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(14 JUNE 2005)

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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 June 2005, commencing at 6.02pm.

1. DECLARATION OF OPENING

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

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Nil.

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Steed Farrell (Deputy Mayor)	North Ward
Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Mark Fletcher	Journalist – Voice
Dan Hatch	Journalist – Guardian Express (from 6.05 pm)

Approximately 22 Members of the Public

(c) Members on Leave of Absence:

- Cr Maddalena Torre for the period 26 April to 14 June 2005 (inclusive) for personal reasons.

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

1. Mrs Helen Saunders of 18 Bruce Street, Leederville – Item 10.1.18 – Advised that she was delighted to receive approval for the development, subject to conditions. Stated that she accepts almost all the conditions but requested that some of the conditions be deleted and/or amended in clause (iii) as follows: (a) – deleted, (b) – be amended as second bathroom is important, (c) – deleted, (d) – accept this condition and (e) – be amended to 1.5 metres to enhance the utility of courtyards. Stated that carparking was in fact 10 metres and therefore there was a possible error on the plan. Stated in conclusion that these plans can only beautify Oxford Street.
2. Mr Nathan Zuiderveld of 45 Shenton Street, Northbridge – Item 10.1.19 - On behalf of the owners of 264 Oxford Street, stated that they are seeking the deletion of clause (xvi) to retain the existing internal features of the original dwelling.

3. Mr Christopher Gwin of 65 The Boulevarde, Mount Hawthorn – Item 10.1.15 – Stated that he is very pleased that the Planning Officer has recommended his plans for approval and hopes this is the case.
4. Mr Alfred La Piana of 51-53 Burt Street, North Perth – Item 10.1.1 – Stated that he plans to submit a Demolition Application to the Town as the upkeep on the existing dwelling is very costly and he and his family wish to build a new family home. Stated that he hopes the Council will approve his application and looks forward to settling in the Town with his young family.
5. Mr Ronan Pierce of 555 William Street, Mount Lawley – Commenting on Town Planning Scheme No. 1, Amendment No. 8 – Stated that he believes this amendment should be separated into two sections. Policy Statements - which reinforce the R-codes and Local Design Guidelines - instigated by ratepayers, not by Council Officers.
6. Ms Sarah Arnell of 12 Brookman Street, Perth – Item 10.1.4 – Stated that she is concerned about the proposed Karaoke Bar with regards to flow on noise, antisocial behaviour, drug use, graffiti, rubbish dumping and severe/illegal parking situations. Stated that the proposed trading hours are unrealistic. Urges Council to honour its previous decision of capacity at 60 patrons and 8pm – midnight trading hours with a six month trial period.
7. Mr Phil Cockman of 21 Risley Street, Applecross – Item 10.1.4 – On behalf of the owners of the proposed Karaoke Bar – Wishes to thank Council for considering the application. Stated that it is the position of the owners that there is ample car parking and a great deal of funding has been put into noise control and security (cameras recording movement in the alley way behind the building). The owners are happy to accept restrictions on hours allowing rubbish dumping and use of the rear door. Will immediately submit a floor plan showing internal fit out if the Council wishes. Hopes the Council will approve the application with its amendments.
8. Ms Kaye Cheddar of 2 Brookman Street – Item 10.1.4 – Upholds all comments made by Sarah Arnell (speaker 6). Restated the importance of the parking issue in the area. Ms Cheddar has serious health issues and is not happy with the availability of parking to receive medical attention if required. Also urged Council to honour its previous decision.
9. Mr Craig Rice of 114 Shakespeare Street, Mount Hawthorn – 10.1.21 – Thanked the Planning Department for approving the housing side of the application. Stated his disappointment in the frustration of approving a carport as there are numerous carports in the area similar the one he is proposing.

There being no further questions from the public, the Presiding Member closed Public Question Time at 6.25pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

- 5.1 The Chief Executive Officer advised that a petition with 55 signatories was received from Mr D Reece of 24 Britannia Road in support of the Proposed Recreation Facility (Gym) at 24 Britannia Road, Mt Hawthorn.

The Chief Executive Officer advised that the petition would be referred to the Executive Manager Environmental and Development Services for investigation and report.

- 5.2 The Chief Executive Officer advised that a petition with 14 signatories was received from Ms L Guenzl of 13A Highlands Road requesting a cul-de-sac be installed at the Green Street end of Highlands Road, North Perth.

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

Moved Cr Farrell, Seconded Cr Chester

That the petitions be received and referred to the Officers for investigation and report.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

- 6.1 Ordinary Meeting of Council held on 24 May 2005**

Moved Cr Farrell, Seconded Cr Maier

That the Minutes of the Ordinary Meeting of Council held on 24 May 2005 be confirmed as a true and correct record.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

- 6.2 Special Meeting of Council held on 31 May 2005**

Moved Cr Farrell, Seconded Cr Maier

That the Minutes of the Special Meeting of Council held on 31 May 2005 be confirmed as a true and correct record.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 EMPLOYEE OF THE MONTH AWARDS FOR THE TOWN OF VINCENT FOR JUNE 2005

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

For JUNE 2005, the award is presented to DAVID BOARDMAN, Ranger in the Town's Ranger Services and Community Safety Section. David was nominated as a result of a letter of appreciation received by the Town from Ms Hilary Swain, the owner of Briary Kennels in Southern River, who wrote as follows;

"This is a letter of CONGRATULATIONS not complaint, about the service provided by the Town of Vincent.

I received a phone call from one of your Rangers, David Boardman, on Monday 16 May as he had found a young Griffon Bruxellois puppy in North Perth. He obviously went to a great deal of trouble to find my name and number as a Griffon Bruxellois breeder to enquire if I knew who the owner could be.

I would like you to know how much I appreciate the effort that David went to try and locate the owners and also the care that he gave to the puppy who had miraculously escaped from what was thought to be a secure environment. Griffons are a rare breed and many people have no idea that they exist, so it is a credit to him and your local government that he was able to recognise the breed.

Please could you pass on my sincere thanks to David."

Members of the public will be pleased to know that the puppy was very happily reunited with her owners that same day. It is always pleasing to receive letters of appreciation, as they are a positive reflection on the Town's employees and the Town of Vincent overall.

The Employee of the Month award is in recognition of David's tremendous efforts. Well done David - Keep up the good work!!

Received with acclamation.

7.2 MINISTER FOR LOCAL GOVERNMENT AND REGIONAL DEVELOPMENT - FINANCIAL MANAGEMENT AWARDS 2004

I am pleased to advise that the Town of Vincent's Budget and Financial Documents 2004 have been assessed by the Department of Local Government as being of a "High Standard", providing a sound basis for financial management. Whilst the Town did not receive an Award, it is very positive and reassuring to receive the acknowledgement.

This is the second year in a row that the Town has received this recommendation.

Well done to Mr Rootsey and his Financial Services Team.

Received with acclamation.

8. DECLARATION OF INTERESTS

- 8.1 The Chief Executive Officer, Mr John Giorgi, declared an impartiality interest in Item 10.4.2 – Tender Number 315/05 Architectural Services – Members Equity Stadium Stage 2. His interest being that he has had previous professional contact and involvement with three of the Architectural Firms that have tendered for the project, namely Peter Hunt Architect, Bollig Design Group Pty Ltd and Oldfield Knott Architects.
- 8.2 The Executive Manager Technical Services, Mr Rick Lotznicher, declared an impartiality interest in Item 10.4.2 – Tender Number 315/05 Architectural Services – Members Equity Stadium Stage 2. His interest being that he has had previous professional contact and involvement with three of the Architectural Firms that have tendered for the project namely Peter Hunt Architect, Bollig Design Group Pty Ltd and Oldfield Knott Architects.

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

Nil.

10. REPORTS

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

The Agenda Items were categorised as follows:

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

Items 10.1.18, 10.1.19, 10.1.15, 10.1.1, 10.1.4 and 10.1.21

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

Item 10.4.3

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

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

Cr Farrell	Nil
Cr Chester	Items 10.1.6, 10.1.11, 10.1.14, 10.1.17, 10.4.2 and 10.4.7
Cr Ker	Item 10.4.6
Cr Doran-Wu	Nil
Cr Lake	Items 10.1.16
Cr Messina	Nil
Cr Maier	Items 10.1.5 and 10.4.5
Mayor Catania	Nil

Presiding Member, Mayor Nick Catania JP, requested the Chief Executive Officer to advise the Meeting of:

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

Nil.

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

Items 10.1.2, 10.1.7, 10.1.8, 10.1.9, 10.1.10, 10.1.12, 10.1.13, 10.1.20, 10.1.22, 10.2.1, 10.2.2, 10.2.3, 10.3.1, 10.4.1 and 10.4.4

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

Nil

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

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

Items 10.1.2, 10.1.7, 10.1.8, 10.1.9, 10.1.10, 10.1.12, 10.1.13, 10.1.20, 10.1.22, 10.2.1, 10.2.2, 10.2.3, 10.3.1, 10.4.1 and 10.4.4

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

Items 10.1.18, 10.1.19, 10.1.15, 10.1.1, 10.1.4 and 10.1.21

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

Moved Cr Farrell, Seconded Cr Chester

That the following unopposed items be moved en bloc;

Items 10.1.2, 10.1.7, 10.1.8, 10.1.9, 10.1.10, 10.1.12, 10.1.13, 10.1.20, 10.1.22, 10.2.1, 10.2.2, 10.2.3, 10.3.1, 10.4.1 and 10.4.4

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

10.1.2 No. 12 (Lot 32) Howlett Street, North Perth - Proposed Demolition of Existing Single House and Construction of a Two-Storey Mixed Use Development Comprising Warehouse, Offices and Incidental Light Industry, and One (1) Single Bedroom Dwelling- Amended Plans

Ward:	North	Date:	8 June 2005
Precinct:	Charles Centre; P7	File Ref:	PRO2988; 00/33/2551
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the amended plans stamped 25 May 2005 to Planning Approval (Serial No. 00/33/2551) granted by the Council on 18 January 2005 and issued on 8 February 2005, for proposed Demolition of Existing Single House and Construction of a Two-Storey Mixed Use Development Comprising Warehouse, Offices and Incidental Light Industry, and One (1) Single Bedroom Dwelling, at No. 12 (Lot 32) Howlett Street, North Perth.

COUNCIL DECISION ITEM 10.1.2

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

PURPOSE OF REPORT:

The subject amended plans have been submitted as part of the Building Licence Application for the proposed development and varies from the respective Planning Approval plans. Given the debate in relation to Item 10.4.5 at the Ordinary Meeting of Council held on 22 March 2005 regarding the development at No. 516 Fitzgerald Street, North Perth, the subject amended plans are being referred to this Ordinary Meeting for consideration and determination by Council. The Town's Manager Planning, Building and Heritage Services has developed a Policy to address procedures for dealing with variations between Planning Approval Plans and Building Licence Plans. This draft Policy was considered by the Council on 26 April 2005 and the following was resolved:

"That the Item be DEFERRED to allow for rewording and definitions/clarifications of significant variations compared to minor variations."

Landowner:	JE Marks
Applicant:	Statesman Homes
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Office Building
Use Class:	Multiple Dwelling, Warehouse, Office Building, (Incidental) Light Industry
Use Classification:	"AA", "P", "P", "SA"
Lot Area:	637 square metres
Access to Right of Way	N/A

BACKGROUND:

Conditional approval was granted by the Council at its Ordinary Council held on 18 January 2005 for proposed demolition of existing single house and construction of a two-storey mixed use development comprising warehouse, offices and incidental light industry, and one (1) single bedroom dwelling, at the subject property.

DETAILS:

The external differences between the current revised Building Licence Application plans and the previous Planning Approval plans are as follows:

- erection of a screen wall on the eastern and western boundaries;
- the increase in the length of the western courtyard by 600 millimetres;
- the increase in the length of rear northern ground floor wall by 330 millimetres;
- the offices being reduced in size and setback from the eastern boundary;
- windows being deleted from the western and eastern boundaries; and
- the front setback from main building being reduced from 12680 to 12659 millimetres

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
The revised Building Licence Application plans do not result in any greater variations to the development requirements from the previously approved plans.			
Consultation Submissions			
The amended plans were not advertised as it does not involve any greater variations to the development requirements from the previously approved plans.			
Objection	N/A		N/A
Support	N/A		N/A
Other Implications			
Legal/Policy			TPS 1 and associated Policies and Residential Design Codes (R-Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

COMMENTS:

The revised Building Licence Application plans are considered acceptable as the changes in the amended plans are minor, do not have an undue impact on the adjoining neighbours and do not involve any greater variations to the development requirements from the previously approved plans. Accordingly, it is recommended that further Planning Approval for the revised Building Licence Application plans should not be required, and that the revised plans be approved as amended plans to the previous Planning Approval.

10.1.7 Nos. 119-133A (Part Lot 9) Oxford Street, Leederville - Proposed Alterations and Additions to Existing Eating House (Take-Away/Fast Food Outlet)

Ward:	South	Date:	8 June 2005
Precinct:	Oxford Centre; P4	File Ref:	PRO0456; 00/33/2714
Attachments:	001		
Reporting Officer(s):	B Mckean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Hindley & Associates on behalf of the owner PM & PM & A Panegyres for proposed Alterations and Additions to Existing Eating House (Take-Away/Fast Food Outlet), at Nos. 119-133A (Part Lot 9) Oxford Street, Leederville, and as shown on plans stamp-dated 9 February 2005, subject to:

- (i) 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;*
- (ii) doors, windows and adjacent floor areas fronting Oxford Street shall maintain an active and interactive relationship with this street;*
- (iii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*
- (iv) prior to the issue of a Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of \$2,400 for the equivalent value of 0.96 car parking space, based on the cost of \$2,500 per bay as set out in the Town's 2004/2005 Budget.*

COUNCIL DECISION ITEM 10.1.7

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

Landowner:	PM & PM & A Panegyres
Applicant:	Hindley & Associates
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): District Centre
Existing Land Use:	Eating House
Use Class:	Eating House
Use Classification:	"P"
Lot Area:	2221 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves alterations and additions to existing eating house (take-away/fast food outlet) at No(s). 119 - 133A Oxford Street (Part Lot 9) Oxford Street, Leederville. The signage additions are proposed at the rear of the building, therefore, is compliant with the Town's Policy relating to Minor Nature Development which states that planning approval is not required for all advertisement signs which are not visible from any public street and/or adjacent property, therefore is not considered in this application.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking			
Car Parking Requirement (nearest whole number) -Proposed Take-Away Food Outlet: 1 car bay per 4.5 square metres of seating area plus 1 space per 2.5 square metres of queuing area with a minimum of 4 spaces (proposed 12 square metres of queuing area therefore 4.8 car bays required and 16 square metres of seating area therefore 3.56 car bays required)			8 car bays
Apply the adjustment factors <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.80 (within 50 metres of one or more existing public car parking place(s) with in excess of 50 car parking spaces) ▪ 0.80 (within 400 metres of a rail station) ▪ 0.90 (within a District Centre zone) 			(0.4896) 3.92 car bays
Minus the most recently approved on-site car parking shortfall (after taking into account adjustment factors)			2.96 car bays
Resultant shortfall			0.96 car bay

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

COMMENTS:

The proposal is supported as it is considered to not unduly impact the amenity of the adjacent or surrounding properties. The proposal has a car parking shortfall of 0.96 car bay, therefore, it is recommended that a cash-in-lieu contribution of \$2,400 be paid as outlined in the Officer Recommendation.

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

10.1.8 Nos. 247-249 (Lot 19) Fitzgerald Street, Corner Lawley Street, Perth - Proposed Alterations and Additions to Office, Showroom and Warehouse

Ward:	South	Date:	7 June 2005
Precinct:	Hyde Park; P12	File Ref:	PRO0850; 00/33/2795
Attachments:	001		
Reporting Officer(s):	B Mckean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Plan-It Planning on behalf of the owner Buddhist Compassion Relief Tzu Chi Foundation for proposed Alterations and Additions to Office, Showroom and Warehouse, at Nos. 247-249 (Lot 19) Fitzgerald Street, corner Lawley Street, Perth, and as shown on plans stamp-dated 30 March 2005, subject to:

- (i) 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;*
 - (ii) all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking";*
 - (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) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
 - (v) doors, windows and adjacent floor areas fronting Fitzgerald Street and Lawley Street shall maintain an active and interactive relationship with these streets;*
 - (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) the floor areas shall be limited to;*
 - (a) 137 square metres of gross floor area for the office component;*
 - (b) 72 square metres of gross floor area for the showroom component; and*
 - (c) 270 square metres of gross floor area for the warehouse component.*
- Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town; and*
- (viii) the 180 square metres of "open space" must be used strictly as open space.*

COUNCIL DECISION ITEM 10.1.8

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

Landowner:	Buddhist Compassion Relief Tzu Chi Foundation
Applicant:	Plan-It Planning
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Warehouse
Use Class:	Office Building Showroom and Warehouse
Use Classification:	"P"
Lot Area:	544 square metres
Access to Right of Way	South side, 5.08 metres wide, sealed, privately owned.

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves alterations and additions to office, showroom and warehouse at No(s). 247-249 Fitzgerald Street, Perth.

The proposal involves an internal change of use from warehouse to include an office, showroom and warehouse component. The office and showroom component on the ground floor will be increased; however, the upper floor remains unchanged.

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

ASSESSMENT:

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

Car Parking	
Car Parking Requirement (nearest whole number)	
-Proposed Office: 1 car bay per 50 square metres of gross floor area (proposed 137 square metres).	2.74 car bays
-Proposed Showroom: 3 spaces for the first 200 square metres of gross floor area and thereafter 1 space per 100 square metres of yard area or part thereof (proposed 72 square metres)	3 car bays
-Proposed Warehouse: 3 spaces for the first 200 square metres of gross floor area and thereafter 1 space per 100 square metres of gross floor area or part thereof (proposed 270 square metres)	3.7 car bays
	Total 9 car bays
Apply the adjustment factors	(0.68)
<ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.80 (within 50 metres of one or more existing public car parking place(s) with in excess of 50 car parking spaces) 	6.12 car bays
Minus car parking on-site	7 car bays
Resultant surplus	0.88 car bay

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

COMMENTS:

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

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

10.1.9 Nos. 2-10 (Lots 24, 25 & 34) Woodville Street, North Perth - Proposed Staff Room and Deck Additions to Existing Hostel

Ward:	North	Date:	3 June 2005
Precinct:	North Perth Centre; P9	File Ref:	PRO0642; 00/33/2823
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Garry Batt and Associates Architect on behalf of the owner Casson Homes Inc. for proposed Staff Room and Deck Additions to Existing Hostel, at Nos. 2-10 (Lots 24, 25 & 34) Woodville Street, North Perth, and as shown on plans stamp-dated 18 April 2005, subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Woodville Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iii) the applicant/owner(s) is advised that it is not to be assumed that the Town will support any subsequent proposed developments which proposes an increase in plot ratio floor area; and*
- (iv) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the southern and the western elevations of the deck shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed.*

COUNCIL DECISION ITEM 10.1.9

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

Landowner:	Casson Homes Inc.
Applicant:	Garry Batt & Associates Architect
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Hostel
Use Class:	Hostel
Use Classification:	"SA"
Lot Area:	3367 square metres
Access to Right of Way	Adjacent to subject portion of property - 3 metres wide, sealed, south boundary, privately owned

BACKGROUND:

There is a concurrent planning application for proposed construction of pump enclosure and water tank to existing hostel at the subject property being referred to the Council for consideration under a separate Agenda Report.

DETAILS:

The proposal involves a proposed staff room and deck addition to existing hostel. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	0.5- 1684 square metres	0.57 - 1931 square metres	Supported- increase in plot ratio from current existing development is minor, that is, current existing plot ratio without the proposed addition is 0.56 (1895 square metres). Furthermore, note condition (iii) of Officer Recommendation.
Setbacks: - South	1.5 metres	Nil-1.0 metre (or 0.75-1.75metres which includes half the width of the right of way as permitted by the R-Codes)	Supported- minor variation, not considered to unduly affect adjoining properties and there is an existing building with a nil setback on the subject boundary. Furthermore, refer to 'Comments'.
Privacy Setbacks	Outdoor habitable spaces- 7.5 metres	4.0 metres to southern properties (includes width of right of way)	Not supported - addressed in Officer Recommendation.
Consultation Submissions			
Support		Nil	Noted
Objection		Nil	Noted

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

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

COMMENTS:

The Town's Technical Services have advised that while a 1.5 metres setback is preferable, a 1.0 metre setback is also supportable and should be required to allow for future right of way widening, in accordance with the Western Australian Planning Commission Planning Bulletin relating to "Rights of way or Laneways in Established Areas- Guidelines".

Notwithstanding the above, it is considered that the Town is not in a position to enforce this requirement, on the basis that this requirement has not been consistently applied in the past and the Council at its Special Meeting held on 15 March 2005 resolved that the Town draft Policy relating to the Residential Design Elements (which formalises 'right of way setback and widening' requirements) should be applied only after its formal adoption.

With the above in mind, the proposal is considered supportable, subject to standard and appropriate conditions to address the matters raised in the report.

10.1.10 Nos. 2-10 (Lots 24, 25 & 34) Woodville Street, North Perth - Proposed Construction of Pump Enclosure and Water Tank to Existing Hostel

Ward:	North	Date:	7 June 2005
Precinct:	North Perth Centre; P9	File Ref:	PRO0642; 00/33/2756
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Garry Batt and Associates Architect on behalf of the owner Casson Homes Inc. for proposed Construction of Pump Enclosure and Water Tank to Existing Hostel, at Nos. 2-10 (Lots 24, 25 and 34) Woodville Street, North Perth, and as shown on plans stamp-dated 1 March 2005, subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating that;*
 - (a) no fence exceeding a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates between the proposed water tank and Woodville Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*
 - (b) the solid portion of the wall adjacent to the pump enclosure facing Woodville Street shall be a maximum height of 1.8 metres, provided that the wall and/or fence has at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature.*

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

COUNCIL DECISION ITEM 10.1.10

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

Landowner:	Casson Homes Inc.
Applicant:	Garry Batt & Associates Architect
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Hostel
Use Class:	Hostel
Use Classification:	"SA"
Lot Area:	3367 square metres
Access to Right of Way	Adjacent to subject portion of property - 4 metre wide, sealed dedicated road along northern boundary.

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the construction of a pump enclosure and water tank to existing hostel. The water tank is a Fire and Emergency Services Authority of Western Australia (FESA) requirement, and its construction is due to insufficient water pressure to operate the fire sprinklers as required by the Building Code of Australia (BCA).

Three locations for the pump and tank enclosure were specified, all were located within the front setback. The Town's Officers concur with the preferred location along the northern boundary. Furthermore, this location is considered to most appropriately serve the Town's interests in terms of the impact on the amenity of the locality.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Street Setbacks: Proposed Water Tank and Pump Enclosure	No substantial structures are allowed within street setback area.	Water tank and pump considered substantial structure and located within front setback.	Supported - no objections received, no undue impact and most appropriate location accepted by FESA.
Street Walls and Fences	The solid portion of the wall or fence excepting piers is to be a maximum height of 1.2 metres above the adjacent footpath level	Solid fence to 1.8 metres adjacent to pump enclosure and water tank.	Not supported - conditioned to comply
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted

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

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

COMMENTS:

The proposal was advertised and no written submissions were received during this period.

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

10.1.12 No. 9 (Lot 22) Elizabeth Street, North Perth - Proposed Two-Storey Single House

Ward:	North	Date:	7 June 2005
Precinct:	North Perth; P8	File Ref:	PRO3014; 00/33/2730
Attachments:	001		
Reporting Officer(s):	B Mckean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by J Corp T/A Perceptions on behalf of the owner T & N Dujmovic for proposed Two-Storey Single House, at No. 9 (Lot 22) Elizabeth Street, North Perth, and as shown on plans stamp-dated 17 February 2005, subject to:

- (i) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the eastern window of bedroom three on the northern elevation and the eastern elevation of the balcony on the first floor level shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject window not exceeding one square metre in aggregate in the respective subject wall, so that it is not considered to be a major opening as defined in the Residential Design Codes 2002;*
- (ii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Elizabeth Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*
- (iii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive.*

COUNCIL DECISION ITEM 10.1.12

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

Landowner:	T & N Dujmovic
Applicant:	J Corp Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30/40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	647 square metres
Access to Right of Way	N/A

BACKGROUND:

3 February 2005 Conditional approval for the demolition of existing single house at No. 9 (Lot 22) Elizabeth Street, North Perth was granted under delegated authority.

DETAILS:

The proposal involves a two-storey single house at No. 9 (Lot 22) Elizabeth Street, North Perth. The Town has not received any concurrent subdivision application referral.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Setbacks <u>Ground Floor:</u> East (garage)	1 metre	Nil	Supported - setback is compliant with Building on Boundary requirements of the Residential Design Codes (R Codes).
West (meals/lounge)	1.5 metres	Nil - 2.27 metres	Supported - variation is considered minor and to not unduly impact on adjacent neighbour as setback is to proposed common property.
<u>First Floor:</u> West (sitting room)	4.1 metres	2 metres - 3.6 metres	Supported - as above.
Privacy <u>Ground Floor:</u> Lounge (North: west window)	6 metres	1 metre to west boundary	Supported - overlooking is into proposed common property.
Lounge (North: east window)	6 metres	3.3 metres to west boundary	Supported - as above.

Meals (South)	6 metres	4.1 metres to south boundary	Supported - overlooking is into the same lot (rear lot has not been subdivided).
Family (West)	6 metres	5.5 metres to west boundary	Supported - overlooking is into proposed common property.
Family (South)	6 metres	2.7 metres to south boundary	Supported - overlooking is into the same lot (rear lot has not been subdivided).
Porch	7.5 metres	3.5 metres to west boundary	Supported - overlooking is into proposed common property.
<u>Upper Floor:</u>			
Bedroom Three (East)	4.5 metres	3.6 metres to east boundary	Not supported - it is recommended that this opening be screened in accordance with Officer Recommendation.
Balcony (East)	7.5 metres	6 metres to east boundary	Not supported - as above.
Master Suite (South)	4.5 metres	4.19 metres to south boundary	Supported - overlooking is into the same lot (rear lot has not been subdivided).
Master Suite (West)	4.5 metres	3.67 metres to west boundary	Supported - overlooking is into proposed common property.
Sitting Room (West)	6 metres	2 metres to west boundary	Supported - as above.
Balcony (West)	7.5 metres	3.7 metres to west boundary	Supported - as above.
Building Wall Height West	6 metres	5.893 metres - 6.6 metres	Supported - variation is a result of the sloping nature of the block, all other building wall heights are compliant, there is a proposed four metre wide common property driveway between the building height variation and the adjacent neighbour who did not object and is not considered to have an undue impact on the streetscape.

Consultation Submissions		
Support	Nil	Noted
Objection (1)	<ul style="list-style-type: none"> • Two building on boundaries • Eastern setbacks • Overshadowing • Air flow/ amenity 	<p>Not supported - the building on boundary on the affected neighbours boundary is compliant with the building on boundary requirements of the Residential Design Codes (R Codes) and the second building on boundary is to proposed common property.</p> <p>Not supported - the eastern ground floor and upper floor setbacks of the garage and main house are compliant with the requirements of the R Codes.</p> <p>Not supported - the overshadowing is compliant with the requirements of the R Codes.</p> <p>Not supported - the proposal is not considered to unduly impact on the amenity of the surrounding area.</p>
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

COMMENTS:

The proposal is considered to be in keeping with the established streetscape and the variations sought by the applicant (except those relating to privacy which are addressed in the conditions of the Officer Recommendation) are supportable and do not have an undue impact on the surrounding area.

The proposal was advertised and one objection was received with concern to building on boundary, eastern setbacks, overshadowing and airflow/amenity. These concerns are not supported and are addressed in the Assessment Table.

