consultant regarding alternative solutions.

##### **Number of Storeys**

~~Lord Street is characterised by two to four storey buildings; therefore, the proposed five storey building will interrupt the streetscape. It is also considered that the fifth storey will have a detrimental visual impact as well as creating an unacceptable bulk and scale issue, which will have an adverse impact on the amenity of the area.~~

### **Conclusion**

~~It is considered the proposal in its current form with five storeys will have an unreasonable undue impact on the amenity and streetscape of the surrounding area. The proposed development is therefore not recommended for approval.~~

### **Chief Executive Officer and Director Development Services Comments:**

The Chief Executive Officer and Director Development Services have changed the Officer Recommendation for the following reasons:

#### Locality

Lord Street is a particularly diverse environment by virtue of its large traffic volumes, the accommodation of a variety of building types and uses and its close proximity to public transport and the Central Business District.

#### Proposed Development

The planning application is considered to generally improve the streetscape and surrounding area through the redevelopment of an under-utilised site, which will provide a catalyst for other sites to be developed in the same manner. The proposed development is of high quality and contemporaneous in nature. The subject site is a corner lot and it is crucial that development on this site exhibits a strong presence and encourages maximum interaction at street level. The fifth storey will not occupy the whole area of the site and is setback further than other floors from Lord Street and the rear right of way, which will minimise the impact on the streetscape and the amenity of the area.

#### Proposed Bulk and Scale

The proposal is also consistent with the approach by the Council to consider development of greater scale, height and intensity in the general surrounds, particularly with respect to two residential developments of 28 and 40 units respectively at No. 337 Lord Street and Nos. 59-61 Brewer Street corner of Pier and Thorley Streets, East Perth. The subject sites are located along a designated Activity Corridor with a direct 2 kilometre link to the Central Business District, within 150 metres of the proposed Members Equity Stadium Precinct and within close proximity to public transport routes.

#### Proposed Vision for the Area

It is considered that the area is currently underdeveloped and presents an opportunity for intensification and regeneration. Strategically, the immediate and surrounding areas have significant potential as regeneration areas alongside the proposed Members Equity Stadium Precinct and the land acquired from the City of Perth in July 2007, south of Summers Street, which are proposed to be designated for significant intensification and regeneration as part of proposed Town Planning Scheme No. 2. The subject site is also within approximately 500 metres of two Strategic Development Sites, which are also proposed to undergo significant intensification as part of proposed Town Planning Scheme No. 2.

In the event that the Council approve this development, further consideration should be given to the Draft Local Planning Strategy and 'vision' for this emerging regeneration area.

#### Precedent

Approval of a specific development cannot be used as a precedent. Every application is considered and determined upon their merit.

#### No Objections Were Received

No objections were received.

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

**9.1.10 No. 116 (Lot 5 D/P: 254) Broome Street, Highgate - Proposed Demolition of Existing Single House**

|                              |                     |                    |                         |
|------------------------------|---------------------|--------------------|-------------------------|
| <b>Ward:</b>                 | South               | <b>Date:</b>       | 2 April 2009            |
| <b>Precinct:</b>             | Forrest; P14        | <b>File Ref:</b>   | PRO4697;<br>5.2009.95.1 |
| <b>Attachments:</b>          | <a href="#">001</a> |                    |                         |
| <b>Reporting Officer(s):</b> | S Kendall           |                    |                         |
| <b>Checked/Endorsed by:</b>  | H Smith, R Boardman | <b>Amended by:</b> | -                       |

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by R Saddick on behalf of the owner Benjamin & Co Pty Ltd for proposed Demolition of Existing Single House, at No. 116 (Lot 5 D/P: 254) Broome Street, Highgate, and as shown on plans stamp-dated 25 March 2009, 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) 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;*
- (iii) demolition of the existing building may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing buildings valued by the community;*
- (iv) 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;*
- (v) at the completion of the demolition, the site levels shall match into the existing verge, footpath and road levels; and*
- (vi) interpretation of the history and significance of Crawshaw's House shall be incorporated into any future redevelopment of the site, in accordance with the Town's Heritage Management Policy No. 3.6.4 relating to Interpretive Signage and shall have the approval of the Heritage Council of Western Australia. The design of the interpretative plaque or other interpretative medium shall be submitted to and approved by the Heritage Council of Western Australia and the Town prior to the issue of a Building Licence for the redevelopment.*

**COUNCIL DECISION ITEM 9.1.10**

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

*That the recommendation be adopted.*

**Debate ensued.**

**MOTION PUT AND CARRIED (6-1)**

**For**  
**Mayor Catania**  
**Cr Burns**  
**Cr Doran-Wu**  
**Cr Farrell**  
**Cr Maier**  
**Cr Messina**

**Against**  
**Cr Lake**

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

|                               |  |
|-------------------------------|--|
| <b>Landowner:</b>             | Benjamin & Co Pty Ltd  |
| <b>Applicant:</b>             | R Saddick  |
| <b>Zoning:</b>                | Metropolitan Region Scheme: Urban<br>Town Planning Scheme No. 1 (TPS 1): Residential R80 |
| <b>Existing Land Use:</b>     | Vacant House   |
| <b>Use Class:</b>             | Single House   |
| <b>Use Classification:</b>    | "P"  |
| <b>Lot Area:</b>              | 413 square metres  |
| <b>Access to Right of Way</b> | N/A  |

**BACKGROUND:**

- 8 February 2000                      The Council refused the proposed demolition of the existing dwelling at No. 116 (Lot 5) Broome Street, Highgate and commissioned the services of an approved Heritage Consultant to complete a full documentary of the place and to refer the place to the Heritage Council of Western Australia (HCWA). This followed various public submissions and some preliminary independent historical research commissioned by the Town, which highlighted that the Officer's original report dated 22 November 1999 that indicated the place had no cultural heritage significance, was incorrect.
- 18 April 2000                        New planning application received for the redevelopment of the site and retaining the existing dwelling at No. 116 (Lot 5) Broome Street, Highgate.
- 26 September 2000                The Council granted conditional approval for proposed alterations and addition to the existing building and 14 additional dwellings, subject to various heritage requirements outlined by the HCWA and the Town.
- 15 December 2000                The Town received notification from HCWA that the place has been entered on the Register of Heritage Places on an Interim basis.
- 7 February 2005                    An application for demolition received by the Town.
- 11 October 2005                    After much liaison with the Heritage Council, the Council at its Ordinary Meeting approved the demolition of the subject place, subject to standard and appropriate conditions, including the requirement for an interpretative proposal that recognises the history and significance of Crawshaw's House being installed in a place that is visible to the public along the Broome Street frontage.



A request to expedite the demolition of Crawshaw's House has been submitted by the applicant in light of the poor condition of the place. The applicant has re-submitted reports from two different Consulting Engineers, which are contained as attachments to this report and document the structural problems associated with the house.

The first report, which was submitted to the Town in December 2004 by Robin Salter and Associates can be summarised as follows:

- *"The front elevation shows major cracks...brickwork is bowed out above the window... structural cracks cannot be fixed and the entire front needs rebuilding.*
- *Structural cracks abound to internal walls with cross walls broken away from external walls.*
- *External wall inner leafs are moisture damaged, which can be seen in the crumbling render in all rooms.*
- *clearly a problem with this building is remediation isn't practical with out changing the nature of the structure and in fact virtually rebuilding it complete with new foundations that satisfy modern regulations.'*

The second report, which was submitted to the Town in January 2005 by Burdett and Associates can be summarised as follows:

*"The house is in a very poor condition due to its age and a lack of maintenance over many years. The following faults were noted:*

1. *fretting mortar and brickwork generally;*
2. *cracked brickwork, particularly adjacent to windows and doors where the lintels were corroding;*
3. *timber floors too close too the ground;*
4. *Roof framing very light by present day standards and would require upgrading;*
5. *evidence of rising damp."*

Since the submission of the above reports, the applicant has removed portions of the roof sheeting and erected a fence around the property to reduce the potential for danger to the public. However, such measures will not fully mitigate safety concerns, negative public opinion, use of the property by squatters and dumping of rubbish.

As outlined in the Background section of this report, the Council at its Ordinary Meeting held on 24 March 2009 resolved to serve a 'Take Down and Remove' Notice in accordance with sections 137 and 138 of the *Health Act 1911 (as amended)* for the subject property. It is to be noted that the Town's Officers had already commenced liaison with the applicant to submit an application for demolition following the outcome of the Council Meeting held on 24 February 2009. In light of this, it was considered prudent that the standard demolition process be continued. As detailed in the substandard buildings Progress Report, which was considered by the Council at its Ordinary Meeting held on 24 March 2009, if this process does not result in a favourable outcome for the place to be demolished by the end of April 2009, a 'Take Down and Remove' Notice will be issued. The applicant is pursuing planning approval for the demolition of the subject property as a gesture of good will, and commitment to follow the Council's procedures and requirements.

