



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

16 DECEMBER 2008

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	(iii) WALGA Member - WA Planning Commission (WAPC) - Statutory Planning Committee (Approved by Minister) (Panel of 3 names);	
	(iv) WALGA Member - WA Planning Commission (WAPC) - Sustainable Transport Committee (Approval by Minister) (Panel of 3 names);	
	(v) WALGA Member - WA Planning Commission (WAPC) - Infrastructure Coordinating Committee (Approval by Minister) (Panel of 3 names);	
	(vi) WALGA Metropolitan Member - WA Planning Commission (WAPC) - Coastal Planning and Coordination Council (Approval by Minister) (Panel of 3 names);	
	(vii) WALGA Metropolitan Member - Food Act Reference Group;	
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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 16 December 2008, commencing at 6.00pm.

1. DECLARATION OF OPENING

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

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Steed Farrell – apologies – arriving late due to work commitments.
Cr Izzi Messina – apologies – arriving late due to work commitments and also representing the Mayor at a school function at approximately 7.00pm.
Director Technical Services, Rick Lotznicker – apology due to personal commitments.

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Anka Burns	South Ward
Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward (from 6.27pm)
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward (from 7.43pm)
Cr Noel Youngman	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)
Andrei Buters	Journalist – “ <i>The Perth Voice</i> ” (until approximately 8.24pm)

Approximately 25 Members of the Public

(c) Members on Approved Leave of Absence:

Cr Helen Doran-Wu due to personal commitments.

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

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

1. Paul Kotsoglo of Planning Solutions, 255 Beaufort Street, Perth – Item 9.1.4. Asked Council to consider an alternate recommendation. Stated the basis for the request is that at the time Council determined the application in October, information contained in archives was not available. It clearly provided a position that they consider clarifies the point and confirms an authorisation of construction for an internal fit out of the commercial kitchen into an existing café (building license no. 6.2005.3173.1, 18 August 2005). Asked that the contribution in Condition 1 be waived for reasons outlined in the email and fax. Stated his client would be pleased to cease trading at 6.00pm with the ability to have staff on site clearing the premises after that. Would appreciate Council granting approval for the application and clear a matter which is causing a great deal of personal concern to the owners.

2. Terese Fehlberg of 77 Raglan Road, Mt Lalwey – Item 9.1.12. Asked for this Item to be brought forward for consideration.

3. Bruce Benson of 47 Cross Road Bedfordale – Item 9.1.1 speaking on behalf of Mrs Gorkinski of 3 Gardiner Street. Stated the Residential Design Code (RDC) Requirements for out buildings are:
 - (i) an area of no more than 60m² – the current proposal is 120m²;
 - (ii) maximum height allowed at the ridge to be 4.2m – the proposal is for 6m;
 - (iii) maximum wall height is allowed at 2.4m – the proposal is 3.1m;
 - (iv) out buildings should not be habitable, unfortunately a painting studio or music room is classified as habitable under the design code;
 - (v) out buildings should be modest in scale and should not detract from visible amenity of the neighbouring properties – the proposal is still large and imposing. Stated the total volume of the previous proposal has only been reduced by 23% however, is still 2½ times the volume of a complying out building, the proposed garage is 1½ times the volume of a complying out building and the volume of the proposed studio which is supposed to be modelled on the back of residents at No. 5 is still larger than that building.Stated visual privacy requirements require a 6m setback or screening for the windows on the northern southern boundaries rather than 4.5m. Stated the revised proposal still doesn't come anywhere near complying with requirements of RDC urges Councillors to wholeheartedly reject the proposal.

4. David Hartree of Level 1, 34 Queen Street, Perth – Item 9.1.10. Stated his company has been working with the Town since April 2007 on the design and development of this project and was surprised the Agenda recommends refusal. Stated they were told by the supplier of the stacker system that it is common for new markets to suggest that they have very specific local conditions however in reality most do not. Asia has much smaller cars than USA however, all have the same specification for stackers. Stated the onus is placed on users to adopt a mentality considerate of the requirements of the car stackers. Stated the system meets AS290 manoeuvring access, therefore feels increasing aisle/bay widths is superlative. Advised if necessary, they are prepared to provide emergency power and understands there will be no parking permits provided therefore, in the event of a breakdown where the supplier says they'll have a technician on site within 1-3 hours. Cars will not be congesting the street. Stated in relation to privacy and overlooking the Residential Planning Codes, suggested a cone of distance of 7.5m measured 0.5m within a balcony and in this case Planning Staff are recommending the building be setback further and they feel they meet the performance criteria as per the Design Codes. Stated terraces on Level 2 were included as a recommendation of Council Members and are setback 2m from the southern boundary and have a 1.8m high privacy screen which deals with any issues of amenity with neighbours.

5. Ben Doyle of Planning Solutions, 255 Beaufort Street, Perth – Item 9.1.3. Thanked Council Members who took time to review the material provided and contacted them to discuss the proposal and inspect the site, their time and consideration is appreciated. Stated through discussions it has become apparent that modifications are required to the design and mixed use of the development. Advised they would like to continue to work with Councillors to address issues raised. Requested Council defer this through to the February round of meetings. Stated they hope to liaise further with Officers to arrange for the item to be presented to a Forum and subsequently to a Council Meeting for determination.

6. Ray Conrad of Claredon Reality, 216 Stirling Street, Perth – Item 9.1.11. Stated they are seeking Council’s consideration of removal of the Development Application condition 22 relating to car bays. Believes by removing this, the R80 mixed use development can reduce pressure on street parking in the precinct by some 36 vehicles. Stated:
- the Planner argues that “it is contrary to the efficient management of parking facilities”;
 - believes it will help to ease the ever-growing pressure on road side parking around Stirling Street
 - the additional 36 bays will “impact on the existing parking facilities in the area”;
 - metered parking in Stirling Street is fast meeting it’s own saturation point;
 - the application will discourage use of public transport however there is none in or around Stirling Street whatsoever.
- Asked Councillors to look well into the future as it is now or never because financially they will be forced to downsize by 36 bays.

7. Andy Fagan of 38 Pennant Street, North Perth – Item 9.2.1. Stated no recommendations make any mention of speaking with local residents therefore feels it is a token gesture and there is no consideration of what they feel. Stated there is;
- no mention of Pennant Street in the Background and History;
 - discussion of a 50km zone and removal of parking;
 - shows 85% of traffic is 55.8km – which is over the speed limit and referred to ads about what 5km over the speed limit will do;
 - travel from Scarborough Beach Road to Kadina Street – however doesn’t make any mention of travel the other way;
 - “no funds have specifically been allocated for this”.
- Advised on behalf of the residents they have 16 children on the street and he doesn’t want to see anything happen to the children. Stated the matter is referred to the Police Service for enforcement of legal speed limit. Advised as a serving Police Officer with 13 years on road experience they are travelling 5kms over the limit and there aren’t enough Police on the road so they’ll get to it if they can and maybe put a car there once a month. Advised as a Police Office, he has knocked on many doors advising their son or daughter is involved in an accident. Asked Council to take this matter seriously.

The Presiding Member, Mayor Nick Catania advised that this matter is taken very seriously. Advised the matter is referred to the Local Traffic Management Committee and they will go to public consultation with all residents. Explained they have not been forgotten and there is no intention not to take it seriously, as in the Town traffic management is taken very seriously particularly when it comes to protecting children.

8. Paul Connell of 16 Pennant Street, North Perth – Item 9.2.1. Agrees with prior speaker. Disappointed that the document talks about 1989 and 2006 statistics and not about 2008 statistics. Advised if there were some sort of measuring devices on the street he would have thought it would have been included. Stated over the 20 years he has lived there demographics have definitely changed. Requested the Council take action.

Cr Messina entered the Chamber at 6.27pm.

9. David Barber of 94 Walcott Street, Mt Lawley – Item 9.1.2. Stated this application was lodged on 19 May 2008 and has been a difficult, lengthy and expensive process to reach where it is today. Stated:
- he deferred the matter from 4 November meeting as the Planning Department were not willing to support the application as it stood at the time;

- since deferring the matter, he has re-presented the application with a 71% reduction in the result of parking shortfall, primarily as a result of substantial reduction to the patron capacity of the venue which puts obvious financial restraints on the proposed business;
 - any further reduction would render the business non financially viable;
 - he is requesting approval with a 3.349 bay shortfall;
 - unlike many DA's approved over the previous recent years in the Town, he is supplying on site parking and, if approved the development will produce a total of six bays on site inclusive of the ACCROD facility.
- Requested Council vote in favour of approval.

10. David Boswell of 7 Elgin Close Ballajura – Item 9.1.1, on behalf of L Stankoski. Stated:

- on 2 December he deferred the application to look at some issues that required attention;
- the problem was the bulk of the building – and has since sent revisions to address the bulk of the roof;
- worked with the owner to try and resolve the issues that came up with the initial application and in doing so, found the bulk of the building was reduced mainly in the roof;
- Mrs Stankoski currently has a free standing double garage at the back of the house with a 45o roof pitch and they tried to make the application comply with height, overshadowing and bulk of roof issues. Advised since;
- they have sent back amended plans and reduced the bulk of the roof by 47% on the north and southern elevations addressed;
- the garage and studio to the northern boundary were supported and not considered to have undue impact on effecting neighbouring property;
- the length of the wall was supported and not considered to have undue impact on effecting neighbouring property;

Stated the portico in the retained area is supported as it is considered as a walkway to the studio and not an active habitable space. Stated overshadowing and any impact on the adjoining neighbour has been supported. Advised he spoke in length with Council when considering the application and tried to understand that initially they tried to elevate the off street car park.

11. J Jorgensen of 69 Clarence Street, Mt Lawley – Item 9.1.2. Stated according to the website there is no amended proposal being considered tonight. Asked if an amended proposal is being considered as there has not been any change for objectors to view it?

The Presiding Member, Mayor Nick Catania advised that additional information was received and there is a corrected alternate recommendation which was not on the website.

Believes;

- it doesn't give much time for it to be reviewed and he may not have his facts right as he hasn't seen the amended proposal;
- an 80 patron venue would require 6 or 7 staff members;
- living in Clarence Street there is nowhere you would find car bays for that amount of people;
- on a Sunday night (when the Queens is busy) there is insufficient car parking in Harold, Barlee and Clarence Streets and patrons from those venues are going up and down those street as there are no parking restrictions.

Asked Council to refuse the proposal.

12. Felicity Corey of 13 Barnet Street, North Perth – Item 9.1.9. Believes there are still a number of concerns present with the information she has received. Stated;
- the driveway traffic will be four cars plus visitors and the driveway is adjacent to a bedroom window in their house;
 - is concerned about noise and they won't be able to open the bedroom window as it opens onto the driveway;
 - there is limited street parking as they have trouble finding street parking;
 - there are modifications to the balcony on unit 1 but not unit 2 and it is unit 2 that looks directly onto their veranda;
 - there is overshadowing with the 3.5m wall they won't have the benefit of the sun onto the veranda and the back sun room as they currently do. Requested the matter be refused.
13. Lucy Benson of 47 Cross Road, Bedforddale – Item 9.1.1 on behalf of her mother Mrs Gorkinski. Stated;
- just over 2 years ago Mr Stankoski told her that he wanted to build a dwelling/building at the back of his home for his son which went to Council in January 2007 a garage dwelling of 80m² and it was rejected;
 - nothing has really changed since then as she has people he has spoken to that have said his son is going to live there;
 - if the building does go ahead, how is it going to be policed or enforced?
 - this time around the proposal says garage/studio totalling 120m²;
 - the proposal butts right up to the southern fence line of No. 3 and she sees no reason by looking at the current drawings – why it cannot be a metre off the fence line as it would balance out the building with a metre either side;
 - the existing garage is a metre higher than the dwelling on the lower side of his block therefore, because it is raised, it looks into her mothers' property and is a lot more visible;
 - roof size has been reduced however, the size is still the same as are the windows which will look directly into her mothers' veranda.
- Believes it is excessive and requested Council reject the proposal.

There being no further speakers, public question time was closed at approx. 6.45pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

- 4.1 Cr Anka Burns requested leave of absence for the Ordinary Meeting of Council on 10 February 2009, due to personal commitments.

Moved Cr Ker, Seconded Cr Farrell

That Cr Anka Burns' request for leave of absence be approved.

CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Messina had not arrived at the Meeting at this time.)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

- 5.1 A petition was received from Ms B. Smith of Pennant Street, North Perth together with 31 signatories requesting that the Town consider installing traffic calming devices to manager the very high speed of traffic using Pennant Street as a short cut onto adjacent major roads.

The Chief Executive Officer recommended that the petition be received and referred to the Director Technical Services and Local Area Traffic Management Advisory Group for investigation.

Moved Cr Farrell, Seconded Cr Youngman

That the Petition be received, as recommended.

CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Messina had not arrived at the Meeting at this time.)

- 5.2 A petition was received from Ms M. Slyth of Carr Street, West Perth together with 31 signatories, on behalf of ratepayers and residents of Carr Street (between Cleaver and Charles Streets), West Perth requesting that this section of Carr Street be included for consideration to be covered by the Residential Streetscapes Policy, pursuant to the Council Resolution at the Special Meeting of Council held on 28 October 2008.

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

Moved Cr Youngman, Seconded Cr Ker

That the Petition be received, as recommended.

CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Messina had not arrived at the Meeting at this time.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Meeting of Council held on 2 December 2008.

Moved Cr Farrell, Seconded Cr Youngman

That the Minutes of the Ordinary Meeting of Council held 2 December 2008 be confirmed as a true and correct record.

CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Messina had not arrived at the Meeting at this time.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 International Day of People with Disability (IDPwD)

On Wednesday 3 December 2008, I attended the "Be Active Friendly Games" which were held at the Town's Beatty Park Leisure Centre to celebrate the International Day of People with Disability (IDPwD).

The Games, which were a free community event, were held by the Town, in conjunction with "Workability". Workability is an innovative charitable organisation that supports people with disabilities within the community.

The wonderful Bear - sitting on my right! - was donated at the Games by the Eglington Family and has been nominated to become the perpetual mascot for the International Day of People with Disability by myself, Councillor Ian Ker and Workability CEO, Michael Riou.

I would like to thank the Eglington Family for their kind donation. I would also like to thank Aranmore Catholic College - where Cameron Eglington is the Physical and Health Education Teacher - for their invaluable support and assistance in the organisation of the Games' activities. The Aranmore Students conducted the games in a positive, courteous and responsible manner. I received a great deal of positive feedback on the day, which complimented the student's attitudes and input in the "Be Friendly Games".

The event was well attended and greatly enjoyed by the participants, carers, families and the generally community and was a positive event in promoting activities and inclusion for people with disability.

7.2 Carols by Candlelight – Friday 12 December 2008

Carols by Candlelight were held at Hyde Park on Friday evening, 12 December 2008. The Town shared the funding with "Youth with a Mission".

It was a wonderful night enjoyed by the 800 people that attended.

7.3 Mayor's Community Barbecue – Sunday 14 December 2008

A very hot day did not keep away the big crowd of Mums, Dads, Grandparents and many children.

I would like to thank the Manager Community Development, Jacinta Anthony (Santa's Bodyguard!), and the following Staff:

- Luke Tressler - Youth Officer and Co-ordinator for the Event;
- Paul Betts - Santa
- Shelley Rutherford - Waste Management Officer (handled the drinking water and distribution of Town of Vincent Drink Bottles);
- Diana Rose - Face Painter.

This event gets bigger and better each year. (Remind people that it has replaced the Town of Vincent Mayoral Formal Dinner.)

7.4 Article in "Perth Voice"

For those who may read the Perth Voice, I would like to clarify an article that appeared in last week's edition.

In the article which appears under the heading – "Council Pockets Excess Cash" – it is implied that the Council will retain surplus funds from the State Underground Power Project in Highgate East.

I would like to reassure our valued residents and ratepayers that your Council is yet to consider that matter of the funds and I have been advised by our Chief Executive Officer that once full details of the matter are to hand that a report will be presented to our Council in order for them to make informed decision on behalf of our ratepayers. The Town will undertake due diligence and we will follow established protocols for consideration of items and making decisions.

Fellow Councillors have expressed concern that the content of this article appears to be endorsed by two of our Councillors and I would like to remind everyone that they are obligated to follow protocols as outlined in both our Code of Conduct and the Local Government (Rules of Conduct) Regulations 2007 guiding principles, one of which states "*Council Members shall base decisions on relevant and factually correct information*".

As stated, the Town's Administration will investigate this matter and present the facts in a report to the Council in order for a decision to be made. Any attempt to pre-empt or influence the decisions of the Council on this matter, in this manner will be rejected.

I reiterate that your Council will give consideration to this matter once the facts are to hand.

7.5 Christmas Message

I wish everyone present a Merry Christmas and Happy New Year. Thank you to the Councillors, Chief Executive Officer and staff for their support during the year. I look forward to a productive 2009.

8. DECLARATIONS OF INTERESTS

- 8.1 Mayor Catania declared a Financial interest in Item 9.3.1 – Investment Report. The extent of his interest being that he is the chairperson of the North Perth Community Bank in which the Town has shares.
- 8.2 Cr Burns declared a Financial interest in Item 9.3.1 – Investment Report. The extent of her interest being that she is a shareholder and her father is a director in the North Perth Community Bank in which the Town has shares.
- 8.3 Cr Messina declared a Financial interest in 9.3.1 – Investment Report. The extent of his interest being that he is a director and shareholder of the North Perth Community Bendigo Bank in which the Town has shares.
- 8.4 Cr Lake declared an interest affecting Impartiality in 9.2.2 – Further Report – Proposed Traffic and Parking Improvements – Lincoln Street and Bulwer Avenue Highgate, outside Highgate Primary School. The extent of her interest being that she is a member of the School Council.

8.5 The Chief Executive Officer, John Giorgi and Director Corporate Services, Mike Rootsey declared an interest affecting Impartiality in 9.3.3 – Beatty Park Redevelopment Concept Plans. The extent of their interest being that they are casual or infrequent use of Beatty Park pool and occasionally the gym and also have been members for the past 10 years.

8.6 Cr Youngman an interest affecting Impartiality in 9.3.3 – Beatty Park Redevelopment Concept Plans. The extent of his interest being that he is a member of the Centre and regular user of the swimming pool.

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

Nil.

10. REPORTS

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

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

Items 9.1.4, 9.1.12, 9.1.1, 9.1.10, 9.1.3, 9.1.11, 9.2.1, 9.1.2 and 9.1.9.

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

Nil.

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

Item 9.3.1.

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

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

Cr Farrell	Item 9.3.5.
Cr Youngman	Item 9.1.7.
Cr Ker	Item 12.1.
Cr Lake	Items 9.1.5, 9.3.3 and 9.4.1.
Cr Burns	Nil.
Cr Maier	Items 9.1.6 and 9.3.6.
Mayor Catania	Nil.

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

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

Items 9.1.8, 9.1.13, 9.1.14, 9.1.15, 9.1.16, 9.2.2, 9.3.2, 9.3.4, 9.4.2 and 9.4.3.

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

Items 14.1.

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

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

Items 9.1.8, 9.1.13, 9.1.14, 9.1.15, 9.1.16, 9.2.2, 9.3.2, 9.3.4, 9.4.2 and 9.4.3.

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

Items 9.1.4, 9.1.12, 9.1.1, 9.1.10, 9.1.3, 9.1.11, 9.2.1, 9.1.2 and 9.1.9.

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

Moved Cr Farrell, Seconded Cr Ker

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

Items 9.1.8, 9.1.13, 9.1.14, 9.1.15, 9.1.16, 9.2.2, 9.3.2, 9.3.4, 9.4.2 and 9.4.3.

CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Messina had not arrived at the Meeting at this time.)

9.1.8 No. 42 (Lot: 111 D/P: 6064) Jugan Street, Mount Hawthorn - Proposed Demolition of Existing Single House and Construction of Four (4) Two Storey Grouped Dwellings

Ward:	North	Date:	8 December 2008
Precinct:	-	File Ref:	PRO4522; 5.2008.423.1
Attachments:	001 002		
Reporting Officer(s):	D Bothwell		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions and powers of both the Local Government (Change of Districts Boundaries) Order 2007 and the Local Government (Constitution) Regulations 1998, allowing the Town of Vincent to, in effect, administer the City of Stirling District Planning Scheme No. 2 as if it were its own Scheme, and the Metropolitan Region Scheme, the Council APPROVES the application submitted by SJB Town Planners Pty Ltd on behalf of the owner J & N A Murray for proposed Demolition of Existing Single House and Construction of Four (4) Two Storey Grouped Dwellings, at No. 42 (Lot: 111 D/P: 6064) Jugan Street, Mount Hawthorn, and as shown on plans stamp-dated 8 September 2008, subject to the following conditions:

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

- (iii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Jugan Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s);*
- (iv) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (v) *first obtaining the consent of the owners of No 56 Purslowe Street and 40 Jugam 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. 56 Purslowe Street and 40 Jugan Street in a good and clean condition; and*
- (vi) *prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the following:*
- (a) *the windows to bedrooms 2 and 3 of unit 3 and windows to bedrooms 2 and 3 of unit 4 on the southern elevation and the windows to bedroom 2 of unit 4 on the eastern elevation, on the upper floor, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. 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 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 54 and 56 Purslowe Street, stating no objections to the respective proposed privacy encroachment;*
- (b) *vehicular access to unit 2 being from the common property crossover, utilising the common property driveway to the north of the subject property with the garage door facing north and the proposed centre crossover to unit 2 on Jugan Street being deleted; and*
- (c) *the building walls to unit 1 and unit 3 on the southern boundary and unit 4 on the northern and eastern boundaries being reduced to a maximum average height of 3 metres.*

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

COUNCIL DECISION ITEM 9.1.8

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Messina had not arrived at the Meeting at this time.)

ADDITIONAL INFORMATION:

The western and eastern elevations were inadvertently not included in the Agenda report. These elevations are attached for the Council's consideration.

Landowner:	J & N A Murray
Applicant:	SJB Town Planners Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1)/City of Stirling District Planning Scheme No. 2 (COSDPS 2): Residential R50
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	842 square metres
Access to Right of Way	Not applicable

BACKGROUND:

The site was previously located within the City of Stirling and there is no specific background that directly relates to the proposal.

DETAILS:

The proposal involves demolition of existing single house and construction of four (4) two storey grouped dwellings on 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	4.67 grouped dwellings R50	4 grouped dwellings	Noted – no variation.
Plot Ratio	N/A	N/A	Noted.
Buildings on the Boundary: Southern Boundary- Unit 1	Walls not higher than 3.5 metres with an average of 3 metres.	Maximum height of 3.5 metres	Not supported – undue impact on neighbouring property condition applied for proposed boundary wall to comply with the provisions of the Residential Design Codes.

<p>Southern Boundary-Unit 3</p> <p>Northern Boundary-Unit 4</p>	<p>Walls not higher than 3.5 metres with an average of 3 metres.</p> <p>Walls not higher than 3.5 metres with an average of 3 metres.</p> <p>Boundary walls permitted on one side boundary only.</p>	<p>Maximum height of 3.1 metres</p> <p>Maximum height of 3.1 metres</p> <p>Proposed Boundary walls on northern, western and southern boundaries.</p>	<p>Not supported – as above.</p> <p>Not supported – as above</p> <p>Supported – no undue impact on neighbouring properties as boundary walls that do not comply with the height requirements of the Residential Design Codes have been conditioned to comply.</p>
<p>Building Setbacks: Southern Boundary-Unit 1 Ground</p> <p>Southern Boundary-Unit 3 Upper</p> <p>Southern Boundary-Unit 3 Ground</p> <p>Northern Boundary-Unit 4 Ground</p> <p>Northern Boundary-Unit 4 Upper</p>	<p>1.5 metres</p> <p>2.8 metres</p> <p>1.5 metres</p> <p>1.5 metres</p> <p>2.7 metres</p>	<p>0-3 metres</p> <p>1.2 – 2.0 metres</p> <p>0-1 metre</p> <p>0 – 0.8 metre</p> <p>1.216 – 2.1 metres</p>	<p>Supported - the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.</p> <p>Supported – as above.</p> <p>Supported – as above.</p> <p>Supported – the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight and no objections were received from affected neighbours to the north.</p> <p>Supported – as above</p>

Eastern Boundary- Unit 4 Upper	3.3 metres	1.294 – 2.7 metres	Supported- the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight and no objections were received from affected neighbours to the east.
Consultation Submissions			
Support	Nil		Noted.
Objection (1)	Is of the opinion that the approval of the four proposed units outside of Council requirements will de-value neighbouring property which three dwellings has recently been built.		Not supported – the proposed units comply with the density requirement for R50 and the proposed units are not considered to have an undue impact on the neighbouring properties in terms of visual impact, ventilation and sunlight and are generally compliant with the provisions of the Residential Design Codes.
Other Implications			
Legal/Policy		TPS 1 (COS DPS2) and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications		Nil	
Sustainability Implications		Nil	
Financial/Budget Implications		Nil	

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

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

COMMENTS:

Demolition

The existing place is not on the City of Stirling or Town of Vincent Heritage Lists. In accordance with Clause 2.1.2 of the City of Stirling Town Planning Scheme No. 2, planning approval is not required for demolition. Therefore, there is no requirement for a heritage assessment.

Proposed three (3) Crossovers

The Town's Technical Services does not support the proposed three (3) crossovers for the development for the following reasons:

Clause 6. 5. 4 (P4) – Vehicular Access, of the Residential Design Codes (R Codes) states:

“Vehicular access provided so as to minimise the number of crossovers, avoid street trees, to be safe in use and not detract from the streetscape.”

Additionally, in this particular application, there is a channelising island which restricts access to the proposed centre crossover. The Town has installed this island to improve safety to the street.

The sharing of the northern common property crossovers is functional and compliant with the R Codes and AS2890.1(2004) which governs access and manoeuvring for vehicles and parking. Technical Services sees no justification for an unwarranted deviation from these codes and standards, aside from the concession of a maximum of two crossovers being permitted for the site.

Conclusion

In light of the above, the demolition of the existing single house and the construction of four two storey grouped dwellings is supported, subject to standard and appropriate conditions to address the above matters.

9.1.13 No. 10 (Lot: 30 D/P: 672) Mary Street, Highgate - Proposed Demolition of Existing Single House and Construction of Two (2) Three-Storey Single Houses

Ward:	South	Date:	8 December 2008
Precinct:	Hyde Park; P12	File Ref:	PRO4594; 5.2008.503.1
Attachments:	001_002		
Reporting Officer(s):	D Pirone, H Au		
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 REFUSES the application submitted by Niche Building on behalf of the owner A & T L Comito for proposed Demolition of Existing Single House and Construction of Two (2) Three-Storey Single Houses at, No. 10 (Lot: 30 D/P: 672) Mary Street, Highgate, and as shown on plans stamp-dated 20 October 2008, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the Building Setbacks, Buildings on Boundary, Carports and Garages, Street Walls and Fences, Building Bulk, Building Height, Number of Storeys and Privacy Setback requirements of the Residential Design Codes, and the Town's Policy relating to Residential Design Elements, respectively; and*
- (iii) consideration of the objections received.*

COUNCIL DECISION ITEM 9.1.13

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Messina had not arrived at the Meeting at this time.)

Landowner:	A & T L Comito
Applicant:	Niche Building
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	408 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the existing single house and the construction of two (2) three-storey single houses.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density:	2.26 dwellings	2 dwellings	Noted – no variation.
Plot Ratio:	N/A	N/A	Noted.
Building Setbacks: Ground Floor -West	1.5 metres	Nil – 1.6 metres	Supported – not considered to have an undue impact on the amenity of the neighbouring property.
-East	1.5 metres	Nil – 1.6 metres	Supported – not considered to have an undue impact on the amenity of the neighbouring property.
First Floor -South (Mary Street) Balcony	1 metre behind all portions of the ground floor main building.	In line with the ground floor main building.	Not supported – considered to have an undue impact on the streetscape and the amenity of the area.
Main Building	2 metres behind all portions of the ground floor main building.	In line with the ground floor main building to 2.39 metres street setback.	Not supported – considered to have an undue impact on the streetscape and the amenity of the area.
-West	1.8 metres	Nil – 1 metre	Not supported – considered to have an undue impact on the amenity of the neighbouring properties.

-East	2 metres	Nil – 1 metre	Not supported – considered to have an undue impact on the amenity of the neighbouring properties.
Second Floor -West	1.9 metres	Nil – 1.22 metres	Not supported – considered to have an undue impact on the amenity of the neighbouring properties.
-East	2 metres	Nil – 1.22 metres	Not supported – considered to have an undue impact on the amenity of the neighbouring properties.
Buildings on Boundary:	Walls not higher than 3.5 metres with average of 3 metres for 2/3 (26.9 metres) of the length of the balance of the boundary behind the front setback, to one side boundary.	Walls proposed on two boundaries. -West Wall Height – 5.3 metres – 8.6 metres (average = 7.3 metres) Wall Length – 11.61 metres -East Wall Height – 5.8 metres – 8.8 metres (average = 7.4 metres) Wall Length – 11.61 metres	Not supported – considered to have an undue impact on the amenity of the neighbouring properties. Not supported – considered to have an undue impact on the amenity of the neighbouring properties.
Carports and Garages:	Garages are required to be setback 0.5 metre behind the ground floor main building line.	The garages are located 0.5 metre in front of the main building line.	Not supported – considered to have an undue impact on the streetscape and the amenity of the area.
Street Walls and Fences:	Maximum height of solid portion of wall to be 1.2 metres above adjacent footpath level and a minimum of 50 percent visually permeable above 1.2 metres.	Solid portion adjacent to the front setback that is solid to 1.8 metres at a length of 1.6 metres.	Not supported – considered to have an undue impact on the streetscape and the amenity of the area.

Building Bulk:	In a predominantly single storey streetscape, new development is required to be single storey at the primary street frontage.	The proposal indicates a three-storey development from the primary street frontage.	Not supported – considered to have an undue impact on the streetscape and the amenity of the area.
Number of Storeys:	Two storeys	Three storeys	Not supported – considered to have an undue impact on the streetscape and the amenity of the area.
Building Height:	A maximum building wall height of 6 metres.	Highest point proposed = 8.6 metres	Not supported – considered to have an undue impact on the streetscape and the amenity of the area.
Privacy Setbacks: Unit 1 (Balcony to Family Room)	7.5 metres	1.5 metres to the western boundary	Not supported – considered to have an undue impact on the amenity of the neighbouring properties.
Unit 2 (Balcony to Family Room)	7.5 metres	1.5 metres to the eastern boundary	Not supported – considered to have an undue impact on the amenity of the neighbouring properties.

Consultation Submissions

Support	Nil.	Noted.
Objection (8)	<ul style="list-style-type: none"> • Building height. • Number of storeys. • Building setbacks. • Location of garage. 	<ul style="list-style-type: none"> • Supported – the proposed height of the building is considered to have an undue impact on the neighbouring properties and the amenity of the area. • Supported – the proposed number of storeys is considered to have an undue impact on the neighbouring properties and the amenity of the area. • Supported – the proposed building setback variations are considered to have an undue impact on the neighbouring properties. • Supported – the location of the garage is considered to have an undue impact on the amenity of the area.
	<ul style="list-style-type: none"> • Boundary walls. • Front fence. • Privacy setbacks. 	<ul style="list-style-type: none"> • Supported – the proposed boundary walls are considered to have an undue impact on the neighbouring properties. • Supported – the proposed front fence variation is considered to have an undue impact on the amenity of the area. • Supported – the proposed privacy setback variations is considered to have an undue impact on the neighbouring properties.

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

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

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

COMMENTS:

Demolition

The subject brick and iron dwelling at No. 10 Mary Street, Highgate was constructed circa 1897 and is an example of the Federation Georgian Bungalow style of architecture. The subject dwelling has a hipped corrugated iron roof at the street frontage and a twin hipped corrugated iron roofs at the rear.

Collectively the dwelling illustrates the dominance of 19th century development along Mary Street, however no links of significant historical importance have been established with the place, it is considered that it does not meet the threshold for entry onto the Town's Municipal Heritage Inventory.

Support for demolition of the subject property will depend on appropriate site responsive design that complements the 19th century development indicative of the existing streetscape.

Redevelopment

In light of the variations to the number of storeys, wall height, boundary walls, carports and garages, street walls and fences, building bulk, building height, building setbacks and privacy setbacks, the application is not supported by the Town's Officers and the proposal is therefore recommended for refusal.

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

Ward:	Both Wards	Date:	9 December 2008
Precinct:	All Precincts	File Ref:	PLA0197
Attachments:	001		
Reporting Officer(s):	E Saraceni		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

(i) *RECEIVES the further Draft Amended Policy No. 3.2.1 Residential Design Elements, as shown in Attachment 9.1.14, subject to the Policy being amended as follows:*

(a) *clause 7.4.1 Preservation of Amenity on Adjoining Land and Surrounding Area be amended to read as follows:*

‘An Amenity Impact Statement may be required where a variation to the Performance Criteria Acceptable Development Criteria of the Policy is proposed...’;

(b) *clause 7.4.9 (ii) Solar Access be amended to read as follows:*

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

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

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

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

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

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

- (ii) ***ADVERTISES the further Draft Amended Policy No. 3.2.1 Residential Design Elements for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:***
- (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
 - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iii) ***after the expiry of the period for submissions:***
- (a) ***REVIEWS the Draft Amended Policy No. 3.2.1 Residential Design Elements, having regard to any written submissions; and***
 - (b) ***DETERMINES the Draft Amended Policy No. 3.2.1 Residential Design Elements, with or without amendment, to or not to proceed with it.***

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

COUNCIL DECISION ITEM 9.1.14

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Messina had not arrived at the Meeting at this time.)

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an overview of the outcomes of the advertising period of the initial amendments to the Residential Design Elements Policy that took place between 13 May 2008 and 10 June 2008.

BACKGROUND:

Further to the above the initial implementation of the Policy and the results of the consultation for the Draft Residential Streetscapes Policy have resulted in further amendments to the Policy being made, which are also outlined in this report.

The Council has previously considered this matter at the following Ordinary Meetings of Council:

- 18 December 2008
- 28 October 2008
- 22 April 2008
- 25 March 2008

DETAILS:

Following the advertising of the Draft Amended Residential Design Elements Policy the Town's Officers began reviewing other elements of the Residential Design Elements Policy as a result of feedback received from the Town's Statutory Planning Officers and applicants in relation to issues with interpreting and implementing the Policy.

Further to the above, respondents to the Town's Draft Residential Streetscapes Policy raised concerns with regard to the requirements for upper floor setbacks and maintaining a single storey presentation to the street specified in the Draft Policy. The requirements for upper floor setbacks and building bulk specified in the Draft Residential Streetscapes Policy are in line with the requirements specified in the Town's Residential Design Elements Policy, and as a result of the number of objections raised that made specific reference to these requirements the Council has directed the Town's Officers to amend the Policy to delete reference to maintaining a single storey presentation to the street.

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

Clause 5.1 Functions of Components

In accordance with the Council resolution of 22 April 2008, the following clause is proposed to be added:

5.1 Functions of Components

The Residential Design Elements Policy has been developed specifically to function as a reference tool providing guidance for both the Town and developers to use when considering an application for a residential development. As mentioned previously, the Residential Design Elements Policy has been structured to correlate directly with the R Codes, providing more specific information relating to residential development as it relates to the local planning context within the Town of Vincent. Where no other local planning policy is in place, the R Codes and the Scheme will apply in relation to residential development.

The Residential Design Elements Policy consists of two sections. Its structure is such that when read in conjunction with the R Codes, the two documents can effectively be read as one.

The detailed development requirements are set out under the following design elements:

- Streetscape; and
- Building Design.

Each of the above design elements comprises the following components:

- Overview;
- Vincent Vision;
- Objectives;
- Guidance Notes; and
- Assessment Table comprising Performance Criteria and Acceptable Development Criteria.

The "Vincent Vision" specified for each element outlines the community's values and visions identified as part of the Vincent Vision 2024 project in relation to the subject element. As a result, various guidance principles are outlined to implement the community's values and visions into the Residential Design Elements Policy and therefore, future residential development within the Town.

The "Objectives" specified for each design element describes the residential development outcomes that the Town is attempting to achieve.

The "Guidance Notes" provide introductory, explanatory and additional information that supplements the Assessment Table to achieve the desired development outcome for each element. The Guidance Notes also provide development direction when variations to the specific Acceptable Development Criteria are proposed. For these reasons the Guidance Notes are to be read in conjunction with the Assessment Table.

The "Performance Criteria" in the Assessment Table also outline the provisions that are to be satisfied in order to achieve the desired development outcome. The Performance Criteria details both prescriptive and performance based provisions. The Town will assess the development proposal against these criteria when accessing and determining an application.

The "Acceptable Development Criteria" in the Assessment Table, provide a means by which development can be "deemed to comply" with the relevant Performance Criteria and therefore provide a speedy and certain path to approval.'

Additionally, design illustrations have been included that graphically represent the Acceptable Development Criteria. The design solutions that are provided in the illustrations are by no means exhaustive, and applicants are encouraged to develop acceptable design responses that are site specific."

Clause 6.4.1 Streetscape Character

The second paragraph of the abovementioned clause has been amended as follows:

"Single storey streetscapes are greatly valued within the Town, and should be ~~retained~~ enhanced wherever possible. Any new dwellings or extensions, which are located within an area that is characterised by single storey buildings, ~~or within a recognised streetscape~~ should be mindful of the streetscape character and maintain a single storey presentation to the street (please refer to any Residential Streetscapes Policy)."

SADC 1. Streetscape Character

Clause SADC 1 (a) is proposed to be amended to read as follows:

"(a) Any development ~~which is located in an area that is characterised by single storey buildings or within a recognised streetscape is to maintain a single storey presentation to the street.~~ is to comply with the requirements specified in clause BDADC 4."

The note has also been amended to include a definition of articulation to read as follows:

"*Articulation is defined as architectural composition in which elements and parts of the building are expressed logically, distinctly, and consistently, with clear joints. For the purposes of this Policy articulation refers to points within a dwelling that clearly distinguish one part of the dwelling from another, such as setbacks between the ground and upper floors and indentations or 'breaks' within building walls.*"

SADC 2. Alterations and Additions to Existing Dwelling

Clause SADC 2 (a) is proposed to be deleted as follows:

"(a) ~~Alterations and additions to existing dwellings are not to dominate the existing building when viewed from the primary street. If the existing dwelling and streetscape is predominantly single storey, then the dwellings' single storey presentation to the street is to be preserved. Then the proposed alterations and additions are to be sympathetic and complementary to the existing bulk and scale of the dwelling and the streetscape.~~"

SADC 3. New Dwellings

Clause SADC 3 (a) is proposed to be amended to read as follows:

- “(a) New dwellings are to ~~be compatible with the bulk and scale (including height, setbacks, roof form, colours and materials) of the existing dwellings in the locality and the streetscape.~~ comply with the requirements specified in clause BDADC 4.”