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

10.1.13 No. 49B (Lot 229) Hobart Street, North Perth - Proposed Two Storey Single House

Ward:	North	Date:	7 June 2005
Precinct:	North Perth; P8	File Ref:	PRO2672; 00/33/2809
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by D Luca on behalf of the owners D Luca and BM Priolo for proposed Two Storey Single House, at No. 49B (Lot 229) Hobart Street, North Perth, and as shown on plans stamped 18 May 2005 (overshadowing diagram) and 31 May 2005, subject to:

- (i) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Hobart Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum of 50 per cent transparency;*
- (ii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the western elevation of the front balcony shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed; and*
- (iv) subject to first obtaining the consent of the owners of No. 49A Hobart 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. 49A Hobart Street in a good and clean condition.*

COUNCIL DECISION ITEM 10.1.13

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

Landowner:	D Luca and BM Priolo
Applicant:	D Luca
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R20
Existing Land Use:	Vacant
Use Class:	Single House
Use Classification:	"P"
Lot Area:	453 square metres
Access to Right of Way	N/A

BACKGROUND:

- 8 April 2004 WAPC resolved to conditionally approve the application for the survey strata subdivision of the property at No. 49 (Lots 228 and 229) Hobart Street, North Perth. This application has not yet proceeded.
- 25 May 2004 Council at its Ordinary Meeting resolved to conditionally approve an application for the demolition of existing single house at No. 49 (Lots 228 and 229) Hobart Street, North Perth.
- 20 September 2004 Conditional approval was granted under delegated from the Council for two single houses at No. 49 (Lots 228 & 229) Hobart Street, North Perth.

DETAILS:

The proposal involves a two storey single house at the subject property. The subject property is in the Eton Locality and accordingly, is being referred to Council for determination.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Setbacks: Ground Floor			
- East	1.5 metres	Nil - 1.5 metres	Supported- compliant with Clause 3.3.2 of R-Codes- Building on Boundaries. Supported - minor variation which is only sought for portion of wall which has no major openings and no undue impact on neighbour.
- West	1.5 metres	1.2 - 1.7 metres	
1st Floor			
- East	5.5 metres (or 2.3 metres if balcony is enclosed for full height).	1.56 - 2.3 metres	Supported- minor variation, no objections received from affected neighbour and no privacy issues as all opening are screened to 1.6 metres.

- West	2.3 metres	1.2 - 1.84 metres	Supported- minor variation and not considered to have an undue impact on neighbour.
Privacy-Cone of Vision Encroachment	Balconies are to be setback, in direct line of sight with in the cone of vision, from the boundary a minimum of 7.5 metres.	Front balcony is 4.7 metres to west boundary.	Not supported- has been conditioned to comply.
Consultation Submissions			
Support	Nil		Noted.
Objection (1)	<ul style="list-style-type: none"> • Ground floor western setbacks abuts outdoor living area • Upper floor western setback- overshadowing • Privacy from balcony • Privacy stairwell windows- request opaque windows 		<p>Not supported- refer to above.</p> <p>Not supported -due to orientation of lot, over shadowing to the western lot is not considered to have an undue impact on adjoining lot.</p> <p>Supported- refer to above.</p> <p>Noted- applicant has amended plans to reflect request.</p>
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

In light of the objections and variations being addressed as above, the proposal is recommended for approval, subject to standard and appropriate conditions to address the matters raised in the report.

10.1.20 No. 420 (Lot 26) Newcastle Street, Corner Harwood Place, West Perth - Proposed Change of Use from Educational Establishment to Mixed Use Development Comprising One (1) Multiple Dwelling and Unlisted Use (Art Gallery, Studio and Workshop) and Associated Alterations

Ward:	South	Date:	7 June 2005
Precinct:	Beaufort; P13	File Ref:	PRO1766; 00/33/2786
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by A and M Ebel on behalf of the owners MJ and CS Young for proposed Change of Use from Educational Establishment to Mixed Use Development Comprising One (1) Multiple Dwelling and Unlisted Use (Art Gallery, Studio and Workshop) and Associated Alterations, at No. 420 (Lot 26) Newcastle Street, corner Harwood Place, West Perth, and as shown on plans stamp-dated 18 March 2005, subject to:

(i) *the floor areas shall be limited to:*

- (a) *32 square metres of gross floor area for the gallery component;*
- (b) *27 square metres of gross floor area for the studio component; and*
- (c) *24 square metres of gross floor area for the workshop component.*

An 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;

- (ii) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iii) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential unit/dwelling that they should recognise and accept that in selecting to reside in this locality that noise, traffic, car parking and other factors that constitute part of normal commercial and other non-residential activities are likely to occur, which are not normally associated with a typical residential development;*
- (iv) *prior to the first occupation of the development, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that 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. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*

- (v) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*
- (vi) *prior to the first occupation of the development, the car parking space provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the dwelling; and*
- (vii) *doors, windows and adjacent floor areas fronting Newcastle Street and Harwood Place shall maintain an active and interactive relationship with these streets.*

COUNCIL DECISION ITEM 10.1.20

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

Landowner:	MJ and CS Young
Applicant:	A and M Ebel
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Educational Establishment
Use Class:	Multiple Dwelling and Unlisted Use
Use Classification:	"AA" and "SA"
Lot Area:	137 square metres
Access to Right of Way	N/A

BACKGROUND:

12 June 2001 The Council, at its Ordinary Meeting resolved to conditionally approve proposed change of use from office building to educational establishment.

DETAILS:

The proposal involves change of use from educational establishment to mixed use development comprising one (1) multiple dwelling, and unlisted use (art gallery, studio and workshop).

The proposed land use of the subject site is considered unique and can loosely be defined as an 'Artist in Residence' type land use. As outlined above this includes a multiple dwelling, art gallery, studio and workshop; none of these land uses will be mutually exclusive.

Light machinery will be used in the workshop and the applicant anticipates pedestrian traffic to create up to ten (10) clients at any one time. Furthermore, the applicant expects occasional exhibition openings, being one (1) to two (2) per year, to attract between thirty (30) to fifty (50) persons.

The proposed hours of operation are Monday to Sunday 9am to 5pm, inclusive. It is anticipated that the gallery/studio/workshop will initially employ the land owner/occupier only with the potential growth of the business to include up to three (3) employees.

It is noted that the existing building remains unchanged except for the removal of external and internal walls at the rear of the subject site along Hardwood Place. This alteration involves the erection of a garage door and will allow for the provision of one car bay on-site; there was previously no car bay(s) on-site.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	1.08 multiple dwellings R 80	1 multiple dwelling R 73	Supported - no variation
Plot Ratio	N/A	N/A	N/A - all plot ratio area is existing.
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

* The 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.

Residential Car Parking

Car parking requirements for the residential component of the development have been calculated using the requirement for multiple dwellings from the Residential Design Codes (R Codes). The residential component requires 2 car bays. A total of 1 car bay is provided for the residential use. The Town's Officers consider this acceptable because the building is existing and the building envelope encompasses the subject site in its entirety, and the applicant is providing one bay on-site where previously there was none.

Commercial Car Parking

Requirements as per Parking and Access Policy	Required
Car Parking Requirement (nearest whole number) <ul style="list-style-type: none"> ▪ Gallery, includes foyer and portion of passageway (32 square metres)- 0.64 car bay ▪ Studio, includes portion of passageway (27 square metres) - 0.54 car bay ▪ Workshop (24 square metres) - 0.36 car bay 	2 car bays for commercial component
Apply the adjustment factors <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.80 (mixed use development) 	(0.68) 1.36 car bays
Minus car parking on-site (1 car bay shown, two car bays required and one car bay provided for multiple dwelling, therefore no car parking provided on-site for commercial component)	Nil
Minus the most recently approved on-site parking shortfall (4 car bay shortfall approved at Ordinary Meeting of Council 12 June 2001 for change of use from office to educational establishment)	4 car bays
Resultant surplus	2.64 car bays

COMMENTS:

The proposal was advertised for a period of 21 days in accordance with the Town's "SA" advertising requirements and no submissions were received during this period.

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

10.1.22 Tender 318/05 To Undertake Daily Checks, Minor Re-Programming and Minor Maintenance of Ticket Issuing Machines

Ward:	Both	Date:	7 June 2005
Precinct:	All	File Ref:	TEN0326
Attachments:	-		
Reporting Officer(s):	J MacLean		
Checked/Endorsed by:	R Boardman, M Rootsey	Amended by:	-

OFFICER RECOMMENDATION:

That the Council ACCEPTS the tender submitted by Parkonsult for the daily checks, minor re-programming and minor maintenance of the Town's ticket issuing machines.

COUNCIL DECISION ITEM 10.1.22

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

PURPOSE OF REPORT:

To approve of the tender for the service and minor maintenance of the Town's parking ticket issuing machines.

BACKGROUND:

On 12 October 2004, the Council approved the purchase of eight ticket issuing machines for Newcastle Street, between Loftus Street and Carr Place, Leederville. As part of the recommendation, the Council noted that the Chief Executive Officer would call a further tender for the checking and maintenance of all of the Town's ticket issuing machines.

Since the Town first commenced operations, the Technical Maintenance Section of the City of Perth has undertaken the checking, re-programming and maintenance of all ticket issuing machines. However, in 1995, the Town had only five (5) ticket issuing machines and this has now increased to a total of fifty nine (59) machines.

For some time, primarily because of the increased need to repair and maintain their own ticket issuing machines, parking meters and car park payment machines, the City of Perth technicians have experienced increasing difficulties in providing the level of service that the Town of Vincent expects. As a result, the technicians have been unable to undertake the checking and minor repairs for the volume of machines owned by the Town.

DETAILS:

The Town of Vincent called for tenders, from appropriately experienced and qualified companies, to undertake the on-going daily checking, minor re-programming and minor maintenance of the existing ticket issuing machines. The Tender closed at 2.00pm on Wednesday, 11 May 2005 and three (3) companies submitted tenders. A representative from Reino International WA was present at the tender opening.

Company	Monthly Cost per Machine	Consultant Hourly Rate
Parkonsult	\$98.27	\$54.45
Reino International WA	\$990.00	\$55.00
Wilson Equipment	\$99.07	\$275.00

As can be seen from the above table, Reino International WA submitted a price for "Monthly Cost per Ticket Machine" of \$990.00, while the other two tenderers, Parkonsult and Wilson Equipment, submitted prices of \$98.27 and \$99.07, respectively. Because of the marked discrepancy between one tender and the other two tenders, the Reino International WA representative was asked to confirm that the price submitted represented a monthly charge and this was confirmed. A short time later, the Reino International WA representative contacted the Town by telephone and by e-mail, to indicate that he had misread the "Schedule of Rates" and had annualised the cost and, rather than submitting a monthly rate, had submitted an annual rate.

The matter was further considered and it was decided that, given the very substantial differences in the quoted prices (approximately ten times the other two tendered prices), the tender from Reino International WA should be accepted as an annualised cost and that the monthly charges should be shown as \$82.50. The table should therefore read:

Company	Monthly Cost per Machine	Consultant Hourly Rate
Parkonsult	\$98.27	\$54.45
Reino International WA	\$82.50	\$55.00
Wilson Equipment	\$99.07	\$275.00

Evaluation:

The evaluation process was close in all areas and, while all companies may have experience and expertise in working with the type of machines owned by the Town of Vincent, only Parkonsult specifically listed that their technicians had previously serviced them all. All companies provided referees, for whom they had worked, but the only company who provided referees, who could attest to the company having undertaken work of a maintenance/servicing nature, was Parkonsult. In two cases, specified referees could speak to having engaged both Parkonsult and Reino International WA (under its previous name of Smart Edge Technologies) and, since the senior personnel of both companies are ostensibly the same, these were used in the assessment, as well as those provided. A requirement of the Tender was for all persons who would be expected to work on the machines to provide a current Police Clearance Certificate, but only Reino International WA and Parkonsult, fulfilled this requirement.

Evaluation Criteria	Parkonsult	Wilson	Reino	Maximum
Fee Proposal	47	47	55	55
Professional expertise and relevant experience in the maintenance of similar machines	25	5	20	25
References	15	10	10	15
Clearances	5	0	5	5
	92	62	90	100

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The tender was in accordance with the Local Government Act, tender regulation requirements. There is no legal impediment to the above recommendation, which complies with the current Policy on Tender management.

STRATEGIC IMPLICATIONS:

Key Result Area 3.2 of the Town's Strategic Plan 2005 to 2010 states "*Develop Business strategies that provide a positive triple bottom line return for the Town*" and the above recommendation would meet this criterion.

FINANCIAL/BUDGET IMPLICATIONS:

The checking, minor programming and minor maintenance has been undertaken by the City of Perth for the past ten (10) years and it is not expected that there will be a measurable difference in the cost of this service, as a result of the above recommendation. As a result, the draft 2005/2006 Budget includes an appropriate amount for the servicing of the Town's ticket issuing machines.

COMMENTS:

The Tender has been administered in accordance with the Town's Policies and the above recommendation is seen as being appropriate to the Town.

10.2.1 Leederville Oval Public Open Space Development - Stage 1

Ward:	South	Date:	7 June 2005
Precinct:	Oxford Centre, P4	File Ref:	RES0052
Attachments:	001;		
Reporting Officer(s):	R. Lotznicher, J van den Bok, C Wilson		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on Stage 1 of the Leederville Oval Public Open Space Development;*
- (ii) *NOTES the comments in the report, resulting from the Leederville Oval Public Open Space Working Group meeting held on 1 June 2005 to discuss the Stage 1 Public Open Space development;*
- (iii) *APPROVES the completion of Stage 1 of the Public Open Space development as outlined on attached Plan Nos. 2292-CP-1B and 2292-CP-1C, estimated to cost \$170,000;*
- (iv) *PLACES the development of Stage 2 of the Public Open Space development ON HOLD pending the outcome of the possible Loftus Centre Redevelopment; and*
- (v) *NOTES that a further report will be submitted once the Working Group has reconvened to consider Stage 2 of the Leederville Oval Public Open Space development.*

COUNCIL DECISION ITEM 10.2.1

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the outcome of the recent Leederville Oval Public Open Space (POS) working Group meeting and seek the Council's approval to complete Stage 1 of the POS development.

BACKGROUND:

At the Ordinary Meeting of Council held on 26 October 2004, Council considered the matter of the establishment of a Working Group to consider and refine the proposed Public Open Space Concept Plan at Leederville Oval and resolved in part;

"That the Council;

- (ii) *APPROVES of a Working Group to consider the POS Concept Plan, as follows;*
 - (a) *CEO, Executive Manager Technical Services (EMTS), Manager Engineering Design Services (MEDS), Manager Parks Services (MPS) and Strategic Planning Officer (SPO);*
 - (b) *General Managers of East Perth Football Club (EPFC) and Subiaco Football Club (SFC);*
 - (c) *two community representatives (to be nominated); and*
 - (d) *Crs Lake and Chester be appointed to the Working Group to consider the POS Concept Plan;*
- (iii) *AUTHORISES the CEO to advertise seeking nominations for the Leederville Oval POS Working Group;"*

In accordance with clause (iii) of the Council decision on 6 November 2004, nominations from community representatives to join the Working Group were called. At the close of the nomination period on 29 November 2004, nine (9) nominations were received.

At the Ordinary Meeting of Council held on 7 December 2004, after considering a report on the proposed working group composition, the Council decided as follows:

"That the Council;

- (i) *CONSIDERS the nominations received for the Leederville Oval Public Open Space Working Group;*
- (ii) *APPOINTS the following community representatives to the Working Group for the period 1 January 2005 to 31 December 2005;*
 - (a) *Mr David Waterhouse;*
 - (b) *Ms Gail Gilmour; and*
- (iii) *ADVISES all nominees of the decision and expresses its appreciation to all nominees for their interest."*

DETAILS:

The inaugural meeting of the Working Group took place on Wednesday 1 June 2005. The following business was discussed at the meeting.

Overview of Works to date - Stage 1

With the completion of the Department of Sport and Recreation (DSR) building on the south west corner of the Leederville Oval site, there was a need to 'tie' the new ground levels into the proposed adjacent public open space land. In addition, as the football season had commenced there was a requirement to install fencing and lay turf at the southern end of the Oval.

This resulted in the implementation of the following preliminary works along the Vincent Street frontage:

- The construction of a retaining wall located 10m from the edge of the oval extending from the existing DSR building heading east following the line of the oval.
- The installation of 55m of perimeter fencing from the DSR building to the eastern end of the aforementioned retaining wall. The fence comprises 19m of 1.8m high 'loop top' fencing, partly funded by the Department of Sport & Recreation, and 36m of 7.0m high screen fencing, to reduce the likelihood of footballs being kicked into the POS or onto Vincent Street.
- The construction of a further retaining wall on the northern edge of the existing Vincent Street footpath between the DSR building and the Town's Administration and Civic centre with openings to allow access to the Leederville childcare centre.
- Earthworks between the two retaining walls to accommodate the proposed dual use path (DUP) and alterations to levels adjacent the childcare centre
- Installation of a section of main line reticulation from the Keith Frame bore to the POS site located in the Vincent Street road reserve.
- Removal of unsuitable vegetation on the Vincent Street frontage of the childcare centre.
- New turf at the southern end of the Oval between the retaining wall and the Oval edge.
- Retaining wall and concrete pad around the substation

POS Development - Vincent Street frontage Landscaping Proposal (Stage 1 continued)

At the Working group meeting held on 1 June 2005, officers outlined a landscaping proposal along the Vincent Street frontage (refer Plan No 2292-CP-1B).

Dual Use Path (DUP)

In this stage it is proposed to construct a 2.5m wide DUP surfaced in red asphalt with a combination of flush and barrier kerbing from the existing pavement (DSR Building) to the existing ablutions block located on the south eastern corner of Leederville Oval. Lighting will be installed at approximately 25m centres along the section of DUP. The lighting will comprise 'Urbi lighting' with Metal Halide lighting.

There will also be a link adjacent the existing childcare centre driveway from the proposed DUP to the Vincent Street footpath.

Comments: Working group members considered that the proposed link should not be installed adjacent to the existing childcare centre driveway and should also be designed to direct cyclists onto the Vincent Street path rather than to the universal access ramp adjacent to the DSR building. These comments have been incorporated into the design.

Members were also advised the Stage 1 DUP works would be terminating at the existing ablutions block as the possible future redesign of the Loftus Centre was still under consideration.

Soft Landscaping

A native landscape theme is proposed for the embankment on the eastern side of the DSR building between the existing retaining walls.

The area around Leederville is predominantly landscaped using native trees/plants and it would be appropriate to continue this theme in the POS area around Leederville Oval.

Tuart trees (*Eucalyptus gomphocephala*) are proposed to be planted along the top of the embankment set back from the existing *Ficus* species. The Tuart has been selected as this species has previously been used within the landscape at the rear of the DSR building, and it is a large eucalypt and therefore is in scale with the surrounding features and existing native trees planted around Leederville Oval.

Setting the Tuart trees back off Vincent Street and near the top of the embankment will differentiate this species from the existing *Ficus* trees. Whilst both species are native to Australia, the *Ficus* species are sub tropical and have a totally different structure. The aim of the additional tree plantings is to provide screening for the recently installed 7 metre high goal net fence and replacement for the trees removed along the Vincent Street frontage at the initial stages of the Leederville Oval redevelopment.

The entire embankment either side of the proposed DUP from the DSR building to near the driveway entrance of the childcare centre, will be planted with native shrubbery. Grass trees will be planted in groups throughout the area and shrubbery from 0.5 to 1.0 metre in height will be provided. Species will include:

- Adenanthos
- Gevillea
- Thryptomene
- Banksia
- Darwinia
- Eremophila
- Hakea and other locally grown hybrids.

The POS area to the east right up to the ablution block will be regraded and turfing where required. Several more Tuarts will be planted in this section and items of park furniture will be strategically placed where appropriate.

Comments: Several issues were raised by the Working Group members, including the use of the Tuart species in this particular area and the screening of the electrical substation located on Vincent Street.

The Tuarts, whilst not indigenous to this particular location (*they are found more to the west usually growing on or near limestone outcrops*), are a native to Western Australia, can be sourced from local suppliers, are fast growing and will adapt readily in this location only several kilometres from where they are naturally found. The Council recently approved of Tuart Trees to be planted between the DSR building and the grandstand. Whilst the area would have been predominantly Jarrah/Marri "country", both these species are not locally grown to any semi mature size and have certain characteristics which discount them from being used more often in native landscapes.

As discussed at the Working Group meeting, several small (*only size available*) Jarrah trees will be planted throughout the landscape and allowed to mature over the next 10 to 20 years.

With reference to the electrical substation, every effort will be made to provide some type of screening, either utilising some form of natural material or with the use of plantings.

Vincent Street - Footpath Upgrade

The existing footpath between the DSR building and the TOV Administration and Civic Centre comprised an old bitumen path. It is proposed to replace this path with urban stone paving to match the existing paving recently laid in front of the DSR building and join up with the existing urban stone paving to the east.

The urban stone paving pattern will comprise "new amber shot blast" dispersed with 800mm wide bands of "topaz shot blast" at 6.0m intervals similar to what currently exists outside the DSR building.

Future Works

The original POS concept comprised the creation of an area of approximately 11,000m² outside of the Football Oval. This original proposal was to comprise a 1.80m high fence surrounding the Oval on the eastern side, approximately 10 metres from the Oval boundary.

The proposal to erect a 2 metre fence to enclose the Oval was previously discussed at length with all parties concerned and a proposal to delete the requirement for the fence and allow the community full access to the Oval at all times outside of Clubs' games and organised events was supported.

This would mean the community would ultimately have access to the new POS when fully developed and the Oval.

Stage 2 POS development

Once the future of the Loftus Community Centre has been determined, the plan for Stage 2 of the POS development will be developed and progressed in conjunction with the Working Group.

Revised Timetable

An indicative timetable was reported to the Council at its Ordinary Meeting held on 7 December 2004. A new column "Current Status" has been added for the purpose of this report and the timeline revised as follows.

Item	Revised Timeline	Current Status
Formation of Working Group	December 2004	Completed
Advertising of Working Group - Community Members	October-November 2004	Completed
Refinement of Stage 1 Concept Plan - Working Group Meeting	June 2005	Completed
Report to Council - Stage 1 POS	June 2005	Report to OMC 14 June 2005
Construction of Stage 1 - POS	March 2005- August 2005	In progress
Development of Stage 2 - POS	TBA	On Hold
Refinement of Stage 1 Concept Plan - Working Group Meeting	TBA	On Hold
Report to Council - Stage 2 POS	TBA	On Hold
Preparation of final design plans for Stage 2 POS	TBA	On Hold
Construction of Stage 2 POS	TBA	On Hold

Note*: Stage 1 preliminary works have commenced. The existing Oval levels and the existing Vincent Street road reserve levels dictated the design through this narrow section of proposed POS. The retaining wall heights and locations, including the 'tie in' level of the proposed path between the existing DSR Building and existing ablutions block were set. The proposed landscaping along this section of POS is outlined on attached Plan Nos 2292-CP-1B and 2292-CP-1C.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$500,000 was allocated in the 2004/2005 budget for the implementation of the Public Open Space.

The estimated cost to complete stage 1 of the POS development is outlined below.

Removals*	\$3,600
Earthworks*	\$5,000
Retaining Walls*	\$41,000
Reticulation*	\$26,000
Turf*	\$6,400
Landscaping	\$16,700
Dual Use Path	\$28,450
Fencing*	\$18,650
Furniture	\$5,000
Lighting	\$14,500
Setout / Supervision*	\$1,500
Traffic Control*	\$3,200
Total	\$170,000

Note*: Some of the above works have either been completed or are part completed.

Sufficient funds will be carried forward to 2005/2006 to complete both stages of the POS development.

The Vincent Street frontage upgrade (removal of footpath, removal and installation of new kerbing, supply and lay of urban stone paving) is estimated to cost \$ 70,000.

LEGAL/POLICY IMPLICATIONS:

Nil

CONSULTATION/ADVERTISING:

Nil

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment. *“(f) Ensure the current and future efficient and effective use of the Town's parks, reserves and facilities and continue to design and implement infrastructure improvements for public open space. Develop Greenway to link together parks with ecology, arts, recreation and culture.”*

COMMENT:

As mentioned in the report, with the completion of the DSR building, there was a need to 'tie' the new ground levels into the proposed adjacent POS land. In addition, as the football season had commenced there was a requirement to install fencing and lay turf at the southern end of the Oval.

The existing levels of the Oval, the Vincent Street road reserve, the DSR building and the existing ablutions building dictated the design through the narrow section of POS along the Vincent Street frontage.

The Working Group met mainly to consider the landscaping component of Stage 1, however, other matters raised have been incorporated in the final design.

It is therefore recommended that the Council approves the completion of Stage 1 of the Public Open Space development as outlined on attached Plan Nos. 2292-CP-1B and 2292-CP-1C.

10.2.2 Tender No 319/05 - Proposed Drainage Improvements at the Intersection of Green and Dunedin Streets - Mount Hawthorn

Ward:	North	Date:	19 April 2005
Precinct:	Mt Hawthorn P1	File Ref:	TES0015
Attachments:	-		
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *ACCEPTS the tender submitted by Densford Pty Ltd for drainage improvements at the Intersection of Green and Dunedin Streets - Mount Hawthorn at a cost of \$249,997.00 (GST Included) in accordance with the specifications as detailed in Tender No 317/05;*
- (ii) *NOTES that based on the agreed funding arrangement, the Town of Vincent contribution to the project will be \$158,673 (GST Included) with the City of Stirling contribution being \$91,324 (GST Included);*
- (iii) *NOTES that sufficient funds for the Town's contribution to the project have been included in the Town's 2004/2005 and draft 2005/2006 budget; and*
- (iv) *ADVISES the City of Stirling of its decision.*

COUNCIL DECISION ITEM 10.2.2

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval of the tender for drainage upgrade works at the intersection of Green and Dunedin Streets, Mt Hawthorn.

BACKGROUND:

Since 1996, the Town has been progressively carrying out drainage improvements at all its known problem spots by installing additional drainage pits and gully soakwells, as part of the annual road resurfacing program, and drainage upgrades. On 29 March 2003, Perth experienced severe rainfall, resulting in flooding in many areas around the metropolitan area.

At the Ordinary Meeting of Council held on 26 April 2005, the Council was advised of reports of serious flooding at the intersection of Green and Dunedin Streets, Mount Hawthorn /Joondanna.

After considering the report the following decision was adopted.

"That the Council;

- (i) RECEIVES the report on the Proposed Drainage Improvements at the Intersection of Green Street and Dunedin Street - Mount Hawthorn, as shown on attached plan M07304-02;*
- (ii) NOTES that the Town's share of the estimated cost of the project is \$127,053 and that funds totalling \$52,000 have been allocated for the project in the 2004/2005 budget for the Green Street Drainage Improvement project;*
- (iii) APPROVES BY AN ABSOLUTE MAJORITY the reallocation of funds totalling \$66,000 from the 2004/2005 Drainage budget, as outlined in the report,*
- (iv) NOTES that the other funds, \$9,053, will be sourced from the 2004/2005 Miscellaneous Drainage Works budget;*
- (v) AUTHORISES the Chief Executive Officer to call tenders for the works; and*
- (vi) ADVISES the City of Stirling of its decision."*

In accordance with clause (v) of the Council decision, tenders for the project implementation were called and at the close of tender on Tuesday 27 May 2005, four (4) Tenders were received.

DETAILS:

The Town engaged BPA Engineering to design, document and assess the tenders received. The following details were submitted by BPA following the tender assessment.

Name of Tenderers and Prices

The name of Tenderers and their respective prices are summarised as follow;

No	Company	Address and Contact Details	Tender Price (Included GST)
1	Densford Pty Ltd	12 Sarich Court Osborne Park, WA 6017 Tel: 9446 3155, 9446 3911(F)	\$249,997.00
2	Aarde Constructions	Unit 1/21 Catherine Street Bentley, WA 6102 Tel: 9358 6122, 9358 6144(F)	\$314,289.69
3	MAKO Civil Pty Ltd	106 Maddington Road P.O. Box 137 Maddington, WA 6989 Tel: 9452 1400, 9452 1401(F)	\$421,129.50
4	Advanteering Civil Pty Ltd	10 Southport Street, Leederville, WA 6007 Tel: 9381 8111, 9382 2407(F)	\$447,318.30

Confirmation to Conditions of Tendering

All four tenderers' submissions were found to conform to the requirements set out in the Conditions of Tendering.