**ASSESSMENT:**

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

| <b>Consultation Submissions</b>  |  |     |
|--|--|-----|
| The Director Development Services advised that this application was not required to be advertised as the demolition of the place has previously been advertised within the past 12 months (2 October 2008 to 17 October 2008). |  |     |
| Support  | N/A  | Nil |
| Objection  | N/A  | Nil |
| <b>Other Implications</b>  |  |     |
| Legal/Policy   | TPS 1 and associated Policies, and Residential Design Codes (R Codes). |     |
| Strategic Implications   | Nil  |     |
| Sustainability Implications  | Nil  |     |
| Financial/Budget Implications  | Nil  |     |

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

### **Conclusion**

In light of the concerns regarding the structural integrity of the place, and the recent decision of the Council on 24 March 2009 resolving to serve a *'Take Down and Remove'* Notice in accordance with sections 137 and 138 of the *Health Act 1911 (as amended)* for the subject property, it is recommended that the standard condition requiring a redevelopment proposal to be approved prior to the issue of a Demolition Licence not be imposed in this instance and the place be approved for demolition as per the Officer Recommendation.

**9.1.11 No. 360 (Lot: 71 D/P: 35384) Stirling Street, Highgate - Proposed Change of Use from Shop and Single House to Take-Away Food Outlet and Single House and Associated Additions and Alterations**

|                              |                       |                    |                          |
|------------------------------|-----------------------|--------------------|--------------------------|
| <b>Ward:</b>                 | South Ward            | <b>Date:</b>       | 6 April 2009             |
| <b>Precinct:</b>             | Forrest Precinct; P14 | <b>File Ref:</b>   | PRO3436;<br>5.2008.417.1 |
| <b>Attachments:</b>          | <a href="#">001</a>   |                    |                          |
| <b>Reporting Officer(s):</b> | D Bothwell            |                    |                          |
| <b>Checked/Endorsed by:</b>  | H Smith, R Boardman   | <b>Amended by:</b> | -                        |

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Gray & Lewis Land Use Planners on behalf of the owner C & K J Giorgini for proposed Change of Use from Shop and Single House to Take-Away Food Outlet and Single House and Associated Additions and Alterations, at No. 360 (Lot: 71 D/P: 35384) Stirling Street, Highgate, and as shown on plans stamp-dated 5 September 2008, and site plan dated 13 March 2009, subject to:*

- (i) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (ii) *the hours of operation of the eating house shall be limited to 5:00 pm to 11:00pm Monday to Sunday inclusive;*
- (iii) *the floor plan layout and respective floor areas of the eating house shall be maintained in accordance with the Planning Approval plans;*
- (iv) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (v) *all car-parking bays shall be dimensioned on the Building Licence application working drawings and all car parking facilities shall comply with the minimum specifications and dimensions specified in the Town's Parking and Access Policy and Australian Standards AS2890.1 – "Off Street Parking";*
- (vi) *the Town accepts no liability for the cost of relocating any services that may be required as a consequence of this development. The applicant/owner(s) shall ensure that all services are identified prior to submitting a Building Licence application and that the cost of any service relocations is to be borne by the applicant/owner(s);*
- (vii) *for the car parking to be compliant with AS2890.1, the steel gate located at the side entrance of the property on Broome Street needs to open flush against the existing fence to allow the vehicles to manoeuvre and exit into Broome Street;*
- (viii) *within twenty-eight (28) days of the issue date of this 'Approval to Commence Development', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:*
  - (a) *pay a cash-in-lieu contribution of ~~\$3,080~~ \$3,640 for the equivalent value of ~~1-1~~ 1.3 car parking spaces, based on the cost of \$2,800 per bay as set out in the Town's 2008/2009 Budget; OR*

(b) *lodge an appropriate assurance bond/bank guarantee of a value of ~~\$3,0803,640~~ to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*

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

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

- (ix) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the doorway between the existing hallway and the proposed kitchen being removed and replaced by a solid wall, and the provision of access for people with disabilities, as required by the Building Code of Australia. The revised plans shall not result in any further variations to the requirements of the Residential Design Codes and the Town's Policies; and*
- (x) *the doors facing Stirling and Broome Streets shall maintain an active and interactive outlook to Stirling Street and Broome Street.*

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

---

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

Debate ensued.

**MOTION PUT AND CARRIED (5-2)**

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

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

Cr Burns departed the Chamber at 9.30am.

**FURTHER COMMENTS:**

Upon further review of the Town's Policy relating to Parking and Access No. 3.7.1, it is evident that the subject proposal cannot utilise the adjustment factor for the provision of 'end of trip facilities' as there are no separate facilities provided for the Take-Away Food Outlet. For the adjustment factor to be provided, the 'end of trip facilities' must be provided in accordance with the end of trip facility requirements as outlined on page 9 of the Policy.

**COUNCIL DECISION ITEM 9.1.11**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Gray & Lewis Land Use Planners on behalf of the owner C & K J Giorgini for proposed Change of Use from Shop and Single House to Take-Away Food Outlet and Single House and Associated Additions and Alterations, at No. 360 (Lot: 71 D/P: 35384) Stirling Street, Highgate, and as shown on plans stamp-dated 5 September 2008, and site plan dated 13 March 2009, subject to:*

- (i) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (ii) the hours of operation of the eating house shall be limited to 5:00 pm to 11:00pm Monday to Sunday inclusive;*
- (iii) the floor plan layout and respective floor areas of the eating house shall be maintained in accordance with the Planning Approval plans;*
- (iv) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (v) all car-parking bays shall be dimensioned on the Building Licence application working drawings and all car parking facilities shall comply with the minimum specifications and dimensions specified in the Town's Parking and Access Policy and Australian Standards AS2890.1 – "Off Street Parking";*
- (vi) the Town accepts no liability for the cost of relocating any services that may be required as a consequence of this development. The applicant/owner(s) shall ensure that all services are identified prior to submitting a Building Licence application and that the cost of any service relocations is to be borne by the applicant/owner(s);*
- (vii) for the car parking to be compliant with AS2890.1, the steel gate located at the side entrance of the property on Broome Street needs to open flush against the existing fence to allow the vehicles to manoeuvre and exit into Broome Street;*
- (viii) within twenty-eight (28) days of the issue date of this 'Approval to Commence Development', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:*
  - (a) pay a cash-in-lieu contribution of ~~\$3,080~~ \$3,640 for the equivalent value of ~~1-1~~ 1.3 car parking spaces, based on the cost of \$2,800 per bay as set out in the Town's 2008/2009 Budget; OR*
  - (b) lodge an appropriate assurance bond/bank guarantee of a value of ~~\$3,080~~ \$3,640 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*
    - (1) to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*

- (2) *to the owner(s)/applicant following receipt by the Town of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or*
- (3) *to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.*

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

- (ix) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the doorway between the existing hallway and the proposed kitchen being removed and replaced by a solid wall, and the provision of access for people with disabilities, as required by the Building Code of Australia. The revised plans shall not result in any further variations to the requirements of the Residential Design Codes and the Town's Policies; and*
- (x) *the doors facing Stirling and Broome Streets shall maintain an active and interactive outlook to Stirling Street and Broome Street.*

|                               |  |
|-------------------------------|--|
| <b>Landowner:</b>             | C & K J Giorgini   |
| <b>Applicant:</b>             | Gray & Lewis Land Use Planners   |
| <b>Zoning:</b>                | Metropolitan Region Scheme: (MRS): Urban.<br>Town Planning Scheme No. 1 (TPS 1): Residential R80 |
| <b>Existing Land Use:</b>     | Shop   |
| <b>Use Class:</b>             | Take-Away Food Outlet  |
| <b>Use Classification:</b>    | "unlisted"   |
| <b>Lot Area:</b>              | 298 square metres  |
| <b>Access to Right of Way</b> | N/A  |

**BACKGROUND:**

No specific background directly relates to the proposal.

**DETAILS:**

Approval is sought for the change of use from Shop and Single House to 'take away food outlet' and Single House. A portion of the dwelling is a disused traditional corner shop building which was originally used as a butcher shop.