SADC 5. Street Setbacks

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

- “(a) ~~When the street is a recognised streetscape (refer to any Residential Streetscape Policy),~~ The primary street setback is to reflect the predominant streetscape pattern for the immediate locality which is defined as being within the average setback of the 5 adjoining properties on each side of the development.”

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

“(c)

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

SADC 6. Minor Incursions Into Street Setback Area

Clause SADC 6 (a) is proposed to be amended to read as follows:

- “(a) A porch, ~~balcony~~, verandah, chimney or the equivalent may project not more than one (1) metre into the street setback area, provided that the maximum total width of such projections do not exceed 20 percent of the lot frontage at any level.”

SADC 7. Side Setbacks

Clause SADC 7 (b) is proposed to be amended to read as follows:

- “(b) Notwithstanding the above, ~~any portion of~~ where an upper floor wall involves a variation to the above side setback requirements and is wall greater than 9 metres in length the wall is required to incorporate horizontal or vertical articulation.”

SADC 8. Setbacks of Garages and Carports

Clause SADC 8 (c) is proposed to be amended to read as follows:

- “(c) Where vehicular access to car parking, carports and garages are permitted to be from a street (primary or secondary), the following requirements are to be met:
- (1) Garages and carports should be integrated into the development, and ~~are to~~ should be constructed of compatible materials, colours, scale and roof pitch to the dwellings on site;”

SADC 9. Setbacks from Rights of Way

In accordance with the Council resolution of 22 April 2008, the following clause is proposed to be added:

(b) Dwellings fronting a right of way are required to be setback as follows:

<u>Feature facing Right of Way</u>	<u>Minimum Setback (metres)</u>
<u>Porches, Verandahs, Porticos, and the Like</u>	<u>1.5</u>
<u>Building Walls on Ground Floor</u>	<u>2.0</u>
<u>Balconies on Upper Floor</u>	<u>2.5</u>
<u>Building Walls on Upper Floors</u>	<u>1 metre behind each portion of the ground floor setback.</u>
<u>Carports and Garages</u>	<u>6 metres manoeuvring distance located directly in front of carport and garage.</u>

SADC 10. Dual Street Frontages and Corner Sites

Clause SADC (a) (1) is proposed to be amended to read as follows:

“(1) As measured from the original secondary street:

<u>Feature facing Secondary Street</u>	<u>Minimum Setback (metres)</u>
<u>Porches, Verandahs, Porticos and the Like</u>	<u>1.5</u>
<u>Building Walls on Ground Floor</u>	<u>2.5</u>
<u>Balconies on Upper Floor</u>	<u>3.0</u>
<u>Building Walls on Upper Floor</u>	<u>4.0 <u>1.5 metres</u> behind each portion of the ground floor setback.</u>
<u>Carports and Garages</u>	<u>In accordance with clause SADC 8</u>

Clause SADC (b) (2) is proposed to be amended to read as follows:

“(2) As measured from the secondary street:

Feature facing Secondary Street	Minimum Setback (metres)
Building Walls on Ground Floor, including Porches, Verandahs and the Like	1.5
Building Walls on Upper Floor; including Balconies and the Like	2.0 <u>0.5 metre behind the main building line of the ground floor</u>

SADC 13 Street Walls and Fences

Clause SADC 13 is proposed to be amended to read as follows:

“Note:

Please refer to Guidance Notes clause 6.4.4 (i) for instances where the Town may consider a variation to the above requirements.”

7.4.1 Preservation of Amenity on Adjoining Land and Surrounding Area

In accordance with Council resolution of 22 April 2008, Clause 7.4.1 is proposed to be amended to read as follows:

“...Where considered appropriate, the Town may require a development application to be submitted with an accompanying Amenity Impact Statement which:

- demonstrates consideration has been given to the impact on the amenity of adjacent properties; and
- outlines any measures that have been taken to mitigate any likely undue impacts on the amenity of adjacent properties.

An Amenity Impact Statement may be required where a variation to the Performance Criteria of the Policy is proposed. An Amenity Impact Statement will explain how a proposed development will respond to the Objectives and Performance Criteria of the Policy, and put forward planning justification as to why a variation should be considered.

An Amenity Impact Statement is to demonstrate that the proposed variation will not have an undue impact on the amenity of the adjoining properties and the surrounding area. An Amenity Impact Statement may be supported by materials such as photographs, photograph montages, sketches and architectural models.

Advice and assistance in developing an Amenity Impact Statement can be sought from the Town’s Planning, Building and Heritage Services section.”

7.4.4 Building Bulk

Clause 7.4.4 is proposed to be amended to read as follows:

“Where the streetscape character is predominantly single storey ~~and is in a recognised streetscape area~~, any upper storey additions or two storey developments are to reinforce this streetscape pattern, by ~~maintaining a single storey presentation to the street by adequately setting the upper floor back from the street to the satisfaction of the Town. ensuring that the~~ overall bulk and scale of the development as viewed directly from street level is reduced and does not have an undue impact on the streetscape, to the satisfaction of the Town.”

BDADC 2. Streetscape Character Considerations

Clause BDADC 2 (a) is proposed to be amended to read as follows:

“(a) This is to be achieved by considering the existing:

- Housing style;
- Building setbacks (front and side);
- Roof form;
- Building bulk;
- Building height; and
- Building orientation

Note:

Refer to any Residential Streetscapes Policy.”

BDADC 3. Roof Forms

Clause BDADC 3 (a) is proposed to be amended to read as follows:

“(a) This is to be achieved through:

- The use of appropriate materials, colour and roof pitch;
- The use of roof pitches between 30 degrees and 45 degrees (inclusive) being encouraged; and
- The use of lower pitched roofs where they are compatible with existing development and streetscape.

Note:

Concealed roofs can be considered where it is demonstrated that the design of the roof is sympathetic to the existing streetscape, to the satisfaction of the Town.”

BDADC 4. Building Bulk

Clause BDADC 4 is proposed to be amended to read as follows:

“(a) In a predominantly single storey streetscape (where more than 50 per cent of the dwellings in the immediate street block, on the same side of the street that the subject dwelling is located is single storey), new development is required to ~~be single storey~~ minimise the impact of any upper floor at the primary street frontage.

There are several design responses that may achieve this. The following options may be considered but are not limited to:

- single storey additions to the side or rear of the dwelling; or
- inclusion of an appropriate loft within the existing roof space; or
- setting the upper floor back an appropriate distance so that it does not dominate the streetscape when viewed from street level. The appropriate distance will vary with each individual property; or

- concealing the upper floor through the design of the roof; or
- the incorporation of appropriate horizontal and vertical articulation to minimise the impact of the upper floor on the streetscape when viewed from street level.

Notwithstanding the above, any upper floor is to comply with the minimum upper floor street setback requirements specified in clause SADC 5.

Note:

The above are suggestions and are not considered to be the only design responses to minimise the impact of the bulk and scale. It is the applicants' responsibility to appropriately demonstrate that the impact of the upper floor of the building is minimised and does not have an undue impact on the existing streetscape with regard to bulk when viewed from street level.

~~(b) Upper floor components are to be contained within the existing roof space where possible, with adequate light and ventilation being provided.~~

~~(c) In recognised single storey streetscapes, if an upper floor addition cannot be contained within an existing roof space, it is to be built at the rear of the dwelling such that its visual impact on the streetscape is minimised to the satisfaction of the Town.~~

~~(d)~~(b) Any upper floor addition is to be designed to provide relief and articulation contributing to variety and interest in the streetscape by incorporating fenestration (windows), balconies, awnings, verandahs, the use of various building materials, finishes and/or colours or any other architectural features and avoiding large expanses of 'flush' vertical surfaces."

BDADC 5. Building Height

Clause BDADC 5 is proposed to be amended to read as follows:

"Notes:

~~Provisions for two storey development will apply unless the streetscape is identified to have a particular character or single storey streetscape, in which case heights are to be consistent with adjoining dwellings. The maximum height permitted for any single storey development located within the front six metres of a property is to be 3.5 metres (top of external wall height) and 6 metres (top of pitched roof) for a pitched roof development and 4 metres for a concealed roof development.~~

- (1) The above heights are the absolute maximum and are not to be increased, regardless of the length of gable walls or roof ridges as may be permitted under the requirements of the Residential Design Codes; and ."

BDADC 12. Solar Access

In accordance with the Council resolution of 22 April 2008, Clause BDADC 12 is proposed to be amended to read as follows:

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

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

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

Formatting

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

CONSULTATION/ADVERTISING:

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

Advertising of the amended Policy commenced on 13 May 2008 and concluded on 10 June 2008. One submission was received and is summarised in the table below:

Support/Object	Comment	Officer Comments
Not Stated	SADC 1 Streetscape Character - Comments regarding a development on Carr Street that has upset the streetscape character through the interruption of the line of single storey houses.	Noted.
	SADC 3 New Dwellings - Abovementioned development is also not in keeping with bulk and scale of existing dwellings within the streetscape. - Hopes that any future new dwellings/developments are not permitted to do any further damage to the visual ambience of subjects streetscape (Carr Street).	Noted.
	BDADC 4 Building Bulk - Commends Council on guidelines relating to building bulk in that any new development is to be designed to complement, rather than dominate the immediate streetscape and adjacent properties.	Noted.
	BDADC 6 Building Height - With regards to lofts, believes that the words 'is encouraged' is not strong enough to compel adherence, suggest that the words 'is required' be used. Believes that if this is not done single storey streetscapes are likely to be compromised.	Not supported – the Town's Officers believe that the word is encouraged allows for flexibility in those streetscapes that are not predominantly single storey.
	BDADC 9 Visual Privacy - Believes that the word 'should' in relation to private open spaces and habitable rooms of a dwelling and adjacent dwellings be prevented from direct and unreasonable overlooking be replaced with 'have to be' or 'must'.	Not supported – the Town's Officers believe that the word 'should' allows for flexibility in instances where neighbours may agree to variations, as per the Residential Design Codes.
	BDADC 10 Acoustic Privacy - As above the word 'should' needs to be replaced by either 'have to be' or 'must'.	Not supported – as above.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 states:

“Natural and Built Environment

Objective 1.1 Improve and maintain environment and infrastructure

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

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

1.1.4 Minimise negative impacts on the community and environment.”

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

The Town’s Officers are of the opinion that to date the Policy has been operating well; however, there are certain operational aspects of the Policy that can be improved through the implementation of the above amendments. The justification for each of the above new key amendments is outlined below:

Clauses 6.4.1 Streetscape Character, clause SADC 1 Streetscape Character, SADC 2 Alterations and Additions to Existing Dwelling, 7.4.4 Building Bulk, BDADC 2 Streetscape Character Considerations, BDADC 4 Building Bulk, BDADC 5 Building Height

The abovementioned clauses all make reference to maintaining a single storey presentation to the street in predominantly single storey streetscapes. The Town’s Officers have noted during the first 12 months of operation of the Policy that the requirements relating to the maintenance of single storey presentation to the street have created confusion and uncertainty.

The reasoning behind including the requirement was to ensure that the existing bulk and scale of the adjacent area is maintained and enhanced, however, the feedback from both the Town’s Statutory Planning Officers and applicants has been that the wording of the above clauses is too onerous and restrictive and does not necessarily promote housing design of the highest possible quality or manage residential development in a way that recognises the needs of innovative design and contemporary lifestyles, which are two of the aims of the Policy.

In addition to the above the Council has also provided the Town’s Officers with clear direction on how they wish to see the Policy proceed as a result of the feedback received in relation to the Draft Residential Streetscapes Policy.

The Town's Strategic Planning Officers are of the opinion that the proposed amendments made to the wording of the abovementioned clauses provide clear guidance with regard to the intention of the Town in protecting and enhancing the amenity of existing streetscapes, particularly with regard to bulk and scale.

The proposed amendments also allow for flexibility in achieving the aims of the Policy overall and the performance criteria relating to the abovementioned clauses.

SADC 3. New Dwellings

The above clause has been amended to delete reference to compatibility with the bulk and scale (including height, setbacks, roof form, colours and materials).

SADC 5. Street Setbacks

The above clause is proposed to be amended in order to clarify how the appropriate primary ground floor setback for each property is to be determined.

SADC 6. Minor Incursions into the Street Setback Area

This clause has been amended to reflect the requirements relating to balconies in clause SADC 5 relating to Street Setbacks. Clause SADC 5 states that balconies are to be a minimum of 1 metre behind the ground floor setback, however at present clause SADC 6 states that balconies may project into the street setback area. The proposed amendment will provide consistency between the two clauses.

SADC 7. Side Setbacks

The Town's Officers are of the opinion that the current requirement to provide articulation for any portion wall greater than 9 metres is too onerous and creates problems for applicants wishing to extend existing single storey dwellings.

The intention of the requirement was to ensure that the amenity of existing residents is protected and was primarily to ensure that two storey flushed walls in close proximity to adjoining properties were avoided, as they are visually intrusive. Therefore the clause is proposed to be amended to reflect this, which will allow for single storey developments and two storey walls that are compliant with setback requirements to be achieved in an uncomplicated manner, whilst ensuring that the amenity of adjoining residents is protected through the avoidance of two storey flushed walls in close proximity to adjoining properties.

SADC 8. Setbacks of Garages and Carports

The above amendment has been proposed in order to ensure that the amenity of secondary streets is protected and to ensure that garages to secondary streets do not visually dominate the site or the streetscape. The Town's Officers believe this proposed minor amendment is necessary because whilst a street may be one property owners secondary street it is also numerous other property owners and residents primary street.

The amendment to SADC 8 (c) (1) has been proposed in order to allow for flexibility in instances where a garage or carport may not be constructed of materials or have a roof pitch that is compatible to the existing dwelling, but may reduce the visual impact of the carport or garage on the streetscape.

SADC 10. Dual Street Frontages and Corner Sites

The above amendment has been proposed in order to ensure that the requirements relating to upper floor setbacks for sites with dual street frontages and corner sites are consistent with upper floor setbacks to primary street frontages. Whilst the Town's Officers recognise that the requirements for upper floor setbacks for secondary streets and newly created corner lots need to be less than the upper floor setbacks for primary streets in order to ensure that infill development is of the best possible quality, it is also important to ensure that the upper floor of developments with dual street frontages and on corners sites does not visually dominate the secondary street frontage as it is numerous property owners' primary street.

The proposed amendments will ensure that there is distinction between the upper and ground floor to minimise the impact of the upper floor on the streetscape, whilst allowing for the sites to be developed in a manner that allows for the best possible design outcomes and that recognises the needs of innovative design and contemporary lifestyles.

SADC 13. Street Walls and Fences

The above amendment has been proposed in order to provide clear direction for the Town's Officers and applicants where variations may be accepted.

BDADC 3. Roof Forms

The Town's Officers are of the opinion that at present the above clause does not allow for the aims of the Policy to be achieved, particularly those relating to innovative, modern and sustainable design of the highest possible quality as it restricts the roof form of dwellings to pitched roofs. The proposed amendments allow for innovative roof design, whilst ensuring that the amenity of the existing streetscape is preserved and enhanced.

Conclusion

The proposed amendments will aid in achieving the aims of the Policy and also assist in assessing applications in an effective and efficient manner.

The Town has previously advertised the amendments reported to Council on 22 April 2008, however in light of the fact that the previous amendments have not been approved for final adoption by the Council, it is recommended that the Council receives and advertises the further Draft Amended Policy No. 3.2.1 in accordance with the Officer Recommendation, including the re-advertising of the amendments made previously.

9.1.15 Draft Policy Relating to Development Contributions for Infrastructure

Ward:	Both Wards	Date:	8 December 2008
Precinct:	All Precincts	File Ref:	PLA0207
Attachments:	001		
Reporting Officer(s):	E Saraceni		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to Draft Policy relating to Development Contributions for Infrastructure;*
- (ii) *APPROVES IN PRINCIPLE the development of a Policy relating to Development Contributions for Infrastructure, specifically relating to the Leederville Masterplan and West Perth Regeneration Masterplan Areas and any other areas the Council nominates as being appropriate for inclusion; and*
- (iii) *AUTHORISES the Chief Executive Officer to prepare the Policy relating to Development Contributions for Infrastructure.*

COUNCIL DECISION ITEM 9.1.15

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Messina had not arrived at the Meeting at this time.)

PURPOSE OF REPORT:

The purpose of this report is to present the Council with an overview of the appropriate means of incorporating developer contributions into the development of the Leederville Masterplan and West Perth Regeneration Masterplan Areas, and to make a recommendation on the appropriate interim measure for dealing with the matter.

BACKGROUND:

The report outlines the provisions for development contributions within a local government context, how other local authorities incorporate provisions for development contributions into their planning framework, how the Town can incorporate provisions for development contributions into proposed Town Planning Scheme No. 2 and the appropriate interim procedure for dealing with development contributions within the Masterplan Areas (implementation of a Planning Policy).

Proposed Development at Nos. 103 – 105 Oxford Street, Leederville

The Town’s Officers have been in discussions with the owners of the above property, who are proposing a potentially significant development within the Leederville Masterplan Area. As part of these discussions it was noted that the Town would likely require, as a condition of approval, a development contribution for infrastructure to be installed in the area to facilitate the orderly development of the Leederville Masterplan.

The scale and intensity of developments that are likely to occur as part of the implementation of the Leederville Masterplan and also the West Perth Regeneration Masterplan will increase pressure on the existing infrastructure in the subject areas and will result in a need for the upgrading of existing infrastructure and/or new infrastructure within the subject areas.

As a result of the above and the possibility of other significant developments occurring in the Leederville Masterplan Area prior to the Masterplans formal implementation, the Town's Officers noted that there was a need to further investigate the matter of development contributions and the appropriate means of incorporating development contributions into the development of the Leederville Masterplan Area and also the West Perth Regeneration Masterplan Area.

In this respect, the Town's Officers prepared a discussion paper on the matter that was presented to the Executive Management Team Meeting held on 20 November 2008.

DETAILS:

Land developers are responsible for the provision of physical infrastructure including water supply, sewerage and drainage, roads and power and for some community infrastructure including public open space and primary school sites which are necessary for the development. The scope of such contributions is defined in a Western Australian Planning Commission (WAPC) Policy adopted in 1997 which is set out in Planning Bulletin 18 Development Contributions for Infrastructure, attached to this report.

The provisions for development contributions within a local government context are outlined in the Draft State Planning Policy 3.6 (SPP 3.6) relating to Development Contributions for Infrastructure. The Draft Policy was published in May 2008 by the Western Australian Planning Commission and outlines the principles and considerations that apply to development contributions for the provision of infrastructure in new and established areas. The Draft Policy also specifies Model Scheme Text provisions for Development Contributions. The Draft State Planning Policy was reported to Council at its Ordinary meeting held on 24 June 2008, (Item No. 10.1.5) and is summarised below and a copy is included as an attachment to this report.

In addition to the above, provisions for development contributions have been incorporated into the planning framework of other local governments, primarily as part of their respective Town Planning Schemes. As part of this report the Town's Officers have outlined how three metropolitan local governments incorporate provisions for development contributions into their planning framework.

Draft State Planning Policy 3.6 Development Contributions for Infrastructure

The Policy sets out the principles underlying development contributions and the form, content and process for the preparation of a development contribution plan under a local planning scheme. It also includes the WAPC standard requirements for development contributions, model development contribution plan provisions (first advertised in 2000) and a template for a local government strategic infrastructure plan and program.

Under the Draft Policy local government planning schemes will set out the system of charging through development contribution plans. The Draft Policy provides an equitable system for planning and charging development contributions, and provides certainty to developers, infrastructure providers and the community about the charges which apply and how the funds will be spent. Accordingly, it is imperative that a development contribution has a strategic basis and is linked to the local planning strategy and strategic infrastructure plan and program.

The Draft Policy states that development contribution plans are incorporated into schemes via special control areas and that a development contribution plan is to be prepared for a development contribution area. The development contribution area is to be identified on the scheme map. Most importantly, a development contribution plan does not have effect until it is incorporated into a local planning scheme.

Development Contributions can relate to various types of infrastructure, physical and social, and conditions relating to development contributions can be satisfied by:

- the ceding of land for roads, public open space, primary school sites, drainage and other reserves;
- construction of infrastructure works which are transferred to public authorities on completion;
- monetary contributions to acquire land or undertake works by public authorities or others; or
- a combination of the above.

It is important to note that local governments are not to impose development contributions beyond the scope of the Western Australian Planning Commission Policy as prerequisites for rezoning.

The implementation of this Policy will primarily be through local planning strategies, structure plans and local planning schemes and the day to day consideration of zoning, subdivision, strata subdivision and development proposals and application.

Provisions for Developer Contributions in other Local Authorities

The Town's Officers have researched how the City of Cockburn, the City of Swan and the City of Stirling incorporate provisions for development contributions into their planning framework. The results are outlined below:

City of Cockburn

The City of Cockburn incorporates Development Contribution Plans for its six development control areas as part of the City of Cockburn Town Planning Scheme No. 3. Part 6 of the Scheme, Special Control Areas, identifies areas requiring cost contributions, defines the purpose of development contribution areas and provides the general statutory requirements for these areas. The wording is loosely based on that specified in Appendix 2 of Draft SPP 3.6 (Model Text provisions for development contributions).

Schedule 12 of the Scheme text provides individual tables outlining the provisions for each development contribution area. The Participants and Contributions for each development contribution area are outlined in the Cost Contribution Schedule for each area.

The City of Cockburn base its calculations for development contributions on land area.

City of Swan

The City of Swan does not incorporate provisions relating to development contributions within its Scheme, rather it has a Policy relating to the Midland District Drainage Development Reserve Fund. The Policy sets out the application of the drainage contribution fee and the fund administration.

The City of Swan also base its calculations on land area at a rate of \$50,000 per hectare.

City of Stirling

The City of Stirling has provisions for Development Contributions for the Special Beach Development Zone, which are included as Part 4 of Schedule 16 in the City of Stirling District Planning Scheme No. 2. The wording of part 4 of Schedule 16 is based on that specified in Appendix 2 of Draft SPP 3.6 (Model Text provisions for development contributions).

The level of contributions is calculated as follows:

Site additional plot ratio area **X** 50% Infrastructure costs
Total additional plot ratio area

Example:

Development site area (hypothetical site)	3,000m ²
Standard plot ratio	1.5
Proposed plot ratio (excl. 0.5:1 of ground level commercial plot ratio floor space)	2.5
Site additional plot ratio area	$(2.5-1.5) \times 3,000\text{m}^2 = 3,000\text{m}^2$
Total additional plot ratio area	$75,950\text{m}^2 \times 1.0 = 75,950\text{m}^2$
Proportional contribution from development site	$3,000/75,950 = 3.95\%$
Total Infrastructure costs	\$32,754,000
Infrastructure contribution	$3.95\% \times (\$32,754,000 \times 50\%) = \$646,891$
Infrastructure contribution per m ² of site additional plot ratio area	$\$646,891/3,000\text{m}^2 = \215.63 per m^2
Infrastructure contribution per m ² of total site plot ratio area	$\$646,891/7,500\text{m}^2 = \86.25 per m^2

Note: The above table has been copied from the City of Stirling District Planning Scheme No. 2

It is important to note that the Scheme text relating to Development Contributions makes provision for the City to revise the infrastructure costs, which allows for changes to the infrastructure costs as a result of market forces without having to amend the Scheme.

CONSULTATION/ADVERTISING:

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

In addition to the above, any amendment to a local planning scheme prepared or adopted, by a local government, is to be advertised for public inspection for 42 days in accordance with the Town Planning Regulations 1967.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 states:

“Natural and Built Environment

Objective 1.1 Improve and maintain environment and infrastructure

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

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

1.1.4 Minimise negative impacts on the community and environment.”

SUSTAINABILITY IMPLICATIONS:

The incorporation of provisions for development contributions as part of the development of the Leederville Masterplan and West Perth Regeneration Masterplan areas will ensure that the subject areas develop in an orderly and sustainable fashion.

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

The above information has illustrated that there are different levels of documents required for provisions relating to development contributions, that development contributions can occur in different forms and that different methodology in calculating development contributions can be employed.

In light of the above, the Town’s Officers have made the following recommendations in relation to the incorporation of provisions relating to development contributions for the Leederville and West Perth Masterplan areas in proposed Town Planning Scheme No. 2 and the interim practice that should be adopted in relation to developments that may take place within these areas prior to the gazettal of proposed Town Planning Scheme No. 2.

Provisions for Development Contributions under Proposed Town Planning Scheme No. 2

- The section on future Scheme Provisions in the Draft Local Planning Strategy is to be expanded to include provisions for the Leederville Masterplan and West Perth Regeneration Masterplan areas as Special Control Areas.
- The Leederville Masterplan area and West Perth Regeneration Masterplan area are to become Special Control Areas under proposed Town Planning Scheme No. 2.
- Part 6 of the proposed Town Planning Scheme No. 2 is to be entitled - Special Control Areas and address the general requirements relating to the two aforementioned Special Control Areas. The wording is to be in line with the Model Scheme Text provisions specified in Appendix 2 of Draft SPP 3.6. The Special Control Areas will be shown on the Scheme Map as Development Areas and Development Contribution Areas.
- Development Contribution Plans are to be prepared in line with the provisions of Draft SPP 3.6 for the two proposed Development Contribution Areas. These development contribution plans are to specify the following:
 - The Development Contribution Area to which the Development Contribution Plan applies.

- The infrastructure to be funded through the Development Contribution Plan.
- Standard Development Contribution Requirements are outlined in Appendix 1 of Draft SPP 3.6.
- The method of determining the cost contribution of each owner towards the infrastructure to be funded through the Development Contribution Plan. The methodology for developing community infrastructure Development Contribution Plans are outlined in Appendix 3 and Attachments A 3.1, A 3.2 and A 3.3 of Draft SPP 3.6.

Interim Planning Policy

In light of the fact that there are likely to be significant developments proposed in the Leederville Masterplan Area and possibly within the West Perth Regeneration Masterplan Area in the interim period prior to the gazettal of Town Planning Scheme No. 2, it is recommended that the Town develop and implement a Planning Policy.

The Policy will address the elements relating to development contribution plans outlined in the previous section as it will essentially act as a precursor to the provision for development contributions under proposed Town Planning Scheme No. 2. The Policy will address the following:

The Development Contribution Areas

The Policy is to apply to the Leederville Masterplan Area and the West Perth Regeneration Masterplan Area and will essentially act as development contribution plans for both areas. There is also scope for the Council to include other areas that may be appropriate for inclusion in the Policy as a result of the need for a development contribution plan for the subject area.

The infrastructure to be funded through Development Contributions within these areas

Development contribution requirements may be in the form of land contributions, infrastructure works or monetary contributions. Within each of these areas there are various types of infrastructure that can be funded through development contributions, for example:

- A new item of infrastructure, such as new street furniture and street trees along Newcastle and Oxford Streets, way finding signage and pedestrian access paths connecting the icon buildings and each of the different precincts;
- Land for infrastructure, this may include land for – public open space, government primary schools and road widening; and
- An upgrade in the standard of provision of an existing item of infrastructure, such as the provision of car parks, undergrounding of power, the upgrade of footpaths particularly along Oxford and Newcastle Streets, the resurfacing of roads within both areas and the upgrading of water, drainage, sewerage, electricity supply and telecommunication reticulation within the area.

The method of determining the cost contribution of each owner towards the infrastructure to be funded

There are two methods that may be used to determine the cost contribution of each owner, they are land area and plot ratio.

A contribution may be based on land area using the following method:

<u>Total site area of development</u>	X	X% of Infrastructure Costs and Associated
Total site area of Development		Administration Costs of Development
Contribution Area		Contribution Area

Alternatively a contribution may be determined based on plot ratio using the following method:

<u>Site plot ratio area</u>	X	X% of Infrastructure Costs and Associated
Total potential plot ratio area of		Administration Costs of Development
Development Contribution Area		Contribution Area

Note: The Infrastructure Costs and associated Administration Costs are determined by the Town of Vincent. There are further considerations that will need to be considered as part of the development of the methodology, such as the actual infrastructure costs, total potential plot ratio area of the Development Contribution Areas, timing, when the costs are incurred and the increase in administration costs including the employment of Place Managers or additional Officers to manage the Development Contribution Plan.

The Town's Officers recommend that the contributions are calculated using the latter method as it is more appropriate and equitable to apply this method to the subject areas. Contributions based on land area are more appropriate for Greenfield sites as generally there is little to no existing infrastructure and the scale and nature of development is similar.

Conversely, in built up areas such as the Leederville Masterplan and West Perth Regeneration Masterplan Areas, it is more equitable for the calculations to be based on plot ratio as the scale and nature of developments can be vastly different. For example, two lots may be the same size but one may have a development of 5 storeys and the other may be single storey and using a calculation based on land area, the owner with the more intensive use is contributing the same amount as someone with a less intensive use.

In order to determine the infrastructure costs that will be used in the calculation; the Town's Strategic Planning Services will need to work closely with the Town's Technical Services and Corporate Services. In order to determine the final figure for the infrastructure costs, the Town may also need to obtain the services of a consultant with expertise in determining infrastructure and associated costs for the purposes of development contributions as the Town's Officers do not have the appropriate experience and expertise in regard to this matter.

Summary

It is important to note that a Planning Policy will not have as much legal status as the incorporation of provisions for development contributions directly into the Town Planning Scheme. It is possible to amend Town Planning Scheme No. 1 to incorporate provisions for development contributions into the current Scheme, however due to the length of the Scheme Amendment process it is considered more appropriate to incorporate these provisions in proposed Town Planning Scheme No. 2, and to develop and implement a Planning Policy that will adequately address the situation in the interim.

9.1.16 Ouzo Greek Taverna, No. 449 (Lot 103) Charles Street, North Perth – Progress of Investigations Following the Tabling of a Petition on 10 June 2008

Ward:	North	Date:	9 December 2008
Precinct:	North Perth; P8	File Ref:	ENS0092
Attachments:	001		
Reporting Officer(s):	M Fallows		
Checked/Endorsed by:	A Giles; D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Information Report regarding the Town’s investigations of Ouzo Greek Taverna, No. 449 (Lot 103) Charles Street, North Perth, in accordance with the Environmental Protection (Noise) Regulations 1997, and in conjunction with Western Australian Police and the Department of Racing, Gaming and Liquor; and*
- (ii) *NOTES that the matter will be closely monitored until all issues are satisfactorily resolved.*

COUNCIL DECISION ITEM 9.1.16

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Messina had not arrived at the Meeting at this time.)

PURPOSE OF REPORT:

The purpose of this report is to update Council of the recent action taken against the proprietor of Ouzo Greek Taverna, No. 449 (Lot 103) Charles Street, North Perth, since the tabling of a petition on 10 June 2008 regarding unacceptable noise levels, anti-social behaviour, street drinking, and parking availability in the area.

BACKGROUND:

The City of Perth approved commencement of development for No. 449 (Lot 103) Charles Street, North Perth for use as a restaurant (Eating House) on 19 May 1977. This premises has been trading as Ouzo Greek Taverna since 18 March 2005 when the Town’s Health Services granted a *Licence to Conduct an Eating House* to the current proprietor.

At the Ordinary Meeting of Council held on 10 June 2008, a petition (Item 5.1) was reported and is detailed as follows:

“5.1 - Petition received from Mrs S. Moore of Clieveden Street, North Perth along with 23 signatures from residents in the surrounding area requesting that the Town investigates the unacceptable noise levels issuing from the Greek Restaurant at 449 Charles St, North Perth.”

At the Ordinary Meeting of Council held on 24 June 2008, a response by the Town's Officers to the petition tabled on 10 June 2008 was reported (Item 10.1.10) and is detailed as follows:

“OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report regarding Ouzo Greek Taverna Restaurant, located at No. 449 (Lot 103) Charles Street, North Perth and acknowledges the action taken by the Town's Officers and WA Police Services to date, in response to the petition tabled at the Ordinary Meeting of Council held on 10 June 2008, which detailed concerns relating to:*
- (a) *unacceptable noise levels;*
 - (b) *alleged antisocial behaviour and street drinking; and*
 - (c) *parking availability in the area; and*
- (ii) *NOTES that;*
- (a) *further monitoring and enforcement action will be taken as appropriate; and*
 - (b) *a letter will be sent to all petitioners advising of the enforcement action taken to date, on-going monitoring and relevant contact numbers in the event of a complaint/nuisance.”*

DETAILS:

The Town's Health Services, WA Police and the Department of Racing, Gaming and Liquor (DRGL) have been conducting a coordinated investigation into the operations of Ouzo Greek Taverna since May 2008 in relation to amplified music noise, anti-social behaviour and the responsible service of alcohol. These investigations were triggered in response to a complaint being made to the Town and DRGL by a nearby resident.

Following approximately six months of investigation, a decision was made by the Director of Liquor Licensing on 27 November 2008 to vary the conditions of the Restaurant Liquor Licence for Ouzo Greek Taverna. This decision is attached (*see Appendix I*) and includes a summary of the Town's involvement in this case. In relation to the ongoing investigation of breaches of the *Environmental Protection (Noise) Regulations 1997* (which involved various enforcement action being taken by the Town), the Director's decision has resulted in the Licensee no longer being permitted to play amplified music at the restaurant.

CONSULTATION/ADVERTISING:

Nil.

LEGAL POLICY:

- *Environmental Protection (Noise) Regulations 1997; and*
- *Liquor Control Act 1998.*

STRATEGIC IMPLICATIONS:

Town of Vincent Strategic Plan 2006 – 2011:

“Natural and Built Environment

1.1.3 Minimise negative impacts on the community and environment.”

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

SUSTAINABILITY IMPLICATIONS:

Nil.

COMMENTS:

Following the decision of the Director of Liquor Licensing, the Town's Health Services will continue to provide an after-hours noise service to the complainant, and if necessary, take further action under the provisions of the *Environmental Protection (Noise) Regulations 1997*. The Town's Health Services have worked collaboratively with WA Police and DRGL and will continue to provide support and share information in relation to investigations under the provisions of the *Liquor Control Act 1988*.

9.2.2 Further Report - Proposed Traffic and Parking Improvements – Lincoln Street and Bulwer Avenue Highgate, outside Highgate Primary School

Ward:	South	Date:	9 December 2008
Precinct:	Hyde Park P12	File Ref:	PKG0142/TES0043
Attachments:	001		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicker	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report on Proposed Traffic and Parking Improvements in Lincoln Street and Bulwer Avenue, Highgate, outside the Highgate Primary School;*
- (ii) *NOTES that;*
 - (a) *the Town’s Local Area Traffic Management Advisory Group met with the Highgate Primary School’s Traffic Management Working Party;*
 - (b) *both parties agreed on a strategy to refine the concept plans, No. 2584-CP-01C and 2584-CP-01D, as tabled at the meeting; and*
 - (c) *the Local Area Traffic Management Advisory Group and the school representatives considered that a "community workshop" should be held with adjacent residents to further progress the matter;*
- (iii) *APPROVES the Local Area Traffic Management Advisory Group and the Highgate Primary School Traffic Management Working Party conducting a Community Workshop at the Highgate Primary School in February 2009, following the commencement of the new school year, and*
- (iv) *RECEIVES a further report on the outcomes of the ‘community workshop’.*

COUNCIL DECISION ITEM 9.2.2

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Messina had not arrived at the Meeting at this time.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the outcome of the meeting of the Local Area Traffic Management (LATM) Advisory Group and the Highgate Primary School’s Traffic Management Working Party, on a proposal to improve traffic flow and parking improvements on roads in the vicinity of the Highgate Primary School.

BACKGROUND:

Over the years the Town has carried out various improvements within the road reserves to improve traffic safety and parking around schools within the Town. These works have provided an improved amenity for parents and adjoining residents alike.

Following requests by the Highgate Primary School for similar improvements to be carried out adjacent to the school in Lincoln Street and Bulwer Avenue, funds were allocated in the 2006/2007 budget for works in Lincoln Street. Due to the Perth Main Sewer Upgrade project (Stage 6), these works were placed on hold and the funds carried forward to subsequent budgets. The sewer works have subsequently been completed.

Commencing in July 2008, the Town's Technical Services officers have held a series of discussions with the Principal of the Highgate Primary School and representatives from the School's Traffic Management Working Party.

At the initial meeting in July 2008, the school Principal outlined some of the parking and traffic issues facing the school, particularly on Lincoln Street and Bulwer Avenue.

At its Ordinary Meeting of 7 October 2008, the Council received a report of the progress of the discussions with the school and made the following decision:

"That the Council;

- (i) RECEIVES the report on Proposed Traffic and Parking Improvements in Lincoln Street and Bulwer Avenue, Highgate, outside the Highgate Primary School;*
- (ii) NOTES that;*
 - (a) the Town's officers and the school have discussed several improvement proposals and the preferred proposals are outlined in this report;*
 - (b) funds of \$68,500 have been included in the 2008/2009 budget for improvements adjacent to the school; and*
 - (c) the estimated cost of the proposal for Lincoln Street and Bulwer Avenue as outlined on attached Plans No. 2584-CP-01C and 2584-CP-01D is \$90,000; and*
- (iii) REFERS the proposal/s to the Town's Local Area Traffic Management Advisory Group for consideration and invites school representatives to attend the meeting."*

DETAILS:

In accordance with clause (iii) of the Council's decision, the LATM Advisory Group met with the Highgate Primary School's Traffic Management Working Party on Thursday 4 December 2008. Because of the number of school representatives involved, and as it provided an opportunity for the Advisory Group members to gain an understanding of the surrounding road network, the meeting was held at the school.

The aforementioned plans, Nos 2584-CP-01C and 2584-CP-01D, were used as the basis for the discussion.

While members of both Groups made practical suggestions as to how to improve the concept plans the major issue identified in the meeting was that of the need to widen the discussions, not only to include those most affected by the proposal, the adjacent residents, but also the wider community.

A similar process was used successfully for the Kyilla Primary School – Lawler Street Parking Improvements Project in August 2007. It involved a 'workshop' at the school with Kyilla P&C and School Council, residents of Lawler and surrounding streets and a majority of the (then) Council. The end result was broad consensus on the installation of 45° angled parking and streetscape improvements in Lawler Street adjacent to the school while maintaining the two-way traffic flow.

On this basis the LATM Advisory Group resolved to seek the Council's approval to hold a "Community Workshop" at the Highgate Primary School in February 2009 on a date to be determined.