Tender Value Analysis

The detail tender prices comparison is presented in the attached Table and summarised as follows:

Items	BPA Estimate	Densford	Aarde	Mako	Advanteering
Item 1, Preliminary	\$21,000.00	48,307.00	42,557.50	70,690.00	94,602.00
Percentage of total	10.40%	21.25%	14.89%	18.46%	23.26%
Item 2, Drainage & Assoc. works	\$180,927.00	179,008.00	243,161.30	312,155.00	312,052.00

Item 1. Preliminary

Aarde Constructions submitted the lowest price of \$42,557.50 for the Preliminary, followed by Densford Pty Ltd with \$48,307.00. Mako Civil Pty Ltd and Advanteering Civil Engineers prices were almost double those submitted by Aarde Constructions and Densford Pty Ltd.

The Table of Price Comparison shows that Mako Civil Pty Ltd has the highest price of \$22,488.00 in Item 1.2. *Allow for Compliance of Conditions of Contract* where as Advanteering Civil Engineers has the highest price of \$46,146.00 in Item 1.1, *Mobilisation and Demobilisation and Cleaning up*.

The submitted tender 'preliminary prices' ranged from 14.89% to 23.36% of their respective tenders' total cost, which is considered on the high side for this type of project in Perth.

Item 2. Drainage and Associated Works

Aarde Constructions and Densford Pty Ltd priced this item at \$243,161.30 and \$179,008.00, respectively. The major difference in their prices is contributed by Item 2.9, *Reinstatement of existing services*, which Aarde Constructions priced at \$60,240.00 and Densford Pty Ltd at \$13,350.00. Densford Pty Ltd price is found to be very close to the consultant's estimation of \$180,927.00.

Mako Civil Pty Ltd and Advanteering Civil Engineers prices were generally 20 to 30% higher than those of Aarde Constructions and Densford Pty Ltd.

Conclusion of Tender Value Analysis

The consultant concluded that Densford Pty Ltd has submitted the lowest overall tender price of \$249,997.00, inclusive of GST. We have found that Densford Pty Ltd rates and itemised prices are reasonable and within the current expected price range.

Tenderer Experience, capacity and resources

The Tenderers' experience, capacity and resources are summarised as follows:

No	Items	Densford	Aarde	Mako	Advanteering
1	Experience in the Construction of road and drainage works	Yes, since 1991	Yes, since 1989	Yes, since 1987	Yes
2	Own or rent the necessary plants for this works	Own	N/A	Own	Rent

3	Has the necessary manpower resources	Yes	Yes	Yes	Yes
4	Construction cost of previous projects	\$304,000 - \$2,434,695	\$35,000 to \$850,000	\$90,000 - \$4,500,000	\$110,000 - \$1,552,174
5	Practice Quality Assurance	Yes	Yes	Yes	Yes
6	Practice occupational health and safety management procedure	Yes	Yes	Yes	Yes

All the above Tenderers were found to have the required working experience, capacity and resources to carry out and complete the proposed drainage upgrading works.

Conclusion

Densford Pty Ltd has submitted the lowest tender price and was found to have the required working experience, capacity and resources to complete the proposed works. Densford Pty Ltd indicated they could commence the project in July 2005. The consultant recommend that the tender be awarded to Densford Pty Ltd with the tender price of \$249,997.00, inclusive of GST.

CONSULTATION/ADVERTISING:

Adjoining businesses and residents will be advised when the works are to commence.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment. *“g) Work with stakeholders to develop strategies for improved drainage, stormwater conveyance and improved water quality.”*

FINANCIAL/BUDGET IMPLICATIONS:

As previously reported to Council the agreed funding split, based on a total estimated cost of the project of \$218,387(GST Included) was:

- Town of Vincent \$138,603
- City of Stirling \$79,784
- Total \$218,387 (GST Included)

The Council was advised that this price split was based on the current estimate and would need to be amended, on the same funding split basis, should the cost change through the tender process.

The tender price submitted by Densford Pty Ltd is \$249,997.00 (GST Included)

Proposed new Funding split:	Town of Vincent	(63.47%)	\$158,673
	City of Stirling	(36.53%)	\$ 91,324

COMMENTS:

As previously reported to the Council this matter has been ongoing since 2003. The Green Street and Dunedin Street intersection has experienced severe flooding on several occasions since then, resulting in extensive property flooding on the north side of Green Street. Officers from the Town and the City of Stirling, after much discussion, agreed on a shared funding arrangement that is considered to be fair and equitable.

BPA Engineering Pty Ltd were engaged to design, document and assess tenders for the drainage upgrade and have recommended that Tender No 319/05 for proposed drainage improvements at the intersection of Green and Dunedin streets be awarded to Densford Pty Ltd at the total cost (including GST) of \$249,997.00.

10.2.3 Interim Report - Proposed Traffic Management Scheme in Bourke and Adjacent Streets, North Perth

Ward:	South	Date:	8 June 2005
Precinct:	Smith's Lake P6	File Ref:	TES0551 & TES0560
Attachments:	001:		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the interim report on the Proposed Traffic Management proposals for Kadina, Albert, Bourke and Emmerson Streets, North Perth;*
- (ii) *APPROVES IN PRINCIPLE the proposed measures as outlined on attached Plan Nos. 2301-CP-1 and 2301-CP-2;*
- (iii) *CONSULTS with the Smith's Lake Precinct Group and those residents and/or businesses most directly affected by the proposed measures giving them 21 days to respond, and*
- (iv) *RECEIVES a further report at the conclusion of the consultation period.*

COUNCIL DECISION ITEM 10.2.3

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to advise Council of the endorsement of the Town's Local Area Traffic Management Advisory Group of a Traffic Management proposal to be implemented in Kadina, Albert, Bourke and Emmerson Streets, North Perth.

BACKGROUND:

At its Ordinary Meeting held on 26 October 2004, Council received a report on various resident initiated traffic issues and adopted the recommendation that the matters be referred to the Local Area Traffic Management (LATM) Advisory Group for consideration.

The first of the two (2) locations referred to the LATM Advisory Group related to Bourke Street, North Perth, between Campsie Street and Kayle Street, the section separating Smith's Lake and Charles Veryard Reserve.

The Council adopted the Officer's Recommendation to refer Bourke Street to the LATM Advisory Group for consideration, with the following additional clause:

- (iii) *ENSURES the continuation of the Wetlands Trail (Greenway) forms part of the proposed traffic treatment for Bourke Street;*

DETAILS:

A concept plan, drawing No. 2301-CP-1, was developed and submitted to the LATM Advisory Group meeting of 15 November 2004 for its consideration. The Group gave in principle endorsement for the proposed design as it felt it would achieve the desired outcomes, being:

- a reduction in traffic speed.
- linking Smith's Lake to Charles Veryard Reserve by use of street trees planted in the central median.
- providing for future links to the proposed Greenway.

However, the Group had reservations about the potential impact of the proposed Bourke Street traffic calming upon surrounding streets and asked that additional traffic data be collected in Kadina, Albert, Barnett and Emmerson Streets, with the matter to be brought back to the Group for further consideration.

Data was duly collected in the aforementioned streets, including Bourke Street.

Traffic Data

Bourke Street

The results confirmed that the 85% speed of traffic using Bourke Street, between Kayle Street and Campsie Street, is 60kph, some 10 kph over the 50kph urban area speed limit. In respect of traffic volumes, Bourke Street carries in the order of 3,640 vehicles per average weekday, which is in keeping with its function as a Local Distributor Road.

Street	Section	85% Speed	Average Speed	Traffic Volumes
Bourke St	Kayle to Campsie	60 kph	52.6	3,641

Adjacent Streets

Street	Section	85% Speed	Average Speed	Traffic Volumes
Kadina St	Charles to Tay	53 kph	40.8	842
Albert St	Charles to Tay	53 kph	39.9	607
Barnett St	Albert to Bourke	56 kph	45.4	930
Emmerson St	Charles to Kayle	54 kph	44.1	938

Conclusions

In light of the above data, and having considered the connectivity of the surrounding road network, the Group concluded that there was little to be gained by 'Rat Runners' using the surrounding streets to avoid Bourke Street.

However, the Group also recognised that the residents of the surrounding streets had an expectation that appropriate measures would be introduced in their streets to address their concerns, both perceived and real.

After some discussion, it was agreed that the adjacent streets, when entering from Charles Street, required some form of delineation or entry statement to emphasise to the motorist that they were entering a residential street.

CONSULTATION/ADVERTISING:

Community Consultation to be undertaken in accordance with Council's Policy, with the Smith's Lake Precinct Action Group and those residents and/or businesses directly affected by the proposed works given 21 days to comment.

LEGAL/POLICY

Nil

FINANCIAL/BUDGET IMPLICATIONS:

A total of \$21,000 has been allocated in the 2004/2005 to implement traffic management in Bourke Street and Kadina Street.

STRATEGIC IMPLICATIONS:

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

COMMENTS:

Ongoing traffic issues in Bourke Street raised by residents have been investigated and discussed by the LATM Advisory Group. The scope of the proposal has been widened to include some of the adjoining streets.

It is therefore recommended that the Council approves in principle the proposed measures as outlined on attached Plan Nos. 2301-CP-1 and 2301-CP-2 and consults with the Smith's Lake Precinct Group and those residents and/or businesses most directly affected by the proposed measures giving them 21 days to respond

10.3.1 Anzac Cottage 38 (Lot 15) Kalgoorlie Street, Mt Hawthorn - Transfer of Ownership to the Town of Vincent

Ward:	North	Date:	24 May 2005
Precinct:	Mt Hawthorn P1	File Ref:	PRO0326
Attachments:	-		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES in principle the transfer of ownership of Anzac Cottage, No. 38 (Lot 15) Kalgoorlie Street, Mt Hawthorn from the Vietnam Veteran's Association to the Town of Vincent;*
- (ii) *AUTHORISES the Chief Executive Officer to enter into negotiations with the Vietnam Veteran's Association for a lease of the cottage; and*
- (iii) *NOTES that the Chief Executive Officer will provide a further report to Council on the outcome of the negotiations.*

COUNCIL DECISION ITEM 10.3.1

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to report on the proposal to transfer ownership of No. 38 (Lot 15) Kalgoorlie Street to the Town of Vincent and authorise the Chief Executive Officer to negotiate a lease.

BACKGROUND:

Anzac Cottage, No. 38 (Lot 15) Kalgoorlie Street, Mt Hawthorn Lot 15 on Plan 1659, being the whole of the land comprised in the Certificate of Title Volume 1918 Folio 578, owned by the Vietnam Veteran's Association. The cottage has a number of heritage listings:

- Register of Heritage Places (State Government listing)
- National Trust Classification (Non-Government listing)
- Town Planning Scheme (Local Government listing)
- Municipal Inventory (Local Government listing)
- Register of the National Estate (National Government listing)

In the Statement of Significance the cottage is described as detailed below:

Anzac Cottage, a substantially intact single storey, four-roomed brick and tile residence in the Federation Queen Anne style, has cultural heritage significance for the following reasons:

- the place was the first war memorial built in Australia to commemorate the participation of Australian troops in World War I;
- the place is representative of the effect that Australia's role in World War I, and the role of the Anzacs in particular, had on the Western Australian community in the immediate aftermath of the Gallipoli campaign;
- the place is a rare example of an architect designed workers' cottage. While the internal arrangement is a conventional configuration, the combination of materials and detailing is unusual for workers' cottage from the era;
- the place is a good example of a modest residential building constructed in suburban Perth in the 1910s, which is made exceptional by virtue of the circumstances of its construction by the Mount Hawthorn community as a war memorial and as a result has come to represent the values that are associated with the Anzac tradition in Australia, and
- the technical innovation and achievement of constructing a brick and tile cottage with the trades and skills of over 200 people from the Mount Hawthorn community in a single day in 1916 is a significant accomplishment.

The cottage is currently used as the offices for the Vietnam Veterans Association and is open for the community once every three weeks for a museum.

The Vietnam Veterans have made a number of informal approaches in recent years to the Town regarding the future of the cottage and the increasing costs of maintaining the cottage.

DETAILS:

On 19 April 2005 the Town of Vincent received a letter from Kott Gunning Lawyers acting on behalf of the Vietnam Veteran's Association. The letter outlined the proposal relating to the future of the cottage. The background and the proposal as outlined in that letter is listed below.

"The Association has been giving consideration as to the long term future of the cottage. The Association acknowledged that eventually in time there will be no Vietnam veterans left who will be able to run the Association and therefore maintain the cottage. There is a risk, therefore, that at some time in the future a committee of the Association may choose to sell the property and use the proceeds for other purposes. If this were to occur, the cottage would be lost to the community.

- *The property now be transferred to the Town of Vincent.*
- *The Town of Vincent enter into a lease of the cottage with the Vietnam Veteran's Association for a term of 40 years or the date of dissolution of the Association (whichever shall first occur).*

- *The lease will be on the following terms:-*
 - (a) *No rent is payable;*
 - (b) *The Association is responsible for the payment of the rates and taxes;*
 - (c) *The Town is responsible for the insurance of the building;*
 - (d) *The Association is responsible for keeping the property in good order and repair;*
 - (e) *The cost to transfer the property and the preparation of the lease be paid by the Town of Vincent."*

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

A lease will be drawn up to legalise the proposal.

STRATEGIC IMPLICATIONS:

Key Result Area One: Environment and Infrastructure

- "1.2 Recognise the value of heritage in providing a sense of place and identity.*
- (b) *Foster activities which add to the community's understanding of heritage values and undertake a community survey to determine community values and community aspirations in regard to the heritage character of the Town."*

FINANCIAL/BUDGET IMPLICATIONS:

The current proposal is that the Town be responsible for the insurance of the building, this is estimated to be in the region of \$3,000. The cost of transferring the property and the preparation of the lease is also proposed to be paid by the Town, this is estimated to cost \$1,800.

COMMENTS:

The Town considers the Anzac property to be an integral part of the heritage of the Town and therefore recommends the proposal to transfer ownership to the Town. The conditions of the proposal are not financially onerous on the Town and therefore the transfer of ownership is supported. The Town would in the longer term gain ownership of a major heritage asset in the Town of Vincent which is well respected by members of the community. It would also ensure the long term longevity of this major heritage asset for the use and value of the community.

10.4.1 Use of the Council's Common Seal

Ward:	-	Date:	8 June 2005
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

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

COUNCIL DECISION ITEM 10.4.1

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre 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:

Date	Document	No of copies	Details
05/05/05	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta and Western Australian Rugby League Ltd of 310 Pier Street, Perth 6000 re: NRL Round 9 Fixture Match: Cronulla Sharks vs New Zealand Warriors - 7 May 2005
10/05/05	Deed of Settlement and Release	2	Town of Vincent and Gordon Bukur of Belarius Street, Coolbellup
16/05/05	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta re: ACHPER Event - 16 May 2005

16/05/05	Deed of Covenant	4	Town of Vincent & The St Brigid's Convent of Mercy Perth Incorporated - No 26 (Lot 37) Brentham Street, Leederville - Change of Use from Residential to Educational Establishment (Primary School).
17/05/05	Deed of Licence	3	Town of Vincent, Allia Holdings Pty Ltd, Football Federation Australia Limited re: WCC Semi Final - 11 May 2005
27/05/05	Deed of Licence	1	Town of Vincent, Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta, Spotless Services Ltd of Subiaco Oval, Subiaco - 30 & 31 May 2005 - Western Power Event
1/06/05	Lease	3	Town of Vincent and the Department of Sport and Recreation - 246 Vincent Street, Leederville

10.4.4 Dog Act 1976 - Appointment of Registration Officers

Ward:	Both	Date:	7 June 2005
Precinct:	All	File Ref:	LEG0015
Attachments:	-		
Reporting Officer(s):	S Beanland		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPOINTS the following officers as Registration Officers, under the provisions of the Dog Act 1976:*

<i>Samantha Kim Alborn</i>	<i>Stella Judith Garreffa</i>	<i>Lisa Michelle Ryan</i>
<i>Sharnelle Nyree Beanland</i>	<i>Simon Roger Giles</i>	<i>Elizabeth Ann Rutherford</i>
<i>Susan Marie Bear</i>	<i>Peter Llewellyn Hoy</i>	<i>Karl Michael Stangroom</i>
<i>David Warren Boardman</i>	<i>Marisa Carla Lombardi</i>	<i>Amanda Jane Taylor</i>
<i>Angela Rosemary Boyes</i>	<i>Tracey Jane Lumbis</i>	<i>Megan Kathleen Turner</i>
<i>Timothy Gene Bryant</i>	<i>James Gregor MacLean</i>	<i>Karen Frances Vincent</i>
<i>Peter Michele Cicanese</i>	<i>Murray Matthews</i>	
<i>Russell Thomas Edwards</i>	<i>John Phillip McGee; and</i>	

- (ii) *CANCELS all previous appointments of Registration Officers no longer employed by the Town, pursuant to the provisions of the Dog Act 1976.*

COUNCIL DECISION ITEM 10.4.4

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

DETAILS:

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.

All officers named in the above Officer Recommendation are responsible for Dog Registrations and there is therefore a requirement for them to be appointed as Registration Officers.

LEGAL/POLICY:

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 Strategic Plan 2005-2010 at Strategy and Action Plan 4.2 *“Deliver services, effective communication and public relations in ways that accord with the expectations of the community, whilst maintaining statutory compliance and introduce processes to ensure continuous improvement in the service delivery and management of the Town.”*

CONSULTATION/ADVERTISING:

There will be a need to advertise the appointments in the Government Gazette.

FINANCIAL/BUDGET IMPLICATIONS:

Other than the advertising costs, there will be no cost associated with these appointments. The total cost is expected to be approximately \$100.00.

COMMENTS:

The appointments of the abovementioned officers as Dog Registration Officers will ensure that the administration of the Ranger Services and Community Safety Section can continue to meet the expectations of the community and the appointments are recommended for approval.

10.1.18 No. 257 (Lot 1) Oxford Street, Corner Bourke Street, Leederville - Proposed Demolition of Existing Vehicle Sales Premises and Construction of Three (3) Two-Storey Grouped Dwellings

Ward:	North	Date:	8 June 2005
Precinct:	Leederville; P3	File Ref:	PRO2982; 00/33/2543
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by R Crocker-Architect on behalf of the owners H Saunders & K Kelly for proposed Demolition of Vehicle Sales Premises and Construction of Three (3) Two-Storey Grouped Dwellings, at No. 257 (Lot 1) Oxford Street, corner Bourke Street, Leederville, and as shown on plans stamp-dated 21 October 2004 (existing site plan) and 7 June 2005, subject to:

- (i) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Oxford Street and Bourke Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum of 50 per cent transparency;*
- (ii) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (iii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
 - (a) the open space of Unit 2 being a minimum of 45 per cent of the site area for Unit 2;*
 - (b) the upper floor of Units 1, 2 and 3 being setback a minimum of 4.0 metres to the main dwelling from the Bourke Street boundary. The setback of any proposed open balconies adjacent to Bourke Street may decrease to 3.0 metres;*
 - (c) the kitchen on the ground floor of Unit 1 being setback a minimum of 4.0 metres from the Bourke Street boundary;*
 - (d) common property being provided for each unit site, and also shown in any subdivision plan of the subject lot; and*
 - (e) the storerooms having an internal length and width of 2.0 metres and maximum height of 2.4 metres.*

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

- (iv) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Oxford Street and Bourke Street verges adjacent to the subject properties, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) *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) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*
- (vii) *subject to first obtaining the consent of the owners of No. 261 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 No. 261 Oxford Street in a good and clean condition.*

Moved Cr Messina, Seconded Cr Farrell

That the recommendation be adopted.

Moved Cr Messina, Seconded Cr Lake

That clause (iii)(b) be deleted from the recommendation.

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Torre on approved leave of absence.)

Moved Cr Ker, Seconded Cr Messina

That clause (iii)(c) be deleted from the recommendation.

Debate ensued.

AMENDMENT CARRIED (7-1)

For
Mayor Catania
Cr Chester
Cr Doran-Wu
Cr Farrell
Cr Ker
Cr Maier
Cr Messina

Against
Cr Lake

(Cr Torre on approved leave of absence.)

Moved Cr Ker, Seconded Cr Lake

That clause (iii)(a) be deleted from the recommendation.

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Torre on approved leave of absence.)

Moved Cr Ker, **Seconded** Cr Farrell

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

“(iii) (e) *the storerooms are to comply with the residential design codes, that is a minimum having an internal length and width of 2.0 1.5 metres wide, with 4 square metres of internal space and a retain the requirement for maximum height of 2.4 metres;*”

AMENDMENT CARRIED (8-0)

(Cr Torre on approved leave of absence.)

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

That new clauses (iii)(c) and (iii)(d) be added as follows:

“(iii) (c) *the road kerb being shown accurately on the plans and a minimum distance of 6.0 metres from the tangent point of the kerb to the location of the crossover of Unit 1; and*

(d) *the tandem car bays of Units 1, 2 and 3 having a minimum length of 10 metres.*”

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Torre on approved leave of absence.)

Moved Cr Maier, **Seconded** Cr Lake

That a new clause (iii)(e) be inserted to read as follows:

“(iii) (e) *the windows to the ensuite of Units 1, 2 and 3 on the southern elevation each being at least one square metre in area.*”

Debate ensued.

AMENDMENT LOST (1-7)

For
Cr Maier

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

(Cr Torre on approved leave of absence.)

Moved Cr Maier, Seconded Cr Lake

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

“(viii) prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.”

Debate ensued.

AMENDMENT LOST (3-5)

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

(Cr Torre on approved leave of absence.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Torre on approved leave of absence.)

COUNCIL DECISION ITEM 10.1.18

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by R Crocker-Architect on behalf of the owners H Saunders & K Kelly for proposed Demolition of Vehicle Sales Premises and Construction of Three (3) Two-Storey Grouped Dwellings, at No. 257 (Lot 1) Oxford Street, corner Bourke Street, Leederville, and as shown on plans stamp-dated 21 October 2004 (existing site plan) and 7 June 2005, subject to:

- (i) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Oxford Street and Bourke Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum of 50 per cent transparency;*
- (ii) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (iii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:
 - (a) common property being provided for each unit site, and also shown in any subdivision plan of the subject lot; and**

- (b) *the storerooms are to comply with the residential design codes, that is a minimum of 1.5 metres wide, with 4 square metres of internal space and retain the requirement for maximum height of 2.4 metres;*
- (c) *the road kerb being shown accurately on the plans and a minimum distance of 6.0 metres from the tangent point of the kerb to the location of the crossover of Unit 1; and*
- (d) *the tandem car bays of Units 1, 2 and 3 having a minimum length of 10 metres.*

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

- (iv) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Oxford Street and Bourke Street verges adjacent to the subject properties, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) *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) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*
- (vii) *subject to first obtaining the consent of the owners of No. 261 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 No. 261 Oxford Street in a good and clean condition.*

Landowner:	H Saunders & K Kelly
Applicant:	R Crocker -Architect
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Vehicle Sales Premises (non-conforming use)
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	392 square metres; 410 square metres including 18 square metres truncation
Access to Right of Way	West side, 2.73 metres wide, unsealed, privately-owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves demolition of existing car yard and office and construction of three (3) two -storey grouped dwellings, at the subject site with vehicular access from Bourke Street.

As the subject right of way is not programmed to be sealed this or next financial year, vehicular access is not required to be from the right of way, as per Council resolution in relation to "Car Parking, Carports and Garages Accessed from the Street Rather than an Available Right of Way - Interim Practice", adopted at the Ordinary Meeting of Council held on 27 April 2004.

The subject application was first received prior to an individual minimum site area being a requirement. The current use of the site is listed on the Town's Non-Conforming Use Register.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	2 dwellings R 60	3 dwellings R 73.2 22 per cent density bonus	Supported- the proposed development effects the discontinuance of a non-conforming use and therefore, the density bonus sought is considered supportable, in accordance with the Clause 20 of the Town's Town Planning Scheme.
Plot Ratio	0.65- Unit1 - 98.2 square metres Unit 2- 80 square metres Unit 3 - 89.3 square metres	Unit1 - 0.81 123.6 square metres Unit 2- 0.98 119.4 square metres Unit 3 - 0.9 123.95 square metres	Supported- proposed plot ratio is considered to be in accordance with the density bonus sought, adjoining right of way reduces the perceived site's confinement and bulk and scale (as controlled by setbacks and height) of development is considered acceptable.
Outdoor Living Area	-To be behind setback area -Minimum dimension of 4 metres	Units 1, 2 and 3- located within front setback area. Unit 1- 3 metres (due to encroachment of kitchen)	Supported- only feasible location given the width of the site and an additional outdoor living area is provided at the rear of each property. Not supported- has been conditioned to comply.
Open Space	45 per cent	Unit 2- 44 per cent	Not supported- minor variation which can be addressed via minor redesign, has been conditioned to comply.

Privacy Setbacks	Bedrooms- 4.5metres	Units 1,2 and 3- Bedroom 1 is 3.4 metres to north boundary. Units 1,2 and 3- Bedroom 2 is 4.0 metres to north boundary.	Supported- overlooks roof of adjoining commercial premises.
Setbacks (Unit 1) Ground Floor: North West 1st floor: South (front) North (Bed 1) West	 1.0 metre 1.0 metre 6.0 metres 1.2 metres 1.2 metres	 Nil Nil 3.0-4.5 metres Nil Nil	 Supported- refer to 'Building on Boundary'. Supported- internal boundary, no undue impact on adjoining neighbours. Not supported- however, 4.0 metres is supportable give it is a corner site, setbacks will be consistent with proposed units 2 and 3 and no undue impact on streetscape. This matter has been conditioned accordingly. Supported- refer to 'Building on Boundary'. Supported- internal boundary, no undue impact on adjoining neighbours.
Setbacks (Unit 2) Ground floor: North East West	 1.0 metre 1.5 metres 1.0 metre	 Nil Nil Nil	 Supported- refer to 'Building on Boundary'. Supported- internal boundary, no undue impact on adjoining neighbours. Supported- internal boundary, no undue impact on adjoining neighbours.

1st floor: South (front)	4.0 metres	3.0-4.0 metres	Not supported - 4.0 metres however, is supportable as lot is created from original corner lot. Applicant has been advised that a balcony with a setback of 3.0 metres would be supported as it is 'open' and would provide a more interactive interface. This matter has been conditioned accordingly.
West	1.2 metres	Nil	Supported- internal boundary, no undue impact on adjoining neighbours.
North (Bed 1)	1.2 metres	Nil	Supported- refer to 'Building on Boundary'
East	1.5 metres	Nil	Supported- internal boundary, no undue impact on adjoining neighbours.
Setbacks (Unit 3)			
Ground floor: North	1.0 metre	Nil	Supported- refer to 'Building on Boundary'
East	1.5 metres	Nil	Supported- internal boundary, no undue impact on adjoining neighbours.
West	1.0 metre	Nil (or 1.35 metres, half width of right of way, as permitted by the R-Codes)	Supported- refer to 'Building on Boundary'
1st floor: South (front)	4.0 metres	3.0-4.0metres	Not supported- as per 'Setbacks (Unit 2)- 1st floor-South (front)'
North (Bed 1)	1.2 metres	Nil	Supported- refer to 'Building on Boundary'
East	1.5 metres	Nil	Supported- internal boundary, no undue impact on adjoining neighbours.

Building on Boundary	One boundary wall is permitted with an average height of 3 metres and a maximum height of 3.5 metres, for 66.6% length of boundary	Two boundary walls proposed: Western boundary wall compliant. Northern boundary wall has an average height of 6.9 metres (main building) and 2.7 metres (storerooms), and a maximum height of 7.0 metres (main building) for 69% of boundary.	Supported- not considered to unduly affect adjoining properties as it abuts right of way. Furthermore, refer to 'Comments'. Supported- abuts adjoining commercial property parapet wall and no undue impact on streetscape or neighbour.
Outbuildings	Maximum wall height of 2.4 metres	Storerooms height up to 2.7 metres	Not supported - has been conditioned to comply. Length of storerooms have also been conditioned due to discrepancies between the floor plan and elevations.

