

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 23 August 2005, commencing at 6.05pm.

**1. DECLARATION OF OPENING**

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

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

**(a) Apologies:**

The Chief Executive Officer advised that Cr Maddalena Torre would be arriving late due to work commitments.

**(b) Present:**

Mayor Nick Catania, JP	Presiding Member
Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Maddalena Torre	South Ward (from 6.25pm)
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Jeremy VanDenBok	Acting Executive Manager Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Giovanni Torre	Journalist – The Perth Voice
Dan Hatch	Journalist – Guardian Express (until 8.45pm)

Approximately 53 Members of the Public

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

Cr Steed Farrell for the period 8 August to 31 August 2005 inclusive for personal reasons.

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

1. Marie Slyth of 89 Carr Street, West Perth – Item 10.1.25 – Very concerned that objections from architects and developers will hinder the approval of the draft policy. Believes that full approval is necessary as the policy provides a key strategy for the implementation of the Vincent Vision. Does not want the Town to lose its uniqueness to developments that undermine the way of life in the Town. Urged the Council to protect the Residential Design Elements which will in turn protect the Town and help it to be a most sought after area.

2. Craig Hutchison of the Leederville Hotel – Item 10.1.3 – Has been working with the Council and residents to resolve the parking issues and believes that the answer is some sort of parking restrictions, both day and night, for residents and their guests (as implemented in Subiaco during Football Matches). Security Patrols have been introduced on Wednesday nights, extra lighting on the outside of the venue, two staff members performing a clean up on Carr Street each night, digital cameras installed, buses re-routed from Carr, Newcastle and Oxford Streets. Cannot stop patrons parking on Carr Street and would like a common sense approach to be taken where cars are restricted day and night. Urged the Council to build a new car park.
3. Steven Watson of 172 Carr Place, Leederville – Item 10.1.3 – referred to page 22 of the Agenda where it is written that the need for parking restrictions has not risen out of a requirement to deal with parking problems, but to deal with noise and the antisocial behaviour of patrons leaving local night-spots. Stated that this was completely incorrect as he often observes his neighbours (who have no off street parking facilities) struggling to find a park in front of their own homes, or nearby, both day and night. Believes that residents should be given priority in these situations and residents only parking would be a good solution to the problem. Believes the police and security patrols used to gather information about the problems in the street are unreliable (as they are not exposed to the problem for suitable amounts of time) and that residents are the correct source for information. Thanked the Leederville Hotel for taking steps to improve the situation and urged the Council to follow their lead.
4. Jeff Loxton of 201 Adelaide Terrace – Item 10.1.6 – Stated that an alternative motion had been submitted and urged the Council to support the motion. Stated that the proposed development exceeds all criteria in policy 3.5.14 with the exception of depth, but believes that as the other criteria exceed the intention of the policy, asks that the Council exercise discretion in their response to the WA Planning Commission. Urged the council to modify the Officer's recommendation in their response to the Commission.
5. Donna Cole of 198 Carr Place, Leederville – Item 10.1.3 – Stated that the Council is wrong in the assumption that only a few residential properties are affected by the parking situation and presented Council with a petition with 92 signatories. Stated that noise and antisocial behaviour, particularly on a Wednesday night, create a dangerous situation for residents. Also stated that motor traffic noise impacts upon sleep and in turn lowers her productivity the following day. Informed Council that the feeling of fear and vulnerability due to regular vandalism along with the desire to confront noisy, disruptive people in the street is unacceptable. Stated that as ratepayers, residents should be a priority to the Council, not the visitors to local restaurants and pubs. Urged the Council to please consider residents only parking.

6. Natalie Dewer of 25 Anzac Road, Mt Hawthorn – Item 10.1.21 – Advised that at a meeting with two of the Town’s Officers, she was told that if two changes were made to her plans, they could be supported at Officer level. Changes of this kind were made and still the Item is recommended for refusal. Stated that Design Elements supported by the Officer in the initial plans were now unsupported with no reason given. Asked the Council to note the significant changes made and urged that the new plans be approved. Asked that the Council please advise what is wrong with the style of the proposed development as it follows the ‘very narrow’ guidelines and she is running out of options. Stated that if the plans are refused, it will be asked that the State Administrative Tribunal order someone ‘with authority’ to explain the reasons for refusal.
7. Tanya Loosly-Smith of 31 Haynes Street, North Perth – Item 10.1.15 – After much feedback from residents in 2004/2005 and the report done by Council, would like to illustrate the intangible items, which is what residents are fighting for: 1. The Sense of Community – which will be lost with the severe increase in traffic; 2. Processing Goodwill – incorrect inferences made by developers regarding the nature of consultation with residents. Stated that the North Perth Precinct Group had made good choices in the past and that they are not anti-development, but in this case they have endured a twelve month period of a single, immovable, mixed use option that the residents have consistently objected to on the basis of the commercial aspects.
8. Annie Folk of 204 Carr Place, Leederville – Item 10.1.3 – As a founding member of the Leederville Community Action Group, is still here twelve years on addressing the same issues. Commended Council’s initiative on providing the parking in Leederville Oval, improving lighting in Carr Place and improving amenity of the streetscape on Carr Place. Stated that the Police Patrol information was incorrect in saying that pedestrian traffic were causing the problems, as it is most certainly people parking in the street. Stated that the only solution is to close the street off to all but residents and their guests. Has been in touch with John Hyde’s office and believes he will be very supportive to their cause. Hopes that Councillors will acknowledge the residents plight as they are the ratepayers.
9. Sam Persanti of 7 Auckland Street, North Perth – Item 10.1.15 – Congratulated the Town on its progress and visions for the future and the recommendations it is looking at adopting in creating distinct cells in the Town’s residential areas. Believes (along with the North Perth Precinct Group) that this concept will greatly benefit the community as a whole. Stated that the proposal will cause irreversible damage to the area and that it is like a cancer that may spread and affect the whole Town. Urged the Council to reject the proposal.
10. John Waddingham of 23 Anzac Road, Leederville – Item 10.1.21 – Welcomes the recommendation for refusal and hopes the Council will concur. Believes the changes made to the plans on the façade of the house are a great improvement but stated that the impact on his property in terms of loss of direct sunlight, loss of privacy in the backyard are unacceptable. Believes the proposed dwelling will mark a departure from the existing streetscape in terms of bulk and scale. Stated that the whole of Anzac Road is a single storey streetscape and this would be the only house more than one storey. Understands that the applicants are disappointed with the

status of their proposal as initially, the Town's Officers paid no real attention to the serious issues and now those issues have been brought to the fore. Stated that if the second storey were moved to the back of the house, the proposal would be far more appealing. Hopes that in future, the Town's Officers will pay much closer attention to Town Policies (other than the R-codes) when they initially assess an application.

11. Cosi Schirippa of 66 Auckland Street, North Perth – Item 10.1.25 – Stated that he and the North Perth Precinct Group were thrilled when they received a copy of the draft policy for Residential Design Elements. After making a submission, which was almost entirely positive, he was disappointed to read the report in the Agenda that showed other than his group's submission, the response to the draft policy was very negative. Apart from a few constructive criticisms, they are very positive about the proposal. Noted that the Council, in particular Cr Chester, really responded to the concerns of residents in the North Perth area. Urged Council not to be swayed by the architects and developers and instead listen to the 'silent majority'.
12. Nicola Sarelle of 27 Anzac Road, Leederville – Item 10.1.21 – Also welcomes the recommendations for refusal. Stated that although changes have been made, some of the issues raised previously have not been addressed. In particular: privacy, setbacks, buildings on boundaries, height, streetscape and the disregard for the Leeder Locality Plan. Also has concerns regarding the renaming of some of the rooms in the dwelling. Confirmed support for the Officer's decision to recommend refusal.
13. Anthony Rechichi Architects of 218 William Street, Northbridge – Item 10.1.12 – Asked that the Council delete conditions (iv)(a) and (iv)(b) of the recommendation on the grounds that there is no issues with overlooking for either neighbour. Respectfully requested that Council remove the conditions mentioned for the reasons outlined.
14. Graham James of 3A Coogee Street, Mt Hawthorn – Item 10.1.12 – Stated that the balcony at the front of the proposal looks into the summer courtyard and dining area at the front of the house. Unsure as to why the applicant is objecting to screening when the extended blade wall is in-fact acting as the screen. Stated the importance of privacy to himself and his family and hopes the conditions will be upheld.

There being no further questions from the public, the Presiding Member closed Public Question Time at 6.45pm.

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

Refer to IB05.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

## 5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

- 5.1 The Chief Executive Officer read a petition from Donna Cole of 198 Carr Place, Leederville with 93 signatories, which was presented during Public Question Time with reference to Item 10.1.3. The petition read as follows:

*“We, the undersigned residents and ratepayers and visitors, seek the support of the Council of the Town of Vincent to restrict the entry of vehicles, not associated with residences, to Carr Place, Leederville, on Wednesday evenings and any other ‘special events’ – on the grounds that demand for parking has already exceeded the parking space supply in Leederville and residents of Carr Place are unable to park close to their own homes. This has also resulted in additional anti-social behaviour, litter, vandalism, early morning and late night noise and traffic problems in the local area.”*

*The Chief Executive Officer advised that the petition would be considered accordingly during consideration of Item 10.1.3.*

**Moved Cr Torre, Seconded Cr Maier**

*That the petition be received.*

**CARRIED (8-0)**

(Cr Farrell on leave of absence.)

## 6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

- 6.1 Ordinary Meeting of Council held on 9 August 2005

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

*That the Minutes of the Ordinary Meeting of Council held on 9 August 2005 be confirmed as a true and correct record, subject to the corrected pages circulated prior to the meeting.*

**CARRIED (8-0)**

(Cr Farrell on leave of absence.)

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

- 7.1 On tonight’s Agenda, there are 5 applications for Retrospective Approval. This is something that should not be encouraged in the Town of Vincent. There is no penalty or punitive measure in place to deter this and so I suggest that, if this continues, a penalty be applied for those who do not follow the correct process. And so I am sending out a warning to those residents who intend on building something some-what illegally – penalties will be introduced if this continues.

**Cr Chester departed the chamber at 6.48pm.**

- 7.2 For those living in Mount Hawthorn - the development of the Mount Hawthorn Shopping Centre, which had been delayed due to issues between the developer and major tenant, will now proceed after a letter from the Council urged Woolworth’s not to stand in the way of development. I received a letter on the 17 August 2005 that yesterday, 22 August 2005, the centre would commence its redevelopment. Mount Hawthorn will now start to come alive and attract a variety of new commercial tenants to the area.

**Cr Chester returned to the chamber at 6.50pm.**

**8. DECLARATION OF INTERESTS**

- 8.1 Cr Ian Ker declared a proximity interest in Item 10.1.3 – Further Report Various Issues – Carr Place, Leederville. The nature of his interest being that he works in Carr Place and as the staff member living closest, he is on call for any security matters affecting the business premises.
- 8.2 Cr Ian Ker declared a financial interest in Item 10.1.17 - Nos. 204, 206, 206A, 208-210, 212-214, 216, 220, 222, 224, 226 & 228 (Lots 202-209, 233-236), East Parade, Mount Lawley, - Proposed Demolition of Existing Corner Shop-House, Eight (8) Single Houses, Two (2) Grouped Dwellings (One Duplex Pair), and One (1) Warehouse. The nature of his interest is that he is currently undertaking development of an integrated transport strategy for the EMRC (which includes the City of Bayswater) and the issue of Guildford Road/East Parade capacity will be an issue that has to be addressed from the EMRC perspective.
- 8.3 Cr Ian Ker has declared a financial interest in Item 10.1.24 - Western Australian Planning Commission Draft Statements of Planning Policy: Metropolitan Freight Network, and Road and Rail Transport Noise. The nature of his interest is that he is currently undertaking development of an integrated transport strategy for the EMRC. Both of the draft policies will need to be responded to as part of the project.
- 8.4 Cr Sally Lake has declared a financial interest in Item 10.1.31 - Progress Report No.8 - Municipal Heritage Inventory Review. The nature of her interest being that she is a part owner of two properties listed in the Town's Municipal Heritage Inventory. Stated that this is an interest shared in common with other Councillors. She has requested Council grant approval to participate in debate and vote on the matter.
- 8.5 Cr Dudley Maier has declared a financial interest in Item 10.1.31 - Progress Report No.8 - Municipal Heritage Inventory Review. The nature of his interest being that he is a part owner of a property listed in the Town's Municipal Heritage Inventory. Stated that this is an interest shared in common with other Councillors. He has requested Council grant approval to participate in debate and vote on the matter.
- 8.6 John Giorgi, Chief Executive Officer, has declared an interest affecting impartiality in Confidential Item 10.4.4 - Strategic Plan - Review. His interest being that he is a Committee Member/Chairperson of the Leederville Oval Ground Management Committee along with the General Managers of East Perth Football Club and Subiaco Football Club and he represents the Town on that Committee. The committee is responsible for the day to day management of the Oval, and as a consequence there may be a perception that his impartiality on the matter may be affected. He declared that he has dealt with the matter on its merits.
- 8.7 Cr Ian Ker has declared a financial interest in Items 10.1.31 - Progress Report No.8 - Municipal Heritage Inventory Review and 10.1.32 - Planning and Building Policies - Amendment No. 14 - Draft Policies Relating to Heritage Management - Development Guidelines, Assessment and Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory. The nature of his interest being that he is an owner of a property listed on the

Municipal Heritage Inventory. *(Cr Ker has Minister for Local Government approval to participate in debate and vote on this matter)*

- 8.8 Cr Simon Chester has declared a financial interest in Items 10.1.31 - Progress Report No.8 - Municipal Heritage Inventory Review and 10.1.32 - Planning and Building Policies - Amendment No. 14 - Draft Policies Relating to Heritage Management - Development Guidelines, Assessment and Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory. The nature of his interest being that he is an owner of a property listed on the Municipal Heritage Inventory. *(Cr Chester has Minister for Local Government approval to participate in debate and vote on this matter)*
- 8.9 John Giorgi, Chief Executive Officer and Rob Boardman, Executive Manager Environmental and Development Services, declared an interest affecting impartiality in Item 10.1.7 – No. 37 (Lot 11 D/P: 1257) Glendower Street, Perth – Proposed Demolition of Existing Single House. The extent of their interest is that they had an association with CA Penheiro (the applicant) who is a former employee as a Planning Officer with Town of Vincent. He resigned several years ago.

**The Presiding Member, Mayor Catania requested that the Chief Executive Officer advise of the process for consideration of Councillors Lake and Maier's request. The Chief Executive Officer advised that Councillors Lake and Maier should depart the chamber while their request is being considered.**

**Councillors Lake and Maier departed the Chamber at 7.02pm. They did not speak or vote on the matter.**

**The Chief Executive Officer advised that a number of Elected Members including Mayor Catania, Cr Chester, Cr Ker and Cr Doran-Wu had approval from the Minister of Local Government to participate and vote on the matter.**

**Cr Ker provided an explanation as to why he declared a financial interest in the matter.**

**Cr Chester provided an explanation as to why he declared a financial interest in the matter.**

**Debate ensued.**

**Moved Cr Ker, Seconded Cr Messina**

***That Councillor Lake's request to participate in debate and vote on the matter be approved.***

**Debate ensued.**

**MOTION PUT AND LOST (2-4)**

<b><u>For</u></b>	<b><u>Against</u></b>
<b>Cr Chester</b>	<b>Mayor Catania</b>
<b>Cr Ker</b>	<b>Cr Doran-Wu</b>
	<b>Cr Messina</b>
	<b>Cr Torre</b>

**(Cr Farrell on leave of absence. Crs Lake and Maier were absent from the chamber and not eligible to vote.)**

**Moved Cr Torre, Seconded Cr Ker**

*That Councillor Maier's request to participate in debate and vote on the matter be approved.*

Debate ensued.

**MOTION PUT AND LOST (2-4)**

<b><u>For</u></b>	<b><u>Against</u></b>
Cr Chester	Mayor Catania
Cr Ker	Cr Doran-Wu
	Cr Messina
	Cr Torre

(Cr Farrell on leave of absence. Crs Lake and Maier were absent from the chamber and not eligible to vote.)

Councillors Lake and Maier returned to the Chamber at 7.10pm. The Presiding Member, Mayor Catania advised them that their request to participate in debate and vote on the matter had not been approved.

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

Nil.

**10. REPORTS**

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

The Agenda Items were categorised as follows:

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

Items 10.1.25, 10.1.3, 10.1.6, 10.1.21, 10.1.15 and 10.1.12

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

Item 10.1.29

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

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

Cr Chester	Items 10.1.27, 10.1.32 and 10.4.4
Cr Ker	Items 10.1.2, 10.1.7, 10.1.9, 10.1.11 and 10.4.3
Cr Doran-Wu	Items 10.1.1, 10.1.8, 10.1.17 and 10.1.22
Cr Lake	Nil.
Cr Messina	Nil.
Cr Maier	Items 10.1.10, 10.1.23, 10.1.24, 10.1.29, 10.1.30, 10.1.31, 10.2.3, 10.3.1 and 10.3.2
Cr Torre	Nil.
Mayor Catania	Nil.

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

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

Items 10.1.3, 10.1.17, 10.1.24, 10.1.31 and 10.1.32

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

Items 10.1.4, 10.1.5, 10.1.13, 10.1.14, 10.1.16, 10.1.18, 10.1.19, 10.1.20, 10.1.26, 10.2.1, 10.2.2, 10.2.4, 10.3.3, 10.4.1, 10.4.2 and 10.4.5

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

Item 10.4.6

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

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

Items 10.1.4, 10.1.5, 10.1.13, 10.1.14, 10.1.16, 10.1.18, 10.1.19, 10.1.20, 10.1.26, 10.2.1, 10.2.2, 10.2.4, 10.3.3, 10.4.1, 10.4.2 and 10.4.5

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

Items 10.1.25, 10.1.3, 10.1.6, 10.1.21, 10.1.15 and 10.1.12

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

**Moved Cr Torre, Seconded Cr Messina**

*That the following unopposed items be moved en bloc;*

*Items 10.1.4, 10.1.5, 10.1.13, 10.1.14, 10.1.16, 10.1.18, 10.1.19, 10.1.20, 10.1.26, 10.2.1, 10.2.2, 10.2.4, 10.3.3, 10.4.1, 10.4.2 and 10.4.5*

**CARRIED (8-0)**

(Cr Farrell on leave of absence.)

**10.1.4 No. 17 (Lot 2) Gerald Street, Mount Lawley - Partial Demolition of and Alterations and Proposed Two-Storey Additions to Existing Single House (Part Application for Retrospective Approval) - Amended Plans**

<b>Ward:</b>	South	<b>Date:</b>	17 August 2005
<b>Precinct:</b>	Forrest; P14	<b>File Ref:</b>	PRO2681; 5.2005.2653.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	L Mach		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the amended plans stamped 12 August 2005 to Planning Approval (Serial No. 00/33/2653) granted by the Council on 26 April 2005 and issued on 4 May 2005 for Partial Demolition of and Proposed Alterations and Two-Storey Additions to Existing Single House (Part Application for Retrospective Approval) at No. 17 (Lot 2) Gerald Street, Mount Lawley.*

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**COUNCIL DECISION ITEM 10.1.4**

**Moved Cr Torre, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Farrell on leave of absence.)**

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**PURPOSE OF REPORT:**

The subject amended plans have been submitted as part of the Building Licence Application for the proposed development and varies from the respective Planning Approval plans. It is considered that the variations do not meet the requirements of the Draft Policy relating to Variations to Planning Approval and Building Licence Plans and accordingly are submitted to the Council for consideration and determination.

<b>Landowner:</b>	RJ Sinkin & PA D'Arcy
<b>Applicant:</b>	P Milton
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R50
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	306 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

Conditional approval was granted by the Council at its Ordinary Meeting held on 26 April 2005 for partial demolition of and proposed alterations and two-storey additions to existing single house (part application for retrospective approval).

**DETAILS:**

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

- the existing driveway being shown as 2.55 metres, instead of 2.557 metres;
- the front (eastern) upper floor windows being relocated to be compliant with the privacy provisions of the Residential Design Codes;
- a chimney and another window being added to the front (eastern) elevation;
- door being added to ground northern elevation;
- the front (eastern) upper floor setback being 6.6-7.6 metres, instead of 7.0 metres;
- screening to the rear western elevation of balcony, as per clause/condition (iii)(a) of the Planning Approval;
- the rear balcony being setback 6.9 metres instead of 7.5 metres; and
- fixed obscure glazed windows (to habitable rooms) and obscure glazed (to non-habitable rooms) windows being added to the northern and southern windows, which are compliant with the privacy provisions of the Residential Design Codes. .

**ASSESSMENT:**

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

**COMMENTS:**

The amended plans (Building Licence Application plans) are considered acceptable, as the changes in the amended plans are considered minor and do not have an undue impact on the adjoining neighbours and do not involve any greater variations to the development requirements from the previously approved plans.

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

**10.1.5 No. 329 (Lot 125 D/P: 11092) Walcott Street, Coolbinia - Proposed Additional Two (2)-Storey Grouped Dwelling to Existing Single House - Amended Plans**

<b>Ward:</b>	North	<b>Date:</b>	16 August 2005
<b>Precinct:</b>	North Perth; P08	<b>File Ref:</b>	PRO2591 5.2003.1946.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	T Durward		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the amended plans stamped 3 August 2005 (floor plans and elevations) and 15 August 2005 (site plan) to Planning Approval (Serial No. 00/33/1946) granted by the Council on 25 May 2004 and issued on 2 June 2004, for proposed Additional Two (2)-Storey Grouped Dwelling to Existing Single House at No. 329 (Lot: 125 D/P: 11092) Walcott Street, Coolbinia.*

**COUNCIL DECISION ITEM 10.1.5**

**Moved Cr Torre, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED (8-0)**

(Cr Farrell on leave of absence.)

**PURPOSE OF REPORT:**

The subject amended plans have been submitted as part of the Building Licence Application for the proposed development and varies from the respective Planning Approval plans. It is considered that the variations do not meet the requirements of the Draft Policy relating to Variations to Planning Approval and Building Licence Plans and accordingly are submitted to the Council for consideration and determination.

<b>Landowner:</b>	J T Dias and A C Kelly
<b>Applicant:</b>	McGrath Homes
<b>Zoning:</b>	Metropolitan Region Scheme: (MRS) Urban Town Planning Scheme No.1 (TPS 1): Residential R60
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Grouped Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	559 square metres

**BACKGROUND:**

Conditional approval was granted by the Council at its Ordinary Meeting held on 25 May 2004 for proposed additional two (2)-storey grouped dwelling to existing single house.

**DETAILS:**

There are some internal alterations included in the Building Licence Application plans and are summarised as follows:

- the entry and configuration for the stairwell on the ground floor has changed;
- the laundry and W/C on the ground floor have been reconfigured and reduced in size; and
- internally bedrooms 1 and 2 on the upper floor remain unchanged with the main amendments being the bedroom 3 reconfiguration to the eastern side and the bathroom and ensuite for bedroom 1 being moved to the western side. The walk-in wardrobes to all rooms have increased in area and a W/C is now located in the centre of the upper floor where it previously abutted the south eastern boundary.

The south western elevation (front elevation/elevation 1) includes the removal of the garage door and the major opening and timber finial roof pitch treatment to bedroom 2. It also includes an architectural feature to the entry. The south eastern elevation (right side elevation/elevation 2) includes the removal of all minor and major openings. The north western elevation (rear elevation/elevation 3) includes the removal of four minor openings and replacement with two minor openings. The finial roof treatment is also removed. The north western elevation (left elevation/elevation 4) remains largely unchanged except for the removal of the timber finial roof treatment.

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

**Setbacks**

Requirement	Setback approved at OMC 25 May 2004	Setback proposed on Building Licence Plans	Variation	Officer Comments
Ground Floor - North Eastern Elevation - Meals (Parapet)	Nil (8 metres wall length)	Nil (6.090 metres wall length)	Nil	No greater variation to that previously approved.
North Western Elevation - Meals	4.25 metres (18.3 metres wall length)	4.014 metres (18.3 metres wall length)	Decrease 0.236 metre	Setback still complies with R Codes requirements, being 1.5 metres.

Upper Floor -  South Eastern Elevation -  Bedroom 2 and 3 (Bedroom 1 and W/C on previous approval)	1.2 metres (8.2 metres wall length)	2.027 metres (6.3 metres wall length)	Increase 0.827 metre	Setback greater than previously approved plans.
Bedroom 3, Bathroom, Ensuite (Bedroom 3 Bathroom only on previous approval)	4.25 metres (18.3 metres wall length)	4.014 metres (18.3 metres wall length)	Decrease 0.236 metre	Setback still complies with R Codes requirements, being 1.5 metres.

**Building Height**

Requirement	Setback approved at OMC 25 May 2004	Setback proposed on Building Licence Plans	Variation	Officer Comments
South Western Elevation (Elevation 1/ Front Elevation)	5.178 metres to the top of the eaves (roof above).	5.084 metres	Decrease 0.094 metre	Building Height reduced from previously approved plans.
South Eastern Elevation (Elevation 2/ Right Side Elevation)	5.178 - 5.762 metres to the top of the eaves (roof above).	5.084 - 5.668	Decrease 0.094 metre	Building Height reduced from previously approved plans.
North Western Elevation (Elevation 3/ Rear Elevation)	5.178 - 5.762 metres to the top of the eaves (roof above).	5.084 - 5.668	Decrease 0.094 metre	Building Height reduced from previously approved plans.
North Western Elevation (Elevation 4 /Left Elevation)	5.178 - 5.762 metres to the top of the eaves (roof above).	5.084 - 5.668	Decrease 0.094 metre	Building Height reduced from previously approved plans.

**ASSESSMENT:**

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

**COMMENTS:**

The amended plans (Building Licence Application plans) are considered acceptable, as the changes in the amended plans are not considered to have an undue impact on the adjoining neighbours. Accordingly, it is recommended that further Planning Approval for the amended plans (Building Licence Application plans) should not be required, and that the revised plans be approved as amended plans to the previous Planning Approval.

**10.1.13 No. 386 (Lot 54 D/P: 32) Stirling Street, Highgate - Proposed Alterations to Size, Balustrades and Screening Height of Balconies to Approved Multiple Dwellings Development**

<b>Ward:</b>	South	<b>Date:</b>	15 August 2005
<b>Precinct:</b>	Forrest; P14	<b>File Ref:</b>	PRO1929 5.2005.3092.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	B McKean		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 Conway on behalf of the owner Family Holdings Pty Ltd for proposed Alterations to Size, Balustrades and Screening Height of Balconies to Approved Multiple Dwellings Development, at No. 386 (Lot 54 D/P: 32) Stirling Street, Highgate, and as shown on plans stamp-dated 9 August 2005.*

**COUNCIL DECISION ITEM 10.1.13**

**Moved Cr Torre, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Farrell on leave of absence.)**

<b>Landowner:</b>	Family Holdings Pty Ltd
<b>Applicant:</b>	J Conway
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
<b>Existing Land Use:</b>	14 Multiple Dwellings Under Construction
<b>Use Class:</b>	Multiple Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	1239 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

- 11 February 2002      The Town under delegated authority conditionally approved the demolition of the brick and tile single dwelling.
- 10 September 2002    The Council at its Ordinary Meeting conditionally approved the construction of ten (10) multiple dwellings, including two (2) single bedroom dwellings.
- 10 February 2004      The Council at its Ordinary Meeting conditionally approved fourteen (14) two-storey single bedroom multiple dwellings.

9 September 2004 The Western Australian Planning Commission granted conditional approval for the built strata subdivision at the subject property.

**DETAILS:**

The proposal involves changes to the balustrading for the balconies on Units 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13 and 14 of the 14 two-storey single bedroom multiple dwellings approved by the Council at its Ordinary Meeting held on 10 February 2004. A site inspection by the Town's Officer on 11 August 2005 indicated that construction of the development has significantly commenced, however, the balustrading and screening for the subject units has not been constructed.

Units 1 and 14 (the front units facing Stirling Street) were originally approved with 1.1 metres high open balustrading to the front of the balconies and 1.6 metres high solid screening to the side of the balconies. This application proposes that this balustrading and screening be replaced with obscure glass balustrading 1.1 metres high.

The balconies for Units 2 - 6 and 9 -13 were originally approved with screening to 1.6 metres high. This application proposes to reduce the height of these screens to 1.35 metres high.

The plans stamp dated 9 August 2005 indicate marginally larger balconies for Units 1 and 14 than the balconies approved by the Council at its Ordinary Meeting held on 10 February 2004. This minor change has no impact on the assessment of the overall development.

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	N/A
Privacy Setbacks:			
Unit 1 Balcony (North)	7.5 metres	1.5 metres to northern boundary	Supported - overlooking is not considered to have an undue impact on affected neighbour and affected church secretary (neighbour) has stated no objection.
Balcony (South)	7.5 metres	6.1 metres to internal boundary of Unit 14	Supported - overlooking is internal and units are under one ownership.
Unit 2 Balcony (South)	7.5 metres	6.1 metres to internal boundary of Unit 13	Supported - as above.