CONSULTATION/ADVERTISING:

It is proposed that in early February 2009, after the commencement of the new school year, a letter, under the dual logos of the Town and Highgate Primary School, will be delivered to the residents of Bulwer Avenue, Lincoln Street (Harley Street to Beaufort Street) and Cavendish Street (Lincoln Street to St Albans Avenue), inviting them to a "Community Workshop" to be held at the school, on a date to be determined.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The 2008/2009 budget includes \$68,500 for improvements in Lincoln Street (in the vicinity of the Highgate Primary School).

The estimated cost of the works as proposed is as follows:

Bulwer Avenue

The cost to implement the works as shown on Plan No. 2584-CP-01C (includes the Lincoln/Cavendish Intersection) is estimated to cost \$58,000.

Lincoln Street:

The cost to implement the works as shown on Plan No 2584-CP-01D (excludes the Lincoln/Cavendish Intersection) is estimated to cost \$32,000.

Therefore, the estimated cost of the overall proposal is \$90,000.

COMMENTS:

The Town was requested to investigate parking and traffic improvements along Lincoln Street and Bulwer Avenue outside the Highgate Primary School. The Town's officers developed several possible options which were subsequently discussed with the school.

The preferred proposal is outlined on Plans No. 2584-CP-01C and 2584-CP-01D.

Having been considered by the LATM Advisory Group as per Council's decision at its Ordinary Meeting of 7 October 2008, it is recommended that the Council approve a "Community Workshop" to be held at the Highgate Primary School in February 2009.

9.3.2 Authorisation of Expenditure For The Period 1 – 30 November 2008

Ward:	Both	Date:	8 December 2008
Precinct:	All	File Ref:	FIN0009
Attachments:	001		
Reporting Officer(s):	Kara Ball		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

- (i) *Schedule of Accounts for the period 1 November – 30 November 2008 and the list of payments;*
- (ii) *direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors; and*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth superannuation plans.*

as shown in Appendix 9.3.2

COUNCIL DECISION ITEM 9.3.2

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Messina had not arrived at the Meeting at this time.)

DECLARATION OF INTEREST

Members/Officers	Voucher	Extent of Interest
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Nil.

PURPOSE OF REPORT:

To seek authorisation of expenditure for the period 1 – 30 November 2008.

BACKGROUND:

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Town of Vincent Advance Account	EFT	\$ 297,668.69
Total Municipal Account		\$ 297,668.69
Advance Account		
Automatic Cheques	64174-64357	\$ 405,817.03
EFT Batch		\$0.00
Municipal Account		
Transfer of Creditors by EFT Batch	852,853, 855-858, 860-863	\$1,431,822.97
Transfer of PAYG Tax by EFT	November 2008	\$193,623.50
Transfer of GST by EFT	November 2008	\$0.00
Transfer of Child Support by EFT	November 2008	\$751.42
Transfer of Superannuation by EFT:		
• City of Perth	November 2008	\$30,266.45
• Local Government	November 2008	\$108,800.14
Total		\$2,171,081.51
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$7,265.71
Lease Fees		\$3,419.33
Corporate Master Cards		\$11,417.02
Folding Machine Lease Equipment		\$0.00
Trace Fees – Audit Certificate		
Loan Repayment		\$58,131.94
Rejection Fees		\$10.00
System Disk Fee		\$0.00
Beatty Park - miscellaneous deposit		\$0.00
Total Bank Charges & Other Direct Debits		\$80,244.00
Less GST effect on Advance Account		-\$23,558.00
Total Payments		\$2,525,436.20

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 – Key Result Area 4.2 – Governance and Management

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

ADVERTISING/CONSULTATION:

Nil.

COMMENT:

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

9.3.4 Lease For North Perth Playgroup – Lease of Premises at 15 Haynes Street (Corner Sydney Street) North Perth

Ward:	North	Date:	8 December 2008
Precinct:	North Perth (8)	File Ref:	PRO4280
Attachments:	-		
Reporting Officer(s):	Mia Knott		
Checked/Endorsed by:	Mike Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES a five (5) year lease from 1 January 2009 to 31 December 2013 over the premises at 15 Haynes Street, North Perth being granted to the North Perth Playgroup Inc subject to final satisfactory negotiations being carried out by the Chief Executive Officer; and*
- (ii) *AUTHORISES the Chief Executive Officer and Mayor to sign the Lease and affix the Council's Common Seal.*

COUNCIL DECISION ITEM 9.3.4

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Messina had not arrived at the Meeting at this time.)

PURPOSE OF REPORT:

The purpose of this report is to provide Council with details regarding the North Perth Playgroup lease of the premises at 15 Haynes Street and their request for an extension of the lease.

BACKGROUND:

The North Perth Playgroup Inc has held a lease/licence over the premises located at 15 Haynes Street, North Perth for a period of ten years, the current lease expires on 31 December 2008. The lessee has occupied the Town's property in a satisfactory manner and no problems have been experienced.

DETAILS:

The North Perth Playgroup has occupied the premises in the last ten years from 1 January 1998 ensuring that it is well maintained and kept clean at all times. The group has added to the facility over time through the construction of a climbing frame, a new sandpit, a concrete bike track and the continual updating of toys and activities. All this having been funded by either Lotteries Commission Grants or through the efforts of all the families in the form of busy bees to help in the construction and the minimisation of costs. The group is non-profit and is a member of belongs to the Playgroup Association of WA.

The group wishes to apply for more funding to upgrade the facility.

The service is well patronised by the local community servicing approximately 110 families every week. The Playgroup also caters for the culturally and linguistically diverse, and currently runs three Japanese playgroup sessions which make up approximately 20% of their total families.

It is recommended that they be allowed to continue to use the premises under a five year lease arrangement. The group will be requested to submit their constitution, operating and financial statements for assessment as part of the negotiations.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

The Town's Administration has recently reviewed its standard lease and made changes, as recommended by the Town's Solicitor. This standard lease will be used for these premises.

Town of Vincent Policy 1.2.8 – Policy Statement:

1. Any new lease granted by the Council shall usually be limited to a five year period, and any option to renew shall usually be limited to no more than a ten year period.
2. Council may consider longer periods where the Council is of the opinion that there is benefit or merit for providing a longer lease term.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011– Strategic Objectives: Progress Economic Development with Adequate Financial Resources:

“...2.1.6 Develop business strategies that provide a positive triple bottom line return for the Town:

- (a) *Review leases and commercial contracts to ensure the best for the Town whilst being cognisant of its community service obligations.”*

SUSTAINABILITY IMPLICATION:

N/A

FINANCIAL/BUDGET IMPLICATIONS:

The North Perth Playgroup currently pays annual lease fees of \$777.14.

COMMENTS:

It is recommended that the Council approves a new lease extension to the North Perth Playgroup Inc. for a period of five (5) years from 1 January 2009 to 31 December 2013.

9.4.2 Minutes of the Annual General Meeting of Electors held on 8 December 2008

Ward:	Both	Date:	10 December 2008
Precinct:	All	File Ref:	ADM0009
Attachments:	001		
Reporting Officer(s):	R. Lotznicker		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES and CONFIRMS the Minutes of the Annual General Meeting of Electors held at 6.00pm on Monday 8 December 2008, attached at Appendix 9.4.2; and*
- (ii) *NOTES that a further report will be submitted to the Council in early 2009 concerning the relevant Motions carried at the Meeting.*

COUNCIL DECISION ITEM 9.4.2

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Messina had not arrived at the Meeting at this time.)

PURPOSE OF REPORT:

The purpose of the report is for the Council to receive and confirm the Minutes of the Annual General Meeting of Electors held on 8 December 2008 and consider any decisions made at the meeting.

BACKGROUND:

The Annual General Meeting of Electors of the Town of Vincent was held on Monday 8 December 2008 at 6.00pm. It was attended by three (3) Electors and four (4) Councillors, as shown in the Attendance Register attached to the Minutes.

DETAILS:

It is standard practice for the Minutes of the Meeting of Electors to be presented to the Council for information. In accordance with the Local Government Act 1995, Section 5.33, all decisions taken at Electors Meetings are required to be considered at the next Ordinary Meeting of the Council.

The Minutes are attached for the information of the Council. The following decisions were taken at that meeting.

1. Moved Cr Maier, 51 Chatsworth Road, Highgate (on behalf of Alison Harvie, from 26 Franklin Street, Leederville), Seconded Cr Ker, 92 Vincent Street, Mount Lawley.

"Requests that the Town consider introducing a mechanism for rate payers to display signs on their verges which discourage parking on the verge similar to the old “registered lawn” signs."

Note: Cr Ker drew attention to a Motion approximately 18 months ago to encourage people to maintain their verges.

Chief Executive Officer Comments:

It is not legally valid for a motion to be moved on behalf of another person who is not in attendance at the Annual General Meeting of Electors.

The Presiding Person (Mayor Catania) accepted the motion.

The matter raised will however be investigated by the Town's Administration.

CARRIED (2 ELECTORS
4 COUNCILLORS)

2. Moved Cr Maier, 51 Chatsworth Road, Highgate (on behalf of Louis Zampogna, 1/177 Carr Place Leederville), Seconded Cr Lake, 51 Chatsworth Road, Highgate.

- "1. That this meeting notes the significant social impact on some residents of limiting visitor permits in areas affected by parking restrictions.**
- 2. That the Town review the Residential and Visitors Parking Permits policy with the view to increasing the number of visitor and resident parking permits available to resident, particularly addressing the needs of families and residents in units and terraced housing."**

Chief Executive Officer Comments:

It is not legally valid for a motion to be moved on behalf of another person who is not in attendance at the Annual General Meeting of Electors.

The Presiding Person (Mayor Catania) accepted the motion.

The matter raised will be investigated by the Town's Administration.

CARRIED (2 ELECTORS
4 COUNCILLORS)

3. Moved Marie Slyth, 89 Carr Street West Perth, Seconded Colin Scott, 17 Deague Court, North Perth.

"That the Town considers a greater promotion of precinct groups."

CARRIED (2 ELECTORS
4 COUNCILLORS)

Chief Executive Officer's Comments:

The Town's administration will investigate this matter and provide a report to the Council in early 2009.

4. Moved Colin Scott, 17 Deague Court, North Perth. Seconded Cr Noel Youngman, 27 Galway Street Leederville.

"That the Town investigate the initiation of a 10 year plan for Charles Veryard Reserve to bring it up to an A-Class facilities and clubrooms that the community can have access into."

CARRIED (2 ELECTORS
4 COUNCILLORS)

Chief Executive Officer's Comments:

The Town's administration will investigate this matter and provide a report to the Council in early 2009.

5. Moved Cr Sally Lake, 51 Chatsworth Road, Highgate (on behalf of a group of residents who volunteer at Robertson Park), Seconded Cr Ian Ker, 92 Vincent Street, Mount Lawley.

"That the Town give consideration to the preparation of a Weed Management Strategy for Robertson Park to assist the considerate volunteer effort by residents in maintaining the wetland."

Chief Executive Officer Comments:

It is not legally valid for a motion to be moved on behalf of another person who is not in attendance at the Annual General Meeting of Electors.

The Presiding Member (Mayor Catania) accepted the motion.

The matter raised will be investigated by the Town's Administration.

CARRIED (2 ELECTORS
4 COUNCILLORS)

The following matters were also discussed at the meeting;

- 4.2 Marie Slyth from 89 Carr Street, West Perth spoke on the following matters:

- (i) Stated that she found it hard to believe that it was two years since she was a recipient of a Certificate of Appreciate from the Town of Vincent for her efforts in helping to fend off a large part of the takeover from the City of Perth. Stated a lot had changed since then and she finds it distressing that Council is starting to renege on a number of promises contained in Vincent Vision 2024, specifically the streetscape policy.

Stated that she wanted to move a motion for Council to apologise to then many ratepayers who gave so much of their time to voluntarily work assisting the Council on planning for the Vincent Vision 2024 – as it seems to be disappearing and believes a number of new Councillors wouldn't be aware of the work involved.

Stated that the outcomes of Vincent Vision 2024, should be outlined in the "Welcome Pack" provided to new ratepayers of the Town. Also believed the Town should advertise that "Welcome Pack" is available.

- (ii) Advised that she carried out a door knock of her street and found that a large number of the community are becoming dissatisfied with Council's neglect of the streets and street cleaning.
- (iii) Considered that part of the recent Federal Government Infrastructure funding should be used to upgrade Walters Brook.

Note: *The Presiding Member, Mayor Nick Catania advised that the Council had already decided where this funding would be utilised.*

- (iv) Queried whether the Town's Christmas Carols were happening this year.

Note: The Presiding Member, Mayor Nick Catania advised that the Christmas Carols will again be held at Hyde Park and are organised by the Perth City Mission with assistance from the Town.

4.3 Colin Scott of 17 Deague Street, North Perth spoke on the following matters:

- (i) Referred to comments made by Marie Sylth in relation to Vincent Vision 2024 and the time given. Stated unfortunately if someone has given their time and it does not work out then they need to try again. Also in relation to the Town's welcome package (which he has seen possibly 18 months ago), considered they were quite comprehensive however believed they should be reviewed yearly.

- (ii) Stated a "point of order" about making these meetings as user friendly/low key as possible. Stated it is the only Annual General Meeting he has been to that does not open with the moving of the previous meeting nor were the meetings passed onto him as an attendee of the last meeting. Requested the Minutes be sent out.

Note: (i) The Presiding Member, Mayor Nick Catania requested that copies of the minutes be made available at the next Annual Meeting of Electors.

(ii) The Local Government Act and Regulations prescribe the context of the meeting for the Annual General Meeting of Electors. This requires the decisions of the Annual General Meeting to be reported to the next Ordinary Meeting of Council (after the Annual General Meeting) and for the Council to consider any decisions made at the Annual General Meeting. It has been the practice of the Town to report the Minutes to the Meeting.

- (iii) Referred to a Motion in 2006 regarding paid advertisements in local newspapers. Stated that two years on he is seeing a two page ad by the City of Stirling in a local newspaper and is wondering whether, in view of the previous Motion, the Town could put out "common speak" rather than technical paid ads that are seen in local newspapers.

- (iv) Queried the 1/12th share owned in Tamala Park which is a potential revenue stream into the Town and stated he believed that the Town will soon receive some funds. Queried how could ratepayers, particular those who had been in the Town since its inception, could have a say on how the revenue could be used.

- (v) Requested a review of the "Wetlands Heritage Trail" concept and believed it should be reinvigorated. Advised he had just been to Queensland and advised that wherever he walked over there, there were boardwalks and sunny trails. Queried if it was possible for the trail to be reinvigorated as a potential plan again?

The Acting Chief Executive Officer, Rick Lotznicker advised that the Council had previously adopted a long term implementation plan for the Wet Lands Heritage Trail/Greenway and that several projects are funded in the 2008/2009 budget and that further stages of the trail will be considered by the Council during the 2009/2010 budget deliberations.

CONSULTATION/ADVERTISING:

Notice of the Annual General Meeting of Electors was advertised in a local newspaper (*"Guardian Express"*) and *"The West Australian"* Newspaper. Notices were displayed on all notice boards. It was also displayed on the Town's website.

The Minutes are attached for the information of the Council.

LEGAL/POLICY:

The Local Government Act 1995 states;

"5.27 (1) A general meeting of the electors of a district is to be held once every financial year.

(2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year."

"5.33 (1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable -

- (a) at the first ordinary meeting after that meeting; or*
- (b) at a special meeting called for that purpose,*

whichever happens first.

(2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting."

STRATEGIC IMPLICATIONS:

Nil.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil at this stage. Once the various matters have been investigated, indicative costs will be known.

COMMENTS:

The various matters raised at the Annual General Meeting of Electors will be investigated and appropriate reports will be submitted to the Council in early 2009.

9.4.3 Information Bulletin

Ward:	-	Date:	10 December 2008
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Radici		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 16 December 2008, as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 9.4.3

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Messina had not arrived at the Meeting at this time.)

DETAILS:

The items included in the Information Bulletin dated 16 December 2008 are as follows:

ITEM	DESCRIPTION
IB01	Department of Local Government and Regional Development Circular No. 07-2008 from Minister for Local Government; Heritage; Citizenship and Multicultural Interests in regards to Preservation of Mature Trees on Public and Private Land.
IB02	Letter from State Administrative Tribunal (SAT) regarding Matter No. DR/372 of 2008 – Govardhan v Town of Vincent (No. 560 (Lot 4) Beaufort Street, Mount Lawley)
IB03	Letters of Congratulations (Five (5)), regarding the Town's Angove Street (Cappuccino) Festival
IB04	The 9 th International Cities, Town Centres and Communities (ICTC) 2008 Society Conference – Conference Report – Director Development Services (ADM0031)
IB05	The 9 th International Cities, Town Centres and Communities (ICTC) 2008 Society Conference – Conference Report – Councillor Ian Ker
IB06	Forum Notes - 9 December 2008
IB07	Notice of Special Forum - 22 December 2008

9.1.4 Nos. 212-214 (Lot 6 D/P: 384) Lake Street corner Amy Street, Perth - Change of Use from Shop to Eating House and Ancillary and Incidental Shop and Associated Alterations (Application for Retrospective Approval) (Reconsideration of Previous Cash-in-lieu Condition)

Ward:	South	Date:	8 December 2008
Precinct:	Hyde Park; P12	File Ref:	PRO0137; 5.2008.570.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
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 application submitted by Planning Solutions (Aust) on behalf of the owner M Poncini for Change of Use from Shop to Eating House and Ancillary and Incidental Shop and Associated Alterations (Application for Retrospective Approval) at Nos. 212-214 (Lot 6 D/P: 384) Lake Street, corner Amy Street, Perth, and as shown on plans stamp-dated 26 September 2008, subject to the following conditions:

- (i) *within twenty – eight (28) days of the issue date of this ‘Approval to Commence Development,’ the owner(s), or the applicant on behalf of the owner(s) shall comply with the following requirements:*
 - (a) *pay a cash-in-lieu contribution of \$15,820 for the equivalent value of 5.65 car parking spaces, based on the cost of \$2,800 per bay as set out in the Town’s 2008/2009 Budget; OR*
 - (b) *lodge an appropriate assurance bond/bank guarantee of a value of \$15,820 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*
 - (1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
 - (2) *to the owner(s)/applicant following receipt by the Town with a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject ‘Approval to Commence Development,’; or*
 - (3) *to the owner(s)/applicant where the subject ‘Approval to Commence Development,’ did not commence and subsequently expired.*

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

- (ii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*

- (iii) *the public floor area of the eating house shall be limited to 64 square metres;*
- (iv) *the windows, doors and adjacent floor area facing Lake Street shall maintain an active and interactive frontage to Lake Street ;*
- (v) *prior to the first occupation of the development, one (1) class 1 or 2 bicycle parking facility plus three (3) class 3 bicycle parking facility shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities; and*
- (vi) *within twenty-eight (28) days of notification of this Planning Approval, a Building Licence shall be submitted demonstrating the building complying with the provisions of the Building Code of Australia for a Class 6 Building.*

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Youngman

That:

1. *clause (i) be deleted; and*
2. *a new clause (i) be added as follows:*
 - “(i) *the hours of operation for the eating house shall be limited to 7 am to 6 pm on Sunday to Saturday, inclusive;”*

Debate ensued.

AMENDMENT PUT AND CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Messina had not arrived at the Meeting at this time.)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Messina had not arrived at the Meeting at this time.)

Cr Youngman departed the Chamber at 7.24pm.

REASONS FOR SUBSTANTIVE CHANGE:

1. **It was examined by the Officers as an eating house and health inspections were carried out over several years;**
2. **The premises has operated for a number of years without complaint; and**
3. **That conditions can be applied to maintain the current nature of the business without increasing intensification, or causing complaint to local residents.**

COUNCIL DECISION ITEM 9.1.4

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 Planning Solutions (Aust) on behalf of the owner M Poncini for Change of Use from Shop to Eating House and Ancillary and Incidental Shop and Associated Alterations (Application for Retrospective Approval) at Nos. 212-214 (Lot 6 D/P: 384) Lake Street, corner Amy Street, Perth, and as shown on plans stamp-dated 26 September 2008, subject to the following conditions:

- (i) the hours of operation for the eating house shall be limited to 7 am to 6 pm on Sunday to Saturday, inclusive;*
- (ii) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (iii) the public floor area of the eating house shall be limited to 64 square metres;*
- (iv) the windows, doors and adjacent floor area facing Lake Street shall maintain an active and interactive frontage to Lake Street ;*
- (v) prior to the first occupation of the development, one (1) class 1 or 2 bicycle parking facility plus three (3) class 3 bicycle parking facility shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities; and*
- (vi) within twenty-eight (28) days of notification of this Planning Approval, a Building Licence shall be submitted demonstrating the building complying with the provisions of the Building Code of Australia for a Class 6 Building.*

Landowner:	M Poncini
Applicant:	Planning Solutions (Aust) Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
Existing Land Use:	Single House and Shop
Use Class:	Eating House and Shop
Use Classification:	"SA"
Lot Area:	612 square metres
Access to Right of Way	Eastern side, 4.4 metres wide, sealed, Town owned

BACKGROUND:

7 October 2008

The Council at its Ordinary Meeting approved an application for change of use from shop to eating house and ancillary and incidental shop and associated alterations (application for retrospective approval) subject to a number of conditions.

DETAILS:

The applicant has requested the deletion of the following condition (i) of the approval granted at the Ordinary Meeting of Council held on 7 October 2008:

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

- (a) *pay a cash-in-lieu contribution of \$15,820 for the equivalent value of 5.65 car parking spaces, based on the cost of \$2,800 per bay as set out in the Town's 2008/2009 Budget; OR*
- (b) *lodge an appropriate assurance bond/bank guarantee of a value of \$15,820 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*
 - (1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
 - (2) *to the owner(s)/applicant following receipt by the Town with a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development,'; or*
 - (3) *to the owner(s)/applicant where the subject 'Approval to Commence Development,' did not commence and subsequently expired.*

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

In a letter dated 5 December 2008 the applicant explained the reason for this request for reconsideration of condition (i). An extract from this letter is provided verbatim below:

"The purpose of the application is to seek Council's consideration to delete condition (i) of their approval dated 22 October 2008, and re issue the approval on the basis that the decision was made without all of the facts.

In particular, a Building Licence issued on 18 August 2005 for an "Internal Fit-Out to existing Cafe" and an application for approval to commence development lodged with the Town on 11 August 2005 for a kitchen fit-out, which was not required.

Central to this issue is the fact that the Building Licence issued was for an "existing Cafe". This seems to have been ignored in your response.

*The City has previously advised the premises is approved for an 'Eating House – Tea Rooms', and further advises that such a licence **does not** provide for the cooking and serving of meals on the premises. An 'Eating House – Restaurant' does however provide for this activity.*

That being said, a submission letter which formed part of the 2005 Building Licence, and is stamped as approved, advised that cooking will be undertaken on the premises. It is also noted that an oven with extractor hood was included in the scope of works. Therefore, it was clearly intended and disclosed to the Town at the time that the cooking and serving of meals would occur on the premises, consistent with an 'Eating House – Restaurant' licence and 'Eating House' definition in the Scheme."

In response to the issued raised in the above correspondence it is the Officer's opinion that the 2005 Building Licence does not constitute Planning Approval for the 'Eating House' use under the Town's TPS No. 1. Therefore the Planning Approval, which was granted by the Council at its Ordinary Meeting held on 7 October 2008, is required for the formal recognition of the subject property as an 'Eating House' under the Town's TPS No. 1.

Furthermore the applicant argues that the Building Licence and Metropolitan Region Scheme (MRS) Form 1 (Planning Application) for kitchen-fit clearly demonstrates the intention and discloses that cooking will be undertaken on the premises, which is consistent with the definition of "Eating house" as opposed to "Shop" under the Town's Town Planning Scheme No. 1 (TPS No. 1). The MRS Form 1 dated 9 August 2005, which was enclosed within the Building Licence application does not constitute a Planning Approval nor does it imply that the Town in the past determined that such approval was not necessary. As per clause 33 of the Town's Town Planning Scheme No. 1 Planning Approval may not be required for building works for the improvement or other alterations where those works affect only the buildings interior. The proposed Building Licence application and MRS Form 1 were for internal improvement 'works' with no reference to an approved land use. Specifically the 2005 Building Licence Application stated that the works were for *"upgrading kitchen areas from existing wooden cupboards and benches to all stainless steel units"*. Similarly the MRS Form 1 stated that the works were for *"replacing kitchen benches, sinks, utensils with stainless steel units to facilitate mire hygienic conditions"*.

In light of the above deliberations, the Officers advised the applicant that the Planning Approval, which was granted by the Council at its Ordinary Meeting held on 7 October 2008, is required for the formal recognition of the subject property as an 'Eating House' under the Town's TPS No. 1. As the owner was under the impression that the "Eating House" use had all the necessary Planning Approvals from the Town and is now faced with a significant cash-in-lieu contribution requirement, it was recommended that an application be submitted for reconsideration of the cash-in-lieu condition. In consideration of the above further argument that the "Eating House" is already an approved use the applicant has presented an alternative recommendation for consideration by the Council, which is presented below:

"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 Planning Solutions (Aust) on behalf of the owner M Poncini for an existing Eating House and Ancillary and Incidental Shop and Associated Alterations, without the requirement for cash-in-lieu for car parking at Nos. 212-214 (Lot 6 D/P: 384) Lake Street, corner Amy Street, Perth as the use is an existing approved use."

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

ASSESSMENT:

The Assessment Table contained in the report for Item 10.1.3, which was considered at the Ordinary Meeting of Council held on 7 October 2008 remains the same.

COMMENTS:

After consideration of the relevant adjustment factors the subject development has a car parking shortfall of 5.65 car parking spaces. After noting that there are no specific problems attributed to Tarts Café in relation to car parking and as Tarts is an important component of the Town's vitality this shortfall was approved at the Ordinary Meeting of Council held on 7 October 2008, subject to a cash-in-lieu contribution. The cash-in-lieu contribution condition is in line with the Town Officers' standard practice and it is not considered that this requirement should be waived in this instance.

Therefore it is recommended that the request for the deletion of previous condition (i) relating to a cash-in-lieu contribution not be granted as per the Officer Recommendation.

Conclusion

The above deliberations are not seen to be replacing the owner's responsibility to provide on-site parking, but rather as a mechanism to enable this otherwise desirable development to be maintained. It is considered that Tarts is an important component of the Town's vitality and that the application for retrospective approval should be granted as per the Officer Recommendation.

9.1.12 No. 77 (Lot: 9 D/P: 185) Raglan Road, Mount Lawley – Street/Front Fence Addition to Existing Single House (Application for Retrospective Approval)

Ward:	South	Date:	10 December 2008
Precinct:	Norfolk; P12	File Ref:	PRO3348; 5.2008.517.1
Attachments:	001		
Reporting Officer(s):	D Bothwell		
Checked/Endorsed by:	D Abel	Amended by:	Rick Lotznicker, John Giorgi

ACTING CHIEF EXECUTIVE 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 T Fehlberg for Street/Front Fence Addition to Existing Single House (Application for Retrospective Approval), at No. 77 (Lot: 138 D/P: 1237) Raglan Road, Mount Lawley, and as shown on plans stamp-dated 30 October 2008, subject to nil conditions.

OFFICER RECOMMENDATION:

(i) ~~*That;*~~

~~*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by the owner T Fehlberg for Street/Front Fence Addition to Existing Single House (Application for Retrospective Approval), at No. 77 (Lot: 138 D/P: 1237) Raglan Road, Mount Lawley, and as shown on plans stamp-dated 30 October 2008, for the following reasons:*~~

~~(a) *the development is not consistent with the orderly and proper planning and preservation of the amenities of the locality;*~~

~~(b) *the non-compliance with clause SADC 13 of the Town's Policy No. 3.2.1 relating to Residential Design Elements, which requires street walls and fences within the primary street setback area, including along the side boundaries, to be a minimum of fifty percent visually permeable above 1.2 metres; and*~~

~~(c) *the street walls and fences requirement proposed to be varied are as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements; and*~~

~~(ii) *the Council advises the owner that the unauthorised street/front fence shall be removed within twenty-eight (28) days of notification, and the Council AUTHORIZES the Chief Executive Officer to proceed with legal proceedings should the above street/front fence remain after this twenty-eight (28) days period.*~~

COUNCIL DECISION ITEM 9.1.12

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

MOTION PUT AND CARRIED (6-0)

(Cr Doran-Wu on approved leave of absence. Cr Messina had not arrived at the Meeting at this time. Cr Youngman was absent from the Chamber and did not vote.)

Landowner:	T Fehlberg
Applicant:	T Fehlberg
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:	396 square metres
Access to Right of Way	N/A

BACKGROUND:

24 November 2008 The Town under delegated authority from Council granted conditional approval for the partial demolition of and alterations to existing single house and construction of an additional two-storey single house.

5 October 2008 The Town under delegated authority from Council approved amended plans stamp dated 24 August 2007 that were submitted as part of the amended Building Licence Application which varied from the respective Planning Approval plans.

20 October 2008 The Town under delegated authority from Council approved amended plans stamp dated 18 September 2008 which were submitted as part of the amended Building Licence Application which varied from the respective Planning Approval plans.

20 October 2008 After a sight inspection by the Town's Officers it was revealed that there was an existing fence within the street/front setback area which was non-compliant with the Town's street walls and fencing requirements. The owner had 14 days to modify the fence or conversely apply for retrospective Planning Approval.

DETAILS:

The application involves street/front fence addition to existing house (application for retrospective approval).

The applicant's submission is "*Laid on the Table*", and can be summarised as follows:

- The fence provides privacy for those coming and going to the rear allotment;
- Provides boundary to open space/recreation/entertainment area and provides security and privacy to the adjoining walkway;
- The fence does not impede the view of the next house (No. 73 Raglan Road) as their property is 45 cm above the pathway and bounded by retaining wall 750 millimetres high;
- There is a barbeque folly midway along the 6.5 metre long fence; and
- The fence appears modest in bulk and size when viewed from the street and blends in well with the front fence.

ASSESSMENT:

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

<p>Policy No. 3.2.1 relating to Residential Design Elements.</p>	<p>Maximum height of solid portion of wall to be 1.2 metres above adjacent footpath level and a minimum of fifty percent visually permeable above 1.2 metres.</p>	<p>The subject fence is on the eastern side of the front garden. The height of the subject fence varies from 1.450 metres at street level to 1.665 metres as the natural ground level slopes down to the rear of the property. The subject fence is a total of 6.55 metres in length and has two openings which are 0.92 metres in length with wrought- iron inserts which are a minimum of 50 per cent visually permeable above the allowable 1.2 metres.</p>	<p>Not supported — undue impact on streetscape. Supported. <u>Supported – no undue impact on streetscape or surrounding amenity.</u></p>
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Consultation Submissions

The application was not advertised as the Officer Recommendation is for refusal.

Other Implications

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

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

COMMENTS:

The Town’s Residential Design Elements Policy requires that the solid portion of street walls and fences within the primary street setback area, including along the side boundaries to have a maximum height of 1.2 metres above adjacent footpath level and a minimum of fifty percent visually permeable above 1.2 metres. As variations to the street walls and fences requirements are contained in the Town’s Policy relating to Non-Variations of Specific Development Standards and Requirements it is not supportable at **Planning** Officer level.

~~In light of the above, it is recommended that the Council refuse the street/front fence and authorise the Chief Executive Officer to commence legal proceedings if the unauthorised fence is not removed within 28 days, as per the Officer recommendation.~~

Acting Chief Executive Officer Comments:

The Acting Chief Executive Officer and Chief Executive Officer have further reviewed the development application, and has amended the report to recommend APPROVAL of the application, having consideration of:

- the applicant’s submission;
- other similar front/street fences along Raglan Road;
- the fence has been finished in an attractive and professional manner;
- the fence is in keeping with the existing dwelling and the Raglan Road streetscape;
- the Council has discretion to vary the street walls and front fences requirements specified in the Town’s Policy relating to Non-Variation of Specific Development Standards and Requirements; and
- the variation will not unduly affect the streetscape or surrounding amenity.

In light of the above, changes have been made to the report shown by strikethrough and underline.

9.1.1 Further Report - No. 5 (Lot 168 D/P: 2001) Gardiner Street, East Perth - Proposed Partial Demolition of, and Alterations and Additions to Existing Garage of Existing Single House

Ward:	South	Date:	9 December 2008
Precinct:	Banks; P15	File Ref:	PRO3754; 5.2008.434.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	D Abel	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 amended application submitted by owner L Stankoski for proposed Partial Demolition of, and Alterations and Additions to Existing Garage of Existing Single House, at No. 5 (Lot 168 D/P: 2001) Gardiner Street, East Perth, and as shown on amended plans stamp-dated 4 December 2008, subject to the following conditions:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *any new street/front wall, fence and gate within the Gardiner Street setback area, including along the side boundaries within this street setback area, shall comply with the following:*
 - (a) *the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
 - (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iii) *first obtaining the consent of the owners of No. 3 Gardiner Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing of No. 3 Gardiner Street in a good and clean condition;*

(iv) *prior to the issue of a Building Licence, a Section 70A Transfer of Land Act 1893 Notification being registered against the Certificate of Title for the land advising proprietors or prospective proprietors of the existence of the following conditions which affect the use or enjoyment of the garage and studio structure on the land:*

- (a) *the garage and studio structure shall not be used for industrial, commercial, sleeping or accommodation purposes;*
- (b) *the garage and studio structure shall not be used or rented out as a separate dwelling to the main dwelling; and*
- (c) *the garage and studio shall be used for the sole personal use of the inhabitants of the main dwelling only.*

This notification shall be prepared and registered by the Town's Solicitors or other Solicitors agreed upon by the Town at the cost of the applicant/owner; and

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

- (a) *the proposed southern boundary fence/wall being a maximum height of 1.8 metres as per the Town's Fencing Local Law 2008;*
- (b) *the northern elevation of the proposed studio portion of the structure being setback a minimum 1.5 metres from the northern boundary;*
- (c) *a landscaping strip being provided on the portion of retained land in front of the studio windows on the southern side of the portico and the walkway along the southern side of the studio to ensure these areas are not used as active habitable spaces. Details of the landscaping shall be submitted and approved prior to the issue of a Building Licence. The landscaping details shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (d) *the windows on the eastern elevation of the studio, within the 6 metre cone of vision to the southern and northern boundaries OR the two privacy screens extending from the eastern elevation of the studio 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. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be a major opening as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 3 and 7 Gardiner Street, stating no objection to the respective proposed privacy encroachment.*

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 Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Cr Youngman returned to the Chamber at 7.26pm.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Farrell

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

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

- (a) the proposed southern boundary fence/wall being a maximum height of 1.8 metres as per the Town's Fencing Local Law 2008;*
- (b) the northern elevation of the proposed studio portion of the structure being setback a minimum 1.5 metres from the northern boundary;*
- (c) a landscaping strip being provided on the portion of retained land in front of the studio windows on the southern side of the portico and the walkway along the southern side of the studio to ensure these areas are not used as active habitable spaces. Details of the landscaping shall be submitted and approved prior to the issue of a Building Licence. The landscaping details shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (d) the windows on the eastern elevation of the studio, within the 6 metre cone of vision to the southern and northern boundaries OR the two privacy screens extending from the eastern elevation of the studio 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. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be a major opening as defined in the Residential Design Codes 2008; OR that there will be no overlooking from the studio, within the 6 metre cone of vision, to the adjoining properties to the north and south. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 3 and 7 Gardiner Street, stating no objection to the respective proposed privacy encroachment.*

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

AMENDMENT PUT AND CARRIED (7-0)

(Cr Doran-Wu on approved leave of absence. Cr Messina had not arrived at the Meeting at this time.)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (4-3)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Ker
Cr Burns	Cr Lake
Cr Farrell	Cr Youngman
Cr Maier	

(Cr Doran-Wu on approved leave of absence. Cr Messina had not arrived at the Meeting at this time.)

COUNCIL DECISION ITEM 9.1.1

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the amended application submitted by owner L Stankoski for proposed Partial Demolition of, and Alterations and Additions to Existing Garage of Existing Single House, at No. 5 (Lot 168 D/P: 2001) Gardiner Street, East Perth, and as shown on amended plans stamp-dated 4 December 2008, subject to the following conditions:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *any new street/front wall, fence and gate within the Gardiner Street setback area, including along the side boundaries within this street setback area, shall comply with the following:*
 - (a) *the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*

- (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iii) *first obtaining the consent of the owners of No. 3 Gardiner Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing of No. 3 Gardiner Street in a good and clean condition;*
- (iv) *prior to the issue of a Building Licence, a Section 70A Transfer of Land Act 1893 Notification being registered against the Certificate of Title for the land advising proprietors or prospective proprietors of the existence of the following conditions which affect the use or enjoyment of the garage and studio structure on the land:*
- (a) *the garage and studio structure shall not be used for industrial, commercial, sleeping or accommodation purposes;*
- (b) *the garage and studio structure shall not be used or rented out as a separate dwelling to the main dwelling; and*
- (c) *the garage and studio shall be used for the sole personal use of the inhabitants of the main dwelling only.*
- This notification shall be prepared and registered by the Town's Solicitors or other Solicitors agreed upon by the Town at the cost of the applicant/owner; and*
- (v) *prior to the issue of Building Licence, revised plans shall be submitted and approved demonstrating:*
- (a) *the proposed southern boundary fence/wall being a maximum height of 1.8 metres as per the Town's Fencing Local Law 2008;*
- (b) *the northern elevation of the proposed studio portion of the structure being setback a minimum 1.5 metres from the northern boundary;*
- (c) *a landscaping strip being provided on the portion of retained land in front of the studio windows on the southern side of the portico and the walkway along the southern side of the studio to ensure these areas are not used as active habitable spaces. Details of the landscaping shall be submitted and approved prior to the issue of a Building Licence. The landscaping details shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*

- (d) *the windows on the eastern elevation of the studio, within the 6 metre cone of vision to the southern and northern boundaries OR the two privacy screens extending from the eastern elevation of the studio 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. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be a major opening as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 3 and 7 Gardiner Street, stating no objection to the respective proposed privacy encroachment.*

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

FURTHER REPORT:

The Council initially considered the application at its Ordinary Meeting held on 2 December 2008 and resolved as follows:

'That the item be DEFERRED at the request of the applicant.'

Subsequent to the item being deferred at the above Ordinary Meeting of Council, the applicant has submitted revised plans to address the issue of the bulk and the scale of the roof structure. The revised submitted plans have aimed to address this issue by lowering the roof pitch to 30 degrees and replacing the existing gable roof with a half gabled roof. The applicant has also provided screening to the non-compliant windows to ensure issues pertaining to overlooking are reduced. The applicant's submission is "Laid on the Table".