Consultation Submissions

It is noted that the plans advertised and signed by adjoining neighbours did not indicate the storerooms proposed, as per the current plans. Notwithstanding this, the storeroom setback variations are supported by the Town's Officers (refer to "Building on Boundary").

Support	Nil	Noted
Objection	Nil	Noted

Other Implications

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

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

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

COMMENTS:

Demolition

- The subject place is a caryard and associated offices built in the mid 1960s. The area has remained a caryard to the present day.
- The site holds a prominent position at the corner of Bourke and Oxford Streets.
- The place is considered to have little heritage value and does not warrant a full heritage assessment. It does not meet the minimum criteria for entry into the Town's Municipal Heritage Inventory.

- In light of the above, it is recommended that **approval** be granted for the demolition of the existing buildings. In this case, it is considered that the information provided with the application is sufficient and no further archival information is required prior to demolition. Other standard conditions to apply.

Right of Way Setbacks

The Town's Technical Services have advised that while a 1.65 metres setback is preferable, a 1.14 metres setback is also supportable and should be required to allow for future right of way widening, in accordance with the Western Australian Planning Commission Planning Bulletin relating to "*Rights of way or Laneways in Established Areas- Guidelines*".

Notwithstanding the above, it is considered that the Town is not in a position to enforce this requirement, on the basis that this requirement has not been consistently applied in the past and the Council at its Special Meeting held on 15 March 2005 resolved that the Town draft Policy relating to the Residential Design Elements (which formalises 'right of way setback and widening' requirements) should be applied only after its formal adoption.

Summary

The planning application is considered to positively contribute to the surrounding area in that it effects the discontinuance of a non-conforming use and with the exceptions of those matters being conditioned in the Officer Recommendation, the variations sought are generally acceptable given the site constraints and surrounding context.

In light of the above and no objections being received by the adjoining neighbours, the proposal is recommended for approval, subject to standard and appropriate conditions to address the matters raised in the report.

10.1.19 No. 264 (Lot 2) Oxford Street, Leederville - Partial Demolition of and Alterations and Additions to Existing Office Building and Single House, Demolition of Existing Outbuildings, Construction of Four (4) Multiple Dwellings and Change of Use from Office Building and Single House to Office Building

Ward:	South	Date:	8 June 2005
Precinct:	Leederville; P3	File Ref:	PRO2654; 00/33/2640
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Zed Architecture on behalf of the owners M Braddock & T Sim for proposed Partial Demolition of and Alterations and Additions to Existing Office Building and Single House, Demolition of Existing Outbuildings, Construction of Four (4) Multiple Dwellings and Change of Use from Office Building and Single House to Office Building, at No. 264 (Lot 2) Oxford Street, Leederville, and as shown on plans stamp-dated 1 June 2005, subject to:

- (i) 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;*
- (ii) subject to first obtaining the consent of the owners of No. 262 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 No. 262 Oxford Street in a good and clean condition;*
- (iii) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iv) prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development;*
- (v) doors, windows and adjacent floor areas fronting Oxford Street shall maintain an active and interactive relationship with this street;*
- (vi) prior to the first occupation of the development, five (5) car parking spaces provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*

- (vii) *any proposed vehicular entry gates adjacent to Oxford Street shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial and residential 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;*
- (viii) *the maximum gross floor area for the office use shall be limited to 98 square metres unless adequate car parking is provided for the changes in floor space area;*
- (ix) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town, and thereafter implemented and maintained;*
- (x) *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;*
- (xi) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Oxford Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (xii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Oxford Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xiii) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$8,000) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$8,000, subject to the Town agreeing to this arrangement . The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development 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);*
- (xiv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the floor to ceiling height of Apartment 4 being 2.4 metres and the total height being a maximum of 7.0 metres. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (xv) *prior to the first occupation of the development, each apartment shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer and be furnished in accordance with the approved plans;*
- (xvi) *retail sale of goods of any nature shall not occur on the subject property; and*

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

Moved Cr Maier, Seconded Cr Farrell

That the recommendation be adopted subject to clause (xiv) being amended to read as follows:

"(xiv) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the floor to ceiling height of Apartment 4 being ~~2.4~~ 2.7 metres and the total height being a maximum of ~~7.0~~ 7.3 metres. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;"

Debate ensued.

Moved Cr Doran-Wu, Seconded Cr Chester

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

"(xiv) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the floor to ceiling height of Apartment 4 being ~~2.4~~ 2.7 metres and the total height being a maximum of ~~7.0~~ 7.6 metres. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;"

Debate ensued.

AMENDMENT CARRIED (5-3)

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

(Cr Torre on approved leave of absence.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Torre on approved leave of absence.)

COUNCIL DECISION ITEM 10.1.19

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Zed Architecture on behalf of the owners M Braddock & T Sim for proposed Partial Demolition of and Alterations and Additions to Existing Office Building and Single House, Demolition of Existing Outbuildings, Construction of Four (4) Multiple Dwellings and Change of Use from Office Building and Single House to Office Building, at No. 264 (Lot 2) Oxford Street, Leederville, and as shown on plans stamp-dated 1 June 2005, subject to:

- (i) *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;*
- (ii) *subject to first obtaining the consent of the owners of No. 262 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 No. 262 Oxford Street in a good and clean condition;*
- (iii) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iv) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development;*
- (v) *doors, windows and adjacent floor areas fronting Oxford Street shall maintain an active and interactive relationship with this street;*
- (vi) *prior to the first occupation of the development, five (5) car parking spaces provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (vii) *any proposed vehicular entry gates adjacent to Oxford Street shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial and residential 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;*
- (viii) *the maximum gross floor area for the office use shall be limited to 98 square metres unless adequate car parking is provided for the changes in floor space area;*
- (ix) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town, and thereafter implemented and maintained;*
- (x) *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;*
- (xi) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Oxford Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (xii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Oxford Street verge adjacent to the subject property, shall be*

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

- (xiii) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$8,000) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$8,000, subject to the Town agreeing to this arrangement . The art work(s) shall be in accordance with the Town’s Policy relating to Percent for Art Scheme and be developed in full consultation with the Town’s Community Development 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);*
- (xiv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the floor to ceiling height of Apartment 4 being 2.7 metres and the total height being a maximum of 7.6 metres. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (xv) *prior to the first occupation of the development, each apartment shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer and be furnished in accordance with the approved plans;*
- (xvi) *retail sale of goods of any nature shall not occur on the subject property; and*
- (xvii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive.*

Landowner:	M Braddock & T Sim
Applicant:	Zed Architecture
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Office Building and Single House
Use Class:	Office Building and Multiple Dwelling
Use Classification:	“SA” & “P”
Lot Area:	607 square metres
Access to Right of Way	N/A

BACKGROUND:

The Council at its Ordinary Meeting held on 13 April 2004 resolved to conditionally approve an application for a change of use from shop and workshop (picture framing) to office building and single house at the subject property.

DETAILS:

The proposal involves partial demolition of and alterations and additions to existing office building and single house, demolition of existing outbuildings, construction of four (4) multiple dwellings and change of use from office building and single house to office building. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	3 multi-bedroom dwellings or 5 single bedroom dwellings (multiple dwellings) R 60	3 single bedroom dwellings and 1 multi-bedroom dwelling (multiple dwellings) R 49.4	Supported- no variation.
Plot Ratio	0.7- 425 square metres	0.47 - 288 square metres (excludes ground floor storerooms)	Supported- no variation.
Setbacks: Ground Floor - South (Apartment 1)	1.5 metres	Nil-1.3 metres	Supported- minor variation, no undue impact on neighbour, portion of wall which has nil setback is compliant with Cl. 4.2.2- 'Buildings on Boundary'.
1st Floor - West/Street	6.0 metres	Nil (balcony)- 6.0 metres (main building)	Supported- floor of proposed balcony is existing due to the retention of building, part of balcony is concealed by existing front parapet feature and design of balcony is 'lightweight' and therefore, considered to not have undue impact on streetscape.
- North (Apartment 4)	4.4 metres (or 1.9 metres if balcony is screened to full height)	0.8-2.4 metres	Supported- staggering of setbacks and no undue impact on streetscape or adjoining neighbour.
- North (Apartment 3- dining and balcony)	2.8 metres (or 1.2 metres if balcony is screened to full height)	1.34 -2.1 metres	Supported- as above.
- South (Apartment 3)	2.8 metres (or 1.2 metres if balcony is screened to full height)	1.34 -2.1 metres	Supported- as above.

Driveway	0.5 metre to side boundary	Nil	Supported- driveway is existing.
Height	7 metres	South: up to 7.6 metres North: up to 7.4 metres West : up to 7.6 metres	Not supported- variation due to existing building having high floor to ceiling height. Notwithstanding this, it has been conditioned that apartment 4 has minimum floor to ceiling height so height of building is compliant.
Privacy setbacks	Balconies- 7.5 metres	Apt.2- 2.2 metres to south	Supported- affected neighbour has consented to variation.
Clothes drying facilities	Area set aside for clothes drying, screened from street.	Not indicated on plans.	Not supported- matter has been conditioned to comply.
Consultation Submissions			
Support	Nil		Noted.
Objection (1)	<ul style="list-style-type: none"> ▪ Privacy (northern side) 		Noted- amended plans since submitted has addressed overlooking to this elevation.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking- Commercial Component			
Car parking requirement (nearest whole number)			2 car bays
<ul style="list-style-type: none"> • Office- 2 car bays 			
Apply the adjustment factors.			(0.68)
<ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.80 (contains mix of uses, with at least 45 per cent of gross floor area being residential) 			1.36 car bays
Minus the car parking provided on-site			2 car bays
Minus the most recently approved on-site car parking shortfall			Nil
Resultant surplus			0.64 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:

Demolition

The subject property is not included on the Town's Municipal Heritage Inventory or Interim Heritage Database. The proposed works retain the original fenestration of the building facade and the shop front is distinguishable in terms of design and original features. The continued mixed-use character of the site is being retained and is supported.

With the above in mind, the proposal is recommended for approval, subject to standard and appropriate conditions to address the scale and nature of the proposal for the following reasons:

- the proposal in this instance is considered to be compatible with the uses of the surrounding area and not to unduly intrude on the amenity of the neighbouring properties;
- the adaptive reuse retains the existing original building stock and promotes a sustainable approach for building stock;
- given the site's location along a main road, the site is considered to be currently underdeveloped and has the capacity to be developed further, as per the subject proposal;
- adequate parking is provided;
- with the exception of a privacy concern, no objections were received during the "SA" consultation period; and
- the proposal in this instance promotes the integration of the work place and residences and thus, diversifying the land use and providing casual surveillance of the area.

10.1.15 No. 65 (Lot 293) The Boulevard, Mount Hawthorn - Proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Single House

Ward:	North	Date:	8 June 2005
Precinct:	Mount Hawthorn; P1	File Ref:	PRO3158; 00/33/2818
Attachments:	001		
Reporting Officer(s):	B Mckean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by C Gwynne on behalf of the owner CH & MA Gwynne for proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Single House, at No. 65 (Lot 293) The Boulevard, Mount Hawthorn, and as shown on plans stamp-dated 13 April 2005, subject to:

- (i) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to The Boulevard shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (ii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following;*
 - (a) *two car bays in tandem with a minimum length of 10 metres being provided adjacent to the northern boundary;*
 - (b) *the carport is to be a single carport with a maximum total width of 3 metres. There is to be no alterations to the existing crossover;*
 - (c) *the outbuilding/shed not exceeding a wall height of 2.4 metres; and*
 - (d) *the upper floor ceiling height being reduced to a maximum of 2.4 metres and the external wall height being reduced to 6.1 metres for the northern elevation and 6.2 metres for the southern elevation.*

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

- (iv) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the existing dwelling; and*

- (v) *subject to first obtaining the consent of the owners of No. 67 The Boulevarde and No. 66 Kalgoorlie 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. 67 The Boulevarde and No. 66 Kalgoorlie Street in a good and clean condition.*
-

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Lake

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

“(iii) (d) ~~the upper floor ceiling height being reduced to a maximum of 2.4 metres and~~ The external wall height being reduced to 6.1 metres for the northern elevation and 6.2 metres for the southern elevation.”

Debate ensued.

AMENDMENT CARRIED (7-1)

For

Cr Chester
Cr Doran-Wu
Cr Farrell
Cr Ker
Cr Lake
Cr Maier
Cr Messina

Against

Mayor Catania

(Cr Torre on approved leave of absence.)

Moved Cr Ker, Seconded Cr Messina

That clauses (iii)(a) and (iii)(b) be deleted and a new clause (iii)(a) be inserted as follows:

“(iii) (a) no street trees to be removed without the prior approval of the Town;”

Debate ensued.

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

For

Cr Doran-Wu
Cr Ker
Cr Maier
Cr Messina

Against

Mayor Catania (2 votes)
Cr Chester
Cr Farrell
Cr Lake

(Cr Torre on approved leave of absence.)

Debate ensued.

MOTION AS AMENDED CARRIED (8-0)

(Cr Torre on approved leave of absence.)

COUNCIL DECISION ITEM 10.1.15

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by C Gwynne on behalf of the owner CH & MA Gwynne for proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Single House, at No. 65 (Lot 293) The Boulevarde, Mount Hawthorn, and as shown on plans stamp-dated 13 April 2005, subject to:

- (i) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to The Boulevarde shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (ii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following;*
 - (a) two car bays in tandem with a minimum length of 10 metres being provided adjacent to the northern boundary;*
 - (b) the carport is to be a single carport with a maximum total width of 3 metres. There is to be no alterations to the existing crossover;*
 - (c) the outbuilding/shed not exceeding a wall height of 2.4 metres; and*
 - (d) The external wall height being reduced to 6.1 metres for the northern elevation and 6.2 metres for the southern elevation.*

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

- (iv) the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the existing dwelling; and*
- (v) subject to first obtaining the consent of the owners of No. 67 The Boulevarde and No. 66 Kalgoorlie 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. 67 The Boulevarde and No. 66 Kalgoorlie Street in a good and clean condition.*

Landowner:	CH & MA Gwynne
Applicant:	C Gwynne
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	473 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves partial demolition of and alterations and two-storey additions to existing single house.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Setbacks:			
<u>Main Dwelling</u> Ground Floor-South	1.5 metres	0.945 metre	Supported - setback follows the existing main building setback and no undue impact on neighbours.
<u>Outbuilding</u> North	1 metre	Nil	Supported - no objection received from affected owner and no undue impact on neighbours.
West	1 metre	Nil	Supported - as above.
<u>Carport</u> North	1 metre	Nil	Supported - as above.
Building on Boundary	Walls not higher than 3.5 metres with an average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.	Building walls on two boundaries Proposed carport has building on northern boundary in the front setback	Supported - no objections received from affected neighbours and no undue impact on neighbours. Supported - as above.

Outbuilding: North	Do not exceed a wall height of 2.4 metres	3 metres wall height	Not supported - it is recommended that the wall height be a maximum of 2.4 metres in accordance with the Officer Recommendation.
South	As above	As above	Not supported - as above.
East	As above	As above	Not supported - as above.
West	As above	As above	Not supported -as above.
Building Height: North	6 metres	5.5 metres - 6.3 metres	Not supported - it is recommended that the upper floor ceiling height be reduced to a maximum of 2.4 metres in accordance with the Officer Recommendation.
South	6 metres	6 metres - 6.4 metres	Not supported - as above.
Carport: Minimum Dimensions	5.4 metres length	5.2 metres length	Not supported - proposed carport is conditioned to be single in accordance with the Officer Recommendation.
Consultation Submissions			
Support	Nil		Noted
Objection (1)	<ul style="list-style-type: none"> • Southern setbacks. • Overlooking. • Overshadowing. 		<p>Not supported - the south ground floor setback is considered acceptable as it follows the main building line of the existing house and was no undue impact on neighbours. A further assessment indicates the south upper floor setback is compliant with the Residential Design Codes (R Codes).</p> <p>Not supported - the development is compliant with the privacy requirements of the R Codes.</p> <p>Not supported - the development is compliant with overshadowing requirements of the R Codes.</p>

	<ul style="list-style-type: none"> Visual impact of building bulk. 	Supported - this has been addressed in the Officer Recommendation.
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

COMMENTS:

The proposal is regarded to be in keeping with the established streetscape and the variations sought by the applicant (except those relating to the carport dimensions and outbuilding and building height which are addressed in the conditions of the Officer Recommendation) are considered to be supportable and not to have an undue impact on the surrounding area.

The proposal was advertised and one objection was received with concerns relating to southern building setbacks, overlooking, overshadowing and visual impact of building scale. These concerns are addressed in the above Assessment Table.

A significant tree (*Eucalyptus nicholi*) on-site is listed on the Town's Interim Significant Tree Data Base-Reference. The proposal does not involve the removal of any trees on the site.

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

10.1.1 Further Report - No. 51 (Lot 108) Burt Street, North Perth - Proposed Demolition of Existing Single House

Ward:	South	Date:	3 June 2005
Precinct:	Norfolk; P10	File Ref:	PRO3161; 00/33/2826
Attachments:	001		
Reporting Officer(s):	T Woodhouse		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner A La Piana for proposed Demolition of Existing Single House, at No. 51 (Lot 108) Burt Street, North Perth, and as shown on plans stamp-dated 20 April 2005, subject to:

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

COUNCIL DECISION ITEM 10.1.1

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

(Cr Torre on approved leave of absence.)

CARRIED (8-0)

Cr Chester requested that it be recorded that although he has voted in favour of the recommendation, his approval was not given on the basis of maintaining the property.

FURTHER REPORT:

The Council at its Ordinary Meeting held on 24 May 2005, considered the proposal and resolved that the item be deferred to allow for discussion with the applicant on the benefits of retaining the existing dwelling.

Discussion was conducted with the applicant who was aware that under Clause 20 of the Town's Town Planning Scheme No.1 the Council can grant an increase in the permitted dwelling density by up to 50 per cent if the proposed development conserves or enhances an existing dwelling or existing dwellings worthy of retention. The applicant declined the opportunity on the grounds that it would not assist in the type of redevelopment that is proposed. As the owner of No. 51 and No. 53 Burt Street, the applicant expressed concern over the costs involved in maintaining the two dwellings and hoped that, if approval was granted for the demolition of the two dwellings, a single residential family home is intended to be constructed on No. 51 (Lot 108) Burt Street.

The previous Officer Recommendation remains unchanged, except an amended clause (v) and a new clause (vii) being inserted as proposed by Councillors Dudley Maier and Sally Lake.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 24 May 2005:

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner A La Piana for proposed Demolition of Existing Single House, at No. 51 (Lot 108) Burt Street, North Perth, and as shown on plans stamp-dated 20 April 2005, subject to:

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

- (vi) any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Planning Scheme No. 1 and associated Policies.

COUNCIL DECISION ITEM 10.1.3

Moved Cr Maier, Seconded Cr Lake

That the recommendation be adopted subject to:

1. Clause (v) being amended to read as follows:

“(v) demolition of the existing dwelling ~~may~~ will make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community;” and

2. a new clause (vii) being inserted as follows:

“(vii) the Town advises the owner that the Council has the ability to give development bonuses for the retention of existing dwellings worthy of retention.”

Debate ensued.

Moved Cr Chester, Seconded Cr Ker

That the Item be DEFERRED to allow discussion with the applicant on the benefits of retaining the existing dwelling.

CARRIED (4-3)

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

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

ADDITIONAL INFORMATION:

The Heritage Assessment attached to the agenda report should read that the 'the place does not meet the minimum criteria for entry into the Town of Vincent Municipal Heritage Inventory', under clause 10. Statement of Significance. The attached amended Heritage Assessment reflects this correct text.

Landowner:	A La Piana
Applicant:	A La Piana
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	1012 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the existing dwelling."

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
<i>Consultation Submissions</i>			
<i>No advertising was required for this application</i>			
<i>Other Implications</i>			
<i>Legal/Policy</i>			<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>
<i>Strategic Implications</i>			<i>Nil</i>
<i>Financial/Budget Implications</i>			<i>Nil</i>

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

COMMENTS:

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

The subject dwelling at No. 51 Burt Street, North Perth is a brick and iron dwelling constructed c.1900. The place is considered to have little to some historic value as part of a building stock which arose during the Gold Rush Period in Perth, 1890 - 1910.

While aspects of the original building remain intact with the wooden floorboards, architraves, and skirting boards still in situ, substantial alterations have been made to the rear of the dwelling. These alterations have diminished the level of authenticity associated with the place and its ability to provide an accurate historical record of early twentieth century housing in North Perth.

The place is not considered to meet the threshold for entry into the Town of Vincent Municipal Heritage Inventory.

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

10.1.4 Tenancy 9, Nos. 375-393 (Lot 500, Strata Lot 9) William Street, Corner Forbes Road and Wellman Street, Perth - Proposed Alterations and Additions to Existing Eating House and Change of Use to Unlisted Use Class (Karaoke Bar) - Reconsideration of Conditions

Ward:	South	Date:	31 May 2005
Precinct:	Beaufort; P13	File Ref:	PRO0825; 00/33/2783
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by HTS Consultants Pty Ltd on behalf of the owner Lukman Enterprises Pty Ltd and Limegrove Pty Ltd for proposed Alterations and Additions to Existing Eating House and Change of Use to Unlisted Use Class (Karaoke Bar) - Reconsideration of Conditions, at Tenancy 9, Nos. 375-393 (Lot 500, Strata Lot 9) William Street, corner Forbes Road and Wellman Street, Perth, and as shown on plans stamp-dated 15 March 2005, subject to:

- (i) compliance the Environmental Protection (Noise) Regulations 1997 at all times;*
- (ii) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iii) the public floor area of the karaoke bar shall be limited to 153 square metres;*
- (iv) a maximum of one hundred and seventy one (171) people, inclusive of staff, are permitted to be at the premises at any one time;*
- (v) the hours of operation for the proposed karaoke bar shall be restricted to 10am to midnight;*
- (vi) the recommendations of the acoustic report dated 30 August 2004 prepared by Langford Acoustical Services, shall be implemented prior to the first occupation of the development and thereafter maintained;*
- (vii) the management plan entitled "The House Policy of Oriole Karaoke Pty. Ltd." submitted to the Town, addressing responsible service practices, staff training, customer complaints, intoxication and other unacceptable behaviours, juveniles, local amenity and security, shall be implemented as from the first occupation of the development and thereafter maintained; and*
- (viii) this approval for a karaoke bar is for a period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use. If no valid planning complaints are received within the 12 months period, the new application may not require consultation/advertising and conditional approval may be issued by the Town under delegated authority from the Council.*

Moved Cr Lake, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Farrell

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

“(vi) the recommendations of the acoustic report dated 30 August 2004 prepared by Langford Acoustical Services, shall be implemented prior to the first occupation of the development and thereafter maintained to the absolute satisfaction of the Town;”

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Torre on approved leave of absence.)

Moved Cr Lake, Seconded Cr Ker

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

“(iv) a maximum of ~~one hundred and seventy one (171)~~ sixty (60) people, inclusive of staff, are permitted to be at the premises at any one time;”

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Torre on approved leave of absence.)

Moved Cr Lake, Seconded Cr Farrell

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

“(vii) the management plan entitled "The House Policy of Oriole Karaoke Pty. Ltd." submitted to the Town, being revised to addressing littering as well as responsible service practices, staff training, customer complaints, intoxication and other unacceptable behaviours, juveniles, local amenity and security, and shall be implemented as from the first occupation of the development and thereafter maintained and adhered to; and”

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Torre on approved leave of absence.)

Moved Cr Maier, Seconded Cr Farrell

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

“(viii) this approval for a karaoke bar is for a period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use. ~~If no valid planning complaints are received within the 12 months period, the new application may not require consultation/advertising and conditional approval may be issued by the Town under delegated authority from the Council.~~”

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Torre on approved leave of absence.)

MOTION AS AMENDED CARRIED (6-2)

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

(Cr Torre on approved leave of absence.)

COUNCIL DECISION ITEM 10.1.4

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by HTS Consultants Pty Ltd on behalf of the owner Lukman Enterprises Pty Ltd and Limegrove Pty Ltd for proposed Alterations and Additions to Existing Eating House and Change of Use to Unlisted Use Class (Karaoke Bar) - Reconsideration of Conditions, at Tenancy 9, Nos. 375-393 (Lot 500, Strata Lot 9) William Street, corner Forbes Road and Wellman Street, Perth, and as shown on plans stamp-dated 15 March 2005, subject to:

- (i) compliance the Environmental Protection (Noise) Regulations 1997 at all times;*
- (ii) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iii) the public floor area of the karaoke bar shall be limited to 153 square metres;*
- (iv) a maximum of sixty (60) people, inclusive of staff, are permitted to be at the premises at any one time;*
- (v) the hours of operation for the proposed karaoke bar shall be restricted to 10am to midnight;*

- (vi) *the recommendations of the acoustic report dated 30 August 2004 prepared by Langford Acoustical Services, shall be implemented prior to the first occupation of the development and thereafter maintained to the absolute satisfaction of the Town;*
- (vii) *the management plan entitled "The House Policy of Oriole Karaoke Pty. Ltd." submitted to the Town being revised to address littering as well as responsible service practices, staff training, customer complaints, intoxication and other unacceptable behaviours, juveniles, local amenity and security, and shall be implemented as from the first occupation of the development and thereafter maintained and adhered to; and*
- (viii) *this approval for a karaoke bar is for a period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use.*

ADDITIONAL INFORMATION:

Use

The Town's Town Planning Scheme No.1 defines eating house and tavern as follows:

"eating house" means any building or premises used primarily for the purpose of serving meals to the public for gain or reward but does not include a fast food outlet;

"tavern" means any land or building wherein the primary use is the consumption of beverages and may include an eating house or facilities for entertainment and to which a licence may have been granted under the provisions of the Liquor Licensing Act 1988;

In light of the above and given the nature of the proposed use, it was considered that the classification of 'tavern' was more appropriate for assessment purposes in terms of land use suitability and car parking, even though the 'tavern/bar' aspect is considered to be only an ancillary use to the overall proposal.

Maximum Number of People

The maximum number of people permitted, and supported in the Officer Recommendation, is based upon adequate parking being provided in accordance with the Town's Parking and Access Policy, concerns relating to noise being addressed in the Officer Recommendation and the number being in accordance with the Health (Public Building) Regulations 1992, which has provisions for maximum number of accommodation.

The only justification for this increase provided by the applicant has been '*Laid on the Table*'.

If the proposal were to be classified as an eating house, the Town's Health Services have advised that the general limit in terms of maximum number of people to be accommodated would be 1 person per one square metre of public area. In this instance, the general maximum number of people permitted would be 153 persons.

Opening Hours

It is confirmed that the applicant requested that opening hours be from 8am.

Landowner:	Lukman Enterprises Pty Ltd & Limegrove Pty Ltd
Applicant:	HTS Consultants Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Eating Houses & Shops
Use Class:	Unlisted Use - Karaoke Bar
Use Classification:	"SA"
Lot Area:	4490 square metres
Access to Right of Way	N/A

BACKGROUND:

28 September 2004 The Council at its Ordinary Meeting resolved to conditionally approve an application for proposed alterations and additions to existing eating house and change of use to unlisted use class (karaoke bar).

3 February 2005 Conditional approval was granted under delegated authority by the Town for signage to approved unlisted use class (karaoke bar) at the subject property.