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

**ASSESSMENT:**

**\*Note: The following Car Parking Assessment was corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.**

| <b>Non-Compliant Requirements</b> |                       |                   |   |
|-----------------------------------|-----------------------|-------------------|---|
| <b>Requirements</b>               | <b>Required</b>       | <b>Proposed *</b> | <b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b> |
| Density                           | N/A                   | N/A               | Noted.  |
| Plot Ratio                        | N/A                   | N/A               | Noted.  |
| <b>Consultation Submissions</b>   |                       |                   |   |
| Support                           | Nil                   |                   | Noted.  |
| Objection(1)                      | No comments provided. |                   | Noted.  |

| <b>Other Implications</b>   |  |
|---|--|
| Legal/Policy  | TPS 1 and associated Policies, and Residential Design Codes (R Codes). |
| Strategic Implications  | Nil  |
| Sustainability Implications   | Nil  |
| Financial/Budget Implications   | Nil  |
| <b>Commercial Car Parking</b>   |  |
| Total car parking required before adjustment factor (nearest whole number)<br>Take-Away Food Outlet-1 space per 4.5 square metres of seating area plus 1 space per 2.5 metres of queuing area with a minimum of 4 spaces (proposed queuing area 10.436 metres) = 4.1744 car bays.   | 4 car bays   |
| Apply the parking adjustment factors.<br><ul style="list-style-type: none"> <li>▪ 0.85 (the proposed development is within 800 metres of a rail station)</li> <li>▪ 0.85 (the proposed development is within 400 metres of a bus stop/station)</li> <li>▪ 0.80 (the proposed development contains a mix of uses, where at least 45 percent of the gross floor area is residential)</li> <li>▪ <del>0.90 (the proposed development provides 'end of trip' facilities for bicycle users)</del></li> </ul> | <del>(0.5202)</del> (0.5.75)   |
| Car parking provided on-site for commercial component   | 1 car bay  |
| Minus the most recently approved on-site parking shortfall on-site  | Nil  |
| Resultant shortfall   | <del>1.1</del> <u>1.3</u> car bays                                     |

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

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

### COMMENTS:

The proposed partial use of the property for a 'take away food outlet' is an 'unlisted use'. Within a Residential zone, the use is generally not considered to be consistent with residential uses and is inconsistent with the Town's Economic Development Strategy, which sets out to concentrate commercial activities within Commercial zoned areas as well as Local and District Centres. Notwithstanding the above, given the unique nature of the proposed use, its low intensity and scale of operation (gross floor area of 31.76 square metres and family staff members), that the business caters to local residents, no seating is proposed on-site and would only be open in the evenings and will be for takeaway only, the application warrants support.

It is noted that the property will be restored and upgraded to its original condition which will improve the streetscape, as well as improve the heritage value of the subject property. The only external change to the existing building will be aesthetic (painting) and the reinstatement of the doors addressing the Broome/Stirling Street corner. The doors will be located in the original entry which would have serviced the old butcher shop. As a result of this, the residential amenity and character of the area will not be unduly compromised.

In addition, three new car bays would be created on-site, with two car bays provided for the existing residence and one car bay provided for the commercial component. This is an improvement to the existing parking situation for the subject property, which currently relies upon on-street car parking.

In light of the above, the application has been recommended for approval, subject to standard and appropriate conditions to address the above matters.

**9.2.1 Progress Report No. 4 - Strategies to Reduce Speed Limits on Higher Order Roads Within the Town – Proposed Beaufort Street "40 Kph Variable Speed Zone" Trial**

|                              |                      |                    |              |
|------------------------------|----------------------|--------------------|--------------|
| <b>Ward:</b>                 | South                | <b>Date:</b>       | 3 April 2008 |
| <b>Precinct:</b>             | Mt Lawley Centre P11 | <b>File Ref:</b>   | TES0067      |
| <b>Attachments:</b>          | <a href="#">001</a>  |                    |              |
| <b>Reporting Officer(s):</b> | R Lotznicker         |                    |              |
| <b>Checked/Endorsed by:</b>  | -                    | <b>Amended by:</b> | -            |

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES Progress Report No. 4 on Strategies to Reduce Speed Limits on Higher Order Roads within the Town;*
- (ii) *APPROVES IN PRINCIPLE the Main Roads WA proposal to trial a 40 kph Variable Speed Zone in Beaufort Street, Mount Lawley, between Chatsworth Road and Walcott Street, as a means of reducing traffic speed and improving pedestrian safety;*
- (iii) *APPROVES the Main Roads WA proposed community consultation, acknowledging the Town's pivotal role precipitating the trial;*
- (iv) *AUTHORISES the Director Technical Services to approve, in conjunction with Main Roads WA, the location of the speed signs, regulatory signage and any changes to on-road parking as part of the implementation of the trial; and*
- (v) *ADVISES the City of Stirling of its decision.*

---

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

*That the recommendation be adopted.*

**Cr Burns returned and Cr Messina departed the Chamber at 9.33pm.**

**Debate ensued.**

**Cr Messina returned to the Chamber at 9.34pm.**

**Debate ensued.**

**AMENDMENT NO 1**

**Moved Cr Lake, Seconded Cr Burns**

*That a new clause (iii) be inserted as follows and the remaining clauses be renumbered:*

**“(iii) REQUESTS that Main Roads WA extend the trial south of Lincoln Street to include the school crossing for Highgate Primary School;**

**(iii)(iv) APPROVES the Main Roads WA proposed community consultation, acknowledging the Town's pivotal role precipitating the trial;**

~~(iv)~~(v) *AUTHORISES the Director Technical Services to approve, in conjunction with Main Roads WA, the location of the speed signs, regulatory signage and any changes to on-road parking as part of the implementation of the trial; and*

~~(v)~~(vi) *ADVISES the City of Stirling of its decision.*”

**AMENDMENT NO 1 PUT AND CARRIED (7-0)**

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

**AMENDMENT NO 2**

**Moved Cr Lake, Seconded Cr Burns**

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

*“(iii) REQUESTS that Main Roads WA:*

*(a) extend the trial south of Lincoln Street to include the school crossing for Highgate Primary School; and*

*(b) to consider amending the starting time of the trial to commence at 7:30am;*”

**AMENDMENT NO 2 PUT AND CARRIED (7-0)**

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

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

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

**COUNCIL DECISION ITEM 9.2.1**

*That the Council;*

*(i) RECEIVES Progress Report No. 4 on Strategies to Reduce Speed Limits on Higher Order Roads within the Town;*

*(ii) APPROVES IN PRINCIPLE the Main Roads WA proposal to trial a 40 kph Variable Speed Zone in Beaufort Street, Mount Lawley, between Chatsworth Road and Walcott Street, as a means of reducing traffic speed and improving pedestrian safety;*

*(iii) REQUESTS that Main Roads WA:*

*(a) extend the trial south of Lincoln Street to include the school crossing for Highgate Primary School; and*

*(b) to consider amending the starting time of the trial to commence at 7:30am;*

*(iv) APPROVES the Main Roads WA proposed community consultation, acknowledging the Town’s pivotal role precipitating the trial;*

*(v) AUTHORISES the Director Technical Services to approve, in conjunction with Main Roads WA, the location of the speed signs, regulatory signage and any changes to on-road parking as part of the implementation of the trial; and*

*(vi) ADVISES the City of Stirling of its decision.*

**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of Main Roads WA (MRWA) proposal to trial the installation of "40kph variable Speed Signage" in Beaufort Street, Mount Lawley between Chatsworth Road (Town of Vincent) and Lawley Crescent (City of Stirling), as a means of reducing traffic speed and improving pedestrian safety in the Mount Lawley Centre Precinct.

**BACKGROUND:**

**Ordinary Meeting of Council - 24 August 2004:**

At its Ordinary Meeting of 24 August 2004, the Council adopted a Notice of Motion seeking, in part, a review of: *60kph speed limits in the Town, with particular reference to whether a lower speed limit would be appropriate for roads passing through or in close proximity to concentrations of activity and sensitive uses such as primary schools...*

**Ordinary Meetings of Council - 24 April 2007 and 11 November 2007:**

The Council subsequently received two progress reports advising of the Town's unsuccessful endeavours to have MRWA review the 60 kph speed limit on higher order roads.

**December 2007:**

MRWA contacted the Town's Technical Services directorate and advised that they had re-considered their stance and are now prepared to trial the use of "speed cushions" in selected locations as a means of reducing traffic speed. Further, they were considering two locations within the Town to conduct the first such trial in the Perth metropolitan area, being Beaufort Street, Mt Lawley/Highgate or Fitzgerald Street, North Perth.

MRWA finally selected Fitzgerald Street, based upon traffic accident statistics, volume and speed data, ease of implementation and as an acknowledgment of the work already undertaken by the Town within the precinct.