Further Assessment

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
Building Setbacks:			
Garage and Studio to northern boundary	1.5 metres	1 metre	Supported - not considered to have an undue impact on affected neighbouring property.
Garage to southern boundary	1.5 metres	Nil – 1.5 metres	Supported - as the wall complies with R Codes Building on Boundary requirements, the setback is not considered to have an undue impact on affected neighbouring property and the portion of boundary building wall is located at the rear of a large lot away from the neighbouring dwelling.

<p>SADC. 7 Articulation</p>	<p>Any portion of wall greater than 9 metres to incorporate horizontal or vertical articulation.</p>	<p>Ground level northern wall of garage total length 11.39 metres without articulation.</p>	<p>Supported - as the variation is minor, there is a lesser need for vertical and horizontal articulation along the ground floor and it is not considered to have an undue impact on the neighbouring property or streetscape.</p>
<p>Outbuilding</p>	<p>Do not exceed a wall height of 2.4 metres</p> <p>Do not exceed a ridge height of 4.2 metres</p> <p>Do not exceed 60 square metres in area or 10 per cent (66.8 square metres) of the total site area, whichever is the lesser.</p>	<p>Northern wall –</p> <ul style="list-style-type: none"> - 3.2 metres in height above existing retained ground. - A 2 metre long portion at 4.2 <u>3.85</u> metres above non-retained portion of backyard. <p>Southern wall -</p> <ul style="list-style-type: none"> - 3.3 metres in height above existing retained ground. — 6.7 metres in height above existing retained ground. — A 2 metre long portion at 7.6 metres above non-retained portion of backyard. <p><u>6.083 metres maximum in height.</u></p> <p>Combined floor area of garage and studio 119.64 square metres (17 per cent of total).</p>	<p>Not supported— refer to "Comments" section below. Supported - refer to "Comments" section and comments below.</p> <p>Not supported— as above.</p> <p><u>Supported - as above.</u></p> <p>Not supported— whilst the proposal is compliant with the open space requirements of the R Codes it is considered that bulk and scale of the roof structure will have an undue impact on the adjacent neighbouring properties and right-of-way streetscape.</p>

			<p><u>Supported - as the northern elevation of the studio has been conditioned to be setback to comply with the building setback requirements; the proposed location allows for a maximum useable backyard, the bulk and scale of the structure is not considered to have an undue impact on adjoining properties or right-of-way streetscape provided the conditions contained in the Officer Recommendation are complied with; the proposed development is compliant with the open space requirements of the Residential Design Codes (R Codes); and as the owner could potentially extend the existing dwelling with a similar impact.</u></p>
<p>Privacy Setbacks:</p> <p>Studio windows along eastern elevation</p>	<p>6 metres or screening</p>	<p>1.8 4 metres to northern boundary.</p>	<p>Not supported - considered to have an undue impact on affected neighbouring property and would be conditioned to comply in the event of an approval.</p>
<p>Portico and retained area</p>	<p>7.5 metres or screening</p>	<p>2.8 4.8 metres to southern boundary.</p> <p>4.1 metres to northern boundary.</p>	<p>Not supported - as above.</p> <p>Supported - as the retained outdoor component is considered as a walkway to the rear proposed garage and not an active habitable space as defined by the R-Codes.</p> <p><u>Supported - as the portico is considered as a walkway to the studio and not an active habitable space.</u></p>

		4.7 2.3 metres to southern boundary.	<u>Not supported - as the retained area is considered to have an undue impact on neighbouring property. A condition has been imposed to ensure this area is landscaped so that it is only used as a walkway and not as an active habitable space as defined by the R Codes.</u>
<u>Fencing Local Law 2008 -</u> <u>Dividing Fence along southern boundary.</u>	<u>1.8 metres</u>	<u>2.23 metres</u>	<u>Not supported - as it is considered to have an undue impact on neighbouring property and has been conditioned to comply.</u>
<u>Previous Consultation Submissions</u>			
<u>The amended plans have not been further advertised as they do not result in any further or new variations to the development requirements.</u>			
<u>Support</u>	<u>Nil</u>		<u>Noted.</u>
<u>Objection (2)</u>	<ul style="list-style-type: none"> - The existing development is excessive. - The existing development is already non-compliant in terms of privacy. - The development will overshadow adjacent properties. - The proposal is a fire hazard as the garage will block access into the rear property. 		<p>Supported - the bulk and scale of the roof structure is considered excessive and will have an undue impact on neighbouring properties and right of way streetscape. Not supported - refer to "Comments" section below.</p> <p>Supported in part - in the event of approval a condition would require screening to all privacy variations to habitable spaces.</p> <p>Not supported - as the proposal complies with the R Codes' overshadowing requirements.</p> <p>Not supported - as it is not uncommon for properties not to have rear access.</p>

	- No development is allowed to impinge on adjacent properties.	Noted - developments is required to be completely contained within the subject lot.
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Sustainability Implications		Nil
Financial/Budget Implications		Nil

* The 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.

Outbuilding

The applicant has submitted amended plans to address the Town's concerns regarding the bulk and the scale of the roof structure of the outbuilding. The proposed half gabled roof is considered to be a better design outcome, which significantly reduces the bulk and scale of the outbuilding. The removal of the flat steep gable ends, the reduction in its overall height and the hipped component of the roof along both the western and eastern elevations reduce its visual impact on the adjacent right of way streetscape and will have a lesser impact on the adjacent neighbouring properties. Furthermore the reduction in the overall height of the outbuilding will result in a lesser visual impact on the adjacent neighbouring properties.

As highlighted in the submissions received during the community consultation period there are concerns that the structure will be used as another dwelling. The applicant has advised that the studio component of the design will be primarily used by the owner as a room for creative art painting, and for potentially housing a grand piano which may be purchased at a later date. Additionally the structure may be used for overnight storage of goods for next day delivery associated with the applicant's antique furniture business. It is to be noted that depending on the scale and nature of the proposed 'overnight storage of goods' a planning application for Home Occupation may be required.

Parks Services

There is an immature Pine Tree (species unknown) on site which is on the Town's Interim Significant Tree Data Base Reference. The Town's Parks Services has advised that this tree does not warrant retention.

Conclusion

In light of the significant changes to the roof structure for the proposed outbuilding it is considered that the application should be approved subject to standard and appropriate conditions to address the above matters, including a requirement for a Section 70A Transfer of Land Act 1893 Notification being registered against the certificate of title for the land advising proprietors or prospective proprietors that the structure is not permitted to be used for industrial, commercial, sleeping or accommodation purposes.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 2 December 2008.

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by the owner L Stankoski for proposed Partial Demolition of, and Alterations and Additions to Existing Garage of Existing Single House, at No. 5 (Lot 168 D/P: 2001) Gardiner Street, East Perth, and as shown on plans stamp-dated 11 September 2008 and overshadowing diagram stamp-dated 7 October 2008, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and preservation of the amenities of the locality;*
- (ii) the non-compliance with the outbuilding and privacy requirements of the Residential Design Codes; and*
- (iii) consideration of the objections received.*

At 7.50pm Cr Doran-Wu departed the Chamber and did not return to the Meeting.

Cr Burns departed the Chamber at 7.50pm.

COUNCIL DECISION ITEM 9.1.10

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Cr Burns returned to the Chamber at 7.51pm.

Moved Cr Farrell, Seconded Cr Messina

That the item be DEFERRED at the request of the applicant.

MOTION PUT AND CARRIED (8-0)

(Cr Doran-Wu was an apology for the remainder of the meeting for personal reasons.)

<i>Landowner:</i>	<i>L Stankoski</i>
<i>Applicant:</i>	<i>L Stankoski</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban</i>
	<i>Town Planning Scheme No. 1 (TPS 1): Residential R20</i>
<i>Existing Land Use:</i>	<i>Single House</i>
<i>Use Class:</i>	<i>Single House</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>668 square metres</i>
<i>Access to Right of Way</i>	<i>Western side, 4 metres wide, sealed, private owned</i>

BACKGROUND:

12 December 1995 *A Building Licence was issued by the Town of Vincent for the construction of the existing double garage along the western boundary of the subject property.*

23 January 2007 *The Council at its Ordinary Meeting resolved to constructively refuse an application for proposed Two-Storey Ancillary Accommodation Addition to Existing Single House at the subject property for the following reasons:*

- "1. The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality.*
- 2. The non-compliance with the requirements of the Town's Policy relating to Ancillary Accommodation with regard to pedestrian connection between the main dwelling and the ancillary accommodation structure, height, floor area and access between the garage and the ancillary accommodation structure.*
- 3. Non-compliance with the buildings on boundary provisions of the R- Codes in relation to average height, maximum height and wall length.*
- 4. Consideration of the objections received."*

DETAILS:

The proposal involves partial demolition of, and alterations and additions to existing garage of existing single house.

In support of the development the applicants have highlighted the following:

- The proposed new roof will only be 101 millimetres higher than the roof of the existing garage.*
- The additional garage will alleviate car parking along Gardiner Street.*
- The proposed design of the structure replicates/mirrors the western elevation of the existing dwelling, creating an aesthetic setting for owner whilst being mindful of the amenity of the adjacent neighbouring properties and the right of way streetscape.*
- There are a number of existing structures compatible to the proposed development along the subject portion of the right of way, which bounds the subject property, including:*
 - o No. 94 Zebina Street, East Perth;*
 - o No. 100 Zebina Street, East Perth; and*
 - o No. 84 Zebina Street, East Perth.*

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

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>Noted.</i>

<p><i>Building Setbacks:</i></p> <p><i>Garage to northern boundary</i></p> <p><i>Garage to southern boundary</i></p>	<p><i>1.5 metres</i></p> <p><i>1.5 metres</i></p>	<p><i>1 metre</i></p> <p><i>Nil – 1.5 metres</i></p>	<p><i>Supported - not considered to have an undue impact on affected neighbouring property.</i></p> <p><i>Supported - as the wall complies with R Codes Building on Boundary requirements, the setback is not considered to have an undue impact on affected neighbouring property and the portion of boundary building wall is located at the rear of a large lot away from the neighbouring dwelling.</i></p>
<p><i>SADC. 7 Articulation</i></p>	<p><i>Any portion of wall greater than 9 metres to incorporate horizontal or vertical articulation.</i></p>	<p><i>Ground level northern wall of garage total length 11.39 metres without articulation.</i></p>	<p><i>Supported - as the variation is minor, there is a lesser need for horizontal or vertical articulation along the ground floor and it is not considered to have an undue impact on the neighbouring property or streetscape.</i></p>
<p><i>Outbuilding</i></p>	<p><i>Do not exceed a wall height of 2.4 metres</i></p> <p><i>Do not exceed a ridge height of 4.2 metres</i></p>	<p><i>Northern wall –</i></p> <ul style="list-style-type: none"> <i>- 3.2 metres in height above existing retained ground.</i> <i>- A 2 metre long portion at 4.2 metres above non-retained portion of backyard.</i> <p><i>Southern wall –</i></p> <ul style="list-style-type: none"> <i>- 3.3 metres in height above existing retained ground.</i> <i>- 6.7 metres in height above existing retained ground.</i> <i>- A 2 metre long portion at 7.6 metres above non-retained portion of backyard.</i> 	<p><i>Not supported - refer to "Comments" section below.</i></p> <p><i>Not supported - as above.</i></p>

	<i>Do not exceed 60 square metres in area or 10 per cent (66.8 square metres) of the total site area, whichever is the lesser.</i>	<i>Combined floor area of garage and studio 119.64 square metres (17 per cent of total).</i>	<i>Not supported - whilst the proposal is compliant with the open space requirements of the R Codes it is considered that bulk and scale of the roof structure will have an undue impact on the adjacent neighbouring properties and right-of-way streetscape.</i>
<i>Privacy Setbacks:</i>			
<i>Studio windows along eastern elevation</i>	<i>6 metres or screening</i>	<i>1.8 metres to northern boundary.</i>	<i>Not supported - considered to have an undue impact on affected neighbouring property and would be conditioned to comply in the event of an approval.</i>
<i>Portico and retained area</i>	<i>7.5 metres or screening</i>	<i>2.8 metres to southern boundary.</i> <i>4.1 metres to northern boundary.</i> <i>4.7 metres to southern boundary.</i>	<i>Not supported - as above.</i> <i>Supported - as the retained outdoor component is considered as a walkway to the rear proposed garage and not an active habitable space as defined by the R Codes.</i> <i>Supported - as above.</i>
<i>Consultation Submissions</i>			
<i>Support</i>	<i>Nil</i>		<i>Noted.</i>
<i>Objection (2)</i>	<i>- The existing development is excessive.</i> <i>- The existing development is already non-compliant in terms of privacy.</i>		<i>Supported - the bulk and scale of the roof structure is considered excessive and will have an undue impact on neighbouring properties and right of way streetscape.</i> <i>Supported in part - in the event of approval a condition would require screening to all privacy variations to habitable spaces.</i>

	<ul style="list-style-type: none"> - <i>The development will overshadow adjacent properties.</i> - <i>The proposal is a fire hazard as the garage will block access into the rear property.</i> - <i>No development is allowed to impinge on adjacent properties.</i> 	<p><i>Not supported - as the proposal complies with the R Codes' overshadowing requirements.</i></p> <p><i>Not supported - as it is not uncommon for properties not to have rear access.</i></p> <p><i>Noted - developments is required to be completely contained within the subject lot.</i></p>
<i>Other Implications</i>		
<i>Legal/Policy</i>	<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>	
<i>Strategic Implications</i>	<i>Nil</i>	
<i>Sustainability 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:

Parks Services

There is an immature Pine Tree (species unknown) on site which is on the Town's Interim Significant Tree Data Base - Reference. The Town's Parks Services have advised that this tree does not warrant retention.

Building Height

The R Codes state that an "outbuilding" should be relatively small in area and relatively low in height, and some guidance as to what that means is given in the Acceptable Development provisions at 60 square metres and a 4.2 metre ridge height respectively. The performance criteria of the R Codes for outbuildings states that new outbuildings that do not meet the acceptable development standards may be approved if they 'do not detract from the streetscape or visual amenity of residents or neighbouring properties'. It is considered that the proposed height coupled with the large expanse of roof, particularly facing the southern property will have a detrimental impact on the right of way streetscape and visual amenity of neighbouring properties.

It is noted that the subject property already comprises a rear double garage with a steep gable roof to a height of approximately 6.5 metres, which was built in 1995 and that the existing garage will be partially retained as part of this proposal. However, it is considered that the proposed roof with a maximum ridge height of 7.6 metres and the resultant large expanse of roof, particularly to the southern boundary, which occupies almost the whole width of the site will be excessive. In addition to this it is considered that whilst there are still concerns with the overall floor area and privacy, the subject development can be accommodated on site, with compliant building heights, or by retaining the existing garage roof and providing alternative compliant roofs forms, which would break up the mass and extent of the proposed gable roof.

The applicants have liaised with the Town's Officers on numerous occasions in order to develop a proposal, which balances the Town's Policies and requirements with the owner's wants and needs. However, as can be seen from the above discussion and Non-Compliant Table the subject outbuilding is considered excessive. Furthermore as the building does not conform to either the Acceptable Development provisions or the corresponding Performance Criteria relating to Outbuildings it is recommended that the application be refused as per the Officer Recommendation."

9.1.10 Nos 152-158 (Lots: 1 and 3) Fitzgerald Street, Perth - Proposed Part Demolition of and Conversion of and Alterations and Additions to Existing Warehouse to Create a Six-Storey Mixed Use Development Comprising Twenty Two (22) Multiple Dwellings, Three (3) Offices and Associated Car Parking (Including Car Stackers)

Ward:	South	Date:	10 December 2008
Precinct:	Beaufort; P13	File Ref:	PRO3278; 5.2008.464.1
Attachments:	001 002		
Reporting Officer(s):	R Rasiah, D Abel, R Lotznicker, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Hartree & Associates Architects on behalf of the owner North Perth Developments Pty Ltd for proposed Part Demolition of and Conversion of and Alterations and Additions to Existing Warehouse to Create a Six-Storey Mixed Use Development Comprising Twenty Two (22) Multiple Dwellings, Three (3) Offices and Associated Car Parking (including Car Stackers), Nos 152-158 (Lots: 1 and 3) Fitzgerald Street, Perth and as shown on plans stamp-dated 9 December 2008, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the proposed car stacker system is not acceptable in this instance as a car stacking system is not to be used as a precedent for such applications in the Town and the use of a car stacker system will only be considered where there are compelling reasons to do so, (e.g. high ground water table and associated ground conditions, which may preclude the construction of a below ground car park within a development site and / or the retention of a heritage listed building) and each application will be considered on its merit;*
- (iii) the non-support of the proposed car stacker system will result in the proposed development being non-compliant with the car parking requirements of the Town's Policy No. 3.7.1 Relating to Parking and Access; and*
- (iv) consideration of the objections received.*

COUNCIL DECISION ITEM 9.1.10

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND LOST (0-7)

(Cr Doran-Wu on approved leave of absence. Cr Messina had not arrived at the Meeting at this time.)

Reasons:

1. Car stackers are a proven technology.
2. The proposed development is within the height limit.
3. With condition, the proposal meets approval.

ALTERNATIVE RECOMMENDATION - COUNCIL DECISION ITEM 9.1.10

Moved Cr Farrell, Seconded Cr Ker

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 Hartree & Associates Architects on behalf of the owner North Perth Developments Pty Ltd for proposed Part Demolition of and Conversion of and Alterations and Additions to Existing Warehouse to Create a Six-Storey Mixed Use Development Comprising Twenty Two (22) Multiple Dwellings, Three (3) Offices and Associated Car Parking (including Car Stackers), Nos 152-158 (Lots: 1 and 3) Fitzgerald Street, Perth and as shown on plans stamp-dated 9 December 2008, subject to the following conditions:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (iii) *the owner(s), or the applicant on behalf of the owner(s), shall comply with the Town of Vincent Percent for Public Art Policy No. 3.5.13 and the Percent for Public Art Guidelines for Developers, including:*
 - (a) *within twenty – eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash in Lieu Percent for Public Art Contribution, of \$ 50,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$5,000,000); and*
 - (b) *in conjunction with the above chosen option;*
 - (1) *Option 1 –
prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and

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

- (2) *Option 2 –
prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the Town for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;*
- (iv) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (v) *first obtaining the consent of the owners of Nos. 146-150 Fitzgerald Street, No. 49 Stuart Street/corner Fitzgerald Street and the affected eastern (rear) side landowner(s) at Nos 45-47 Stuart Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 146-150 Fitzgerald Street, No. 49 Stuart Street/corner Fitzgerald Street and the affected eastern (rear) side landowner(s) at Nos 45-47 Stuart Street in a good and clean condition;*
- (vi) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (vii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access via Fitzgerald Street and the rear right- of- way (ROW), dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town;*
- (viii) *prior to the first occupation of the development, six (6) class one or two plus end of trip bicycle parking facilities, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (ix) *the on-site car parking area for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
- (x) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
- (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non- residential activities; and*
- (b) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or shop. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

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

- (xi) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
- (xii) *doors, windows and adjacent floor areas of the office fronting Fitzgerald Street shall maintain an active and interactive relationship with this street;*
- (xiii) *prior to the first occupation of the development, the car parking spaces provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents of the development ;*
- (xiv) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (xv) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (xvi) *the maximum gross floor area for the non-residential/office component shall be limited to 1191 square metres;*
- (xvii) *the car parking area shown for the non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xviii) *any new street/front wall, fence and gate within the Fitzgerald Street setback area, including along the side boundaries within this street setback area, shall comply with the following:*
 - (a) *the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
 - (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*

- (xix) *prior to the issue of a Building Licence, the applicant/owner is required to obtain the support/approval of the Department for Planning and Infrastructure and/or Western Australian Planning Commission of the proposed development, and comply with its comments and conditions at the applicant(s)/owner(s)' full expense;*
- (xx) *prior to issue of a Building Licence, the applicant/owner shall comply with all requirements recommended by the Department for Planning and Infrastructure and /or Western Australian Planning Commission and Town of Vincent Technical Services with regards to traffic management, at the applicant(s)/owner(s)' full expense. Details of the traffic management measures shall be submitted to and approved by the Town prior to the works being undertaken;*
- (xxi) *any proposed vehicular entry gates adjacent to the car parking area have a minimum 50 per cent visually permeable and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the non-residential 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;*
- (xxii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (xxiii) *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;*
- (xxiv) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments, the footpaths adjacent to the subject land shall be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$16,000 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
- (xxv) *the undergrounding of power line(s) adjacent to the subject site and the installation of lighting on the eastern elevation of the building facing the rear right of way (ROW), and all costs associated with the provision of this underground power and lighting on the eastern elevation of the building facing the ROW shall be met by the owner(s);*
- (xxvi) *a pre-and post-dilapidation reports shall be carried out on the adjacent building to the north of the subject site at No. 49 Stuart Street/corner Fitzgerald Street;*
- (xxvii) *all car-parking bays shall be dimensioned on the Building Licence application working drawings and all car parking facilities shall comply with the minimum specifications and dimensions specified in the Town's Parking and Access Policy and Australian Standards AS2890.1 – "Off Street Parking";*
- (xxviii) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way (ROW) is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title or Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*

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

- (a) *continuous and complementary awnings being provided over part of the Fitzgerald Street frontage adjacent to the office area in accordance with the Town's Local Government Property Law 2008 relating to awnings, balconies and verandahs with the awnings being a minimum height of 2.75 metres above the throughfare to the underside of the awning and a minimum of 500 millimetres from the kerb line of Fitzgerald Street . Details of the awning shall be submitted to and approved by Department for Planning and Infrastructure and /or Western Australian Planning Commission prior to the issue of a Building Licence;*
- (b) *each multiple dwelling being provided with a balcony with a minimum dimension of 2.4 metres;*
- (c) *the openings to all balconies, bedrooms and terraces to the residential tenancies, complying with the privacy requirements of the Residential Design Codes. These openings shall be screened with permanent obscure materials and be non-openable to a minimum of 1.6 metres above the respective finished floor levels; OR alternatively the provision of on-site effective permanent horizontal screening or equivalent preventing direct sight within the cone of vision to ground level of adjoining properties. 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 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of affected properties to the north, east and south of the subject site respectively, stating no objections to the proposed privacy encroachment; and*
- (d) *the solar control shading along the Fitzgerald Street frontage being deleted from the plans.*

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

(xxx) *prior to the issue of a Building Licence, revised plans and details shall be submitted to and approved by the Town addressing the following matters in relation to the proposed car stacking system:*

- (a) *the vehicular entrance gate adjacent to the ROW is either setback 0.5 metre towards the ROW, or left open at all times, as car bays Nos 1 to 5 are not obstructed by the gate, and vehicles will not be able to exit the parking bay/s with the gate closed, including the provision of at grade parking for car bays Nos. 1 to 5;*
- (b) *the vertical clearance of the car stackers shall be a minimum of 2.1 metres on the first two (2) parking levels;*
- (c) *weight limitation for the car stacker shall be no less than 3,000 kilograms;*

- (d) *platform openings shall be an absolute minimum of 2.5 metres wide with a general minimum of 2.7 metres wide for each car bay with a general minimum platform width of 2.9 metres for each bay. This may necessitate a redesign of some of the car stackers. Car bay No. 37 may need to be removed and the building lengthened by approximately 1 metre to accommodate the two proposed car stackers. The design shall be referred to the manufacturer for the exact dimensions required to comply with the Town's requirements;*
- (e) *reversing car isle widths shall be an absolute minimum of 7.0 metres;*
- (f) *rubber inserts shall be installed on all platforms on the drivers' side;*
- (g) *walls for mounting shall be as per manufacturer's specification - floors and walls shall be made of concrete, grade to be minimum of B25;*
- (h) *car stacker platforms shall accommodate vehicles of 5.2 metres in length;*
- (i) *sliding doors shall be automatic;*
- (j) *car stacker operation shall be by remote control;*
- (k) *an emergency power generator shall be installed;*
- (l) *a suitable mechanical ventilation system shall be installed to the satisfaction of the Town;*
- (m) *a suitable sprinkler system, approved by a fire engineer, shall be installed;*
- (n) *the car stacker design with associated features as conditioned in clauses (xxx) (k), (l) and (m) shall be submitted to and approved by Fire and Emergency Services (FESA) prior to the issue of a Building Licence; and*
- (o) *if feasible, without reducing the overall number of car bays provided, to reduce the incidence of bay loss in the event of a mechanical failure, the car stackers shall be redesigned to form a maximum of four (4) banks of parallel bays.*

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

- (xxxi) *prior to the issue of a Building Licence, the applicant and future owners of the property to enter into a Legal Agreement with the Town which is secured by a caveat on the certificate(s) of title of the subject land in regards to the car stacker system and to address the following to the satisfaction of the Town;*
 - (a) *all maintenance agreements / contracts to be current for the life of the building and renewed annually;*
 - (b) *a copy of updated and current maintenance agreements / contracts to be submitted to the Town on an annual basis;*
 - (c) *that the Town may act to ensure compliance with the car stacker conditions of approval, in the event that the Applicant/Owner fails to ensure that - the car stacker is in good working order and maintained as such, and the conditions of approval are compliant;*

- (d) *the Applicant/Owner undertakes to provide, maintain and ensure the car stacker system is operable and in good working order at all times, for the life of the building, to the satisfaction of the Town;*
- (e) *the Applicant/Owner agrees to indemnify the Town for any claims, actions or litigation arising from the car stacker system; and*
- (f) *the Legal Agreement shall be prepared by the Applicant/owner(s) and approved by the Town, or alternatively the Applicant/owner(s) may request the Town's solicitor to prepare the Legal Agreement and associated caveat. All costs associated with this condition including the Town's cost for checking the legal documents and caveat if prepared by the applicant's/owner(s)solicitor shall be borne by the applicant/owner(s);*
- (xxxii) *prior to the issue of a Building Licence; a revised, corrected Traffic Impact Assessment shall be submitted to and approved by both the Town and the Department for Planning and Infrastructure (DPI);*
- (xxxiii) *prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer; and*
- (xxxiv) *the provision of a minimum of 36 car bays on- site, of which 22 car bays are to be specifically allocated for the residential multiple dwellings.*

Debate ensued.

Cr Messina entered the Chamber at 7.43pm.

Debate ensued.

AMENDMENT

Moved Cr Ker, Seconded Cr Farrell

That subclause (xxix)(c) be amended to read as follows:

- (xxix)(c) *the openings to all balconies, bedrooms and terraces to the residential tenancies, except north and south balconies 7 metres from lot boundaries, complying with the privacy requirements of the Residential Design Codes. These openings shall be screened with permanent obscure materials and be non-openable to a minimum of 1.6 metres above the respective finished floor levels; OR alternatively the provision of on-site effective permanent horizontal screening or equivalent preventing direct sight within the cone of vision to ground level of adjoining properties. 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 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of affected properties to the north, east and south of the subject site respectively, stating no objections to the proposed privacy encroachment; and*

AMENDMENT PUT AND CARRIED (8-0)

Debate ensued.

ALTERNATIVE MOTION AS AMENDED
PUT AND CARRIED (8-0)

COUNCIL DECISION ITEM 9.1.10

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 Hartree & Associates Architects on behalf of the owner North Perth Developments Pty Ltd for proposed Part Demolition of and Conversion of and Alterations and Additions to Existing Warehouse to Create a Six-Storey Mixed Use Development Comprising Twenty Two (22) Multiple Dwellings, Three (3) Offices and Associated Car Parking (including Car Stackers), Nos 152-158 (Lots: 1 and 3) Fitzgerald Street, Perth and as shown on plans stamp-dated 9 December 2008, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (iii) the owner(s), or the applicant on behalf of the owner(s), shall comply with the Town of Vincent Percent for Public Art Policy No. 3.5.13 and the Percent for Public Art Guidelines for Developers, including:*
 - (a) within twenty – eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash in Lieu Percent for Public Art Contribution, of \$ 50,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$5,000,000); and*
 - (b) in conjunction with the above chosen option;*
 - (1) Option 1 –*
prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and

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

- (2) *Option 2 –
prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the Town for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;*
- (iv) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (v) *first obtaining the consent of the owners of Nos. 146-150 Fitzgerald Street, No. 49 Stuart Street/corner Fitzgerald Street and the affected eastern (rear) side landowner(s) at Nos 45-47 Stuart Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 146-150 Fitzgerald Street, No. 49 Stuart Street/corner Fitzgerald Street and the affected eastern (rear) side landowner(s) at Nos 45-47 Stuart Street in a good and clean condition;*
- (vi) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (vii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access via Fitzgerald Street and the rear right- of- way (ROW), dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town;*
- (viii) *prior to the first occupation of the development, six (6) class one or two plus end of trip bicycle parking facilities, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (ix) *the on-site car parking area for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
- (x) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
- (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non- residential activities; and*
- (b) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or shop. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

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

- (xi) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
- (xii) *doors, windows and adjacent floor areas of the office fronting Fitzgerald Street shall maintain an active and interactive relationship with this street;*
- (xiii) *prior to the first occupation of the development, the car parking spaces provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents of the development ;*
- (xiv) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (xv) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (xvi) *the maximum gross floor area for the non-residential/office component shall be limited to 1191 square metres;*
- (xvii) *the car parking area shown for the non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xviii) *any new street/front wall, fence and gate within the Fitzgerald Street setback area, including along the side boundaries within this street setback area, shall comply with the following:*
 - (a) *the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
 - (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*

- (xix) *prior to the issue of a Building Licence, the applicant/owner is required to obtain the support/approval of the Department for Planning and Infrastructure and/or Western Australian Planning Commission of the proposed development, and comply with its comments and conditions at the applicant(s)/owner(s)' full expense;*
- (xx) *prior to issue of a Building Licence, the applicant/owner shall comply with all requirements recommended by the Department for Planning and Infrastructure and /or Western Australian Planning Commission and Town of Vincent Technical Services with regards to traffic management, at the applicant(s)/owner(s)' full expense. Details of the traffic management measures shall be submitted to and approved by the Town prior to the works being undertaken;*
- (xxi) *any proposed vehicular entry gates adjacent to the car parking area have a minimum 50 per cent visually permeable and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the non-residential 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;*
- (xxii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (xxiii) *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;*
- (xxiv) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments, the footpaths adjacent to the subject land shall be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$16,000 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
- (xxv) *the undergrounding of power line(s) adjacent to the subject site and the installation of lighting on the eastern elevation of the building facing the rear right of way (ROW), and all costs associated with the provision of this underground power and lighting on the eastern elevation of the building facing the ROW shall be met by the owner(s);*
- (xxvi) *a pre-and post-dilapidation reports shall be carried out on the adjacent building to the north of the subject site at No. 49 Stuart Street/corner Fitzgerald Street;*
- (xxvii) *all car-parking bays shall be dimensioned on the Building Licence application working drawings and all car parking facilities shall comply with the minimum specifications and dimensions specified in the Town's Parking and Access Policy and Australian Standards AS2890.1 – "Off Street Parking";*
- (xxviii) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way (ROW) is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title or Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*

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

- (a) *continuous and complementary awnings being provided over part of the Fitzgerald Street frontage adjacent to the office area in accordance with the Town's Local Government Property Law 2008 relating to awnings, balconies and verandahs with the awnings being a minimum height of 2.75 metres above the throughfare to the underside of the awning and a minimum of 500 millimetres from the kerb line of Fitzgerald Street . Details of the awning shall be submitted to and approved by Department for Planning and Infrastructure and /or Western Australian Planning Commission prior to the issue of a Building Licence;*
- (b) *each multiple dwelling being provided with a balcony with a minimum dimension of 2.4 metres;*
- (c) *the openings to all balconies, bedrooms and terraces to the residential tenancies, except north and south balconies 7 metres from lot boundaries, complying with the privacy requirements of the Residential Design Codes. These openings shall be screened with permanent obscure materials and be non-openable to a minimum of 1.6 metres above the respective finished floor levels; OR alternatively the provision of on-site effective permanent horizontal screening or equivalent preventing direct sight within the cone of vision to ground level of adjoining properties. 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 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of affected properties to the north, east and south of the subject site respectively, stating no objections to the proposed privacy encroachment; and*
- (d) *the solar control shading along the Fitzgerald Street frontage being deleted from the plans.*

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

(xxx) *prior to the issue of a Building Licence, revised plans and details shall be submitted to and approved by the Town addressing the following matters in relation to the proposed car stacking system:*

- (a) *the vehicular entrance gate adjacent to the ROW is either setback 0.5 metre towards the ROW, or left open at all times, as car bays Nos 1 to 5 are not obstructed by the gate, and vehicles will not be able to exit the parking bay/s with the gate closed, including the provision of at grade parking for car bays Nos. 1 to 5;*
- (b) *the vertical clearance of the car stackers shall be a minimum of 2.1 metres on the first two (2) parking levels;*
- (c) *weight limitation for the car stacker shall be no less than 3,000 kilograms;*

- (d) *platform openings shall be an absolute minimum of 2.5 metres wide with a general minimum of 2.7 metres wide for each car bay with a general minimum platform width of 2.9 metres for each bay. This may necessitate a redesign of some of the car stackers. Car bay No. 37 may need to be removed and the building lengthened by approximately 1 metre to accommodate the two proposed car stackers. The design shall be referred to the manufacturer for the exact dimensions required to comply with the Town's requirements;*
- (e) *reversing car isle widths shall be an absolute minimum of 7.0 metres;*
- (f) *rubber inserts shall be installed on all platforms on the drivers' side;*
- (g) *walls for mounting shall be as per manufacturer's specification - floors and walls shall be made of concrete, grade to be minimum of B25;*
- (h) *car stacker platforms shall accommodate vehicles of 5.2 metres in length;*
- (i) *sliding doors shall be automatic;*
- (j) *car stacker operation shall be by remote control;*
- (k) *an emergency power generator shall be installed;*
- (l) *a suitable mechanical ventilation system shall be installed to the satisfaction of the Town;*
- (m) *a suitable sprinkler system, approved by a fire engineer, shall be installed;*
- (n) *the car stacker design with associated features as conditioned in clauses (xxx) (k), (l) and (m) shall be submitted to and approved by Fire and Emergency Services (FESA) prior to the issue of a Building Licence; and*
- (o) *if feasible, without reducing the overall number of car bays provided, to reduce the incidence of bay loss in the event of a mechanical failure, the car stackers shall be redesigned to form a maximum of four (4) banks of parallel bays.*

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

- (xxxi) *prior to the issue of a Building Licence, the applicant and future owners of the property to enter into a Legal Agreement with the Town which is secured by a caveat on the certificate(s) of title of the subject land in regards to the car stacker system and to address the following to the satisfaction of the Town;*
 - (a) *all maintenance agreements / contracts to be current for the life of the building and renewed annually;*
 - (b) *a copy of updated and current maintenance agreements / contracts to be submitted to the Town on an annual basis;*
 - (c) *that the Town may act to ensure compliance with the car stacker conditions of approval, in the event that the Applicant/Owner fails to ensure that - the car stacker is in good working order and maintained as such, and the conditions of approval are compliant;*

- (d) *the Applicant/Owner undertakes to provide, maintain and ensure the car stacker system is operable and in good working order at all times, for the life of the building, to the satisfaction of the Town;*
 - (e) *the Applicant/Owner agrees to indemnify the Town for any claims, actions or litigation arising from the car stacker system; and*
 - (f) *the Legal Agreement shall be prepared by the Applicant/owner(s) and approved by the Town, or alternatively the Applicant/owner(s) may request the Town's solicitor to prepare the Legal Agreement and associated caveat. All costs associated with this condition including the Town's cost for checking the legal documents and caveat if prepared by the applicant's/owner(s)solicitor shall be borne by the applicant/owner(s);*
- (xxxii) *prior to the issue of a Building Licence; a revised, corrected Traffic Impact Assessment shall be submitted to and approved by both the Town and the Department for Planning and Infrastructure (DPI);*
- (xxxiii) *prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer; and*
- (xxxiv) *the provision of a minimum of 36 car bays on- site, of which 22 car bays are to be specifically allocated for the residential multiple dwellings.*

ADDITIONAL INFORMATION:

Technical Services Comments

In accordance with the Department of Water (DOW) Perth Ground Water Atlas, the existing ground level at Nos 152-158 Fitzgerald Street ranges from 17.0 metres at Fitzgerald Street to approximately 15.0 metres at the rear of the block.

The maximum ground water recorded was 13.0 metres approximately 2.0 metres below the lowest point of the block. The ground water level end of summer (May 2003) was 7.0 metres, that is about 8.0 metres below the lowest point in the block.

Therefore in accordance with the information contained in the Ground Water Atlas it is considered that a below ground car park could easily be accommodated on this site without any intrusion into the ground water however verification of this would require actual soil investigations.

It should be noted that the figures outlined in the Atlas may fluctuate between 0.5 metre and 3 metres due to seasonal variation. Groundwater level contours are estimated based on recorded groundwater levels measured in May of 2003 (end of summer). Because of changes in groundwater and natural surface levels that can occur over time the Department of Water is not in a position to guarantee the complete accuracy of the data.

Department for Planning and Infrastructure (DPI) Comments

The DPI in its lengthy letter dated 15 December 2008 (attached), have advised in part as follows:

"Given that the Traffic Statement does not fully explain the above issues and additional queries are raised as to the effect of the proposal on Fitzgerald Street, further information from the applicant is required.

The Department therefore does not support the proposal as submitted."

One the above basis, the following conditions (xix), (xx) and (xxxii) have been recommended to ensure that the concerns and requirements of the DPI are complied with and approved prior to the issue of a Building Licence:

"(xix) prior to the issue of a Building Licence, the applicant/owner is required to obtain the support/approval of the Department for Planning and Infrastructure and/or Western Australian Planning Commission of the proposed development, and comply with its comments and conditions at the applicant(s)/owner(s)' full expense;"

"(xx) prior to issue of a Building Licence, the applicant/owner shall comply with all requirements recommended by the Department for Planning and Infrastructure and /or Western Australian Planning Commission and Town of Vincent Technical Services with regards to traffic management, at the applicant(s)/owner(s)' full expense. Details of the traffic management measures shall be submitted to and approved by the Town prior to the works being undertaken;"

"(xxxii) prior to the issue of a Building Licence; a revised, corrected Traffic Impact Assessment shall be submitted to and approved by both the Town and the Department for Planning and Infrastructure (DPI);"

Landowner:	North Perth Developments Pty Ltd
Applicant:	Hartree & Associates Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential/Commercial R80
Existing Land Use:	Unoccupied Warehouse Building
Use Class:	Office Building and Multiple Dwelling
Use Classification:	"AA" and "P"
Lot Area:	1411 square metres
Access to Right of Way (ROW)	East side, 3.04 metres wide, sealed and Town owned.