DETAILS:

The proposal involves the request for reconsideration of condition of development approval for proposed alterations and additions to existing eating house and change of use to unlisted use class (karaoke bar). The conditions being sought for reconsideration is as follows:

- "(iv) the public floor area of the karaoke bar shall be limited to 153 square metres;*
- (v) a maximum of sixty (60) people, inclusive of staff, are permitted to be at the premises at any one time;*
- (vi) the hours of operation for the proposed Karaoke Bar shall be restricted to 8pm to midnight and is for a period of (12) months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use;"*

The applicant is proposing the following amendments to the above conditions:

- "(iv) the public floor area of the karaoke bar shall be limited to 171 square metres;*
- (v) a maximum of one hundred and seventy one (171) people, inclusive of staff, are permitted to be at the premises at any one time;*
- (vi) the hours of operation for the proposed Karaoke Bar shall be restricted to 8am to midnight and is for a period of (12) months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use;"*

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
Support (1)	<ul style="list-style-type: none"> Submission strongly supports application 		Noted.
Objection (4)	<ul style="list-style-type: none"> De-valuing of properties Noise Shortage of parking Traffic Anti-social behavior Illegal parking Littering 		<p>Not supported- issue raised is speculative and not a major planning consideration.</p> <p>Not supported- sound levels from the proposed development will be required to comply with the Environmental Protection (Noise) Regulations 1997, and will be monitored by the Town's Health Services accordingly in the event that a complaint is received. In addition, refer to 'Comments'.</p> <p>Supported- refer to 'Comments'.</p> <p>Not supported- as the complex abuts a major transport road/route, it is considered that the impact on traffic will be negligible.</p> <p>Not supported- not a major planning consideration, In addition, refer to 'Comments'.</p> <p>Not supported- not a major planning consideration, matter can be monitored by Town's Ranger Services and Community Safety.</p> <p>Not supported- not a major planning consideration, matter can be monitored by Town's Technical Services and Health Services.</p>

Other Implications	
Legal/Policy	TPS 1 and associated Policies.
Strategic Implications	Nil
Financial/Budget Implications	Nil
Car Parking	
Car parking requirement (nearest whole number) The proposal requires 45 parking bays as per the greater requirement of 1 space per 3.8 square metres of public floor area for tavern (171 square metres).	112 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.85 (within 400 metres of one or more public car parks in excess of 50 spaces) 	(0.7225) 80.92 car bays
Minus the car parking provided on-site	78 car bays, as shown on the submitted plans
Minus the most recently approved on-site car parking shortfall * due to addition of new car park approved by Council in 1996, it is not considered that there is any existing shortfall.	Nil
Resultant shortfall	2.92 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:

Response to Objections

In the original application conditionally approved by the Council on 28 September 2004, the Town's Health Services requested that a premises management plan be submitted to the Town. The applicant undertook the request and presented to the Town a management plan, which addresses responsible service practices, staff training, customer complaints, intoxication and other unacceptable behaviours, juveniles, local amenity and security. It has been conditioned in the Officer Recommendation that this plan be implemented prior to the first occupation of the development and thereafter maintained.

The applicant also commissioned Langford Acoustical Services to undertake an acoustic assessment of the building for its potential use as a karaoke bar. While the assessment identified a number of acoustic weaknesses which made the premises unsuitable for its intended use as a karaoke bar, the report did note that all the weaknesses were considered to be capable of rectification in a reasonable and practicable manner and that such weaknesses would be rectified in the normal course of renovations to the interior of the tenancy. The Town's Health Services have confirmed that all works have been undertaken to ensure the premise is acoustically sound and suitable for the proposed use. This matter has also been addressed in the Officer Recommendation.

Car Parking and Use

While the proposed use has been classified as a 'tavern' for assessment purposes in terms of land use permissibility and car parking, the 'tavern/bar' aspect is considered to be only an ancillary use to the overall proposal.

The car parking shortfall is not supported in this instance. The floor area and maximum number of people have been conditioned in accordance with the number of car bays provided, with consideration of the relevant adjustment factors. Based on the conditioned floor area and maximum number of people, there will be a car bay surplus of 0.69 car bay as per the previous approval.

Reconsideration of condition (iv)- floor area

The proposed increased in floor area from 153 square metres to 171 square metres is not supported on the basis that this would result in a parking shortfall, in accordance with the Town's Parking and Access Policy.

Reconsideration of condition (v)- maximum number of people

In accordance with the Town's Parking and Access Policy, there is adequate parking for 181 people (with a parking surplus of 0.69 car bay). With this in mind and the objections being addressed as above, the proposed increased in maximum number of people from 60 people to 171 people is therefore supported.

Reconsideration of condition (iv) - hours of operation

The applicant proposes the hours of operation to be from 8am to midnight, as opposed to the previously approved hours of 6~~8~~ pm to midnight. While the proposed hours are considered appropriate for a commercially zoned area, to minimise disruption on the adjoining residential properties, it is conditioned that trade start no earlier than 10am.

It has been conditioned in the Officer Recommendation that approval for the use is for a period of (12) months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use.

Summary

It is considered that a 'karaoke bar' is a relatively new use in the Town of Vincent and that it would be unjust to assume that the culture and often-associated problems of uses such as a tavern or nightclub will be the same for the proposed use, at this present stage. It is reiterated that the subject site is in an inner urban area and that while the surrounding residential area should not be unduly impacted on from nearby commercial uses, the same level of amenity in more outer suburbs is not considered realistic in this area.

The nature of the proposal has generated a number of significant objections. These objections received relating to the proposal is acknowledged. Notwithstanding this, the applicant has demonstrated a consideration of the surrounding residential amenity and has taken appropriate measures to address these issues and to minimise the disturbance to the surrounding area.

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

10.1.21 No. 114 (Lot 194) Shakespeare Street, Mount Hawthorn - Proposed Partial Demolition of and Alterations, Two-Storey Additions and Carport to Existing Single House

Ward:	North	Date:	2 June 2005
Precinct:	Mount Hawthorn; P1	File Ref:	PRO3086; 00/33/2694
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners CW and HM Rice for proposed Partial Demolition of and Alterations, and Two-Storey Additions to Existing Single House, at No. 114 (Lot 194) Shakespeare Street, Mount Hawthorn, and as shown on plans stamp-dated 16 May 2005, subject to:*
- (a) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
 - (b) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating screen wing wall extensions being provided on the northern and southern elevations of the upper floor deck area and having a minimum protrusion length of 3 metres and a minimum height of 1.6 metres above the respective first floor level. The screens shall be constructed of a permanent obscure material which does not include a self-adhesive material or other material that is easily removed. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
 - (c) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Shakespeare Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by the owners CW and HM Rice for proposed Carport Addition to Existing Single House, at No. 114 (Lot 194) Shakespeare Street, Mount Hawthorn, and as shown on plans stamp-dated 16 May 2005, 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 Town's Policies relating to Street Setbacks and Vehicular Access; and*
 - (c) *consideration of the objections received.*

COUNCIL DECISION ITEM 10.1.21

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

Discussion ensued.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

Landowner:	CW and HM Rice
Applicant:	C Rice
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	453 square metres
Access to Right of Way	East side, 4.6 metres wide, sealed, Town owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves partial demolition of and alterations, two-storey additions and carport to existing single house. The carport is proposed to be located within the front setback area.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Setbacks:			
North - Ground Floor			
- Main House	1.5 metres	1.36 metres	Supported - considered minor and no undue impact. Not supported - undue impact on amenity of area.
- Carport	1.5 metres	Nil	

Upper Floor	1.9 metres	1.36 - 2.36 metres	Supported - considered minor and no undue impact.
South - Ground Floor	1.5 metres	1 - 1.36 metres	Supported - considered minor and no undue impact
Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Upper Floor	2.0 metres	1.36 – 1.86 metres	Supported - considered minor and no undue impact
Privacy Setbacks: East - Upper Floor Deck (Balcony)	7.5 metres	3.0 metres to northern and southern boundaries	Not supported - conditioned to comply.
Vehicular Access:	Access to on-site car parking, where available, solely from a right of way.	Access from Shakespeare Street to proposed carport.	Not supported - recommendation included for refusal for carport component of development for subject site.
Consultation Submissions			
Comment (1)	<ul style="list-style-type: none"> Concern about building times and noise from construction 		Noted
Support	Nil		Noted
Objection (1)	<ul style="list-style-type: none"> Carport, Policy 3.2.6 relating to Vehicular Access 		Supported - refer to "Vehicular Access" above.
	<ul style="list-style-type: none"> Setbacks 		Not supported - considered minor and no adverse impact.
	<ul style="list-style-type: none"> Carport boundary wall 		Not supported - amended plans submitted to remove boundary wall.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

The proposal was advertised and two letters, as detailed above, were received during this period.

The variation to the Town's Vehicle Access Policy is not supported, as it is considered that there is sufficient room for a carport or garage at the rear of the property with access from a Town owned sealed right of way, there are no carports in the front setback area within the immediate locality and compliance with this provision will be a gain to the adjoining streetscape along Shakespeare Street and the locality in general. The carport component to the development is therefore recommended for refusal.

In light of the above, the proposal for partial demolition of and alterations, and two-storey additions to existing single house is considered supportable, subject to standard and appropriate conditions to address the above matters, and the proposal for carport to existing single house is not supported and therefore recommended of refusal.

10.1.3 No. 76 (Lot 2) Carr Street, West Perth – Proposed Demolition of Existing Single House and Construction of Three (3) Two-Storey Grouped Dwellings - Amended Plans

Ward:	South	Date:	8 June 2005
Precinct:	Cleaver; P5	File Ref:	PRO2730; 00/33/2121
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the amended plans stamp-dated 26 May 2005 to Planning Approval (Serial No. 00/33/2121) granted by the Town Planning Appeal Tribunal on 26 October 2004 and conditions applied by the Council on 23 November 2004 and issued on 16 December 2004, for proposed Demolition of Existing Single House and Construction of Three Two-Storey Grouped Dwellings at No. 76 (Lot 2) Carr Street, West Perth.

Moved Cr Lake, Seconded Cr Ker

That the recommendation be adopted subject to the following amendments:

“That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the amended plans stamp-dated 26 May 2005 (excluding site plan and ground floor plan for unit 1) and 14 June 2005 to Planning Approval (Serial No. 00/33/2121) granted by the Town Planning Appeal Tribunal on 26 October 2004 and conditions applied by the Council on 23 November 2004 and issued on 16 December 2004, for proposed Demolition of Existing Single House and Construction of Three Two-Storey Grouped Dwellings at No. 76 (Lot 2) Carr Street, West Perth.”

Debate ensued.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

COUNCIL DECISION ITEM 10.1.3

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the amended plans stamp-dated 26 May 2005 (excluding site plan and ground floor plan for unit 1) and 14 June 2005 to Planning Approval (Serial No. 00/33/2121) granted by the Town Planning Appeal Tribunal on 26 October 2004 and conditions applied by the Council on 23 November 2004 and issued on 16 December 2004, for proposed Demolition of Existing Single House and Construction of Three Two-Storey Grouped Dwellings at No. 76 (Lot 2) Carr Street, West Perth.

ADDITIONAL INFORMATION:

The applicant has provided additional amended plans stamp dated 14 June 2005 for the Council's consideration. The additional plans are attached. These plans demonstrate a 0.5 metre by 0.5 metre truncation on the kitchen of Unit 1 to assist with manoeuvring to the garage of Unit 1. This truncation is the only change to the previous plans stamp dated 26 May 2005. In light of the above, the Officer's assessment and support remain unchanged.

PURPOSE OF REPORT:

The subject amended plans have been submitted as part of the Building Licence Application for the proposed development and varies from the respective Planning Approval plans. Given the debate in relation to Item 10.4.5 at the Ordinary Meeting of Council held on 22 March 2005 regarding the development at No. 516 Fitzgerald Street, North Perth, the subject amended plans are being referred to this Ordinary Meeting for consideration and determination by the Council. The Town's Manager Planning, Building and Heritage Services has developed a Policy to address procedures for dealing with variations between Planning Approval Plans and Building Licence Plans. This draft Policy was considered by the Council on 26 April 2005 and the following was resolved:

"That the Item be DEFERRED to allow for rewording and definitions/clarifications of significant variations compared to minor variations."

Landowner:	M Guardione, J Guardione, & MA Mattioli
Applicant:	Niche Building
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	668 square metres
Access to Right of Way	N/A

BACKGROUND:

22 June 2004	The Council, at its Ordinary Meeting, resolved to refuse the application for the proposed demolition of existing single house and construction of three (3) two-storey grouped dwellings.
3 August 2004	The applicant lodged an appeal with the Town Planning Appeal Tribunal (TPAT) against the Council's refusal.
13 August 2004	The Town lodged the Respondent Statement with the TPAT.
20 August 2004	The Directions Hearing held at the TPAT.
24 September 2004	The Hearing held at the TPAT.
26 October 2004	The TPAT upheld the appeal, and requested the Town to formulate standard approval conditions.
23 November 2004	The Council at its Ordinary Meeting applied conditions to the proposed development.
29 December 2004	Demolition Licence issued for No. 76 (Lot 2) Carr Street, West Perth.

DETAILS:

The Building Licence Application plans dated 4 March 2005 did not comply with conditions (v)(b) and (vii) applied by the Council at its Ordinary Meeting held on 23 November 2004. These conditions state as follows:

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

- (a) the landscaping along the eastern boundary being deleted to facilitate adequate manoeuvring; and*
- (b) all proposed car bays being a minimum length of 5.4 metres exclusive of the stores.*

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

"(vii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the windows to the games room, bedroom 3 and bedroom 1 of unit 1, meals and alfresco of unit 2, and alfresco and dining of unit 3, on the east elevation on the first floor of the east elevation of units 1, 2 and 3 shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002;"

These Building Licence Application plans indicated that the garage length of Units 1, 2 and 3 had been extended to 5.4 metres however, Unit 1 had a store with dimensions 1.01 metres by 6 metres and Units 2 and 3 had stores with the dimensions 0.91 metre by 6 metres, therefore being non-compliant with the Residential Design Codes (R Codes) and condition (v)(b) indicated above.

The amended Building Licence Application plans dated 26 May 2005 indicate that Units 1, 2 and 3 have a garage length of 5.4 metres and a store with internal dimensions of 1.5 metres in accordance with the requirements of the Residential Design Codes (R Codes) and is therefore compliant with condition (v)(b) of the conditions applied by the Council at its Ordinary Meeting held on 23 November 2004.

The store for Unit 1 has been relocated onto the western boundary; and the affected neighbour has signed the subject plans stating no objection to the proposal.

The revised plans also indicate the removal of landscaping along the eastern boundary in accordance with condition (v)(a).

Condition (vii) of the conditions applied by the Council is required to be complied with prior to first occupation of the development therefore, is not considered in this report.

As a result of the above changes, the internal ground floor layout of Unit 1 and Unit 2 has been re-configured.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
The revised Building Licence Application plans do not result in any greater variations to the development requirements from the previously approved plans.			
Consultation Submissions			
The amended plans were not advertised as it does not involve any greater variations to the development requirements from the previously approved plans.			
Objection	N/A		N/A
Support	N/A		N/A
Other Implications			
Legal/Policy			TPS 1 and associated Policies and Residential Design Codes (R-Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

COMMENTS:

The revised Building Licence Application plans are considered to be acceptable as the changes in the amended plans are minor, do not have an undue impact on the adjoining neighbours and do not involve any greater variations to the development requirements from the previously approved plans. The store for Unit 1 varies from the previous building envelope of the previously approved plans however, the affected neighbour has stated no objection to the proposal.

Accordingly, it is recommended that further Planning Approval for the revised Building Licence Application plans should not be required, and that the revised plans be approved as amended plans to the previous Planning Approval.

10.1.5 No. 238 (Lot Y104) Beaufort Street, Perth - Proposed Alterations and Additions to Existing Lodging House

Ward:	South	Date:	8 June 2005
Precinct:	Beaufort; P13	File Ref:	PRO0317; 00/33/2681
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Beilby Design on behalf of the owner Monger House Pty Ltd for proposed Alterations and Additions to Existing Lodging House, at No. 238 (Lot Y104) Beaufort Street, Perth, and as shown on plans stamp-dated 24 January 2005, subject to:

- (i) the submission of a detailed schedule of finishes for approval (including materials, external colour schemes and details) prior to the issue of a Building Licence;*
- (ii) a detailed management plan that addresses the control of noise, traffic, car parking, litter and anti-social behaviour (to reasonable levels) associated with the development shall be submitted and approved prior to the first occupation of the development, and thereafter implemented and maintained;*
- (iii) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iv) the lodging house shall accommodate a maximum of 37 beds, bedrooms or lodgers at any one time;*
- (v) no buses, coaches and the like shall be parked for more than one (1) hour on the subject land;*
- (vi) the car parking/driveway area shall not be used for any other purposes than the access and parking of vehicles for customers, employees and visitors of the lodging house;*
- (vii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the maximum number of rooms being limited to 37 single bedrooms. The revised plans shall not result in any greater variations to the requirements of the Town's Policies;*
- (viii) the development shall be adequately sound insulated, including the solid boundary walls along the northern, eastern and southern elevations to the kitchen/dining room, laundry and gazebo, respectively, prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*

- (ix) *prior to the issue of a Building Licence, documentation and plans shall be submitted and approved demonstrating the following:*
- (a) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection including photographs of all building fabric that is to be removed (including outdoor WC's, shed, laundry and rear weatherboard extension) prior to removal and the photographs are to be submitted to the Heritage Officers at the Town of Vincent in either hard copy or electronic format as an archival record;*
 - (b) *door frames within the original 'Joseph Chester Cottage' not being widened and the timber frames not being removed;*
 - (c) *door frames to the rear of the building that require widening to accommodate access for people with disabilities (800 millimetres is the minimum width required) if possible, having the existing vertical frames reinstated once widened; and*
 - (d) *the bathrooms to be constructed in the existing accommodation rooms not altering the ceiling fabric. The ornate ceilings shall remain intact;*
- (x) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*
- (xi) *this Planning Approval is not to be construed as support of any increase in the intensification of the land use development on the subject site. A Planning Application is required to be submitted to and approved by the Town for any increase in the approved beds, bedrooms or lodgers on the subject site.*

COUNCIL DECISION ITEM 10.1.5

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Lake

That clause (vii) be deleted from the recommendation and the remaining clauses be renumbered.

Debate ensued.

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

For

Cr Chester

Cr Ker

Cr Lake

Cr Maier

Against

Mayor Catania (2 votes)

Cr Doran-Wu

Cr Farrell

Cr Messina

(Cr Torre on approved leave of absence.)

Debate ensued.

MOTION CARRIED (8-0)

(Cr Torre on approved leave of absence.)

ADDITIONAL INFORMATION:

An additional assessment of the proposal has found it to be non-compliant with the Town's Communal Space for Lodging Houses, Hostels and Serviced Apartments Policy. An amended Assessment Table to reflect the abovementioned non-compliance is detailed below.

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
<u>Communal Open Space</u>	<u>External communal open space preferably to be north facing</u>	<u>South facing</u>	<u>Supported - the proposed location of the external open space is considered the most appropriate location in light of the layout of the existing structure.</u>

Landowner:	Monger House Pty Ltd
Applicant:	Beilby Design (P Wilson)
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Lodging House
Use Class:	Lodging House
Use Classification:	"SA"
Lot Area:	759 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves alterations and additions to existing lodging house.

The applicant is proposing a new kitchen/dining room and laundry on the ground floor, plus a new communal open space area, which includes a bbq and gazebo, located at the rear of the subject site. The additions are single storey and include an extension of the existing boundary wall along the northern elevation and two new boundary walls along the eastern and southern elevations.

The proposal also involves alterations to the roof and façade of the existing structure, namely new red colourbond custom orb sheeting to the existing roof structure and new weatherboard cladding for the two-storey rear portion of wall on the northern, eastern and southern elevations.

The alterations also include renovation of the existing lodging rooms to accommodate sixty four (64) lodgers. This application is for the alterations and additions only and not approval for an increase in the number of lodgers on-site, therefore the proposal does not involve any intensification of the land use. Thirty seven (37) beds and/or lodgers are currently approved for the subject site. An increase in the approved lodgers will require a Planning Approval to be submitted to and obtained from the Town.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Buildings on Boundary: Eastern elevation (Laundry)	Maximum height of 3.5 metres with an average height of 3 metres	Maximum height of 4.7 metres with an average height of 4.7 metres	Supported - the affected landowners/occupiers have provided support for the proposal and the adjacent land use is commercial in nature, therefore the variation is not considered to have an undue impact on the area.
Consultation Submissions			
Support (3)	<ul style="list-style-type: none"> Signatures of support received from adjoining land owners/occupiers 		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

Land Use and Car Parking

The applicant has requested that the application be determined for the proposed alterations and additions only. This will enable them to complete the works whilst submitting a Planning Application for an increase in the approved beds/lodgers on-site concurrently.

The proposed alterations and additions are therefore not considered to intensify the existing approved land use on the subject site. Car parking requirements for a lodging house are calculated on the number beds or lodgers approved for the site; the approved beds/lodgers for the subject site will remain at 37. A condition is included in the Officer Recommendation for a Planning Application to be submitted to and approved by the Town for any increase in the lodgers/beds/bedrooms on-site prior to first occupation of the development.

Consultation/Advertising

In light of the above, the Town's Officers consider an "AA" advertising procedure, as detailed in the Town's Community Consultation Policy, to be appropriate for the proposed development.

The proposal was not formally advertised by the Town as the applicant supplied signatures of support from all three adjoining land owners/occupiers.

Buildings on Boundary

As outlined in the details section of this report, the proposal involves an extension of the existing boundary wall along the northern elevation and two new boundary walls along the eastern and southern elevations.

The northern and southern elevations are adjacent to the Commercial zone and, therefore, are not required to comply with clause 3.3.2 of the Residential Design Codes (R Codes).

The new boundary wall adjacent to the Residential/Commercial zone (although currently used solely for commercial purposes) along the eastern boundary comes in two portions. The portion adjacent to the gazebo is compliant with the R Codes requirements and the height variation, as detailed above, proposed to the portion adjacent to the laundry is supported on the basis of the affected neighbour's support for the proposed development and the commercial nature of the land use.

Heritage

This property, known as 'Joseph Chester's Cottage', is listed on the Town of Vincent's Municipal Heritage Inventory and is believed to be one of the oldest remaining residences within the Town of Vincent.

The proposed works are considered acceptable with substantial effort being made by the applicant to retain existing architectural features and to respect the historic fabric of the place.

In addition to giving general support, the following recommendations are made in relation to the application:

- All building fabric that is to be removed (including outdoor WC's, shed, laundry and rear weatherboard extension) is to be photographed prior to removal and the photographs are to be submitted to the Heritage Officers at the Town of Vincent in either hard copy or electronic format as an archival record;
- Door frames within the original 'Joseph Chester Cottage' are not to be widened and the timber frames are not to be removed;
- Door frames to the rear of the building that require widening to accommodate access for people with disabilities (800 millimetres is the minimum width required) should, if possible, have the existing vertical frames reinstated once widened; and

- The bathrooms to be constructed in the existing accommodation rooms are not to alter the ceiling fabric. The ornate ceilings should remain intact.

The abovementioned recommendations are included in the Officer Recommendation.

Non Residential/Residential Development Interface

The Non Residential/Residential Development Interface Policy requirements were not considered as part of this assessment. For the purpose of the abovementioned Policy, a residential area *"refers only to lots which contain residential dwellings where a lot is zoned Residential or Residential/Commercial."* In this case, the land adjoining the subject site is either zoned Commercial or does not contain residential land uses and the Policy therefore does not apply.

Summary

In light of the above, and considering the support for the proposal received from adjoining landowners, the proposal is considered supportable, subject to standard and appropriate conditions to address the above matters.

10.1.6 Nos. 475-481 (Lots 113, 114 and Pt Lot 115) Beaufort Street, Corner Chatsworth Road, Highgate - Proposed Alterations and Security Grilles Additions to Existing Shop

Ward:	South	Date:	7 June 2005
Precinct:	Mt Lawley Centre; P11	File Ref:	PRO0144; 00/33/2592
Attachments:	001		
Reporting Officer(s):	B Mckean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by T Nguyen on behalf of the owner TR & MA Fenner and SM Hendry for proposed Alterations and Security Grilles Additions to Existing Shop, at Nos. 475-481 (Lots 113, 114 and Pt Lot 115) Beaufort Street, corner Chatsworth Road, Highgate, and as shown on plans stamp-dated 18 November 2004 and 23 May 2005, subject to:*
 - (a) *the proposed security grilles shall remain visually permeable with a minimum 50 per cent visual permeability when viewed from the street;*
 - (b) *the selected security grilles shall be designed as an integral part of the design and existing form of the building;*
 - (c) *a planning application shall be submitted to and approved by the Town prior to any modifications being undertaken to the security grilles;*
 - (d) *the existing non-complying roller door shall be removed within 90 days of the date of notification of this approval, or prior to the installation of the grilles, whichever occurs first;*
 - (e) *the proposed security grilles shall be moveable and not visible during operating hours of the use of site; and*
 - (f) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (ii) *the Council ADVISES the owner and occupier of Nos. 475-481 (Lots 113, 114 and Pt Lot 115) Beaufort Street, corner Chatsworth Road, Highgate, that the unauthorised roller door at Nos. 475-481 (Lots 113, 114 and Pt Lot 115) Beaufort Street, corner Chatsworth Road, Highgate, is allowed to remain for a period 90 days from the date of notification of the approval under clause (i) above, and the Council AUTHORIZES the Chief Executive Officer to commence legal proceedings to remove the unauthorised roller door should the roller door remain after this 90 days period; and*
- (iii) *the Council AUTHORIZES the Chief Executive Officer to discontinue with the appeal to the Supreme Court of Western Australia regarding the decision of the Town Planning Appeal Tribunal to uphold an appeal and approve the unauthorised roller door at Nos. 475-481 (Lots 113, 114 and Pt Lot 115) Beaufort Street, corner Chatsworth Road, Highgate, following removal of the unauthorised roller door at the above premises.*

Moved Cr Chester, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Ker

That the recommendation be amended as follows:

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

“(i) (e) *the proposed security grilles shall be ~~moveable~~ retractable and predominantly not visible during operating hours of the use of site; and”*

2. *clause (ii) be deleted from the recommendation and clause (iii) be renumbered as follows:*

~~“(ii) — the Council ADVISES the owner and occupier of Nos. 475-481 (Lots 113, 114 and Pt Lot 115) Beaufort Street, corner Chatsworth Road, Highgate, that the unauthorised roller door at Nos. 475-481 (Lots 113, 114 and Pt Lot 115) Beaufort Street, corner Chatsworth Road, Highgate, is allowed to remain for a period 90 days from the date of notification of the approval under clause (i) above, and the Council AUTHORIZES the Chief Executive Officer to commence legal proceedings to remove the unauthorised roller door should the roller door remain after this 90 days period; and~~

~~(iii)~~(ii) *the Council AUTHORIZES the Chief Executive Officer not to proceed with the appeal to the Supreme Court of Western Australia regarding the decision of the Town Planning Appeal Tribunal to uphold an appeal and approve the unauthorised roller door at Nos. 475-481 (Lots 113, 114 and Pt Lot 115) Beaufort Street, corner Chatsworth Road, Highgate, following removal of the unauthorised roller door at the above premises.”*

Debate ensued.

AMENDMENT CARRIED (6-2)

For

Cr Chester

Cr Farrell

Cr Ker

Cr Lake

Cr Maier

Cr Messina

Against

Mayor Catania

Cr Doran-Wu

(Cr Torre on approved leave of absence.)

Debate ensued.

MOTION AS AMENDED CARRIED (8-0)

(Cr Torre on approved leave of absence.)