**Ordinary Meeting of Council – 13 May 2008:**

The Council considered a report on the proposed Fitzgerald Street speed cushion trial, where the following decision was adopted:

*"That the Council;*

- (i) RECEIVES Progress Report No. 3 on Possible Strategies to Reduce Speed Limits on Higher Order Roads within the Town;*
- (ii) APPROVES IN PRINCIPLE the Main Roads WA proposal to trial the installation of speed cushions in Fitzgerald Street, North Perth, between Raglan Road and Angove Street, as a means of reducing traffic speed and improving pedestrian safety in the North Perth Centre Precinct;*
- (iii) APPROVES the Main Roads WA proposed community consultation, acknowledging the Town's pivotal role precipitating the trial;*
- (iv) AUTHORISES the Director Technical Services to approve, in conjunction with Main Roads WA, the location of the speed cushions, regulatory signage and changes to on-road parking as part of the implementation of the trial; and*
- (v) NOTES that further progress report/s will be submitted to the Council as the trial progresses."*

## **DETAILS:**

### **Fitzgerald Street:**

The Fitzgerald Street trial speed cushions has been undertaken in two stages, with Stage One involving a 'before' study of the current traffic volumes, vehicle type (classification) and speed and installation of the speed cushions, with associated signs and pavement markings between Angove Street and Raglan Road completed in June 2008.

The trial has continued for twelve (12) months with the 'after' study to assess the impact currently in progress. If the trial is successful, and the average and 85% speed has dropped significantly, MRWA will introduce an 'appropriate' speed limit, which is expected may be either 30 or 40 kph.

### **Beaufort Street:**

Beaufort Street, through the Mount Lawley Centre Precinct, operates as a four lane road with a median (a combination of raised and painted islands). It is characterised by strip development comprising various local businesses, a hotel and shopping centre and includes on street parking and bus bays. The current speed limit is 60 kph.

### **Proposed 40 kph Variable Speed Zone:**

MRWA are proposing to introduce a variable speed zone on Beaufort Street, between Chatsworth Road and Lawley Crescent. The following is an extract from a letter received from MRWA dated 14 March 2009:

*"After consultation with key stakeholders, Main Roads WA is proposing to introduce a variable speed zone on Beaufort Street, between Chatsworth Road and Lawley Crescent, Mount Lawley, in 2009.*

*This section of Beaufort street is ideal for the trial being an area that incorporates high pedestrian traffic, numerous local businesses, a hotel, shopping centre precinct, on street parking and bus bays on both sides of the road in several locations.*

*The initiative is a trial to lower vehicle speeds and improve safety for pedestrians and other vulnerable road users. The trial is expected to benefit various road users through:*

- *Reducing vehicle travel speeds;*
- *Increasing safety for pedestrians and cyclists travelling along and/or crossing the road; and*
- *Reducing the likelihood and severity of crashes.*

#### *How will the trial work?*

*Electronic variable speed signs as shown on the attached concept plan will be placed at key locations on Beaufort Street between Chatsworth Road and Regent Street, Mt Lawley. When entering the area from adjoining roads, motorists will see either electronic variable speed signs or a static sign displaying "New Variable Speed Limit Ahead", giving them advanced warning of the need to slow down. The existing 60kph signs will be removed.*

*The signs are similar to the electronic school zone signs and will display a 40 kph limit during peak pedestrian periods. The signs will operate from: Sunday-Thursday 9.00am - 10.00pm and Friday and Saturday: 9.00 am-1.00am. Outside these times, the existing 60 kph limit will be displayed on the electronic signs and apply.*

*The school zone signs near Perth Ladies College will also be upgraded to electronic signs and operate during the school zone periods (7.30am-9.00am and 2.30pm-4.00pm).*

*An initial vehicle speed investigation has been completed and is attached for your information. This investigation confirms the existing 85% vehicle speed is approximately 60kph within the trial area, except at the intersection of Beaufort and Walcott Streets.*

*The trial, including investigation and analysis, will be conducted for 18 months to allow the full impact to be assessed. Following this trial appropriate speed limits and times will be set.*

*As the trial involves approximately 1.5km of road length, travel times will only slightly decrease (by 45 seconds).*

*Main Roads WA therefore seeks Council's agreement in principal to undertake this trial on Beaufort Street, Mt Lawley."*

#### **CONSULTATION/ADVERTISING:**

MRWA will be responsible for all community consultation and advertising. Brochures and information sheets will be distributed to all residents and businesses in the immediate vicinity, including the North Perth Primary School. The public will be invited to submit comments to MRWA via telephone or email.

#### **LEGAL/POLICY:**

While Beaufort Street is under the care and control of the Town, MRWA are responsible for speed zoning, regulatory signage and line marking of all of the State's roads.

#### **STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.6 *Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.*

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

Nil.

#### **COMMENTS:**

The Town's Local Area Traffic Management Advisory Group, the Officers and individual Council Members, have for some considerable time been advocating lowering the posted speed limit on appropriate sections of District Distributor Roads within the Town.

While some progress has been made, e.g. Scarborough Beach Road through the Mt Hawthorn Centre Precinct, Mt Hawthorn, progress on other roads has been slow.

It has always been the Town's contention that a posted speed limit of 60 kph is excessive in high pedestrian traffic areas such as Beaufort Street through the Mt Lawley Centre Precinct (and Fitzgerald Street through the North Perth Centre Precinct.)

The proposed streetscape enhancements to be undertaken in Beaufort Street will lend themselves to a lower speed limit.

**9.2.4 Further Report – Beaufort Streetscape Improvements – Review of Proposed Tree Species**

|                              |                                |                    |              |
|------------------------------|--------------------------------|--------------------|--------------|
| <b>Ward:</b>                 | South                          | <b>Date:</b>       | 6 April 2009 |
| <b>Precinct:</b>             | Forrest P14 & Mount Lawley P11 | <b>File Ref:</b>   | TES0234      |
| <b>Attachments:</b>          | -                              |                    |              |
| <b>Reporting Officer(s):</b> | J van den Bok; R Lotznicker    |                    |              |
| <b>Checked/Endorsed by:</b>  |                                | <b>Amended by:</b> |              |

**OFFICER RECOMMENDATION:**

*That;*

(1) *at the Ordinary Meeting held on 23 September 2008, the Council resolved (in part) as follows [Item 10.2.1 – Clause (ii)(c)]:*

“(i) **REAFFIRMS** its support for the planting of **Spotted Gums** in the Beaufort median strip, however, **APPROVES** the planting of **Broad Leaf Paperbarks** (as the most suitable alternative option) along the verges only, in lieu of **Coral Gums**, due to the small size of **Coral Gums** currently being on grown, their slow growth rate and the vandalism being experienced to the existing recently planted **Coral Gums** in existing high pedestrian areas in the Town due to their small size and sets up a working party which includes members of the Beaufort Street traders/ratepayers to assist in the selection and siting of street furniture and street art.”

(2) *Cr ..... MOVES a motion to REVOKE or CHANGE the decision as specified in clause (1) above;*

(3) *in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three (3) Council Members, namely Mayor Catania, Cr Farrell and Cr ....., being one third of the number of members of the Council, SUPPORT the motion to revoke or change a Council decision; and*

(4) *in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, the Council RESOLVES BY AN ABSOLUTE MAJORITY to REVOKE the decision adopted by the Council at its Ordinary Meeting held on 13 February 2007 (Item (XX) – Clause (ii)(c)), and APPROVES of the following;*

“(i) **REAFFIRMS** its support for the planting of **Spotted Gums** in the Beaufort median strip, however, **APPROVES** the planting of **Bradford Pear Trees** along the verges only, in lieu of **Broad Leaf Paperbarks**, due to a request received from the Beaufort Network Group for the Council to reconsider the trees selected for the street given their general unattractive and scrappy appearance and sets up a working party which includes members of the Beaufort Street traders/ratepayers to assist in the selection and siting of future street furniture and possible street art.”

**Moved** Cr Farrell, **Seconded** Cr Messina

*That the recommendation be adopted.*

Debate ensued.