Unit 3 Balcony (South)	7.5 metres	6.1 metres to internal boundary of Unit 12	Supported - as above.
Unit 4 Balcony (South)	7.5 metres	6.1 metres to internal boundary of Unit 11	Supported - as above.
Unit 5 Balcony (South)	7.5 metres	6.1 metres to internal boundary of Unit 10	Supported - as above.
Unit 6 Balcony (South)	7.5 metres	6.1 metres to internal boundary of Unit 9	Supported - as above.
Unit 9 Balcony (North)	7.5 metres	6.1 metres to internal boundary of Unit 6	Supported - as above.
Unit 10 Balcony (North)	7.5 metres	6.1 metres to internal boundary of Unit 5	Supported - as above.
Unit 11 Balcony (North)	7.5 metres	6.1 metres to internal boundary of Unit 4	Supported - as above.
Unit 12 Balcony (North)	7.5 metres	6.1 metres to internal boundary of Unit 3	Supported - as above
Unit 13 Balcony (North)	7.5 metres	6.1 metres to internal boundary of Unit 2	Supported - as above
Unit 14 Balcony (North)	7.5 metres	6.1 metres to internal boundary of Unit 1	Supported - as above.
Balcony (South)	7.5 metres	1.5 metres to southern boundary	Supported - overlooking is not considered to have an undue impact on affected neighbour and affected neighbour has stated no objection.

<b>Consultation Submissions</b>		
Support (2)	<ul style="list-style-type: none"> <li>No objection to proposed changes to balustrades</li> </ul>	Noted
Objection	Nil	Noted
<b>Other Implications</b>		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

\* 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 changes to the balcony balustrade to Units 1 and 14 and balcony privacy screening to Units 1 - 6 and 9 - 14 result in further variations to the privacy requirements of the Residential Design Codes (R Codes). These variations are considered supportable. The affected adjoining neighbours have stated no objection to the overlooking as a result of changes to the balconies of Units 1 and 14. The overlooking from the remaining units is internal as the development is currently under one ownership.

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

**10.1.14 Unit 6/Nos. 565-567 (Lot 500 Strata Lot 6 STR: 21608) Beaufort Street, Corner Vincent Street, Mount Lawley - Proposed Change of Use from Office to Shop and Associated Alterations and Signage (Part Application for Retrospective Approval)**

<b>Ward:</b>	South	<b>Date:</b>	15 August 2005
<b>Precinct:</b>	Mount Lawley Centre; P11	<b>File Ref:</b>	PRO1278 5.2005.3025.1 and 5.2005.3026.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	T Durward		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 M Rose on behalf of the owner L A Rose for Proposed Change of Use from Office to Shop and Associated Alterations and Signage (Part Application for Retrospective Approval), at Unit 6/Nos. 565-567 (Lot 500, Strata Lot 6 STR: 21608) Beaufort Street, corner Vincent Street, Mount Lawley, and as shown on plans stamp-dated 28 June 2005, subject to:*

- (i) *prior to first occupation of the development or within 28 days of issue of this approval, whichever occurs first;*
  - (a) *the existing wall sign shall be removed or amended so that it has a maximum area of 10 square metres; and*
  - (b) *the existing window sign shall be removed.*
- (ii) *doors, windows and adjacent floor areas fronting Vincent Street shall maintain an active and interactive relationship with this street;*
- (iii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iv) *prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of \$5,150 for the equivalent value of 2.06 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's 2004/2005 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;*
- (v) *the signage shall not have flashing or intermittent lighting;*
- (vi) *all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*

- (vii) *all signage shall be kept in a good state of repair, safe, and be non-climbable and free from graffiti for the duration of their display on-site;*
- (viii) *the maximum gross floor area of the shop shall be limited to 54 square metres. Any increase in floor space or change of use for the subject land shall require Planning Approval to be submitted to and obtained from the Town;*
- (ix) *the hours of operation shall be limited to Monday, Tuesday, Wednesday and Saturday 9:00am to 7:00pm, inclusive, Thursday and Friday 9:00am to 9:00pm, inclusive, and Sunday and public holidays 10:00am to 5:00pm, inclusive; and*
- (x) *this approval is for a shop use only, and any change of use from shop shall require Planning Approval to be applied to and obtained from the Town prior to commencement of such use.*

**COUNCIL DECISION ITEM 10.1.14**

**Moved Cr Torre, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Farrell on leave of absence.)**

<b>Landowner:</b>	L A Rose
<b>Applicant:</b>	M Rose
<b>Zoning:</b>	Metropolitan Region Scheme: (MRS) Urban Town Planning Scheme No.1 (TPS 1): Commercial
<b>Existing Land Use:</b>	Office
<b>Use Class:</b>	Shop
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	Strata Lot 6 - 78 square metres, Total Site Area- 1066 square metres
<b>Access to Right of Way</b>	Western side, 3 metres wide, partially sealed, privately owned

**BACKGROUND:**

19 May 2005

Correspondence sent by the Town to the owner of Unit 6, Nos. 565-567 (Lot 500, Strata Lot 6 STR: 21608) Beaufort Street, Mount Lawley advising that the signage was unauthorised and an application for Planning Approval was required to be submitted to and obtained from the Town. Furthermore, it was advised that a change of use application was required to be submitted to and approved by the Town for the subject premises to be used as a shop.

**DETAILS:**

The application involves change of use from office to shop and associated alterations and signage. The application involves a portion for retrospective approval, namely the signage and internal alterations.

The proposed name of the business is *Inxtacy*. The shop will sell adult toys, lingerie, novelties, condoms, lubricants, massage oil and adult publications. The proposed shop is relocating from Unit 5 as the owners of the shop have purchased the freehold to Unit 6.

The proposed hours of operation will be Monday, Tuesday, Wednesday and Saturday 9:00am to 7:00pm, inclusive, Thursday and Friday 9:00am to 9:00pm, inclusive, and Sunday and public holidays 10:00am to 5:00pm, inclusive.

The number of people employed will be three (3) and there is only one (1) staff member working at the shop at any one time. The maximum number of customers at the premises at any one time is expected to be 6, with normally 1 or 2 customers. The equipment used will include a self processing film machine, approximately the size of a desktop workstation.

The application involves one wall sign.

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	N/A
Wall Sign:  Size	Not to exceed 10 square metres in area	11.025 square metres	Not supported - signage conditioned to comply.
<b>Consultation Submissions</b>			
Support (4)	<ul style="list-style-type: none"> <li>No objection to type of business in the area or the specific proposal.</li> <li>The current shop has operated for the past 7 years without trouble, problems or disturbances.</li> <li>No objection to development, the placing of signage or the window displays.</li> </ul>		Noted.  Noted.  Noted.
Objection (1)	<ul style="list-style-type: none"> <li>Objects to signage, as installed in March 2005, in a residential area.</li> </ul>		Supported in part - the signage has been conditioned to comply, however, the Town's Officers note that the signage is located within a commercial area.
<b>Other Implications</b>			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil

<b>Car Parking</b>	
Car Parking Requirement (nearest whole number) - Shop (proposed 54 square metres) - 3.6 car parking bays	4 car bays
Apply the adjustment factors <ul style="list-style-type: none"> <li>▪ 0.85 (within 400 metres of a bus stop)</li> <li>▪ 0.90 (within 400 metres of one or more public car parks in excess of 50 spaces)</li> </ul>	(0.765)  3.06 car bays
Minus car parking on-site	1 car bay
Minus the most recently approved on-site parking shortfall (after taking into account relevant adjustment factors), that is, 1 car bay (54 square metres of gross floor area for Office) x 0.765 = 0.765 car bay minus car parking on-site (1 car bays) equals 0.235 surplus, therefore nil shortfall.	Nil
<b>Resultant shortfall</b>	<b>2.06 car bays</b>

\* 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 Requirement**

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

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

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

Given the debate and Council resolutions relating to Items 10.1.5 and 10.1.16 at the Ordinary Meeting of Council held on 26 July 2005, in the context of the current and draft amended cash-in-lieu of car parking provisions and the increase in cash-in-lieu construction costs in the 2005/06 Fees and Charges, the following practice is considered to be the most appropriate in such cases:

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

In this instance, the proposed change of use, which after applying the adjustment factors and the already approved car parking shortfall, has a resultant car parking shortfall of 2.06 car bays. It is recommended that a cash-in-lieu contribution of \$5,150 be paid as outlined in the Officer Recommendation.

**Consultation**

The application was advertised for 14 days in accordance with the Town's Community Consultation Policy and no written submissions were received during this period. It is noted that all submissions outlined in the report were received prior to, or with, the subject application.

**Summary**

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

**10.1.16 Unit 20/No. 663 (Lot 23 Str: 10630) Newcastle Street, Leederville - Proposed Change of Use from Shop to Shop and Office Building and Associated Signage and Alterations**

<b>Ward:</b>	South	<b>Date:</b>	15 August 2005
<b>Precinct:</b>	Oxford Centre; P4	<b>File Ref:</b>	PRO3215; 5.2005.2912.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	B McKean		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 S Sloan on behalf of the owner P & S Sloan for proposed Change of Use from Shop to Shop and Office Building and Associated Signage and Alterations, at Unit 20/No. 663 (Lot: 23 STR: 10630) Newcastle Street, Leederville, and as shown on plans stamp-dated 13 June 2005, subject to:*

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) the signage shall not have flashing or intermittent lighting;*
- (iii) all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iv) all signage shall be kept in a good state of repair, safe, and be non-climbable and free from graffiti for the duration of their display on-site;*
- (v) the gross floor areas shall be limited to a maximum of:*
  - (a) 220 square metres for the office component; and*
  - (b) 20 square metres for the retail component.*

*Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*

- (vi) the proposed store on the ground floor shall not be used for vehicle parking purposes; and*
- (vii) prior to the first occupation of the development, one (1) class 1 or 2 bicycle parking facilities shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities.*

**COUNCIL DECISION ITEM 10.1.16**

**Moved Cr Torre, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Farrell on leave of absence.)**

<b>Landowner:</b>	P & S Sloan
<b>Applicant:</b>	S Sloan
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): District Centre
<b>Existing Land Use:</b>	Shop
<b>Use Class:</b>	Shop and Office
<b>Use Classification:</b>	"P" and "P"
<b>Lot Area:</b>	7163 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

No specific background directly relates to the proposal.

**DETAILS:**

The proposal involves change of use from shop to shop and office and associated signage and alterations, at the subject property.

The proposed shop and office is for a concert ticketing company "*Heatseeker*", which is involved in concert and event organising and artist management and booking. The "*Heatseeker*" office has a retail component, which is used for a ticket outlet and the sale of associated merchandise.

The proposed signage involves one illuminated wall sign, which is compliant with the Town's Policy relating to Signs and Advertising.

**ASSESSMENT:**

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

<b>Other Implications</b>	
Legal/Policy	TPS 1 and associated Policies.
Strategic Implications	Nil
Financial/Budget Implications	Nil
<b>Car Parking</b>	
Car parking requirement (nearest whole number) <ul style="list-style-type: none"> <li>• Proposed Retail - 1 car bay per 15 square metres of gross floor area (proposed 20 square metres)</li> <li>• Proposed Office - 1 car bay per 50 square metres of gross floor area (proposed 220 square metres)</li> </ul>	6 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> <li>▪ 0.85 (within 400 metres of a bus stop)</li> <li>▪ 0.80 (within 50 metres of one or more public car parks in excess of 50 spaces)</li> <li>▪ 0.80 (within 400 metres of a rail station)</li> <li>▪ 0.90 (within District Centre zone)</li> </ul>	(0.4896)  2.94 car bays
Minus the car parking provided on-site	4 car bays (number which has been allocated to subject premises)
Resultant surplus	1.06 car bays
<b>Bicycle Parking</b>	
Retail Premises (Shop) Component <ul style="list-style-type: none"> <li>• 1 space per 300 square metres of gross floor area for employees (class 1 or 2)- 0.06 space</li> <li>• 1 spaces per 200 square metres for visitors (class 3)- 0.1 space</li> </ul> Office Component <ul style="list-style-type: none"> <li>• 1 space per 200 square metres of gross floor area for employees (class 1 or 2)- 1.1 spaces</li> </ul>	Total: 0.16 space, therefore, no spaces required.  Total: 1.1 spaces (None indicated on plans, has been conditioned to comply).

\* 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 planning application is considered to be compatible with the uses of the surrounding area and in light of adequate car parking being provided, the proposal is recommended for approval, subject to standard and appropriate conditions.

**10.1.18 No. 574 (Lot 552 D/P: 97785) Beaufort Street, Corner Clarence Street, Mount Lawley- Proposed Alterations and Additions to Existing Eating House**

<b>Ward:</b>	South	<b>Date:</b>	16 August 2005
<b>Precinct:</b>	Mount Lawley Centre; P11	<b>File Ref:</b>	PRO0922; 5.2005.3054.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	L Mach		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 M Lazarus on behalf of the owner W A Hopkins for proposed Alterations and Additions to Existing Eating House at No.574 (Lot 552 D/P: 97785) Beaufort Street, corner Clarence Street, Mount Lawley, and as shown on plans stamp-dated 14 July 2005, subject to:*

- (i) signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (ii) the maximum public floor area of the eating house shall be limited to 79 square metres. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
- (iii) prior to the first occupation of the development, one (1) class 1 or 2 and three (3) class 3 bicycle parking facilities shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities; and*
- (iv) doors, windows and adjacent floor areas fronting Beaufort and Clarence Streets shall maintain an active and interactive relationship with these streets.*

**COUNCIL DECISION ITEM 10.1.18**

**Moved Cr Torre, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED (8-0)**

(Cr Farrell on leave of absence.)

<b>Landowner:</b>	W A Hopkins
<b>Applicant:</b>	M Lazarus
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
<b>Existing Land Use:</b>	Eating House
<b>Use Class:</b>	Eating House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	558 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

- 29 September 1998            The Council at its Ordinary Meeting conditionally approved a change of use from shop to eating house and associated alterations and additions at Tenancy 1 of the subject property.
- 11 February 1999            The Western Australian Planning Commission conditionally approved the amalgamation of Lot 1 and Part Lot 45.
- 19 December 2000           The Council at its Ordinary Meeting resolved to refuse an application for proposed signage at Tenancy 3 of the subject property.
- 26 February 2002            The Council at its Ordinary Meeting granted conditional approval for proposed outdoor dining area to existing eating house at Tenancy 1 of the subject property.
- 17 December 2002           The Council at its Ordinary Meeting granted conditional approval for proposed change of use from office to eating house and associated signage and alterations at Tenancy 2 of the subject property.

**DETAILS:**

The proposal involves alterations and additions to existing eating house, namely expanding the existing eating house at Tenancy 1 into Tenancy 2 and associated building modifications. The applicant's submission is "*Laid on the Table*".

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	N/A
<b>Consultation Submissions</b>			
Support	Nil		Noted
Objection	Nil		Noted
<b>Other Implications</b>			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil
<b>Car Parking</b>			
Office: 1 car bay per 50 square metres gross floor area (existing 71 square metres)			1.42 car bays
Eating house: 1 car bay per 4.5 square metres of public floor area (existing and proposed : 41+38 square metres= 79 square metres)			17.55 car bays
Total car parking requirement (nearest whole number)			19 car bays

Apply the adjustment factors. <ul style="list-style-type: none"> <li>▪ 0.85 (within 400m of a bus stop)</li> <li>▪ 0.85 (within 400m of one or more public car parks in excess of 75 spaces)</li> </ul>	(0.7225)  13.73 car bays
Minus car parking on-site	6 car bays
Minus the most recently approved on-site parking shortfall (after taking into account relevant adjustment factors), as per Council resolution on Item 10.1.5 at 17 December 2002 Ordinary Meeting of Council	7.74 car bays
Resultant surplus	0.01 car bay
<b>Bicycle Parking</b>	
Restaurant <ul style="list-style-type: none"> <li>• 1 space per 100 square metres public area for employees (class 1 or 2)- 1.13 spaces</li> <li>• 2 spaces plus 1 space per 100 square metres of public area for visitors (class 3)- 3.13 spaces</li> </ul>	None indicated on plans, has been conditioned to comply.

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

**COMMENTS:**

The proposal is regarded to be compatible with the uses of the surrounding area and the proposed works to the windows on the Beaufort Street elevation is considered to enhance the street and promote street interaction. In light of this and adequate car parking being provided, the planning application is recommended for approval, subject to standard and appropriate conditions.

**10.1.19 No. 338 (Lot 710 D/P: 85950) Bulwer Street, Corner Fitzgerald and Eden Street, West Perth - Proposed Additions and Alterations to Existing Fast Food Outlet and Associated Existing Signage (Application for part Retrospective Approval)**

<b>Ward:</b>	South	<b>Date:</b>	16 August 2005
<b>Precinct:</b>	Hyde Park; P12	<b>File Ref:</b>	PRO0797; 5.2005.3033.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	L Mach		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 Bruni Corporation Pty Ltd for proposed Additions and Alterations to Existing Fast Food Outlet and Associated Existing Signage (part application for retrospective approval), at No.338 (Lot 710 D/P: 85950) Bulwer Street, corner Fitzgerald and Eden Streets, West Perth, and as shown on plans stamp-dated 30 June 2005, subject to:*

- (i) the signage shall not have flashing or intermittent lighting;*
- (ii) the signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iii) all signage shall be kept in a good state of repair, safe, and be non-climbable and free from graffiti for the duration of their display on-site;*
- (iv) the applicants/owners shall pay the outstanding fee, being \$285, for part application for retrospective Planning Approval, within 14 days of the date of notification of this approval or prior to the issue of a Sign License, whichever occurs first;*
- (v) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (vi) 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 entry statement tower shall not encroach into any car bays;*
- (viii) prior to the issue of a Sign Licence, revised plans shall be submitted and approved demonstrating:*
  - (a) the deletion of the Monolith Sign (sign type 1) and Pylon Sign (sign type 8);*
  - (b) the removal of any signage that is not shown on the subject plans; and*

(c) *the wall sign (sign type 9) having a maximum area of 2.7 square metres.*

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

(ix) *doors, windows and adjacent floor areas fronting Bulwer and Fitzgerald Streets shall maintain an active and interactive relationship with these streets; and*

(x) *the maximum public floor area of the fast food outlet shall be limited to 36 square metres. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town.*

**COUNCIL DECISION ITEM 10.1.19**

**Moved Cr Torre, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED (8-0)**

(Cr Farrell on leave of absence.)

<b>Landowner:</b>	Bruni Corporation Pty Ltd
<b>Applicant:</b>	Oldfield Knott Architects Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
<b>Existing Land Use:</b>	Fast Food Outlet
<b>Use Class:</b>	Eating House, Drive-in Fast Food Outlet
<b>Use Classification:</b>	"P", "AA"
<b>Lot Area:</b>	1120 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

No specific background directly relates to the proposal.

**DETAILS:**

The proposal involves additions and alterations to existing fast food outlet and alterations to existing signage (part application for retrospective approval). The works proposed to be undertaken is as follows:

- Removal of existing awning and tower;
- new entry statement tower;
- new entry sliding doors;
- new indoor dining room furniture layout (no increase to public floor area);
- new exterior colour scheme;
- upgrade of front counter;
- upgrade of ceiling and electrical layout;
- resurface of existing pylon signs (sign type 2 ,3,4,5,6,7 and 8);
- proposed wall signs (sign type 9);
- proposed above roof sign (sign type 10); and
- proposed monolith sign (sign type 1).

The Town has no records of the approval for existing pylon signs (sign type 2, 3, 4,5,6,7 and 8) and therefore, it is recommended that the applicable retrospective application fees be paid in relation to this aspect.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	N/A
Monolith Sign (proposed sign type 1)	To be the only freestanding sign on the lot.  Not to be located within 1 metre of the boundary.  Not to exceed 2 metres in width.	Existing 7 free standing pylon signs.  0.15 metre from eastern boundary.  2.07 metres wide.	Not supported - undue impact on surrounding area and other proposed and existing signage considered to provide adequate exposure of the services of the site.
Pylon Sign (existing sign type 2, 3, 4,5,6,7 and 8)	One pylon sign per frontage.  Not greater than 4 square metres in area.  Have a minimum clearance of 2.7 metres.	-2 adjacent to Fitzgerald Street -3 adjacent to Bulwer Street -1 adjacent to Bulwer/Fitzgerald Streets corner -1 adjacent to Eden Street  Type 8- Approximately 5.6 metres in area.  -Type 2, 3, 4, 5- 0.85 metre -Type 6- 2.6 metres -Type 7- approximately 0.3 metre	Supported in part - with the exception of sign type 8, which has been conditioned to be removed for same reason as above, signs are generally small in scale, for directional purposes, not orientated to face the street and adequately setback and therefore, no undue impact on streetscape and surrounding area.  Not supported- refer to above.  Supported - reduced clearance does not affect safety and has less impact on streetscape.
Wall Sign	Not to exceed 10 per cent of the total area of the building wall in which that signage is located	Type 9-21.1 per cent	Not supported- has been conditioned to comply.

**Consultation Submissions**

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

**Other Implications**

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

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

**COMMENTS:**

With the exception of the monolith sign (type 1) and pylon sign (type 8) and the size of the wall sign (type 9), it is considered that the number, scale and nature of the proposed signage is reasonable and will not have an undue affect on the amenity of the area in light of the building's scale and corner location. The removal of existing awning and tower and proposed new entry statement tower is also considered to be acceptable and not to have an undue impact of the surrounding area.

In relation to the other proposed building modifications (new entry sliding doors, new indoor dining room furniture layout, new exterior colour scheme, upgrade of front counter and upgrade of ceiling and electrical layout), Planning Approval is not required for the commencement of these works as they are minor in nature and do not have any planning implications.

In view of the above, it is recommended that the application be approved, subject to standard and appropriate conditions to address the above matters.

**10.1.20 No. 24 (Lot 20 D/P: 1823) Daphne Street, North Perth - Proposed Demolition of Existing Single House**

<b>Ward:</b>	North	<b>Date:</b>	12 August 2005
<b>Precinct:</b>	Smith's Lake; P6	<b>File Ref:</b>	PRO3258; 5.2005.3057.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	T Woodhouse		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 D C Paton for proposed Demolition of Existing Single House, at No. 24 (Lot 20 D/P: 1823) Daphne Street, North Perth, and as shown on plans stamp-dated 14 July 2005, for the following reasons:*

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) the existing place has cultural heritage significance in terms of its historic and rarity value.*

**COUNCIL DECISION ITEM 10.1.20**

**Moved Cr Torre, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED (8-0)**

(Cr Farrell on leave of absence.)

<b>Landowner:</b>	D C Paton
<b>Applicant:</b>	D C Paton
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	334 square metres
<b>Access to Right of Way</b>	Eastern Side: 3.5 metres wide, unsealed, privately owned. Northern Side: 3.5 metres wide, sealed, privately owned.

**BACKGROUND:**

No specific background directly relates to the proposal.

**DETAILS:**

The proposal involves the demolition of the existing dwelling.

**ASSESSMENT:**

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

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

**COMMENTS:**

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

The subject dwelling is dated 1903 and represents part of the timber housing stock that was common to the North Perth locality during its development in the late nineteenth and early twentieth century. The dwelling is a single storey weatherboard cottage with a hipped iron roof. Various alterations have been made to the dwelling, however the general form and style of the weatherboard cottage typical of the Gold Boom period remains intact.

The place is considered to have *some historic value* as it demonstrates the growth of suburban areas in Perth that occurred as a direct result of the Gold Boom and the associated increase in the population.

As a weatherboard dwelling the place has *some rarity value* as it represents the use of a building material that is no longer widely practiced in the construction of residential buildings in Perth.

In light of the above, it is recommended that the proposed demolition of the existing dwelling be refused.

**10.1.26. Mandatory Smoke Alarm Installation - Additional Regulation to the Building Regulations 1989**

<b>Ward:</b>	Both Wards	<b>Date:</b>	15 August 2005
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	ENS 0056
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	G Snelling		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report as follows from the Western Australian Local Government Association 'Infopage' dated 11 July 2005, relating to 'Mandatory Smoke Alarm Installation (Additional regulations - Building Regulations 1989) as 'Laid on the Table'; and*
- (ii) *ADVISES the Western Australian Local Government Association (WALGA) that the Council SUPPORTS the contents of the documentation entitled 'Mandatory Smoke Alarm Installation (Additional regulations - Building Regulations 1989)', to bring Western Australian Building Legislation into line with other jurisdictions in Australia.*

**COUNCIL DECISION ITEM 10.1.26**

**Moved Cr Torre, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Farrell on leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of this report is to provide information relating to a proposed amendment to the Building Regulations 1989, to require mandatory installation of hard-wired smoke alarms in all houses across Western Australia, and advise the Western Australian Local Government Association (WALGA) of the Council's comments on the proposed amendment.

**BACKGROUND/DETAILS:**

The 'Infopage' dated 11 July 2005 from the Western Australian Local Government Association (WALGA), states as follows:

*“FESA [Fire and Emergency Services Authority of Western Australia] and the Department of Housing and Works [DHW] are proposing to amend the Building Regulations 1989 to require mandatory installation of hard-wired smoke alarms in all houses across Western Australia. Prior to preparation of amendments to the Building Regulations, FESA has approached WALGA to discuss the proposal. WALGA is therefore seeking feedback from local governments to develop a considered opinion.*

### **Background**

*An average of five (5) Western Australians die each year in residential fires and over \$16 million worth of property is damaged annually as a result of domestic fires.*

*A number of overseas countries and other Australian States have legislation supporting mandatory installation of smoke alarms in residential dwellings. In general this has resulted in a lowering of mortality rates and minimisation of property damage, because smoke alarms provide early warning of a fire and potentially enable an earlier response by fire-fighters.*

*In Western Australia hard-wired mains-powered smoke alarms became mandatory in all new residential dwellings, that is Class 1a buildings, after the adoption of the BCA in July 1997. Existing homes were exempt unless they were undergoing substantial renovation.*

*Following a review by FESA, the Minister for Emergency Services the Hon Michelle Roberts, announced that she supported the introduction of new legislation for mandatory installation of hard-wired smoke alarms, with a preference for 'point of sale' compliance, to capture residences constructed prior to July 1997.*

*FESA sought advice on and considered a number of legislative options including possible changes to the Transfer of Land Act 1893 (WA) and the Sale of Land Act 1970 (WA), additional provisions in the Fire and Emergency Services Authority of Western Australia Act 1998 or amendment to the Residential Tenancies Act 1987. In consultation with officers of the DHW, FESA was advised that one of the most effective means of introducing appropriate requirements was through the Building Regulations 1989 of the Local Government (Miscellaneous Provisions) Act 1960 (formally 'Local Government Act 1960').*

### **Detail**

*The amendments proposed will have the effect of making provision for:*

- *sellers of residential properties to install a hard wired-smoke alarm or smoke alarms before a property is transferred to another owner.*
- *landlords to install a hard-wired smoke alarm or smoke alarms in residential rental properties before a rental or lease agreement becomes effective.*

*The intention is for the new provisions to link into an established means of ensuring compliance. The suggested amendments to the Building Regulations 1989 take into consideration that local government already administers requirements under the BCA.*

*It is anticipated that enforcement of the proposed regulations will not require a rigid inspection or certification regime. Rather, it is considered that there will be strong adoption of the requirements through normal commercial practice supported by an effective community information campaign. A study of similar legislative changes, such as the legislation for immobilisers in motor vehicles has revealed that there is a rapid adoption of the measures in the marketplace, which in turn minimises the requirement for further action by local or state government.*

*Coupled with the introduction of the proposed regulations, FESA intends to encourage further non-legislative means of ensuring compliance through:*

- *Negotiated amendments to the 'Joint Conditions of Sale and Seller Disclosure' documents which support the 'Offer and Acceptance' used in most property transactions.*

- *A public education campaign to be undertaken with the ultimate goal of ' self regulation' by the community, resulting in potential property owners insisting on smoke alarms before purchase.*
- *Information programs for industry and commerce.*
- *Consultation with the Electrical Contractors Association.*
- *Negotiated amendments to the standard rental/lease documents circulated by the Department of Consumer and Employment Protection.*

*The intention is for the regulations to be applied through education supported by the normal purchase and sale arrangements. Local government should normally opt to be involved in only a small percentage of cases and only when responding to complaints.*

*Dealing with complaints from purchasers or tenants is likely to involve normal local government practice (i.e. the same as already used for smoke alarms in post 1997 houses) such as:*

- 1 *Council receives complaint, inspects and contacts builder/owner detailing issue and sets requirement and response time eg. 7 days.*
- 2 *If unresolved in the required time, the Council may issue a Notice enforceable by the proposed regulation and law (28-35 days response).*
- 3 *If still unresolved in the required time, the Council may get a Court order through Court of Petty Sessions (**Magistrates Court**), to get the work done.*
- 4 *If still unresolved, the Council can move in to do the work and seek to redeem costs through the Court of Petty Sessions [Magistrates Court].*

*In the case of rental properties the matter may be referred at an early stage (by tenant or local government) to the Department of Consumer and Employment Protection, for resolution under the Residential Tenancies Act 1987.*

**Comments & Further Information:**

*FESA propose that the new regulations will become effective during the last quarter of 2005."*

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

The Local Government (Miscellaneous Provisions) Act 1960, the Building Regulations 1989, and the Building Code of Australia 1996.

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

WALGA originally sought comments from Local Government by 19 August 2005, however, FESA advised that additional comments will be accepted up to 9 September 2005. WALGA will then co-ordinate a formal response to FESA and the DHW on behalf of all local governments.

The above 'INFOPAGE' from WALGA outlines the means of ensuring compliance under the proposed amendment to the Building Regulations 1989. Given that FESA intention is for the proposed regulations to be applied through education supported by the normal property purchase and sale arrangements, local government may only be involved in only a small percentage of cases and in particular when responding to complaints.

Fire safety is something the general community recognise as an integral part of urban survival, yet there remains a large percentage of homes constructed prior to July 1997, that have not taken the precaution to install smoke alarms. The community should feel safe in their homes, and smoke alarms are a fundamental aspect of fire safety, giving people time to leave the house and reconvene at a safe designated meeting area.