BACKGROUND:

27 September 2005 The Council at its Ordinary Meeting considered a development proposal for the partial demolition of existing warehouse and construction of a two-storey mixed use development comprising four (4) offices, one (1) eating house, one (1) showroom, one (1) serviced apartment and associated undercroft car parking, and resolved as follows:

"That the Item be DEFERRED to provide the applicant with the opportunity to submit a revised proposal for a more appropriately intense development on the subject site with direction being provided by the Town's Officers in regard to this matter.

SUBSEQUENT MOTION

That;

- (i) the Council REQUESTS the Chief Executive Officer to prepare a further report to be presented at the Ordinary Meeting of Council to be held on 25 October 2005 or as early as possible thereafter, on the area bounded by Pandal*

Lane, Stuart Street, Fitzgerald Street and Newcastle Street, addressing appropriate density and built form design capabilities (including site coverage, building envelopes and height parameters) within the above area, and:

- (1) *the implications on the Town Planning Scheme Review and delivery of the new Town Planning Scheme;*
- (2) *utilisation of clause 40 of the Town Planning Scheme to facilitate more appropriate intensity of development to the area;*
- (3) *reports should consider the areas;*
 - (a) *proximity to public transport;*
 - (b) *proximity to open space;*
 - (c) *Council's previous approval of an eight storey development on the adjacent Maltings development site;*
 - (d) *the current R160 zoning adjacent and to the south of Newcastle Street; and*
 - (e) *flexibility in provision of commercial/residential mix; and*
- (ii) *the Town's officers meet with the applicants to discuss future development of the site."*

20 November 2007

The Council at its Ordinary Meeting considered the proposed demolition of existing warehouse and construction of a eight- storey mixed use development comprising thirty five (35) multiple dwellings (including 15 single bedroom dwellings and 20 two-bedroom dwellings), office, shop, eating house and associated basement car park at Nos. 152-158 (lot: 1 d/p: 964, Lot: 3 D/P: 11783), Fitzgerald Street, Perth, and resolved the following:

"That this Item be DEFERRED for further investigation."

18 December 2007

The Council at its Ordinary Meeting considered the matter and resolved as follows:

- "(i) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) *the non-compliance with the requirements of the Residential Design Codes relating to:*
 - (a) *density;*
 - (b) *plot ratio;*
 - (c) *stores;*
 - (d) *single bedroom dwelling plot ratio;*
 - (e) *communal open space; and*
 - (f) *privacy;*

- (iii) *the non-compliance with the requirements of the Town's Policy - Appendix No. 16 - Design Guidelines for the Half Street Block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pental Lane, Perth, relating to:*
 - (a) *density;*
 - (b) *plot ratio;*
 - (c) *residential/commercial ratio;*
 - (d) *height;*
 - (e) *car parking;*
 - (f) *awning;*
 - (g) *communal open space; and*
 - (h) *Affordable Housing;*
- (iv) *the non-compliance with the requirements to justify a 33% bonus for Affordable Housing;*
- (v) *the non-compliance with the car parking requirements of the Town's Policy relating to Parking and Access; and*
- (vi) *consideration of the objections received."*

29 July 2008

The State Administrative Tribunal dismissed the appeal/review application (DR56 of 2008) lodged against the Town's refusal of the development application at the Ordinary Meeting of Council held on 18 December 2007.

DETAILS:

The proposal involves the removal of part of the front of the existing building, which is within the Fitzgerald Street road widening reservation and conversion of the remaining building into 2 floors of office space and an additional 4 storey consisting of 22 multiple dwellings. The main vehicular access to the site is via the rear ROW and left only exit off Fitzgerald Street. However there will be limited ingress access off Fitzgerald Street, to the 2 visitors' car bays only. The applicant has submitted a comprehensive response to the concerns raised, which is attached to this Agenda report.

The applicant's other submissions are "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	R160 = 22.58 multiple dwellings	R 155.9 = 22 multiple dwellings	Noted- No variation.
Plot Ratio -for residential only, as non residential is not subject to plot ratio provision.	2.0 or 2822 square metres	1.489 or 2102 square metres	Supported- No variation.

No. of Storeys	3 storeys and 8 storeys for lots that have frontage to both Fitzgerald Street and Pental Lane, as per the previous Appendix 16 Design Guidelines for the half block bounded by Fitzgerald Street, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pental Lane, Perth.	6 storeys, as lot has frontage to only Fitzgerald Street.	Supported- as the height and overall design of the proposal is considered not to create an unacceptable bulk and scale issue. Moreover, the bulk and scale has been designed to face Fitzgerald Street. The building and its 3rd, 4th, 5th and 6th storeys have been further setback to provide a staggering streetscape effect. The proposal is also retaining most of the existing building in the process.
Building Setbacks: North and south sides for 3rd to 6th floors	Nil	7 metres	Supported - as the design reduces the bulk and scale and provides for vertical and horizontal articulation elements.
Privacy setback- Balcony	7.5 metres	7 metres to the north and south lot boundaries.	Not supported - as it would result in undue impact on privacy of affected neighbouring properties.
Terraces of Residential units on Plan L2	7.5 metres	"Nil" to the south lot boundary	Not supported - as it would result in undue impact on privacy of neighbouring properties.
Bedroom	4.5 metres	1.6 metres to the east lot boundary.	Not supported - as above.
Awning	Entire length of building	Not provided	Not supported - undue impact on pedestrian amenity, as there would be limited weather protection over the footpath, and there is opportunity to provide for an awning.
Balcony	2.4 metres dimension and 4 square metres in area	Varies from 1.5 metres to 1.745 metres in dimension and between 5.4m ² to 13.32m ² in area.	Not supported - as undue impact on amenity of occupiers, and there is an opportunity to provide compliant balconies.
Bicycle Parking	Class 3 facilities	Not shown	Not supported - as undue impact on amenity of the locality and there is opportunity to provide these facilities.
Consultation Submissions			
Support (2)	<ul style="list-style-type: none"> Quality development being proposed on the site 		Noted.

<p>Objection (12)</p>	<ul style="list-style-type: none"> The development is grossly outside the parameters of the R Codes and not satisfactory to those affected. 	<p>Supported - as the car parking variation would have an undue impact on the amenity of the area.</p>
	<ul style="list-style-type: none"> Traffic management and traffic congestion at the right of way, and within the immediate surrounding area resulting in further increase in vehicular traffic accessing the site. Suggest a slip lane of Fitzgerald Street, and a maximum of 10 vehicles using the ROW. All service vehicles should access from Fitzgerald Street. 	<p>Noted - Technical Services comments are stated in the "Comment" section.</p>
	<ul style="list-style-type: none"> The proposed number of storeys is too high for the area, and has a visual impact. All other houses in the area are 3 storeys. The proposal is not in keeping with the area and would not be in keeping with the streetscape. Proposal should be reduced to 3 storeys in height. 	<p>Not supported - as allowed density of R160 for the Precinct, as per Appendix No. 16 - Design Guidelines for the half block bounded by Fitzgerald Street, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth, would result in appropriate higher scale developments within this area, and as such the height is considered acceptable.</p>
	<ul style="list-style-type: none"> Privacy setbacks and impacts. 	<p>Supported – due to undue impact on amenity of neighbouring properties. A condition has been proposed in the Officer Recommendation for all non-compliant privacy aspects to comply with the Residential Design Codes' requirements.</p>
	<ul style="list-style-type: none"> Lack of storage area, as stores is too small. 	<p>Not supported – as the stores are compliant with the Residential Design Codes' requirements.</p>
	<ul style="list-style-type: none"> Balconies are too large. 	<p>Not supported- as balconies are required to have a 2.4 metre dimension, which has been recommended as a condition. The balconies will provide open space for the residential units.</p>
	<ul style="list-style-type: none"> Non-compliant with building setbacks. 	<p>Not supported -as the proposed setbacks will not result in an undue impact on the amenity or streetscape of the area.</p>

	<ul style="list-style-type: none"> Location of bins for pick up along Stuart Street. Suggest contract pick up of waste from the subject site. 	Noted- as the bins can be collected off Fitzgerald Street.
	<ul style="list-style-type: none"> Insufficient commercial car parking, which will exacerbate the problem of adequate car parking in the area. 	Supported - refer to "Comments" in this report.
	<ul style="list-style-type: none"> Increased density will result in unreasonable traffic and parking related issues. 	Noted.
	<ul style="list-style-type: none"> Affect the aesthetic beauty of Paddington Place development, on the opposite side of Fitzgerald Street. 	Noted.
	<ul style="list-style-type: none"> Obstruction of views. 	Noted - this development is on the opposite eastern side of Fitzgerald Street and protection of views is not a major planning consideration.
	<ul style="list-style-type: none"> Increase in noise. 	Not supported- as this is a mixed residential and office use development.
	<ul style="list-style-type: none"> Seeking compensation from developer with assistance from Town. 	Not supported- as this is a civil matter between the relevant parties.
	<ul style="list-style-type: none"> Will it block sunlight. 	Not supported- as the overshadowing requirements of the R Codes have been complied with.
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Sustainability Implications		The proposal will be required to satisfy the energy efficiency requirements of the Building Code of Australia requirements at the Building Licence stage. The proposal would maximise the potential use of the land, taking into consideration its close proximity to the City and major transport routes.
Financial/Budget Implications		Nil

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

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

Car Parking

In accordance with the Residential Design Codes requirements for mixed-use development, on-site car parking requirements for multiple dwellings may be reduced to one per dwelling where on-site parking required for other users is available outside normal business hours. A total of 22 car bays have been provided. The balance of car bays available for the commercial component in this instance is 17 car bays.

Car Parking- Commercial Component	
Car parking requirement (nearest whole number) Office: 1 car bay per 50 square metres gross office/administration floor area (proposed 1191 square metres) = 23.82 car bays.	24 car bays
Apply the parking adjustment factors. <ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.95 (within 400 metres of one or more public car parks in excess of 25 spaces) • 0.90 (provision of "end of trip" facilities for bicycle users) • 0.80 (development contains a mix of uses, where at least 45 per cent of the gross floor area is residential) 	(0.5814) 13.95 car bays
Minus the car parking provided on-site	17 car bays of which 2 visitor car bays will be lost if road widening does occur. As such 15 car bays should be considered in this instance.
Minus the most recently approved on-site car parking shortfall	Nil.
Surplus	1.05 car bays
Bicycle Parking Facilities	
Offices <ul style="list-style-type: none"> • 1 space per 200 (proposed 1191) square metres gross floor area (class 1 or 2) = 5.96 spaces • 1 space per 750 (proposed 1191) square metres over 1000 square metres for visitors (class 3) = 0.25 space 	End of trip facilities provided on plans, but not bicycle bays.

The car parking situation in relation to the proposed development can be summarised as follows:

<p><u>Car Parking Provision:</u></p> <p>Total car parking bays provided = 39 car bays Car parking in car stackers system (2 sets of 2 car bays plus 8 sets of 3 car bays) = 28 car bays (72%) Car parking at grade (including 2 visitors car bays within road widening reservation) = 11 car bays (28%).</p>
<p><u>Car Parking Required:</u></p> <p>Residential component = 22 car bays Commercial component = 13.95 car bays Total car parking required = 35.95, say 36 car bays.</p>

COMMENTS:

Department for Planning and Infrastructure (DPI) Comments

The proposal has been referred to the DPI as the proposal abuts Fitzgerald Street, which is classified as an "Other Regional Road" and also due to regional transport planning implications.

The DPI in its response letter dated 16 October 2008 has advised as follows:

- That the site is affected by a 3 metres road widening, and that the proposal does not acknowledge this widening, and as such the development is not supported. Revised plans dated 2 December 2008, indicates no building within this road widening area.
- The view that the proposal could be significant traffic generator, hence the need for a traffic statement.

The revised plans and traffic statement prepared by TARSC Pty Ltd dated 2 December 2008 have been forwarded to the DPI for comments. The DPI have advised in their letter dated 9 December 2008 that their comments and assessment will be forthcoming within the 30 days period for comments, commencing from the 4 December 2008, which is the date the revised information was forwarded to the DPI.

Demolition

The subject property comprises a large concrete and fibro warehouse building at Nos. 152-158 Fitzgerald Street, Perth. The Metropolitan Sewerage Maps Plans indicate that prior to 1952 a small brick dwelling occupied the site. The subject property is not listed on the Town's Municipal Heritage Inventory. The place is not considered to have any specific cultural heritage value that would make it eligible for consideration for inclusion on the Town's Municipal Heritage Inventory.

Therefore it is recommended that the application to partly demolish the place be approved, subject to a quality archival record and other standard conditions.

Technical Services Comments

The Town's Technical Services have advised that there are no existing car stackers in the Town of Vincent, and very few installed in Western Australia. Whilst the developer has indicated examples of car stackers in other locations in Perth, to date they have not yet been able to identify any car stackers that are actually fully operational.

The Town's Technical Services Officers did however recently visit an eight (8) bays car stacker system, nearing completion, located in a commercial development in Subiaco and following the inspection the following observations were made.

- Ease of use - The car stacking system must be user friendly and simple to use.
- Noise attenuation measures must be incorporated in the design.
- A suitable and appropriate long term maintenance agreement is required to be established and maintained by the strata managers.
- The need for an auxiliary power supply in case of a power failure is necessary.
- The need for users to be provided with a thorough induction in health and safety aspects associated with the use of the car staking system.
- Should there be a vehicle breakdown in the car stacker, it may be difficult to remove the vehicle from the stacker (flexible corrugated floor).
- The types of vehicles that can use the stacker depending on the dimensions/height to cater for, even a Toyota Land Cruiser is approximately 3,000 kilograms in weight.
- The need for rubber inserts for the flexible corrugated floor for a person's stability.

- The need for vehicles to be perpendicular to the stacker for manoeuvring. An absolute minimum reversing area of 7.0 metres is required, in lieu of 6.0 metres.
- Consideration needs to be given to delays and queuing associated with waiting for vehicles to park and exit the stacker(s).
- May have an impact on the elderly persons and parents with children (with baby seats), who may have difficulty getting in and out from their vehicle while in the stacker.

Car stackers while providing the number of bays required for a development may not necessarily provide adequate and convenient parking for the end user. Car stackers may lead to more vehicles having a tendency to park in the street which, in this location would be Fitzgerald Street and Stuart Street, thereby creating an unreasonable impact on the amenity of the area, and competing with other users for available street parking.

Technical Services officers consider that the most user friendly and effective mode of vehicle parking is 'at grade' parking and this is preferred over car stacking systems. While it is considered that car stacking systems may have a use if there are compelling reasons, that is high ground water table and/or associated poor ground conditions which may preclude the construction of a below ground car park within a development site and/or the retention of a heritage building etc.

It is therefore considered that car stackers should not be the option of choice merely to enable an intensification of use within a development site. It is further contended that if a car stacker is to be considered within a development the car stacker should be assessed on a 'case by case' basis taking many factors into account and possibly be restricted to residential use where bays are allocated to individuals or possibly long stay parking situations again where bays are allocated to a particular person or unit.

It should also be noted that there are a number of different types of car stackers available on the market with different modes of stacking and operation.

No car stackers currently exist within the Town of Vincent. The Town's officers have discussed the matter with a number of officers from other local governments, in Perth, and they have advised that they are somewhat reluctant to support car stackers in developments and prefer at grade parking for similar reasons as have been indicated above.

Concern is expressed that the subject development proposes 28 bays which will be accommodated within several automated car stacking systems and this represents the majority (72%) of the total proposed car parking provision. While officers have spent many hours assessing and investigating this matter to ensure they are fully informed, as there is so little evidence of car stackers operating successfully in Perth, it has been extremely difficult to make a fully informed 'judgement' on whether the number and type/s of car stackers as proposed in this development would be a success or a failure. The lack of any standards and/or policies (none available from other local governments canvassed) has made this even harder.

Furthermore, the Traffic Impact Assessment contains numerous errors and a revised and corrected Assessment must be submitted to the Town, and deemed acceptable, prior to the issue of a Building Licence. This Assessment must also be forwarded to DPI for comment.

Building Services Comments

The Town's Building Services Officers have advised that the proposal is non-compliant in terms of Building Code of Australia requirements. However, these non-compliances can be addressed at the Building Licence stage.

Health Services Comments

The Town's Health Services Officers strongly recommend 'increased sound insulation' as detailed in the product data sheet for the car stackers, and that the acoustic consultant will be required to assess whether this provides a suitable level of attenuation. The above matter can be addressed at the Building Licence stage.

Chief Executive Officer's Comments

This application has been the subject of considerable discussion between the Applicant and the Town's Officers. Furthermore, a previous application was considered and refused by the Council. The current plan is considered to be an improvement of a previous plan, which was subsequently refused by the Council (and appealed to the State Administration Tribunal and lost). However, there are still a number of non-compliances, which will impact to some degree on the amenity of the surrounding area, as detailed by the Town's Planning Officers.

As detailed by the Director Technical Services, the use of a car stacker in this development causes concern, particularly as it is the first car stacker system to be approved by the Council. This locality of the Town already suffers from parking congestion and if the proposed car stacker is not utilised (for whatever reason, e.g. difficulty with use, malfunction, lack of maintenance), cars will be parked in the nearby streets. This will further add to the congestion and will be the source of complaints.

The Chief Executive Officer considers it is essential that wherever car stacker systems are to be used, they must be easy to use and be operational for the life of this current building. Furthermore, the number of cars to be accommodated by a car stacker system should be minimal (not 72% or 28 cars as in this case). If the Council approves of this application and the car stacker ceases to be functional or operational, it will be almost impossible to address the necessary car parking on site. The Town may therefore expose itself unnecessarily to litigation. This is yet to be fully investigated. Furthermore, the approval of this car stacker system may be seen as a precedence by other developers.

The Chief Executive Officer therefore, considers that this application should be refused for the reasons specified in the Officer Recommendation. The proposal for 72% of the car parking bays to be accommodated by the car stacker system is unacceptably high, given the lack of experience, information, risk and concerns associated with such systems.

Conclusion

The application is considered unacceptable, primarily due to the significant non-compliances, the risks and concerns associated with the proposed car stacker system and would result in any undue impact on the amenity of the surrounding area. The application is therefore not supported.

9.1.3 Nos. 87 (Lots: 101) Bulwer Street, Dual Frontage to Greenway Street, Perth - Proposed Demolition of Existing Buildings and Construction of Five-Storey Office Building and Associated Basement Car Parking

Ward:	North	Date:	8 December 2008
Precinct:	Beaufort; P13	File Ref:	PRO4257; 5.2008.385.1
Attachments:	001		
Reporting Officer(s):	R Rasiah, H Au		
Checked/Endorsed by:	D Abel	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 Oldfield Knott Architects on behalf of the owner Bulwer PDS Pty Ltd for proposed Demolition of Existing Buildings at No. 87 (Lot: 101) Bulwer Street, dual frontage to Greenway Street, Perth and as shown on plans stamp-dated 14 November 2008, subject to the following conditions:*
- (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
 - (b) *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;*
 - (c) *a development proposal for the redevelopment of the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
 - (d) *demolition of the existing building may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing buildings valued by the community;*
 - (e) *support of the demolition application shall not be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property; and;*
 - (f) *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; 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 Oldfield Knott Architects on behalf of the owner Bulwer PDS Pty Ltd for proposed Construction of Five (5) Storey Office Building and Associated Basement Car Parking, at No. 87 (Lot: 101) Bulwer Street, dual frontage to Greenway Street, Perth and as shown on plans stamp-dated 14 November 2008, for the following reasons:*
- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*

- (b) *the non-compliance with the building setbacks, building height, residential/commercial mix of 66 and 34 per cent respectively, car parking shortfall, and building setbacks requirements of the Residential Design Codes and the Town's Policies relating to Beaufort Precinct, Non-Residential/Residential Development Interface and Parking and Access;*
- (c) *the development creates an undesirable precedent for similar scale and nature developments on other potential developments sites within the Beaufort Precinct, that are zoned Residential/Commercial; and*
- (d) *consideration of the objections received.*

COUNCIL DECISION ITEM 9.1.3

PROCEDURAL MOTION

Moved Cr Ker, Seconded Cr Youngman

That the item be DEFERRED at the request of the applicant.

MOTION PUT AND CARRIED (8-0)

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

Landowner:	Bulwer PDS Pty Ltd
Applicant:	Oldfield Knott Architects
Zoning:	Metropolitan Region Scheme: Urban and "Other Regional Road Reservation". Town Planning Scheme No. 1 (TPS 1): Residential/Commercial (R 80) and "Other Regional Road Reservation".
Existing Land Use:	Car Sales Yard
Use Class:	Office Building
Use Classification:	"AA"
Lot Area:	1404 square metres
Access to Right of Way	Not applicable

BACKGROUND:

- 12 February 1973 Planning Approval Serial No. 10/2800 issued for a car yard use at the above site.
- 13 July 1976 Planning Approval Serial No. 10/2800, issued for office, showroom and warehouse use at the above site.

DETAILS:

The proposal involves the demolition of the existing buildings and the construction of a five (5) storey office building and associated basement car parking. Vehicular access to the site is via Greenway Street.

The owner's planning consultant has submitted a comprehensive response in relation to the issues raised in the advertising submissions, and a summary of this response is as follows:

"SUMMARY

To summarise the above, the proposed development warrants support and approval for the following reasons:

1. *It is common practice for land fronting major regional roads to be designated for commercial uses, to provide a 'buffer' to more sensitive residential uses;*
2. *The subject site is located within a discrete 'island', formed by Beaufort, Bulwer, Greenway and Stirling Streets, and comprising only 11 land parcels, all developed for commercial purposes. The site is separated from the interior core of the precinct, which is more suited to mixed-use development. Development of the lots within the 'island' for commercial purposes will create an effective buffer to the existing residential uses on the southern side of Greenway Street;*
3. *The subject site is in an area experiencing considerable demand for office space. Optimising the use of the site for commercial purposes will assist in creating employment, and integrating land use and transport;*
4. *By proposing a development which is itself visually striking and impressive, the subject application will effectively 'raise the bar' for the locality, ensuring any development of the surrounding lots is of a very high quality. Restricting building height to only two or three storeys will inevitably result in mediocre and uninspiring development, reflecting poorly on the surrounding locality. In contrast, a striking, grand building will befit such a landmark site, forming the gateway to the Beaufort Street precinct;*
5. *The Town has recently approved several developments of greater height and scale to that proposed, including within the Beaufort Precinct, and in close proximity to the subject site. The proposed development will be similar in bulk and scale to the likely future development of the surrounding land;*
6. *The parking provision is the environmentally responsible option. The proposed development will encourage the use of alternative modes of transport, consistent with the TravelSmart program actively promoted by the Town. The parking provision is not anticipated to result in traffic or parking problems in the locality, as the peak demand associated with surrounding traffic generators will not coincide with the peak demand of the office use;*
7. *The sunscreens are considered by the State Government to constitute a 'minor encroachment'. Approval of the proposed sunscreens is taken as granted, and there is no requirement to obtain tenure;*
8. *Overshadowing is fully compliant with the requirements of the R-Codes, were they applicable to the non-residential development. The existing street wall of the 'Greenway Foundry Studios' grouped dwelling development already overshadows the internal areas of the development, and any additional overshadowing resulting from the proposal will be minimal. With regard to visual privacy, the separation provided by Greenway Street means the overlooking would be fully compliant with the requirements of the R-Codes. In addition, the outdoor living areas within the 'Greenway Foundry Studios' are already overlooked by other dwellings within the development, and there can be no expectation of privacy; and*
9. *The development will be a net exporter of green electrical power.*

Accordingly, the proposed development is appropriate and justified, and will provide a considerable benefit to the local community and the Town. In light of the matters raised above, we request the Town's Officers and Elected Members support and approve the proposed development as submitted. We respectfully request the opportunity to address any meeting of Council at which the matter is considered, prior to determination."

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	1.0 or 1404 square metres for the residential component. It is noted that there is no plot ratio requirements for commercial development, and that the plot ratio requirements in the Precinct Policy refer to residential development.	Nil - as no residential component is proposed.	Noted.
Residential/Commercial	Commercial uses are not to be permitted to develop independently of residential uses, with 66 per cent residential and 34 per cent commercial.	100 per cent commercial	Not supported - in this instance, as under the Residential/Commercial zone, Commercial uses are not to be permitted to develop independently. This would assist in the integration of work place and residences. It will also liven up and add vibrancy to this inner City area.
Height of Building	2 storeys	5 storeys	Not supported - as the height and overall design of the proposal creates an unacceptable bulk and scale issue, and is considered to unduly affect the streetscape of the area, which is predominantly dominated by 2 storey buildings.
Non-Residential Adjacent to Residential Area	2 storeys	5 storeys	Not supported - as above.

Car Parking	77.52 car bays	48 car bays	Not supported - as the site will be a vacant site when redeveloped, and there is opportunity to provide for the shortfall in car parking on-site, with a much reduced scale development. Further comments in the "Comments" section.
Boundary Wall	Wall on boundary to be 2/3 of length of lot boundary (31.03 metres).	Greater than 2/3 of length of lot boundary (44.50 and 44.52 metres).	Supported - as most buildings are on the boundary, including the boundary walls within the front setback on the Bulwer Street frontage. The variations will not unduly impact on amenity of area.
Building Setbacks:			
First Floor-West side	3.5 metres	Nil	Supported - as variation would not result in an undue impact on amenity of area.
First Floor-East side	3.5 metres	Nil	Supported - as variation would not result in an undue impact on amenity of area. Furthermore an appropriately designed 3 storey development could be considered appropriate in this instance.
Second Floor-West side	5.2 metres	Nil	Supported –as above.
Second Floor-East side	5.2 metres	Nil	Supported –as above.
Third Floor-West side	7 metres	Nil	Not supported – as the proposal exceeds the height requirements.
Third Floor-East side	7 metres	Nil	Not supported – as above.
Fourth Floor-West side	9 metres	Nil	Not supported – as above.
Fourth Floor-East side	9 metres	Nil	Not supported – as above.

Consultation Submissions		
Support	<ul style="list-style-type: none"> • Nil 	Noted.
Objections (9)	<ul style="list-style-type: none"> • Visual impact of height, bulk and scale. The highest building in this vicinity is 2 storeys. The height is a “significant” deviation from the 2 storey allowed. The area is mainly characterised by single and two storey buildings. The heritage listed single storey service station opposite and the heritage listed funeral parlour on the north-west corner of Bulwer and Beaufort Streets will be overpowered by the proposed height. The imposing parapet walls on both wide boundaries will impact negatively on the Bulwer Street streetscape. 	Supported- as there is opportunity to comply with the current height requirements.
	<ul style="list-style-type: none"> • The 5 storey proposal will change character of streetscape. The Bulwer Street façade is ‘extreme’ and will not suit this area. There is no front setback to the lower levels and no provision of landscaping on site. 	Supported- as the variation will result in an undue impact on the existing streetscape.
	<ul style="list-style-type: none"> • Car parking is premium and saturation in the area, with “Members Equity Stadium”, ‘Australian Asian Association’ and “Brisbane Street Hotel” all in close proximity of the subject development site. The shortfall in car parking is not supported. The proposed 50 car bays are inadequate, resulting in impacting surrounding streets and adjacent residential area, due to scale of development. If a shortfall is approved and with the assumption that the Brisbane Street Car Park can be used for this purpose, this will impact on the Town’s future plans to redevelop the Brisbane Street car park to a use that better enhances the area. 	Supported – as the site will be a vacant site, and the car parking shortfall is considered excessive, partly due to the intense development being proposed.
	<ul style="list-style-type: none"> • With retaining walls likely to be constructed on boundary, concerns on ground work affecting adjoining lot. 	Noted- as this is the responsibility of the developers and is a civil matter to be addressed by both affected landowners.
	<ul style="list-style-type: none"> • The building process will cause short term problems of parking, noise and inconvenience. 	Noted – and this is an inevitable process with any form of redevelopment.
	<ul style="list-style-type: none"> • Will result in reduced property prices, which cannot be afforded during this financial crisis. 	Not supported – as this is not a valid planning consideration.

	<ul style="list-style-type: none"> Height would result in overshadowing of other buildings in the area including overlooking into courtyards and swimming pool areas of developments along Greenway Street. 	<p>Not supported - as the proposal complies with the overshadowing requirements of the R Codes. The development site complies with the 6 metres privacy setbacks requirements of the R Codes, as it is separated by Greenway Street, which is 10 metres in width.</p>
	<ul style="list-style-type: none"> The 66% residential and 34% commercial should be retained to promote growth, liven up area and make inner city more vibrant. To allow a 100% commercial would set a precedent, and the above mix should not be watered down. The form of the building would not allow it to be adapted for residential purposes at a later date. 	<p>Supported – as a 100 per cent commercial use is not allowed to be developed independently.</p>
	<ul style="list-style-type: none"> The depth of the offices would not allow access to natural light and is contrary to the Town's environmental sustainability as the building would require artificial lighting, heating and cooling. 	<p>Not supported – as the proposal will be required to comply with the relevant Building Code of Australia requirements.</p>
	<ul style="list-style-type: none"> Although the Multiple Dwellings policy, which has only just been approved by Council, would allow up to 5 storeys on a major road, which includes Bulwer Street, the policy requires that the upper floors, above 2 storeys, be set well back from the street frontages of Bulwer and Greenway Streets. 	<p>Supported – as the proposal would not have been supported if it was a complete residential development, due to the lack of appropriate staggering of the floors from the third storeys upwards.</p>
	<ul style="list-style-type: none"> The proposed basement car park may be difficult to construct in this location which was formerly a wetland and where the groundwater table may be close to the surface. If the basement was not fully below ground, then this would impact very negatively on the development's ground level presentation to both street frontages. 	<p>Noted – as this is the responsibility of the developer.</p>
Other Implications		
Legal/Policy	TPS 1 and associated Policies.	
Strategic Implications	Nil	
Financial/Budget Implications	Nil	

Sustainability Implications	The proposal will be required to satisfy the energy efficiency requirements of the Building Code of Australia requirements at the Building Licence stage.
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* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

COMMENTS:

Car Parking- Commercial Component	
Car parking requirement (nearest whole number) • Office: 1 car bay per 50 square metres gross office floor area (5722 square metres) = 114.44 car bays.	114 car bays
Apply the adjustment factors. • 0.85 (within 400 metres of a bus stop) • 0.80 (within 50 metres of public car park with 50 car bays)	(0.68) 77.52 car bays
Minus the car parking provided on-site	48 car bays
Minus the most recently approved on-site car parking shortfall	Not applicable as proposal is to redevelop the site.
Resultant shortfall	29.52 car bays
Bicycle Parking Facilities	
Office • 1 per 200 (proposed 5722) square metres public area for employees (class 1 or 2) - 28.61 spaces. • 1 space per 750 square metres over 1000 square metres for visitors (class 3) - 6.296. • End of trip bicycle facilities.	Some bicycle facilities are shown in the basement, but no end of trip facilities is provided.

The owners have submitted their car parking calculation, whereby it is stated that previous shortfall in car parking approved in 1982 (should be 1976 as per the Town's records) as a result of the car showroom/service centre approved equating to 23 car bays should be credited to this development.

The Town records indicate no cash-in lieu being paid for any recognised short fall for the subject site. Moreover when a site is completely cleared of buildings and a new development proposed, any existing shortfall if any will cease to exist, as there is no rationale that this shortfall should be carried forward each time a building is demolished and the site redeveloped, as it basically results in further under provision of car parking. As such the above car parking calculation provided by the owners is not supportable. Furthermore a number of car bays have been proposed in tandem arrangement, which is not an ideal arrangements, that further implies that car bays are being crammed for an over intensive commercial development. The proposed shortfall is likely to result in office staff from this development seeking alternative on street car parking in the vicinity. On the above basis, the shortfall in car parking is not supported, as the site is vacant site, and the shortfall can be provided on-site, if the development was compliant.

Demolition

The subject place at No. 87 Bulwer Street, Perth comprises a brick and iron motorcar showroom and warehouse built in the Late Twentieth Century Retail style. It was built circa 1973, and replaced an earlier residence that was built on the site circa 1926 and operated as a mixed business. The Metropolitan Sewerage Plan Survey dated July 1953 indicates the original brick building constructed in 1926 was still extant at that time and featured asbestos additions at the front and at the rear with a larger industrial style building, built with brick galvanized iron roof located to the east of the subject lot.

The current building is rectangular with a simple façade and shop windows are featured along the front. A workshop and a carport are located to the rear of the commercial building, with bitumen car bays located to the east and an additional access to Greenway Street to the south.

In 1973, a development application was submitted by Goerke & Co. to erect car sales premises at the subject lot. Paul Goerke applied for a Building Licence in 1976 to change the subject place into an office, showroom and warehouse. In 1982 Autohause Porsche Pty. Ltd. proposed to construct additions to the existing showroom and workshop.

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

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

Department for Planning and Infrastructure (DPI) Comments

The DPI in its response letter dated 24 October 2008 have advised that there is a 2 metres road widening along the western corner of the subject site not shown on the original plans dated 18 August 2008. Furthermore the DPI has advised that the nature of the development justifies the need for a Transport Impact Statement to assist the DPI in its assessment of transport impacts on Bulwer and Beaufort Streets (both Other Regional Road Reservations). The applicants have submitted a transport impact statement on 2 December 2008.

The applicant has submitted revised plans dated 14 November 2008, taking into account the road widening and the new boundary, if the road widening along Bulwer Street is affected at some point in the future.

The above revised plans dated 14 November 2008 together with the transport impact statement have been forwarded to the DPI for its comments. No response has been received at the time this Agenda report was finalised.

Technical Services Comments

The Town's Technical Services have advised the following non-compliances:

- car bays that obstruct access to stores, and
- minimum headroom clearance of travel path to an ACROD bay to be 2.3 metres and the headroom over the car bay to be 2.5 metres.

Most of the above previous non-compliances have been addressed in the revised plans dated 14 November 2008, and the traffic impact study does not identify any undue impact from the development as proposed.

Additional details in relation to storm water management plan and the above non-compliances can be addressed at Building Licence stage.

Building Services Comments

The Town's Building Services have advised the following non-compliances in relation to the Building Code of Australia (BCA) requirements:

- egress from basement, facilities for people with disabilities, sun screens to be contained within lot and vertical separation of windows (fire purposes).

The applicants have advised that a BCA consultancy report has been prepared and advise that the client will be engaging a fire engineer to develop a fire engineered solution to address the issues of egress from the basement and ground floor areas. With respect to facilities for people with disabilities, each tenancy will have compliant toilet facilities to suit future occupant's requirements.

The applicant has further advised that the sunscreens should be considered in the same vein as what "corbel features" would be. Furthermore if an awning is allowable and can project into the road reserve there is no reason why the sunscreens cannot. The sunscreens are easily removable if required to be in the future. Vertical separation of windows will be done.

Conclusion

In general, the proposal in its current form is not supportable, as it is considered to have an undue impact on the amenity and streetscape of the area.

9.1.11 Nos. 178-182 (Lot: 28 D/P: 9682*9) Stirling Street, corner Parry Street, Perth - Proposed Four-Storey Mixed Use Development Comprising Eight (8) Offices, Eleven (11) Multiple Dwellings and Basement Carpark - Reconsideration of Previous Condition (xxii)

Ward:	South	Date:	8 December 2008
Precinct:	Beaufort, P13	File Ref:	PRO0956; 5.2008.522.1
Attachments:	001		
Reporting Officer(s):	R Narroo		
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 REFUSES the application submitted by Clarendon Realty on behalf of the owner Golden Eagle WA Pty Ltd for proposed Four Storey Mixed Use Development Comprising Eight (8) Offices, Eleven (11) Multiple Dwellings and Basement Carpark - Reconsideration of Previous Condition (xxii), at Nos.178-182 (Lot: 28 D/P: 96829) Stirling Street, corner Parry Street, Perth, and as shown on plans stamp-dated 6 November 2008 , for the following reasons:

- (i) the deletion of the previous condition (xxii) is not consistent to the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) the non-compliance with the Town's Policy No. 3.7.1 relating to Parking and Access as follows:*
 - (a) the use of the car park by external users not associated with this development will discourage the use of public transport facilities and other modes of transport and is not efficient management of parking facilities in the area; and*
 - (b) the use of the car park by external users will unduly impact on the safety, convenience and efficient access of the residents, employees, visitors and tenants associated with this development.*

COUNCIL DECISION ITEM 9.1.11

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (8-0)

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

Landowner:	Golden Eagle WA Pty Ltd
Applicant:	Clarendon Realty
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential/Commercial (R80)
Existing Land Use:	Vacant Land
Use Class:	Office Building and Multiple Dwellings
Use Classification:	"AA" and "P"
Lot Area:	1506 square metres
Access to Right of Way	East side, 6 metres wide, sealed, right of carriageway easement

BACKGROUND:

- 23 October 2001 The Council at its Ordinary Meeting resolved to conditionally approve the construction of a warehouse, two showrooms, one shop and two offices on the subject site.
- 14 May 2002 The Council at its Ordinary Meeting granted conditional approval for proposed mezzanine level to approved warehouse, two showrooms, one shop and two offices.
- 8 October 2002 The Council at its Ordinary Meeting granted conditional approval for proposed warehouse.
- 7 July 2004 The Council at its Ordinary Meeting refused an application for proposed car park.
- 12 February 2008 The Council at its Ordinary Meeting resolved to conditionally approve the construction of a four storey mixed use development comprising eight offices, eleven multiple dwellings and basement car park.

DETAILS:

The proposal involves the reconsideration of condition (xxii) of the Planning Approval granted by the Council at its Ordinary Meeting held on 12 February 2008.

The only difference between the plans approved on 12 February 2008 and the new plans submitted is that the number of car parking spaces have increased from 56 bays to 57 bays.

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
There is no change to the matters contained in the Assessment Table in Item 10.1.10 presented to the Council at its Ordinary Meeting held on 12 February 2008.			
Consultation Submissions			
This application was not re-advertised as it is for a reconsideration of a planning condition and there are no significant changes to the plans conditionally approved by the Council at its Ordinary Meeting held on 12 February 2008.			

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

Residential Car Parking

Car parking requirements for the residential component of the development have been calculated using the requirement for mixed use development in the Residential Design Codes (R Codes). The residential component requires 11 car bays, based on the standard of one (1) car bay for each of the 11 proposed multiple dwellings. However, the applicant advised that two parking bays will be provided for each residential unit and the remaining bays will be commercial and visitors parking. Therefore, the number of car bays provided for the residential component will be 22 bays. A total of 57 car bays have been provided for the entire development; therefore, resulting in thirty-five (35) car bays available for the commercial component.