**MOTION PUT AND CARRIED**  
**BY AN ABSOLUTE MAJORITY (5-2)**

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

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

**COUNCIL DECISION ITEM 9.2.4**

*That;*

(1) *at the Ordinary Meeting held on 23 September 2008, the Council resolved (in part) as follows [Item 10.2.1 – Clause (ii)(c)]:*

*"(i) REAFFIRMS its support for the planting of Spotted Gums in the Beaufort median strip, however, APPROVES the planting of Broad Leaf Paperbarks (as the most suitable alternative option) along the verges only, in lieu of Coral Gums, due to the small size of Coral Gums currently being on grown, their slow growth rate and the vandalism being experienced to the existing recently planted Coral Gums in existing high pedestrian areas in the Town due to their small size and sets up a working party which includes members of the Beaufort Street traders/ratepayers to assist in the selection and siting of street furniture and street art."*

(2) *Cr Messina MOVES a motion to REVOKE or CHANGE the decision as specified in clause (1) above;*

(3) *in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three (3) Council Members, namely Mayor Catania, Cr Farrell and Cr Messina, being one third of the number of members of the Council, SUPPORT the motion to revoke or change a Council decision; and*

(4) *in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, the Council RESOLVES BY AN ABSOLUTE MAJORITY to REVOKE the decision adopted by the Council at its Ordinary Meeting held on 13 February 2007 (Item (XX) – Clause (ii)(c)), and APPROVES of the following;*

*"(i) REAFFIRMS its support for the planting of Spotted Gums in the Beaufort median strip, however, APPROVES the planting of Bradford Pear Trees along the verges only, in lieu of Broad Leaf Paperbarks, due to a request received from the Beaufort Network Group for the Council to reconsider the trees selected for the street given their general unattractive and scrappy appearance and sets up a working party which includes members of the Beaufort Street traders/ratepayers to assist in the selection and siting of future street furniture and possible street art."*

### **FURTHER REPORT:**

The Council, at its Ordinary Meeting held on 24 February 2009, considered a further report in relation to a review of the proposed street tree species for Beaufort Street and resolved the following:

*"That the Council DEFERS the planting of trees in Beaufort Street and liaises with the City of Stirling concerning the proposed upgrade of Beaufort Street and receives a report by the end of March 2009."*

In accordance with the Council's decision, a meeting between the Town's Technical Services Officers and the City of Stirling was convened on 13 February 2009 to discuss their proposal for upgrading/street tree planting for Beaufort Street, north of Walcott Street.

City of Stirling officers advised that they have developed a Draft Design for this area which would be further developed into a Masterplan, however, implementation which was planned for next financial year (August 2009) may no longer occur due to current budget cut backs.

City of Stirling's City Planning section would still, however, present the Masterplan to their Council in the next two to three months, subject to what comes out of the budget approval process. The City of Stirling Council is already aware of what species of street tree the Town of Vincent has opted for in Beaufort Street, south of Walcott Street.

They have already undertaken some consultation in relation to proposed street tree species and the City of Stirling Parks Business Unit has therefore provided the following information on possible tree species options for Beaufort Street.

These are as follows:

- Brachychiton discolour – Illawarra Flame Tree
- Brachychiton populneum - Kurrajong
- Delonix regia – Royal Poincianna
- Melaleuca quinquinervia – Broad-leafed Paperbark
- Platanus orientalis – Oriental Plane Tree
- Pyrus 'Bradford' – Bradford Pear
- Pyrus 'Chanticleer' – Ornamental Pear
- Tipuana tipu – Pride of Bolivia

### **Officers Comments:**

As noted above, the City of Stirling has not yet finalised what species of tree will be selected for planting in Beaufort Street, nor whether they will be planting just the verges or both verges and median.

In regard to the suggested tree species forwarded to the Town, the following comments are made.

#### Brachychiton discolour – Illawarra Flame Tree

(Specimens can be viewed along Vincent Street frontage within Hyde Park)

This species is widely planted as a street tree and was considered by the Town for Beaufort Street previously, however, it has a relatively sparse canopy and large fruit that could be an issue for adjacent businesses in Beaufort Street. Specimens can tend to vary considerably in shape and form.

Brachychiton populneum - Kurrajong

(Specimens can be viewed in Chelmsford Road where planted as street verge trees)

Whilst not previously considered by the Town, this species has some merit, however, has similar issues to the above species of Brachychiton.

Delonix regia – Royal Poincianna

(Specimens can be viewed in Royal Park on the corner of Vincent/Charles Street))

Officers believe this selection to be inappropriate as this tree has a low spreading habit and they take some time to establish during Perth's colder months.

Melaleuca quinquinervia – Broad-leafed Paperbark

(Specimens can be viewed in Oxford Street where planted as street verge trees)

This species was previously selected as the most appropriate native verge tree species for Beaufort Street.

Platanus orientalis – Oriental Plane Tree

(Specimens can be viewed in Angove Street where planted in the central median islands)

This species would be suitable for median planting, however, its size and spreading canopy would impact too much on adjacent buildings if selected for the verge areas.

Pyrus 'Bradford' – Bradford Pear

(Specimens can be viewed in Scarborough Beach Road where planted as street verge trees)

This tree species has been recommended as an alternative verge tree for planting along the verges in Beaufort Street in replace of the native paperbark (Melaleuca quinquinervia)

Pyrus 'Chanticleer' – Ornamental Pear

(Similar to Bradford Pear, however, no planting locations known at this point in time)

Similar characteristics to the above Bradford pear.

Tipuana tipu – Pride of Bolivia

(Specimens can be viewed in Charles Veryard Reserve planted around playground)

Officers believe this selection to be inappropriate as this tree has a relatively low spreading habit and irregular form.

**Officers Recommendation:**

In view of the above comments, it is recommended that the Council reaffirms its support for the planting of Spotted Gums in the Beaufort median strip and maintains the idea of planting of Bradford Pear Trees along the verges in lieu of Broad Leaf Paperbarks as requested by the Beaufort Network Group.

**PREVIOUS REPORT:**

The following is a verbatim copy of the report presented to Council at its Ordinary Meeting held on 24 February 2009.

*OFFICER RECOMMENDATION:*

*That;*

- (1) *at the Ordinary Meeting held on 23 September 2008, the Council resolved (in part) as follows [Item 10.2.1 – Clause (ii)(c)]:*

- "(i) REAFFIRMS its support for the planting of Spotted Gums in the Beaufort median strip, however, APPROVES the planting of Broad Leaf Paperbarks (as the most suitable alternative option) along the verges only, in lieu of Coral Gums, due to the small size of Coral Gums currently being on grown, their slow growth rate and the vandalism being experienced to the existing recently planted Coral Gums in existing high pedestrian areas in the Town due to their small size and sets up a working party which includes members of the Beaufort Street traders/ratepayers to assist in the selection and siting of street furniture and street art."
- (2) Cr ..... MOVES a motion to REVOKE or CHANGE the decision as specified in clause (1) above;
- (3) in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three (3) Council Members, namely Mayor Catania, Cr Farrell and Cr ....., being one third of the number of members of the Council, SUPPORT the motion to revoke or change a Council decision; and
- (4) in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, the Council RESOLVES BY AN ABSOLUTE MAJORITY to REVOKE the decision adopted by the Council at its Ordinary Meeting held on 13 February 2007 (Item (XX) – Clause (ii)(c)), and APPROVES of the following:
- “(i) REAFFIRMS its support for the planting of Spotted Gums in the Beaufort median strip, however, APPROVES the planting of Bradford Pear Trees along the verges only, in lieu of Broad Leaf Paperbarks, due to a request received from the Beaufort Network Group for the Council to reconsider the trees selected for the street given their general unattractive and scrappy appearance and sets up a working party which includes members of the Beaufort Street traders/ratepayers to assist in the selection and siting of future street furniture and possible street art.”

**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of a request to change the tree species proposed for planting along the verges in Beaufort Street, Mount Lawley as part of the Streetscape upgrade between Chelmsford Road, Mt Lawley and St Albans Avenue, Highgate.

**BACKGROUND:**

As previously reported to Council, the street tree selection for Beaufort Street was a difficult one given the narrow median strip being an extremely “hostile” environment for trees to grow and the verge space available also being restrictive with adjacent building and awnings.

Native species were eventually selected due to:

- Native trees being more resilient than exotic species in these situations
- Reticulation was not being installed to the new tree locations because of the cost and logistics of getting pipework around existing services and infrastructure
- Potential safety and liability issues that may arise from the installation of a 'large tree' such as a London Plane tree in a very narrow median on a high trafficked District Distributor A Road with absolute minimum lane widths

*The other consideration in selection of a tree species was the availability in what tree farms actually grow and had available in larger containers not only at the time of planting but in the longer term for replacement plantings if this was required.*

*Therefore the selected species for Beaufort Street were:*

- *Spotted gum for the central median planting and*
- *Paper Barks (previously Coral Gums) for the verge plantings*

*Spotted gums are proven performers with regard to median plantings.*

**DETAILS:**

*On 5 February a letter was received from the Beaufort Street Network a new organisation established in early 2008 for people who want to bring out the full potential of Beaufort Street.*

*They further advised the networks aims to:*

*The Network aims to:*

- *Provide a strong voice for residents, retailers and community organisations within the Beaufort Street precincts in the Town of Vincent and City of Stirling*
- *Encourage and promote the unique vibrancy, lifestyle and retail environment of Beaufort Street*
- *Work with Local Government, community organisations and private developers wherever possible to develop new initiatives and projects that enhance Beaufort Street, including the development of new public art and innovative streetscape design*

*Planting of Trees:*

*The following is an extract from the Beaufort Street network with regard to the proposed trees along Beaufort Street:*

*"The Network also understands new trees will be planted along Beaufort Street next year, and we welcome these changes. However, the Network wishes to express its concern relating to the type of tree selected - Paperbark.*