In light of the above, it is recommended that the Council receives the report relating to *'Mandatory Smoke Alarm Installation (Additional regulations - Building Regulations 1989)'*, and advises the Western Australian Local Government Association (WALGA) that the Town generally supports the contents of the proposed Building Regulation amendment.

Additionally, the Australian Institute of Building Surveyors on behalf of all its members in Western Australia, will convene a meeting co-ordinated by the Codes and Regulations Committee, to submit it's views on the proposed amendment to the Building Regulations 1989, requiring mandatory installation of hard-wired smoke alarms in all houses across Western Australia.

**10.2.1 Further Report - GraffitiGone Website**

<b>Ward:</b>	Both	<b>Date:</b>	10 August 2005
<b>Precinct:</b>	All	<b>File Ref:</b>	ENS0007
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	N Wilton; J van den Bok		
<b>Checked/Endorsed by:</b>	R Lotznicher	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the report on the successful three (3) month trial of the GraffitiGone Website and;
- (ii) **ENDORSES** the ongoing involvement of the Town of Vincent in the GraffitiGone Website.

**COUNCIL DECISION ITEM 10.2.1**

**Moved Cr Torre, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Farrell on leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of the outcome of the recent "GraffitiGone" Website trial, which concluded on 22 June 2005 and to seek the Council's endorsement of the Town's ongoing involvement.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 22 February 2005, a report was presented in relation to the Town's involvement in a new Graffiti Website trial. At the meeting it was resolved:-

*"That the Council;*

- (i) **RECEIVES** the report on the GraffitiGone website;
- (ii) **ENDORSES** the involvement of the Town of Vincent in the trial of the GraffitiGone website, for a period of three (3) months; and
- (iii) **RECIEVES** a further report at the conclusion of the three (3) month trial period."

### **DETAILS:**

Given the Town's successful introduction of the Graffiti removal service in 2002 and the efficient manner in which graffiti has been identified and removed, Officers were unsure how successful such a trial would be within the Town.

The three (3) month trial period concluded on 22 June 2005 and thirty (30) reports were received through the website. This amounted to a 15% increase in graffiti removed by the Town over this period.

Whilst the number of reports received through the website were relatively low, Officers were surprised at the amount. The use of the website shows an overall increase in awareness relating to graffiti which has led to a greater amount of graffiti being reported and hence removed.

The GraffitiGone Website provides a single point where the community can report graffiti vandalism occurring on State and Local Government assets for the purpose of cleanup. The website uses a simple online form to send an email to the relevant State Government agency or Local Government so that cleanup of their property can commence.

State Government Agencies are responsible for the removal of graffiti from their own assets, and any reports lodged for State Government Agencies are directed to them. Currently the State Agencies participating in the GraffitiGone project include:

- Main Roads WA
- Water Corporation
- Western Power
- Department of Housing and Works

Whilst the trial website is available for anyone to lodge a graffiti report, it is anticipated that the majority of reports result from residents, businesses and people that frequent the Town.

The Town's involvement in the trial has included the following:-

- Dissemination of promotional material (provided by the Office of Crime Prevention) about GraffitiGone to households within the Town of Vincent;
- Provision of feedback, in conjunction with State Government agencies, about the GraffitiGone website (or removal process) prior to the formal launch.

### **CONSULTATION/ADVERTISING:**

Residents and businesses within the Town were advised of the website in a joint letter drop by the Town and the Office of Crime Prevention. This initiative was also advertised in the March 2005 edition of the Town's newsletter.

### **LEGAL/POLICY**

Nil

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of Strategic Plan 2005-2010 - 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *"a) Continually review new materials and technologies to achieve better accessibility, affordability and aesthetics for all infrastructure programs."*

**FINANCIAL/BUDGET IMPLICATIONS:**

Costs associated with the removal of graffiti will be borne by the Town using the current allocation for graffiti removal. There is also potential for the Town to recover the costs of removing graffiti from agency assets. This is to be further investigated by the Office of Crime Prevention.

**COMMENTS:**

Currently, most Local Governments are removing graffiti located on power poles, road signs, etc. as the agencies involved do not have a program in place, or the graffiti remains for an extended period, therefore encouraging further tagging.

The Office of Crime Prevention has met with State Government agencies to ensure that graffiti removal programs are in place and response times are improved. There is also further development by the Office of Crime Prevention to investigate the possibility of Local Government Authorities removing graffiti on agency assets and recovering the costs from the agency.

**10.2.2 Further Report - Local Plants Sale**

<b>Ward:</b>	Both	<b>Date:</b>	9 August 2005
<b>Precinct:</b>	All	<b>File Ref:</b>	CMS0096
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	J van den Bok		
<b>Checked/Endorsed by:</b>	R Lotznicher	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on the successful Local Plant Sale held at the Town of Vincent Administration & Civic Centre on Saturday 6 August 2005;*
- (ii) *NOTES that due to the popularity of the event, a further Local Plant Sale is planned to be held in September 2005; and*
- (iii) *CONSIDERS listing funds in future budgets (amount to be determined) to allow for the undertaking of up to three (3) Local Plant Sales per year.*

**COUNCIL DECISION ITEM 10.2.2**

**Moved Cr Torre, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Farrell on leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of the Local Plant Sale recently undertaken and request that consideration be given to providing funding in future budgets to undertake this event on a regular basis.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 12 July 2005, a report was presented in relation to the Local Plants project where it was resolved:

*"That the Council;*

- (i) *RECEIVES the further report on the Landscaping with Local Plants Project;*
- (ii) *NOTES that a Local Plants Sale is to be held at the Town of Vincent Administration and Civic Centre on the morning of Saturday 6 August 2005; and*
- (iii) *RECEIVES a further report on this matter once the further initiatives, as outlined in the report, have been developed."*

The Town's first Local Plant Sale was held on 6 August 2005 at the Town's Administration & Civic Centre; the event was very well received by the community and has indicated that there is a demand within the Vincent community for local native plants.

**DETAILS:**

As outlined in previous reports to the Council, the Local Plant Sale was one of various initiatives outlined as part of the Local Plants Project.

The Local Plants brochure has recently been completed and is now available to residents, the demonstration garden at Oxford Street Reserve has been established and many successful Great Gardens Workshops have been held by the Town.

It was previously noted that a Garden walk and a Garden workshop were being planned during the spring season, however due to the success of the Local Plant Sale it is now proposed to only conduct the garden walk in view that an additional plant sale is being proposed shortly.

As noted above, the Local Plants Sale was extremely successful with an estimated 200 people attending the event throughout the morning. Staff had received numerous telephone calls in the week prior to the sale which gave an indication that it may be well patronised.

The majority of all plant stock sourced was sold to residents who were required to provide proof of residency and sign a form confirming that all plants purchased would be planted within the Town's boundaries.

Generally, the feedback received was very positive and organisers felt the layout, information supplied, range of species and coffee and tea provided, created a nice community atmosphere with people able to wander about, gather information and ask questions.

Following a debrief of the event held on 6 August 2005, various points were raised and discussed on how to improve future Local Plant Sales. Given the success and popularity of the sale, the main topic of discussion centred on when to organise another sale and how often they should be programmed throughout the year.

Many comments were received during the Saturday morning regarding when further sales would be held and whether additional species could be included. Staff were overwhelmed with the popularity of the event and the demand for information and, given the feedback, it was decided that one more Local Plant Sale should be held as soon as possible.

It was also resolved that up to three (3) Local Plant Sales could be held throughout the year and the preferred times of the year were April, June and August.

Several small improvements, including additional staff providing information, clearer signage, more kangaroo paws and trees and a shortened sale time will be implemented in all future Local Plant Sales.

**CONSULTATION/ADVERTISING:**

Forthcoming events such as the Local Plant Sale proposed for September 2005 and the Garden Walk through the Leederville area will be advertised through the local papers.

**LEGAL/POLICY:**

Nil.

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.1 Protect and enhance the environment and biodiversity. “c) *Enhance and protect our natural environment, improve natural habitats, increase biodiversity in parks, reserves, wetlands and river foreshore areas, link Greenways of vegetation, enhance the Significant Trees Inventory to encourage their protection and increase and promote use of local vegetation, by Council and residents.*”

**FINANCIAL/BUDGET IMPLICATIONS:**

A total budget of \$10,000 was allocated to the Local Plants project with \$5,000 being provided by the Town and \$5,000 recently being received from the W.A. State Water Strategy office.

To date, \$6,161 has been committed with the printing of the Local Plants brochures and purchasing of plants/fertiliser for the Local Plant Sale.

A total of \$1,970 was made from the Local Plant Sale held on the 6 August 2005; and therefore the current balance is at \$5,809. Should a greater number of plants be purchased for the Local Plant Sale proposed for September 2005, the cost would only be in the vicinity of \$3,500-\$4,000.

**COMMENTS:**

There has been a reluctance within the community to plant natives again due to the inappropriate selection of species available in the 1970s. However, with the climate seemingly changing and water resources at critical levels, we are being forced to change our ways.

The Local Plant Sale has indicated that there is a demand for appropriate local native species that are suited to a domestic sized block/garden. Most attendees indicated that local nurseries do not stock many native species and the specialist native plant nurseries are too far out of the metropolitan area to warrant the drive to purchase a few plants.

**10.2.4 Adopted Roads to Recovery Program - Rescheduling of Works**

<b>Ward:</b>	Both	<b>Date:</b>	17 August 2005
<b>Precinct:</b>	All	<b>File Ref:</b>	TES0174
<b>Attachments:</b>	<a href="#">001;</a>		
<b>Reporting Officer(s):</b>	R Lotznicher		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on the minor rescheduling of projects in years 1 and 2 of the Roads to Recovery Program; and*
- (ii) *ENDORSES the changes as outlined in the report and as shown on attachment 10.2.4.*

**COUNCIL DECISION ITEM 10.2.4**

**Moved Cr Torre, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Farrell on leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of this report is to seek the Council's endorsement for the minor rescheduling of works in the approved four (4) year Roads to Recovery Program.

**BACKGROUND:**

At its ordinary meeting held on 28 June 2005, the Council received a report on the new four (4) year Roads to Recovery program where the following decision was made:

*That the Council;*

- (i) *RECEIVES the report of the New Roads to Recovery Program - 2005/2006 to 2008/2009;*
- (ii) *APPROVES the four (4) year Roads to Recovery Program as outlined on attachment 10.2.1; and*
- (iii) *RECEIVES a further report should the Town's program allocation be changed when the formal Roads to Recovery legislation has been passed by the Australian Government.*

**DETAILS:**

On Friday, 5 August 2005 the Executive Manager Technical Services (EMTS) and representatives from Western Power met on site at the proposed Highgate East State Underground Power Program (SUPP) area to look at proposed substation and transformer locations. A plan outlining the proposed cabling works was also presented.

The EMTS, upon receiving this plan, superimposed the proposed 2005/2006 Roads to Recovery to determine what projects should be placed on hold until the cabling works had been completed.

### 2005/2006 Roads to Recovery Program

Even though the majority of the cabling works will be undertaken by "micro tunnelling", the cables will be laid in the verge on the 0.6m alignment on only one side of the road with perpendicular connections to the other side of the road (one crossing every two properties).

As sections of the road may need to be removed as part of the works it is considered the following two (2) projects listed for 2005/2006 will be affected by the SUPP:

No	Road	Location	Length (km)	Width (m)	Estimated Cost \$
193	Turner St	Wright St to Lord St	0.15	6.20	17,000.00
204	Wright St	Turner St to Broome St	0.10	10.00	25,000.00
					<b>\$ 42,000.00</b>

It is therefore recommended that the above two (2) projects be *deferred* until 2006/2007 and that the following two (2) projects currently listed for 2006/2007 be *brought forward* to the 2005/2006 program.

No	Road	Location	Length (km)	Width (m)	Estimated Cost \$
70	Commonwealth Ave	Chamberlain to Anzac Rd	0.29	6.20	21,000.00
19	Shakespeare St	Ellesmere to Woodstock St	0.19	10.00	21,000.00
					<b>\$ 42,000.00</b>

The amended four (4) year program reflecting these changes is attached.

### CONSULTATION/ADVERTISING:

As previously reported to Council, residents in each street will then be advised of the infrastructure upgrade proposal via a works bulletin.

### LEGAL/POLICY:

Nil.

### STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *"b) Continue to develop, enhance and implement annual footpath, rights of way, road rehabilitation and upgrade programs."*

### FINANCIAL/BUDGET IMPLICATIONS:

The Town's proposed allocation for the life of the program will be \$612,450 and the 2005/2006 allocation will be one quarter of this or \$153,112.50.

Funds for the program have been included in the 2005/2006 budget.

**COMMENTS:**

The proposed changes ensure that the new works will not be affected by the SUPP. This is considered to be a minor adjustment to the four year program as adopted by the Council as it involves rescheduling rather than the introduction of new projects. It is recommended that the Council endorses this proposed change.

**10.3.3 Authorisation of Expenditure for the period 1 July - 31 July 2005**

<b>Ward:</b>	Both	<b>Date:</b>	08 August 2005
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0005
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	Melike Orchard		
<b>Checked/Endorsed by:</b>	Bee Choo Tan	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council CONFIRMS the;*

- (i) *Schedule of Accounts for the period 1 July - 31 July 2005 and the list of payments;*
- (ii) *direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors;  
and*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth superannuation plans;*

*as shown in Appendix 10.3.3*

**COUNCIL DECISION ITEM 10.3.3**

**Moved Cr Torre, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Farrell on leave of absence.)**

**DECLARATION OF INTEREST**

<b>Members/ Officers</b>	<b>Voucher</b>	<b>Extent of Interest</b>
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Nil.

**PURPOSE OF REPORT:**

To seek authorisation of expenditure for the period 1- 31 July 2005.

**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:

<b>FUND</b>	<b>CHEQUE NUMBERS/ PAY PERIOD</b>	<b>AMOUNT</b>
<b>Municipal Account</b>		
Town of Vincent Advance Account	EFT	\$1,336,716.53
<b>Total Municipal Account</b>		<b>\$1,336,716.53</b>
<b>Advance Account</b>		
Automatic Cheques	52468-52469, 52552-52567, 52568-52584	\$143,353.60
Trust Account Cheques	52470	596.68
Transfer of Creditors by EFT Batch 404-407-409-411-412-413 414		\$488,171.79
Transfer of PAYG Tax by EFT	July 2005	\$155,462.90
Transfer of GST by EFT	July 2005	\$0.00
Transfer of Child Support by EFT	July 2005	\$259.72
Transfer of Superannuation by EFT City of Perth	July 2005	\$ 0.00
Local Government	July 2005	\$ 0.00
<b>Total Advance Account</b>		<b>\$787,844.69</b>
<b>Transfer of Payroll by EFT</b>	July 2005	<b>\$551,962.11</b>
<b>Bank Charges &amp; Other Direct Debits</b>		
Bank Charges – CBA		\$2,232.72
Lease Fees		\$1,579.03
Corporate Master Cards		\$3,509.67
Australia Post Lease Equipment		\$0.00
2 Way Rental		\$80.00
Loan Repayment		\$32,835.13
Rejection Fees		\$25.00
ATM Rebate		\$0.00
Beatty Park - miscellaneous deposit		\$0.00
<b>Total Bank Charges &amp; Other Direct Debits</b>		<b>\$40,261.55</b>
<b>Less GST effect on Advance Account</b>		<b>-\$59,713.00</b>
<b>Total Payments</b>		<b>\$2,657,668.56</b>

**STRATEGIC IMPLICATIONS:**

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

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

**ADVERTISING/CONSULTATION:**

Nil.

**COMMENT:**

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

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

<b>Ward:</b>	-	<b>Date:</b>	17 August 2005
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0042
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	M McKahey		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

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

**COUNCIL DECISION ITEM 10.4.1**

**Moved Cr Torre, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED (8-0)**

(Cr Farrell on leave of absence.)

**BACKGROUND:**

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

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

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

<b>Date</b>	<b>Document</b>	<b>No of copies</b>	<b>Details</b>
05/08/05	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta and Exclusive Promotions Pty Ltd of 5 Tyre Crescent, Wanneroo re: Pavarotti Concert - 29 October 2005.
09/08/05	Restrictive Covenant	1	Town of Vincent and Continental Investments Pty Ltd of 3 Mary Street, Highgate re: Nos 84-90 (Proposed Lot 500) Scarborough Beach Road, corner Dunedin Street, Mount Hawthorn

09/08/05	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta and Australian Services Union - WA Branch, 102 East Parade, East Perth re: Union Meeting - 10 August 2005
15/08/05	Lease	3	Town of Vincent and North Perth Bowling Club, Farmer Street, North Perth re: Lease for Premises
16/08/05	Application - Modification to Easement for Right of Way Carriageway	1	Town of Vincent and B & M Ricciardello Nominees Pty Ltd of 69 Shannon Road, Dianella re: No 28 (Lot 401) Carr Street, West Perth
16/08/05	Application - Modification to Easement for Right of Way Carriageway	1	Town of Vincent and B & M Ricciardello Nominees Pty Ltd of 69 Shannon Road, Dianella re: No 32 (Lot 1072) Carr Street, West Perth
16/08/05	Local Law	1	Town of Vincent Parking Facilities Local Law Amendment No. 1 - 2005

**10.4.2 Sporting Facilities Study Tour 2005**

<b>Ward:</b>	-	<b>Date:</b>	17 August 2005
<b>Precinct:</b>	-	<b>File Ref:</b>	RES0060
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Chief Executive Officer be authorised to carry out a sporting facilities study tour, as detailed in this report, at an estimated cost of \$2,815 during the month of October 2005.*

**COUNCIL DECISION ITEM 10.4.2**

**Moved Cr Torre, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Farrell on leave of absence.)**

**PURPOSE OF THE REPORT:**

The purpose of this report is to obtain the Council's approval for the Chief Executive Officer to carry out a sporting facilities study tour.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 21 December 2004, the Council conditionally approved the construction/upgrade of Members Equity Stadium, Stage 2 works, at an estimated cost of \$25 million. This redevelopment is to enable the Western Force Super 14 Rugby Union Team to play at the stadium.

At the Council Meeting held on 14 June 2005, Peter Hunt Architect was appointed for the Stage 2 redevelopment of Members Equity Stadium.

The Chief Executive Officer has been meeting with the Project Architect, Rugby WA and Department of Sport and Recreation representatives. A number of progress reports have been submitted to the Council.

During discussions it was considered beneficial to carry out a study tour of sporting facilities. At this stage, the Project Architect, Peter Hunt Architect, has indicated their participation in the study tour. It has been stated that the requirements for rugby union varies from that of soccer, both as physical requirements and for pre and post game hospitality. A tour of rugby union facilities has been recommended.

**Aim**

The purpose of the tour is:

1. To inspect “state-of-the-art” sporting facilities to view best practice and the latest design features, particularly with regard to international rugby.
2. To inspect facilities to ascertain ongoing maintenance criteria.
3. To obtain information on management options of multi-use facilities.
4. To obtain first-hand knowledge from venue owners and stakeholders concerning construction methods and problems encountered.

**Venues**

A list of venues is currently being compiled, however the following is indicative

LOCATION	DATE	VENUE
Brisbane	21 October 2005	<ul style="list-style-type: none"><li>• Suncorp Stadium - <i>constructed 2003; cost \$280 million, capacity 52,000</i></li></ul>
Sydney	22 October 2005	<ul style="list-style-type: none"><li>• Telstra Stadium - <i>cost \$400 million</i></li><li>• Parramatta Stadium - <i>currently upgraded "hill" replacement with seating at a cost of \$1.5 million</i></li><li>• Aussie Stadium</li></ul>
Christchurch	24 October 2005	<ul style="list-style-type: none"><li>• Jade Stadium - <i>redeveloped in 2004; new grandstand constructed in 2002; capacity 36,500</i></li></ul>
Wellington	25 October 2005	<ul style="list-style-type: none"><li>• Westpac Stadium – <i>constructed in 2000 – cost \$100 million – capacity 34,500</i></li></ul>
Rotorua	26 October 2005	<ul style="list-style-type: none"><li>• Rotorua International Stadium - <i>capacity 35,000</i></li></ul>
Hamilton	27 October 2005	<ul style="list-style-type: none"><li>• Waikato Stadium - <i>constructed 2002; cost \$40 million; capacity 27,000</i></li></ul>
Auckland	28 October 2005	<ul style="list-style-type: none"><li>• Eden Park - <i>capacity 52,000</i></li><li>• Ericsson Stadium - <i>capacity 30,000; currently being redeveloped at a cost of \$21 million</i></li></ul>
North Harbour	29 October 2005	<ul style="list-style-type: none"><li>• North Harbour Stadium - <i>constructed in 1997; cost \$41 million; capacity 25,000</i></li></ul>
Whangarei	29 October 2005	<ul style="list-style-type: none"><li>• ITM Stadium - <i>capacity 27,500</i></li></ul>

**FINANCIAL IMPLICATIONS:**

	<b>Economy Class</b>
Airfare*	-
Hotel Accommodation (7 nights)	1,400.00
Daily Allowance/Expenses (7 days)	525.00
Vehicle Hire (7 days)	770.00
Fuel (approx)	120.00
	<u>\$2,815.00</u>

\* *If approval of attendance at Mainstreet Conference. If not, an additional \$945.00 (approx).*

**LEGAL POLICY:**

Council's Policy 4.1.15 – *“Conferences & Training - Attendance, Representation, Travel & Accommodation Expenses and Related Matters”* - Clause 1.1(i) and (ii) states;

- “(i) When it is considered desirable that the Council be represented at an interstate conference, up to a maximum of one Elected Member and one Officer may attend;*
- “(ii) In certain circumstances (for example where the Conference is of a technical nature) and where an Elected Member is not attending the CEO may recommend that two (2) officers attend, in lieu of the Elected Member. In this instance, the CEO will specify reasons in the report to the Council.”*

**STRATEGIC IMPLICATIONS:**

The redevelopment of Members Equity Stadium is in accordance with the Town's Strategic Plan 2005-2010 - Amended - Key Result Area 3.2 - *Develop business strategies that provide a positive triple bottom line return for the Town*”, and in particular, Key Result Area 3.2(g) - *Implement and upgrade Perth Oval in liaison with all stakeholders.*

**COMMENT:**

There are several stadia which have been constructed in the past 2-3 years (e.g. Suncorp Stadium, Waikato Stadium, Jade Stadium) and these incorporate the latest design features for various sports. There are many benefits to be gained by inspecting facilities on a first hand basis. As this study tour is of a technical nature, attendance of an Elected Members has not been requested.

It is requested that approval be granted for the Chief Executive Officer to carry out this study tour.

**10.4.5 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	17 August 2005
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	S Garreffa		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Information Bulletin dated 23 August 2005 as distributed with the Agenda, be received.*

**COUNCIL DECISION ITEM 10.4.5**

**Moved Cr Torre, Seconded Cr Messina**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Farrell on leave of absence.)**

**DETAILS:**

The items included in the Information Bulletin dated 23 August 2005 are as follows:

<b>ITEM</b>	<b>DESCRIPTION</b>
IB01	Conservation of Australia's Historic Heritage Places – Productivity Commission Issues Paper Written Submission
IB02	Letter from Office of the Minister for Planning and Infrastructure – Costs Associated with Defending Matters Before the State Administrative Tribunal
IB03	Letter from WA Sustainable Industry Group – MoU with the WA Sustainable Industry Group for implementing the WA Cleaner Production Statement
IB04	Western Australian Local Government Association – Submission to the Minister for Planning and Infrastructure, Proposal to establish a State Land Redevelopment and Renewal Authority
IB05	Letter to Mr C Cafarelli - No. 501 (Lot 155 D/P: 24637) Fitzgerald Street, corner Sholl Lane, North Perth - Two-Storey Single House - Questions on Notice
IB06	Letter from Western Australian Local Government Association – Nomination of Rob Boardman for Heritage Council of Western Australia as a Local Government Representative
IB07	Letter from Western Australian Cricket Association – Leederville Oval – Cricket Matches

**10.1.25 Interim Report - Planning and Building Policies – Amendment No.8 - Draft Policy relating to Residential Design Elements (RDE), Table of Contents, All Residential Locality Statement Plans from No.1 through to No.31, Appendix No.10 – Glossary of Terminology, and Parking and Access Policy**

<b>Ward:</b>	Both Wards	<b>Date:</b>	16 August 2005
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0141
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	K Batina, C Mooney		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the Interim Report relating to Planning and Building Policies – Amendment No.8 - Draft Policy relating to Residential Design Elements (RDE), Table of Contents, All Residential Locality Statement Plans from No.1 through to No.31, Appendix No.10 – Glossary of Terminology, and Parking and Access Policy; and*
- (ii) *NOTES that a further report will be submitted to an Ordinary Meeting of Council to be held in September/October 2005.*

---

**Moved Cr Chester, Seconded Cr Lake**

*That the recommendation be adopted.*

Debate ensued.

**Moved Cr Chester, Seconded Cr Lake**

*That new clauses (iii), (iv) and (v) be added to the recommendation as follows:*

*“(iii) AUTHORISES the Chief Executive Officer to:*

- (a) again seek comments from the Western Australian Planning Commission regarding the Draft Policy relating to Residential Design Elements; and*
- (b) seek comments from the State Administrative Tribunal whether the Draft Policy relating to Residential Design Elements is adequate or requires amendment to enable the Town to successfully defend its position in any review/appeal application;*
- (iv) CONSIDERS the outcomes of the Community Visioning project in reviewing the Draft Policy relating to Residential Design Elements; and*
- (v) REFERS for discussion, the Draft Policy relating to Residential Design Elements to an Elected Members Forum prior to the final report being presented for consideration at an Ordinary Meeting of Council.”*

Debate ensued.

**AMENDMENT CARRIED (8-0)**

(Cr Farrell on leave of absence.

Debate ensued.

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

*That a new clause (vi) be added as follows:*

“(vi) *AUTHORISES the Chief Executive Officer amend when preparing a further report to be submitted to an Ordinary Meeting of Council to be held in September/October 2005, the Draft Residential Design Elements Policy to allow solid doors to garages within the front setback area, in certain circumstances.*”

Debate ensued.

*The new clause was reworded (with the consent of the Mover and Seconder) to read as follows:*

“(vi) *AUTHORISES the Chief Executive Officer to refer this matter to a Forum to be held in September/October 2005 and prepare a report concerning the Draft Residential Design Elements Policy to allow solid doors to garages within the front setback area, in certain circumstances.*”

Debate ensued.

**AMENDMENT CARRIED (7-1)**

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

(Cr Farrell on leave of absence.

Debate ensued.

**MOTION AS AMENDED CARRIED (8-0)**

(Cr Farrell on leave of absence.

**COUNCIL DECISION ITEM 10.1.25**

*That the Council;*

- (i) *RECEIVES the Interim Report relating to Planning and Building Policies – Amendment No.8 - Draft Policy relating to Residential Design Elements (RDE), Table of Contents, All Residential Locality Statement Plans from No.1 through to No.31, Appendix No.10 – Glossary of Terminology, and Parking and Access Policy;*
- (ii) *NOTES that a further report will be submitted to an Ordinary Meeting of Council to be held in September/October 2005.*

- (iii) ***AUTHORISES the Chief Executive Officer to:***
- (a) *again seek comments from the Western Australian Planning Commission regarding the Draft Policy relating to Residential Design Elements; and*
  - (b) *seek comments from the State Administrative Tribunal whether the Draft Policy relating to Residential Design Elements is adequate or requires amendment to enable the Town to successfully defend its position in any review/appeal application;*
- (iv) ***CONSIDERS the outcomes of the Community Visioning project in reviewing the Draft Policy relating to Residential Design Elements;***
- (v) ***REFERS for discussion, the Draft Policy relating to Residential Design Elements to an Elected Members Forum prior to the final report being presented for consideration at an Ordinary Meeting of Council; and***
- (vi) ***AUTHORISES the Chief Executive Officer to refer this matter to a Forum to be held in September/October 2005 and prepare a report concerning the Draft Residential Design Elements Policy to allow solid doors to garages within the front setback area, in certain circumstances.***
- 

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

The purpose of this interim report is to provide the Council with an update in regard to the status of Planning and Building Policies - Amendment No.8, draft Policy relating to Residential Design Elements (RDEs), and specific reference to the submissions received during the consultation period.

#### **BACKGROUND:**

15 March 2005: At the Special Meeting of Council, the Council resolved to adopt Amendment No. 8 relating to the Residential Design Elements Table of Contents, all Residential Locality Statement Plans from No. 1 to No.31, Appendix No.10 - Glossary of Terminology and Parking and Access Policy, with further amendments.

16 March 2005: Councillor Chester submitted a Motion to change a part of the Council decision, in accordance with the Town of Vincent Local Law relating to Standing Orders clause 3.20.3(2), which states "*if the CEO receives a Notice of Motion to revoke or change a decision after the closure of the meeting at which the decision was passed, the CEO shall ensure revocation motion is considered at a special or ordinary meeting of the Council held at the earliest opportunity after the meeting at which the substantive motion was passed.*"

In accordance with this clause, the Town deferred action to implement the Council's decision of the Special Meeting of Council held on 15 March 2005, until Councillor Chester's Motion was considered and determined at the Ordinary Meeting of Council held on 22 March 2005.