COUNCIL DECISION ITEM 10.1.6

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by T Nguyen on behalf of the owner TR & MA Fenner and SM Hendry for proposed Alterations and Security Grilles Additions to Existing Shop, at Nos. 475-481 (Lots 113, 114 and Pt Lot 115) Beaufort Street, corner Chatsworth Road, Highgate, and as shown on plans stamp-dated 18 November 2004 and 23 May 2005, subject to:*
- (a) *the proposed security grilles shall remain visually permeable with a minimum 50 per cent visual permeability when viewed from the street;*
 - (b) *the selected security grilles shall be designed as an integral part of the design and existing form of the building;*
 - (c) *a planning application shall be submitted to and approved by the Town prior to any modifications being undertaken to the security grilles;*
 - (d) *the existing non-complying roller door shall be removed within 90 days of the date of notification of this approval, or prior to the installation of the grilles, whichever occurs first;*
 - (e) *the proposed security grilles shall be retractable and predominantly not visible during operating hours of the use of site; and*
 - (f) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage; and*
- (ii) *the Council AUTHORISES the Chief Executive Officer to discontinue with the appeal to the Supreme Court of Western Australia regarding the decision of the Town Planning Appeal Tribunal to uphold an appeal and approve the unauthorised roller door at Nos. 475-481 (Lots 113, 114 and Pt Lot 115) Beaufort Street, corner Chatsworth Road, Highgate, following removal of the unauthorised roller door at the above premises.*

ADDITIONAL INFORMATION:

In light of the Town Planning Appeal Tribunal's decision to uphold the appeal and approve the roller door to existing shop at the subject property on 14 November 2003, it appears the Town has no jurisdiction to require the removal of the existing roller door unless the Supreme Court dismisses the Town Planning Appeal Tribunal's decision and refuses the roller door.

Landowner:	TR & MA Fenner and SM Hendry
Applicant:	T Nguyen
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Shop
Use Class:	Shop
Use Classification:	"AA"
Lot Area:	923 square metres
Access to Right of Way	West side, 3 metres wide, sealed, Town owned

BACKGROUND:

- 27 May 2003 The Council at its Ordinary Meeting resolved to refuse the application for unauthorised roller door to existing shop at Nos. 475-481 (Lots 113, 114 and Pt Lot 115) Beaufort Street, corner Chatsworth Road, Highgate.
- 18 July 2003 Applicant lodged appeal with the Town Planning Appeal Tribunal (TPAT).
- 8 August 2003 Respondent Statement forwarded to TPAT.
- 11 September 2003 Case management conference at TPAT.
- 11 September 2003 Town's witness statement sent to TPAT and Appellant.
- 25 September 2003 One day TPAT hearing.
- 14 November 2003 Appeal for the roller door was upheld.
- 2 December 2003 The Council resolved to lodge an appeal in the Supreme Court of Western Australia against the decision of the Town Planning Appeal Tribunal, relating to Nos. 475-481 Beaufort Street, Highgate.
- 12 December 2003 Notice of appeal was filed at the Supreme Court.
- 12 January 2004 Letter received by the Town from Highgate Lottery Centre and News stating they will install a new roller door at their own costs.
- 19 January 2004 Review of appeal by TPAT President.
- 23 January 2004 The Town's application for review was dismissed.

DETAILS:

The proposal involves alterations and security grilles additions to existing shop. Behind the proposed security grilles is clear polycarbonate to protect the shop front.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
No consultation was required for this application			
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

The proposed alterations and security grilles additions at Nos. 475-481 (Lots 113, 114 and Pt Lot 115) Beaufort Street, corner Chatsworth Road, Highgate, are compliant with the Town's Policy relating to Security Roller Shutters, Doors and Grilles On Non-Residential Buildings.

In light of the above, approval is recommended subject to standard and appropriate conditions. Clause (ii) and (iii) of the Officer Recommendation allows the Chief Executive Officer to commence legal proceedings to remove the unauthorised roller door if it remains after 90 days of approval of the security grilles, and authorises the Chief Executive Officer to not proceed with the appeal to the Supreme Court of Western Australia following removal of the unauthorised roller door.

10.1.11 No. 55 (Lot 458) Hobart Street, Corner London Street, North Perth - Proposed Additional Single Storey Single House to Existing Single House

Ward:	North	Date:	31 May 2005
Precinct:	North Perth; P8	File Ref:	PRO2350; 00/33/2812
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by JWH Group Pty Ltd on behalf of the owner Atcheson Holding for proposed Additional Single Storey Single House to Existing Single House, at No. 55 (Lot 458) Hobart Street, corner London Street, North Perth, and as shown on plans stamp-dated 24 March 2005, subject to:

- (i) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Hobart Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency. The solid portion of any new fence and gates adjacent to London Street may increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (ii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
 - (a) *the garage being setback behind the main building line; and*
 - (b) *the driveway being aligned right angles to the street alignment.*

The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;
- (iv) *subject to first obtaining the consent of the owners of No. 53 Hobart 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. 53 Hobart Street in a good and clean condition;*

- (v) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Hobart Street and London Street verges adjacent to the subject properties, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (vi) *the applicant/owner(s) shall advise (prospective) purchasers of the proposed dwelling property, that if this development does not proceed any subsequent proposed development shall comply with the relevant development requirements of the Town's Town Planning Scheme No.1 and the associated Policies and the Residential Design Codes, and it is not to be assumed that the Town will support variations to the requirements.*

Moved Cr Chester, Seconded Cr Farrell

That the recommendation be adopted.

Moved Cr Maier, Seconded Cr Ker

That clause (iii) be deleted from the recommendation.

Debate ensued.

Mayor Catania advised that it would be more suitable to move the amendment to clause (iii) and the amended assessment table together with the Motion.

Mayor Catania ruled to this effect.

Cr Maier and Cr Ker withdrew their amendment.

Moved Cr Chester, Seconded Cr Farrell

That the recommendation be adopted subject to the following amendments:

- 1. clause (iii) be deleted from the recommendation and clauses (iv) to (vi) be renumbered; and*
- 2. the Assessment Table be amended as follows:*

AMENDED ASSESSMENT TABLE:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	1 dwelling R 20	2 dwellings R 29.9 49.7 per cent density bonus	Subdivision of lots was conditionally approved by the Western Australian Planning Commission on 27 May 2003 at R30/40 density.
Plot Ratio	N/A	N/A	N/A

Setbacks- Ground: Garage East (rear)	6.0 metres (or behind main building line) 1.0 metre	3.55 metres and in front of main building line Nil (compliant with Clause 3.3.2 of R- Codes- Building on Boundaries)	Not supported - has been conditioned to comply. Supported- no variation.
Driveway	To be aligned right angles to street.	Driveway not aligned right angles to street.	Not supported - has been conditioned to comply. <u>Supported - requirement not feasible in this instance due to angled frontage of lot.</u>
Driveway to district distributor road.	Designed for vehicles to enter street in forward gear.	Driveway does not allow for vehicles to enter street in forward gear.	Supported- Technical Services have advised this variation is supported as there is insufficient space on the property to facilitate vehicles to exit in forward gear.

Debate ensued.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

COUNCIL DECISION ITEM 10.1.11

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by JWH Group Pty Ltd on behalf of the owner Acheson Holding for proposed Additional Single Storey Single House to Existing Single House, at No. 55 (Lot 458) Hobart Street, corner London Street, North Perth, and as shown on plans stamp-dated 24 March 2005, subject to:

- (i) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Hobart Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency. The solid portion of any new fence and gates adjacent to London Street may increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*

- (ii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iii) *subject to first obtaining the consent of the owners of No. 53 Hobart 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. 53 Hobart Street in a good and clean condition;*
- (iv) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Hobart Street and London Street verges adjacent to the subject properties, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (v) *the applicant/owner(s) shall advise (prospective) purchasers of the proposed dwelling property, that if this development does not proceed any subsequent proposed development shall comply with the relevant development requirements of the Town's Town Planning Scheme No.1 and the associated Policies and the Residential Design Codes, and it is not to be assumed that the Town will support variations to the requirements.*

AMENDED ASSESSMENT TABLE:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	1 dwelling R 20	2 dwellings R 29.9 49.7 per cent density bonus	Subdivision of lots was conditionally approved by the Western Australian Planning Commission on 27 May 2003 at R30/40 density.
Plot Ratio	N/A	N/A	N/A
Setbacks- Ground: East (rear)	1.0 metre	Nil (compliant with Clause 3.3.2 of R-Codes- Building on Boundaries)	Supported- no variation.
Driveway	To be aligned right angles to street.	Driveway not aligned right angles to street.	Supported - requirement not feasible in this instance due to angled frontage of lot.
Driveway to district distributor road.	Designed for vehicles to enter street in forward gear.	Driveway does not allow for vehicles to enter street in forward gear.	Supported- Technical Services have advised this variation is supported as there is insufficient space on the property to facilitate vehicles to exit in forward gear.

ADDITIONAL INFORMATION:

Upon further assessment of the proposal, it is considered that the garage setback is compliant with the Town's Policy relating to Street Setbacks as the family room protrudes in front of the garage when measured right angles to the front boundary, as per the Residential Design Codes.

In light of the above, the above changes are made to the Officer Recommendation and Assessment Table.

Landowner:	Atcheson Holding
Applicant:	JWH Group Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R20
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	Lot 458= 668 square metres Subject proposed lot = 336 square metres
Access to Right of Way	N/A

BACKGROUND:

- 27 May 2003 Council at its Ordinary Meeting resolved to recommend approval to the Western Australian Planning Commission (WAPC) for the proposed subdivision at the subject property.
- 27 June 2003 WAPC resolved to conditionally approve the application for the subdivision of the subject property.
- 23 September 2003 Council at its Ordinary Meeting resolved to refuse an application for the proposed partial demolition of and alterations, additions, and carport to existing single house and construction of two (2) two-storey single houses at the subject property.
- 7 July 2004 Approval was granted under delegated from the Council for proposed partial demolition of and alterations to existing single house at the subject property.

DETAILS:

The proposal involves an additional single storey single house to existing single house at the subject property. The proposed single house results from the proposed subdivision of an original corner lot and has its frontage to London Street. The subject property is in the Eton Locality and accordingly, is being referred to Council for determination.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	1 dwelling R 20	2 dwellings R 29.9 49.7 per cent density bonus	Subdivision of lots was conditionally approved by the Western Australian Planning Commission on 27 May 2003 at R30/40 density.
Plot Ratio	N/A	N/A	N/A
Setbacks- Ground: Garage East (rear)	6.0 metres (or behind main building line) 1.0 metre	3.55 metres and in front of main building line Nil (compliant with Clause 3.3.2 of R- Codes- Building on Boundaries)	Not supported- has been conditioned to comply. Supported- no variation.
Driveway	To be aligned right angles to street.	Driveway not aligned right angles to street.	Not supported- has been conditioned to comply.
Driveway to district distributor road.	Designed for vehicles to enter street in forward gear.	Driveway does not allow for vehicles to enter street in forward gear.	Supported- Technical Services have advised this variation is supported as there is insufficient space on the property to facilitate vehicles to exit in forward gear.
Consultation Submissions			
Comment	The Department for Planning and Infrastructure have advised it has no objections to the subject proposal.		Noted.
Support	Nil		Noted.
Objection	Nil		Noted.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

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

COMMENTS:

In light of no objections being received by the Town and the variation being addressed as above, the proposal is recommended for approval subject to standard and appropriate conditions to address the above matters.

10.1.14 Draft Statement of Planning Policy No. 3 – Urban Growth and Settlement

Ward:	Both	Date:	8 June 2005
Precinct:	All	File Ref:	PLA0022
Attachments:	001		
Reporting Officer(s):	C Mooney, H Coulter		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Western Australian Local Government Association 'Infopage' dated 11 May 2005, as shown in the attachment to the report, and associated Draft Statement of Planning Policy No.3 - Urban Growth and Settlement, as 'Laid on the Table'; and*
- (ii) *ADVISES the Western Australian Local Government Association (WALGA) that the Council SUPPORTS IN PRINCIPLE the content and intent of the "Draft Statement of Planning Policy No.3 - Urban Growth and Settlement", and the following comments should be addressed in WALGA's submission to the Western Australian Planning Commission:*

"The Town supports the general principles and objectives of the broad sector Policy and is cognisant of the Policy Measures relating to the management of urban growth in Metropolitan Perth. It is further noted that the principles outlined in the Draft Policy will be specifically addressed in the Town's review of its Town Planning Scheme in the near future".

Moved Cr Chester, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Cr Messina departed the Chamber at 7.46pm.

Debate ensued.

Moved Cr Lake, Seconded Cr Farrell

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

“(c) the Town supports the use of planning strategies and local planning schemes to ensure that increased density and areas of infill are appropriately located, close to transport and services, and not adversely impacting on character neighbourhoods.”

Debate ensued.

AMENDMENT CARRIED (7-0)

(Cr Torre on approved leave of absence. Cr Messina was absent from the Chamber and did not vote.)

Moved Cr Lake, Seconded Cr Ker

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

- “(b) the Town expresses concern that infill development in established areas has led to increased traffic, reduced pedestrian safety, and loss of privacy, open space and trees, with the risk of losing the sense of community and character in established inner urban neighbourhoods; and”*

Debate ensued.

Cr Messina returned to the Chamber at 7.51pm.

It was suggested that the word ‘inappropriate’ be inserted before the word ‘infill’ and this was added with the consent of the Seconder.

- “(b) the Town expresses concern that inappropriate infill development in established areas has led to increased traffic, reduced pedestrian safety, and loss of privacy, open space and trees, with the risk of losing the sense of community and character in established inner urban neighbourhoods; and”*

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Torre on approved leave of absence.)

Debate ensued.

MOTION AS AMENDED CARRIED (8-0)

(Cr Torre on approved leave of absence.)

COUNCIL DECISION ITEM 10.1.14

That the Council;

- (i) *RECEIVES the Western Australian Local Government Association 'Infopage' dated 11 May 2005, as shown in the attachment to the report, and associated Draft Statement of Planning Policy No.3 - Urban Growth and Settlement, as 'Laid on the Table'; and*
- (ii) *ADVISES the Western Australian Local Government Association (WALGA) that the Council SUPPORTS IN PRINCIPLE the content and intent of the "Draft Statement of Planning Policy No.3 - Urban Growth and Settlement", and the following comments should be addressed in WALGA's submission to the Western Australian Planning Commission:*
- (a) *the Town supports the general principles and objectives of the broad sector Policy and is cognisant of the Policy Measures relating to the management of urban growth in Metropolitan Perth. It is further noted that the principles outlined in the Draft Policy will be specifically addressed in the Town's review of its Town Planning Scheme in the near future;*

- (b) *the Town expresses concern that inappropriate infill development in established areas has led to increased traffic, reduced pedestrian safety, and loss of privacy, open space and trees, with the risk of losing the sense of community and character in established inner urban neighbourhoods; and*
 - (c) *the Town supports the use of planning strategies and local planning schemes to ensure that increased density and areas of infill are appropriately located, close to transport and services, and not adversely impacting on character neighbourhoods.*
-

PURPOSE OF REPORT:

The purpose of this report is to provide information relating to the Western Australian Planning Commission Draft Statement of Planning Policy No 3. – Urban Growth and Settlement, and advise the Western Australian Local Government Association (WALGA) of the Council's comments on the Draft Policy.

DETAILS:

The Western Australian Planning Commission (WAPC) is currently advertising its Draft Statement of Planning Policy No 3. – Urban Growth and Settlement for public comment until 17 June 2005. This Draft Policy is '*Laid on the Table*'.

The Western Australian Planning Commission states the following in regard to the application of Statements of Planning Policy:

"Statements of Planning Policy are prepared and adopted by the Western Australian Planning Commission under statutory procedures set out in Section 5AA of the Town Planning and Development Act 1928.

The Western Australian Planning Commission and local governments must have 'due regard' to the provisions of Statements of Planning Policy when preparing or amending town planning schemes and when making decisions on planning matters. The Town Planning Appeal Tribunal is also required to take account of Statements of Planning Policy when determining appeals."

Generally speaking, Statements of Planning Policy set out broad parameters and statements regarding the context of urban planning in Western Australia, highlight the State's aims and objectives in regard to future growth and development.

The Town has received correspondence dated 11 May 2005 from the Western Australian Local Government Association advising of the Draft Statement and associated advertising, and notes ". . . *The Draft Policy generally refers to sound planning principles. However it is necessary to consider how these principals will directly impact on development in local Government areas. In that regard, Councils are encouraged to pay particular attentions to impacts on rural residential development and infrastructure costing.*"

The Draft Policy outlines that: *"the overall aim of the policy is to facilitate sustainable patterns of urban growth and settlement by setting out the requirements of sustainable settlements and communities and the broad policy in accommodating urban growth and change. This policy should be taken into account in preparing regional and local planning strategies, and planning schemes and amendments, and given weight in statutory decision making in relation to urban growth and settlement."*

The Draft Policy further sets out principles and considerations which apply to planning for urban growth and settlements in Western Australia and identifies seven "Policy Measures" that form the basis of the Policy, as follows:

- Creating sustainable communities;
- Managing urban growth and settlement across Western Australia;
- Managing growth in Metropolitan Perth;
- Planning for liveable neighbourhoods;
- Co-ordination of services and infrastructure;
- Managing rural residential growth; and
- Planning for Aboriginal communities.

Of direct relevance to the Town of Vincent is the Policy Measure relating to *Managing Urban Growth in Metropolitan Perth*, which in summary, refers to seven principles regarding the planning and management of future metropolitan growth in accordance with the current metropolitan strategy by:

- Consolidating residential development in existing areas
- Giving priority to infill development, whilst respecting neighbourhood character;
- Locating higher residential densities in locations accessible to transport and services;
- Concentrating commercial, health, education, entertainment and cultural developments in and around activity centres
- Developing an integrated land use and transport network which reduces car dependence;
- Protecting biodiversity and areas of environmental significance, ...interlinked systems of regional and local open space; and
- Protecting water resources

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Town Planning Scheme No.1 and associated Policies.

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Draft Policy is of a broad nature and sets out the general planning principles already espoused in documents such as the State Planning Strategy and Network City. The Town's Officers generally support the principles listed in the Draft Policy and to a certain extent already addresses such matters in its daily operations. It is also noted that as part of the review of Town Planning Scheme No.1, the general principles relating to *'Managing Urban Growth in Metropolitan Perth'*, as outlined in Policy Measures, will be addressed.

In light of the above, it is recommended that the Council receives the documentation relating to Draft Statement of Planning Policy No.3 - Urban Growth and Settlement and advises the WALGA, that the Town supports the general principles and objectives of the broad sector Policy and is cognisant of the Policy Measures relating to the management of urban growth in Metropolitan Perth. WALGA should also be advised that the principles outlined in the Draft Policy will be specifically addressed in the Town's review of its Town Planning Scheme in the near future.

10.1.16 No. 22 (Lot 9) Galwey Street, Dual Frontage to Tennyson Street, Leederville - Proposed Demolition of Outbuilding and Construction of an Additional Two-Storey Single House to Existing Single House

Ward:	North	Date:	8 June 2005
Precinct:	Leederville; P3	File Ref:	PRO3131; 00/33/2763
Attachments:	001		
Reporting Officer(s):	J Meggitt		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Robert Chambers Architect on behalf of the owner RL & SM Stevenson for proposed Demolition of Outbuilding and Construction of an Additional Two-Storey Single House to Existing Single House, at No. 22 (Lot 9) Galwey Street, dual frontage to Tennyson Street, Leederville, and as shown on plans stamp-dated 4 March 2005, subject to:

- (i) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Galwey and Tennyson Streets shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum of 50 per cent transparency;*
- (ii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the east and west sides of the balcony shall be screened with a permanent obscure glazing and non-openable to a minimum height of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (iv) the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the dwelling; and*
- (v) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) the northern window in bedroom 1 and the southern window in bedroom 2, on the upper floor, being setback a minimum of 1.7 metres from the west wall of the building;*
 - (b) the total width of the carport not exceeding 50 per cent of the frontage of the property at the building line and the construction is to allow the dwelling to be viewed from the street; and*

- (c) *the northern elevation of the lounge room incorporating design features to reduce its visual impact and/or increase interaction between the dwelling and the street.*

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

Moved Cr Chester, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Lake

That a new clause (v)(d) be inserted as follows:

- "(v) (d) *the provision of alternative car parking for two vehicles on the subject site and associated driveway(s) and crossover(s), to ensure the retention of the two mature verge trees on Tennyson Street.*"

Debate ensued.

AMENDMENT CARRIED (6-2)

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

(Cr Torre on approved leave of absence.)

MOTION AS AMENDED CARRIED (6-2)

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

(Cr Torre on approved leave of absence.)

COUNCIL DECISION ITEM 10.1.16

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Robert Chambers Architect on behalf of the owner RL & SM Stevenson for proposed Demolition of Outbuilding and Construction of an Additional Two-Storey Single House to Existing Single House, at No. 22 (Lot 9) Galwey Street, dual frontage to Tennyson Street, Leederville, and as shown on plans stamp-dated 4 March 2005, subject to:

- (i) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Galwey and Tennyson Streets shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum of 50 per cent transparency;*
- (ii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the east and west sides of the balcony shall be screened with a permanent obscure glazing and non-openable to a minimum height of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (iv) the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the dwelling; and*
- (v) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) the northern window in bedroom 1 and the southern window in bedroom 2, on the upper floor, being setback a minimum of 1.7 metres from the west wall of the building;*
 - (b) the total width of the carport not exceeding 50 per cent of the frontage of the property at the building line and the construction is to allow the dwelling to be viewed from the street;*
 - (c) the northern elevation of the lounge room incorporating design features to reduce its visual impact and/or increase interaction between the dwelling and the street; and*
 - (d) the provision of alternative car parking for two vehicles on the subject site and associated driveway(s) and crossover(s), to ensure the retention of the two mature verge trees on Tennyson Street.*

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

ADDITIONAL INFORMATION

The verge tree proposed to be removed by the applicant is a native Gum - *Eucalyptus calophylla*; the common name is the Marri Tree. The tree is in the middle of the verge at the rear of the property on Tennyson Street 5.0 metres from the western boundary.

The other tree on the eastern side of the verge is a large *Eucalyptus nicholli* (Willow leaf peppermint).

The trees are in good condition and should be retained

Landowner:	RL & SM Stevenson
Applicant:	Robert Chambers Architect
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	597 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the development of a two storey house with a frontage and vehicle access to Tennyson Street and the retention of the existing dwelling with a frontage to Galwey Street.

The existing dwelling on the site (circa 1910-20) is not of specific heritage value and is not listed in the Town's Heritage Inventory however, it does complement the other original dwellings in the street and adds to the streetscape value of Galwey Street. The applicant has requested that the retention of this dwelling be taken into account when considering the shortfall in the lot size.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	One (1) dwelling at R30.	Two (2) dwellings at R33.5. A density bonus of 0.5 per cent is being sought.	Supported - the variation is minor, the applicant is retaining an established element of the streetscape, and other lots of similar sizes have been subdivided in this street block.

Setbacks - West boundary ground floor.	1.5 metres	1.0 - 1.5 metres	Supported - minor variation arising from a length of laundry wall, and no undue impact on neighbour.
Privacy Setbacks - Balcony east boundary - Balcony west boundary	7.5 metres 7.5 metres	2.25 metres 4.0 metres	Not supported - screening addressed in Officer Recommendation.
Privacy Setbacks - Bedrooms 1 and 2 (west)	4.5 metres	4.0 metres	Not supported - increased setbacks addressed in Officer Recommendation.
Plot Ratio	N/A	N/A	
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

* The 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:

It is considered that the proposed setback variations can be supported due to their minor nature and as they will not unduly affect the amenity of the locality and there are no objections from neighbours.

The privacy setback variations associated with bedrooms 1 and 2 can be conditioned to achieve the required setbacks while the screening of the balcony will protect the privacy of the adjoining property owners.

The proposal calls for a minor lot area variation of 0.5 per cent. Provision is contained in Town Planning Scheme No. 1 Clause 20(2)(b) for the Council to grant an increase in the permitted dwelling density by up to 50 per cent if the proposed development conserves or enhances an existing dwelling or existing dwellings worthy of retention. As such, the variation can be supported.

Accordingly, the proposal is recommended for approval, subject to standard and appropriate conditions to reflect the above.

10.1.17 Nos. 134-136 (Lots 116 and 115), Summers Street, Perth - Proposed Partial Demolition of and Alterations and Additions to Existing Two (2) Grouped Dwellings and Construction of Additional Four (4) Two-Storey Grouped Dwellings

Ward:	South	Date:	8 June 2005
Precinct:	Banks; P15	File Ref:	PRO0874; 00/33/2674
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Plan-It Town Planning on behalf of the owner H Van Der Wiele for proposed Partial Demolition of and Alterations and Additions to Existing Two (2) Grouped Dwellings and Construction of Additional Four (4) Two-Storey Grouped Dwellings, at Nos. 134-136 (Lots 116 and 115) Summers Street, Perth, and as shown on plans stamp-dated 4 May 2005, subject to:

- (i) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:
 - (a) all parking bays having satisfactory manoeuvring room for access/egress;*
 - (b) upgrading works to be carried out on the existing dwelling and including a schedule of finishes, materials and colours;*
 - (c) the maximum wall height of storerooms 3,4,5 and 6 being 2.4 metres;*
 - (d) all storerooms having a minimum length and width dimension of 1.5 metres and area of 4.0 square metres;*
 - (e) visual truncations of 2 metres by 2 metres being provided at the intersection of the driveway and the footpath;*
 - (f) all garages being deleted and replaced with open uncovered car parking spaces;*
 - (g) the southern elevation of the balcony of Unit 3 on the first floor, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed.; and**

(h) *the window to the master bedroom 1 of Unit 3 on the northern elevation on the first floor, being screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject window not exceeding one square metre in aggregate in the respective subject wall, so that it is not considered to be a major opening as defined in the Residential Design Codes 2002;*

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

(ii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Summers Street verge adjacent to the subject properties, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

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

(iv) *subject to first obtaining the consent of the owners of Nos. 132 and 138 Summers Street and No.39 Windsor Street, Perth for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 132 and 138 Summers Street and No.39 Windsor Street, Perth in a good and clean condition; and*

(v) *prior to the first occupation of the development, the applicant/landowner shall provide two signs, one at each end of the 2.42 metres wide driveway, clearly visible to users of the driveway and stating the following in red letters 100 millimetres high on a white background:*

“Caution – Narrow driveway (2.42 metres wide) – Proceed with Care”;

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

(vii) *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).*

Moved Cr Chester, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Ker

That clause (i)(f) be amended to read as follows:

"(i) (f) all garages being deleted and replaced with open uncovered car parking spaces. Carports which are one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the adjoining dwelling are permitted;"

Debate ensued.

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

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

(Cr Torre on approved leave of absence.)

Debate ensued.

Moved Cr Ker, Seconded Cr Farrell

That clause (i)(f) be deleted from the recommendation.

Debate ensued.

AMENDMENT CARRIED (6-2)

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

(Cr Torre on approved leave of absence.)

Debate ensued.

MOTION AS AMENDED CARRIED (8-0)

(Cr Torre on approved leave of absence.)

COUNCIL DECISION ITEM 10.1.17

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Plan-It Town Planning on behalf of the owner H Van Der Wiele for proposed Partial Demolition of and Alterations and Additions to Existing Two (2) Grouped Dwellings and Construction of Additional Four (4) Two-Storey Grouped Dwellings, at Nos. 134-136 (Lots 116 and 115) Summers Street, Perth, and as shown on plans stamp-dated 4 May 2005, subject to:

- (i) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
 - (a) all parking bays having satisfactory manoeuvring room for access/egress;*
 - (b) upgrading works to be carried out on the existing dwelling and including a schedule of finishes, materials and colours;*
 - (c) the maximum wall height of storerooms 3,4,5 and 6 being 2.4 metres;*
 - (d) all storerooms having a minimum length and width dimension of 1.5 metres and area of 4.0 square metres;*
 - (e) visual truncations of 2 metres by 2 metres being provided at the intersection of the driveway and the footpath;*
 - (f) the southern elevation of the balcony of Unit 3 on the first floor, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed.; and*
 - (g) the window to the master bedroom 1 of Unit 3 on the northern elevation on the first floor, being screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject window not exceeding one square metre in aggregate in the respective subject wall, so that it is not considered to be a major opening as defined in the Residential Design Codes 2002;*

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

- (ii) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Summers Street verge adjacent to the subject properties, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (iii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fence and gate adjacent to Summers Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fence and gate being visually permeable, with a minimum 50 per cent transparency;*
- (iv) *subject to first obtaining the consent of the owners of Nos. 132 and 138 Summers Street and No.39 Windsor Street, Perth for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 132 and 138 Summers Street and No.39 Windsor Street, Perth in a good and clean condition; and*
- (v) *prior to the first occupation of the development, the applicant/landowner shall provide two signs, one at each end of the 2.42 metres wide driveway, clearly visible to users of the driveway and stating the following in red letters 100 millimetres high on a white background:*
- “Caution – Narrow driveway (2.42 metres wide) – Proceed with Care”;*
- (vi) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*
- (vii) *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).*

Landowner:	H Van Der Wiele
Applicant:	Plan-It Town Planning
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Grouped Dwellings
Use Class:	Grouped Dwellings
Use Classification:	"P"
Lot Area:	1115 square metres
Access to Right of Way	N/A

BACKGROUND:

24 November 1997 The Council at its Ordinary Meeting conditionally approved the retention of the two existing dwellings and the construction of four two-storey dwellings to the rear of the subject property.