Commercial Car Parking

Requirements as per Parking and Access Policy	Required
Total car parking required before adjustment factor (nearest whole number)	
Office-1 car bay per 50 square metres gross floor area (proposed 803 square metres) = 16.06 car bays.	16 car bays
Apply the parking adjustment factors.	(0.578)
<ul style="list-style-type: none"> ▪ 0.80 (mix of uses with greater than 45 percent of the gross floor area is residential) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 400 metres of an existing public car park) 	9.248 car bays
Car parking provided on-site for commercial component	35 car bays
Minus the most recently approved on-site parking shortfall on-site	Nil
Resultant surplus	25.752 car bays

COMMENTS:

Reconsideration of Previous Condition (xxii) of Planning Approval

Condition (xxii) of Planning Approval granted on 12 February 2008 is as follows:

“(xxii) the car park shall be used only by employees, tenants, residents and visitors directly associated with this development.”

The applicant has submitted the following justification.

“ Although as Project Manager of this development I am quietly confident that most of the extra under cover car bays for this project, will probably be taken up by purchasers of this residential and commercial building, the shareholders seek confirmation of permission to lease any surplus bays, because underground bays cost a lot of money to produce, and I am instructed to reduce the number of below ground bays by up to 30, if request denied.”

This will result in up to another 30 vehicles trying to find parking on the already crowded street verges.

By simply removing condition (xxii) we can effectively reduce pressure on street parking in this immediate precinct.”

With regards to the applicant's justification, this development requires 20.248 car bays to satisfy the Town's parking requirements. Technically, this development has an excess of 36.752 bays.

The Town's Parking and Access Policy states the following:

"1) On-site parking is to be provided at a rate that adequately meets the demand generated by a particular use or activity as determined by the Town of Vincent.

An oversupply of parking for a particular use will not be supported as this discourages the use of public transport facilities and other modes of transport and is contrary to the objective of efficient management of parking facilities."

The Town considers the use of the car park by external users not associated with his development will discourage the use of public transport and will impact on the existing parking facilities in the area.

Objective 1) of the Parking and Access Policy specifies the following:

"1) To facilitate the development of adequate parking facilities and safe, convenient and efficient access for pedestrians, cyclists and motorists."

The leasing of these car bays to external users can unduly impact on the safety, convenience and efficient access by the residents as it will be difficult to manage the people leasing these parking spaces.

It is to be noted for the approved proposed development at Nos. 188-194 Stirling Street, adjoining the subject property, the same condition was imposed.

Conclusion

In light of the above, deletion of previous condition (xxii) is not supported and therefore the application is recommended for refusal.

9.2.1 Traffic Management Matter "Pennant Street Traffic Matters" - Referral to Local Area Traffic Management Advisory Group

Ward:	North	Date:	4 December 2008
Precinct:	Smith's Lake P6	File Ref:	TES0275
Attachments:	-		
Reporting Officer(s):	R Lotznicker		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on Traffic Management Matter to be referred to the Town's Local Area Traffic Management Advisory Group;*
- (ii) *REFERS the proposal for "Pennant Street Traffic Matters" to the Local Area Traffic Management Advisory Group for consideration; and*
- (iii) *RECEIVES a further report on the matter following consideration by the Town's Local Area Traffic Management Advisory Group, if warranted.*

COUNCIL DECISION ITEM 9.2.1

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (8-0)

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

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval to refer a traffic matter to the Local Area Traffic Management (LATM) Advisory Group for consideration.

BACKGROUND:

A petition, signed by 31 persons, has been received from a resident of Pennant Street requesting the Council to consider installing some traffic calming devices to manage the very high speed of traffic using the street as a short cut onto adjacent major roads.

A proposal to carry out traffic management in this area was initiated in 1994 by the City of Perth, however, this did not proceed any further once the Town was created in that year.

DETAILS:

History:

In 2000, in response to a number of complaints from local businesses that the existing time restriction was making it difficult for them to operate, the Council approved the removal of the one (1) hour parking time restrictions on the north side of Howlett Street, between Charles Street and Tennivale Place, North Perth, for a trial period.

The removal of the time restriction resulted in numerous complaints relating to vehicles parking all day in Howlett Street, with most vehicles belonging to employees of businesses in Howlett Street. Residents complained that, since one of the companies commenced shift operations as early as 5.30am, parking spaces were filled for the whole day. At the time this not only created difficulties with the availability of parking bays for customers and visitors, but also resulted in the surrounding streets being filled with all-day parkers.

At its Ordinary Meeting held on 11 July 2000, the following motion was adopted.

"That;

(ii) the Council introduces "RESIDENTIAL PARKING ZONES" in the following streets:

- (a) Howlett Street between Tennivale Place and Pennant Street;*
- (b) Hardy Street between Howlett Street and Scarborough Beach Road;*
- (c) Tennivale Place between Howlett Street and Kadina Street; and*
- (d) Pennant Street between Scarborough Beach Road and Kadina Street;"*

Current Scenario:

Pennant Street is classified as an Access road in accordance with the Metropolitan Functional Road Hierarchy, has a posted speed limit of 50kph and is classified to carry up to 3,000 vehicles per day (vpd). It has been a residential only parking zone since 2000 (refer background).

Traffic Statistics:

	Scarb Bch Road to Howlett St			Howlett St to Kadina St		
	2001	2003	2006	2001	2003	2006
Ave (kph)	41.5	40.64	45.9	35.86	37.89	37.5
85% (kph)	54.0	50	55.8	44.0	46	44.6
Volume (vpd)	765	740	777	784	706	888
% commercial	2.32	1.16	1.97	2.08	1.16	1.97

Officer's Comments:

The trouble with *Residential Only Parking* restrictions is that if properties have available off street parking or rear access parking, as is the case for the majority of Pennant Street properties, residents do not park on the street and neither does anyone else.

This often results in increased vehicle speeds as there is no impediment to vehicles, i.e. kerb to kerb asphalt with no traffic calming created by parked vehicles.

The *Residential Only Parking* restrictions were implemented to address an issue at the time. The situation may have changed and there may no longer be a need for this restriction to remain in place. If this were the case and the restrictions were removed, vehicles could then park on the street and this would most certainly result in a reduction in vehicle speeds.

Unfortunately there are no traffic statistics from early 2000 or late 1999, prior to the *Resident Only Parking* restriction being implemented. Statistic from 1989 (10 years before) do however indicate that the 85% speed at the time was approximately 5kph below the posted speed limit.

CONSULTATION/ADVERTISING:

Once the matter has been considered by the LATM Advisory Group and referred to the Council, consultation with the wider community may be recommended.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

No funds have been specifically allocated in the 2008/2009 budget for these matters.

COMMENTS:

The Town receives many requests for Traffic Management from time to time. Most requests received are addressed by the officers as vehicle classifier results usually indicate that there is a perceived problem rather than an actual problem. Other matters are referred to the Police Services for enforcement of the legal speed limit.

The matter listed in this report may require further investigation and consideration.

9.1.2 Further Report - Nos. 566-570 (Lot: 6 D/P: 692) Beaufort Street, corner Clarence Street, Mount Lawley- Proposed Change of Use from Take Away Food Outlet and Eating House to Take Away Food Outlet and Unlisted Use - Small Bar and Associated Alterations and Additions

Ward:	South	Date:	9 December 2008
Precinct:	Mount Lawley Centre; P11	File Ref:	PRO0816; 5.2008.237.1
Attachments:	001 002		
Reporting Officer(s):	R Narroo		
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 REFUSES the application submitted by D Barber on behalf of the owner Austgold Holdings Pty Ltd for Proposed Change of Use from Take Away Food Outlet and Eating House to Take Away Food Outlet and Unlisted Use-Small Bar and Associated Alterations and Additions at Nos. 566-570 (Lot: 6 D/P: 692) Beaufort Street, corner Clarence Street, Mount Lawley, and as shown on plans stamp dated 9 October 2008, for the following reasons:*~~

- ~~(i) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*~~
- ~~(ii) *the non-compliance with the requirements of the Town's Policy relating to Parking and Access (Policy No. 3.7.1); and*~~
- ~~(iii) *consideration of the objections received.*~~

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 Barber on behalf of the owner Austgold Holdings Pty Ltd for Proposed Change of Use from Take Away Food Outlet and Eating House to Take Away Food Outlet and Unlisted Use-Small Bar and Associated Alterations and Additions at Nos. 566-570 (Lot: 6 D/P: 692) Beaufort Street, corner Clarence Street, Mount Lawley, and as shown on plans stamp-dated 9 October 2008 and amended floor plan of Take Away Food Outlet (Noodle Box) stamp-dated 4 December 2008, subject to the following conditions:

- (i) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (ii) the maximum number of patrons to occupy the small bar at any one time shall be 84 persons;*
- (iii) packaged liquor shall not be sold at the premises;*

(iv) the seating area at the take-away food outlet (Noodle Box) shall occupy a maximum area of 15 square metres as shown on the amended plan stamp-dated 4 December 2008;

(v) prior to the issue of the Building Licence or first occupation of the development, whichever occurs first, revised plans and details shall be submitted and approved demonstrating the bin compound being redesigned to accommodate the following bins:

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

Recycle Waste: One (1) mobile recycle bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof (collected fortnightly).

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

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

(a) pay a cash-in-lieu contribution of \$9,352 for the equivalent value of 3.34 car parking spaces, based on the cost of \$2,800 per bay as set out in the Town's 2008/2009 Budget; OR

(b) lodge an appropriate assurance bond/ bank guarantee of a value of \$ 9,352 to the satisfaction of the Town. This assurance bond / bank guarantee will only be released in the following circumstances:

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

(2) to the owner(s) / applicant following receipt by the Town with a Statutory Declaration on the prescribed form endorsed by the owner(s)/ applicant and stating that they will not proceed with the subject 'Approval to Commence Development,'; or

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

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

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

(viii) the windows, doors and adjacent floor area facing Beaufort Street shall maintain an active and interactive frontage to Beaufort Street;

- (ix) prior to the occupation of the development, bollards shall be installed between the northern (Clarence Street) boundary and the car park at the applicant's expense in consultation with the Town's Technical Services;
- (x) a detailed management plan that addresses the control of noise, anti-social behaviour, traffic, car parking, disposal of rubbish and its collection and litter associated with the development and any other appropriate matters shall be submitted to and approved by the Town prior to the first occupation of the development, and thereafter implemented and maintained; and
- (xi) the hours of operation of the small bar shall be limited to 12:00 pm to 12:00 am Wednesday to Sunday, inclusive.

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

Moved Cr Messina, Seconded Cr Youngman

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Burns, Seconded Cr Ker

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

“(xi) *the hours of operation of the small bar shall be limited to ~~12:00 pm to 12:00 am~~ Wednesday to Sunday, ~~inclusive~~ the following:*

Monday to Saturday - 12 noon to midnight;

Sunday - 12 noon to 10.00pm;

New Year's Eve (Monday - Saturday) - 12 noon to 2.00am New Year's Day;

New Year's Eve (Sunday) - 12 noon - 2.00am New Year's Day;

Good Friday - 12 noon - 10.00pm (ancillary to a meal only);

Christmas Day - 12 noon - 10.00pm (ancillary to a meal only); and

ANZAC Day - 12 noon to midnight; and

excluding any hours of extension which would require prior Council approval.”

AMENDMENT PUT AND CARRIED (8-0)

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

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (7-1)

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

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

COUNCIL DECISION ITEM 9.1.2

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by D Barber on behalf of the owner Austgold Holdings Pty Ltd for Proposed Change of Use from Take Away Food Outlet and Eating House to Take Away Food Outlet and Unlisted Use-Small Bar and Associated Alterations and Additions at Nos. 566-570 (Lot: 6 D/P: 692) Beaufort Street, corner Clarence Street, Mount Lawley, and as shown on plans stamp-dated 9 October 2008 and amended floor plan of Take Away Food Outlet (Noodle Box) stamp-dated 4 December 2008, subject to the following conditions:

- (i) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (ii) the maximum number of patrons to occupy the small bar at any one time shall be 84 persons;*
- (iii) packaged liquor shall not be sold at the premises;*
- (iv) the seating area at the take-away food outlet (Noodle Box) shall occupy a maximum area of 15 square metres as shown on the amended plan stamp-dated 4 December 2008;*
- (v) prior to the issue of the Building Licence or first occupation of the development, whichever occurs first, revised plans and details shall be submitted and approved demonstrating the bin compound being redesigned to accommodate the following bins:*

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

Recycle Waste: One (1) mobile recycle bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof (collected fortnightly).

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

- (vi) within twenty-eight (28) days of the issue date of this 'Approval to Commence Development,' the owner(s), or the applicant on behalf of the owner(s) shall comply with the following requirements:*
 - (a) pay a cash-in-lieu contribution of \$9,352 for the equivalent value of 3.34 car parking spaces, based on the cost of \$2,800 per bay as set out in the Town's 2008/2009 Budget; OR*
 - (b) lodge an appropriate assurance bond/ bank guarantee of a value of \$9,352 to the satisfaction of the Town. This assurance bond / bank guarantee will only be released in the following circumstances:*
 - (1) to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*

(2) *to the owner(s)/applicant following receipt by the Town with a Statutory Declaration on the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development,'; or*

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

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

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

(viii) *the windows, doors and adjacent floor area facing Beaufort Street shall maintain an active and interactive frontage to Beaufort Street;*

(ix) *prior to the occupation of the development, bollards shall be installed between the northern (Clarence Street) boundary and the car park at the applicant's expense in consultation with the Town's Technical Services;*

(x) *a detailed management plan that addresses the control of noise, anti-social behaviour, traffic, car parking, disposal of rubbish and its collection and litter associated with the development and any other appropriate matters shall be submitted to and approved by the Town prior to the first occupation of the development, and thereafter implemented and maintained; and*

(xi) *the hours of operation of the small bar shall be limited to the following:*

Monday to Saturday - 12 noon to midnight;

Sunday - 12 noon to 10.00pm;

New Year's Eve (Monday - Saturday) - 12 noon to 2.00am New Year's Day;

New Year's Eve (Sunday) - 12 noon - 2.00am New Year's Day;

Good Friday - 12 noon - 10.00pm (ancillary to a meal only);

Christmas Day - 12 noon - 10.00pm (ancillary to a meal only); and

ANZAC Day - 12 noon to midnight; and

excluding any hours of extension which would require prior Council approval.

ADDITIONAL INFORMATION:

The applicant has submitted the following additional information on 15 December 2008:

- a letter from the operator of the adjoining existing take away food outlet (Noodle Box) stating that only 15 square metres being used as the "dining area";
- an amended plan for the take away food outlet (Noodle Box) showing only 15 square metres as the dining area (copy of plan attached); and
- an e-mail confirming that there would be only 84 patrons for the proposed small bar.

Given the above information, the Car Parking Table is amended and additional comments are provided as follows.

FURTHER REPORT:

The Council initially considered the subject application at its Ordinary Meeting held on 4 November 2008, and resolved as follows:

“That the item be DEFERRED at the request of the Applicant.”

There are no changes to the plans referred to Council on 4 November 2008.

The applicant has advised that additional information will be submitted in relation to possible reduction in the seating area of the existing on site take away food outlet (Noodle Box) and the number of patrons for the proposed small bar. This information has not been received at the date of preparation of this report.

Further Comment:

Given there have been no changes to the plans and no new information submitted by the applicant at this stage, it is considered that the previous refusal recommendation should remain unchanged.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 4 November 2008.

“OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by D Barber on behalf of the owner Austgold Holdings Pty Ltd for Proposed Change of Use from Take Away Food Outlet and Eating House to Take Away Food Outlet and Unlisted Use-Small Bar and Associated Alterations and Additions at Nos. 566-570 (Lot: 6 D/P: 692) Beaufort Street, corner Clarence Street, Mount Lawley, and as shown on plans stamp-dated 9 October 2008, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the requirements of the Town's Policy relating to Parking and Access (Policy No. 3.7.1); and*
- (iii) consideration of the objections received.*

COUNCIL DECISION ITEM 9.1.11

PROCEDURAL MOTION

Moved Cr Ker, Seconded Cr Youngman

That the item be DEFERRED at the request of the Applicant.

PROCEDURAL MOTION PUT AND CARRIED (7-1)

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

(Cr Farrell was an apology for the meeting.)

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

BACKGROUND:

11 December 1995	The Council at its Ordinary Meeting conditionally approved an additional use of local shop to an existing pizza bar shop/take away food outlet at No. 570 Beaufort Street.
26 May 1997	The Council at its Ordinary Meeting conditionally approved a change of use from an eating house to shop at No. 566 Beaufort Street.
22 August 2000	The Council at its Ordinary Meeting conditionally approved a change of use from a shop to an eating house at No. 566 Beaufort Street.
9 May 2006	The Council at its Ordinary Meeting deferred its decision for a change of use from shop and take away food outlet to shop, take away food outlet and eating house and associated alterations and additions.
27 June 2006	The Council at its Ordinary Meeting deferred its decision for a change of use from shop and take away food outlet to shop, take away food outlet and eating house and associated alterations and additions.
8 August 2006	The Council at its Ordinary Meeting conditionally approved change of use from shop and take away food outlet to shop, take away food outlet and eating house and associated alterations and additions.
28 March 2007	The State Administrative Tribunal upheld an application for review by the applicant to pay cash-in-lieu for 7.175 car parking spaces and not for 17.22 car parking spaces as stated in the Council report on 8 August 2006.

DETAILS:

The proposal involves the change of use of the existing eating house (formerly Richie's restaurant) to unlisted use (small bar) and associated alterations and additions.

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

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Plot Ratio:</i>	<i>N/A</i>	<i>N/A</i>	<i>Noted – no variation.</i>

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

<i>Car Parking</i>	
<i>Car parking requirement (nearest whole number)</i>	36 <u>24</u> car bays
<i>Existing Noodle Box (Take-Away Food Outlet)= 1 space per 4.5 square metres of seating area plus 1 space per 2.5 square metres of queuing area with a minimum of 4 spaces</i>	
<i>Seating area = 30 <u>15</u> square metres = 6.67 <u>3.33</u> car bays</i>	
<i>Queuing area = 6 square metres = 2.4 car bays</i>	
<i>Small Bar = 1 space per 4.5 persons of maximum number of persons approved for the site</i>	
<i>120 <u>84</u> patrons at any one time = 26.67 <u>18.67</u> car bays</i>	
<i>Total = 35.74 <u>24.4</u> car bays</i>	
<i>Apply the adjustment factors:</i>	(0.6885)
<ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.90 (within 400 metres of a public car parking place with in excess of 50 car parking spaces) ▪ 0.90 (the proposed development provides "end-of-trip" facilities for bicycle users , in addition to the facilities specified in the Bicycle Parking Requirements Table) 	24.79 <u>16.52</u> car bays
<i>Minus the car parking provided on-site</i>	6 car bays
<i>Minus the most recently approved on-site car parking shortfall</i>	7.175 car bays
<i>Resultant shortfall</i>	11.61 <u>3.34</u> car bays
<i>Bicycle Parking</i>	
<i>Not Applicable</i>	<i>Noted</i>
<i>Consultation Submissions</i>	
<i>Support</i>	<i>Nil</i>
<i>Objections (2)</i>	<ul style="list-style-type: none"> • Too many small bars in this area • Not supported – there is no planning control on the number of bars permitted in an area.

	<ul style="list-style-type: none"> • Shortfall of parking will impact on the amenity of the area • Bins are scattered everywhere • Small bars contributing to anti-social behaviour in the area 	<ul style="list-style-type: none"> • Supported – as explained in the Comments section, the shortfall will exacerbate the car parking shortfall for this site which will impact on the amenity of the nearby area. • Supported – applicant is required to provide the required bins on-site. • Supported in part- condition applied for a detailed management plan addressing anti-social behaviour to be submitted, approved and implemented.
Department for Planning and Infrastructure	The Department has no objections to the proposal on regional transport planning grounds. However, the applicant is advised that any future extension which will house the service area for the proposed bar, the applicant will need to take into account the 1.5 metres Other Regional Road reservation widening requirement for Beaufort Street and the 3 x 3 metres truncation requirement.	<ul style="list-style-type: none"> • Noted.
<i>Other Implications</i>		
<i>Legal/Policy</i>	<i>TPS 1 and associated Policies.</i>	
<i>Strategic Implications</i>	<i>Nil</i>	
<i>Financial/Budget Implications</i>	<i>Nil</i>	
<i>Sustainability 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:

Cash-in-Lieu Contribution

The Council at its Ordinary Meeting held on 11 December 1995 conditionally approved an additional use of a local shop to an existing pizza bar shop/take away food outlet at No. 570 Beaufort Street. One of the conditions of the approval was that the applicant was requested to pay \$27,000 as cash-in-lieu based on 5 car parking bays shortfall, which was not paid by the applicant or owner at that time. There has been a change of ownership for the subject site.

The Council at its Ordinary Meeting held on 9 May 2006 deferred its decision for a change of use from shop and take away food outlet to shop, take away food outlet and eating house and alterations and additions at Nos.566-570 Beaufort Street. One of the recommended conditions was the applicant to pay \$18,655 based on 7.175 car parking shortfall.

The Council at its Ordinary Meeting held on 27 June 2006 deferred its decision for a change of use from shop and take away food outlet to shop, take away food outlet and eating house and alterations and additions at Nos.566-570 Beaufort Street . One of the recommended conditions was the applicant to pay \$44,772 based on 17.175 car parking shortfall.

The Council at its Ordinary Meeting held on 8 August 2006 conditionally approved a change of use from shop and take away food outlet to shop, take away food outlet and eating house and associated alterations and additions at Nos. 566-570 Beaufort Street. One of the recommended conditions was the applicant was requested to pay \$44,772 based on 17.22 car parking bays shortfall.

The applicant applied to the State Administrative Tribunal (SAT) to review the decision to pay cash-in-lieu for the 17.22 car parking spaces. The Town's response was that given that the previous cash-in-lieu was not paid by the previous owner, therefore, the applicant was not entitled to the previous shortfall when calculating the car parking bays required. However, SAT in its ruling did not consider the cash-in-lieu not paid as an issue, rather the methodology of calculating the parking requirements. The calculations in the 27 June 2006 and 8 August 2006 Council reports were based on previous shortfall approved under old requirements, whereas the calculation in the 9 May 2006 Council report was in accordance with the current Policy No. 3.7.1- Access and Parking. Therefore, SAT upheld the application for review by the applicant to pay cash-in-lieu for 7.175 car parking spaces and not for 17.22 car parking spaces as stated in 8 August 2006 Council report.

Given the above, the cash-in-lieu contribution of \$ 18,655 paid for the shortfall of 7.175 car bays for the development approved on 8 August 2006 is included in the car parking assessment.

Car Parking Strategy

The Council at its Special Meeting held on 14 October 2008 considered the Draft Town of Vincent Car Parking Strategy Review Report which, inter-alia, states the following:

"State Administrative Tribunal (SAT) comments in relation to No. 560 Beaufort Street

The State Administrative Tribunal, in determining the matter of Govinda Govardhan and the Town of Vincent in relation to No. 560 Beaufort Street, Mount Lawley made the following comments in relation to the Town's Planning Policy 3.7.1 - Parking and Access Policy:

"Also, that cash-in-lieu contribution would do little to alleviate an immediate car parking demand emanating from the development with a consequential effect on the amenity of the adjacent residential locality; particularly during the late night hours."

"The overall effect of the "adjustment factor" is to reduce the parking requirement, but just why further adjustment factors ("the most recently approved car parking shortfall") should be built into the final calculations is far from clear to the Tribunal. Quite clearly, its effect is to significantly reduce the car parking obligations on a developer."

"It is also the considered view of the Tribunal that a cash-in-lieu contribution of some \$26,000 to \$28,000 (at \$2,600 per bay) would do little to alleviate an immediate car parking demand emanating from the development with its consequential effect on the amenity of nearby residents in the locality; particularly during the evening and late night hours."

As shown above, cash-in-lieu is not the only way to alleviate the impact on the amenity of the area.

Car Parking

****Note: The following comments were corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.***

The Town's Policy relating to Parking and Access suggests that the Council may determine to accept a cash-in-lieu payment where the shortfall is greater than 0.5 car bay to provide and/or upgrade parking in other car parking areas.

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

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

The subject application for Nos. 566-570 Beaufort Street has an amended total car parking requirement of ~~24.79~~ 16.52 car bays (after adjustment factors). If the above clause of the Parking and Access Policy is applied to the subject application, for the place at Nos. 566-570 Beaufort Street, a total of ~~3.72~~ 2.48 car bays are required to be provided on-site. Six car bays are provided for this development.

As stated in the report to the Council Meeting held on 4 November 2008 there are two previous shortfalls recognised by SAT's order dated 26 March 2007. However, give the additional shortfall is not excessive, the location context of the proposed small bar, as well as the small bar will trade only for five days, from Wednesday to Sunday, in the afternoon and at night, the amended shortfall is not considered to unduly impact on the amenity of the area.

Given the above, the proposed small bar is now supported subject to standard and appropriate conditions to address the above matters, including the required cash-in-lieu contribution.

~~*Whilst the applicant satisfies the Parking and Access Policy for cash in lieu, the Town's Officers, given SAT comments above, still consider that its scale and nature will have an undue impact on the amenity of the area. This is due to the fact that two previous shortfalls totalling 33.485 car bays (26.31 car bays shortfall (after adjustment factors) recognised by SAT and 7.175 car bays approved by SAT) were approved by the Town. Therefore, an additional shortfall to the already existing shortfall will exacerbate the car parking shortfall for this site.*~~

~~*In the pursuit of orderly and proper planning, it is important that the Town manage the future land uses in a manner that ensures the amenity of the nearby area are not unduly impacted upon by car parking spillover and also to ensure that visitors to the area are inconvenienced by acceptable levels of available parking.*~~

Summary

In light of the above, it is recommended that the application be refused as per the Officer Recommendation."

9.1.9 Nos. 13A – 15 (Lot 3, Strata Lot: 2 STR: 26712, and Lot: 2 D/P: 9815) Barnet Street, North Perth – Proposed Demolition of Existing Toilet Block and Construction of Two (2) Two-Storey Grouped Dwellings to Existing Single House and Grouped Dwelling

Ward:	South	Date:	8 December 2008
Precinct:	Smith's Lake; P6	File Ref:	PRO4550; 5.2008.433.1
Attachments:	001		
Reporting Officer(s):	D Pirone		
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 application submitted by J Spencer on behalf of the owner H Katsamakidis & V R Traganopulos for proposed Demolition of Existing Toilet Block and Construction of Two (2) Two-Storey Grouped Dwellings to Existing Single House and Grouped Dwelling, at Nos. 13A – 15 (Lot 3, Strata Lot: 2 STR: 26712 and Lot: 2 D/P 9815) Barnet Street North Perth, and as shown on plans stamp-dated 11 September 2008 and 24 November 2008, subject to the following conditions:

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

- (iii) *first obtaining the consent of the owners of Nos. 11, 13 and 17 Barnet Street and No. 25 Bourke Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 13 and 17 Barnet Street and No. 25 Bourke Street in a good and clean condition;*
- (iv) *a detailed landscaping plan, including a list of plants and the landscaping of the Barnet Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (vi) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s); and*
- (vii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the balcony to the family room on the eastern elevation of Unit 1, 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. Alternatively prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 13 Barnet Street stating no objection to the respective proposed privacy encroachments;*
 - (b) *the incorporation of significant horizontal or vertical articulation, such as staggering setbacks on the southern and western elevations of unit 1; and*
 - (c) *the height of the boundary wall on the eastern elevation of unit 1 being a maximum of 3.5 metres, with a maximum average of 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.

COUNCIL DECISION ITEM 9.1.9

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Cr Burns departed the Chamber at 8.08pm.

Debate ensued.

Cr Messina departed the Chamber and Cr Burns returned to the Chamber at 8.10pm.

Debate ensued.

MOTION PUT AND CARRIED (6-1)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Youngman
Cr Burns	
Cr Farrell	
Cr Ker	
Cr Lake	
Cr Maier	

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

Landowner:	H Katsamakis & V R Traganopulos
Applicant:	J Spencer
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R40
Existing Land Use:	Single House and Grouped Dwelling
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	830 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the existing toilet block at the rear of No. 15 Barnet Street and the construction of two two-storey grouped dwellings at No. 13A and the rear of 15 Barnet Street.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density:	3.77 Dwellings	3 Dwellings	Noted – no variation.
Plot Ratio:	N/A	N/A	Noted.

Building Setbacks: Unit 1 Ground Floor -East	1 metre	Nil	Supported – not considered to have an undue impact on the neighbouring property.
-South	1.5 metres	Nil – 1.2 metres	Supported – not considered to have an undue impact on the neighbouring property.
Upper Floor -South	1.5 metres	1.2 metres	Supported – not considered to have an undue impact on the neighbouring property.
Unit 2 Ground Floor -North	1.5 metres	Nil – 2 metres	Supported – not considered to have an undue impact on the neighbouring property.
Upper Floor -North	1.5 metres	1.2 metres – 4.02 metres	Supported – not considered to have an undue impact on the neighbouring property.
Building Boundary:	Walls not higher than 3.5 metres with average of 3 metres for 2/3 of the length of the balance of the boundary behind the front setback, to one side boundary.	Boundary walls proposed on three boundaries. Unit 1 (East) Height – 2.2 metres – 3.9 metres (average = 3.05 metres) Length = 7.4 metres The height and length of the other boundary walls are compliant with the requirements of the R Codes.	Not supported – considered to have an undue impact on the neighbouring property. Condition applied for the height of the eastern boundary wall to be reduced to a maximum of 3.5 metres with a maximum average of 3 metres.
Articulation: Unit 1	Walls greater than 9 metres in length are required to incorporate vertical or horizontal articulation.	The western wall of the upper floor is 11.32 metres and the southern wall of the upper floor is 10.72 metres with no articulation.	Not supported – considered to have an undue impact on the neighbouring property. Condition applied.
Outdoor Living Area: Unit 3	An outdoor living area is to be provided behind the street setback area.	Provided within the street setback area.	Supported – not considered to have an undue impact on the amenity of the area.

Privacy Setbacks: Unit 1 -Balcony to the family room (east)	7.5 metres	7 metres to the eastern neighbouring property.	Not supported – considered to have an undue impact on the neighbouring property. Condition applied for the balcony to be screened on the eastern side.
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Consultation Submissions

Support	Nil.	Noted.
Objection (4)	<ul style="list-style-type: none"> • Building setbacks. 	<ul style="list-style-type: none"> • Not supported – not considered to have an undue impact on the neighbouring properties.
	<ul style="list-style-type: none"> • Boundary walls. • Privacy. • Overshadowing. • Open space. • Aesthetics. • Traffic along the driveway. • Articulation. 	<ul style="list-style-type: none"> • Supported – a condition has been applied to reduce the height of the boundary wall to comply with the requirements of the R Codes. • Supported – all major openings to habitable rooms are required to be screened in accordance to the R Codes. • Not supported – the proposed development complies with the overshadowing requirements of the R Codes. • Not supported – the proposed development complies with the requirements of the R Codes. • Not supported – this is not a planning matter. • Not supported – the proposed driveway can accommodate vehicular access for the rear units. • Supported – a condition has been applied for the upper floor western and southern walls of unit 1 to incorporate articulation.

Other Implications

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

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

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

COMMENTS:

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

9.1.5 No. 1 (Lot: 1 D/P: 580) Irene Street, Corner Bulwer Street, Perth - Proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Single Houses

Ward:	South	Date:	9 December 2008
Precinct:	Hyde Park; P12	File Ref:	PRO3735; 5.2008.404.1
Attachments:	001 002		
Reporting Officer(s):	D Pirone, H Au		
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 application submitted by T To on behalf of the owner T P Nguyen & Q T To for proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Single Houses, at No. 1 (Lot: 1 D/P: 580) Irene Street, corner Bulwer Street, Perth, and as shown on plans stamp-dated 4 December 2008, subject to the following conditions:

- (i) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) *an archival documented record of the place(s) including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate within the Bulwer Street setback area and the Irene Street setback area, including along the side boundaries within these street setback areas, complying with the following:*
 - (a) *the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed;*

- (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (g) *the solid portion adjacent to the Bulwer Street boundary from the above truncation(s) can increase to a maximum height of 1.8 metres above adjacent footpath level provided that the wall or fence has at least two (2) significant appropriate design features (as determined by the Town of Vincent) to reduce the visual impact – for example, significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*

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

- (v) *first obtaining the consent of the owners of No. 200 Bulwer 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. 200 Bulwer Street in a good and clean condition;*
- (vi) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (vii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the windows to bedroom 1 of unit A on the western elevations within the 4.5 metre cone of vision to the western boundary;*
 - (b) *the windows to bedroom 2 of unit A on the western elevation;*
 - (c) *the windows to bedroom 1 of unit B on the southern elevation within the 4.5 metre cone of vision to the western boundary; and*
 - (d) *the windows to bedroom 2 of unit B on the northern elevation within the 4.5 metre cone of vision to the western boundary,*

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 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 2008. Alternatively prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 200 Bulwer Street stating no objection to the respective proposed privacy encroachments.

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

- (viii) *prior to the issue of a Building Licence, the subject land shall be subdivided into two single house lots 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 subdivide the subject land into two single house lots 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); and*
- (ix) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the garage door of unit B being setback a minimum of one metre from the western boundary.*

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

COUNCIL DECISION ITEM 9.1.5

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (6-1)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Lake
Cr Burns	
Cr Farrell	
Cr Ker	
Cr Maier	
Cr Youngman	

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

ADDITIONAL INFORMATION:

The window to bedroom 1 of Unit A on the southern (Bulwer Street) elevation is not required to be screened as it overlooks the neighbour's front garden only. It has been the practice of the Town's Planning Officer's to allow overlooking onto front gardens, as the Explanatory Guidelines on Page 23 of the Residential Design Codes states the following:

"A lesser need for privacy protection is usual in the case of front gardens and areas visible from the street, and this principle also should be carried over to other public places, such as parks. The basis for the acceptance is that control of overlooking visible from public places would be largely ineffective in terms of privacy protection and could limit outlook over, and surveillance of, the public places themselves."

ADDITIONAL INFORMATION:

The following comments are provided in response to Councillor Lake's request to re-assess the heritage values associated with the existing dwelling at No. 1 Irene Street, Perth.

Under the *Heritage of Western Australia Act 1990*, there is a legal requirement for the Town to review and update its Municipal Heritage Inventory (MHI). The Town released a draft list of places considered to have cultural heritage value on 21 June 2006 for community consultation. The subject place at No. 1 Irene Street, Perth was recognised on the revised/draft list by heritage consultants, the Hocking Planning and Architecture Collaboration as a "Category B" place.

After a period of community consultation and further investigations carried by the Town's Officers the subject place was found not to meet the threshold for inclusion on the Town's MHI. The proposed listing of the place onto the MHI was considered by the Council at its Ordinary Meeting held on 21 November 2006. The Council resolved to exclude the place at No. 1 Irene Street, Perth from the Town's MHI in accordance with the Officer Recommendation.

The Officer Recommendation for the subject development application is consistent with the previous resolution of the Council. However, as requested the following further investigation has been undertaken in response to the proposed reasons for inclusion on the heritage list:

- The house is in near-perfect original condition.

The exterior of the place appears to be in good condition however the interior of the dwelling is unkempt and in a state of disrepair. The Town has received numerous complaints about the premises and on 28 August 2007 the Town declared the subject dwelling unfit for human habitation due to the advanced condition of disrepair, the general unsanitary state of the property and the inappropriate and unauthorised use by squatters and associated anti-social behaviour from time to time. A review of the images on file indicates that much of the original detail of the interior has been removed and/or damaged.

- It is an outstanding example of Spanish mission style.

As outlined in the Heritage Assessment the place is representative of an Interwar Bungalow style with Mediterranean influences. It is not considered to be an outstanding example of a Spanish Misson style dwelling as it mainly presents as an Inter-war bungalow with only the 'barley sugar columns' along the Irene Street elevation representing an alternative design influence.

- It is one of a local precinct of 1930s buildings, both individual homes (19 Glendower) and flats (15 Glendower, Bulwer Park Flats, Hyde Park Flats)

The subject dwelling located in close proximity to the above places is not reason enough for inclusion on the Town's MHI. Whilst its age may be comparable it is not comparable in form or style and no other historic links have been located. Furthermore the dwelling at No. 19 Glendower Street has been approved for demolition.

Landowner:	T P Nguyen & Q T To
Applicant:	T To
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	404 square metres
Access to Right of Way	North side, 5 metres wide, sealed, Town owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the existing single house and the construction of two (2) two-storey single houses at the subject site.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density:	2.24 single houses	2 single houses	Noted – no variation.
Plot Ratio:	N/A	N/A	Noted.
Building Setbacks: Unit A Ground Floor -West	1.5 metres	1 metre – 2.01 metres	Supported – not considered to have an undue impact on the neighbouring property and the affected neighbour supported the development.
Upper Floor -South (Bulwer Street) Balcony	1 metre behind all portions of the ground floor main building line.	The balcony is 3 metres in front of the living room on the ground floor and 1 metre behind the dining room on the ground floor.	Supported – see “Comments”.
Main Building	2 metres behind all portions of the ground floor main building line.	The sitting room on the upper floor is in line with the living room on the ground floor, and bedroom 1 on the upper floor is 2 metres behind the dining room on the ground floor.	Supported – see “Comments”.
-West	1.9 metres	1 metre – 2.01 metres	Supported – not considered to have an undue impact on the neighbouring property and the affected neighbour supported the development.

Unit B Ground Floor -West Kitchen/Dining	1 metre	Nil	Supported – not considered to have an undue impact on the neighbouring property and the affected neighbour supported the development.
Garage	1 metre	Nil	Supported – not considered to have an undue impact on the neighbouring property and the affected neighbour supported the development.
Upper Floor -East (Irene Street) Balcony	3 metres	2.5 metres – 3 metres	Supported – see “Comments”.
Main Building	4 metres	3.5 metres – 4.5 metres	Supported – see “Comments”.
-West Bed 2/Bath	1.2 metres	Nil	Supported – not considered to have an undue impact on the neighbouring property and the affected neighbour supported the development.
Bed 1/Bath	1.2 metres	1 metre	Supported – not considered to have an undue impact on the neighbouring property and the affected neighbour supported the development.
Buildings on Boundary:	Walls not higher than 3.5 metres with average of 3 metres for 2/3 (26.82 metres) of the length of the balance of the boundary behind the front setback, to one side boundary.	-West Kitchen/Bedroom Wall Height = 6 metres – 6.3 metres (average 6.15 metres) The height of the garage is compliant with the requirements of the R Codes. The total boundary wall length = 13.47 metres.	Supported – the subject affected land owner has supported the development, specifically the two-storey boundary wall.