- 22 March 2005: At the Ordinary Meeting of Council, the Council resolved to reconsider the resolution adopted by the Council at its Special Meeting held on 15 March 2005 by amending the Assessment Table and Guidance Notes of Element 9 – Subdivision as part of the Draft Policy relating to the Residential Design Elements.
- 12 April 2005: At the Ordinary Meeting of Council, Council resolved as follows:  
  
*"That the Item be DEFERRED for further debate".*
- 26 April 2005: At the Ordinary Meeting of Council, a further report was presented to the Council for determination. The Council resolved to move a motion to change the decision by amending the Assessment Table of Element 9 – Subdivision as part of the Draft Policy relating to the Residential Design Elements, and resolved by an absolute majority to change the decision by amending the Assessment Table of Element 9 – Subdivision as part of the Draft Policy relating to the Residential Design Elements.
- 16 May 2005: Pursuant to Clause 47 of the Town of Vincent Town Planning Scheme No.1, the Town of Vincent commenced advertising of Planning and Building Policies – Amendment No.8, which contains the new draft Policy relating to the Residential Design Elements.

#### **DETAILS:**

The Town's Officers are currently preparing a final report and final draft Policy is programmed to be presented to the Council for consideration at an Ordinary Meeting to be held in September/October 2005. This will comprise a comprehensive analysis and recommendations to Council in regard to Planning and Building Policies – Amendment No.8, including a final draft Policy relating to the RDEs.

#### **CONSULTATION/ADVERTISING:**

The advertising commenced on 16 May 2005 and concluded on 14 June 2005, pursuant to Clause 47 of the Town of Vincent Town Planning Scheme No.1. It should be noted that due to local media reports and strong community interest on the draft Policy submissions were received after the closing date.

The advertising included:

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

At the completion of the advertising period, at total of 62 submissions and one petition were received. In addition, 4 submissions were received from referral agencies.

Of the submissions received, 44 of the submissions were objections, 14 were of support, 1 petition with 15 signatories in support and two submissions were of general comment. Many of the submissions received were very comprehensive and detailed. A tabulated representation of these submissions and their contents will be provided in the final report to be submitted to the Council in relation to Amendment No.8.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

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

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

**FINANCIAL/BUDGET IMPLICATIONS:**

There is provision of \$80,000 in the 2005/2006 Budget for Town Planning Scheme Amendments and Policies.

**COMMENTS:**

Of the submissions received objecting to the draft Policy, the following six areas were of primary concern to the community, reiterated numerous times in the submissions. Provided below is a summary of the issues raised.

General comments

- The draft Residential Design Elements (RDEs) Policy is too prescriptive and dictatorial;
- The document will discourage people wanting to move into the Town of Vincent, as it does not allow for people to realise the investment potential of land within the Town;
- The draft Policy will promote faux federation streetscapes, with monotonous repetition of building styles that lack any diversity;
- There has been no incorporation of any of the sustainable design principles and objectives being focused on at Federal and State Government level;
- Further clarification and definition is necessary for a number of concepts being introduced in the draft Policy such as “worthy of retention”, “streetscape” etc;
- The manner in which the document is structured, with the Acceptable Development Standards and Performance Criteria, needs to be better explained;
- The RDEs should not repeat the content of the R Codes, but should import them into the Scheme. Only variations and differences from the R Codes should be put into Council documentation;
- Poor design will not be eliminated by regulations that limit design opportunities;
- The draft Policy does not allow for the provision of affordable housing, particularly in limiting subdivisions in the manner proposed;
- There should be a clear separation of the planning decision making in the community in the hierarchy of the R Codes, the Policy statements/heritage guidelines and local design guidelines, with the local design guidelines being the prerogative of the ratepayers;
- The diversity of the Town of Vincent housing should continue to be encouraged. The RDEs will stifle this diversity from occurring;
- Contemporary and innovative architecture should be encouraged as part of the diversity of the Town of Vincent, enabling people to express ‘the story’ of the place;

- The localities are greatly valued by the residents and therefore intervention by the Council on preservation is not necessary; and
- The terms of the proposed Policy are likely to lead to a reduction in the integrity and diversity of not only housing but of population groups which have been developing in the last 10 to 15 years.

#### Streetscape

- Limiting two storey developments in predominantly single storey streetscapes will be detrimental to the area in general, as two storey development allows greater proportion of the site to be retained and therefore encourages the retention of trees; and
- Two storey buildings alongside single storey buildings do not create out of scale or bulk buildings.

#### Roof Pitch

This is the most common element of the RDE's that has been strongly opposed by the community.

- The prescribed 30 to 45 degrees pitched roofs and the disallowance of skillion or curved roofs is regarded as restrictive, and stifling environmentally sustainable development options;
- The roof pitch restrictions of 30 to 45 degrees will result in excessive amount of replication, as has been the case in Subiaco and East Perth.
- The increased roof pitch requirement will increase the area of shadow cast on neighbouring lots;
- The roof pitch requirement will increase the material use and will bring increased site safety issues;
- The limiting of the roof pitch contradicts other elements of the RDEs such as lofts not being used for habitable space; and
- All roof forms should be considered on their merits, not just pitched or gabled roofs.

#### Lofts

- Loss of habitable lofts is unacceptable, as they are an efficient use of space and should be encouraged in smaller lots;
- Higher density development and urban fringe accommodation inherently requires efficient use of space as a means to promote sustainable forms of development, therefore, the use of roofspace/loft area for solely habitable space should not be considered as unacceptable development;
- The current Policy encouraging loft space use should remain; and
- Lofts should be permitted for habitable use provided they adhere to the existing regulations regarding overshadowing, overlooking and scale.

#### Small Lot Subdivision

- Many of the objections stated that the requirement for an applicant/subdivider to build to plate height for any lot proposed to be 300 square metres or less, will significantly impact on many ratepayers who had bought into the area, with the specific intention to subdivide at a later date for investment purposes;
- The sole reason for subdivision is economic gain – owners submitting a development application to meet the requirements stipulated in the RDEs will not be looking for the best design for space, but most economic;
- It is not necessary to make provisions for buildings to be built to plate height, since this is a part of the Planning Commissions' Residential Subdivision Policy 3.5.2;

- Requiring a property owner wishing to subdivide, to build a second dwelling on the subdivided portion of his/her land, will not be financially viable or possible for people to undertake this task;
- In reality, subdivision of properties less than 300 square metres will be prohibited due to each dividable block having to have setbacks and frontage of no less than 8 metres; and
- With the lack of opportunity to subdivide, the likelihood is large portions of the residential lots being left unattended to and unkempt, detracting from the streetscape.

#### Heritage Provisions

- The Policy seems to have a strong focus on a specific period in our built history at the expense of innovative design;
- The abbreviation of the numerous Policies into one Policy has resulted in the omission of important facets relating to heritage limitations, in particular, reference to the Australian ICOMOS (International Council on Monuments and Sites) Burra Charter.
- There appears to be no mention of the Heritage Guidelines which are in the existing Residential Design Guidelines.
- Amendment No.8 appears to suggest that heritage style restrictions be applied across the whole Town.

The comprehensive nature and volume of submissions, requires due consideration by the Town's Officers, in order to achieve a balanced, clear and concise document. As noted above, this is programmed to be presented to the Council at an Ordinary Meeting to be held in September/October 2005.

In light of the above, it is recommended that the Council receives the Interim Report relating to Planning and Building Policies – Amendment No.8 - Draft Policy relating to Residential Design Elements.

Cr Ker declared a Proximity Interest in this Item. He did not speak or vote on the matter and departed the chamber at 7.40pm.

**10.1.3 Further Report Various Issues - Carr Place, Leederville**

<b>Ward:</b>	South	<b>Date:</b>	16 August 2005
<b>Precinct:</b>	Oxford Centre; P4	<b>File Ref:</b>	ENS0017
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	A Munyard, D Brits, J MacLean, R Lotznicher		
<b>Checked/Endorsed by:</b>	R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the further report on various issues relating to noise and antisocial behaviour in Carr Place Leederville;*
- (ii) *NOTES the progress on the 'outcomes' from the two meeting held between a Carr Place resident and the Town's officers on 31 May 2005 and 5 July 2005 respectively as outlined in the report;*
- (iii) *NOTES that the incidence of reported noise and antisocial behaviour in Carr Place will NOT be solved by the introduction of residential only parking in the street for the reasons outlined in the report;*
- (iv) *REQUESTS that the Leederville Hotel Management immediately undertake the following measures to minimise the use of Carr Place by its patrons:*
  - (a) *Implements measures to ensure that patrons depart the hotel via the rear entrance to the Leederville Hotel Car Park and that the lighting in the car park be improved to enhance safety in this area;*
  - (b) *Implements measures to promote the use of the Town's Leederville Oval carpark; and*
  - (c) *Continue the current security patrol on Wednesday evenings between 11.30pm to 1.00am at the Hotel's expense for at least until the end of September 2005 in order for a combined service to be deliberated at the next Vincent Accord meeting;*
- (v) *IMPLEMENTS the following measures to improve the amenity for resident/s in the street:*
  - (a) *Continue to investigate the possibility of and appropriate wording for the proposed Advisory Signage at the entrance to Carr Place advising visitors that they should be mindful of resident's local amenity and advising of alternative parking areas in the vicinity;*
  - (b) *Liaise with the WA Police to ensure that Police rounds are maintained in Carr Place to minimise anti-social behavior from patrons leaving the Leederville Centre precinct;*

- (c) *Examine ways to provide additional parking in the area and promote, via the production and distribution of a leaflet, the location of existing parking areas and make the existing parking locations more legible;*
  - (d) *Implement improvements to lighting in Carr Place; and*
  - (e) *Implement an appropriate infrastructure upgrade to improve the amenity of Carr Place in liaison with residents and businesses in 2005/2006 as detailed in the report and notes that funds for this purpose have been allocated in the 2005/2006 budget; and*
- (vi) *RECEIVES a further progress report on the measures outlined in clauses (iv) and (v) no later than October 2005.*

---

**Moved Cr Torre, Seconded Cr Maier**

*That the recommendation be adopted.*

Debate ensued.

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

*That clause (iii) be deleted from the recommendation and a new clause (iii) be added as follows:*

*“(iii) APPROVES the immediate introduction of a three-month trial period of ‘Residents Only Parking’, operating from 9pm to 7am, Wednesday to Sunday inclusive, on both the north and the south side of Carr Place and Bold Court, Leederville;”*

Debate ensued.

**AMENDMENT CARRIED (7-0)**

(Cr Farrell on leave of absence. Cr Ker was absent from the chamber and did not vote.)

**Moved Cr Lake, Seconded Cr Messina**

*That the new clause (iii) be amended to have the ‘Residents Only Parking’ begin operation at 6pm instead of 9pm.*

Debate ensued.

**AMENDMENT CARRIED (6-1)**

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

(Cr Farrell on leave of absence. Cr Ker was absent from the chamber and did not vote.)

**Moved Cr Maier, Seconded Cr Lake**

*That the new clause (iii) be amended to have the 'Residents Only Parking' in operation from Monday – Sunday instead of Wednesday – Sunday.*

Debate ensued.

**AMENDMENT PUT AND LOST (2-5)**

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

(Cr Farrell on leave of absence. Cr Ker was absent from the chamber and did not vote.)

Debate ensued.

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

(Cr Farrell on leave of absence. Cr Ker was absent from the chamber and did not vote.)

Cr Ker returned to the chamber at 8.00pm.

**COUNCIL DECISION ITEM 10.1.3**

*That the Council;*

- (i) *RECEIVES the further report on various issues relating to noise and antisocial behaviour in Carr Place Leederville;*
- (ii) *NOTES the progress on the 'outcomes' from the two meetings held between a Carr Place resident and the Town's officers on 31 May 2005 and 5 July 2005 respectively as outlined in the report;*
- (iii) *APPROVES the immediate introduction of a three-month trial period of 'Residents Only Parking', operating from 6pm to 7am, Wednesday to Sunday inclusive, on both the north and the south side of Carr Place and Bold Court, Leederville;*
- (iv) *REQUESTS that the Leederville Hotel Management immediately undertake the following measures to minimise the use of Carr Place by its patrons:*
  - (a) *Implements measures to ensure that patrons depart the hotel via the rear entrance to the Leederville Hotel Car Park and that the lighting in the car park be improved to enhance safety in this area;*
  - (b) *Implements measures to promote the use of the Town's Leederville Oval carpark; and*
  - (c) *Continue the current security patrol on Wednesday evenings between 11.30pm to 1.00am at the Hotel's expense for at least until the end of September 2005 in order for a combined service to be deliberated at the next Vincent Accord meeting;*

- (v) ***IMPLEMENTS the following measures to improve the amenity for resident/s in the street:***
- (a) ***Continue to investigate the possibility of and appropriate wording for the proposed Advisory Signage at the entrance to Carr Place advising visitors that they should be mindful of resident's local amenity and advising of alternative parking areas in the vicinity;***
  - (b) ***Liaise with the WA Police to ensure that Police rounds are maintained in Carr Place to minimise anti-social behavior from patrons leaving the Leederville Centre precinct;***
  - (c) ***Examine ways to provide additional parking in the area and promote, via the production and distribution of a leaflet, the location of existing parking areas and make the existing parking locations more legible;***
  - (d) ***Implement improvements to lighting in Carr Place; and***
  - (e) ***Implement an appropriate infrastructure upgrade to improve the amenity of Carr Place in liaison with residents and businesses in 2005/2005 as detailed in the report and notes that funds for this purpose have been allocated in the 2005/2006 budget; and***
- (vi) ***RECEIVES a further progress report on the measures outlined in clauses (iv) and (v) no later than October 2005.***

**ADDITIONAL INFORMATION:**

It is usual for the Town to undertake a period of public consultation, prior to introducing parking restrictions, particularly in a mixed residential and commercial street, since there is always the potential for the restrictions to prove to be a disadvantage to one or both parties.

As is stated in the report, the residents of Carr Place suggest that parking is the cause of the anti-social behaviour that is being experienced, but anecdotal evidence tends to suggest that it is more likely to be pedestrians who are using Carr Place as a thoroughfare between the entertainment areas of Leederville and their homes.

Given that venues, like the Hip-E Club, often do not get busy until the pubs and hotels are closed, at midnight, there is every likelihood that vehicles will arrive after that time. The complainants also suggest that the anti-social behaviour tends to occur after midnight and, since Rangers finish their shift at midnight, a restriction that is operating until 7.00am will not be policed and enforced. Additional financial and human resources will be required to effectively enforce such a restriction.

A similar situation occurred in Fairfield Street in 2003 where the Council approved the introduction of Residential Parking Restrictions, operating from 5.00pm to 5.00am Monday to Sunday. If Fairfield Street is used as an example, a substantial number of vehicles are issued with penalties and the vast majority do not return. However, it is a reality that many patrons will not read the signs, some others will disregard the restrictions and many others, who arrive after 11.30pm, will park there in the knowledge that the restrictions will not be enforced. As a result, despite numerous Infringement Notices being issued, the parking situation has not changed and the residents continue to complain. There is a danger, backed up by precedent, that the current situation will continue, irrespective of whether the proposed restrictions are introduced.

**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of another complaint received in relation to various issues in Carr Place, Leederville.

**BACKGROUND:**

Following a complaint regarding noise, violence, vandalism and generally anti-social behaviour in Carr Place on Wednesday evenings which was received on Tuesday, 31 May 2005, a meeting was conducted at the Town's Administration and Civic Centre and attended by the following representatives:

- Carr Place Resident
- Leederville Hotel Manager
- Manager Health Services
- Manager Ranger Services & Community Safety
- Safer Vincent Co-ordinator
- Police Services - Leederville
- Police Services - Drug & Alcohol Office
- Engineering Technical Officer

The outcomes of the meeting were presented in a report to the Council at its Ordinary meeting held on 14 June 2005 where the following decision was adopted:

*That the Council;*

- (i) *RECEIVES the information report on initial action taken to address matters raised in relation to external/public anti-social behaviour of pedestrians in Carr Place, Leederville; and*
- (ii) *NOTES that a progress report will be submitted during July 2005.*

**DETAILS:**

**Outcomes of Meeting held on 31 May 2005**

Progress relating to the outcomes as reported to the Ordinary meeting of Council held on 12 June 2005 are listed below:

Leederville Hotel agreed to implement a security patrol on Wednesday evenings between 11.30pm to 1.00am at the Hotel's expense for a trial period.

Comment

*The Hotel instituted security patrols and Police rounds have increased in Carr Place to minimise anti-social behavior from patrons leaving the Leederville Centre precinct. Furthermore, the lack of sufficient Taxis late at night is currently being investigated by the Western and Vincent Accords with a view to cut down the waiting periods experienced by patrons regarding public transport.*

If this patrol is supported by local residents, a further meeting is to be conducted with other liquor licensed establishments within the area with a view of cost-sharing to continue the targeted security service

Comment

*To date no objections have been received regarding the security patrols in Carr Place and the matter will be raised at the next Vincent Accord to request other liquor licensed establishments to contribute in this regard.*

Technical Services will investigate lighting in Carr Place.

Comment

*Quote for additional lighting in Carr place has been received from Western Power and an order to carryout the installation has been placed.*

Further consideration will be given to advisory signage at entrance to Carr Place.

Comment

*The Officer Working Group will investigate the possibility of and appropriate wording on Advisory Signage at the entrance to Carr Place that visitors should be mindful of residents local amenity and advising of alternative parking areas in the vicinity.*

Residents may wish to consider motion-activated flood lighting to deter activities in close proximity to their dwelling

Comment

*The resident has taken personal measures that includes motion-activated flood lighting to deter activities in close proximity to her dwelling.*

Local Police will monitor the area when possible

Comment

*Police rounds have increased in Carr Place to minimise anti-social behavior from patrons leaving the Leederville Centre precinct.*

A follow-up meeting will be conducted on Tuesday, 5 July 2005 at 10.00am at the Town's Administration and Civic Centre

Comment

*Meetings were conducted at the Administration and Civic Centre with various representatives on 31 May 2005 and 5 July 2005. Since then these matters have been monitored and updates have been occurring between the Customer, Officers and relevant persons by telephone and e-mail*

A follow up email from the resident was received following the meetings and the implementation of the above measures expressing gratitude and advising that matters had improved.

**Further correspondence received from Carr Place Resident**

The following email was received by a resident on 11 August 2005:

*As usual it is after Midnight on a Wednesday night and though I have to be up again in less than 5 hours I am awake...due to NOISE in Carr Place.*

*Noise and anti social behaviour continues to be a problem in my residential street every single Wednesday night.*

*Noted that:*

- *Police presence in Carr Place has increased and was apparent last night – thank you.*
- *People Craig arranged from the hotel walked around at about 12.40am collecting debris – thank you.*

- *There were NO security patrols in the street and people loitered around cars in the street, particularly between 11.45-12.30am were very noisy and disruptive, blaring car stereos, yelling, pushing shopping trolleys up and down the street, kicking bottles along the road etc – without anyone to urge them not to engage in these activities.*

*Unless there is a service that will continue to 'discourage' or police this kind of behaviour – which clearly there is not – parking must be residents only in this street, particularly on a Wednesday night.*

*A petition has been circulating regarding the restriction of non-residential vehicles in Carr Pl on a Wednesday night. It will soon be presented to Council. I wonder where the responsibility would lie should an emergency occur and an ambulance need to gain access into a residential home in Carr Pl, given the current parking problems – Wednesday night or during the day, when residents also have to battle to park outside their own homes or be able to drive down the street without embarking on what is often like an obstacle course.*

*Town of Vincent must do something to address the parking issues in Carr Pl, Leederville. Has anything been done about making the oval adjacent to the council complex available after 9pm Regardless, parking must be residents' only – at least on a Wednesday evening. Lighting at the Loftus St end of Carr Pl remains poor and residents have cars broken into every week. Unfortunately this has become such a regular occurrence many no longer report to police and simply ensure there is 'not much left' inside their cars to take.*

*The problem is not going away and will possibly worsen as summer approaches. The concern and focus of residents will therefore not dissipate and shall be the subject of discussion between myself and the News Director of Channel 9 at a meeting this Friday.*

The points raised by the resident are discussed as follows:

#### **Request for Security Patrols after 11.00pm.**

As outlined above a periodic patrol does occur. In addition Police Services do patrol the area from time to time to minimise likelihood of criminal behaviour. In addition, the proposed infrastructure improvements as outlined concerning Carr Place may further improve the situation.

As the Oxford Centre - a typical inner city mixed use precinct - has several late night premises, elevated environmental sound levels being created by the general public are a fact. Endeavours centre on managing unreasonable activities

#### **Action:**

*That the Leederville Hotel Management ensure that patrons depart the hotel via the rear entrance to the Leederville Hotel Car Park and that the lighting in the car park be improved to enhance safety.*

#### **Request for Residential Only Parking**

##### **Background**

Carr Place, located in the Oxford Centre Precinct, is a mixed residential/commercial street. It is estimated that there are about eighty (80) residential dwellings (both single houses and unit developments) in the street, and about forty (40) commercial premises. Originating off Newcastle Street, it is in very close proximity to Oxford Street, the busy Café, restaurant and nightlife hub of Leederville.

Consequently, while residents enjoy the benefit of having this vibrant precinct at their doorstep, the town centre environment also brings an increase in associated noise, traffic and activity.

Ordinary Meeting held on 10 June 2003

These issues are well known to the Council, who at its Ordinary Meeting held on 10 June 2003, applied the following condition to the approval of a development located at 177 Carr Place (the Bold Court end of the street):

- (viii) *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 that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*

Policies of other Local Governments

In similarly structured precincts in the City of Perth and City of Fremantle, balancing the interests of residents and businesses has resulted in an examination of management principles and policies. Below is an extract of the City of Perth's Residential Parking Policy:

*"2. OBJECT OF THIS POLICY*

- (a) *The general object of this Policy is:*
- *on-street parking for people living in the city will be managed to balance residential, commercial and other parking demands.*
- (b) *To achieve the general object of this policy, the following principles will be used in determining how best to manage resident parking in the City:*
- (i) *The needs of commercial facilities must not be prejudiced by provision of on-street residential parking.*
  - (ii) *Acknowledging the limits of parking availability within a locality, parking permits will be issued to residents and their visitors to optimise access to on-street parking facilities.*
  - (iii) *Community access to residential areas is to be maintained and exclusive on-street residential parking will generally not be acceptable."*

The City of Fremantle has three streets where one or two bays only have been set aside for the holders of residential permits. This initiative was introduced some years ago, with positive and negative results. In recent talks with the City, they have stated clearly that they will not be extending this treatment to other streets in the City.

Comments/Conclusions

Although available parking space is at a premium in Carr Place, the recent request for "Resident's Only" parking has been mooted not in order to address a parking problem, but to deal with noise and anti-social behaviour from patrons leaving night spots in the area.

The Town has already introduced extended time restrictions on the north side of the street, now a two (2) hour restriction *at all times*, in an attempt to reduce the numbers of late night hotel and club patrons parking in the street. Police and hotel patrols have identified a significant amount of the noise and disturbance is not in fact from patrons returning to collect their vehicles, but from pedestrian traffic heading in the Loftus Street/Vincent Street direction.

Carr Place comprises a mixed residential and commercial street, with the residential component split between single dwellings and unit developments. Six (6) of the single dwellings have no driveway or facilities to park on-site.

One (1) single dwelling has facilities to park one (1) vehicle on-site and the remaining single dwellings can accommodate two (2) or more vehicles on-site. All unit developments in the street have one off street parking bay provided.

A 'Residents Only' restriction would therefore render the parking amenity on the north side of the street for the exclusive use of only six (6) residential dwellings. This is clearly an unacceptable outcome for all other stakeholders.

### **Parking 'in general' in the Leederville Area**

The Council is in the process of mapping out the strategic future for the Leederville commercial centre and pivotal to this is the development of additional parking facilities in the area. This has received further impetus following the receipt of a petition from Leederville Business proprietors and residents regarding the overall lack of parking in the area

As the overall demand for parking in the Leederville area remains extremely high to preclude visitors from using Carr Place would have an adverse impact on the area.

In addition an in house working group is examining ways to provide additional parking, promote and make the existing parking more legible.

### **Parking at Leederville Oval after 9.00pm**

Leederville Oval Car Park is available every night for use by patrons of the Leederville area. However, since both Subiaco Football Club and East Perth Football Club use Leederville Oval as their home ground, with training occurring every evening and at least one football game every weekend, it is often difficult to find an available parking bay, until after 8.30pm.

Except when a football game has been played during the day and patrons remain at the ground after it has finished, there should be little difficulty in finding parking space in Leederville Oval Car Park.

### **Action:**

*That the Leederville Hotel Management promote the use of the Leederville Oval Car Park to its patrons.*

### **Proposed Infrastructure Improvements - Carr Place**

Funds have been allocated in the 2005/2006 financial year to carryout infrastructure improvements in Carr Place including:

- Resurfacing of the road with Stone Mastic Asphalt (SMA). This treatment reduces vehicle noise and is longer lasting than conventional asphalt.
- Providing red asphalt parking bays
- Providing an entry statement into the residential component of the street
- Additional verge trees
- Improved lighting (as previously mentioned)

**CONSULTATION/ADVERTISING:**

The residents of Carr Place will be consulted regarding the proposed infrastructure upgrading works planned for 2005/2006.

**LEGAL/POLICY:**

Nil.

**STRATEGIC IMPLICATIONS:**

The proposal for the street lighting upgrade is in keeping with KRA 2.2(g) of the Town's Strategic Plan, 2005 - 2010 - *"Enhance and promote the Safer Vincent Programme, which aims to support, develop and deliver residential and business initiatives that reduce crime and promote safety and security"*.

**FINANCIAL/BUDGET IMPLICATIONS:**

A total of just over \$39,000 has been allocated in the 2005/2006 for road infrastructure improvements in Carr Place.

The estimated cost to improve the lighting in Carr Place is \$4,500.

**COMMENTS:**

As mentioned in the report Carr Place comprises a mixed residential/commercial street and it is located very close proximity to Oxford Street, the busy Café, restaurant and nightlife hub of Leederville. While residents enjoy the benefit of having this vibrant precinct at their doorstep, the town centre environment also brings an increase in associated noise, traffic and activity.

Council acknowledged this and as a condition of approval for a recent development in Carr Place it included the clause whereby prospective purchasers of the property be advised that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities

In similarly structured precincts in both the City of Perth and City of Fremantle, balancing the interests of residents and businesses has resulted in an examination of management principles and policies.

The recent request for "Resident's Only" parking has emanated not from a requirement to address a parking problems, but to deal with noise and anti-social behaviour from patrons leaving night spots in the area. In particular the Leederville Hotel on a Wednesday night.

The Town has already introduced extended time restrictions on the north side of the street in an attempt to reduce the numbers of late night hotel and club patrons parking in the street.

Police and hotel patrols have identified a significant amount of the noise and disturbance is not in fact from patrons returning to collect their vehicles, but from pedestrian traffic heading in the Loftus Street/Vincent Street direction.

It is considered that a 'Residents Only' restriction would render the parking amenity on the north side of the street for the exclusive use of only a few residential dwellings and this is an unacceptable outcome for all other stakeholders.

It is therefore recommended that the Council requests that the Leederville Hotel Management implement measures to minimise the use of Carr Place by its patrons and that the Council implements a number of measures, as outlined in the report, to improve the overall amenity for resident/s in Carr Place

**10.1.6 No. 44 (Lot 100 D/P: 90570) Woodville Street, North Perth - Proposed Survey Strata Subdivision- Reconsideration of Conditions**

<b>Ward:</b>	North	<b>Date:</b>	15 August 2005
<b>Precinct:</b>	Smith's Lake; P6	<b>File Ref:</b>	153-05; 7.2005.289.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	L Mach		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Residential Design Codes, the Council ADVISES the Western Australian Planning Commission (WAPC) of the following comments in relation to Conditions 4,6 and 10 of the WAPC conditional approval dated 23 May 2005 for proposed Survey Strata Subdivision, at No. 44 (Lot 100 D/P: 90570) Woodville Street, North Perth (WAPC Ref. 153-05):*

- (i) *conditions 4 and 6 shall be retained; and*
- (ii) *condition 10 can be amended to read as follows:*

*"a pedestrian access way with a minimum width of 1.5 metres, and 1.0 metre where it abuts the existing dwelling, being provided and constructed from Woodville Street to the proposed rear Lots 2 and 3, and being allocated as common property on the diagram of survey;"*

*for the reasons and comments detailed in this report.*

**COUNCIL DECISION ITEM 10.1.6**

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

*That the recommendation be adopted.*

Debate ensued.

**Moved Cr Ker, Seconded Cr Torre**

*That;*

- 1. *clause (i) be amended by deleting the words "and 6" (and changing 'conditions' to 'condition'); and*
- 2. *a new clause (iii) be added as follows:*  
  
*"(iii) that condition '6' be removed."*

**AMENDMENT LOST (2-6)**

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

(Cr Farrell on leave of absence.)

Debate ensued.

**MOTION CARRIED (7-1)**

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

(Cr Farrell on leave of absence.)

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<b>Landowner:</b>	O Sansone
<b>Applicant:</b>	Cottage and Engineering Survey
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	783 square metres
<b>Access to Right of Way</b>	North side, 5.0 metres wide, sealed, resumed and vested in the Town.

**BACKGROUND:**

- |               |                                                                                                                                                                                                                                                                     |
|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 18 April 2005 | The Town under delegated authority from the Council recommended conditional approval to the Western Australian Planning Commission (WAPC) for the proposed survey strata subdivision of the subject property.                                                       |
| 26 April 2005 | The Council at its Ordinary Meeting resolved to conditionally approve an application for proposed additional two (2) two-storey single houses and carport additions to existing single house and demolition of existing garage and carport at the subject property. |
| 23 May 2005   | WAPC resolved to conditionally approve the application for the survey strata subdivision of the subject property.                                                                                                                                                   |

**DETAILS:**

The Western Australian Planning Commission (WAPC) has requested comments from the Town regarding the reconsideration of conditions of the subject conditionally approved survey-strata subdivision. The WAPC conditions requested for reconsideration are as follows.