13 June 2000 The Council at its Ordinary Meeting resolved to refuse an application to demolish the two existing dwellings and the construction of six, two-storey grouped dwellings at the subject property.

26 September 2000 The Council at its Ordinary Meeting conditionally approved an identical development application to that approved by the Council at its Ordinary Meeting held on 24 November 1997 for an additional four, two-storey with loft above grouped dwellings to two existing dwellings at the subject property.

8 October 2002 The Council at its Ordinary Meeting conditionally approved an application for a proposed additional four, two-storey with loft grouped dwellings and alterations and additions to two existing dwellings at the subject property.

The existing two dwellings on the property were entered onto the Town's Municipal Heritage Inventory on 22 December 1997 and referred to the Heritage Council under section 9 of the Heritage of Western Australia Act 1990 for inclusion on the State Register. The Heritage Council, in a letter dated 25 February 2002 have advised: *'while the place may have some cultural heritage significance, it was unlikely that the place would meet the threshold for entry on the State Register of Heritage Places.'*

DETAILS:

The proposal involves partial demolition of and alterations and additions to existing two (2) grouped dwellings and construction of additional four (4) two-storey grouped dwellings at the subject property. The applicant's submission is *"Laid on the Table"*.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	6 dwellings R 60	6 dwellings R 60	Supported- no variation.
Plot Ratio	0.65- Unit1 - 144.7 square metres Unit 2- 160.6 square metres Units 3 and 6 - 100.3 square metres Units 4 and 5 - 101.3 square metres Overall- 724.1 square metres	Unit1 - 0.54 120.6 square metres Unit 2- 0.55 134.8 square metres Units 3 and 6- 0.86 133.4 square metres Units 4 and 5- 0.84 131.2 square metres Overall- 0.7- 784.5 square metres	Supported- bulk and scale (as controlled by setbacks and height) of development is considered acceptable, not to have an undue impact on streetscape or adjoining neighbours and given site constraints due to the retention of the two heritage listed dwellings, overall plot ratio variation is considered acceptable in this instance.
Minimum Site Area	160 square metres	Units 3 and 6- 129.15 square metres Units 4 and 5- 0.84 130.66 square metres	Supported- there are site constraints in achieving minimum site area due to the retention of the two heritage listed dwellings.

<p>Setbacks: Ground floor: - West</p> <p>- East - North (Stores)</p> <p>1st Floor: - West</p> <p>- East</p> <p>-North</p> <p>Note: Internal setback variations not stated as there is no undue impact on adjoining neighbours or streetscape.</p>	<p>1.5 metres</p> <p>1.5 metres 1.0 metre</p> <p>2.0 metres</p> <p>2.0 metres</p> <p>5.7 metres</p>	<p>Nil -1.0 metre</p> <p>Nil -1.0 metre Nil</p> <p>Nil</p> <p>Nil</p> <p>4.5 metres</p>	<p>Supported- minor variation, no undue impact on neighbour, also refer to "Building on Boundary". Supported- as above. Supported- refer to "Building on Boundary"</p> <p>Supported- refer to "Building on Boundary". Supported- refer to "Building on Boundary". Supported- no undue impact on adjoining neighbour.</p>
<p>Open Space</p>	<p>45 per cent</p>	<p>Unit1- 32 per cent</p> <p>Unit 2- 33 per cent</p> <p>Units 3 and 6- 26.7 per cent</p> <p>Units 4 and 5- 26.7 per cent</p> <p>Overall- 30.6 per cent</p>	<p>Not supported -while it is noted there are site constraints due to the retention of the two heritage listed dwellings and that all dwellings are provided with functional and multiple areas of private open space, it is considered that the variation sought is significant and open car bays in lieu of the proposed garages should be provided to reduce the site's confinement and to comply with the total overall open space requirement.</p>
<p>Car Parking</p>	<p>-2 car bays per dwellings</p> <p>- 1 visitors cay bay</p>	<p>-Units 1 and 2 (existing dwellings) - 1 car bay each</p> <p>- no visitors car bays provided</p>	<p>Supported- overall shortfall in car parking remains the same as the current situation as existing dwellings currently has no on-site car parking, off-site car parking is available and</p>

			variation is considered supportable in this instance, given site constraints due to the retention of the two heritage listed dwellings.
Privacy Setbacks	Balconies -7.5 metres or suitably screened , as per the R-Codes. Bedrooms- 4.5 metres or suitably screened, as per the R-Codes.	Units 3 balcony - 4 metres to west boundary. Units 6 balcony- 4 metres to east boundary. Unit 3 master bedroom- 3.5 metres to west boundary. Unit 6 master bedroom- 3.5 metres to east boundary.	Not supported- has been conditioned to comply. Supported- overlooks neighbouring driveway. Not supported- has been conditioned to comply. Supported- overlooks neighbouring car parking area.
Building on Boundary	One boundary wall is permitted with an average height of 3 metres and a maximum height of 3.5 metres, for 66.6% length of boundary	Three boundary walls proposed: Northern boundary wall compliant; Western boundary walls has height of 6.0 metres (unit 3) and 2.14 metres (storerooms) for 58% of boundary. Eastern boundary walls has height of 6.0 metres (unit 6) and 2.14 metres (storerooms) for 58% of boundary.	Supported- number of buildings on boundary is supported on the basis there are site constraints relating to the retention of the existing dwellings; northern boundary walls are supported on the basis of its compliance with the height and length provisions; eastern boundary walls abuts car park and western boundary is adjacent to blank brick wall and therefore these wall are not considered to have an undue impact on the amenity of the adjoining property.
Outbuildings	Maximum wall height of 2.4 metres	Storerooms height up to 2.74 metres	Not supported- has been conditioned to comply.
Storerooms	Internal minimum length and width of 1.5 metres and area of 4 square metres.	Stores 3 and 6- 1.8 metres x 1.8 metres = 3.24 square metres. Stores 4 and 5- 1.8 metres x 1.9 metres = 3.42 square metres	Not supported- has been conditioned to comply.

Driveway	3.0 metres	2.42 metres	Supported- compliance with this matter would require demolition of dwelling and therefore, this variation is supported on the basis of the site constraints and the conditioned 'caution' signs would partially alleviate concerns over safety.
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

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

COMMENTS:

The subject property is located on the northern side of Summers Street, which is characterised by commercial premises and a range of dwelling types including single storey dwellings and grouped and multiple dwellings which are located on the adjoining sides of the subject property.

Although the application seeks a number of variations, it is recognised that there are significant site constraints due to the retention of the two dwellings of significant heritage value. In light of this, no objections being received and the surrounding context in mind, the proposal is considered not to be unreasonable, out of character for the area and/or to unduly impact on the amenity of the adjoining neighbours. It is also considered that the application is generally in line with the previous approvals for similar proposals at the subject site and a reasonable amenity is provided for each proposed dwelling.

On the above basis, the subject planning application is recommended for approval, subject to standard and appropriate conditions to address the matters discussed above.

10.4.2 Tender No. 315/05 - Architectural Services - Members Equity Stadium - Stage 2, 310 Pier Street, Perth

Ward:	-	Date:	8 June 2005
Precinct:	-	File Ref:	TEN0324
Attachments:			
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council ACCEPTS the tender from Peter Hunt Architect as being the most acceptable to the Town for the provision of architectural services for the Redevelopment of Members Equity Stadium - Stage 2, at a cost of \$737,000 (including GST).

COUNCIL DECISION ITEM 10.4.2

Moved Cr Chester, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of the report is to approve the tender for Architectural Services for the Redevelopment of Members Equity Stadium - Stage 2.

BACKGROUND:

At the Ordinary meeting of Council held on 22 March 2005 the Council approved of the Preliminary Agreement between the Council and the State Government for a \$500,000 grant to progress the Stage 2 Redevelopment at Member's equity Stadium. This included the appointment of project Architect and consultants.

On 23 April 2005, a tender was advertised calling for Architectural Services and at 2pm on 17 May 2005, eight (8) tenders were received. Present at the opening were Purchasing/Contracts Officer - David Paul, Executive Manager Corporate Services - Mike Rootsey and Chief Executive Officer - John Giorgi, together with two interested architects.

Tenders were received from the following architectural firms:

	Tenderer	Price (Inc GST) \$
1.	Bollig Design Group Pty Ltd 8 Cook Street, West Perth 6005 Phone: (08) 9321 4402, Fax (08) 9481 8259	685,300

	Tenderer	Price (Inc GST) \$
2.	Peter Hunt Architect 8 Colin Grove, West Perth 6005 Phone: (08) 9322 6033, Fax: (08) 9324 1691	737,000
3.	James Christou & Partners Architects 24 Kings Park Road, West Perth Phone: (08) 9321 4077, Fax: (08) 9324 1248	789,800
4.	Hodge & Collard Pty Ltd Architects 3rd Floor, 39 Richardson St, West Perth 6005 Phone: (08) 9322 5144, Fax: (08) 9322 5740	918,500
5.	Cox Howllet & Bailey Woodland 61 King Street, Perth 6000 Phone: (08) 9322 3644, Fax: 9322 1664	951,500
6.	Oldfield Knott Architects Pty Ltd 567 Hay Street, Daglish 6008 Phone: (08) 9381 6788, Fax: (08) 9381 4619	984,500
7.	Woodhead International Pty Ltd Level 2, 191 St Georges Tce, Perth 6000 Phone: (08) 9481 3722, Fax: (08) 9226 4399	990,000
8.	Donovan Payne Architects & Evata Australia Suite 3, 592 Stirling Hwy, Mosman Park 6012 Phone: (08) 9284 2668, Fax: (08) 9284 2585	1,133,550

TENDER EVALUATION

Selection Criteria

The following weighted criteria were used for the selection of the architects for these projects:

	Criteria	%	Weighting
1.1	<p>Financial Offer/Fee Proposal</p> <ul style="list-style-type: none"> This contract is offered on a lump sum fee basis. Include in the lump sum fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST) Represents the "<i>best value</i>" for money Application of a reasonable fee structure in proportion to the service provided <p><u>Note:</u> Exclude fees for service consultants and interior design of all projects. Only architects fees are required at this stage Service consultant fees will be requested once the scope for each discipline is more clearly established</p>	25	25%

Criteria	%	Weighting
<p>1.2 Relevant experience, expertise and project team Demonstrate your:</p> <ul style="list-style-type: none"> • Experience, expertise and project team • capacity to address the range of services required • role and credentials of the key person(s) in the provision of the service (i.e. formal qualifications and experience) • ongoing availability to provide sufficient skilled persons capable of performing the tasks consistent with the required standards • understanding of the required service associated with delivering the services to the Town • experience and success as an architect in the sphere of recent major sporting facilities, particularly in WA 	30	30%
<p>1.3 History and Viability of Organisation</p> <ul style="list-style-type: none"> • Detail your history and viability • Include any comments received from referees • Demonstrate your capacity to deliver • Demonstrate your capacity and depth to effectively address the range of requirements of the Town 	20	20%
<p>1.4 Methodology</p> <ul style="list-style-type: none"> • Proposed methodology for this projects to be completed on time and within budget • Proposed methodology for this project and demonstrated evidence of successful results, particularly in WA • Demonstrated project management experience in relevant projects of a similar nature, particularly in WA 	15	15%
<p>1.5 Key Issues and Risk</p> <ul style="list-style-type: none"> • Demonstrate your understanding of the required service by identifying the key issues and risks associated with delivering the project. • Explain how you intend to address these issues and risks 	10	10%
TOTAL	100	100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of Chief Executive Officer, John Giorgi, Executive Manager Technical Services, Rick Lotznicher and representatives from the Department of Sport and Recreation as part of the Project Control Group, as prescribed by the Preliminary Agreement between the Town and the State Government.

Each tender was assessed in accordance with an Evaluation Assessment Matrix as used by the State Government Department of Housing and Works. This provided for the following scoring;

0-1	Inadequate or non-appropriate offer, critical or disqualifying deficiencies, does not meet criterion, unacceptably high risk to Principal.
2-3	Marginal offer, some deficiencies, partly meets criterion, high risk to Principal.
4-5	Fair offer, few deficiencies, almost meets criterion, medium risk to Principal.
6-7	Good offer, no deficiencies, meets criterion, medium to low risk to Principal.
8-9	Very good offer, exceeds criterion, low risk to Principal.
10	Outstanding offer, greatly exceeds criterion, very low risk to Principal.

TENDER SUMMARY

The following is a fee summary and project summary for each project. Detailed comments for each criterion are shown at the end of the report.

Summary

	%	Bollig Design	Peter Hunt	James Christou	* Hodge & Collard	Cox Howlett & Bailey Woodland	* Oldfield Knott	* Woodhead International	* Donovan Payne
Fee Proposal	25	25	23.86	22.70	19.86	19.13	18.40	18.28	15.11
Knowledge and experience	5	3.63	4.75	4.63	4.13	4.75	4.63	4.63	4.13
Address technical aspects	5	3.38	4.5	4.25	2.63	4.5	2.5	4.75	3.25
Credentials & Role of Key Persons	5	3.13	4.25	4.75	3.25	4.75	4.25	4.75	3.75
Availability of Key Persons	5	3.75	4.5	4.5	3.5	4.5	3.75	3.75	3.5
Understanding of Required Service	5	3.5	4.63	4.38	2.25	3.63	3.13	4.38	3.25
Experience with Major Sports Projects	5	2	4.88	4.13	4	4.63	4	4.5	3.63
History of Organisation	5	4	5	4.5	4.13	5	4.5	5	4
Referees Comments	5	4.5	4.5	4.75	2.75	4.5	4	3.75	3.75
Demonstrated Capacity to Deliver	5	4.38	4.38	4.75	2.5	3.25	3.5	4.13	3
Capacity to Address Requirements	5	3.13	4.75	4.38	2.25	4	3.38	4.13	2.75
Proposed Methodology	5	3.13	4.75	4.5	2.25	4.75	4.13	4.63	3.5
Demonstrated Methodology	5	2.38	4	4.25	2	5	2.88	3.63	2.25
Demonstrated Project Mgmt in WA	5	3.88	4.75	4.75	3.13	4.75	2.88	4.25	3.38
Identify Key Issues and Risks	5	3.13	4	4.5	2.5	4.75	2.63	4.38	3.25
Address Key Issues and Risk	5	2.63	4.25	4.13	2.25	4.75	2.63	4.25	3.5
TOTAL	100	75.5	91.74	89.83	63.36	86.63	71.40	83.16	65.99
Ranking		5	1	2	8	3	6	4	7

* Joint venture and/or using non-Western Australian based consultants.

ADVERTISING/CONSULTATION:

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

FINANCIAL/BUDGET IMPLICATIONS:

Funds for the appointment of the project architects and sub-consultants are contained within Perth Oval Redevelopment - Stage 2 Reserve Fund. An amount of \$500,000 was provided on 16 May 2005 by the State Government under a Parliamentary Agreement.

It should be noted that the scope of works will be limited to design brief and schematic designs until the Financial Assistance Agreement is signed.

LEGAL/ POLICY IMPLICATIONS:

The tender was evaluated in accordance with the Local Government Act Tender Regulations and the Town's Tender Policy. In addition, the Department of Housing and Works Tender Evaluation Assessment Matrix was used.

The Preliminary Agreement dated May 2005 between the Town and State Government requires a Project Control Group to evaluate and make recommendations concerning tenders for architects and consultants. The consent of the State Government is also required, prior to the appointment of any consultants.

STRATEGIC IMPLICATIONS:

The appointment of suitably qualified and experienced architects to these strategically important projects will ensure that the projects will meet the needs of all stakeholders and the community.

COMMENTS:

The Department of Sport and Recreation concurs with the Officer Recommendation.

The architects' initial tasks will be to provide concept/design plans, advice concerning indicative costs and a more precise timetable/program.

The appointment of a project architect is therefore necessary to ensure that the projects can progress to the next stage of implementation. Peter Hunt Architect is a long established, reputable Western Australian firm which has extensive sports and recreational experience and are cost competitive. Peter Hunt Architect was responsible for the architectural services of the Redevelopment of Perth Oval Stage 1. Therefore, it is recommended that the Council approves of the recommendation.

REDEVELOPMENT OF MEMBERS EQUITY STADIUM - STAGE 2

1. Bollig Design Group Pty Ltd

Total weighted score:	75.5 (5th)
Fee proposal:	<ul style="list-style-type: none"> • Lowest
Knowledge and experience:	<ul style="list-style-type: none"> • Established since 1959, restructured in 1995
Capacity to address technical aspects:	<ul style="list-style-type: none"> • 17 professional staff
Credentials:	<ul style="list-style-type: none"> • Fully accredited-Quality Assurance <u>lapsed</u> in December 2003 • Professional Indemnity Insurance of \$5m • Bank reference provided • Received several Awards.
Availability of key persons:	<ul style="list-style-type: none"> • Partners and Directors will be primarily used
Understanding of Services:	<ul style="list-style-type: none"> • Comprehensive and well documented
Experience with major sports projects:	<ul style="list-style-type: none"> • Considerable aquatic and recreation centre experience. • <u>No previous experience with major sports projects, or stadiums</u>
History of organisation:	<ul style="list-style-type: none"> • Long established small/medium sized firm located in West Perth
Referees comments:	<ul style="list-style-type: none"> • Referees and two references provided
Demonstrated capacity to deliver:	<ul style="list-style-type: none"> • Documented - partly meets criterion - medium/low risk to Town
Capacity to address requirements:	<ul style="list-style-type: none"> • Documented - partly meets criterion - medium/low risk to Town
Proposed methodology:	<ul style="list-style-type: none"> • Not documented/demonstrated - does not meet criterion - unacceptable risk to Town
Demonstrated methodology:	<ul style="list-style-type: none"> • Not documented/demonstrated - does not meet criterion - unacceptable risk to Town
Demonstrated project management in WA:	<ul style="list-style-type: none"> • Limited documentation provided - partly meets criterion - medium/low risk to Town
Identification of key issues and risks:	<ul style="list-style-type: none"> • Documented - meets criterion - low risk to Town
Addressing of key issues and risks:	<ul style="list-style-type: none"> • Documented - meets criterion - low risk to Town
Previous projects:	<p>Numerous recreation and aquatic centre projects including:</p> <ul style="list-style-type: none"> • Somerset Street Pool - 2003 - \$8.8m • Kwinana Aquatic & Recreation Centre - 2002 - \$5.4m • Toodyay Aquatic Centre - 2001 - \$2.6m • Broome Sports & Recreation Centre - 2001 - \$4.5m • Extensive office buildings

2. Peter Hunt Architect

Total weighted score:	91.74 (1st)
Fee proposal:	<ul style="list-style-type: none"> • 2nd lowest
Knowledge and experience:	<ul style="list-style-type: none"> • Established 1970 - original Directors, with offices in Sydney and Gold Coast • Extensive sporting and recreational facility experience, including Redevelopment of Perth Oval, Subiaco and Leederville Oval
Capacity to address technical aspects:	<ul style="list-style-type: none"> • 25 staff
Credentials:	<ul style="list-style-type: none"> • Fully accredited- Quality assured • Professional Indemnity Insurance of \$10m • Bank reference provided • Received numerous Awards.
Availability of key persons:	<ul style="list-style-type: none"> • Partners and Directors will be primarily used – extensive experience in sporting and recreational facilities in WA and Australia
Understanding of Services:	Comprehensive and well documented
Experience with major sports projects:	Extensive experience with major sports projects, recreation and aquatic centres. Successfully completed Perth Oval Stage 1.
History of organisation:	<ul style="list-style-type: none"> • Long established medium sized firm located in West Perth
Referees comments:	<ul style="list-style-type: none"> • Referees and 4 references provided
Demonstrated capacity to deliver:	<ul style="list-style-type: none"> • Very comprehensive
Capacity to address requirements:	<ul style="list-style-type: none"> • Very comprehensive
Proposed methodology:	<ul style="list-style-type: none"> • Very comprehensive and well documented, exceeds criterion, very low risk to Town
Demonstrated methodology:	<ul style="list-style-type: none"> • Very comprehensive and well documented, exceeds criterion, very low risk to Town
Demonstrated project management in WA:	<ul style="list-style-type: none"> • Very comprehensive and well documented, exceeds criterion, very low risk to Town
Identification of key issues and risks:	<ul style="list-style-type: none"> • Very comprehensive and well documented, exceeds criterion, very low risk to Town
Addressing of key issues and risks:	<ul style="list-style-type: none"> • Very comprehensive and well documented, exceeds criterion, very low risk to Town
Previous projects:	<ul style="list-style-type: none"> • Perth Oval Redevelopment - 2003/04 - \$10.8m • Gold Coast Convention & Entertainment Centre - 2004 - \$110m • AFL South Stand, Subiaco - 2001 - \$35m • AFL South Stand, Subiaco - 1996 - \$14m • Derwent Entertainment Centre - 1998 - \$20m • Challenge Stadium – 1987 - \$25m • Concept plans for Eagles @ Leederville Oval • Joondalup Police Academy 2002 - \$40m • Extensive office building projects • Various major hospital projects

3. James Christou & Partners Architects

Total weighted score:	89.83 (2nd)
Fee proposal:	<ul style="list-style-type: none"> • 3rd Lowest
Knowledge and experience:	<ul style="list-style-type: none"> • James Christou & Partners (founded in 1985)
Capacity to address technical aspects:	<ul style="list-style-type: none"> • 26 Staff
Credentials:	<ul style="list-style-type: none"> • Fully accredited-Quality assured • Professional Indemnity Insurance of \$10m • Bank reference provided • Received numerous Awards.
Availability of key persons:	<ul style="list-style-type: none"> • Partners and Directors will be primarily used - extensive experience in sporting and recreational facilities
Understanding of Services:	<ul style="list-style-type: none"> • Very comprehensive
Experience with major sports projects:	<ul style="list-style-type: none"> • Considerable experience with a variety of sporting complexes
History of organisation:	Long established medium sized firm located in West Perth
Referees comments:	<ul style="list-style-type: none"> • Referees and 7 references provided
Demonstrated capacity to deliver:	<ul style="list-style-type: none"> • Comprehensive and well documented
Capacity to address requirements:	<ul style="list-style-type: none"> • Comprehensive and well documented
Proposed methodology:	<ul style="list-style-type: none"> • Comprehensive and well documented, exceeds criterion, low risk to Town
Demonstrated methodology:	<ul style="list-style-type: none"> • Comprehensive and well documented, exceeds criterion, low risk to Town
Demonstrated project management in WA:	<ul style="list-style-type: none"> • Comprehensive and well documented, exceeds criterion, low risk to Town
Identification of key issues and risks:	<ul style="list-style-type: none"> • Comprehensive and well documented, exceeds criterion, low risk to Town
Addressing of key issues and risks:	<ul style="list-style-type: none"> • Comprehensive and well documented, exceeds criterion, low risk to Town
Previous projects:	<ul style="list-style-type: none"> • WACA Redevelopment - 2002 (\$12 million) • Melville Recreational Facilities - 1998 • Melville Aquatic Centre - 2001 • Riverton Recreation Centre - 2001 • Market Site proposal for Football - 2000 • Feasibility Study - Sport and Entertainment Venue Hopman Cup – 2002 • Extensive office building projects

4. Hodge & Collard Pty Ltd Architects

Total weighted score:	63.63 (8th)
Fee proposal:	<ul style="list-style-type: none"> • 4th Lowest
Knowledge and experience:	<ul style="list-style-type: none"> • Established since 1976
Capacity to address technical aspects:	<ul style="list-style-type: none"> • 28 staff - Medium sized firm. Offices also in Sydney, Melbourne and overseas
Credentials:	<ul style="list-style-type: none"> • Fully accredited/Quality Assurance - <u>lapsed</u> • Professional Indemnity Insurance of \$5m • Bank reference provided.
Availability of key persons:	<ul style="list-style-type: none"> • Partners and Directors will be primarily used
Understanding of Services:	<ul style="list-style-type: none"> • Comprehensive and well documented
Experience with major sports projects:	<ul style="list-style-type: none"> • Intend to undertake project with ISFM, which is a specialist sports facility management company, located in Sydney. • <u>No previous experience with major sports projects, grandstands or stadiums</u>
History of organisation:	<ul style="list-style-type: none"> • Long established medium sized firm located in West Perth
Referees comments:	<ul style="list-style-type: none"> • Referees provided
Demonstrated capacity to deliver:	<ul style="list-style-type: none"> • Documented - partly meets criterion - medium/low risk to Town
Capacity to address requirements:	<ul style="list-style-type: none"> • Documented - partly meets criterion - medium/low risk to Town
Proposed methodology:	<ul style="list-style-type: none"> • Documented/demonstrated meets criterion - low risk to Town
Demonstrated methodology:	<ul style="list-style-type: none"> • Documented/demonstrated meets criterion - low risk to Town
Demonstrated project management in WA:	<ul style="list-style-type: none"> • Limited documentation provided - partly meets criterion - medium risk to Town
Identification of key issues and risks:	<ul style="list-style-type: none"> • Documented - meets criterion -low risk to Town
Addressing of key issues and risks:	<ul style="list-style-type: none"> • Documented - meets criterion - medium/low risk to Town
Previous projects:	<ul style="list-style-type: none"> • Dunsborough Shopping Centre - 2003 - \$7m • Erskine Shopping Centre - 2003 - \$5.5m • Guildford Grammar College Sports Masterplan - \$5m

5. Cox Howlett & Bailey Woodland

Total weighted score:	86.63 (3rd)
Fee proposal:	<ul style="list-style-type: none"> • 5th lowest
Knowledge and experience:	<ul style="list-style-type: none"> • A fully integrated national and international architectural and planning group, with branches in Perth, Sydney, Brisbane, Melbourne, Canberra, Singapore and Dubai
Capacity to address technical aspects:	<ul style="list-style-type: none"> • 70 staff in Perth Office (250 persons in the Group - Australia wide)
Credentials:	<ul style="list-style-type: none"> • Fully accredited-Quality Assured • Professional Indemnity Insurance of \$10m • Bank reference provided • Received numerous Awards.
Availability of key persons:	<ul style="list-style-type: none"> • Partners and Directors will be primarily used – extensive experience in sporting and recreational facilities
Understanding of Services:	<ul style="list-style-type: none"> • Comprehensive and well documented, exceeds criterion, low risk to Town
Experience with major sports projects:	<ul style="list-style-type: none"> • Comprehensive and well documented, exceeds criterion, low risk to Town
History of organisation:	Long established large sized firm located in Perth
Referees comments:	<ul style="list-style-type: none"> • References provided
Demonstrated capacity to deliver:	<ul style="list-style-type: none"> • Comprehensive and well documented, exceeds criterion, low risk to Town
Capacity to address requirements:	<ul style="list-style-type: none"> • Comprehensive and well documented, exceeds criterion, low risk to Town
Proposed methodology:	<ul style="list-style-type: none"> • Comprehensive and well documented, exceeds criterion, low risk to Town
Demonstrated methodology:	<ul style="list-style-type: none"> • Comprehensive and well documented, exceeds criterion, low risk to Town
Demonstrated project management in WA:	<ul style="list-style-type: none"> • Comprehensive and well documented, exceeds criterion, low risk to Town
Identification of key issues and risks:	<ul style="list-style-type: none"> • Comprehensive and well documented, exceeds criterion, low risk to Town
Addressing of key issues and risks:	<ul style="list-style-type: none"> • Comprehensive and well documented, exceeds criterion, low risk to Town
Previous projects:	<ul style="list-style-type: none"> • Joondalup Sports Arena Complex - 1994 - \$17m • Bruce Stadium, Canberra • Wanneroo Netball Centre - \$5m • Sydney Showground Arena - 1998 - \$100m • Sydney Football Stadium - 1998 - \$62m • Melbourne cricket ground redevelopment • Extensive sporting and recreational facilities experience • Convention Centre -Perth