Street Walls and Fences: Unit B (Dry Court)	Maximum height of solid portion of wall to be 1.2 metres above adjacent footpath level and a minimum of 50 percent visually permeable above 1.2 metres.	Solid to 1.8 metres at the dry court of Unit B.	Not supported – condition applied for the fencing to comply with the requirements of the Residential Design Elements Policy.
Building Height:	The building wall height is required to be a maximum height of 6 metres to the top of the eaves.	Maximum height proposed is 6.3 metres.	Supported – see “Comments”
Articulation:	Walls greater than 9 metres are required to incorporate horizontal or vertical articulation.	Unit A: -Ground Floor Western wall is 11.5 metres with no articulation. -Upper Floor Western wall is 9.6 metres with no articulation.	Supported – the subject affected land owner has supported the development.
Essential Facilities:	An enclosed, lockable storage area, constructed in a design and material matching the dwelling, accessible from outside the dwelling, with a minimum dimension of 1.5 metres with an internal area of at least 4 square metre, for each grouped dwelling.	No stores are provided.	Noted – a condition has been applied for the land to be subdivided in order to create two single house lots, therefore not requiring store rooms.

Consultation Submissions

Support (2)	No comments provided.	Noted.
Objection (1)	No comments provided.	Noted.

Other Implications

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

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

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

COMMENTS:

Demolition

The subject brick and tile dwelling at No. 1 Irene Street, Perth was built in the Interwar Bungalow style with Mediterranean influences circa 1933. The subject dwelling presents a straightforward triple fronted single storey residence to Irene Street and a raised imposing verandah surmounted by a tiled gambrel roof to Bulwer Street.

The subject dwelling whilst now known as No. 1 Irene Street is listed as No. 198 Bulwer Street in the Wise's Post Office Directories. In 1934 the subject dwelling is first listed at No. 198 Bulwer Street with the resident George Griffiths. Since then the subject dwelling has been transferred several times to new owners and occupiers.

A full heritage assessment was undertaken for No. 1 Irene Street, Perth, which indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory. The Heritage Assessment is included as an attachment to this report.

Street Setbacks

The required setbacks as set out in the Town's Residential Design Elements Policy is designed to create articulation to the street and to provide an interesting elevation that is free of flush type walls. Whilst the proposal illustrates variations to these minimum setback requirements, the proposal demonstrates a reasonable amount of vertical and horizontal articulation that provides interest in the elevations fronting Bulwer Street and Irene Street. In this instance, the reduced street setbacks are considered to be supportable.

Further to the above, the immediate Bulwer Street streetscape is very diverse with a wide range of building facades within the area. The property on the other side of Irene Street consists of a two-storey multiple dwelling development that has a very small setback to Bulwer Street, whilst the opposite side of Bulwer Street offers a mixed-use development, with commercial on the ground floor and multiple dwellings with balconies facing Bulwer Street on the upper floor. The dwellings to the north of the subject lot, on the other side of the right of way, are approximately setback 1.5 to 2 metres from Irene Street and are of a single storey appearance. The two-storey town house at No. 13A Glendower Street faces Glendower Street and has its secondary frontage to Irene Street with a setback of 1 metre. The proposed setbacks of the subject development reflect the setbacks of other properties facing Irene Street. Due to this, it is not considered that the street setback variations will have an undue impact on the streetscape, due to the varied nature of the Bulwer Street and Irene Street streetscapes.

Building Height

The height variation exists along the western boundary at the point of the two-storey boundary wall only and the affected neighbour supported the development. The land slopes approximately 3 metres from Bulwer Street to the northern right of way, making it very difficult to comply with overall height requirements at all points of the building. Further to this, the Bulwer Street elevation illustrates the outline of the existing house. This outline indicates that the proposed two-storey development is only slightly higher than the existing single-storey single house, therefore not unduly interrupting the streetscape.

Conclusion

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

9.1.6 Nos. 331-367 (Lot: 21 D/P: 42361, Lot: 100 D/P: 66966) Bulwer Street, corner Fitzgerald Street and Lawler Street, West Perth - Proposed Partial Demolition of, and Alterations and Additions to Existing Tavern (Hyde Park Hotel)

Ward:	South	Date:	8 December 2008
Precinct:	Hyde Park, P12	File Ref:	PRO0539; 5.2008.106.1
Attachments:	001 002		
Reporting Officer(s):	R Narroo, H Au		
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 application submitted by Oldfield Knott Architects Pty Ltd on behalf of the owner Australian Leisure and Hospitality Group Limited for proposed Partial Demolition of, and Alterations and Additions to Existing Tavern (Hyde Park Hotel), at Nos. 331-367 (Lot: 21 D/P: 42361) Bulwer Street, corner Fitzgerald Street and Lawler Street, West Perth, and as shown on site plans, existing ground floor plan, mezzanine and first floor plans stamp-dated 3 December 2008, ground floor plan stamp-dated 4 December 2008, elevations stamp-dated 10 March 2008, subject to the following conditions:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *the owner(s), or the applicant on behalf of the owner(s), shall comply with the Town of Vincent Percent for Public Art Policy No. 3.5.13 and the Percent for Public Art Guidelines for Developers, including:*
 - (a) *within twenty – eight (28) days of the issue date of this ‘Approval to Commence Development’, elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash in Lieu Percent for Public Art Contribution, of \$ 30,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$ 3,000,000); and*
 - (b) *in conjunction with the above chosen option;*
 - (1) *Option 1 –*
prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and

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

OR

- (2) *Option 2 – prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the Town for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;*
- (iii) *prior to the issue of the Building Licence, revised plans and details shall be submitted and approved demonstrating the following:*
- (a) *a continuous and complementary awning being provided for the bottleshop over the Fitzgerald Street and Lawler Street footpaths and the new addition over the Bulwer Street footpath. The awning shall have a maximum fascia depth of 300 millimetres, a minimum distance of 500 millimetres from the Fitzgerald Street, Lawler Street and Bulwer Street kerb, and a minimum height of 2.75 metres above the footpath level;*
- (b) *the walls of the bottleshop along Fitzgerald Street and Lawley Street being provided with significant windows to provide and maintain an active and interactive relationship with these streets; and*
- (c) *the bin compound being redesigned to accommodate the following bins:*
- General Waste: One (1) mobile garbage bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof (collected weekly); and*
- Recycle Waste: One (1) mobile recycle bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof (collected fortnightly).*
- The revised plans shall not result in any greater variation to the requirements of the Town's Policies;*
- (iv) *within twenty-eight (28) days of the issue date of this 'Approval to Commence Development,' the owner(s), or the applicant on behalf of the owner(s) shall comply with the following requirements:*
- (a) *pay a cash-in-lieu contribution of \$2,912 for the equivalent value of 1.04 car parking spaces, based on the cost of \$2,800 per bay as set out in the Town's 2008/2009 Budget; OR*
- (b) *lodge an appropriate assurance bond/ bank guarantee of a value of \$2,912 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*
- (1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
- (2) *to the owner(s)/applicant following receipt by the Town with a Statutory Declaration on the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development,'; or*

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

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

- (v) *doors and windows and adjacent floor areas fronting Bulwer Street, Fitzgerald Street and Lawler Street shall maintain an active and interactive relationship with these streets.*
- (vi) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (vii) *the uses of the existing first floor shall be strictly as per the approved plans stamp dated 27 December 2006 (Project No. 06099, Issue No. P.02 Rev A) and shall not be available to the public at any time;*
- (viii) *the public floor area of the tavern shall be limited to 553 square metres;*
- (ix) *a maximum of 589 people, inclusive of staff, are permitted to be at the premises at any one time;*
- (x) *the gross floor area of the bottleshop shall be limited to 1094 square metres;*
- (xi) *compliance the Environmental Protection (Noise) Regulations 1997 at all times;*
- (xii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate planning application, and all signage shall be subject to a Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (xiii) *prior to the issue of the Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the tavern, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the tavern certifying that the development is continuing to comply with the measures of the subject acoustic report;*
- (xiv) *a detailed management plan that addresses the control of noise, traffic, car parking, disposal of rubbish and its collection, littering as well as responsible service practices, staff training, customer complaints, intoxication and other unacceptable behaviours, juveniles, local amenity and security, shall be submitted to and approved by the Town prior to the first occupation of the tavern, and thereafter implemented, maintained and adhered to;*
- (xv) *the landowner shall enter into a Deed of Agreement with the Western Australian Planning Commission (WAPC) and the Town not to seek from either the Town or the WAPC compensation for any loss, damage or expense to removed the approved works which encroaches the Other Regional Road reservation/ road widening requirement when the road reservation/ road widening/ road upgrade is required. This Agreement is to be registered as a Caveat on the Certificate of Title of the subject land. All costs associated with this condition, including the cost of the Town's solicitors checking the documentation shall be borne by the applicant/owner(s);*

- (xvi) *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 and/or Building Licence, whichever comes first; and*
- (xvii) *no street verge tree(s) shall be removed/pruned unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s).*

COUNCIL DECISION ITEM 9.1.6

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Farrell

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

“(iii)(b)the walls of the bottleshop along Fitzgerald Street and Lawley Street being provided with significant windows to provide and maintain an active and interactive relationship with these streets. A minimum of 40 per cent of the wall area facing each street is to be provided with clear glazing; and”

AMENDMENT PUT AND CARRIED (8-0)

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

**MOTION AS AMENDED PUT AND LOST ON THE
CASTING VOTE OF THE PRESIDING MEMBER (4-5)**

<u>For</u>	<u>Against</u>
Cr Burns	Presiding Member, Mayor Nick Catania (two votes – deliberative and casting vote)
Cr Farrell	Cr Ker
Cr Lake	Cr Messina
Cr Maier	Cr Youngman

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

Reasons:

1. Excessive area devoted to the sale of alcohol.
2. Significant change in use, resulting in the loss of entertainment and change in culture of the premises.
3. Increased parking shortfall.
4. Substantial complaints received from businesses and residents in the area.
5. Affect on amenity of residents and businesses in the area.

Landowner:	Australian Leisure and Hospitality Group Limited
Applicant:	Oldfield Knott Architects Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Tavern
Use Class:	Tavern
Use Classification:	"SA"
Lot Area:	3991 square metres
Access to Right of Way	Not applicable

BACKGROUND:

- 22 November 1999 The Council at its Ordinary Meeting conditionally approved additions and alterations to existing hotel.
- 23 March 2004 The Council at its Ordinary Meeting deferred its decision as requested by the applicant for proposed development of Beer Garden for the Hyde Park Hotel.
- 25 May 2004 The Council at its Ordinary Meeting conditionally approved development of beer garden for the Hyde Park Hotel.
- 27 December 2006 The Town under delegated authority conditionally approved change of use from hotel to tavern.

DETAILS:

The proposal involves the partial demolition of, and alterations and additions to the existing tavern including the following:

- The existing TAB, sports bar and games lounge ground floor areas to form an entertainment lounge.
- A new bistro dining and courtyard area within the existing service area.
- The demolition of the existing lounge bar, bistro, bottle shop and drive-thru and construction of a new bottle shop facility.
- Construction of new kitchen, storage and toilet facilities.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
Street Setback	Buildings are to be setback from the street alignment as is generally consistent with the building setback on the adjoining land and in the immediate locality.	Nil	Supported- the existing building including the tavern has a nil setback. Therefore the additions including the bottle shop will not unduly impact on the streetscape.

Parking	157.61 car bays	115 car bays	Supported in part- refer to Parking Assessment Table. The overall shortfall is 1.04 car bays and cash-in-lieu should be paid for this shortfall.
Consultation Submissions			
Support	Nil.		Noted
Objection(1)	There should not be a reduction in parking. Parking is already at a premium in this area.		Not supported- refer to Parking Assessment Table.
Department for Planning and Infrastructure	The Department supports the development and has also reviewed the Transport Assessment submitted by the applicant and found that the report addresses its requirements.		Noted.
Other Implications			
Legal/Policy		TPS 1 and associated Policies.	
Strategic Implications		Nil	
Sustainability Implications		Nil	
Financial/Budget Implications		Nil	

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

Car Parking

Requirements as per Parking and Access Policy	Required
<p>Tavern (1 space per 3.8 square metres of public floor area or 1 space per 4.5 persons of maximum number of persons approved for the site, whichever is the greater)</p> <p>Public floor area= 553 square metres Parking required= 145.53 car bays or Maximum number of persons as per the Town's Health Services= 589 Parking required=130.89 car bays</p> <p>Retail Premises-bottleshop (1 space per 15 square metres of gross floor area) Area of shop= 1094 square metres Parking required= 72.93 car bays</p> <p>Total Parking required= 218.46 car bays</p>	218 car bays (nearest whole number)
<p>Apply the parking adjustment factors</p> <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 400 metres of an existing public car parking place(s) with in excess of a total of 75 car parking spaces) 	(0.723)
Car parking provided on-site	115 car bays
Minus the most recently approved on-site parking shortfall	12.93 car bays
Resultant shortfall	29.68 bays

The hotel rooms have not been taken into account in the parking calculation because for previous Planning Approval dated 27 December 2006 for the tavern the applicant confirmed that the rooms would be converted to stores and this was reflected in the approved plans.

The above parking requirements are compared with the existing parking situation on site as follows:

Requirements	Existing	Proposed
Car Parking	Public floor area= 810 square metres Parking required= 213.16 bays Area of Drive Through (Retail)= 227 square metres Parking required= 15.13 car bays Total parking requirement= 229 car bays (nearest whole number) Total parking requirements (after applying adjustment factors)=229 x 0.723= 165.57 car bays Parking provided on site= 124 car bays Minus the most recently approved on-site parking shortfall= 12.93 car bays Existing shortfall= 28.64 car bays	As per above parking calculation – resultant parking shortfall= 29.68 car bays

As shown in the table, the overall resultant shortfall for the proposed development is 1.04 car bays (29.68 car bays minus 28.64 car bays) which is supported subject to the relevant cash- in- lieu contribution being made.

COMMENTS:

Partial Demolition

The Heritage Impact Statement is attached to the report. The new proposal does not involve extensive works or alterations to the existing heritage building. Based on the plans and elevations provided, the new addition has been designed with consideration to the existing heritage building’s form, bulk, height and scale.

The proposed metal framed cantilevered awning has been designed in a sympathetic manner and the signage is discrete and not intrusive. The proposed new paint finishes to the external walls of the existing heritage building and the new addition are natural paint colours which are appropriate to the architectural style.

In light of the above, it is considered that approval should be granted subject to the standard archival record condition.

Alterations and Additions

It is considered that the proposed additions and alterations will not unduly affect the aesthetic value of the place and the amenity of the locality, and accordingly it is recommended that the proposal be approved subject to standard and appropriate conditions to address the above matters.

9.1.7 No. 41 (Lot: 46 D/P: 2824) Scarborough Beach Road, Corner Pennant Street, North Perth - Proposed Additional Two-Storey Grouped Dwelling to Approved Two (2) Two-Storey Single Bedroom Grouped Dwellings

Ward:	North	Date:	8 December 2008
Precinct:	Smith's Lake; P06	File Ref:	PRO3296; 5.2008.499.1
Attachments:	001		
Reporting Officer(s):	D Pirone		
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 application submitted by Rechichi Architects on behalf of the owner M Coletti for proposed Additional Two- Storey Grouped Dwelling to Approved Two (2) Two-Storey Single Bedroom Grouped Dwellings, at No. 41 (Lot: 46 D/P: 2824) Scarborough Beach Road, Corner Pennant Street, North Perth, and as shown on plans stamp-dated 17 October 2008 (elevations) and 3 December 2008 (site plan and floor plan), subject to the following conditions:

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

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

- (iii) *first obtaining the consent of the owners of No. 43 Scarborough Beach Road for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 43 Scarborough Beach in a good and clean condition;*
- (iv) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (v) *a detailed landscaping plan, including a list of plants and the landscaping of the Scarborough Beach Road and Pennant Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the windows to bedroom 3 on the western and northern elevations;*
 - (b) *the windows to the master bedroom on the western elevation; and*
 - (c) *the terrace to the master bedroom on the southern elevation,*
- on the upper floor, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished upper 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 2008. Alternatively prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 43 Scarborough Beach Road and 47 Pennant Street stating no objection to the respective proposed privacy encroachments.*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
- (vii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the eastern wall of the garage and the door/gate to the garage on the northern elevation, complying with the following:*
 - (1) *the maximum height being 1.8 metres above the natural ground level;*
 - (2) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*

- (3) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (4) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres; and*
 - (5) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
- (b) *a minimum of two (2) appropriate significant design features being incorporated into the vehicular door of the proposed garage.*

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 9.1.7

Moved Cr Youngman, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (7-1)

For
Mayor Catania
Cr Burns
Cr Farrell
Cr Ker
Cr Lake
Cr Maier
Cr Messina

Against
Cr Youngman

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

Landowner:	M A Coletti
Applicant:	Rechichi Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
Existing Land Use:	Grouped Dwelling
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	465 square metres
Access to Right of Way	South side, 5 metres wide, sealed, Town owned

BACKGROUND:

20 December 2005

The Council at its Ordinary Meeting conditionally approved an application for proposed demolition of existing single house and construction of four (4) two-storey single bedroom grouped dwellings.

13 February 2007

The Council at its Ordinary Meeting approved an application for amended plans to the Planning Approval granted by Council on 20 December 2005.

27 May 2008

The Council at its Ordinary Meeting conditionally approved an application for demolition of existing single house and construction of four (4) single bedroom grouped dwellings.

DETAILS:

The proposal involves the construction of a two-storey grouped dwelling to an approved two (2) two-storey single bedroom grouped dwellings.

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:	2.58 grouped dwellings; or 3.875 single bedroom grouped dwellings; or 1.23 grouped dwellings; and 2.02 single bedroom grouped dwellings.	1 grouped dwelling and 2 single bedroom grouped dwellings	Noted – no variation.
Plot Ratio:	N/A	N/A	Noted.
Building Setbacks: Ground Floor -West	1.5 metres	Nil	Supported – not considered to have an undue impact on the amenity of the neighbouring property and the proposed boundary wall is compliant with the requirements of the R Codes.
Upper Floor -East (Pennant Street) Main Building	4 metres	2.5 metres – 4 metres	Supported – see "Comments"

-West	1.6 metres	1.02 metres	Supported – not considered to have an undue impact on the amenity of the neighbouring property.
Carports and Garages:	Garages are required to be located behind the street setback area.	The eastern, southern and northern elevations of the garage are solid within the street setback area.	Supported in part – due to the garage being perpendicular to the street, the angle of the lot, and the vehicular access point from the right of way, the proposed garage in front of the main building line is considered to be supportable in this instance. However, a condition is applied to the Officer’s recommendation for the eastern wall and northern gate of the garage to comply with the fencing requirements of the Residential Design Elements Policy and for two appropriate significant design features to be incorporated into the garage door.

Consultation Submissions

Support	Nil.	Noted..
Objection (3)	<ul style="list-style-type: none"> • Precedence will be set for two-storey developments along Scarborough Beach Road. • Use of the right of way for vehicular access. • Streetscape. • Open space. • Visitor car parking. • Overdevelopment of the site. 	<ul style="list-style-type: none"> • Not supported – the Town does not consider precedence as a means to support other applications. • Not supported – the Town supports all such applications that propose to have vehicular access from a right of way. • Not supported – the proposed development will not have an undue impact on the streetscape as it is consistent with the design of the two approved single bedrooms dwellings that are currently being constructed on the subject lot. • Supported – a re-assessment of the open space indicated that the application is compliant with the open space requirements of the R Codes. • Not supported – visitor car parking is not required for developments comprising three dwellings. • Not supported – the proposal is compliant with the density requirements of the R Codes.

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

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

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

COMMENTS:

Street Setbacks

The required setbacks as set out in the Town's Residential Design Elements Policy is designed to create articulation to the street and to provide an interesting elevation that is free of flush type walls. Whilst the proposal illustrates variations to these minimum setback requirements, the proposal demonstrates an acceptable amount of articulation that provides interest in the elevation. In this instance, the reduced street setbacks is considered to be supportable.

Conclusion

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

The Chief Executive Officer advised that Mayor Catania, Cr Burns and Cr Messina had declared a financial interest in Item 9.3.1. They departed the Chamber at 8.25pm and did not speak or vote on this matter. The Deputy Mayor, Cr Farrell assumed the Chair.

9.3.1 Investment Report as at 31 October 2008

Ward:	Both	Date:	4 November 2008
Precinct:	All	File Ref:	FIN0033
Attachments:	001		
Reporting Officer(s):	B Wong		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 31 October 2008 as detailed in Appendix 9.3.1.

COUNCIL DECISION ITEM 9.3.1

Moved Cr Ker, Seconded Cr Youngman

That the recommendation be adopted.

MOTION PUT AND CARRIED (5-0)

(Cr Doran-Wu on approved leave of absence. Mayor Catania, Burns and Cr Messina were absent from the Chamber and did vote on this matter.)

Mayor Catania, Cr Burns and Cr Messina returned to the Chamber at 8.26pm.

Mayor Catania, assumed the Chair.

PURPOSE OF REPORT:

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

BACKGROUND:

Interest from investments is a significant source of funds for the Town, where surplus funds are deposited in the short term money market for various terms. Details are attached in Appendix 9.3.1.

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

DETAILS:

Total Investments for the period ended 31 October 2008 were \$17,473,156 compared with \$18,632,734 at 30 September 2008. At 31 October 2007, \$18,485,726 was invested.

Total accrued interest earned on Investments as at 31 October 2008:

	Budget	Actual	%
	\$	\$	
Municipal	650,000	190,763	29.35
Reserve	485,710	200,951	41.37

COMMENT:

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

The report comprises:

Investment Report

Investment Fund Summary

Investment Earnings Performance

Percentage of Funds Invested

Graphs.

9.3.3 Beatty Park Redevelopment Concept Plans – Public Consultation Submissions and Approval to Proceed with Final Design Stage

Ward:	South	Date:	11 December 2008
Precinct:	Smith Lakes	File Ref:	CMS0003
Attachments:	-		
Reporting Officer(s):	M. Rootsey, D Morrissy, John Giorgi		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

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

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

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

AMENDMENT NO. 1

Moved Cr Maier, Seconded Cr Lake

That existing clause (v) be renumbered (vi) and a new clause (v) be inserted as follows:

- (v) *APPROVES IN PRINCIPLE the following items to be included into the redevelopment plans:*

No.	Item
1.	<i>Increase in size of Gymnasium from 537m² to approximately 850m².</i>
2.	<i>Increase in size of Aerobics Room from 253m² to approximately 500m².</i>
3.	<i>Increase in size of "Spinning Room" for cycling from 110m² to approximately 250m².</i>
4.	<i>Deletion of Multi-Deck Car Park and reconfiguration of existing car park along Vincent Street to accommodate approximately 80 additional car bays.</i>
5.	<i>Install new Hydrotherapy Pool, if practicable on the northern frontage.</i>
6.	<i>Install new Learn to Swim Pool of approximately 120m² on the western end of the Dive Pool.</i>
7.	<i>Install new Mezzanine Floor for Cardio of approximately 150m². <if practicable></i>
8.	<i>Install new Mezzanine Floor for Administration Offices of approximately 150m². <if practicable></i>
9.	<i>Conversion of Gas Heating to Geothermal Heating and/or solar heating or other "green energy".</i>
10.	<i>Replacement of Outdoor 50 Metre Pool and Dive Pool by utilisation of a pre-engineered Modular Panel Stainless Steel Pool, with hard PVC Coating.</i>

Debate ensued.

AMENDMENT NO. 1 PUT AND LOST (2-6)

For

Cr Lake
Cr Maier

Against

Mayor Catania
Cr Burns
Cr Farrell
Cr Ker
Cr Messina
Cr Youngman

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

AMENDMENT NO. 2

Moved Cr Lake, Seconded Cr Ker

That a new clause(iii)(f) be inserted as follows:

“(iii)(f) instruct the Project Architect to ensure that the redevelopment plans will minimise any further impact on significant trees;”

Debate ensued.

AMENDMENT NO. 2 PUT AND CARRIED (8-0)

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

Debate ensued.

Cr Farrell departed the Chamber at 8.48pm.

Debate ensued.

Cr Farrell returned to the Chamber at 8.50pm.

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (8-0)

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

COUNCIL DECISION ITEM 9.3.3

That the Council;

- (i) *RECEIVES the report on the Community Consultation on the concept plans for the Redevelopment of Beatty Park Leisure Centre;*
- (ii) *CONSIDERS the submissions received from the Community Consultation;*
- (iii) *AUTHORISES the Chief Executive Officer to:*
 - (a) *instruct the Project Architect to prepare the final Plans for the redevelopment at Beatty Park Leisure Centre for the consideration of the Council;*
 - (b) *provide a further report including a detailed Business Plan to support the final Plans, by June 2009;*
 - (c) *call a tender to appoint consultants and sub-consultants to assist in the preparation of the final design;*
 - (d) *investigate the use of geothermal and/or solar technology, water saving and other environmentally sustainable initiatives for the redevelopment project and engage consultants to assist the Town in this matter;*

- (e) *negotiate and determine the Project Architect fees, depending upon the final project design and costs; and*
 - (f) *instruct the Project Architect to ensure that the redevelopment plans will minimise any further impact on significant trees;*
 - (iv) **APPROVES;**
 - (a) *the appointment of Peter Hunt Architects for the Design Development, Contract Documentation and Contract Administration stages of the Project, at an estimated cost of \$360,000, in accordance with Tender No. 336-06 Provision of Architectural Services for the Beatty Park Leisure Centre Redevelopment and NOTES that the fees will vary depending upon the final project design and costs; and*
 - (b) *the Revised Timeline, as detailed in this report; and*
 - (v) *NOTES that further reports will be submitted to the Council, as the project progresses.*
-

PURPOSE OF REPORT:

The purpose of this report is to present to Council the results of the Community Consultation on the Concept Plans for the redevelopment of Beatty Park Leisure Centre and obtain the Council's Approval to prepare final plans and appoint an Architect for the final stages of the project.

BACKGROUND:

At the Ordinary Council Meeting held on 8 April 2008, Item 10.3.2, the following resolution was adopted in regard to the redevelopment of the Beatty Park Leisure Centre:

“That the Council;

- (i) *ADOPTS IN PRINCIPLE the Concept Plans for the redevelopment of the Beatty Park Leisure Centre as shown in Attachment Plans A01, A02, A04 subject to;*
 - (a) *the Concept Plans being amended to delete the ten (10) car parking bays in front of the former main entrance to the Centre and the existing landscaping/garden bed remaining;*
- (ii) *AUTHORISES the Chief Executive Officer to undertake community consultation on the concept plans for a period of six (6) weeks with the relevant stakeholders and the community; and*
- (iii) *NOTES that;*
 - (a) *following the adoption of the Concept Plans a detailed Business plan is to be prepared and presented to the Council to support the funding of this project at the end of the consultation period; and*
 - (b) *a further report will be submitted to the Council at the conclusion of the community consultation period.*

DETAILS:

Concept plans:

Outcome of Public Consultation

The concept plans for the redevelopment of the centre were advertised for public consultation for a period of six weeks, from 2 August 2008, closing on 12 September 2008.

A leaflet outlining the redevelopment concept plans for Beatty Park Leisure Centre was widely distributed (approximately 18,000 copies) to the following:

- All residents in the Town of Vincent;
- All members of Beatty Park Leisure Centre;
- Clubs who regularly use at the Beatty Park Leisure Centre;
- Relevant State politicians.

A Public meeting was held at the Town's Administration and Civic Centre on Monday 18th August 2008. This was attended by approximately 15 persons.

The Manager Beatty Park Leisure Centre held individual briefing sessions with the clubs that regularly use the centre. These clubs were:

- City of Perth Swimming Club;
- Swimming WA;
- Triton Water Polo Club;
- Osborne Park Aussi Masters Swimming Club;
- Perth Canoe Polo Club;
- Phantoms Water Polo Club;
- Swim Sport International (current lease holder from swim coaching at Beatty Park).

At the close of the public advertising period one hundred and forty (140) submissions were received.

A summary of the results of those submissions are shown in the table below.

Comments Summary:

The below table shows the breakdown of the number of submissions received by the Town:

Support Plans:	104	It was found that out of 140 submissions received, 104 submissions supported the Concept Plans proposed by the Town. 23 residents/ratepayers did not support the plans and 13 did not specify if the plans were supported or not.
Do Not Support Plans:	23	
Not Specified on Comment sheet:	13	
Total:	140	
Beatty Park Member:	49	Of the 140 received submissions, 49 were Beatty Park members, 83 were not members and 8 submissions were not specified.
Non-Beatty Park Member:	83	
Not Specified on Comment sheet:	8	
Total:	140	

Town of Vincent Resident/Ratepayer:	99	99 of the submissions received were either Town of Vincent Residents or Ratepayers. 29 submissions were neither Town of Vincent Residents nor Ratepayers, and 12 were not specified on comment sheet.
Not Town of Vincent Resident/Ratepayer:	29	
Not Specified on Comment sheet:	12	
Total:	140	

The majority of the submissions were in favour of the concept plans, of those against the main objections did not relate to the concept plans for the centre itself but rather the ancillary areas, namely car parking, traffic management and impact on existing trees.

Many of the submissions made a number of comments/suggestions in their submissions, the main items have listed below.

- The Pool and Pool Area need Upgrading 24
- The need to upgrade the Changerooms and Facilities 14
- Car Park 12
- No to the introduction of Paid Parking 11
- Gym Facilities need to be improved 10
- Traffic Management Issues 10
- No rise in Entrance Fees/Memberships Fees 9
- Beatty Park needs to be more Energy Efficient 9
- Clubrooms 8
- The Sauna/Steam rooms and Spa need to be upgraded 7
- Concerned about the removal of Trees 5
- Bike Facilities 5
- There should be Ratepayer Concessions available 4
- The need for Secure Storage Areas and/or Lockers 4

Officers have made comments regarding the items with the largest numbers of issues raised.

Upgrade of Pools and Pool Area – (24 Submissions):

A significant number of the submissions supported the increase in lanes and highlighted the current difficulties due to the significant use of the outdoor pool.

Officer Comments:

The increase in the pool size is fully supported and is a priority for the redevelopment. It will also generate additional revenue.

Upgrade Change rooms and Facilities – (14 Submissions):

These submissions highlighted the current deficiencies with the change rooms and the facilities in general in that there were tired and a redevelopment/refurbishment were essential.

Officer Comments:

The Beatty Park Redevelopment Working Group is fully aware of these issues and their upgrade is a priority in the new concept plans.

Car Parking: - (12 Submissions):

A number of concerns were raised regarding the proposed deck level car parking as to the bulk and scale and impact on local residents and outlook to the centre.

Officer Comments:

An amended design without the deck car park has been prepared by the Director Technical Services in conjunction with the Project Architect. The removal of the deck will placate concerns of residents in Farr Avenue. It will also enable costs allocated for this item to be used for other aspects of the project.

Improve Gym Facilities - (10 Submissions):

These submissions highlighted the need for improved gym facilities as the current one is of insufficient size to accommodate the membership.

Officer Comments:

The current membership is at maximum numbers and therefore an increased gym is essential for the centre to grow. This area is very successful financially for the centre, so an increase will assist in the financial sustainability of the centre. The new gym needs to be maximum size that can be accommodated.

Traffic Management Issues – (10 Submissions):

A number of the submissions raised the issues of traffic management surrounding the entrance to Beatty Park specifically the right turn out of the centre on Vincent Street.

Officer Comments:

The Technical Services area of the Town are investigating amendments to the design of the entrance as part of the concept plan and in the light of the submissions received and will also discuss the issues with the Main Roads. A revised car park layout will also improve traffic flow.

Entrance Fees/ Membership Fees (no substantial increases) – (9 Submissions):

A number submissions were concerned that there would be a substantial increase in the entrance/membership fees to fund the redevelopment.

Officer Comments:

The Town whilst ensuring the centre is financially sustainable is aware also of its community obligations and will ensure that the all fees are affordable and will maintain its policy of keeping increases to a minimum usually in line with inflation. These assumptions have been included in the business plan, which is currently being prepared.

Energy Efficient – (9 Submissions):

Several submissions wanted an assurance that the any development would be energy efficient.

Officers Comments:

The project architect is aware of the requirement that the redevelopment has to be energy efficient and it is one of the project objectives. The working group is considering the installation of geothermal technology. Officers have visited a number of local sites where this is successfully operating. The use of geothermal technology, whilst having an initial high capital cost, will have reduced future energy costs and is in keeping with the Town's environmental objectives.

Clubrooms – (8 Submissions):

The Triton Water Polo Club, City of Perth Swimming Club and the Osborne Park Aussi Masters Swimming Club have requested consideration of the development of clubroom for these entities to increase the social activity in the clubs.

Officers Comments:

The project architect has been asked to consider this request in the final concept designs. At this stage, no decision has been made on the matter.

Sauna/Steam/Spa rooms upgraded. – (7 Submissions):

A number of submissions were received requesting the upgrading the Sauna/Steam/Spa rooms. There were some specific requests to have separate female areas

Officer Comments:

The Beatty Park Redevelopment Working Group is aware of the deficiencies in this area and an upgrade is planned for this area.

Public Meeting

A Public meeting was held at the Town's Administration and Civic Centre on Monday 18 August, which was attended by 15 members of the public and two (2) Council members. The main issues raised at this meeting were as follows:

- Car Park decking;
- Impact of the development on the existing trees;
- Traffic Management; and
- Cost of the redevelopment.

Concept Plans: Study Tour Recommendations

At the Ordinary Meeting of Council on 8 July 2008, for Item 10.4.4, Beatty Park Leisure Centre Study Tour, Council adopted the recommendation for the Chief Executive Officer, Manager Beatty Park Leisure Centre and Assistant Manager Beatty Park to carry out a Study Tour of Leisure Centres and site visits as part of the redevelopment process for Beatty Park Leisure Centre.

The tour was undertaken between the 23 October and 1 November 2008 during which the following centres listed below were visited.

Canberra:

- Canberra International Sports and Aquatic Centre;
- Club Lime - Tuggeranong. (Health Club)

Melbourne:

- Melbourne Sports and Aquatic Centre
- Aqualink Nunawading;
- Monash Aquatic and Recreation Centre
- Telstra Dome;

Sydney:

- Sydney Olympic Park Aquatic Centre;
- North Sydney Pool;
- Ryde Aquatic Centre;
- Next Generation Ryde;
- Ian Thorp Aquatic Centre;
- Andrew (Boy) Charlton Pool;
- Dawn Fraser Baths;
- Leichhardt Park Aquatic Centre;
- Blacktown Leisure Centre;
- Cabravale Leisure Centre.
- Ryde Aquatic Centre (informal visit)

New South Wales Central Coast:

- Mingara Leisure Centre;
- Peninsula Leisure Centre.

New South Wales South Coast:

- Beaton Park;
- Jamberoo Recreation Park;
- Port Kembla Olympic Pool;
- Shoal Haven Ocean Pool.

As a result of the Tour, a number of recommendations have been listed for consideration as part of the operations and plans for the redevelopment of the Beatty Park Leisure Centre

The Manager Beatty Park Leisure Centre presented a PowerPoint presentation, detailing the findings and recommendations of this study to the Council Forum on the 9 December 2008

Study Tour Recommendations:

The recommendations are listed below and categorised into Immediate Action, Medium Term Action and Project Requirements.

1. Immediate Action (0-3 months)

- 1.1 Introduce 4-hour time restriction for Centre car park and adjoining Morriston Street - *Completed*.
- 1.2 Erect a "Conditions of Entry" sign for main foyer of Centre.
- 1.3 Extend Swim School program to Sundays.
- 1.4 Investigate and repair the natural ventilation mechanisms for the indoor pool at both upper and lower levels.

2. Medium Term Action (4-6 months)
 - 2.1 Introduce plasma televisions into Foyer and various parts of the Centre for in-house advertising and promotions.
 - 2.2 Advertise in the Vincent Community for memorabilia relating to Beatty Park Leisure Centre for possible inclusion into the proposed "Hall of Memorabilia".

3. Project Requirements

These items are for consideration in the Concept Plans for the redevelopment as a result of the Study Tour.

- 3.1 Gymnasium area to be extended for a minimum of 1,000m².
- 3.2 Aerobics/weights area to be extended for a minimum of 250m².
- 3.3 Investigate cycling/spinning rooms in addition to the gymnasium and group fitness.
- 3.4 Gym membership should be a minimum of 3,000 (*currently 1,750*).
- 3.5 Swim School participation target should be a minimum of 2,500 (*currently 1,800*).
- 3.6 Create a "Hall of Fame" for memorabilia.
- 3.7 Investigate various "boom" options for 50 metre pool.
- 3.8 Investigate use of geothermal energy for heating of pool water.
- 3.9 Investigate inclusion of storage tanks for back wash and rain water.
- 3.10 Investigate a separate area for cafe customers (e.g. Lounge effect).
- 3.11 Review reception area for traffic flow and patron/staff comfort (airlock orientation or desk etc).
- 3.12 Investigate additional swim school pool (shallow water) and integration of Hydrotherapy pool into the current indoor Leisure Centre.
- 3.13 Views from gymnasium must be into "greenery".
- 3.14 Investigate lease areas for a "wellness" centre – including sauna, massage, physiotherapy, chiropractic, and sale of vitamins.
- 3.15 Investigate plant room upgrade.
- 3.16 Investigate introduction of CCTV into car park and throughout Centre.
- 3.17 Introduce family changing village concept.
- 3.18 Investigate and obtain costings for "Poseidon" - computer aided drowning detection system.
- 3.19 Investigate Point of Sale (POS) software packages and entry control mechanisms.
- 3.20 Investigate water re-use options (toilet flushing, park irrigation, etc.)
- 3.21 All floor coverings to be carefully considered and reviewed against current facilities before being chosen.

Appointment of Architect and Consultants

At the Ordinary Council Meeting of 23 May 2006 Item 10.4.5 the following resolution was adopted in regard to redevelopment of the Beatty Park Leisure Centre:

"That the Council ACCEPTS the tender from Peter Hunt Architect for the Design Brief and Schematic Design stages only at an estimated cost of ~~\$539,000~~ \$143,000 (including GST), as being the most acceptable and advantageous to the Town, for the provision of architectural services for the proposed Redevelopment of Beatty Park Leisure Centre, 220 Vincent Street, North Perth."

This initial Council decision appointed Peter Hunt Architects to complete the Design Brief and Schematic Design stages only. The Council considered it should keep its options open.

In order to progress the project, it will be necessary to appoint an Architect. The current Architects have provided excellent concept plans and have produced high quality work. Accordingly, it is recommended that Peter Hunt Architects be appointed for the remaining stages of the project as listed his tender submission:

(a) Lump Sum Fee:

Beatty Park Leisure Centre Redevelopment	Fee	Disbursement	
	\$	\$	
Design Brief	50,000	Incl	<i>Completed.</i>
Schematic Design	80,000	Incl	<i>Completed.</i>
Design Development	80,000*		
Contract Documentation	180,000*		
Contract Administration	100,000*		
Lump Sum Fee	\$490,000		

* Note:

This fee may vary, depending upon the final project design and costs.