- "4. *A Management Statement being prepared and submitted in accordance with Section 5C of the Strata Titles Act 1985, to include the following additions to the by-laws contained in Schedules 1 and 2 of the Strata Titles Act:*
- a) *Development or redevelopment on the strata/survey strata lots must comply with an existing development approval issued by the Town of Vincent, or such alternative development approval as the Council may grant, which complies with the grouped dwelling requirements of the Town of Vincent Town Planning Scheme.*
  - b) *Amendment to or repeal of the above provision cannot be effected without the Commission's agreement.....*
6. *The buildings on proposed Lots 2 and 3 being constructed to plate height prior to the submission of the Diagram or Plan of Survey.(LG)....*
10. *A minimum 1.2 metre width of the proposed PAW to be clear of any encroachments/projections associated with the existing residence including pipework, water heater systems, air-conditioning units, eaves or other such projections associated with the existing dwelling to the satisfaction of the Western Australian Planning Commission. (LG)"*

The applicant has requested the subject matter be referred to the Council for consideration. The applicant's submission is "*Laid on the Table*".

**COMMENTS:**

It is recommended that the following comments are forwarded to the WAPC in relation to the request for reconsideration of conditions 4, 6 and 10 of its conditional approval of the subject survey-strata subdivision at the subject property:

**Condition 4**

The Town is of the view that condition 4 should remain on the approval of the subject subdivision to ensure prospective purchasers of the lots are aware that development or redevelopment on the survey strata lots or such alternative development approval as the Council may grant, are required to comply with the single house requirements of the Town of Vincent Town Planning Scheme No. 1 and associated Policies. It is also considered that this is imperative in ensuring prospective purchasers do not assume that the Town will support variations to the relevant development requirements, especially given the size, dimensions and shape of the proposed lots.

**Condition 6**

In relation to condition 6 and in accordance with the Town's Policy relating to Subdivisions Requiring Plate Height Development, the subject lots are considered to meet the criteria for the requirement of construction to plate height. In light of the size, dimensions and shape of the proposed lots, this condition is recommended to ensure certainty of development and to ensure vacant survey strata lots are not being sold with unrealistic development expectations. Furthermore, it is considered that any potential development issues in terms of the Town's requirements should be addressed and resolved at this stage, rather than at a later stage where the lots have been created and the subsequent development on these lots cannot comply with the Town's requirements.

**Condition 10**

With respect to condition 10, it is advised that the Town recommended the following to the Western Australian Planning Commission (WAPC) in relation to the pedestrian access way:

*"(xii) a pedestrian access way with a minimum width of 1.5 metres, and 1.0 metre where it abuts the existing dwelling, being provided and constructed from Woodville Street to the proposed rear Lots 2 and 3, and being allocated as common property on the diagram of survey."*

Whilst the WAPC approved a minimum width of 1.2 metres where it abuts the existing house, the Town is of the opinion that the above recommended condition is still acceptable. The Town also wishes to advise that no obstructions or structures are to be located within the pedestrian access way/service corridor, however, the Town has no objections to the eaves encroachment into the pedestrian accessway subject to it having a total minimum clearance of 2.4 metres from the finished ground level.

**10.1.21 No. 25 (Lot 16 D/P: 2358) Anzac Road, Leederville - Proposed Construction of a Two-Storey Single House**

<b>Ward:</b>	North	<b>Date:</b>	16 August 2005
<b>Precinct:</b>	Leederville; P03	<b>File Ref:</b>	PRO3070; 5.2005.2668.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	T Durward		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 owners A Chadbund and N Durr for proposed Construction of a Two-Storey Single House, at No. 25 (Lot 16 D/P: 2358) Anzac Road, Leederville, and as shown on plans stamp-dated 11 August 2005, for the following reasons:*

- (i) the proposal is not consistent with the orderly and proper planning and the preservation of the amenities of the locality including its impact on the streetscape;*
- (ii) the non-compliance with the setback, privacy, buildings on boundary, vehicular access, building height and site works requirements of the Residential Design Codes, and the Town's Policies relating to Local Character, Street Setback's and the Leeder Locality Plan, respectively; and*
- (iii) consideration of the objections received.*

**COUNCIL DECISION ITEM 10.1.21**

**Moved Cr Lake, Seconded Cr Maier**

*That the recommendation be adopted.*

Debate ensued.

**MOTION CARRIED (8-0)**

(Cr Farrell on leave of absence.)

<b>Landowner:</b>	A Chadbund and N Durr
<b>Applicant:</b>	A Chadbund and N Durr
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	599 square metres
<b>Access to Right of Way</b>	South side, 5.01 metres wide, sealed, Town owned

**BACKGROUND:**

- 9 September 2003 Western Australian Planning Commission (WAPC) referred proposed subdivision to the Town for comment.
- 18 November 2003 WAPC advised that the time frame had expired for the Town's comments therefore, the Commission determined the application without the Town's comments.
- 22 January 2004 WAPC refused the proposed subdivision due to the proposal being under the required average lot area required for single houses under the R30 density code of the Residential Design Codes, and the proposal would set an undesirable precedent for further subdivision of surrounding lots in a similar manner.
- 25 March 2004 The WAPC requested a formal response from the Town in relation to the proposed subdivision, as the applicant appealed the Commission's decision to refuse the proposed subdivision.
- 13 April 2004 The Council, at its Ordinary Meeting, resolved to recommend refusal of the proposed subdivision.
- 13 July 2004 The Town Planning Appeal Tribunal (TPAT) upheld appeal for proposed subdivision.
- 10 May 2005 The Council, at its Ordinary Meeting, resolved to conditionally approve proposed demolition of existing single house and refuse proposed construction of a two-storey single house.
- 10 June 2005 The Town received an amended Planning Application for proposed construction of a two-storey single house.
- 15 June 2005 The applicant submitted a review application pursuant to the Local Government Miscellaneous Provisions) Act 1960 with the State Administrative Tribunal (SAT).
- 12 July 2005 The applicant submitted an amended review application pursuant to the Town Planning and Development Act with the SAT.

**DETAILS:**

The proposal involves the construction of a two-storey single house. The proposed two-storey single house has frontage to Anzac Road and there is no proposal for the newly created rear lot. The rear lot will use the right-of-way for vehicle access and a 1.5 metres wide pedestrian accessway/service corridor to Anzac Road for pedestrian access and services.

The Town's Officers note the following changes to the proposal shown on amended plans received 11 August 2005:

- Bedroom 4 is renamed to become study/office on the upper floor front elevation;
- The entry has moved northward 0.5 metre, the verandah/porch is unchanged and a portico is added to the frontage with a setback of 3.945 metres; and
- Design treatments are provided at the frontage and include; turned timber finials, selective rendering and bay style windows.

The Town's Officers consider the replacement of bedroom 4 with a study/office to be sufficient, albeit minor, to alleviate the Town's concerns relating to a lack of passive surveillance. Furthermore, it is acknowledged that the inclusion of a portico and design treatments help to reduce the bulk and scale of the development but this is considered insufficient to render compliance with the relevant Town Policies.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	1.996 dwellings R 30	2 dwellings R 33.38 - 0.17 per cent density bonus	Noted - appeal for refusal of subdivision upheld by TPAT on 13 July 2004.
Plot Ratio	N/A	N/A	N/A
Setbacks:			
Ground Floor - East (Garage , Bedroom 4 and Family Room)	1 metre	Nil - 1.8 metres to pedestrian accessway /service corridor boundary (internal) and 1.5 metres - 3.4 metres to the boundary of No. 23 Anzac Road.	Not supported - the Town's Officers are reflecting the Council's reasons for refusal of the previous Planning Application determined at its Ordinary Meeting held on 10 May 2005 and the current application does not adequately address the Council's previous reasons for refusal.
Upper Floor - East (Dressing, Bedroom 2 and Study/Office)	1.5 metres - 2.1 metres	Nil - 1.5 metres to pedestrian accessway /service corridor boundary (internal) and 1.5 metres - 2.85 metres to the boundary of No. 23 Anzac Road.	Not supported - see comments above.
Buildings on Boundary	Maximum height of 3.5 metres with an average of 3 metres.	5.9 - 6 metres (Dressing, WIR) and 6.02 metres (Bedroom 3, Stairwell). (internal).	Not supported - see comments above.
Building Height	Maximum height of 6 metres to the top of the eaves.	6.02 metres (Bedroom 3)	Not supported - see comments above.

Privacy Setbacks:			
First Floor - South Elevation (Dressing)	4.5 metres	2.5 metres to eastern boundary (internal).	Not supported - see comments above.
East Elevation (Bedroom 2)	4.5 metres	2.85 metre to eastern boundary	Not supported - see comments above.
Retaining Walls:			
Western Elevation	0.5 metre	0.2-0.7 metre	Not supported - see comments above.
Access and Car Parking:			
Vehicular Access	Driveways not to occupy more than 40 per cent of the frontage of a property	49.05 per cent	Not supported - undue impact on streetscape due to excessive hard surfaces.
<b>Consultation Submissions</b>			
Support	Nil		Noted
Objection (2 submissions and 1 petition with 17 signatories)	<ul style="list-style-type: none"> <li>Bulk and scale - the development overpowers the existing streetscape.</li> </ul>		Supported - see Officer Comments above.
	<ul style="list-style-type: none"> <li>West side setback variation - set undesirable precedent for side setbacks.</li> </ul>		Supported - see Officer Comments above.
	<ul style="list-style-type: none"> <li>Building height - increase in bulk and scale, loss of afternoon breeze and detriment to visual amenity.</li> </ul>		Supported - see Officer Comments above.
	<ul style="list-style-type: none"> <li>Local character - the proposal does not meet performance criteria of Policy 3.2.1 (P1-P3) and does not complement the streetscape in terms of scale, street rhythm, front setbacks, wall height and bulk.</li> </ul>		Supported - see Officer Comments above.
	<ul style="list-style-type: none"> <li>Leeder Locality Statement - the proposal does not comply with principles of statement.</li> </ul>		Supported - see Officer Comment above.
	<ul style="list-style-type: none"> <li>Architectural style is not in keeping with the established character of the area.</li> </ul>		Supported - see Officer Comments above.
	<ul style="list-style-type: none"> <li>Environmental Design - the design does not consider any recommended design features of the Policy.</li> </ul>		Not supported - proposal complies with acceptable development provisions for Design for Climate Overshadowing requirements of R Codes.
	Reduced setbacks will have significant effect on amenity of neighbours.		Supported - see Officer Comments above.

	<ul style="list-style-type: none"> <li>Submitted plans do not accurately show adjoining dwellings.</li> </ul>	Not supported - plans accurately show adjoining dwelling outline within 3.5 metres of lot boundary.
	Building bulk is exasperated by non-compliance with setback requirements.	Supported - see Officer Comments above.
<b>Consultation Submissions</b>		
	<ul style="list-style-type: none"> <li>Privacy setbacks variations will adversely affect home and outdoor entertaining area.</li> </ul>	Supported - see Officer Comments above.
	<ul style="list-style-type: none"> <li>Overshadowing of adjoining outdoor living areas.</li> </ul>	Not supported - proposal complies with acceptable development provisions for Design for Climate Overshadowing requirements of R Codes.
	<ul style="list-style-type: none"> <li>Incorrect retaining wall shown on plans, the retaining wall stops approximately 15 metres from the front boundary.</li> </ul>	Supported - details of new retaining extension of retaining wall included as part of this application.
<b>Other Implications</b>		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

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

## COMMENTS:

### Consultation Submissions

The amended Planning Application does not involve any greater variation to the requirements of the Town's Policies and the Residential Design Codes to plans previously advertised within the previous twelve months, namely, between 11 March 2005 and 25 March 2005. The amended Planning Application was therefore not advertised as all comments previously received are considered as part of this application. A verbatim copy of the relevant Officer Comments relating to consultation submissions from the Agenda Report referred to the Council at its Ordinary Meeting held on 10 May 2005, reads as follows:

*"The proposal was advertised and two submissions and a petition signed by 17 residents were received during this period. The petition had been received from D and M Charushenko and N Sorrell of c/- 27 Anzac Road, Leederville and was presented to the Council at its Ordinary Meeting held on 12 April 2005.*

*One submission notes that the plans as submitted are inaccurate in terms of the outline of adjoining dwellings, namely No. 27 Anzac Road, and the length of the retaining wall on the western boundary. It is noted that the retaining wall does not extend for the entire lot boundary and any retaining wall above 500 millimetres requires approval to be obtained from the Town. The proposed extension to the retaining wall on the western boundary is considered supportable due to the nature of the sloping topography and it is not considered to have any undue impact on adjoining dwellings.*

*Furthermore, the outline of adjoining dwellings is considered to be accurate as the extension to the existing dwelling at No. 27 Anzac Road is setback more than 3.5 metres from the eastern boundary. A courtyard and pergola is located between the extension to the existing dwelling and the eastern boundary to No. 27 Anzac Road and it is considered that the proposal has no undue impact on this area."*

#### **State Administrative Tribunal**

The Town's Officers note that the process of determination of this amended Planning Application is running concurrently with an application for review of the Council's refusal of the Planning Application for construction of a two-storey single house at its Ordinary Meeting held on 10 May 2005. It is noted that the Council's determination in this matter will therefore determine the Town's position in relation to mediation of the subject Review Application.

#### **Local Character Policy**

The Town's Officers do not consider the design to be contemporary or respond to the existing character. The Local Character Policy states that the intent of the Policy is to "*...ensure that development is generally compatible with the predominant characteristic of development of the Locality, in terms of street setback, street frontage treatment and rhythm and scale (ie bulk and scale)*".

The proposal is considered to be new infill residential development, which compromises the character of the street and the amenity of existing houses.

Performance criteria P4 of the Local Character Policy states "*New development is to ... demonstrate genuine architectural expression, either as an extension of the existing predominant style, or of contemporary design.*" The Town's Officers do not consider the proposal to show attributes of contemporary architectural expression or consider it to be an extension of the predominant style.

#### **Leeder Locality Plan Policy**

The Town's Officers do not consider the proposal complies with the Special Policies outlined in the Leeder Locality Plan Policy, specifically in relation to setbacks of the upper floor and the protection of the amenity of the area in terms of scale and bulk.

It is noted that the intention of the upper floor front setback requirement, namely 6 metres, is to create a staggered effect to the front setback. It is further noted that the ground floor setback requirement for all densities above R20 is 4 metres. The proposal involves an upper floor that is setback 6.5 metres to the main building line, this is compliant with the explicit requirements of the Leeder Locality Plan Policy but non-compliant with its implied intentions, namely to create a staggered effect to upper floor frontages. Furthermore, the main aspect of the ground floor is a double garage door with no articulation or design features or interaction with the street. It is noted that the ground floor portico is set forward of the garage door.

The proposed setback to the proposed entry and powder room on the ground floor and bedroom 1 on the upper floor on the western elevation, namely 1.202 metres, is not considered to comply with the setback requirements for the Leeder Locality Plan Policy. The Leeder Locality Plan Policy requires existing side setbacks to be maintained. The existing setback is approximately 1.35 metres to the ground floor to the existing dwelling abutting the western boundary (at No. 27 Anzac Road).

#### **Summary**

The proposed development, by reason of its scale, massing, height and design would result in an overdevelopment of the site and form an over dominant and incongruous feature in the street scene to the detriment of the visual amenity and character of the area. The proposed development is contrary to the provisions of the Town's Policies and the Residential Design Codes and is, therefore, recommended for refusal.

**10.1.15 No. 6 (Lot 22 D/P: 167) London Street, Corner Haynes Street and Scarborough Beach Road, North Perth - Proposed Demolition of Existing Showroom and Outbuilding and Construction of Three-Storey Mixed Use Development Comprising Eight (8) Multiple Dwellings, Eating House, Offices, Shops and Associated Basement Car Parking**

<b>Ward:</b>	North	<b>Date:</b>	17 August 2005
<b>Precinct:</b>	North Perth ;P8	<b>File Ref:</b>	PRO3010; 5.2005.2753.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Rasiah		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 Labirynt Design & Development on behalf of the owner Nicotra Developments Pty Ltd for proposed Demolition of Existing Showroom and Outbuilding at No. 6 ( Lot 22 D/P: 167) London Street, corner Haynes Street and Scarborough Beach Road, North Perth, and as shown on plans stamp-dated 24 May 2005, subject to the following conditions:*
- (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on 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) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
  - (e) *demolition of the existing showroom and outbuilding 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;*
  - (f) *any redevelopment on the site should be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies; and*

- (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 Labyrinth Design & Development on behalf of the owner Nicotra Developments Pty Ltd for proposed Construction of Three-Storey Mixed Use Development Comprising Eight (8) Multiple Dwellings, Eating House, Offices, Shops and Associated Basement Car Parking, at No. 6 (Lot 22 D/P: 167) London Street, corner Haynes Street and Scarborough Beach Road, North Perth, and as shown on plans stamp-dated 24 May 2005 , for the following reasons:*
- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality and precinct area;*
  - (b) *the non-compliance with the building setbacks, number of storeys, privacy, and location of commercial activities requirements of the Residential Design Codes, the Town's Policies relating to North Perth Precinct, Eton Locality Plan, and Non-Residential Uses In/Or Adjacent to Residential Areas, respectively;*
  - (c) *approval of the proposed development would create an undesirable precedent for other similar mixed use developments encroaching into established residential areas; and*
  - (d) *consideration of objections received in relation to the proposed mixed use development for the above site.*

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**COUNCIL DECISION ITEM 10.1.15**

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

*That the recommendation be adopted.*

Debate ensued.

Cr Torre departed the chamber at 8.15pm.

**MOTION CARRIED (7-0)**

(Cr Farrell on leave of absence. Cr Torre was absent from the chamber and did not vote.)

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<b>Landowner:</b>	Nicotra Developments Pty Ltd
<b>Applicant:</b>	Labyrinth Design & Development
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30/40
<b>Existing Land Use:</b>	Non-conforming showroom/open air display (current status subject to confirmation)
<b>Use Class:</b>	Grouped dwelling, office building, eating house and shop
<b>Use Classification:</b>	"P", "SA", "SA" and "SA"
<b>Lot Area:</b>	2023 square metres
<b>Access to Right of Way</b>	Not applicable

**BACKGROUND:**

The subject site is occupied by a single-storey showroom and outbuilding (former Midland Brick Display Centre). Current vehicular access to the subject site is via Haynes Street. The proposal (received on 9 March 2005) was assessed on the previous Policy relating to Non-Residential Uses In/Or Adjacent to Residential Areas and was not assessed under the current Policy relating to Non-Residential/Residential Development Interface, as the proposal was received prior to the new Policy being formally adopted by the Council on 24 May 2005.

In August 2004, the Town received a number of submissions (objections) from nearby residents of the subject site including the North Perth Precinct Group objecting to the original plans which the owner/developer submitted to residents for consideration.

**DETAILS:**

The proposal is for the demolition of the existing showroom and outbuilding and the construction of a three-storey including basement car park mixed use development, consisting of offices (390 square metres), eating house (68 square metres), shops (264 square metres) and 8 multiple dwellings. The main entry and exit is from/to Haynes Street, with another exit (left out only) off London Street.

The applicant has submitted a detailed submission (attached) in support of the proposal which has been summarised as follows:

- Seek Council's approval for the residential component to be developed at the R40 density codes under Clause 20 of the Town of Vincent Town Planning Scheme No.1 for the removal of a non-conforming use at the subject site
- Below ground car parking proposed to reduce the visual impact and provide greater security to occupants and visitors
- 51 car bays provided after adjustment factors have been used, which are in excess of Council's requirements
- End of trip bicycle facilities provided
- Each commercial use has been positioned in the most desirable manner, with retail facing the street, eating house corner with traffic lights, and the offices in the quieter internal face of the development
- Building located away from lot boundaries and surrounded by landscaping, accessways and recreational facilities
- Several consultation have been held with local residents which have been favourable , except for issues relating to bulk and scale and possible traffic related issues. The traffic report has demonstrated that the traffic flow will increase by an insignificant amount and that the traffic volume is well below designated volumes for the area
- "Nil "overshadowing on adjoining properties
- The proposal will be a major improvement of the site, adding communal and aesthetic value to the area

An additional response (attached) has been provided by the applicant in response to the issues raised in the consultation submissions received.

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

The above proposal was advertised for an initial period of 21 days and further extended by another 7 days to provide opportunity for residents who were not advised in writing, to provide comments. The additional advertising period has not delayed the matter being reported to the Council for consideration and determination.

The proposal was referred to the Department for Planning and Infrastructure (DPI) for comment in relation to the access off London Street.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio (R30)	N/A	N/A	N/A
Density	R30 multiple dwellings not allowed	R39.54 (8 multiple dwellings), which is an 18 per cent density bonus.	Not supported- in the context of the current mixed use development, but can however be considered with the submission of a new planning application for residential development only, which is to be in compliance with the relevant standards and requirements. Also refer to "Comments".
No. of Storeys	2 storeys (including loft)	3 storeys and basement	Not supported- as the under the <i>Eton Locality Plan Policy</i> , the height limit for residential development is 2 storeys (including loft).
Setbacks: First floor-North	3.5 metres to 6 metres	2.203 metres to 4.402 metres	Not supported- due to undue impact on neighbour in terms of bulk and scale. The setback can be further increased with a reduction in the number of storeys and height proposed.
South (Haynes Street)	6 metres	2 metres to 7.4 metres	Supported-as the setback is to the Haynes Street frontage and would not have an undue impact on the streetscape or amenity of the area.

East	6 metres	2.3 metres to 9.435 metres	Not supported- due to undue impact on neighbour in terms of bulk and scale. The setback can be further increased with a reduction in the number of storeys proposed.
West (London Street)	6 metres	5.959 metres	Not supported-due to undue impact on streetscape, unless the setback is increased to 6 metres.
Setbacks: Second floor- East	3.7 metres	3.5 metres to 10.8 metres	Not supported- due to undue impact on neighbour in terms of bulk and scale. The setback can be further increased with a reduction in the number of storeys proposed.
West (London Street)	6 metres	5.959 metres	Not supported-due to impact on streetscape, unless the setback is increased to 6 metres.
Privacy-One north facing kitchen and 4 east facing balconies on the first floor.	6 metres and 7.5 metres setback respectively, or privacy screen to 1.6 metres in height above finished floor levels.	Less than 6 metres and 7.5 metres respectively and no screening provided to 1.6 metres in height from finished floor level.	Not supported-as undue impact on neighbouring properties.
<b>Consultation Submissions</b>			
Support Two (2) and includes one (1 letter with 17 signatures).	<ul style="list-style-type: none"> <li>• Proposal will benefit the community in the form of amenity which includes an open well landscaped area, and also should enhance the corner</li> <li>• Town should seek contributions from the developer towards traffic control measures, operating hours, permitted types of business uses and any other appropriate use rather than to refuse the proposal.</li> <li>• Office and coffee shop supported with underground exit to London Street.</li> </ul>		<p>Not supported-as there are adequate similar facilities within close proximity of the site, which are also suitably zoned to accommodate the commercial uses proposed.</p> <p>As above.</p> <p>As above.</p>

	<ul style="list-style-type: none"> <li>• While residents may have concerns about increased traffic, the surrounding streets are able to accommodate this increase in traffic, regardless of this proposal, traffic will inevitable increase.</li> </ul>	<p>Not supported-as there would be an increase in commercially associated traffic, which can be reduced if the commercial activities are deleted from this proposal.</p>
<p>Objections (36 which included a comprehensive submission from the North Perth Precinct Group Inc).</p>	<ul style="list-style-type: none"> <li>• Land is zoned Residential R30/40 and not commercial. The proposed commercial uses can be accommodated in other commercial areas. The current proposal is contrary to the findings of the Pracsys Economic Development Strategy report, commissioned by the Town, which states that commercial uses should be kept within the central hub.</li> <li>• May set an undesirable intrusive precedent for other commercial uses to locate within the residential area, and further reduce the amenity of the area.</li> </ul>	<p>Supported-as there is opportunity to locate the commercial uses to other appropriately zoned commercial sites, which are also recommended in the findings of the <i>Council's Economic Development Strategy</i>.</p> <p>As above.</p>
	<ul style="list-style-type: none"> <li>• Non-conforming use of showroom has expired and the current "pot use" has no Council approval.</li> <li>• The R30 which equates to 6 grouped dwellings potential should apply to the site as the non-conforming use has lapsed since 6 months after the ceasing of Midland Brick operations. The higher density should not be supported. Many people have bought in the area on the basis that the non-conforming use has lapsed.</li> </ul>	<p>Noted-available information indicates that the non-conforming use operated by Midland Bricks ceased operation for more than the 6 consecutive months period given for the use or a similar type showroom/open air display (currently operating on site) to operate on the subject site. Investigation is still on-going to ascertain that the non-conforming use of a showroom/open air display on site is no longer applicable, for legal reasons.</p> <p>Supported- for the above reasons.</p>

	<ul style="list-style-type: none"> <li>The traffic report is flawed and disputed as it does not take into account traffic diverted during peak times of the day, as there is no right hand turns signals at the London Street/Loftus Street/Scarborough Beach Road intersection. Peak hour traffic will access this property not only via Haynes/Auckland Streets but also through Hobart/Auckland Streets. Furthermore, with 50 per cent of the traffic exiting off London Street to go south, all and not a small portion of the traffic going north will do so via Auckland Street, as there is no right turn onto London Street.</li> </ul>	Supported- as the submitted Traffic Report has not considered the peak hour No Right Turn lights.
	<ul style="list-style-type: none"> <li>A total of 192 vehicle trips are estimated from the above proposal, based on traffic during the day, and "<i>supposedly</i>" only 50 trips greater than that generated by the former Midland Bricks. It is noted that the existing businesses in the Haynes Street cul-de-sac also produces 50 vehicle trips per day.</li> <li>The traffic report does not acknowledge the increased traffic to and from the eating house in the evenings and assumes that 100 per cent of the traffic generated by the eating house would be pedestrians.</li> </ul>	Noted- as existing traffic figures should be based on disused showrooms.  Supported- As there may be an increase in on-street parking associated with the proposed eating house and retail shops.
	<ul style="list-style-type: none"> <li>The 2.6 metres wide driveway is considered narrow in places and does not meet domestic standards, let alone commercial traffic. Delivery vehicle parking would be acceptable if access is approved onto London Street.</li> </ul>	Supported- as minimum supportable width of a driveway is 3.0 metres.
	<ul style="list-style-type: none"> <li>Safety concerns as a result of increase in commercial traffic, and its impact on elderly and children who play in and around the area.</li> </ul>	Noted.
	<ul style="list-style-type: none"> <li>Driveways being blocked by commercial traffic.</li> </ul>	Noted-residents to contact the Town' Rangers Services when this occurs.
	<ul style="list-style-type: none"> <li>Oppose any change to cul-de-sac.</li> </ul>	Noted-as there is no plans to change the existing cul-de-sac.

	<ul style="list-style-type: none"> <li>Most people (90 per cent of those spoken to) prefer street parking rather than undercroft car parking, which is already a problem in the area due to nearby commercial users with residents complaining of car being parked on verges.</li> </ul>	Supported- as there may be an increase in on-street parking associated with the proposed office use.
	<ul style="list-style-type: none"> <li>Proposed 51 car bays are insufficient for the proposed uses.</li> <li>Noise from staff leaving premises, commercial vehicles arriving in the morning, 24 hour operation of air-conditioning and refrigeration units.</li> <li>Unpleasant smells from cooking and waste generated from the various uses proposed.</li> </ul>	<p>Not supported- as there is adequate car parking provided on-site as per the Town's car parking requirements.</p> <p>Noted-as noise related matters are governed by the relevant Noise Regulations.</p> <p>Noted.</p>
	<ul style="list-style-type: none"> <li>Non-compliance with height and setback requirements applying to the site.</li> </ul>	Supported-as some of the variations can be complied with if the commercial uses were deleted from the proposal and the height reduced to comply with the 2 storey including loft requirement.
	<ul style="list-style-type: none"> <li>Concerns about excavation, including the water table in the area which is 8 metres deep and its impact to adjoining properties.</li> </ul>	Noted-As this is a civil matter between parties involved.
Comments	<ul style="list-style-type: none"> <li>General residential re-development of the site supported, even at the higher R40 density subject to compliance with the R Codes.</li> </ul>	Noted.
<b>Other Implications</b>		
Legal/Policy		TPS 1, and associated Policies and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

<b>Car Parking</b>	
<b>Requirements</b>	<b>Required No. of Car bays</b>
Office: 1 car bay per 50 square metres gross floor area (proposed 390 square metres). Retail: 1 car bays per 15 square metres of gross floor area (proposed 264 square metres). Eating house: 1 car bay per 4.5 square metres public area (proposed 68 square metres).	40.51 car bays
Total car parking required before adjustment factor (nearest whole number)	41 car bays
Apply the parking adjustment factors.	(0.612)
<ul style="list-style-type: none"> <li>▪ 0.85 (within 400 metres of a bus stop)</li> <li>▪ 0.80 (45 per cent of gross floor area is residential)</li> <li>▪ 0.90 (end of trip bicycle facilities)</li> </ul>	25.09 car bays
Car parking provided on-site (51, less 20 car bays provided for the residential component)	31 car bays
Resultant surplus	5.91 car bays

<b>Bicycle Parking</b>		
<b>Requirements</b>	<b>Required</b>	<b>Provided</b>
<b>Office</b> 1 per 200 (proposed 390) square metres of gross floor area for employees (class 1 or 2).	1.95 spaces	Bicycle storage area of 19.92 square metres shown in Basement.
<b>Eating House</b> 1 space per 100 (proposed 68 ) square metres public area (class 1 or 2).	0.68 space	As above.
<b>Retail</b> 1 space per 300 (proposed 264) square metres gross floor area (class 1 or 2).	0.88 space	As above.