*We are formally asking that the Council reconsider the trees selected for the street, given their general unattractive and scrappy appearance, and request that an alternative be found. We note the recent plantings in Scarborough Beach Road and William Street are far more attractive for the streets, and consider similar trees would be more appropriate in Beaufort Street.*

*Finally, we wish to reaffirm our commitment to work with the Town of Vincent, and look forward to any opportunities where we can work together to pursue positive outcomes for Beaufort Street and surrounding precinct."*

**Discussion:**

*The current Council decision is for the planting of Spotted Gums in the centre of the road and Paper Barks on the verges.*

*As previously reported to the Council, one of the main problems along Beaufort Street is lack of water. Unlike Scarborough Beach Road, where the Town installed a domestic bore and ran reticulation, there is generally limited in ground reticulation in Beaufort Street (only some connected to mains water).*

*Therefore, the proposed native trees would be hand watered for the first few years or so and then they should only require minimal watering.*

*If exotic trees were planted, they would need to be hand watered on an ongoing basis and this would create major issues with watering the centre of road trees as it would require costly traffic management, blocking off the parking lanes to allow traffic to flow, etc.*

*Therefore should a change be desired the options could be as follows:*

- Option 1. Leave as is: Some ongoing disquiet about the native species*
- Option 2. Install reticulation and a bore: Major cost, Major disruption - would need to remove all the existing islands and reconstruct. There would be unsightly trenches along the road as we are not planning to resurface this road for at least another 10 years. Difficult to do as the old tram line foundations run down the centre of the road (very hard material)*
- Option 3. Plant natives down the centre – Spotted gums which are doing well opposite Lincoln Street (only minimal hand watering)  
Plant exotics (say Bradford Pear) along the verges – Easier to hand water, minimal impact to traffic etc*

#### Statement of Impact

##### Bradford Pears

*Bradford Pears were not identified in the report to the Ordinary Meeting of Council held on 23 September 2008 as an alternative verge planting option; however, they have performed well over their first summer so far in Scarborough Beach Road Mt Hawthorn.*

*Many community members have expressed their delight at what has been achieved in Scarborough Beach Road and the transformation the Bradford Pears have made to the area. The only current issue is the careless drivers who have backed into the trees causing them to lean at all angles.*

*Bradford Pears normally have an upright habit similar to the paperbark and that is what is required in Beaufort Street. They will blend well with the native Spotted Gum being proposed for the central median island, and this mix of both native and exotic species should now satisfy all parties concerned and promote their favoured tree type.*

*Bradford Pears are readily available at present and 100 litre specimens (2-3 metres in height) will be available at the time of planting. (April/May 2009)*

*Whilst the Paperbarks had been pre-ordered from Ellenby Treefarm, they have indicated that there will be no additional cost involved with the proposed change from Paperbarks to Bradford Pears. Ellenby Tree farm can supply the Bradford Pears and some of the Paperbarks pre-ordered will be required for the planting of Oxford Street where the new roadworks are in progress.*

#### CONSULTATION/ADVERTISING:

*Should the Council approve the revised tree species for planting along the verges of Beaufort Street, all business owners and affected residents will be advised of the Council decision.*

#### LEGAL/POLICY:

*Nil.*

*STRATEGIC IMPLICATIONS:*

*In accordance with the objective of Strategic Plan 2006-2011 – 1.1.4 Minimise negative impacts on the community and environment. “f) Enhance and protect our natural environment and where practicable promote the use of native local vegetation.”*

*SUSTAINABILITY IMPLICATIONS:*

*As previously reported to the Council, Main Roads WA have guidelines in accordance with Austroads and the Australian Standards for the "Assessment of Roadside Hazards" and "Guidelines for Assessing Trees within Recovery Zones on Established Roads".*

*While their guidelines are tailored more for Primary Distributors, which predominantly have higher vehicle speeds, the guidelines outline in detail the importance of maintaining clear zones and the risk management measures to be implemented where vegetation may encroach into a clear zone. Austroads suggests that the first 4m to 5m from the edge of the travel lane provides most of the potential benefit. Frangible shrubs and bushes are permitted in the clear zone where they do not pose a risk to drivers, etc.*

*It is therefore considered that, even though the speeds in Beaufort Street are considerably lower than most Primary Distributors (excluding Charles Street and East Parade which are both Primary Distributors) with a posted speed of 60kph, the traffic volumes are high and while, given the site constraints, it is not possible or practical to maintain a "clear zone", the type of tree selected should not further compromise safety in an already high risk area.*

*Also Element 2 of the Liveable Neighbourhoods document addresses trees in streetscapes with setback distances for trees from a moving travel lane specified. The distances have been specified taking into account a range of factors. The design environment for an urban street is to create an environment of care and the traffic calming benefit of street trees relatively close to the pavement is an integral part of this.*

*In essence, the Liveable Neighbourhoods document indicates that for a District Distributor Road with a posted speed of 60 kph, the clearance from the travel lane to a frangible tree (i.e. a tree less than 100mm in diameter) should be 2.0m and for 50 kph the clearance from the travel lane to a frangible tree should be 0.75m.*

*For a non frangible tree (i.e. a tree greater than 100mm in diameter) the clearance should be 2.5m for 60 kph and for 50 kph the clearance from the travel lane to a frangible tree should be 1.15m.*

*Beaufort Street, no matter what tree species is planted in the central median, will not comply with either MRWA or the Liveable Neighbourhood requirements.*

*Therefore, whatever tree species is chosen for Beaufort Street, it will not be sustainable in the longer term unless the road was (in future) reduced to two lanes with a wide median or the posted speed was dramatically reduced.*

*FINANCIAL/BUDGET IMPLICATIONS:*

*As previously reported to the Council, funds have been allocated in the 2008/2009 budget for tree planting along Beaufort Street.*

*COMMENTS:*

*As previously advised, vandalism has been a significant issue along Beaufort Street and it is imperative that larger trees are planted to sustain any potential physical attacks.*

*Whilst the proposed Bradford Pears for Beaufort Street are not quite the size of those recently planted in Scarborough Beach Road, the trunks are still of a size that should withstand snapping.*

*Many verge trees along Beaufort Street are already automatically watered from a reticulation mains system installed when Beaufort Street was first upgraded. New tree locations will be hand watered by a water truck as/when required.*

**9.3.1 Cardinals Junior Football Club – CSRFF Funding Update**

|                              |                           |                    |               |
|------------------------------|---------------------------|--------------------|---------------|
| <b>Ward:</b>                 | North                     | <b>Date:</b>       | 30 March 2009 |
| <b>Precinct:</b>             | Mt Hawthorn               | <b>File Ref:</b>   | FIN0074       |
| <b>Attachments:</b>          |                           |                    |               |
| <b>Reporting Officer(s):</b> | J. Bennett                |                    |               |
| <b>Checked/Endorsed by:</b>  | J. Anthony/<br>M. Rootsey | <b>Amended by:</b> |               |

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *NOTES that the Cardinals Junior Football Club were successful in their application for a Community Sport and Recreation Facility Fund (CSRFF) funding grant for training lights, at Menzies Park to the net value of \$22,727; and*
- (ii) *LISTS for consideration the amount of \$22,727 in the Draft 2009/2010 Budget for the Cardinals Junior Football Club to install two (2) training lights at Menzies Park.*

**COUNCIL DECISION ITEM 9.3.1**

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

*That the recommendation be adopted.*

**Debate ensued.**

**MOTION PUT AND CARRIED (7-0)**

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

**PURPOSE OF REPORT:**

The purpose of this report is to obtain the Council’s approval to endorse funding in the 2009/10 budget for the installation of sport training lights at Menzies Park within the Town of Vincent.

**BACKGROUND:**

At the Ordinary Meeting of Council on 7 October 2008 the following resolution was adopted:

*“That the Council;*

- (i) *APPROVES the application from the Cardinals Junior Football Club in support of the Community Sport and Recreation Facility Fund (CSRFF), prior to lodgement with the Department of Sport and Recreation, on the condition that the Department of Sport and Recreation support this application through the CSRFF program; and*
- (ii) *APPROVES the application from the Cardinals Junior Football Club listed in the following order of priority:*

| <b>Rating</b> | <b>Rationale</b>                            | <b>Applicant</b>                      | <b>Recommended Council contribution</b> |
|---------------|---|---------------------------------------|---|
| <i>B</i>      | <i>Well planned and needed by applicant</i> | <i>Cardinals Junior Football Club</i> | <i>\$25,000</i>                         |

- (iii) *LISTS an amount of \$25,000 for consideration on the Draft Budget 2009/10 subject to the application for CSRFF funding being approved by the Department of Sport and Recreation."*

**DETAILS:**

Following the Council's in principle support the Cardinals Junior Football Club submitted a funding application in accordance with Department of Sport and Recreation guidelines by the end of November 2008.