Peter Hunt Architects has done a considerable amount of work in developing the concept plans and has been an integral member of the Beatty Park Working Group. Peter Hunt has personally sat in on this group, which highlights the importance of this project to his practise. His expertise and experience has been invaluable to the group. The Town is of the opinion that the appointment of Peter Hunt Architects for the rest of the project is important to the continuity and expediency of the project.

Consultants

It will be necessary to appoint Consultants and Sub-Consultants (structural engineering, hydraulic, environmental, electrical, mechanical, etc) in order to progress to the final design stage. A tender will need to be called for these consultancies.

Geothermal/Solar Technology

In order to meet the approved Project Objectives, the Working Group recommends that geothermal and/or solar technology be investigated. Initial capital costs for geothermal technology will be in the range of \$1.5-1.8 million, with minor operating costs thereafter. Heating of pool water current costs are approximately \$300,000 per annum, and it is expected to reduce to approximately \$50,000 per annum thereafter. Therefore, the pay back for this technology will be approximately 5-6 years.

Grants (Federal and State Government) are available for this. The Town has lodged an expression of interest. Geothermal technology is currently used at Challenge Stadium and Craigie Leisure Centre. Site inspections were recently carried out and extremely positive reports were received.

Solar Technology

Solar Technology should also be explored as an alternative and/or to complement geothermal technology.

The use of "green" energy is in keeping with the Town's environmental objectives.

REVISED TIMELINE

Below is listed the indicative timeline for this project. The project timeline has been revised as follows;

May/June 2006	— Appointment of Architect — Formation of Working Group	Completed Completed
June – December 2006	— Determining of objectives — Other key matters; researching background details, different models	Completed
December 2006	— Council to consider and approve of objectives for the proposed redevelopment	Completed
January 2007 – December 2007	— Investigation of options — Investigation of funding sources, different models	Completed
January 2008 – June 2008 August 2008 - September 2008	— Community consultation concerning concept redevelopment plans	Completed
December 2008	Report to Council to: – Consider community submissions – Approve of Project Architect for Final Stages – Approve calling a tender for Consultants – Approve the investigation of geothermal, solar, water saving options – Approve to proceed to refinement of plans	
June 2008 - December 2008 - June 2009	- Refinement of options, funding options, different models, Business Case	
January 2009 - June 2009	- Reports to Council concerning funding, revised plans - Advertising of Major land transactions (if required)	
July 2009 - September 2009	- Approval of Final Plans - Approval of Project Budget - Preparation of Tender Document	
October 2009 - November 2009	- Calling of tenders for builders	
December 2009 <u>12 month construction period</u>	- Award building tender - 12 month construction project	
January 2010 - July 2011	- 18 Month construction of project	

CONSULTATION/ADVERTISING:

The Public Meetings for the Beatty Park Redevelopment were advertised in the West Australian Newspaper on 9 August 2008 and in the Guardian Newspaper on 12 August 2008.

The Beatty Park Redevelopment Consultation was advertised in the West Australian on 2 August 2008.

LEGAL POLICY:

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

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

STRATEGIC IMPLICATIONS:

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

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

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

SUSTAINABILITY IMPLICATIONS:

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

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

FINANCIAL/BUDGET IMPLICATIONS:

The Beatty Park Redevelopment is estimated to cost approximately \$20 - \$21.5 million, depending upon the final design. As Council is aware, loan interest rates have fallen significantly over the previous six months and are expected to fall even further. Also, building costs have also fallen, as labour costs have returned to previous normal costs, due to the building boom slowing down. Both of these will have a significant impact on the overall project costs. Funding options/sources will need to be further investigated (e.g. Heritage - for the building; Hall of Fame; Disability - for appliances to assist persons with disabilities; Seniors - for seniors initiatives; Office of Climate Change, Energy, etc - to explore alternative energy sources, water saving, etc).

COMMENTS:

The Town has undertaken comprehensive consultation on this project. The results of the Community Consultation on the Concept Plans for the Redevelopment of Beatty Park Leisure Centre have been supportive. The Town will take into consideration the comments made by the community, together with the recommendations gained from the Study Tour to ensure that the final concept plans will be in line with current design and operational best practice. A number of matters require further review and/or investigation, as these will have a significant impact on the project and Centre Business Case.

In view of the positive submissions received, it is recommended for this reason that the recommendations be supported.

9.3.5 Assignment of Lease - North Perth Out of School Care Centre

Ward:	North	Date:	8 December 2008
Precinct:	North Perth Centre	File Ref:	PRO0610
Attachments:	-		
Reporting Officer(s):	J. Anthony		
Checked/Endorsed by:	M. Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES a lease to the North Perth Out Of School Care Inc. for the period 1 December 2008 until 30 November 2013 for part of the premises located at the North Perth Town Hall, subject to final satisfactory negotiations being carried out by the Chief Executive Officer; and*
- (ii) *AUTHORISES the Chief Executive Officer and Mayor to sign the Lease and affix the Council's Common Seal.*

COUNCIL DECISION ITEM 9.3.5

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (8-0)

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

PURPOSE OF REPORT:

To approve the assignment of a five (5) year lease to the North Perth Out of School Care Inc. for part of the premises located at the North Perth Town Hall.

BACKGROUND:

The North Perth Out of School Care Inc. (NPOSC) has previously operated at the North Perth Primary School, utilising buildings and facilities within the school. The school is trying to meet increased curriculum demands for its students and requires more space as a result.

NPOSC offer out of school care for children between the ages of four (4) and twelve (12) years. Currently there are around thirty (30) children registered, aged between six (6) and nine (9) years. Activities offered include art, craft, dramatic/fantasy play, reading, sport, movies and limited electronic game play.

NPOSC has been incorporated since 1989 and caters to the needs of the local community through the provision of its services. It operates as a not for profit body and is managed by community members who are mostly parents at the North Perth Primary School.

DETAILS:

NPOSC will be exclusively using a vacant room to set up their office and storage requirements as determined by their licence which is issued by Department of Communities. The hall will also be used during school terms on weekdays from 2 pm to 6.30 pm, and during school holidays on weekdays from 7am to 6.30 pm. The times booked do not conflict with any other regular users.

The hall and common areas of the North Perth Town Hall will continue to be used by casual hirers at other times and days.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

The Town's Administration has recently reviewed its standard lease and has made changes, as recommended by the Town's solicitor. This standard lease will be used for these premises.

Policy 1.2.1 Terms of Lease:

1. *Any new lease granted by the Council shall usually be limited to a five year period, and any option to renew shall usually be limited to no more than a ten year period.*
2. *Council may consider longer periods where the Council is of the opinion that there is benefit or merit for providing a longer lease term."*

STRATEGIC IMPLICATIONS:

Strategic Plan 2006 – 2011 – Strategic Objectives: Community Development:

"...3.1.1 Determine the requirements of the community:

- (a) *Determine the requirements of the community and ensure that the services provided meet those needs..."*

SUSTAINABILITY IMPLICATIONS:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

The North Perth Out of School Care Inc. (NPOSC) has offered to pay \$5000 for the first year with the following years fees indexed to CPI figures.

COMMENTS:

The proposed lease serves the purpose of assisting an essential community based service for the community as well as utilising unused space at the North Perth Town Hall. The usage of the hall also encourages the increased use of the Multicultural Garden adjacent to the hall which has been designed to provide culturally diverse play options.

9.3.6 Annual Budget 2009/2010 – Adoption of Timetable

Ward:	Both	Date:	10 December 2008
Precinct:	All	File Ref:	FIN0025
Attachments:	-		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:	John Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

(i) *APPROVES the timetable for the 2009/2010 Budget as detailed below;*

<i>DATE</i>	<i>TOPIC</i>
<i>1-26 April</i>	<i>Chief Executive Officer and Directors to review 1st Draft Budget</i>
<i>27 April</i>	<i>1st Draft budget issued to Council Members</i>
<i>2 May</i>	<i>Confidential Briefing provided to Council Members on Draft Budget</i>
<i>5 May</i>	<i>1st Budget briefing/Special Council Meeting (open to the public)</i>
<i>19 May</i>	<i>2nd Budget briefing/Special Council Meeting (open to the public) - if required</i>
<i>20 May – 29 May</i>	<i>Budget documentation finalised for public comment</i>
<i>29 May</i>	<i>Advertise for public comment</i>
<i>19 June</i>	<i>Public comment closes</i>
<i>19 June - 26 June</i>	<i>Final Budget documentation and report for Council prepared</i>
<i>26 June</i>	<i>Agenda report issued</i>
<i>1 July</i>	<i>Adoption of Annual Budget at the Special Council meeting</i>

(ii) *AUTHORISES the Chief Executive Officer (in liaison with the Mayor) to make minor variations to the timeframe, if unforeseen circumstances arise or if a change is necessary.*

Cr Farrell departed the Chamber at 8.55pm.

Moved Cr Ker, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

AMENDMENT

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

“(i) *APPROVES the timetable for the 2009/2010 Budget as detailed below;*

...

2 May Confidential Briefing provided to Council Members on Draft Budget

”

AMENDMENT PUT AND CARRIED (4-3)

<u>For</u>	<u>Against</u>
Cr Ker	Mayor Catania
Cr Lake	Cr Burns
Cr Maier	Cr Messina
Cr Youngman	

(Cr Doran-Wu on approved leave of absence. Cr Farrell was absent from the Chamber and did not vote.)

MOTION AS AMENDED PUT AND CARRIED (8-0)

(Cr Doran-Wu on approved leave of absence. Cr Farrell was absent from the Chamber and did not vote.)

COUNCIL DECISION ITEM 9.3.6

That the Council;

(i) ***APPROVES the timetable for the 2009/2010 Budget as detailed below;***

<i>DATE</i>	<i>TOPIC</i>
<i>1-26 April</i>	<i>Chief Executive Officer and Directors to review 1st Draft Budget</i>
<i>27 April</i>	<i>1st Draft budget issued to Council Members</i>
<i>2 May</i>	<i>Briefing provided to Council Members on Draft Budget</i>
<i>5 May</i>	<i>1st Budget briefing/Special Council Meeting (open to the public</i>
<i>19 May</i>	<i>2nd Budget briefing/Special Council Meeting (open to the public) - if required</i>
<i>20 May – 29 May</i>	<i>Budget documentation finalised for public comment</i>
<i>29 May</i>	<i>Advertise for public comment</i>
<i>19 June</i>	<i>Public comment closes</i>
<i>19 June - 26 June</i>	<i>Final Budget documentation and report for Council prepared</i>
<i>26 June</i>	<i>Agenda report issued</i>
<i>1 July</i>	<i>Adoption of Annual Budget at the Special Council meeting; and</i>

(ii) ***AUTHORISES the Chief Executive Officer (in liaison with the Mayor) to make minor variations to the timeframe, if unforeseen circumstances arise or if a change is necessary.***

PURPOSE OF REPORT:

To approve a timetable for the preparation and adoption of the Annual Budget 2009/2010.

BACKGROUND:

It is recommended that the Budget is adopted as early in the new financial year as possible. It is proposed that a Special Meeting of Council for the adoption the budget be held on the 1 July 2009. This will allow the Town a cash flow benefit from the earlier distribution of Rates Notices.

A separate Special Council meeting for the adoption of the Annual Budget will also allow more time for discussion on the final Budget document, without the constraint of the timing of the Ordinary Meeting of Council.

DETAILS:

The Annual Budget forms an integral part of the Town's "Plan for the Future 2006-2011", which was adopted by the Council.

The timetable proposed allows for both suitable Council Member and community reviews.

The Draft Budget will be initially issued to Council Members. A confidential briefing will be provided to Council Members either collectively or individually depending on circumstances. The Draft Budget deliberations will then be held at the scheduled Special Council Meetings, the public are invited to attend these meetings.

The public will also be invited to comment on the Draft Budget prior to adoption.

The proposed Budget Timetable is outlined below:

DATE	TOPIC
1-26 April	Chief Executive Officer and Directors to review 1 st Draft Budget
27 April	1 st Draft budget issued to Council Members
2 May	Confidential Briefing provided to Council Members on Draft Budget
5 May	1 st Budget briefing/Special Council Meeting (open to the public
19 May	2 nd Budget briefing/Special Council Meeting (open to the public) - if required
20 May – 29 May	Budget documentation finalised for public comment
29 May	Advertise for public comment
19 June	Public comment closes
19 June - 26 June	Final Budget documentation and report for Council prepared
26 June	Agenda report issued
1 July	Adoption of Annual Budget at the Special Council meeting

CONSULTATION/ADVERTISING:

There is no statutory requirement to advertise the Draft Budget for community consultation, prior to adoption.

However, it is the Town's practice to advertise the Draft Annual Budget for twenty-one (21) days, in accordance with the Community Consultation Policy.

LEGAL/POLICY:

The Annual Budget is prepared in accordance with the Local Government Act (1995) Section 6.2.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 Plan for the Future - Objective 4 - Leadership, Governance and Management:

4.1.2 Manage the organisation in a responsible, efficient and accountable manner.

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

(c) *Develop a medium to long term strategic vision and strategic financial plan to ensure the long term financial viability of the Town.*

FINANCIAL/BUDGET IMPLICATIONS:

N/A

COMMENTS:

It is important that both the Administration and the Council adheres to the deadlines identified in the timetable to ensure that the Annual Budget is adopted on time.

9.4.1 Review of the Town of Vincent Plan for the Future

Ward:	Both	Date:	11 December 2008
Precinct:		File Ref:	ADM0038
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVED the report on the review of the Town of Vincent Plan for the Future;*
- (ii) *APPROVES of the following process for the review of the Plan for the Future:*
 - 1. *the draft Town of Vincent Strategic Plan 2009-2014, as shown in Appendix 9.4.1, to be used as a basis of the draft document;*
 - 2. *the Chief Executive Officer, Directors and Town Managers/key Officers to further review the draft document from December 2008 – January 2009;*
 - 3. *Council Members to submit their comments to the Chief Executive Officer by 31 January 2009;*
 - 4. *a workshop/Forum with Council Members and Town Senior Officers be conducted in February 2009 to further consider and refine the draft document;*
 - 5. *report to Council in March 2009 to Adopt in Principle the Draft Plan for the Future 2009-2014;*
 - 6. *draft document to be advertised for a period of six (6) weeks in March/April 2009;*
 - 7. *the Council to consider submissions and adopt the Plan for the Future in May 2009; and*
 - 8. *the draft document to be placed on the Town’s website and copies provided at the Administration Centre and in the Town’s Library and Local History Centre; and*
- (iii) *NOTES that further reports will be submitted to the Council in early 2009, after the completion of the review and after the public consultation has been carried out.*

Moved Cr Messina, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Messina, Seconded Cr Ker

That the Timeframe in clause 1.1.4(c) of the Plan for the Future be amended to read “2009-2011”.

Cr Farrell returned to the Chamber at 8.58pm.

Debate ensued.

AMENDMENT PUT AND CARRIED (8-0)

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

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (8-0)

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

COUNCIL DECISION ITEM 9.4.1

That the Council;

- (i) RECEIVED the report on the review of the Town of Vincent Plan for the Future;*
 - (ii) APPROVES of the following process for the review of the Plan for the Future:*
 - 1. the draft Town of Vincent Strategic Plan 2009-2014, as shown in Appendix 9.4.1, to be used as a basis of the draft document, subject to clause 1.1.4(c) of the Plan for the Future be amended to read “2009-2011”;*
 - 2. the Chief Executive Officer, Directors and Town Managers/key Officers to further review the draft document from December 2008 – January 2009;*
 - 3. Council Members to submit their comments to the Chief Executive Officer by 31 January 2009;*
 - 4. a workshop/Forum with Council Members and Town Senior Officers be conducted in February 2009 to further consider and refine the draft document;*
 - 5. report to Council in March 2009 to Adopt in Principle the Draft Plan for the Future 2009-2014;*
 - 6. draft document to be advertised for a period of six (6) weeks in March/April 2009;*
 - 7. the Council to consider submissions and adopt the Plan for the Future in May 2009; and*
 - 8. the draft document to be placed on the Town’s website and copies provided at the Administration Centre and in the Town’s Library and Local History Centre; and*
 - (iii) NOTES that further reports will be submitted to the Council in early 2009, after the completion of the review and after the public consultation has been carried out.*
-

PURPOSE OF REPORT:

The purpose of the report is to advise the Council of the statutory need to review the Town of Vincent Plan for the Future and approve of the review process and draft document.

BACKGROUND:

The Local Government Act 1995 requires each Council to prepare a Plan for the Future (the Plan). The Plan must cover a minimum period of at least 2 years and be reviewed every two years. The current Plan was adopted at the Ordinary Meeting of Council held on 21 November 2006 and was developed for five years, which corresponds with the current terms of the Strategic Plan and Corporate Priorities.

Plan for the Future

In 2003 the State Department of Local Government and Regional Development undertook a major review of the Local Government Act 1995 and associated regulations, and removed the requirement for Principal Activity planning.

The Local Government Act amendments were proclaimed on 31 March 2005. Section 42 amended the Act to remove the requirements for principal activity planning. Sections 5.56, 5.57 and 5.58 were repealed and in their place, a new section 5.56 was included which provided a more general obligation of "*plan for the future*". The new Section states:

"Section 5.56 – Planning for the future

- (1) A local government is to plan for the future of the district.*
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

The regulations require local government to make a plan for the future of its district in respect of the period specified in the plan (being at least 2 financial years) and state that:

- A plan for the future of a district is to set out the broad objectives of the local government for the period specified in the plan."*

The Act and regulations do not prescribe the format of the Plan for the Future – this is the prerogative of each local government.

The Act requires the Plan for the Future to cover a minimum period of at least two (2) financial years. Consultation is required with electors, ratepayers and residents. In this regard, the draft document will be advertised for community consultation and will be provided to all Community/Precinct Groups. Submissions and feedback from the community is to be considered and where appropriate, included into the Plan.

Plan for the Future

The Plan for the Future is designed to assist the Council, Administration and the community to understand the broad directions the Town will be taking in the future.

The Town's draft Plan for the Future document consists of the following:

1. **Strategic Plan 2009-2014 (Appendix 9.4.1)**

The Strategic Plan contains the:

• Purpose

The purpose defines the business of the Town. It is:

"To provide and facilitate services for a safe, healthy and sustainable community."

Chief Executive Officer's Comments:

No change is proposed. The Purpose is still considered relevant and appropriate.

• Vision

The Vision is what we are striving to become. The Town's vision is:

"A sustainable and caring community built with vibrancy and diversity."

Chief Executive Officer's Comments:

No change is proposed. The Vision is still relevant and most appropriate.

• Guiding Values

The Guiding Values are those that describe how we want to operate. These values are:

- Honesty and Integrity
- Excellence and Service
- Innovation and Diversity
- Caring and Empathy
- Teamwork and Commitment

Chief Executive Officer's Comments:

No changes are proposed. The Guiding Values are still considered relevant.

• Strategic Objectives

The Strategic Plan has identified the following Key Objectives:

1. Natural and Built Environment

- Improve and maintain the natural and built environment and infrastructure.

2. Economic Development
 - Progress economic development with adequate financial resources.
3. Community Development
 - Enhance community development and wellbeing.
4. Leadership, Governance and Management
 - Ensure good strategic decision-making, governance, leadership and professional management; supported by a positive and desirable workplace with technology for business improvement.

Chief Executive Officer's Comments:

No change is proposed. The Objectives are still relevant.

- Key Result Actions (KRA's) – these prescribe the various items to be carried out

The Strategic Plan has identified a number of Key Actions and these are reviewed and updated where necessary.

The Strategic Plan also links other strategic Town documents including:

- Town Planning Scheme No 1 (and No 2 – when adopted)
- Economic Development Strategy
- Vincent Vision 2024
- Residential Design Elements Policy
- Sustainable Environment Plan

2. Strategic Asset Management Plan 2009-2019

Asset management planning is a significant component of the Plan for the Future. A major part of the Town's activities revolve around the management of its assets to ensure that they remain appropriate to community requirements both now and in the future.

The Town is still undertaking a detailed analysis of the existing asset base to determine the projected rate of expenditure required to maintain the Town's assets (buildings, roads, footpaths, major plant, bores etc) to ensure meaningful and effective levels of service for each asset over its entire life cycle. This detailed analysis will provide information on the required asset investment and these requirements will be reflected in the Strategic Financial Plan and Strategic Asset Management Plan, which will initially cover a ten (10) year period (and in some cases longer e.g. 20-40 years). This work is carried out in conjunction with information provided by WALGA.

It is anticipated that this plan will be finalised 2009.

3. Strategic Financial Plan 2009-2019

The Strategic Financial Plan is a significant component of the Plan for the Future and provides a broad strategic overview of the major projects and programs that the Town will be undertaking over the next ten (10) years, links the Town's financial capacity with the strategic direction detailed in the Town's Strategic Plan 2009 – 2014 and allocates indicative sums of money to potential projects to ascertain whether the Town has the capacity to fund them when required. In some instances, it will also attempt to make long term financial projections (20 years and longer).

This document will be reviewed and updated as part of this process, to reflect the changes over the previous years and anticipated future revenue.

4. Annual Plan

The Annual Plan is the result of Corporate items and priorities identified by the Town's Executive Management Team (comprising Chief Executive Officer, Directors - Corporate Services, Technical Services and Development Services) together with the annual strategic priorities identified by the Council Members. These priorities are matters which are considered in the process leading up to the preparation of the Annual Budget. The items/priorities take cognisance of:

- financial capacity to deliver;
- operational impact on the program or service;
- seasonal requirements;
- workforce workload (leave periods, public holidays etc).

The items/priorities are then considered for inclusion in the Annual Budget.

Following adoption of the Annual Budget, the Council adopts a Priority Program for implementation of the key project, programs and services. This Annual Plan replaces the previous "Capital Works Program" following the adoption of the Annual Budget.

The Annual Plan also contains more precise detail about Capital Works Programs (e.g. ROW Upgrade Program, Footpath Upgrade Programme etc). A quarterly report is submitted to the Council, detailing progress with the adopted timeline and project budget.

5. Annual Budget

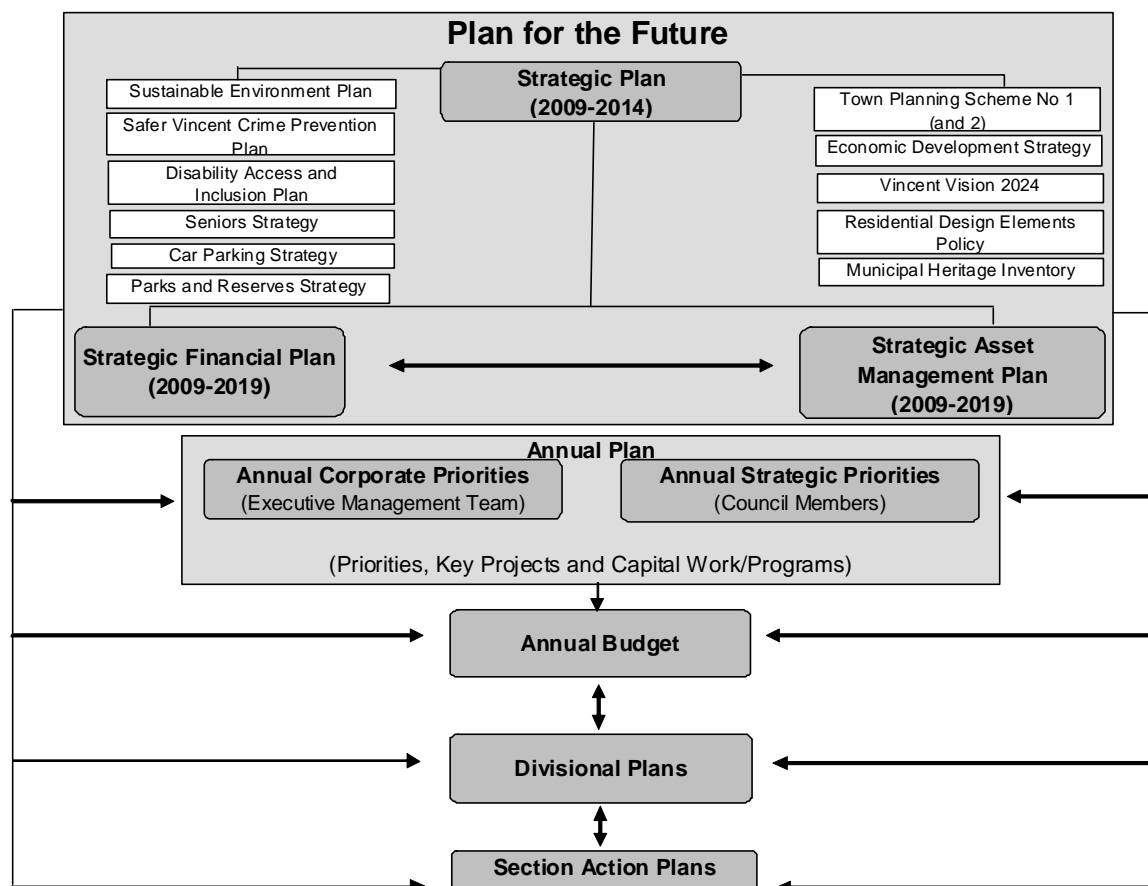
The Annual Budget document remains unchanged and contains the activities, capital works and projects and income and expenditure statements which are to be carried out in the financial year. The Budget contains the financial details in considerable detail, including a brief description of projects, programs and services. A monthly report details of expenditure and any variances of 10% and more.

6. Divisional and Section Plans

These are operational annual plans which are prepared by the Directors and Section Managers and contain the operational details on how the Budget and Capital Works/Programmes are implemented.

7. The Process

The following diagram illustrates the process undertaken to formulate the various plans and documents and how they inter-relate with each other.



CONSULTATION/ADVERTISING:

The Local Government Act requires the Plan for the Future to be the subject of consultation with the electors and ratepayers.

The Plan is to contain a description of the involvement by the electors and ratepayers in the development of the Plan.

The following consultation process is recommended:

1. draft Town of Vincent Strategic Plan 2009-2014, as shown in Appendix 9.4.1, be used as a basis of the draft document;
2. Chief Executive Officer, Directors and Town Managers/key Officers to further review the draft document from December 2008 – January 2009;
3. Council Members to provide feedback/comments on the draft document by 31 January 2009.
4. workshop/Forum with Council Members and Town Senior Officers be conducted in February 2009 to further consider and refine the draft document;

5. report to Council in March 2009 to Adopt in Principle the Draft Plan for the Future 2009-2014;
6. draft document to be advertised for a period of six (6) weeks in March/April 2009;
7. the Council to consider submissions and adopt the Plan for the Future in May 2009; and
8. the draft document to be placed on the Town's website and copies provided at the Administration Centre and in the Town's Library and Local History Centre; and

LEGAL/POLICY:

It is a legal requirement for each local government to have a Plan for the Future.

The Council has previously resolved that the Plan for the Future will consist of the Strategic Plan and Associated Plans, Strategic Policies and other documents as outlined in this report. No change to this is recommended (other than updating – where required).

The Local Government Act and regulations do not prescribe the format for the required Plan for the Future. The Town's Plan for the Future will continue to be a combination of various plans, such as Strategic Plan, long term financial plans etc.

1. The Local Government Act (section 5.56) states as follows:

“Local Government Act 1995

5.56 Planning for the future

- (1) A local government is to plan for the future of the district.*
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

It requires each local authority to prepare a Plan for the Future in respect of each financial year after the financial year ending 30 June 2006. The Plan must cover a minimum period of at least two years.

2. Consultation is required with electors and ratepayers during the development of the Council's future Plan and any review (or modification) of such Plan.
3. The specific matters that the Local Government (Administration) Regulations require to be included in the future Plan are set out in Regulation 19C which reads as follows:

“Regulation 19C

- (a) In this regulation and regulation 19D:*

‘Plan for the future’ means a Plan made under Section 5.56.

- (b) A local government is to make a Plan for the future of its district in respect of the period specified in the Plan (being at least 2 financial years).*

- (c) *A Plan for the future of a district is to set out the broad objectives of the local government for the period specified in the Plan.*
 - (d) *A local government is to review its current Plan for the future of its district every 2 years and may modify the Plan, including extending the period the Plan is made in respect of.*
 - (e) *A Council is to consider a Plan, or modifications, submitted to it and is to determine* whether or not to adopt the Plan, or the modifications, as is relevant.*
**Absolute majority required*
 - (f) *If a Plan, or modified Plan, is adopted by the Council then the Plan or modified Plan is to apply to the district for the period of time specified in the Plan.*
 - (g) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a Plan for the future of the district, and when preparing any modifications of a Plan.*
 - (h) *A Plan for the future of a district is to contain a description of the involvement by the electors and ratepayers in the development of the Plan, and any modifications to the Plan.*
 - (i) *A local government is to ensure that a Plan for the future made in accordance with this regulation applies in respect of each financial year after the financial year ending 30 June 2006.*
4. Regulation 19D sets out requirements for given public notice of the Council's future Plan.

STRATEGIC IMPLICATIONS:

Progress reports on the Strategic Plan are reported to Council for each quarter as follows:

Period	Report to Council
1 January - 31 March	April
1 April - 30 June	July
1 July - 30 September	October
1 October - 31 December	February

The quarterly progress reports will continue to be provided and will also include quarterly reports on the Annual Plan (previously the Capital Works Program). The Strategic Plan provides the elected Council and administration with its aims, goals and objectives (key result areas) for the next five (5) years.

FINANCIAL/BUDGET IMPLICATIONS:

No specific funds are contained in the Budget 2006-09 for the Review of the Plan for the Future. Sufficient funds are contained in the Town's Operating Budget for this matter.

Funding implications for the new/revised KRA's will be provided as more information becomes available.

SUSTAINABILITY IMPLICATIONS

The Council's Plan for the Future is probably one of the most important documents for the Town. It details the future direction of the Town of Vincent and details how and when matters will be carried.

COMMENTS:

The Council's Plan will provide the direction for the Elected Council and the Town's administration for the future. It will also provide information to the electors and ratepayers on the broad direction the Town will be taking in the future. Accordingly, it is appropriate that the process involve community consultation.

The current document has been updated and revised by the Chief Executive Officer. Some existing KRA's have been deleted (where they have been amalgamated with other KRA's or are a duplication) and some new KRA's have been added.

Changes have been shown by strikethrough and underlining.

New KRA's have been shown by shading.

It should be noted that the Draft document is to be used as a basis for the review and needs further refinement, particularly the timeframe and funding implications. This will be refined over the forthcoming months.

The Chief Executive Officer therefore recommends the Council approve of the Officer Recommendation.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

12.1 LATE REPORT: WALGA Nominations – WA Planning Commission (WAPC); WAPC Statutory Planning Committee; WAPC Sustainable Transport Committee; WAPC Infrastructure Coordinating Committee; WAPC Coastal Planning and Coordination Council; Food Act Reference Group; Municipal Waste Advisory Council

Ward:	-	Date:	15 December 2008
Precinct:	-	File Ref:	ORG0045
Attachments:	001		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) _____ *be nominated as WALGA Metropolitan Member - WA Planning Commission (WAPC) (Approval by Minister) (Panel of 3 names);*
- (ii) _____ *be nominated as WALGA Metropolitan Deputy Member - WA Planning Commission (WAPC) (Approval by Minister) (Panel of 3 names);*
- (iii) _____ *be nominated as WALGA Member - WA Planning Commission (WAPC) - Statutory Planning Committee (Approved by Minister) (Panel of 3 names);*
- (iv) _____ *be nominated as WALGA Member - WA Planning Commission (WAPC) - Sustainable Transport Committee (Approval by Minister) (Panel of 3 names);*
- (v) _____ *be nominated as WALGA Member - WA Planning Commission (WAPC) - Infrastructure Coordinating Committee (Approval by Minister) (Panel of 3 names);*
- (vi) _____ *be nominated as WALGA Metropolitan Member - WA Planning Commission (WAPC) - Coastal Planning and Coordination Council (Approval by Minister) (Panel of 3 names);*
- (vii) _____ *be nominated as WALGA Metropolitan Member - Food Act Reference Group;*
- (viii) _____ *be nominated as WALGA Member - Municipal Waste Advisory Council - Elected Member (1)*; and*
- (ix) _____ *be nominated as WALGA Metropolitan Member - Municipal Waste Advisory Council - Serving Officer (Total of (3))*.*

The Presiding Member called for nominations and Cr Ker nominated for;

- (i) WALGA Member - WA Planning Commission (WAPC) - Statutory Planning Committee (Approved by Minister) (Panel of 3 names);

Moved Cr Messina, **Seconded** Cr Youngman

That the nomination as received be approved as follows, that:

- (i) *Cr Ian Ker be nominated as WALGA Member - WA Planning Commission (WAPC) - Statutory Planning Committee (Approved by Minister) (Panel of 3 names);*

MOTION PUT AND CARRIED (8-0)

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

COUNCIL DECISION ITEM 12.1

That the following nomination be approved:

- (i) *Cr Ian Ker be nominated as WALGA Member - WA Planning Commission (WAPC) - Statutory Planning Committee (Approved by Minister) (Panel of 3 names).*
-

DETAILS:

Please see Appendix 12.1 for further details.

N.B.:

NOMINATIONS FOR CLAUSES (I)-(VII) -CLOSE 4PM THURSDAY 22 JANUARY 2009

NOMINATIONS FOR CLAUSES (VIII)-(IX) -CLOSE COB FRIDAY 23 JANUARY 2009

13. URGENT BUSINESS

Nil.

PROCEDURAL MOTION

At 9.02pm Moved Cr Youngman, Seconded Cr Maier

That Council proceed "behind closed doors" to consider confidential item 14.1, as this matter relates to the personal affairs of a person.

PROCEDURAL MOTION PUT AND CARRIED (8-0)

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

14.1 Confidential Report - Premier's Australia Day Active Citizenship Awards - Nominations for 2009
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Ward:		Date:	10 December 2008
Precinct:		File Ref:	CVC0036
Attachments:	-		
Reporting Officer(s):	N Greaves, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **SUPPORTS** the nomination of ***** for the Premier's Australia Day Active Citizenship Award in the category of "A Person of 25 Years or Older" for her services to the Vincent community as outlined in the report;
- (ii) **SUPPORTS** the nomination of the ***** for the Premier's Australia Day Active Citizenship Award in the category for a "Community Group or Event", as outlined in the report;
- (iii) **NOTES** that no nominations were received for the category of "A Person Under 25 years";
- (iv) **FORWARDS** these nominations to the Australia Day Council of Western Australia for consideration; and
- (v) **NOTES** that the Awards will be presented at the Town of Vincent Australia Day Event in January 2009.

NB: (***** Information is confidential, as it relates to the personal affairs of a person.)

COUNCIL DECISION ITEM 14.1

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

MOTION PUT AND CARRIED (8-0)

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

PURPOSE OF REPORT:

The purpose of the report is for Council to approve of nominations received for the Premier's Australia Day Active Citizenship Awards 2009, for submission to the Australia Day Council for approval.

DETAILS:

In October 2008 the Australia Day Council of Western Australia wrote to the Town advising of the Premier's Australia Day Active Citizenship Awards. The Awards foster, recognise and celebrate significant contributions to community life and active citizenship in all local government areas of Western Australia.

Guidelines and Criteria

Each year two local citizens and one local community group in each local government area are eligible for this Award. Only one nomination in each category can be forwarded to the Australia Day Council for consideration.

The recipients are selected from people and groups who have made a noteworthy contribution during the current year, or given outstanding service to the local community over a number of years through active involvement.

Categories

The Awards include the following categories:

- Premier's Australia Day Active Citizenship Award
- Premier's Australia Day Active Citizenship Award for a person under 25 years
- Premier's Australia Day Active Citizenship Award for a community group or event

Selection Criteria

The winners will have been judged to have shown active citizenship and:

- Significant contribution to the local community.
- Demonstrated leadership on a community issue resulting in the enhancement of community life.
- A significant initiative which has brought about positive change and added value to community life.
- Inspiring qualities as a role model for the community.

Eligibility Criteria

- Nominees should reside or work principally within the local authority.
- Awards will not be granted posthumously.
- Groups of people or couples will not normally be eligible except when meeting the criteria for a community group.
- A person cannot receive the same award twice, but can be considered for another award.
- Unsuccessful nominees may be nominated in future years.
- Sitting members of State, Federal and Local Government are not eligible.

Judging Process

All category winners of the Premier's Australia Day Active Citizenship Awards will be selected from nominations received from the community, local government or its appointed committee.

The Australia Day Council judging panel will be made up of representatives from the local government and the local community.

These awards are only available to one recipient in each category in each year. Where local government represents more than one district or town, awards may be made to one winner from each category in each centre.

The judge's decision will be final and no correspondence will be entered into by the Australia Day Council of Western Australia.

Previous Recipients

Previous recipients for the Award were Sally Lake (2003), Cosi Schirripa (2004) and Despina Kalafatas, the Rotary Club of North Perth for the Hyde Park Community Fair (2005), the Palmerston Association (2006 – Group), Tan-Kiet Le (2006 – individual over 25), Kay Raymond (2007 – individual over 25), the Honour Avenues Group (2007 – Group), Doris Marocchi (2008 – individual over 25) and the Cardinals Junior Football Club (2008 – Group).

Nominations

This information is confidential, as it relates to the personal affairs of a person.

ADVERTISING/CONSULTATION:

In October 2008 a call for nominations was advertised in the local papers, on the website and through letters to precinct and community groups and all schools in the Town. By the close of nominations on 28 November 2008, five (5) nominations were received. Three (3) were for the category of "*Citizenship Award*" (for a person of 25 years or older) and two (2) were for the category of "*Community Group or Event*". No nominations were received for the category for a "*person under 25 years*".

FINANCIAL/BUDGET IMPLICATIONS:

Nil – apart from advertising costs in the community newspapers.

LEGAL IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

Nil.

SUSTAINABILITY IMPLICATIONS:

Nil.

COMMENTS:

The Award is recognition of a community member's service to the community, fosters community spirit and pride. Accordingly, it is recommended that the nominations be forwarded to the Australia Day Council of Western Australia for consideration.

PROCEDURAL MOTION

At 9.03pm **Moved Cr Ker, Seconded Cr Farrell**

That an "open meeting" be resumed.

PROCEDURAL MOTION PUT AND CARRIED (8-0)

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

15. CLOSURE

The Presiding Member, Mayor Nick Catania, declared the meeting closed at 9.05pm with the following persons present:

Mayor Nick Catania, JP	Presiding Member
Cr Anka Burns	South Ward
Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Noel Youngman	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)

No Members of the Public or journalists present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 16 December 2008.

Signed:Presiding Member
Mayor Nick Catania

Dated this day of 2008