\* 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.

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

### **Residential Car Parking**

A total of 51 car bays are provided for the entire development. Car parking requirements for the residential component of the development have been calculated using the requirement for multiple dwellings from the Residential Design Codes (R Codes). The residential component requires twenty (20) car bays, which is inclusive of two (2) visitor car bays.

### **COMMENTS:**

The land is zoned Residential R30/40 under the Town of Vincent Town Planning Scheme No.1 and falls within the North Perth Precinct Scheme Map 8, and is within the Eton Locality Plan 7.

The subject commercial uses are considered more suited to be located in areas which have been appropriately zoned and developed for such uses, that is the District Centre and Commercial areas along Scarborough Beach Road and Oxford Street, which are within close proximity of the subject site.

The proposal does not comply with the *Policy relating to Non-Residential Uses In/Or Adjacent to Residential Areas*, as the proposed office use is considered to attract additional vehicular traffic and create other effects that would not normally be expected from a property zoned Residential R30/40, and is likely to encourage further commercial intrusion within an established residential area.

It is noted that the *Town of Vincent Economic Development Strategy 2005 - 2010*, adopted by Council at its Ordinary Meeting held on 9 August 2005, makes recommendations and suggests strategies to consolidate commercial activity within the Town to the Town's existing District Centres and the immediate surrounds. The Town's Officers, therefore, consider the proposal to be to the long term detriment of the future economic development within the Town.

### **Density**

The current evidence available to the Town suggest that the non-conforming use right has been discontinued for a period of more than 6 consecutive months, hence Clause 20 of TPS No.1 is no longer applicable. As such, the potential of the site for grouped dwellings based on the R30 equates to 6.74 grouped dwellings as multiple dwellings are not allowed under the R30 density. Any increase in the density potential at the higher R40 for the 8 multiple dwellings, will require the Council to exercise its discretion with an absolute majority under Clause 40 of the TPS No.1.

### **Heritage**

A full heritage assessment is not considered appropriate for the proposed demolition of the Midland Brick showroom and outbuilding located on the corner of London Street and Scarborough Beach Road.

The City of Perth Sewerage Plans indicates that in 1924 the site, which now occupies the subject place, had not yet been developed. The City of Perth Building Archive Records show that a garage and storeroom was constructed at No.6 London Street in 1955 and the Midlands Brick Company was issued with a Building Licence to construct the showroom and office in 1974.

The place is considered to be of little aesthetic, historic, scientific or social value and does not meet the minimum criteria for entry into the Town's Municipal Heritage Inventory.

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

### **Traffic, Access and Car Parking**

The DPI in its letter dated 27 April 2005, has advised that the land requirements affecting the land is an 8.48 metres truncation at the corner of Scarborough Beach Road and London Street. The DPI further advised that the left out onto London Street will have minimal impact on the traffic safety at this point and has no objection, subject to the applicant being advised as below:

*"The subject land (Lot 22) is affected by a land requirement for the future upgrading of Scarborough Beach Road, which is reserved as an Other Regional Road (ORR) in the Metropolitan Region Scheme (MRS). The land requirement is for an 8.48 m truncation at the corner of London Street and Scarborough Beach Road. It is proposed that at some stage in the future the Western Australian Planning Commission will acquire this land for the purposes of upgrading the ORR. You are advised to contact the WAPC-Land Asset Management Branch of the Department for Planning and Infrastructure should you wish to discuss early purchase of the affected land by the Western Australian Planning Commission."*

The Town's Technical Services have advised that the Traffic Impact Statement report submitted in support of this proposed development has based the comparative traffic figures on a functioning showroom. This Midland Brick site has not functioned as a showroom for some time and has been subject to a change of use to residential. The increased traffic figures should be based on disused showrooms that have recently ceased operation.

The Traffic Distribution Diagram does not take the peak hour No Right Turn ban into account located at the Scarborough Beach Road and Loftus Street/London Street intersection. The effect of this ban has the effect of directing more traffic along adjoining residential streets such as Hobart and Auckland Streets, as well as Haynes Street.

While the additional traffic generated by the proposed development would be within the limits of any affected access road, the additional traffic would result in a noticeable increase in traffic numbers and there would be a substantial impact on existing kerb side parking availability in the vicinity of the development.

Many assumptions have been made regarding the future traffic movements to and from the proposed development. Also, projected traffic generation volumes, which appear somewhat too low, have been made by making various assumptions for example people will tend to walk to the proposed café.

The impact of traffic which would access the development via Haynes Street and exit either onto Haynes Street or Scarborough Beach Road is of concern to residents.

It is considered that the applicant needs to develop a better access solution to this development which could possible include a wider traffic management solution.

### **Health and Building**

The Town's Health Services and Building Surveyors have advised that the proposal generally complies with the relevant health and Building Code of Australia (BCA) standards. However, the owners will be required to provide facilities for people with disabilities in accordance with the BCA requirements, which can be provided at the Building Licence stage.

### **Summary**

The proposal represents an inappropriate use for the above site, and is neither sympathetic nor sensitive to the surrounding environment, and as such, would set an undesirable precedent in the locality for further commercial development of a similar scale and nature in the future, within a predominantly established residential area. Accordingly, it is recommended that the demolition of the showroom and outbuilding be approved, and that the mixed use development be refused for the above stated reasons.

**10.1.12 No. 124 (Lot 295 D/P: 2831) Dunedin Street, Mount Hawthorn - Proposed Two-Storey Single House**

<b>Ward:</b>	North	<b>Date:</b>	15 August 2005
<b>Precinct:</b>	Mount Hawthorn; P1	<b>File Ref:</b>	PRO2800; 5.2005.3001.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	S Klarich		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 R A & S Berchicci for proposed Two-Storey Single House, at No. 124 (Lot 295 D/P: 2831) Dunedin Street, Mount Hawthorn, and as shown on plans stamp-dated 17 June 2005, subject to:*

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) subject to first obtaining the consent of the owners of No. 122 Dunedin Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 122 Dunedin Street in a good and clean condition;*
- (iii) no street/front wall, fence and gate shall exceed a maximum height of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend the maximum height to 2.0 metres. The solid portion of any new street/front wall, fence and gate between the Dunedin Street boundary and the main building, including along the side boundaries, shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the new front fences and gate being visually permeable, with a minimum 50 per cent transparency. Any new walls, fences and gates shall also be truncated or the solid portion of such shall be reduced to no higher than 0.65 metre for a minimum length of 1.5 metres of - where such walls, fences and gates adjoin vehicle access points, where a driveway meets a public street, and where two streets intersect; and*
- (iv) to prior to the first occupation of the development, the reasonable privacy of the adjacent residents is to be protected by:*
  - (a) screening the balcony off the first floor retreat on its northern and southern sides with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed; and*

- (b) *screening the balcony off the first floor master bedroom to the rear, on its northern, eastern and southern sides 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.*

Moved Cr Messina, Seconded Cr Maier

*That the recommendation be adopted.*

Debate ensued.

Moved Cr Maier, Seconded Cr .....

*That it be noted that the word "of -" where it appears in the third last line of clause (iii), should be deleted.*

Debate ensued.

Cr Maier withdrew his amendment.

Cr Torre returned to the chamber at 8.20pm.

Moved Cr Maier, Seconded Cr Messina

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

- “(vi) (a) *screening the balcony off the first floor retreat on its northern ~~and southern~~ sides ~~with~~. Screening may consist of 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 OR vertical screening, such as the proposed blade wall such that it provides privacy to the neighbour to the north; and”*

**AMENDMENT CARRIED (5-3)**

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

(Cr Farrell on leave of absence.)

Moved Cr Ker, Seconded Cr Torre

*That clause (vi)(b) be amended to delete the reference to the southern side.*

**AMENDMENT CARRIED (6-2)**

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

(Cr Farrell on leave of absence.)

**MOTION AS AMENDED CARRIED (8-0)**

(Cr Farrell on leave of absence.)

**COUNCIL DECISION ITEM 10.1.12**

*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 R A & S Berchicci for proposed Two-Storey Single House, at No. 124 (Lot 295 D/P: 2831) Dunedin Street, Mount Hawthorn, and as shown on plans stamp-dated 17 June 2005, subject to:*

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) subject to first obtaining the consent of the owners of No. 122 Dunedin Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 122 Dunedin Street in a good and clean condition;*
- (iii) no street/front wall, fence and gate shall exceed a maximum height of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend the maximum height to 2.0 metres. The solid portion of any new street/front wall, fence and gate between the Dunedin Street boundary and the main building, including along the side boundaries, shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the new front fences and gate being visually permeable, with a minimum 50 per cent transparency. Any new walls, fences and gates shall also be truncated or the solid portion of such shall be reduced to no higher than 0.65 metre for a minimum length of 1.5 metres where such walls, fences and gates adjoin vehicle access points, where a driveway meets a public street, and where two streets intersect; and*
- (iv) to prior to the first occupation of the development, the reasonable privacy of the adjacent residents is to be protected by:*
  - (a) screening the balcony off the first floor retreat on its northern side. Screening may consist of a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished floor level OR vertical screening, such as the proposed blade wall such that it provides privacy to the neighbour to the north; and*

- (b) *screening the balcony off the first floor master bedroom to the rear, on its northern and eastern sides 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.*

<b>Landowner:</b>	R A & S Berchicci
<b>Applicant:</b>	Rechichi Architects
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
<b>Existing Land Use:</b>	Vacant
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	453 square metres
<b>Access to Right of Way</b>	East side, 4 metres wide, sealed, dedicated road

**BACKGROUND:**

The Town, under Delegated Authority from the Council, granted conditional Planning Approval:

- on 9 June 2004 for the demolition of the existing single house over both Lots 295 and 296, No. 24 Dunedin Street, Mount Hawthorn; and
- on 7 October 2004 for two single storey single houses on Lots 295 and 296.

**DETAILS:**

The proposal involves the construction of a two storey single dwelling with vehicle access off the dedicated road to the rear.

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	N/A
Setbacks: North - ground floor	1.5 metres	1.2 - 1.7 metres	Supported - minor variation with no undue impact on adjoining property.
- first floor	2.1 metres	1.2 - 1.7 metres	Supported - minor variation with no undue impact as adjoining property private open space and outlook is on northern side.

South - garage boundary wall	1.5 metres	Nil	Supported - compliant with building on boundary provision in the Residential Design Codes.
- ground floor	1.5 metres	1.3 metres	Supported - minor variation with no undue impact on adjoining property.
East - garage	Garage setback at 6 metres from the frontage street, or behind the line of the front main building wall.	Garage in front of the main building wall	Supported - the southern dedicated road is being assessed as a right of way as no property is addressing the road with vehicle access only being obtained by some adjoining properties.

**Consultation Submissions**

Support	Nil	Noted
Objection (2)	<ul style="list-style-type: none"> <li>• Nil setback to garage wall, with parapet on southern boundary.</li> <li>• First floor on southern boundary not having required setback.</li> <li>• Upper floor balconies will affect privacy of adjoining property.</li> <li>• Overshadowing onto northern windows - detrimental effect on heating, cooling and lighting.</li> <li>• Inappropriate facade which is out of character with the area.</li> </ul>	<p>Not supported - compliant with building on boundary provision in the Residential Design Codes.</p> <p>Not supported - required setback is 2.0 metres, applicant provides 2.52 metres.</p> <p>Supported - conditioned in Officer Recommendation.</p> <p>Not supported - maximum overshadowing allowed in R30 zone is 35 per cent, proposal has 35 percent overshadowing on southern property.</p> <p>Not supported - new contemporary developments are encouraged in the Town's Policy; proposal is to be constructed of rendered brickwork with feature stonework and wide eaves.</p>

	<ul style="list-style-type: none"> <li>• Overlooking from front balcony onto summer courtyard of northern property.</li> <li>• Overlooking from first floor window to stair landing onto summer courtyard.</li> <li>• Reduced setback to northern boundary first floor will impose on adjoining property.</li> </ul>	<p>Supported - conditioned in Officer Recommendation.</p> <p>Not supported - not a habitable room.</p> <p>Not supported - proposed setback not considered having an undue impact on adjoining property as private open space and outlook is on the northern side.</p>
<b>Other Implications</b>		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

**COMMENTS:**

**Advertising Consultation**

The proposal was advertised for 14 days in which time two (2) written submissions were received. These are addressed in the Assessment Table.

**Summary**

The variations sought by the applicant (except those relating to overlooking which are addressed in the conditions of the Officer Recommendation) are supportable, and do not have an undue impact on the adjoining property or surrounding streetscape.

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

**10.1.1 Further Report - No. 312 (Lot 3 D/P: 6990) Oxford Street Leederville - Proposed Change of Use from Single House to Single House and Office Building**

<b>Ward:</b>	North	<b>Date:</b>	15 August 2005
<b>Precinct:</b>	Leederville; P3	<b>File Ref:</b>	PRO3021; 5.2004.2600.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	T Durward		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

***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 REFUSES the application submitted by A Lombardo on behalf of the owner Linpark Holdings Pty Ltd for proposed Change of Use from Single House to Single House and Office Building, at No. 312 (Lot 3 D/P: 6990) Oxford Street, Leederville, and as shown on plans stamp-dated 11 August 2005, for the following reasons:*

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the Town's Town Planning Scheme No. 1, and the Town's Policy relating to Non-Residential Uses In/Or Adjacent to Residential Areas, respectively; and*
- (iii) approval of the proposed development would create an undesirable precedent for other similar commercial use developments encroaching into established residential areas.*

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

*That the recommendation be adopted.*

Debate ensued.

**MOTION PUT AND LOST ON THE  
CASTING VOTE OF THE PRESIDING MEMBER (4-5)**

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

(Cr Farrell on leave of absence.)

**Reasons:**

- 1. Oxford Street is considered a mixed use centre.**
- 2. The application qualifies for the change of use to a 'Home Office' (combined Single Dwelling and Office Building).**
- 3. The reversible nature of the development.**

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

*That an alternative recommendation be adopted as follows:*

*“That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by A Lombardo on behalf of the owner Linpark Holdings Pty Ltd for proposed Change of Use from Single House to Single House and Home Office, at No. 312 (Lot 3 D/P: 6990) Oxford Street, Leederville, and as shown on plans stamp-dated 11 August 2005, subject to:*

- (i) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (ii) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Oxford Street verge adjacent to the subject property, shall be submitted and approved prior to first occupation of the development. All such works shall be maintained thereafter by the owner(s)/occupier(s);*
- (iii) no street/front wall, fence and gate shall exceed a maximum height of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend the maximum height to 2.0 metres. The solid portion of any new street/front wall, fence and gate between the Oxford Street boundary and the main building, including along the side boundaries, shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the new front fences and gate being visually permeable, with a minimum 50 per cent transparency. Any new walls, fences and gates shall also be truncated or the solid portion of such shall be reduced to no higher than 0.65 metre for a minimum length of 1.5 metres of - where such walls, fences and gates adjoin vehicle access points, where a driveway meets a public street, and where two streets intersect;*
- (iv) the gross floor area of the home office component shall be limited to 80 square metres. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
- (v) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (vi) 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;*
- (vii) the windows, doors and adjacent floor area facing Oxford Street shall maintain an active and interactive frontage at all times to Oxford Street;*
- (viii) the hours of operation shall be limited to Monday to Friday 9:00am to 5:00pm, inclusive; and*
- (ix) prior to first occupation of the development, revised plans shall be submitted and approved demonstrating a revised car parking layout providing three (3) car parking bays that comply with the minimum specifications and dimensions specified in the Town's Parking and Access Policy and Australian Standards AS 2890.1 - "Off Street Parking". The revised plans shall not result in any greater variation to the requirements of the Town's Policies.”*

Cr Maier requested that the words “of –” in the third last line of clause (iii) be deleted from the recommendation.

**MOTION CARRIED ON THECASTING VOTE  
OF THE PRESIDING MEMBER (5-4)**

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

(Cr Farrell on leave of absence.)

**COUNCIL DECISION ITEM 10.1.1**

*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 application submitted by A Lombardo on behalf of the owner Linpark Holdings Pty Ltd for proposed Change of Use from Single House to Single House and Home Office, at No. 312 (Lot 3 D/P: 6990) Oxford Street, Leederville, and as shown on plans stamp-dated 11 August 2005, subject to:*

- (i) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (ii) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Oxford Street verge adjacent to the subject property, shall be submitted and approved prior to first occupation of the development. All such works shall be maintained thereafter by the owner(s)/occupier(s);*
- (iii) no street/front wall, fence and gate shall exceed a maximum height of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend the maximum height to 2.0 metres. The solid portion of any new street/front wall, fence and gate between the Oxford Street boundary and the main building, including along the side boundaries, shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the new front fences and gate being visually permeable, with a minimum 50 per cent transparency. Any new walls, fences and gates shall also be truncated or the solid portion of such shall be reduced to no higher than 0.65 metre for a minimum length of 1.5 metres where such walls, fences and gates adjoin vehicle access points, where a driveway meets a public street, and where two streets intersect;*
- (iv) the gross floor area of the home office component shall be limited to 80 square metres. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
- (v) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (vi) 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;*

- (vii) *the windows, doors and adjacent floor area facing Oxford Street shall maintain an active and interactive frontage at all times to Oxford Street;*
- (viii) *the hours of operation shall be limited to Monday to Friday 9:00am to 5:00pm, inclusive; and*
- (ix) *prior to first occupation of the development, revised plans shall be submitted and approved demonstrating a revised car parking layout providing three (3) car parking bays that comply with the minimum specifications and dimensions specified in the Town's Parking and Access Policy and Australian Standards AS 2890.1 - "Off Street Parking". The revised plans shall not result in any greater variation to the requirements of the Town's Policies*

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#### **FURTHER REPORT:**

The Council at its Ordinary Meeting held on 26 July 2005 resolved to defer the item to clarify the exact nature of the proposed use. Two MRS Form 1's were submitted to the Town, one dated 18 November 2004 and the other dated 22 November 2004. The MRS Form 1 dated 18 November 2004 indicated the proposed development to be "Application for additional use from Residential to Commercial Office use". The MRS Form 1 dated 22 November 2004 indicated the proposed development to be "Application for additional use from Residential to an Office/Residential ". It is noted that the submitted plans indicated office use only, and that the Planning Application was advertised for change of use from residential to residential and office building.

The applicant has indicated that the proposal is for a mixture of residential and office land uses. The application was advertised as such and therefore does not require readvertising. Amended plans have been submitted to reflect the advertised land uses.

The car parking calculation and related table have been updated to reflect the above changes as follows:

#### **Residential Carparking**

Car parking requirements for the residential component of the development have been calculated using the requirement for single houses from the Residential Design Codes (R Codes). The residential component requires 2 car bays. A total of 2 car bays have been allocated for the residential uses.

A total of 5 car bays have been provided for the entire development, therefore, resulting in three (3) car bays available for the commercial component.

#### **Commercial Carparking**

<b>Car Parking</b>		
Car Parking Requirement (nearest whole number)	2 car bays	
- Office (80.15 square metres) – 1.603 car bays		
Apply the adjustment factors	(0.85)	
▪ 0.85 (within 400 metres of a bus stop)	1.7 car bays	
Minus car parking on-site	3 car bays	
Minus the most recently approved on-site parking shortfall.	Nil	
Resultant surplus	1.3 car bays	
<b>Bicycle Parking</b>		
Requirements	Required	Provided
Office 1 per 200 (proposed 80.15) square metres of gross floor area for employees (class 1 or 2).	0.4 space	Nil

**Land Use**

It is noted that the Town's Officers are concerned about the potential internal land use conflict between the residential and commercial components of the development, as well as the conflict between the office and surrounding residential properties, as detailed in the previous report referred to the Council. Furthermore, the Town's Officers consider that the applicant has not demonstrated how the office and residential land uses will complement each other within the subject site.

The previous Officer Recommendation for refusal therefore remains unchanged.

The following is a verbatim copy of the Minutes of the item placed before Council at its Ordinary Meeting held on 26 July 2005.

*"OFFICER RECOMMENDATION:*

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by A Lombardo on behalf of the owner Linpark Holdings Pty Ltd for proposed Change of Use from Single House to Office Building, at No. 312 (Lot 3 D/P: 6990) Oxford Street, Leederville, and as shown on plans stamp-dated 22 November 2004, 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 Town's Town Planning Scheme No. 1, and the Town's Policy relating to Non-Residential Uses In/Or Adjacent to Residential Areas, respectively; and*
- (iii) approval of the proposed development would create an undesirable precedent for other similar commercial use developments encroaching into established residential areas.*

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COUNCIL DECISION ITEM 10.1.20

Moved Cr Doran-Wu, Seconded Cr Torre

*That the recommendation be adopted.*

*Debate ensued.*

Moved Cr Doran-Wu, Seconded Cr Maier

*That the Item be DEFERRED for further information and clarification regarding the use.*

CARRIED (8-0)

*(Cr Farrell was an apology.)*

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<i>Landowner:</i>	<i>Linpark Holdings Pty Ltd</i>
<i>Applicant:</i>	<i>A Lombardo</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: (MRS): Urban Town Planning Scheme No.1 (TPS 1): Residential R60</i>
<i>Existing Land Use:</i>	<i>Single House</i>

<i>Use Class:</i>	<i>Office</i>
<i>Use Classification:</i>	<i>"SA"</i>
<i>Lot Area:</i>	<i>607 square metres</i>
<i>Access to Right of Way</i>	<i>N/A</i>

**BACKGROUND:**

*The subject site is occupied by a single storey house, which has car parking access from Oxford Street.*

*The subject proposal was assessed under the previous Policy relating to Non-residential Uses In/Or Adjacent to Residential Areas as it was received prior to 24 May 2005.*

**DETAILS:**

*The proposal involves the conversion of an existing single house to an office.*

*The proposed land use is described as general office and the proposed hours of operation are expected to be 9:00am till 5:00pm.*

*The expected number of people working from the subject site is four (4) employees; up to two (2) visitors a day are expected. The type of equipment used includes computers, a facsimile, photocopiers and desk printers*

*No signage is proposed as part of this application.*

**ASSESSMENT:**

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
<i>Non-residential Uses In/Or Adjacent to Residential Areas</i>	<i>Not cause an undue conflict through the generation of traffic and parking or the emission of noise or any other form of pollution which may be undesirable on residential areas.</i>	<i>146 square metres of gross floor area for office and five (5) car parking bays.</i>	<i>Not supported - considered to have an undue impact on the amenity of the adjacent residential area.</i>
<i>Consultation Submissions</i>			
<i>Support</i>	<i>Nil</i>		<i>Noted</i>
<i>Objection</i>	<i>Nil</i>		<i>Noted</i>
<i>Other Implications</i>			
<i>Legal/Policy</i>			<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>
<i>Strategic Implications</i>			<i>Nil</i>
<i>Financial/Budget Implications</i>			<i>Nil</i>
<i>Car Parking</i>			
<i>Car Parking Requirement (nearest whole number) - Office (146 square metres) – 2.92 car bays</i>			<i>3 car bays</i>
<i>Apply the adjustment factors</i>			<i>(0.85)</i>
<i>▪ 0.85 (within 400 metres of a bus stop)</i>			<i>2.55 car bays</i>

<i>Minus car parking on-site</i>	<i>5 car bays</i>	
<i>Minus the most recently approved on-site parking shortfall.</i>	<i>Nil</i>	
<i>Resultant surplus</i>	<i>2.45 car bays</i>	
<i>Bicycle Parking</i>		
<i>Requirements</i>	<i>Required</i>	<i>Provided</i>
<i>Office 1 per 200 (proposed 146) square metres of gross floor area for employees (class 1 or 2).</i>	<i>1 space</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:**

*The Town's Officers consider the proposed change of use not appropriate for the area, as the area is zoned Residential and the predominant land use in the immediate locality is residential, mainly single houses and grouped dwellings. Furthermore, the Town's Officers consider it will reduce the amenity of the surrounding locality and set an undesirable precedent for similar development in the area.*

*It is noted that the Draft Town of Vincent Economic Development Strategy 2005 - 2010, prepared in March 2005, makes recommendations and suggests strategies to consolidate commercial activity within the Town to the Town's existing District Centres and the immediate surrounds. The Town's Officers therefore consider the proposal to be to the long term detriment of the future economic development within the Town.*

*In light of the above, the subject application is recommended for refusal."*

**10.1.2 Further Report- No. 41 (Lots 134 and 135 D/P: 692) Walcott Street, Corner Curtis Street, Mount Lawley - Proposed Alterations and Additions to Existing Eating House**

<b>Ward:</b>	South	<b>Date:</b>	12 August 2005
<b>Precinct:</b>	Forrest; P14	<b>File Ref:</b>	PRO1700; 5.2005.2788.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	L Mach, T Woodhouse		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**FURTHER 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 J Christou & Partners Architects on behalf of the owner Keppel Nominees for proposed Alterations and Additions to Existing Eating House, at No. 41 (Lots 134 and 135 D/P: 692) Walcott Street, corner Curtis Street, Mount Lawley, and as shown on plans stamp-dated 11 August 2005, subject to:*
- (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;*
  - (b) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
  - (c) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted to and approved by the Town prior to the erection of the signage;*
  - (d) *the maximum gross public floor area shall be limited to 230 square metres unless adequate car parking is provided for the changes in floor space area;*
  - (e) *the alterations and additions being supervised by a qualified Heritage Architect;*
  - (f) *the maximum amount of the original window content shall be retained, as far as practicable;*
  - (g) *prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of \$47,950 for the equivalent value of 19.18 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's 2004/2005 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided or the car parking requirements have decreased as a result of the change in floor area use, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;*

- (h) *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*
- (i) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating at least two (2) significant and appropriate design features being incorporated within the 'new brick wall' adjacent to Walcott Street. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence. The revised plans shall not result in any greater variation to the requirements of the Town's Policies; and*
- (ii) *the Council ADVISES the applicant that the Department for Planning and Infrastructure has advised as follows:*

*"The subject land (Lot 134) is affected by a land requirement for the future upgrading of Walcott Street, which is reserved as an Other Regional Road (ORR) in the Metropolitan Region Scheme (MRS). The attached extract of the WAPC Plan No. 1.3155/1 defines the land requirement for the ORR, which is for a 3m x 3m corner truncation.*

*It is proposed that at some stage in the future the Western Australian Planning Commission will acquire this land for the purposes of widening the ORR.*

*You are advised to contact WAPC - Land Asset Management Branch of the Department for Planning and Infrastructure should you wish to discuss early purchase of the affected land by the Western Australian Planning Commission."*

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**COUNCIL DECISION ITEM 10.1.2**

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

*That the recommendation be adopted.*

Debate ensued.

Cr Messina departed the chamber at 8.38pm.

Debate ensued.

**MOTION LOST (3-4)**

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

(Cr Farrell on leave of absence. Cr Messina was absent from the chamber and did not vote.)

**Reasons:**

1. Failure to provide adequate parking.
2. Negative impact on the amenity of surrounding residents due to the increased parking in their streets.
2. No obvious way for the Town to provide parking with the proposed cash-in-lieu.

Cr Messina returned to the chamber at 8.42pm.

**FURTHER REPORT:**

The subject application was considered at the Ordinary Meeting of Council held on 28 June 2005. The following was resolved by the Council in relation to this matter:

*"That Item 10.1.22 be DEFERRED at the request of the applicant."*

The applicant has since submitted amended plans which indicate the deletion of the previously proposed enclosure and extension of the southern podium, the deletion of the previously proposed 3 new car bays and a reduction in the proposed outdoor eating area.

The updated Car Parking Table is as follows:

<b>Car Parking</b>	
Car parking requirement (nearest whole number) <ul style="list-style-type: none"> <li>• Eating house - 51 car bays (Based upon previous public floor area limit of 100 square metres plus proposed additional public floor area of 130 square metres)</li> </ul>	51 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> <li>• 0.85 (within 400 metres of a bus stop)</li> <li>• 0.95 (within 400 metres of car park in excess of 25 car bays)</li> </ul>	(0.8075)  41.18 car bays
Minus the car parking provided on-site	22
Minus the most recently approved on-site car parking shortfall	Nil
Resultant shortfall	19.18 car bays

The changes are considered acceptable and the Officer Recommendation has therefore been amended from the previous recommendation to address the above changes.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 28 June 2005.