The Town has received correspondence from the Minister for Sport and Recreation on 26 March 2009 to indicate that the Cardinals Junior Football Club has been successful in its application for CSRFF funding. The nature of the CSRFF project funding is based on one third contribution by the Department of Sport and Recreation, one third by the club and the final third by the Town of Vincent.

This project would involve the installation of two new training floodlights, allowing for day and night time sports training. Increased parks lighting has also been a successful strategy across the Town to increase unstructured recreational usage of local reserves.

**CONSULTATION/ADVERTISING:**

Initial community consultation was undertaken by the Cardinals Junior Football Club via a public meeting in accordance with guidelines for the CSRFF application. Additional consultation with surrounding residents will be required as part of the planning application for this project.

**LEGAL/POLICY:**

N/A.

**STRATEGIC IMPLICATIONS:**

The support of CSRFF grants is in keeping with the Town's Strategic Plan 2006-2011:

Key Result Area 1.1.6:

*"Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment."*

**SUSTAINABILITY IMPLICATIONS:**

The upgrade of park and reserve lighting assists in the provision of sustainable high quality sporting and recreational facilities and encourages increased usage of these facilities by the local community.

**FINANCIAL/BUDGET IMPLICATIONS:**

The maximum grant funded by the Department of Sport and Recreation under CSRFF funding is no greater than one-third of the total cost of a project. The grant must be at least matched by the applicant's own cash contribution.

The total project is costed at \$68,181 plus GST. Therefore the contribution from the Town of Vincent has been identified as being \$22,727 for consideration in the 2009/10 budget.

**COMMENTS:**

The installation of lighting and expansion to night training at Menzies Park is in accordance with the parks use as a sporting reserve. In winter the additional lighting will assist in recreational use by the surrounding residents after working hours.

**9.4.2 Town of Vincent Economic Development Promotional Strategy 2009**

|                             |                     |                    |              |
|-----------------------------|---------------------|--------------------|--------------|
| <b>Ward:</b>                | Both                | <b>Date:</b>       | 7 April 2009 |
| <b>Precinct:</b>            | All                 | <b>File Ref:</b>   | CMS0008      |
| <b>Attachments:</b>         | <a href="#">001</a> |                    |              |
| <b>Reporting Officer:</b>   | N Greaves           |                    |              |
| <b>Checked/Endorsed by:</b> | John Giorgi         | <b>Amended by:</b> | -            |

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *ENDORSES the draft Town of Vincent Economic Development Promotional Strategy 2009 as shown in Appendix 9.4.2; and*
- (ii) *NOTES that the Economic Development Promotional Strategy 2009 will be implemented on an ongoing basis during 2008-09 and beyond by the Chief Executive Officer, as part of his role for being responsible for public relations/marketing matters.*

**COUNCIL DECISION ITEM 9.4.2**

**Moved Cr Farrell, Seconded Cr Maier**

*That the recommendation be adopted.*

Debate ensued.

**AMENDMENT**

**Moved Cr Maier, Seconded Cr Lake**

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

*“(iii) REQUESTS the Chief Executive Officer to produce an implementation plan with recommended courses of action, timeframes and cost implications.”*

**AMENDMENT PUT AND CARRIED (7-0)**

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

Debate ensued.

**PROCEDURAL MOTION**

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

*That the item be DEFERRED for further consideration (including the preparation of an implementation plan with recommended courses of action, timeframes and cost implications).*

**PROCEDURAL MOTION PUT AND CARRIED (6-1)**

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

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

**PURPOSE OF REPORT:**

The purpose of the report is for the Council to endorse the Town of Vincent Economic Development Promotional Strategy 2009.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 13 May 2008 the Council considered the matter of a Communication and Marketing Strategy and resolved as follows:

- “(i) *RECEIVES the Town of Vincent’s Communication Strategy (attached at Appendix 10.4.4);*
- (ii) *NOTES that the Communications Strategy has been prepared and is being implemented; and*
- (iii) *NOTES that a Marketing Strategy is yet to be developed.”*

**DETAILS:**

The Town's Communications Strategy encompasses the various communications channels including public relations and marketing. The Communications Strategy is being implemented and addresses communications across a broad spectrum of matters. A Promotional Strategy has been developed specifically to address Key Result Area 2.1.3(b) *Develop a Marketing Strategy/Opportunities to promote the Town (including Commercial Centres) as a “Location of Choice” in the Strategic Plan 2006-2011.*

The Town has acknowledged that a strong and innovative business sector based on sustainable economic development contributes to the prosperity, sustainability and liveability of a community and as such has identified economic development as one of the four key objectives in the Strategic Plan.

A key component in this Promotional Strategy is to establish a 'brand' (to be capitalised upon for the purposes of promotion) and 'image' for Vincent and to 'position' Vincent and its localities. Through the branding and positioning, promotional strategies can be tailored to appeal to the identified key audiences and present consistent and interconnected messages/campaign with the ultimate aim to create the perception that Vincent is a 'location of choice' for business, residents and visitors and then facilitate the 'investment' in Vincent by the key markets through the provision of appropriate resources and opportunities/initiatives.

It should be noted that this document is referred to as a “Promotional Strategy” and not a “Marketing Strategy” as the term 'marketing' is intrinsically and explicitly linked to 'sales' and therefore cannot be correctly applied to the general functions and objectives of the Town. Marketing concepts, tools and channels are included in the Promotional Strategy, however as objectives associated with marketing strategies need to be linked to quantifiable economic outcomes (i.e. increase in sales), the term Promotional Strategy is more appropriate.

The draft Economic Development Promotional Strategy is a working document that explores promotional options and opportunities to help promote Vincent and in particular the identified activity/commercial centres of Leederville, North Perth, Mount Hawthorn, Beaufort Street and William Street as a 'location of choice' to three key audiences – business proprietors, residents/land owners and visitors.

Implementation of recommended strategies is dependent upon the prevailing economic, environmental and social conditions, priorities and available resources, and the document should be used as a starting point for exploring options/strategies to promote Vincent through the identified mediums.

The strategies are designed to be on-going initiatives and therefore should be viewed as a long-term investment for the Town.

**CONSULTATION/ADVERTISING:**

Not required. The Economic Development Promotional Strategy will be treated as an internal working document.

**LEGAL/POLICY:**

Nil.

**STRATEGIC IMPLICATIONS:**

*Strategic Plan 2006-2011 – Key Result Area 2.1.3(b) Develop a Marketing Strategy/Opportunities to promote the Town (including Commercial Centres) as a “Location of Choice”.*

**FINANCIAL/BUDGET IMPLICATIONS:**

The Town’s Public Relations Officer prepared the document “in-house” and no consultants were engaged.

The implementation of various initiatives detailed in the Economic Development Promotional Strategy 2009 are contained within the Town's operating budget and no further funding is considered necessary.

**SUSTAINABILITY IMPLICATIONS**

Nil.

**COMMENTS:**

It is recommended that the Town’s Economic Development Promotional Strategy 2009 be received and endorsed.

**9.4.3 Information Bulletin**

|                              |                     |                    |              |
|------------------------------|---------------------|--------------------|--------------|
| <b>Ward:</b>                 | -                   | <b>Date:</b>       | 7 April 2009 |
| <b>Precinct:</b>             | -                   | <b>File Ref:</b>   | -            |
| <b>Attachments:</b>          | <a href="#">001</a> |                    |              |
| <b>Reporting Officer(s):</b> | A Radici            |                    |              |
| <b>Checked/Endorsed by:</b>  | John Giorgi         | <b>Amended by:</b> | -            |

**OFFICER RECOMMENDATION:**

*That the Information Bulletin dated 14 April 2009, as distributed with the Agenda, be received.*