6. Oldfield Knott Architects Pty Ltd

Total weighted score:	71.40 (6th)
Fee proposal:	<ul style="list-style-type: none"> • 6th lowest
Knowledge and experience:	<ul style="list-style-type: none"> • Established since 1973, original Directors in place
Capacity to address technical aspects:	<ul style="list-style-type: none"> • 40 staff
Credentials:	<ul style="list-style-type: none"> • Fully accredited-Quality Assured • Professional Indemnity Insurance of \$10m • Bank reference provided • Received a number of Awards.
Availability of key persons:	<ul style="list-style-type: none"> • Partners and Directors will be primarily used – considerable experience in sporting and recreational facilities
Understanding of Services:	<ul style="list-style-type: none"> • Comprehensive and well documented, exceeds criterion, low risk to Town
Experience with major sports projects:	<ul style="list-style-type: none"> • Have engaged Bligh Voller Nield as a consultant. BVN have extensive experience with major sports projects
History of organisation:	<ul style="list-style-type: none"> • Medium sized firm located in Daglish
Referees comments:	<ul style="list-style-type: none"> • Numerous references. Referees provided
Demonstrated capacity to deliver:	<ul style="list-style-type: none"> • Well documented, exceeds criterion, low risk to Town
Capacity to address requirements:	<ul style="list-style-type: none"> • Comprehensive and well documented, meets criterion, low risk to Town
Proposed methodology:	<ul style="list-style-type: none"> • Well documented, meets criterion, low risk to Town
Demonstrated methodology:	<ul style="list-style-type: none"> • Well documented, meets criterion, low risk to Town
Demonstrated project management in WA:	<ul style="list-style-type: none"> • Well documented, meets criterion, low risk to Town
Identification of key issues and risks:	<ul style="list-style-type: none"> • Well documented, meets criterion, low risk to Town
Addressing of key issues and risks:	<ul style="list-style-type: none"> • Well documented, meets criterion, low risk to Town
Previous projects:	<ul style="list-style-type: none"> • Leederville Oval 2003 \$3.5 million • Dockers - new Clubrooms, Training Facilities and Admin Building - 1996 - \$3.5m • Subiaco Oval - sponsors' boxes, refurbishment works <p><u>BVN:</u></p> <ul style="list-style-type: none"> • Ballymore Stadium, Brisbane 0 • Parramatta Stadium, Sydney • Olympic Park, Melbourne • WACA Redevelopment • Stadium Australia • Colonial Stadium, Melbourne • Westpac Stadium, New Zealand • Brisbane Lions Club, Brisbane

7. **Woodhead International Pty Ltd**

Total weighted score:	83.16 (4th)
Fee proposal:	<ul style="list-style-type: none"> • 7th lowest
Knowledge and experience:	<ul style="list-style-type: none"> • Established since 1972
Capacity to address technical aspects:	<ul style="list-style-type: none"> • Large international firm employing 290 staff in 14 offices, throughout Australia and Asia
Credentials:	<ul style="list-style-type: none"> • Fully accredited-Quality Assured • Professional Indemnity Insurance of \$10m • Bank reference provided • Received a number of Awards.
Availability of key persons:	<ul style="list-style-type: none"> • Partners and Directors will be primarily used – extensive experience in sporting and recreational facilities
Understanding of Services:	<ul style="list-style-type: none"> • Comprehensive and well documented, exceeds criterion, low risk to Town
Experience with major sports projects:	<ul style="list-style-type: none"> • Joint venture with HOK. Sport and Venue and Event
History of organisation:	Large international firm located in central Perth
Referees comments:	<ul style="list-style-type: none"> • Referees provided
Demonstrated capacity to deliver:	<ul style="list-style-type: none"> • Comprehensive and well documented, exceeds criterion, low risk to Town
Capacity to address requirements:	<ul style="list-style-type: none"> • Comprehensive and well documented, exceeds criterion, low risk to Town
Proposed methodology:	<ul style="list-style-type: none"> • Comprehensive and well documented, exceeds criterion, low risk to Town
Demonstrated methodology:	<ul style="list-style-type: none"> • Comprehensive and well documented, exceeds criterion, low risk to Town
Demonstrated project management in WA:	<ul style="list-style-type: none"> • Comprehensive and well documented, exceeds criterion, low risk to Town
Identification of key issues and risks:	<ul style="list-style-type: none"> • Comprehensive and well documented, exceeds criterion, low risk to Town
Addressing of key issues and risks:	<ul style="list-style-type: none"> • Very comprehensive and well documented, exceeds criterion, low risk to Town
Previous projects:	<ul style="list-style-type: none"> • City of Gosnells Civic Complex • Wanneroo Council Chambers • Extensive list of projects provided <p><i>HOK:</i></p> <ul style="list-style-type: none"> • Wembley Stadium • Arsenal Stadium • MCG Redevelopment (North) • Suncorp Stadium - 2003 - \$280m • Stadium Australia - 1999 - \$680m • Telstra Dome - 2000 - \$430m • Westpac Stadium - 1999 - \$96m

8. Donovan Payne Architects & Evata Australia

Total weighted score:	65.99 (7th)
Fee proposal:	<ul style="list-style-type: none"> • Highest
Knowledge and experience:	<ul style="list-style-type: none"> • Established since 1992
Capacity to address technical aspects:	<ul style="list-style-type: none"> • Staff numbers not specified
Credentials:	<ul style="list-style-type: none"> • Fully accredited-Quality Assurance- <u>lapsed</u> • Professional Indemnity insurance of \$5m • Bank reference provided • Received several Awards.
Availability of key persons:	<ul style="list-style-type: none"> • Partners and Directors will be primarily used
Understanding of Services:	<ul style="list-style-type: none"> • Well documented
Experience with major sports projects:	<ul style="list-style-type: none"> • Joint venture with Evata, a London based firm. Melbourne office to be opened in June 2005. • Considerable aquatic and recreation centre experience • <u>No previous experience with major sports projects or stadiums</u>
History of organisation:	<ul style="list-style-type: none"> • Established small sized firm located in Mosman Park
Referees comments:	<ul style="list-style-type: none"> • 8 Referees provided
Demonstrated capacity to deliver:	<ul style="list-style-type: none"> • Documented - meets criterion -low risk to Town
Capacity to address requirements:	<ul style="list-style-type: none"> • Documented - meets criterion -low risk to Town
Proposed methodology:	<ul style="list-style-type: none"> • Documented - meets criterion - low risk to Town
Demonstrated methodology:	<ul style="list-style-type: none"> • Documented - meets criterion - low risk to Town
Demonstrated project management in WA:	<ul style="list-style-type: none"> • Limited documentation provided - partly meets criterion - medium/low risk to Town
Identification of key issues and risks:	<ul style="list-style-type: none"> • Documented - meets criterion -low risk to Town
Addressing of key issues and risks:	<ul style="list-style-type: none"> • Documented - meets criterion -low risk to Town
Previous projects:	<p>Have completed over 30 sports and recreation projects including:</p> <ul style="list-style-type: none"> • Belmont Oasis Leisure Centre • Bold Park Aquatic Centre • Singapore Choa Chu Kang Sports Stadium • <u>Evata</u> • Colorline Stadium Germany- 2002- \$115m • Mansfield Arena -\$24m • Various other major European sports Projects

10.4.3 Consideration of Public Submissions and Approval of Business Plan for Major Land Transaction - Lot 118 Mindarie

Ward:	N/A	Date:	8 June 2005
Precinct:	N/A	File Ref:	PRO0739
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report and considers the submission made by Smith's Lake Precinct Group on the Business Plan for the Major Land Transaction for the redevelopment of Lot 118 Mindarie;*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to proceed with the Business Plan for the Major Land Transaction for the redevelopment of Lot 118 Mindarie;*
- (iii) *APPROVES of the Deed of Variation of Lease between the owners of Lot 118 Mindarie and the Mindarie Regional Council (as expressed in the attachment to this report);*
- (iv) *APPROVES the Lease amendment between the owners of Lot 118 Mindarie and the Mindarie Regional Council (as expressed in the attachment to this report);*
- (v) *AUTHORISES the Mayor and Chief Executive Officer to sign the lease Amendment document and affix the Council Common Seal;*
- (vi) *NOTES that the negotiations for a Bush Forever settlement with the WAPC will proceed in accordance with the outlined contained in the Lot 118 Business Plan;*
- (vii) *ENDORSES the Establishment Agreement for a new Regional Council created to undertake urban development of Lot 118 as set out in the Establishment Agreement attached to this report; and*
- (viii) *NOTES that upon a resolution to proceed with the Establishment Agreement being passed by all of the other owner (participant) Councils, a formal application for establishment of the Regional Council be made to the Minister for Local Government in accordance with Section 3.61 of the Local Government Act.*

COUNCIL DECISION ITEM 10.4.3

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

**CARRIED BY AN
ABSOLUTE MAJORITY (8-0)**

(Cr Torre on approved leave of absence.)

- (ii) *AUTHORISES the Chief Executive Officer to complete documentation for a Negotiated Planning Solution relating to Bush Forever on Lot 118 Marmion Avenue, Mindarie and submit the documentation to Council for formal agreement in conjunction with recommendations relating to valuations now being obtained and to include advice to Council relating to the need to prepare a Business Plan and consult the community on this matter;*
- (iii) *ENDORSES the key principles set out in the detail section of this report to guide the urban development of Lot 118 Marmion Avenue, Mindarie;*
- (iv) *SUPPORTS the proposal to develop Lot 118 Marmion Avenue, Mindarie without involvement of a Joint Venture partner; and*
- (v) *SUPPORTS the proposal of the Chief Executive Officer to prepare a further report to Council setting out how, and under what legal structure, the owner Councils should progress the intended development of Lot 118 Marmion Avenue, Mindarie."*

On 22 March 2005 the Council authorised advertising of a Business Plan for a major land transaction on Lot 118 Mindarie.

The Business Plan was advertised to cover the following proposed transactions:

- (a) An amendment to the lease of 252 hectares of land to the Mindarie Regional Council;
- (b) A Bush Forever NPS involving transfer of land to the WAPC and payment by the Commission of compensation to the owners;
- (c) Establishment of a Regional Council to develop about 165 hectares of Lot 118 and potentially receive a transfer of that land from the owners; and
- (d) Development of part of Lot 118 with the eventual sale of residential land.

The Town of Vincent has a 1/12th share interest in Lot 118 Mindarie, together with 6 other local authority owners. The total shareholding in Lot 118 is as follows:

<u>Council</u>	<u>Project Shareholding</u>
Town of Cambridge	1/12
City of Joondalup	2/12
City of Perth	1/12
City of Stirling	4/12
Town of Victoria Park	1/12
Town of Vincent	1/12
City of Wanneroo	2/12

At the Ordinary Meeting of Council held on 18 January 2005 (Item 10.4.2) a progress report was presented on key issues relating to the future development of Lot 118 Marmion Avenue, Mindarie.

Status of negotiations with Mindarie Regional Council in respect of the Lease Amendment

The lease amendments will provide:

- A reduction in lease area from 252 hectares to 151.7 hectares;
- Market rent instead of the current formula;
- Good neighbour provisions;

- A requirement for Mindarie Regional Council to remove all buffer requirements into the owners' urban land by 2011; and
- Recognition of the Mindarie Regional Council's right of extension for 21 years to 2032.

The Mindarie Regional Council, at its meeting dated 28 April 2005, resolved to endorse the lease Amendment for the purpose of advertising of a Business Plan.

The Mindarie Regional Council has advertised the Business Plan on 7 May 2005. The advertising period expires on 23 June 2005.

It is expected that the Mindarie Regional Council will formally resolve to proceed with the lease Amendment at the first available meeting following 23 June 2005. The scheduled Mindarie Regional Council meeting is 6 July 2005, however, Mindarie Regional Council administration have indicated it is likely a special meeting of the Regional Council could occur prior to 6 July 2005 to deal with budget and contract issues.

Status of Negotiations with WAPC in respect of Bush Forever Settlement

A delineation survey has produced an agreed survey line identifying the residential land that will remain available to owners for development, west of Marmion Avenue.

All other land parcels have been identified and quantified in terms of land area.

The owners' valuations have been provided to and are being assessed by the WAPC.

The WAPC is working to a timeline of 14 June 2005 to complete substantive negotiations on compensation payments to owners for Bush Forever land transferred as part of the NPS for Lot 118 Mindarie.

The WAPC has advised that funding for compensation payments will be made available in 2005/06 to facilitate the Bush Forever settlement.

The WAPC has agreed to prepare a draft agreement, including a Contract of Sale, to embody the total NPS. This will be available for perusal by owners one month from completion of negotiations for compensation payments.

Status of Establishment Agreement

All of the Councils that will be participants in the new Regional Council have resolved to proceed with the Establishment Agreement, subject to completion of the Business Plan and the passage of appropriate resolutions to request the Minister for Local Government to approve the establishment of the new Regional Council.

The CEO Group-representing owners and the Council owners have reviewed and approved the content of the Establishment Agreement.

Solicitors Minter Ellison has worked with the CEO Group in preparation of the Establishment Agreement.

The draft Establishment Agreement has been submitted to the Department of Local Government and Regional Development for perusal. The Department has acknowledged the Establishment Agreement is in a form suitable for consideration by the Minister.

All of the stakeholders have been working to a date of 14 June 2005 for passage of local authority resolutions endorsing the Establishment Agreement.

Attachments

Copies of the following documents are "Laid on the Table";

- Deed of Variation of Lease*
- Lease Amendment document (included in Business Plan)*
- Establishment Agreement (included in Business Plan)*
- Business Plan*

* *Reported to the Ordinary Meeting of Council held on 22 March 2005.*

CONSULTATION/ADVERTISING:

The Business Plan was advertised as follows:

- In "The West Australian" newspaper on 9 April 2005 and 16 April 2005;
- The Wanneroo Times on 14 April 2005;
- The Cambridge Post on 15 April 2005; and
- The Southern Gazette on 12 April 2005.

A copy of the Business Plan was sent to all Precinct/Business Groups in the Town for comment.

Arrangements were made for copies of the business Plan to appear on the web sites of all 7 local authority owner Councils. In addition to the Business Plan, all of the related documents were advertised for public scrutiny i.e.

- The draft lease to amendment to Mindarie Regional Council
- The proposed Bush Forever settlement with WAPC
- The draft establishment agreement for the new Regional Council
- The Bush Forever policy (State Government)

The closing date for receipt of submissions was 20 May 2005. Submissions could be made to any of the local authority owners.

The result of submissions is as follows:

- Town of Cambridge: yet to report
- City of Joondalup: yet to report
- City of Perth: no submissions
- City of Stirling: no submissions to date
- Town of Victoria Park: nil submission
- Town of Vincent: 1 submission
- City of Wanneroo: yet to report

Submission to Town of Vincent

The Smith's Lake Precinct Group wrote to the Town on 12 May 2005 as follows:

"Our April meeting discussed this proposal. A summary of the proposal was circulated to those present to aid discussion. A copy is attached. Some of those present felt that the subject was too big to discuss properly in the time available to us. However, no one expressed opposition to the proposal."

Questions were asked on the likely impact on the Town's present methods of collecting rubbish and of recycling when the new putrescible waste plant at Neerabup is fully operational and that this needs to be discussed in due course.

However there was not enough time to discuss in depth all items in the document."

The Town of Vincent will respond to the submission formally. In as much as it impacts on the joint ownership of the land the following comments are relevant:

The submission does not appear to object to any of the proposals covered by the Business Plan;

- Matters relating to secondary waste treatment at Neerabup are a separate issue;
- It appears the Smiths Lake Precinct Group has a genuine interest in the positive aspects of the participant Councils' ventures in improving refuse disposal and with respect to Lot 118 generally.

In summary, it would seem that the Group's submission is one that could engender positive communication about Lot 118 Mindarie matters. The submission is not one, which should require any of the co-owners to change direction with respect to the proposals contained in the Business Plan.

LEGAL/POLICY:

The preparation of a Business Plan in respect to agreements and land transactions affecting Lot 118 Mindarie. The Business Plan has been prepared to meet the requirements of Section 3.59 of the Local Government Act. The Council is now required to consider any submissions received.

STRATEGIC IMPLICATIONS:

Development of Lot 118 will be consistent with the Town's Strategic Plan 2005-2010 as follows;

Key Result Area 3.2 - *"Develop business strategies that provide a triple bottom line return for the Town."*

FINANCIAL/BUDGET IMPLICATIONS:

The planning and development of Lot 118 will involve financial implications for the Town, although it should be noted that all costs and returns are shared amongst the seven owner Councils according to their ownership share of the land. (The Town's share is one-twelfth.)

The Town's estimated revenue from the land has been previously reported to the Council as \$7-10 million net, over a ten year period (depending upon the final subdivision plan).

COMMENTS:

As the advertising of the Business Plan only received one (1) submission, which did not oppose the details of the proposal, it is recommended that the Council approve of the Officer Recommendation.

10.4.5 International Public Works Conference

Ward:	-	Date:	8 June 2005
Precinct:	-	File Ref:	ADM0031
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	-		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council AUTHORISES the Executive Manager Technical Services and up to one (1) Elected Member to attend the International Public Works Conference, to be held in Adelaide from Sunday 21 August to Thursday 25 August 2005, at an approximate cost of \$3,255 each.

COUNCIL DECISION ITEM 10.4.5

Moved Cr Maier, Seconded Cr Doran-Wu

That the recommendation be adopted.

Moved Cr Maier

That the recommendation be amended to read as follows:

“That the Council AUTHORISES the Executive Manager Technical Services ~~and up to one (1) Elected Member~~ to attend the International Public Works Conference, to be held in Adelaide from Sunday 21 August to Thursday 25 August 2005, at an approximate cost of \$3,255 each.”

**AMENDMENT LAPSED
FOR WANT OF A SECONDER**

Mayor Catania requested that Councillors indicate their interest to the Chief Executive Officer no later than Friday 17 June 2005.

MOTION CARRIED (8-0)

(Cr Torre on approved leave of absence.)

PURPOSE:

The purpose of this report is to request the Council's approval for the Executive Manager Technical Services and one (1) Elected Member to attend the biannual International Institute of Public Works Engineering Australia (IPWEA) conference to be held in Adelaide in August 2005.

BACKGROUND:

The 2005 International Public Works Biennial Conference will be held in Adelaide, between 21 and 25 August 2003 (see details laid on the table).

In 2003, the Executive Manager Technical Services attended the Biennial National Public Works Conference in Hobart, Tasmania.

In 2001 the International Public Works Conference was held in Western Australia and was attended by Technical Services staff.

DETAILS:

The biennial National Public Works Conference is the premier event in the Institute of Public Works Engineering Australia (IPWEA) calendar and provides a focus for the Institute in addressing current and emerging issues in the industry.

The theme of this Conference "Lifestyle, Services, Infrastructure" is designed to promote the importance of public works engineering to society and will highlight the latest technological and leadership advances that public works engineering can deliver to the community.

The Conference Organising Committee has put together an exciting technical program that focuses on contemporary issues in public works engineering designed to inform and also to challenge our thinking, including:

- Revitalisation
- Asset Management
- Waste / Water Recycling
- Public Private partnerships
- Environmental Sustainability
- Managing Safer Roads
- National Transport Planning
- Risk Management
- Traffic and Road Safety
- Integrating the Technical with the Financial

Over ninety (90) papers, including several international papers, will be presented, including various technical tours and workshops.

CONSULTATION/ADVERTISING:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area Four of Strategic Plan 2005-2010 – 1.4 (c) "*Actively participate in community, Local, State and Federal Government forums and professional seminars.*"

FINANCIAL/BUDGET IMPLICATIONS:

<u>Cost per person</u>	
Conference registration	\$ 1,330
Technical Tours	\$ 95
Airfare/Taxi transfers	\$ 650
Accommodation and meals	\$ 1,180
Total:	\$ 3,255

LEGAL/POLICY IMPLICATIONS:

Nil.

Contract Requirement

The Executive Manager's Contract of Employment entitles the Officer to attend one interstate professional development conference each year.

COMMENTS:

It is recommended that approval be granted for the Executive Manager Technical Services and up to one (1) Elected Member to attend the biannual International Institute of Public Works Engineering Australia (IPWEA) conference to be held in Adelaide in August 2005.

10.4.6 Review of Policy Relating to "Street Parties"

Ward:	-	Date:	8 June 2005
Precinct:	-	File Ref:	ORG0023
Attachments:	001;		
Reporting Officer(s):	J Giorgi, R Lotznicher		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the ADOPTION of Draft Policy No. 2.2.19 "Road Closures - Street Gatherings" to supersede the existing Policy No. 2.2.19 - "Street Parties"; and*
- (ii) *ADVERTISES amended Policy No. 2.2.19 for public comment for the standard period of time of 21 days, and in the event that no public comment is received, the policy will automatically be incorporated into the Policy Manual, and in the event that public comment is received, a further report be submitted to the Council.*

COUNCIL DECISION ITEM 10.4.6

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

Cr Farrell departed the Chamber at 8.10pm.

Debate ensued.

Moved Cr Maier, Seconded Cr Ker

That the Objective be amended to read as follows:

OBJECTIVE

~~“Applications for the Closure of a Road will be considered within the Town of Vincent when local Communities wish to gather in the street for community development purposes. Road closures for the purpose of street gatherings are administered by the Town's Technical Services Section.~~

To ensure that street gatherings which require the road to be closed have the support of the local community, are well managed, strictly adhere to all formal protocols and rules, and are covered by the Town's Casual Hirer's Liability Insurance Policy where possible. Road closures for the purpose of street gatherings are administered by the Town's Technical Services Section.”

Cr Farrell returned to the Chamber at 8.12pm

Moved Cr Ker, Seconded Cr Messina

That the Item be DEFERRED for further clarification. In particular where Street Parties may be held without the closure of the street.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of necessary amendments to the Town's "Street Parties" Policy and renaming of the Policy to "Street Gatherings".

BACKGROUND:

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

The policies are amended from time to time as the need arises, to ensure that they remain relevant and compliant with current legislation and the Town's objectives. Policy 2.2.19 "Street Parties" requires amendment so that the process follows the requirements of the Road Traffic (Events on Roads) Regulations more closely and insurance requirements and obligations are adequately met.

DETAILS:

Inquiries were made with the Town's insurers, Local Government Insurance Services (LGIS), and the Town was subsequently advised that the Town's Casual Hirers insurance cover will also cover public gatherings which meet certain criteria. The following is an extract from the advice provided by LGIS's risk manager:

"Firstly what really is a street party? We believe the event is really only a group of private individuals meeting in a neighborly fashion to get to know each other. It is not an organised street parade with amusements, bands, dance facilities or open to any person of the public to join.

Hence the principle of Casual Hirers cover is achieved that being a casual gathering of a limited number of specific class of person in a small event on Council property.

The Casual Hirers cover will cover the hirers and the Council."

The Town's insurers have specified that such events be known as Street Gatherings, and it is proposed to amend the Town's Policy accordingly. The amended policy specifies that gatherings of 150 individuals or less (which generally covers the number of participants of recent events within the Town) will be covered by the Town's casual hirer's insurance policy.

Point 8 of the existing policy states that the organisers of a street party must show evidence of insurance cover for not less than \$10,000,000, however as the majority of such events can be covered by the Town's existing insurance, this impost can be lifted from the Town's residents, provided the planned event complies with the above guidelines.

Other amendments to the policy are of a procedural and administrative nature which clarify the order of the necessary steps in processing applications and maintaining records.

CONSULTATION/ADVERTISING:

The Council has a policy of advertising for a period of 21 days seeking comments from the public. Should adverse comment be received regarding the amendments to the policy, a further report will be prepared for the Council's consideration.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area Two of Strategic Plan 2005-2010 – 2.1 Celebrate and acknowledge the Town's cultural diversity - *"(a) Develop, financially support, promote and organise community events and initiatives (including those generated by community groups) that engage the community and celebrate the cultural diversity of the Town"*.

FINANCIAL/BUDGET IMPLICATIONS:

The cost of advertising the Policy amendments is estimated to be approximately \$250.

COMMENTS:

The amendments to Policy No. 2.2.19 will ensure that adequate insurance protection is in place for the benefit of both the Town and the Town's residents, and that the administrative process dealing with approval of Street Gatherings is clear and concise.

10.4.7 Information Bulletin

Ward:	-	Date:	8 June 2005
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	S Garreffa		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 14 June 2005 as distributed with the Agenda, be received.

Moved Cr Chester, Seconded Cr Farrell

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

“(ii) in relation to Information Bulletin ITEM IB05, the Council REQUESTS that the Heritage Council of Western Australia revise the contents of page 10 of the Heritage Report which relates to the statement "From 1979, the area of the City of Perth directly north of the railway line was renamed ‘Northbridge’ so as to note that Northbridge was the area west of William Street and that the subject properties were not, and are not, part of Northbridge.”

Debate ensued.

MOTION AS AMENDED CARRIED (8-0)

(Cr Torre on approved leave of absence.)

COUNCIL DECISION ITEM 10.4.7

That;

- (i) the Information Bulletin dated 14 June 2005 as distributed with the Agenda, be received; and*
- (ii) in relation to Information Bulletin ITEM IB05, the Council REQUESTS that the Heritage Council of Western Australia revise the contents of page 10 of the Heritage Report which relates to the statement "From 1979, the area of the City of Perth directly north of the railway line was renamed ‘Northbridge’ so as to note that Northbridge was the area west of William Street and that the subject properties were not, and are not, part of Northbridge.*

DETAILS:

The items included in the Information Bulletin dated 14 June 2005 are as follows:

ITEM	DESCRIPTION
IB01	Letter to State Administrative Tribunal - No. 15 Hutt Street, Mount Lawley - Proposed Two-Storey Single House with Loft - Appeal No. RD 380 of 2005
IB02	Letter from State Administrative Tribunal - No.141 Scarborough Beach Road, Mount Hawthorn - Appeal No. RD 317 of 2005
IB03	Letter from Western Australian Local Government Association - Decision Making Process within State Administrative Tribunal
IB04	Delegated Approval in accordance with Ordinary Meeting of Council held on 10 May 2005 Item 10.1.13 - No. 85 Glendower Street, Perth - Alterations and Additions to Existing Two-Storey Single House
IB05	Letter from Heritage Council of Western Australia - Register of Heritage Places - P17093 Beaufort Street Terraces, 225-227 and 235-241 Beaufort Street, Perth
IB06	Study of Heritage Listing and Property Values in Western Australia - Progress Report
IB07	Letter from Department of Housing and Works - Amendments to the Local Government (Miscellaneous Provisions) Act 1960
IB08	Birdwood Square, Perth - Progress Report
IB09	Carr Place and Anti-social Behaviour - Information Progress Report
IB10	'Better Beginnings' Literacy Program
IB11	Email from Nina Weiderfelt – Citizenship Ceremony held 20 April 2005
IB12	Register of Petitions - Progress Report - June 2005
IB13	Register of Notices of Motion - Progress Report - June 2005
IB14	Register of Reports to be Actioned - Progress Report - June 2005
IB15	Register of Legal Action
IB16	Register of State Administrative Tribunal Appeals
IB17	Notice of Forum - 21 June 2005

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

14. CLOSURE

The Presiding Member, Mayor Catania JP, declared the meeting closed at 8.34pm with the following persons present:

Cr Steed Farrell (Deputy Mayor)	North Ward
Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Mark Fletcher	Journalist – Voice

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 14 June 2005.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2005