*"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 J Christou & Partners Architects on behalf of the owner Keppel Nominees for proposed Alterations and Additions to Existing Eating House, at No. 41 (Lots 134 & 135) Walcott Street, corner Curtis Street, Mount Lawley, and as shown on plans stamp-dated 23 March 2005, subject to:*
- (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;*
  - (b) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
  - (c) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted to and approved by the Town prior to the erection of the signage;*
  - (d) *the maximum gross public floor area shall be limited to 254 square metres unless adequate car parking is provided for the changes in floor space area;*
  - (e) *the alterations and additions being supervised by a qualified Heritage Architect;*
  - (f) *the maximum amount of the original window content shall be retained, as far as practicable;*
  - (g) *prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of \$50,550 for the equivalent value of 20.22 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's 2004/2005 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided or the car parking requirements have decreased as a result of the change in floor area use, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements; and*
  - (h) *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*
- (ii) *the Council ADVISES the applicant that the Department for Planning and Infrastructure has advised as follows:*
- "The subject land (Lot 134) is affected by a land requirement for the future upgrading of Walcott Street, which is reserved as an Other Regional Road (ORR) in the*

*Metropolitan Region Scheme (MRS). The attached extract of the WAPC Plan No. 1.3155/1 defines the land requirement for the ORR, which is for a 3m x 3m corner truncation.*

*It is proposed that at some stage in the future the Western Australian Planning Commission will acquire this land for the purposes of widening the ORR.*

*You are advised to contact WAPC - Land Asset Management Branch of the Department for Planning and Infrastructure should you wish to discuss early purchase of the affected land by the Western Australian Planning Commission."*

**COUNCIL DECISION ITEM 10.1.22**

*Moved Cr Chester, Seconded Cr Ker*

*That Item 10.1.22 be DEFERRED at the request of the applicant.*

**CARRIED (8-0)**

*(Cr Doran-Wu was an apology.)*

<i>Landowner:</i>	<i>Keppel Nominees</i>
<i>Applicant:</i>	<i>J Christou &amp; Partners Architects</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60</i>
<i>Existing Land Use:</i>	<i>Eating House</i>
<i>Use Class:</i>	<i>Eating House</i>
<i>Use Classification:</i>	<i>"SA"</i>
<i>Lot Area:</i>	<i>1273 square metres</i>
<i>Access to Right of Way</i>	<i>South side, 3.0 metres wide, unsealed, privately-owned</i>

**BACKGROUND:**

*26 June 2001 Council at its Ordinary Meeting resolved to conditionally approve by absolute majority an application for similar plans for alterations, additions and associated assembly areas to existing eating house at the subject property.*

*23 September 2004 Conditional approval was granted under delegated authority from the Council for patio addition to existing eating house at the subject property.*

**DETAILS:**

*The proposal involves proposed alterations and additions to existing eating house at the subject property. The alterations and additions relate to an increase in the mezzanine floor area, creation of external dining deck and the enclosure and extension of the southern podium. 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>N/A</i>
<i>Consultation Submissions</i>			
<i>Comment</i>	<i>The Department for Planning and Infrastructure have advised it has no objections to the subject proposal, subject to</i>		<i>Noted.</i>

	<i>applicant/owner being advised of Clause (ii) of the Officer Recommendation.</i>	
<i>Support</i>	<i>Nil</i>	<i>Noted.</i>
<i>Objection</i>	<i>Nil</i>	<i>Noted.</i>
<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>Car Parking- Commercial Component</i>		
<i>Car parking requirement (nearest whole number)</i>		<i>56 car bays</i>
<ul style="list-style-type: none"> <li>• <i>Eating house - 56 car bays</i></li> </ul> <i>(Based upon previous public floor area limit of 100 square metres plus proposed additional public floor area of 154 square metres)</i>		
<i>Apply the adjustment factors.</i>		<i>(0.8075)</i>
<ul style="list-style-type: none"> <li>• <i>0.85 (within 400 metres of a bus stop)</i></li> <li>• <i>0.95 (within 400 metres of car park in excess of 25 car bays)</i></li> </ul>		<i>45.22 car bays</i>
<i>Minus the car parking provided on-site</i>		<i>25</i>
<i>Minus the most recently approved on-site car parking shortfall</i>		<i>Nil</i>
<i>Resultant shortfall</i>		<i>20.22 car bays</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:**

*Parking*

*The subject application proposes an increase in eating house/public floor area, without the provision of additional car parking and therefore, results in a net parking shortfall of 20.22 car bays.*

*A cash-in-lieu payment for this shortfall is supported on the basis that the minimum car parking requirement of 12 car bays (in accordance with the Town's Policy relating to Parking and Access) is provided.*

*Heritage*

*The subject place was constructed circa 1910 and is listed on the Town's Municipal Heritage Inventory. Its primary construction materials are brick, stone and iron and over the years, there have been few modifications to the significant fabric of the place. The proposal includes a new addition to the rear of the building, widening of the mezzanine level and the creation of a new alfresco deck area to the eastern side of the building. The new addition to the rear of the building and the widening of the mezzanine level will have little impact on the existing fabric of the place and are essentially reversible. Consequently, these proposed works are supported from a heritage point of view.*

*In terms of the proposed alfresco deck area, it is considered that the decking itself will have a minor impact on the existing fabric of the place, and the proposed access to the deck area from the existing Walcott Street entrance is considered acceptable. The plans submitted indicate an alternative access to the outdoor eating area.*

*Summary*

*In light of the above, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters".*

**10.1.7 No. 37 (Lot 11 D/P: 1257) Glendower Street, Perth - Proposed Demolition of Existing Single House**

<b>Ward:</b>	South	<b>Date:</b>	12 August 2005
<b>Precinct:</b>	Hyde Park;P12	<b>File Ref:</b>	PRO3233; 5.2005.3009.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	T Woodhouse		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by C A Penheiro on behalf of the owner A Lazidis for proposed Demolition of Existing Single House, at No. 37 (Lot 11 D/P: 1257) Glendower Street, Perth, and as shown on plans stamp-dated 24 June 2005 , subject to:*

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

**COUNCIL DECISION ITEM 10.1.7**

**Moved Cr Ker, Seconded Cr Torre**

*That the recommendation be adopted.*

**Debate ensued.**

**Moved Cr Maier, Seconded Cr Ker**

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

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

Debate ensued.

**AMENDMENT LOST (3-5)**

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

(Cr Farrell on leave of absence.)

Debate ensued.

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

*That the Item be deferred for further information.*

**CARRIED (8-0)**

(Cr Farrell on leave of absence.)

Dan Hatch departed the meeting at 8.50pm.

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<b>Landowner:</b>	A Lazidis
<b>Applicant:</b>	C A Penheiro
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R80
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	468 square metres
<b>Access to Right of Way</b>	5.1 metres wide, sealed, privately owned

**BACKGROUND:**

No specific background directly relates to the proposal.

**DETAILS:**

The proposal involves the demolition of the existing dwelling.

**ASSESSMENT:**

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

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

**COMMENTS:**

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

Directly facing Hyde Park, the subject place is likely to have been constructed c1900 as one of the early properties to have been developed along Glendower Street, between Lake and Irene Streets, Perth. The dwelling is a semi-detached single storey brick and iron dwelling having substantially changed from the original construction, largely as a result of the extensive alterations and additions conducted in 1981. While some of the original features remain, it is not considered that these features alone justify the retention of the house or qualify the place for consideration for entry into the Town's Municipal Heritage Inventory. The place is not rare and is considered to be of little aesthetic, historic, scientific and social value.

The place has little cultural heritage significance, and does not meet the minimum criteria for entry into the Town's Municipal Heritage Inventory.

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

**10.1.8 No. 153 (Lots Y294 and 295 D/P: 2503) Coogee Street, Mount Hawthorn  
- Proposed Demolition of Existing Single House and Construction of  
Two (2) Two-Storey Single Houses**

<b>Ward:</b>	North	<b>Date:</b>	15 August 2005
<b>Precinct:</b>	Mount Hawthorn; P1	<b>File Ref:</b>	PRO2843; 5.2005.2884.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	S Klarich		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 P Murphy on behalf of the owners A P & C M Murphy for proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Single Houses, at No.153 (Lots Y294 and 295 D/P: 2503) Coogee Street, Mount Hawthorn, and as shown on plans stamp-dated 6 July 2005, subject to:*

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *subject to first obtaining the consent of the owners of No. 157 Coogee 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. 157 Coogee Street in a good and clean condition;*
- (iii) *no street/front wall, fence and gate shall exceed a maximum height of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend the maximum height to 2.0 metres. The solid portion of any new street/front wall, fence and gate between the Coogee Street boundary and the main building, including along the side boundaries, shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the new front fences and gate being visually permeable, with a minimum 50 per cent transparency. Any new walls, fences and gates shall also be truncated or the solid portion of such shall be reduced to no higher than 0.65 metre for a minimum length of 1.5 metres of - where such walls, fences and gates adjoin vehicle access points, where a driveway meets a public street, and where two streets intersect;*
- (iv) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Coogee Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*

- (vi) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence; and*
- (vii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating that the reasonable privacy of the adjacent residents is protected by the following:*
- (a) *the southern side of the front balcony off bedroom 1 of Unit 1, 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;*
  - (b) *the windows to bedroom 3 on the western 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; and*
  - (c) *the window to the activity room on the western elevation of Unit 2, 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.*

*With regard to sub-clauses (b) and (c) above, the whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002.*

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

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

*That the recommendation be adopted.*

Debate ensued.

**Moved Cr Lake, Seconded Cr Ker**

*That clause (vii) of the recommendation be amended to read as follow:*

- “(vii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating ~~that the reasonable privacy of the adjacent residents is protected by the following:~~*
- (a) *the southern side of the front balcony off bedroom 1 of Unit 1, 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;*

- (b) *the windows to bedroom 3 on the western 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;*
- (c) *the window to the activity room on the western elevation of Unit 2, 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; and*
- (d) *the upper floor of unit 1 being setback a minimum of 1.9 metres from the southern side boundary.*

*With regard to sub-clauses (b) and (c) above, the whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002.*

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

**AMENDMENT CARRIED (5-3)**

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

(Cr Farrell on leave of absence.)

Debate ensued.

**Moved** Cr Maier, **Seconded** Cr Lake

*That clause (vii)(b) be deleted.*

**AMENDMENT CARRIED (8-0)**

(Cr Farrell on leave of absence.)

Debate ensued.

**Moved** Cr Maier, **Seconded** Cr Lake

*That the words “and reticulation” be deleted from clause (iv).*

Debate ensued.

**AMENDMENT LOST (1-7)**

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

(Cr Farrell on leave of absence.)

**MOTION AS AMENDED CARRIED (5-3)**

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

(Cr Farrell on leave of absence.)

**COUNCIL DECISION ITEM 10.1.8**

*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 P Murphy on behalf of the owners A P & C M Murphy for proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Single Houses, at No.153 (Lots Y294 and 295 D/P: 2503) Coogee Street, Mount Hawthorn, and as shown on plans stamp-dated 6 July 2005, subject to:*

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) subject to first obtaining the consent of the owners of No. 157 Coogee 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. 157 Coogee Street in a good and clean condition;*
- (iii) no street/front wall, fence and gate shall exceed a maximum height of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend the maximum height to 2.0 metres. The solid portion of any new street/front wall, fence and gate between the Coogee Street boundary and the main building, including along the side boundaries, shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the new front fences and gate being visually permeable, with a minimum 50 per cent transparency. Any new walls, fences and gates shall also be truncated or the solid portion of such shall be reduced to no higher than 0.65 metre for a minimum length of 1.5 metres where such walls, fences and gates adjoin vehicle access points, where a driveway meets a public street, and where two streets intersect;*

- (iv) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Coogee Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (vi) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence; and*
- (vii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
  - (a) *the southern side of the front balcony off bedroom 1 of Unit 1, 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;*
  - (b) *the window to the activity room on the western elevation of Unit 2, 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; and*
  - (c) *the upper floor of unit 1 being setback a minimum of 1.9 metres from the southern side boundary.*

*With regard to sub-clauses (b) and (c) above, the whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002.*

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

<b>Landowner:</b>	A P & C M Murphy
<b>Applicant:</b>	P Murphy
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	625 square metres
<b>Access to Right of Way</b>	West side, 5 metres wide, sealed, owned by the Town

**BACKGROUND:**

The Council at its Ordinary Meeting on 12 October 2004 resolved to refuse an application for demolition of existing single house and construction of two (2) two storey single houses 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, particularly in terms of overshadowing and bulk and scale.*
2. *The two strata title developments on the southern adjoining property have their two primary outdoor living space that will be impacted upon by the bulk and scale.*
3. *The non-compliance with the building setback requirements of the Residential Design Codes.*
4. *Consideration of the objections received.*
5. *Non-compliance with the boundary setback requirements of the R Codes in terms of the acceptable development standards and performance criteria.*

**DETAILS:**

The applicant is seeking approval for amended plans for the construction of two (2) semi-detached two storey single houses. In considering the objections received during advertising of the previous plans and the resolution to refuse the application by the Council, the applicants have re-designed their proposal to address the concerns raised. The proposed modifications are as follows:

1. Setback to Unit 1 ground floor (main building line), southern side - increased from 1.0 metre to 1.5 metres.
2. Setback to Unit 1 first floor, southern side - increased from 1.0 metre to 1.5 metres.
3. Setback to garage at rear of Unit 1 - increased from nil to 1.0 metre.

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	2 dwellings R 30	2 dwellings R 30	Supported - no variations
Plot Ratio	N/A	N/A	N/A
Setbacks: <b>Unit 1</b> Front Balcony - street setback	6.0 metres	5 metres	Supported - the balcony is open and is cantilevered 1 metre off the building and not considered to be dominant on the streetscape.

South - ground floor	1.5 metres	1.1 - 2.995 metres	Supported - minor setback variation, no undue impact on adjoining neighbour. (Proposed setback to main building line has increased from 1.0 metre to 1.5 metres, from previous application)
- first floor	1.9 metres	1.5 metres	
North - garage	1 metre	Nil	Supported - common boundary to proposed dwellings.
- ground floor (common parapet wall)	1.5 metres	Nil - 1.4 metres	Supported - no undue impact on unit 2 and common boundary to proposed dwellings.
- first floor (common parapet wall)	3.6 metres	Nil - 1.5 metres	Supported - no undue impact on unit 2 and common boundary to proposed dwellings.
<b>Unit 2</b> North - ground floor	1.5 metres	1.1 metres	Supported - minor variation and no undue impact on adjoining neighbour.
- first floor	1.9 metres	1 - 2.1 metres	Supported - minor variation and no undue impact on adjoining neighbour.
South - ground floor (common parapet wall)	1.5 metres	Nil - 1.4 metres	Supported - no undue impact on unit 1 and common boundary to proposed dwellings.
- first floor (common boundary wall)	1.5 metres	Nil to 1.4 metres	Supported - no undue impact on unit 1 and common boundary to proposed dwellings.

Garage - north and south	1 metre	Nil	Supported – no undue impact on adjoining properties.
Privacy - activity room window to west elevation	Setback to be 4.5 metres in direct line of sight within cone of vision.	2.1 metres	Not supported - conditioned in Officer Recommendation.
Building on boundary (Unit 2)	Walls can be built up to a boundary on one (1) side.	Walls built up to boundary on two (2) sides.	Supported - no undue impact on northern property and southern boundary is common to unit 1.

**Consultation Submissions**

Support	Nil	Nil
Previous Objections (3)	<ul style="list-style-type: none"> <li>Garage parapet wall to rear southern boundary of Unit 1 will have visual impact on outdoor living area to rear unit of adjoining property.</li> <li>Western window to Bedroom 3 of Unit 1 will overlook onto outdoor living area to rear unit of adjoining property.</li> <li>Living and outdoor areas to front unit of adjoining property to the south will be overshadowed.</li> <li>Front balcony will look directly into family and outdoor area.</li> </ul>	<p>Not supported - amended plans propose garage with 1.0 metre setback to southern boundary.</p> <p>Not supported - amended plans propose relocation of major opening to bed 3 to northern side, with two small high windows 1.6 metres above finished floor level to western side.</p> <p>Not supported - total overshadowing on adjoining property is 9.2 per cent (15 percent of adjoining front unit) and is not considered to unduly impact on the adjoining property and acceptable development in the Residential Design Codes allows up to 35 per cent in Residential R30.</p> <p>Not supported - balcony is located within the front setback area, however applicant has advised that they are prepared to screen the south side of the balcony, as conditioned in Officer Recommendation.</p>

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

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

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

**COMMENT:**

**Demolition**

Although representative of a late Interwar residence, the place is not unique, endangered or an outstanding example of its type and there are many examples extant in the Town. No historical links of importance have been established. Overall, the place is considered to have little cultural heritage significance and it is considered that the place does not warrant a full heritage assessment. It is recommended that the proposal to demolish the place can be approved, subject to standard conditions.

**Advertising Consultation**

Additional consultation was not undertaken as no greater variations are proposed from the previous application. The applicants have also provided copies of the revised plans to the adjoining neighbours for comment.

One verbal objection by the adjoining southern neighbour (front unit) was received by the Town in response to receiving the amended plans from the applicant. The concerns raised were to reiterate the objections submitted during the previous application, as addressed in the Assessment Table. Further to this, the affected neighbour has requested that the first floor to the proposed Unit 1 be setback 2 metres from the southern boundary as this would reduce the impact that the overshadowing may have on the indoor and outdoor living areas.

In response to the comments made, the Town's Officers note the following:

- with the provision of a 2 metre southern setback to the first floor of Unit 1, the reduction in overshadowing would be minimal. The maximum overshadowing cast at midday, 21 June on the affected property is reasonable - approximately 15 percent of the front strata property and 9 percent of the total lot; and
- the main outdoor living area is located to the front of the affected property which will not be unduly affected by overshadowing. Shade sails have also been erected to part of the northern side of the affected property to provide shade.

**Summary:**

The proposed development has been determined to have no unreasonable adverse impact on the adjacent properties, and the amenity of the area.

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

**10.1.9 No. 37 (Lot 7 D/P: 2825) Harold Street, Mount Lawley - Proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Single House and Additional Two-Storey Single House**

<b>Ward:</b>	South	<b>Date:</b>	15 August 2005
<b>Precinct:</b>	Forrest; P14	<b>File Ref:</b>	PRO2764; 5.2005.2903.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	S Klarich		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 owners M E Ciesielski & E A du Guesclin for proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Single House and Additional Two-Storey Single House, at No. 37 (Lot 7 D/P: 2825) Harold Street, Mount Lawley, and as shown on plans stamp-dated 9 June 2005, subject to:*

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *subject to first obtaining the consent of the owners of No. 39 Harold Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 39 Harold Street in a good and clean condition;*
- (iii) *no street/front wall, fence and gate shall exceed a maximum height of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend the maximum height to 2.0 metres. The solid portion of any new street/front wall, fence and gate between the Harold Street boundary and the main building, including along the side boundaries, shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the new front fences and gate being visually permeable, with a minimum 50 per cent transparency. Any new walls, fences and gates shall also be truncated or the solid portion of such shall be reduced to no higher than 0.65 metre for a minimum length of 1.5 metres of - where such walls, fences and gates adjoin vehicle access points, where a driveway meets a public street, and where two streets intersect;*
- (iv) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of Harold Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*

- (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the 1.8 metre high wall to the courtyard off the right of way having a 1 metre by 1 metre visual truncation on both sides where the wall adjoins vehicle access points; and*
  - (b) *the garage to the rear/southern dedicated road being set behind the line of the front main building wall.*

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

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

*That the recommendation be adopted.*

Debate ensued.

**Moved Cr Lake, Seconded Cr Ker**

*That a new clause (vi) be added as follows:*

*“(vi) the fence height on the eastern boundary being reduced to 2.4 metres.”*

**AMENDMENT CARRIED (8-0)**

(Cr Farrell on leave of absence.)

**MOTION AS AMENDED CARRIED (8-0)**

(Cr Farrell on leave of absence.)

**COUNCIL DECISION ITEM 10.1.9**

*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 owners M E Ciesielski & E A du Guesclin for proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Single House and Additional Two-Storey Single House, at No. 37 (Lot 7 D/P: 2825) Harold Street, Mount Lawley, and as shown on plans stamp-dated 9 June 2005, subject to:*

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *subject to first obtaining the consent of the owners of No. 39 Harold Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 39 Harold Street in a good and clean condition;*

- (iii) *no street/front wall, fence and gate shall exceed a maximum height of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend the maximum height to 2.0 metres. The solid portion of any new street/front wall, fence and gate between the Harold Street boundary and the main building, including along the side boundaries, shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the new front fences and gate being visually permeable, with a minimum 50 per cent transparency. Any new walls, fences and gates shall also be truncated or the solid portion of such shall be reduced to no higher than 0.65 metre for a minimum length of 1.5 metres where such walls, fences and gates adjoin vehicle access points, where a driveway meets a public street, and where two streets intersect;*
- (iv) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of Harold Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the 1.8 metre high wall to the courtyard off the right of way having a 1 metre by 1 metre visual truncation on both sides where the wall adjoins vehicle access points; and*
- (b) *the garage to the rear/southern dedicated road being set behind the line of the front main building wall; and*
- (vi) *the fence height on the eastern boundary being reduced to 2.4 metres.*

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

<b>Landowner:</b>	M Ciesielski & E du Guesclin
<b>Applicant:</b>	M Ciesielski & E du Guesclin
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R50
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	483 square metres
<b>Access to Right of Way</b>	South side, 6 metres wide, sealed, dedicated road

#### **BACKGROUND:**

Conditional approval was granted by the Western Australian Planning Commission on 16 January 2004 for the survey strata subdivision of the subject lot.

#### **DETAILS:**

The proposal involves the partial demolition, alterations and a two-storey addition to the existing single house. A new two-storey additional dwelling is also proposed to the rear of the single house, with access proposed to both properties off the dedicated road to the south.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	2 dwellings R 50	2 dwellings R 50	Supported - no variations proposed
Plot Ratio	N/A	N/A	N/A
Setbacks: <u>Existing House</u> -west elevation (ground floor)	1.5 metres	1.5 metres to side boundary, nil to survey strata boundary.	Supported - no undue effect on adjoining neighbour.
(1st floor)	1.5 metres	2.16 to 2.9 metres to side boundary, 0.66 to 1.4 metres to survey	Supported - no undue effect on adjoining neighbour.
- south elevation (ground and 1st floor)	1 - 1.2 metres	strata boundary. Nil to survey strata boundary	Supported - common boundary to existing and proposed dwellings and applicant is owner of affected property.
<u>Proposed House</u> - south elevation (ground floor)	2.5 metres	1 metre	Supported - setback distance may be reduced by half the width of an adjoining right of way as per the Residential Design Codes, and setback is in line with existing houses.
(1st floor)	2.5 metres	1 metre	Supported - as above
<u>Garage</u>	Garage setback at 6 metres from the frontage street, or behind the line of the front main building wall.	Garage in front of the front main building wall	Not supported - conditioned in Officer Recommendation.
Building Height:	Building on boundary walls not higher than 3.5 metres with an average of 3 metres.	4.2 metres high on western boundary.	Supported - affected adjoining neighbour provided letter of no objection to height of wall on boundary.

Privacy Setbacks: - terrace	Setback to be 7.5 metres in direct line of sight within cone of vision.	Cone of vision setback to western boundary 1 metre.	Supported - affected adjoining neighbour provided letter of no objection to proposed overlooking and screening proposed.
- living room	Setback to be 6 metres in direct line of sight within cone of vision.	Cone of vision setback to western boundary 5.9 metres.	Supported - affected adjoining neighbour provided letter of no objection to proposed overlooking.
<b>Consultation Submissions</b>			
Support (1)	<ul style="list-style-type: none"> <li>boundary wall height increase allowed</li> <li>satisfied with screening provided to upper floor terrace</li> </ul>		Supported  Supported
Objection (1)	<ul style="list-style-type: none"> <li>Bulk and scale - development too excessive for a 483 square metre block zoned R50.</li> <li>Additions to existing house restricting access to summer breezes, create a heat sink environment and increase winter shading</li> <li>Privacy - overlooking from bedroom windows of additions proposed to existing house to adjoining outdoor living area.</li> </ul>		<p>Not supported - development complies with density provisions of the Residential Design Codes.</p> <p>Not supported - development is compliant with acceptable development provisions of the Residential Design Codes clause 3.9.1 - Design for Climate requirements and not considered to unduly affect cooling breezes and solar access for subject neighbour.</p> <p>Not supported - compliant with setback and visual privacy requirements of the Residential Design Codes.</p>
<b>Other Implications</b>			
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).		
Strategic Implications	Nil		
Financial/Budget Implications	Nil		

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

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

**COMMENTS:**

**Advertising Consultation**

The proposal was advertised for 14 days in which time two (2) written submissions were received. One was in support to the setback and privacy variations proposed on the western side and the other was in objection to the proposed additions to the existing house in relation to the eastern boundary. No setback or privacy variations are sought for the existing house on its eastern boundary. These are further addressed in the Assessment Table.

**Dedicated Road**

With the dedication of the right of way to the rear, the required setbacks to the proposed house are to be assessed as a secondary street. In this instance, the garage is required to be setback behind the main building line, as conditioned in the Officer Recommendation.

The road provides rear access to other new developments which address it in a traditional interactive manner. Vehicle access to many dwellings is also obtained from the road.

**Summary**

The variations sought by the applicant are considered to have no undue impact on the adjoining properties and are considered supportable.

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

**10.1.10 No. 105 (Lot N35) Brisbane Street, Perth - Storeroom Addition to Existing Single House (Application for Retrospective Approval)**

<b>Ward:</b>	South	<b>Date:</b>	12 August 2005
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	PRO1473; 5.2005.2736.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	T Durward		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 Ian Xuyen Lu & Associates on behalf of the owners M J Ryan, N T and L L Tran, T T and S N Quach, I D Lu and E Y Tran for Storeroom Addition to Existing Single House (Application for Retrospective Approval), at No. 105 (Lot N35) Brisbane Street, Perth, and as shown on plans stamp-dated 23 February 2005, subject to:*

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) subject to first obtaining the consent of the owners of Nos. 99 - 103 Brisbane Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing Nos. 99 - 103 Brisbane Street in a good and clean condition; and*
- (iii) no street/front wall, fence and gate shall exceed a maximum height of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend the maximum height to 2.0 metres. The solid portion of any new street/front wall, fence and gate between the Brisbane Street boundary and the main building, including along the side boundaries, shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the new front fences and gate being visually permeable, with a minimum 50 per cent transparency. Any new walls, fences and gates shall also be truncated or the solid portion of such shall be reduced to no higher than 0.65 metre for a minimum length of 1.5 metres where such walls, fences and gates adjoin vehicle access points, where a driveway meets a public street, and where two streets intersect.*

**COUNCIL DECISION ITEM 10.1.10**

**Moved Cr Maier, Seconded Cr Torre**

*That the recommendation be adopted.*

Cr Maier referred to the typographical error “of –” in clause (iii).

Debate ensued.

**CARRIED (8-0)**

(Cr Farrell on leave of absence.)

<b>Landowner:</b>	M J Ryan, N T and L L Tran, T T and S N Quach, I D Lu and E Y Tran
<b>Applicant:</b>	Ian Xuyen Lu & Associates
<b>Zoning:</b>	Metropolitan Region Scheme: (MRS) Urban Town Planning Scheme No.1 (TPS 1): Residential/Commercial R80
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	Proposed Strata Lot 1 - 244 square metres (Total site area 766 square metres)
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

7 November 2000 The Council, at its Ordinary Meeting, resolved to refuse an application for proposed construction of a mixed development group comprising six ground dwellings and five offices.

12 March 2002 The Council, at its Ordinary Meeting, resolved to conditionally approve alterations and additions including carport to the existing dwelling and four additional two-storey grouped dwellings.

**DETAILS:**

The proposal involves storeroom addition to existing single house. The application is for retrospective approval.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio:  Proposed Strata Lot 1	0.65 - .158.6 square metres	0.56 - 139 square metres	Supported - compliant with R Codes requirements.
Setbacks:  Ground Floor - Storeroom (Southern and Eastern Elevations)	1 metre	Nil	Supported - the subject wall is compliant with the height and length provisions of the R Codes Buildings on Boundary requirements, has no undue impact, faces an internal boundary on the north eastern side and no objections were received.
<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause</b>

			<b>38(5) of TPS 1</b>
Buildings on Boundary:  Number	To one side boundary	To two side boundaries.	Supported - the subject wall is compliant with the height and length provisions of the R Codes Buildings on Boundary requirements, has no undue impact, faces an internal boundary on the north eastern side and no objections were received.
<b>Consultation Submissions</b>			
Support	Nil		Noted
Objection	Nil		Noted
<b>Other Implications</b>			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

**COMMENTS:**

The application was advertised for 14 days and no written submissions were received during this period.