**COUNCIL DECISION ITEM 9.4.3**

**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

**Debate ensued.**

**MOTION PUT AND CARRIED (7-0)**

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

**DETAILS:**

The items included in the Information Bulletin dated 14 April 2009 are as follows:

| <b>ITEM</b> | <b>DESCRIPTION</b>  |
|-------------|---|
| IB01        | Letter of Appreciation from the Drug and Alcohol Office regarding the involvement in the launch of the <i>Rethink Drink</i> Alcohol Education Program   |
| IB02        | Email of Appreciation from C. Poustie regarding Summer Concerts in the Park   |
| IB03        | Letter from the Department of Housing regarding Change of Departmental Name   |
| IB04        | Letter of acknowledgement from Department of Infrastructure, Transport, Regional Development and Local Government regarding Funding Submission for Beatty Park Leisure Centre Redevelopment         |
| IB05        | Letter from Department of Treasury and Finance, Building Management and Works regarding Update on Proposed New Building Legislation for Western Australia   |
| IB06        | Letter from Department of Health, Office of Director General regarding Nos. 14-16 Woodstock Street, Mount Hawthorn (Hawthorn House) – Institutional Building – Step Down Intermediate Care Facility |
| IB07        | Letter from the Australian Hotels Association regarding being incorrectly quoted in <i>The Voice</i> newspaper in relation to Litter Outside Licensed Venues  |

| <b>ITEM</b> | <b>DESCRIPTION</b>   |
|-------------|--|
| IB08        | Letter to David Cohen of Media Entertainment Arts Alliance – Response to Questions Taken on Notice at the Council meeting held on 24 March 2009  |
| IB09        | Letter from State Administrative Tribunal (SAT) regarding Matter No. DR/28 of 2009 – Australian Leisure & Hospitality Group Ltd v Town of Vincent (No. 331-367 Bulwer Street (Cnr Fitzgerald and Lawley Sts), Hyde Park Hotel, West Perth) |
| IB10        | Letter from State Administrative Tribunal (SAT) regarding Matter No. DR/514 of 2008 – Dale v Town of Vincent (No. 41 Federation Street, Mount Hawthorn)  |
| IB11        | Letter from State Administrative Tribunal (SAT) regarding Matter No. DR/500 of 2008 – Stojsavljevic v Town of Vincent (No. 12 Milton Street, Mount Hawthorn)   |
| IB12        | Vincent Accord ‘ <i>Socialise with Safety</i> ’ Minutes of Meeting held on 21 January 2009   |
| IB13        | Safer Vincent Crime Prevention Partnership (SVCPP) Minutes of Meeting held on 4 March 2009   |
| IB14        | Hyde Park Lakes Restoration Minutes of Public Meeting held on 17 March 2009  |
| IB15        | Local Area Traffic Management Advisory Group Public Meeting held on 19 March 2009  |
| IB16        | Register of Petitions - Progress Report - April 2009   |
| IB17        | Register of Notices of Motion - Progress Report - April 2009   |
| IB18        | Register of Reports to be Actioned - Progress Report - April 2009  |
| IB19        | Register of Legal Action - Progress Report - April 2009  |
| IB20        | Register of State Administrative Tribunal Appeals - Progress Report - April 2009   |
| IB21        | Notice of Forum - 21 April 2009  |
| IB22        | Letter from the Department of Local Government and Regional Development regarding “Message from the Public Sector Commissioner – Government House Open Day”  |

**10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil.

**12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES**

Nil.

**13. URGENT BUSINESS**

Nil.

**PROCEDURAL MOTION**

At 10.00pm Moved Cr Farrell, Seconded Cr Messina

*That Council proceed "behind closed doors" to consider confidential items 14.1 and 14.2, as these matters contain legal advice obtained or which may be obtained by the local government and which relates to a matter to be discussed at the meeting.*

**PROCEDURAL MOTION PUT AND CARRIED (7-0)**

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

Journalist Andrei Buters departed the public gallery. No members of the public were present.

**14. CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED ("BEHIND CLOSED DOORS")**

**14.1 CONFIDENTIAL REPORT - No. 241 (Lots: 100 and 101 D/P: 63744) Beaufort Street, Perth - Alterations and Additions to Existing Street/Front Fence of Existing Single House (Application for Retrospective Approval) - State Administrative Tribunal (SAT) Review Matter No. DR 442 of 2008**

|                              |                     |                    |                          |
|------------------------------|---------------------|--------------------|--------------------------|
| <b>Ward:</b>                 | South               | <b>Date:</b>       | 6 April 2009             |
| <b>Precinct:</b>             | Beaufort ; P13      | <b>File Ref:</b>   | PRO3344;<br>5.2008.452.1 |
| <b>Attachments:</b>          | -                   |                    |                          |
| <b>Reporting Officer(s):</b> | E Storm             |                    |                          |
| <b>Checked/Endorsed by:</b>  | H Smith, R Boardman | <b>Amended by:</b> | -                        |

**OFFICER RECOMMENDATION:**

*That, given the decision by the Council at its Ordinary Meeting held on 24 February 2009 to refuse the application, the Council;*

- (i) *RECEIVES the report relating to No. 241 (Lots: 100 and 101 D/P: 63744) Beaufort Street, Perth - Alterations and Additions to Existing Street/ Front Fence of Existing Single House (Application for Retrospective Approval) - State Administrative Tribunal (SAT) Review Matter No. DR 442 of 2008; and*

- (ii) ***FILES and SERVES the following draft “without prejudice” conditions to the SAT in response to the SAT Orders;***
- (a) ***all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and***
- (b) ***within twenty eight (28) days of the issue date of this 'Approval to Commence Development', a Building Approval Certificate Application, structural details certified by a Practicing Structural Engineer, including plans and specifications of the subject commenced works, shall be submitted to and approved by the Town of Vincent Building Services as required under section 374 AA of the Local Government (Miscellaneous Provisions) Act 1960, and regulation 11 A of the Building Regulations 1989.***

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**COUNCIL DECISION ITEM 14.1**

**Moved Cr Farrell, Seconded Cr Messina**

***That the recommendation be adopted.***

**Debate ensued.**

**MOTION PUT AND CARRIED (7-0)**

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

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**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it relates to the Town's position regarding a review application to the State Administrative Tribunal, contains legal advice obtained, or which may be obtained by the local government and which relates to a matter to be discussed at this meeting. In accordance with Section 5.23 of the Local Government Act, the report is to be kept confidential until determined by the Council to be released for public information.

**LEGAL:**

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The Town of Vincent Local Law Relating to Standing Orders states the following:

***“2.15 Confidential business***

- (1) ***All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.***

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

At the conclusion of these matters, the Council may wish to make some details available to the public.

**14.2 LATE ITEM: CONFIDENTIAL REPORT- Nos. 112 – 120 (Lots 4, 5, 53, 54, 55 and 123) Broome Street, Highgate - Proposed Demolition of Existing Single House and Construction of Eight (8) Two-Storey Grouped Dwellings – State Administrative Tribunal – Review Matter No. DR 104 of 2009**

|                              |                     |                    |                          |
|------------------------------|---------------------|--------------------|--------------------------|
| <b>Ward:</b>                 | South               | <b>Date:</b>       | 14 April 2009            |
| <b>Precinct:</b>             | Forrest; P14        | <b>File Ref:</b>   | PRO1307;<br>5.2008.401.1 |
| <b>Attachments:</b>          |                     |                    |                          |
| <b>Reporting Officer(s):</b> | D Pirone            |                    |                          |
| <b>Checked/Endorsed by:</b>  | H Smith, R Boardman | <b>Amended by:</b> | -                        |

**OFFICER RECOMMENDATION:**

*That, given the decision by the Council at its Ordinary Meeting held on 24 February 2009 to refuse the application, the Council;*

- (i) *RECEIVES the report relating to Nos. 112 – 120 (Lots 4, 5, 53, 54, 55 and Lot 123) Broome Street, Highgate – Proposed Demolition of Existing Single House and Construction of Eight (8) Two-Storey Grouped Dwellings – State Administrative Tribunal (SAT) Review Matter No. DR 104 of 2009; and*
- (ii) *NOMINATES Cr Izzi Messina to attend the mediation at the SAT Mediation Room 8.10 on 17 April 2009 at 2:00 pm as per Order Two of the SAT Orders dated 3 April 2009.*

**COUNCIL DECISION ITEM 14.2**

**Moved Cr Messina, Seconded Cr Farrell**

*That the recommendation be adopted.*

Debate ensued.

**MOTION PUT AND CARRIED (7-0)**

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

**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it relates to the Town's position regarding a review application to the State Administrative Tribunal, contains legal advice obtained, or which may be obtained by the local government and which relates to a matter to be discussed at this meeting. In accordance with Section 5.23 of the Local Government Act, the report is to be kept confidential until determined by the Council to be released for public information.

**LEGAL:**

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The Town of Vincent Local Law Relating to Standing Orders states the following:

*“2.15 Confidential business*

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.”*

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

At the conclusion of these matters, the Council may wish to make some details available to the public.

**PROCEDURAL MOTION**

At 10.12pm **Moved Cr Farrell, Seconded Cr Doran-Wu**

*That an “open meeting” be resumed.*

**PROCEDURAL MOTION PUT AND CARRIED (7-0)**

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

**15. CLOSURE**

**The Presiding Member, Mayor Nick Catania, declared the meeting closed at 10.12pm with the following persons present:**

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

No Members of the Public or journalists present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 14 April 2009.

Signed: .....Presiding Member  
Mayor Nick Catania

Dated this ..... day of ..... 2009