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

**10.1.11 No. 2 (Lot 3 D/P: 24107) Bream Cove, Corner Joel Terrace, Mount Lawley - Proposed Two-Storey Single House with Basement and Undercroft Carparking**

<b>Ward:</b>	South	<b>Date:</b>	15 August 2005
<b>Precinct:</b>	Banks; P15	<b>File Ref:</b>	PRO2095; 5.2005.2745.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	L Mach		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 JB Gangemi on behalf of the owners J P & J B Gangemi for proposed Two-Storey Single House with Basement and Undercroft Carparking, at No. 2 (Lot 3 D/P: 24107) Bream Cove, corner Joel Terrace, Mount Lawley, and as shown on plans stamp-dated 11 August 2005 (excluding elevation plans) and 12 August 2005 (elevation plans), subject to:*

- (i) *no street/front wall, fence and gate shall exceed a maximum height of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend the maximum height to 2.0 metres. The solid portion of any new street/front wall, fence and gate between the Joel Terrace boundary and the main building, including along the side boundaries, shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the new front fences and gate being visually permeable, with a minimum 50 per cent transparency. Any new walls, fences and gates shall also be truncated or the solid portion of such shall be reduced to no higher than 0.65 metre for a minimum length of 1.5 metres of - where such walls, fences and gates adjoin vehicle access points, where a driveway meets a public street, and where two streets intersect. The solid portion of any new fence and gates adjacent to Bream Cove from six metres from the southern boundary can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (ii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the maximum overall height of the dwelling being 7.0 metres from natural ground level. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*

- (iv) *a Certified Practising Consulting Engineer's certification confirming the capability of the subject site and adequacy of the proposed foundations, for the development, taking into account the geotechnical and/or hydrogeological composition and history of the site, shall be submitted and approved prior to the issue of a Building Licence; and*
- (v) *the proposed pool does not form part of the Planning Approval and is subject to a separate Swimming Pool Licence being submitted to and approved by the Town.*

**COUNCIL DECISION ITEM 10.1.11**

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

*That the recommendation be adopted subject to the following amendments:*

**AMENDED TITLE:**

**10.1.11 No. 2 (Lot 3 D/P: 24107) Bream Cove, Corner Joel Terrace, Mount Lawley - Proposed ~~Two~~ Three -Storey Single House ~~with~~ Including Basement and Undercroft Carparking**

**AMENDED OFFICER RECOMMENDATION PREAMBLE:**

*"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 JB Gangemi on behalf of the owners J P & J B Gangemi for proposed ~~Two~~ Three -Storey Single House ~~with~~ Including Basement and Undercroft Carparking, at No. 2 (Lot 3 D/P: 24107) Bream Cove, corner Joel Terrace, Mount Lawley, and as shown on plans stamp-dated 11 August 2005 (excluding elevation plans) and 12 August 2005 (elevation plans), subject to:"*

**AMENDED DETAILS:**

The proposal involves a ~~two~~ three -storey single house ~~with~~ including basement and undercroft carparking at the subject property.

**AMENDED ASSESSMENT TABLE:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
- Upper Floor East	4.7 metres (or 1.7 metres if balcony was screened to full height)	1.2 metres	Supported- refer to "Setbacks- Garage/Semi Basement Floor-East".

**Debate ensued.**

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

*That the Item be deferred for further investigation.*

**CARRIED (6-2)**

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

(Cr Farrell on leave of absence.)

<b>Landowner:</b>	JB and JP Gangemi
<b>Applicant:</b>	JB Gangemi
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R20
<b>Existing Land Use:</b>	Vacant
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	352 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

The Council at its Ordinary Meeting held on 17 December 2002 resolved to conditionally approve an application for a two-storey single house on the subject lot.

**DETAILS:**

The proposal involves a two-storey single house with basement and undercroft carparking at the subject property. The subject lot was created as part of the subdivision of Lots 229-232 Pakenham Street and is subject to the Town's Policy relating to the *Walter Brook Design Guidelines*. The applicant's submission is "*Laid on the Table*".

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	N/A
Setbacks: - Garage/Semi Basement Floor East	1.5 metres	1.2 metres	Supported- no undue impact on neighbour or streetscape. Furthermore, <i>Walter Brook Design Guidelines</i> allow for a nil side setback.

- Lower Floor North	3.8 metres	1.0 metre (pool screening), 2.4-4.4 metres (main building)	Supported- pool screening is of light weight material, building setback is minor variation, irregular shape of subject boundary and no undue impact on neighbour.
East	1.8 metres	1.2 metres	Supported- refer to "Setbacks- Garage/Semi Basement Floor-East".
- Upper Floor East	4.7 metres ( or 1.7 metres if balcony was screened to full height)	1.2 metres	Supported- refer to "Setbacks- Garage/Semi Basement Floor-East".
Building Height	Height of dwellings is to be sympathetic to adjacent properties and streetscape.	Overall height up to 9.8 metres	Not supported- has been conditioned to comply with maximum concealed two-storey dwelling height, as adjacent Lot 1 and 2 are compliant with building height requirements for two-storey dwellings. Compliance with matter may be achieved through reducing the floor to ceiling height, lowering ground finished floor level and redesign of roof.
<b>Consultation Submissions</b>			
Support	Nil		Noted
Objection	Nil		Noted
<b>Other Implications</b>			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

**COMMENTS:**

With the exception of building height which has been conditioned in the Officer Recommendation, the subject proposal is generally considered to be compliant with Town's Policy relating to *Walter Brook Design Guidelines* which encourages contemporary and innovation dwellings which is sympathetic to the adjacent properties and streetscape, with particular emphasis being on design, built form and the amenity of the adjoining residents.

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

Cr Ker declared a financial interest in the Item and did not speak or vote on the matter. He departed the chamber at 9.16pm.

**10.1.17 Nos. 204, 206, 206A, 208-210, 212-214, 216, 220, 222, 224, 226 & 228 (Lots 202-209, 233-236), East Parade, Mount Lawley, - Proposed Demolition of Existing Corner Shop-House, Eight (8) Single Houses, Two (2) Grouped Dwellings (One Duplex Pair), and One (1) Warehouse**

<b>Ward:</b>	South	<b>Date:</b>	16 August 2005
<b>Precinct:</b>	Banks; P15	<b>File Ref:</b>	PRO2552; PRO2962; PRO0985; TES0295; TES0303; 5.2005.2727.1
<b>Attachments:</b>	<a href="#">001 002</a>		
<b>Reporting Officer(s):</b>	H Eames		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Metropolitan Region Scheme, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission for the application submitted by Main Roads Western Australia on behalf of the owners Main Roads WA, WA Planning Commission, B Epps, Chelmsford House Pty Ltd., Jaimi Pty Ltd., and Volga Pty Ltd for proposed Demolition of Existing Corner Shop-House, Eight (8) Single Houses, Two (2) Grouped Dwellings (One Duplex Pair), and One (1) Warehouse, at Nos. 204, 206, 206A, 208-210, 212-214, 216, 220, 222, 224, 226 & 228 (Lots 202-209, 233-236), East Parade, Mount Lawley, and as shown on plans stamp-dated 8 July 2005, subject to:*

- (i) a development proposal for the redevelopment of the subject properties shall be submitted and approved prior to the commencement of demolition works;*
- (ii) an archival documented record of the places 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 commencement of demolition works;*
- (iii) support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject properties;*
- (iv) demolition of the existing buildings 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; and*
- (v) any redevelopment on the sites shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies.*

**COUNCIL DECISION ITEM 10.1.17**

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

*That the recommendation be adopted.*

Debate ensued.

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

*That clause (i) of the recommendation be amended as follows:*

“(i) *a development proposal for the redevelopment plans demonstrating the landscaping of and the Western Australian Planning Commission's future plans for of the subject properties shall be submitted and approved prior to the commencement of demolition works - not applicable to the owners of private properties;*”

**AMENDMENT CARRIED (7-0)**

(Cr Farrell on leave of absence. Cr Ker was absent from the chamber and did not vote.)

Debate ensued.

**Moved Cr Chester, Seconded Cr Messina**

*That the Town write to the Western Australian Planning Commission and Main Roads WA to express its concerns at their property management strategies and the detrimental effect it has on the residents of the Town of Vincent.*

**AMENDMENT CARRIED (7-0)**

(Cr Farrell on leave of absence. Cr Ker was absent from the chamber and did not vote.)

**MOTION LOST (3-4)**

**For**

Mayor Catania  
Cr Doran-Wu  
Cr Torre

**Against**

Cr Chester  
Cr Lake  
Cr Maier  
Cr Messina

(Cr Farrell on leave of absence. Cr Ker was absent from the chamber and did not vote.)

Reasons:

1. No demonstrated need for demolition and it is considered irreversible.
2. Heritage values of the properties.

Cr Ker returned to the chamber at 9.27pm.

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<b>Landowner:</b>	WA Planning Commission, B Epps; Main Roads of Western Australia; Chelmsford House Pty Ltd., Jaimi Pty Ltd., & Volga Pty Ltd.
<b>Applicant:</b>	Main Roads Western Australia
<b>Zoning:</b>	Metropolitan Region Scheme: Town Planning Scheme No.1 (TPS 1): Residential R60
<b>Existing Land Use:</b>	Residential; Warehouse; Local Shop; Vacant Dwellings
<b>Use Class:</b>	Single House; Warehouse; Local Shop
<b>Use Classification:</b>	"P"; "X"; "SA"
<b>Lot Area:</b>	Various
<b>Access to Right of Way</b>	Three (3) Rights of Way in relation to the subject properties.

### SITE HISTORY:

At the Special Meeting of Council held on 15 October 2002, representatives from Main Roads Western Australia (MRWA) made a presentation to the Mayor and Councillors on the proposed changes to East Parade. MRWA advised that several studies has been carried out over a number of years, examining possible improvements in the level of service of the Guildford Road / East Parade intersection prior to and after the opening of the Graham Farmer Freeway.

Further to the above, a detailed report was presented to the Ordinary Meeting of Council held on 3 December 2002. The report outlined the scope of the project, heritage issues, information on the road network usage and a number of options available for consideration. The Council resolved the following at this meeting:

*Heritage assessments should be undertaken of the buildings proposed to be demolished and such heritage assessments should assess the buildings not only at the state level but also the local level in terms of the Town's Policies relating to Heritage Assessment and Heritage Management - Municipal Heritage Inventory."*

At the Ordinary Meeting of Council held on 23 September 2003, the following information was stated:

*"In reference to the Council's previous resolution DPI's Network Integration section, formerly a function of MRWA, has advised that a heritage assessment of the properties fronting East Parade has now been completed. It is DPI's intention to submit the documentation to the Town's Heritage Officer once the Minister has had an opportunity to review MRWA's East Parade/Guildford Road/Whatley Crescent Planning and Traffic Study."*

The Council at that Meeting resolved as follows:

*"(ii) DEFERS its decision until Main Roads WA furnishes the Town with previously requested documentation for the heritage assessments for the buildings proposed for demolition in East Parade include an archival documented record of the place (with photographs, floor plans and elevations) for the Town's Historical Archive Collection."*

The abovementioned 'Heritage Assessments' were provided to the Town's Heritage Officer via the Town's Technical Services. At that time, the documentation was not considered to comply with the specifications outlined at the Ordinary Meeting of Council held on 3 December 2002 and 25 September 2003.

At the Ordinary Meeting of Council held on 16 December 2003, the Council considered the proposed demolition of the buildings at Nos. 204, 206, 206A, 208, 210 and 220 (Lots 202, 203, 204, 205, 208 and 209) East Parade, Mount Lawley. The Council resolved to recommend refusal to WAPC for the proposed demolition of the buildings at Nos. 206 (Lot 203) and 220 (Lot 208) East Parade, Mount Lawley and further resolved to defer the consideration of the remaining properties relating to this application until such time as the Town had received the previously requested heritage documentation.

Since the Ordinary Meeting of Council held on 16 December 2003, additional heritage documentation has been commissioned by Main Roads WA in accordance with the Town's requirements. These are considered acceptable by the Town's officers and are "*Laid on the Table*".

#### **BACKGROUND:**

This application is as a result of Western Australian Planning Commission (WAPC) acquiring property to address road widening and other strategic planning initiatives for this area. The application was first submitted to the Town in 2003. Since this time, a number of additional properties have been acquired by the applicant and supporting documentation required by the Town has been completed.

The single dwelling at No.222 (Lot 233) East Parade remains in private ownership. The owners had signed the required Metropolitan Region Scheme - Form 1 as part of this development application. The remainder of the places are owned by WAPC and Main Roads WA (Nos. 212 and 214 East Parade).

WAPC and Main Roads WA have held a number of meetings with the Town's Officers to establish the required documentation to satisfy Policies relating to development applications for proposed demolition. As such, the required Heritage Assessment documentation is '*Laid on the Table*'. Each of the Heritage Assessments provides descriptions, floor plans and photographs of the subject buildings. The significance statements from the Heritage Assessments have been included in Table 1, which is shown as an attachment to this report.

The proposed demolition is considered to be public works and, therefore, does not require a Demolition Licence or Planning Approval under the Local Government (Miscellaneous Provisions) Act 1960 and the Town Planning and Development Act 1928 and the Town's Town Planning Scheme No. 1 respectively. Planning Approval is required from the Western Australian Planning Commission (WAPC) under the Metropolitan Region Scheme (MRS).

There are no significant trees on these properties.

#### **DETAILS:**

A summary of the affected properties are shown in Table 1 as an attachment to this report.

The applicant's Heritage Assessments (11 volumes), prepared by Palassis Architects on behalf of Main Roads WA, as required by the Town's Policy, are "*Laid on the Table*". They are considered to satisfy the requirements of the Town's Policy 3.6.2 - Heritage Management.

Two of the properties are included on the Town's Municipal Heritage Inventory. These properties were advertised in accordance with Community Consultation Policy 4.1.5 Section 3.6 - Demolition - Heritage. No supporting or objecting submissions were received.

**ASSESSMENT:**

<b>Consultation Submissions</b>		
Support	No Submissions received	Noted
Objection	No submissions received	Noted
<b>Other Implications</b>		
Legal/Policy		Metropolitan Region Scheme
Strategic Implications		Nil
Financial/Budget Implications		Nil

**COMMENTS:**

The majority of the properties have been identified as having some degree of significance in terms of local heritage. In most cases, the buildings are representative of their types and have historic value because they form part of the original East Norwood Estate development circa 1900 through to the First World War.

It is considered that the historic and representative values identified are common elements of most original building stock in the Town and are not unique to the subject buildings to warrant inclusion on the Town's Municipal Heritage Inventory. In most cases, some degree of aesthetic significance has been attributed. Aesthetic value requires particular consideration as it relates to the intrinsic physical fabric of the place and cannot be recognised through interpretation or other post-demolition documentation.

Broader strategic considerations for the subject properties and the immediate vicinity relate to road safety and traffic between Guildford Road and the Graham Farmer Freeway; the retention of Eucalyptus trees to the western side of East Parade; and problems associated with anti-social behaviour as a result of long term vacancy of the subject buildings. In relation to the road improvements proposed by Main Roads WA, a report was presented to the Ordinary Meeting of Council held on 23 September 2003 that outlined three options for the road improvements. The matter has not been progressed due to the outstanding matter of demolition of existing buildings within the road widening area, for which the Council has requested the attached heritage assessment documentation.

In considering all aspects of the application, including that of comparable thresholds for including properties on the Town's Municipal Heritage Inventory, it is considered that the application should be recommended for approval, subject to archival and interpretive conditions.

**10.1.22 No. 374 (Lot 801 D/P: 29435) Newcastle Street, Corner Fitzgerald Street, Perth - Proposed Signage and Associated Retaining Walls and Landscaping**

<b>Ward:</b>	South	<b>Date:</b>	15 August 2005
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	PRO0776; 5.2005.3059.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	T Durward		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 A Michael on behalf of the owner L A Glendining and A T Woolfe for proposed Signage and Associated Retaining Walls and Landscaping, at No. 374 (Lot: 801 D/P: 29435) Newcastle Street, corner Fitzgerald Street, Perth, and as shown on plans stamp-dated 19 July 2005, for the following reasons:*

- (i) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality with respect to the protection and enhancement of the social, physical and cultural environment of Newcastle Street, Fitzgerald Street and the Beaufort Precinct; and*
- (ii) *the non-compliance with the Town's Policies relating to Signs and Advertising and the Beaufort Precinct Statement, respectively.*

**Moved Cr Torre, Seconded Cr Messina**

*That the recommendation be adopted.*

Debate ensued.

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

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

*“(iii) it is noted that the property on the corner of Newcastle and Loftus Streets will not be used as a precedent.”*

**AMENDMENT CARRIED (8-0)**

(Cr Farrell on leave of absence.)

**MOTION CARRIED (6-2)**

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

(Cr Farrell on leave of absence.)

**COUNCIL DECISION ITEM 10.1.22**

*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 A Michael on behalf of the owner L A Glendining and A T Woolfe for proposed Signage and Associated Retaining Walls and Landscaping, at No. 374 (Lot: 801 D/P: 29435) Newcastle Street, corner Fitzgerald Street, Perth, and as shown on plans stamp-dated 19 July 2005, for the following reasons:*

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality with respect to the protection and enhancement of the social, physical and cultural environment of Newcastle Street, Fitzgerald Street and the Beaufort Precinct;*
- (ii) the non-compliance with the Town's Policies relating to Signs and Advertising and the Beaufort Precinct Statement, respectively; and*
- (iii) it is noted that the property on the corner of Newcastle and Loftus Streets will not be used as a precedent.*

<b>Landowner:</b>	L A Glendining and A T Woolfe
<b>Applicant:</b>	A Michael
<b>Zoning:</b>	Metropolitan Region Scheme: (MRS) Urban Town Planning Scheme No.1 (TPS 1): Commercial
<b>Existing Land Use:</b>	Vacant
<b>Use Class:</b>	Signage
<b>Use Classification:</b>	"Unlisted"
<b>Lot Area:</b>	262 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

- 20 December 1999 Council, at its Ordinary Meeting, resolved to conditionally approve proposed mobile telephone microcell telecommunications facility.
- 10 October 2000 Council, at its Ordinary Meeting, resolved to refuse proposed signage to existing building at No. 372 (Lot 2) Newcastle Street (contiguous to the eastern boundary of the subject site).
- 22 February 2005 Council, at its Ordinary Meeting, resolved to conditionally approve proposed two-storey mixed use development comprising one (1) eating house and two (2) multiple dwellings and associated undercroft carparking.

**DETAILS:**

The proposal involves signage and associated retaining walls and landscaping. The proposal includes two (2) hoarding signs and a "piazza" with three bench seats, a ground plaque and reticulated lawn and landscaping.

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	N/A
Beaufort Precinct Statement: Land Use	This area is to form an extension to Northbridge with shops, restaurants and other interactive uses continuing to be the predominant uses, cementing the physical link between Northbridge and the surrounding residential areas.	Signage (Unlisted Use).	Not supported - the proposed signage land use is considered to have a negative impact, especially visible, on the amenity of the area and the proposed "piazza" is not considered to provide sufficient interaction with the street or with other land uses in the vicinity or provide an acceptable 'gateway' into the Town.
Shelter	Buildings to providing adequate shelter to pedestrians	Nil	Not supported - the proposal is not considered to provide adequate shelter, none is provided, for pedestrians.
Scale - Fitzgerald Street Elevation	New buildings should comprise a consistent built form in relation to height, setbacks and street frontage with existing buildings.	Height - 4.85 metres Setback - 8.2 metres to Fitzgerald Street	Not supported - the proposed height and setback is not considered to be congruent with the existing development and frontage along the street.
<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
- Newcastle Street Elevation	New buildings should comprise a consistent built form in relation to height, setbacks and street frontage with existing buildings.	Height - 3.7 metres Setback - 19 metres to Newcastle Street	Not supported - the proposed height and setback is not considered to be congruent with the existing development and frontage along the street.

Amenity	Opportunities to improve the amenity of the area exist through the redevelopment of under-utilised or vacant sites to achieve predominantly residential development.	Nil residential development proposed.	Not supported - the development is not considered to capitalise on opportunities to improve the amenity of the area.
Commercial Development	Careful control is to be exercised over the nature of any commercial uses and the design and site layout of development in general to ensure levels of noise, visual amenity and privacy.	Two hoarding/billboard signs proposed.	Not supported - the hoarding/billboard signs proposed are considered to have an undue impact on the visual amenity of the area.
Bill Posting and Billboard Signs	Not permitted within the Town	Billboard sign proposed	Not supported - billboard signs are not permitted.
Hoarding Sign:  Size - - Fitzgerald Street Elevation	To have a maximum area of 20 square metres	42.411 square metres	Not supported - the area of the subject signage is considered inappropriate for the site and the application is therefore recommended for refusal.
<b>Consultation Submissions</b>			
The Planning Application was not advertised and is being referred to Council for consideration and determination.			
<b>Other Implications</b>			
Legal/Policy			TPS 1 and associated Policies
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

## COMMENTS:

### **Locational Context**

The subject property is on the edge of the East Perth Redevelopment Authority (EPRA) area, and forms part of the “gateway” from this area into the Town of Vincent. The EPRA area will be substantially upgraded and developed in the near future as part of *The Village Northbridge Project*. This area is anticipated to be created into one of the premier urban renewal villages in Western Australia.

The document, *The Village Northbridge Design Guidelines*, November 2003, prepared by EPRA, indicates that the portion of *The Village Northbridge Project* area opposite the subject property is included in the *'Russell Square Precinct'*. The Design Guidelines states the following:

#### *"Russell Square Precinct*

*.... The precinct is to continue to encourage a rich social and cultural diversity, with an emphasis on residential development in single lot, multiple dwelling and mixed use buildings. Compatible non-residential uses including small local shops, community facilities, recreational uses, restaurants, coffee shops, medical consulting rooms, services, industries, offices and small showrooms and workshops are encouraged to be developed.*

*Newcastle Street is being upgraded with tree planting, verge improvements and underground power. New development is to be mixed-use in nature with commercial on the lower floors and residential above. Landmark buildings at street intersections are planned to act as gateways to the precinct."*

The Design Guidelines clearly indicate that this section of Newcastle Street and the opposite Project area will create a pleasant, attractive and conducive urban village environment. The Town should foster a proactive yet regulatory approach on sound orderly and proper planning principles to ensure that development in the area within the Town adjacent to the Project area is of a high standard that complements and enhances the intended development in the Project and surrounding areas.

The influence of *The Village Northbridge Project* together with the 'natural' progression of development in the general area, which the Town has fostered a major role in facilitating, has already resulted in developments that positively contribute to the intended activity, interactivity and vibrancy of the area. In recent years, several former industrial buildings have been recycled into quality residential apartments with some retail/commercial activities. These projects have been major in scale in most cases, and examples include the recycling of the *'Joe White Maltings'* (Palmerston Street and Stuart Street), *'Leisure and Allied Industries'* (Palmerston Street) and *'Boot Factory'* (Newcastle Street and Lake Street) developments.

### **Billboard Signage**

The subject signage is proposed to be utilised by the general public/businesses and is not in any way related to the use of the subject site. The sign constitutes a billboard and is considered to be a form of bill posting. The proposed signage does not comply with the Town's Policy relating to 'Signs and Advertising' as billboards/bill posting is not permitted and as it exceeds more than 10 percent of the total area of the wall in which that signage is located. The Policy states that *“no signage is permitted on fences, walls or the like structures which do not form an integral part of the building”*. It follows that signage is not permitted as the predominant use of the land, and should be associated with and be ancillary and incidental to, the predominant use of the land.

It is noted that the site forms an effective 'gateway' into the Town and there is a concern that the presence of such signage within the Town and, in particular, on a prominent entry point into the Town, imposes an undesirable and inaccurate image of the Town.

The proposed signage is considered large and obtrusive, does not complement the area and will create a significant adverse impact on the amenity of the streetscape and the area generally.

#### **Town Planning Appeal Tribunal Decision**

The existing warehouse contiguous to the eastern elevation at No. 372 Newcastle Street was the subject to a similar application and subsequent appeal to the then named Town Planning Appeal Tribunal (TPAT). The proposal involved a 42.3 square metres billboard sign attached to the western elevation of the existing warehouse.

The appeal was dismissed and the following is a summary of some of the deliberations from the decision of the TPAT Appeal No. 48 of 2000:

"15. *The Tribunal rejects the concept that a deteriorated building, because of its neglected state, can be the basis for any development that would lead to improvement...*"

"18. *It is not possible to say that the sign proposed would preserve the amenity of the locality area and it is the conclusion of the Tribunal that it is of a scale that would clearly be a landmark, but one that is unattractive and obtrusive. The sentiments expressed in the various sign policies are that there must be congruence between a sign and its environment. To this extent the proposal fails and is out of character even with the degraded nature of the locality.*"

The Town's Officers consider the subject proposal to be similar in nature to the refused proposal for No. 372 Newcastle Street. An elevation of the refused proposal is attached for Council's consideration, and therefore warrants the consideration of the refused determination by the TPAT.

#### **Summary**

The proposed development, by reason of its scale, massing, height, land use and design of its retaining walls and structures would result in an inappropriate development on the site and form an over dominant and incongruous feature in the street scene to the detriment of the visual amenity and character of the area. The proposed development is contrary to the provisions of the Town's Policies relating to Signs and Advertising and the Beaufort Precinct Statement and is, therefore, recommended for refusal.

**10.1.23 Planning and Building Policies - Amendment No. 28 Relating to the Draft Amended Version of the Minor Nature Development Policy**

<b>Ward:</b>	Both	<b>Date:</b>	12 July 2005
<b>Precinct:</b>	All	<b>File Ref:</b>	PLA0155
<b>Attachments:</b>	001		
<b>Reporting Officer(s):</b>	C Mooney		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the draft amended version of the Policy relating to Minor Nature Development, as shown in Attachment 10.1.23;*
- (ii) *ADVERTISES the draft amended version of the Policy relating to Minor Nature Development 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 version of the Policy relating to Minor Nature Development, having regard to any written submissions; and*
  - (b) *determines the draft amended version of the Policy relating to Minor Nature Development, with or without amendment, to or not to proceed with them.*

**Moved Cr Lake, Seconded Cr Maier**

*That the recommendation be adopted.*

Debate ensued.

**Moved Cr Maier, Seconded Cr Lake**

*That a new clause (iv) be added to the recommendation as follows:*

*"(iv) AMENDS the draft amended version of the Policy relating to Minor Nature Development as shown in the Attachment, by removing clause 2) v) as follows, and renumbering the remaining clauses accordingly, prior to clauses (ii) and (iii) above, being actioned:*

*2) v) ~~ancillary accommodation associated with and on the same lot as a single house that fully comply with the acceptable development provisions of the Residential Design Codes and the Town of Vincent Policies;~~"*

Debate ensued.

Cr Chester departed the chamber at 9.30pm.

**AMENDMENT CARRIED (7-0)**

(Cr Farrell on leave of absence. Cr Chester was absent from the chamber and did not vote.)

Debate ensued.

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

(Cr Farrell on leave of absence. Cr Chester was absent from the chamber and did not vote.)

**COUNCIL DECISION ITEM 10.1.23**

*That the Council;*

- (i) *RECEIVES the draft amended version of the Policy relating to Minor Nature Development, as shown in Attachment 10.1.23;*
- (ii) *ADVERTISES the draft amended version of the Policy relating to Minor Nature Development for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
  - (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
  - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
  - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission;*
- (iii) *after the expiry of the period for submissions:*
  - (a) *reviews the draft amended version of the Policy relating to Minor Nature Development, having regard to any written submissions; and*
  - (b) *determines the draft amended version of the Policy relating to Minor Nature Development, with or without amendment, to or not to proceed with them; and*
- (iv) *AMENDS the draft amended version of the Policy relating to Minor Nature Development as shown in the Attachment, by removing clause 2) v) as follows, and renumbering the remaining clauses accordingly, prior to clauses (ii) and (iii) above, being actioned:*
  - ~~2) v) ancillary accommodation associated with and on the same lot as a single house that fully comply with the acceptable development provisions of the Residential Design Codes and the Town of Vincent Policies;~~*

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**PURPOSE OF REPORT:**

The purpose of this report is to correct an anomaly and provide further clarification in the final version of the amended Policy relating to Minor Nature Development, which was formally adopted at the Ordinary Meeting of Council held on 28 June 2005.

### **BACKGROUND:**

At the Ordinary Meeting of Council held on 28 June 2005, the Council resolved the following:

*“That the Council;*

- (i) RECEIVES the final version of the Amended Policy relating to Minor Nature Development, as shown in Attachment 10.1.33, resulting from the advertised version having been reviewed and regard to no written submissions received during the formal advertising period, in accordance with Clauses 47 (4), and (5) (a) of the Town's Town Planning Scheme No. 1;*
- (ii) ADOPTS the final version of the Amended Policy relating to Minor Nature Development, as shown in Attachment 10.1.33; and*
- (iii) AUTHORISES the Chief Executive Officer to advertise the final version of the adopted Policy relating to Minor Nature Development, as shown in Attachment 10.1.33, in accordance with Clause 47 (6) of Town's Town Planning Scheme No. 1.”*

### **DETAILS:**

It is suggested that clause 2) xiii) of the recently Amended Policy relating to Minor Nature Development be further amended to include wording from the original Policy. It was previously considered that the amended clause would cover development applications regarding signage, which are not visible from any public street and/or adjacent property. However, in order to provide a clearer structure for development assessment, it is considered appropriate for the wording to be reinstated accordingly. The provision should now be further amended as follows:

- “2) xiii) signs and advertising that fully comply with the Town of Vincent Policy relating to Signage and Advertising, including all signs and advertising which are not visible from any public street and/or adjacent property;”*

It is additionally suggested that clause 2) x) be amended to reflect the requirement of shopfronts maintaining an active and interactive relationship between the development and the adjacent streets. The provision should now state as follows:

- “2) x) shop front alterations where the alignment is unaltered, where not affecting heritage requirements or which do not include the installation of roller doors and shutters. Shopfronts are to maintain an active and interactive relationship between the development and the adjacent street(s), to ensure surveillance and visual amenity of the public domain and communal spaces;”*

### **CONSULTATION/ADVERTISING:**

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

### **LEGAL/POLICY:**

Nil.

**STRATEGIC IMPLICATIONS:**

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

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

**FINANCIAL/BUDGET IMPLICATIONS:**

The current 2005/2006 Budget allocates \$80,000 for Town Planning Scheme Amendments and Policies.

**COMMENTS:**

The Policy will require advertising in accordance with clause 47 of the Town's Town Planning Scheme No.1. It is considered that whilst the amendment further clarifies and corrects anomalies, it is minor in nature.

In light of the above, it is considered that the Council proceed with Amendment No. 28 relating to Minor Nature Development Policy in line with the Officer Recommendation.

Cr Ker declared a financial interest in the Item. He did not speak or vote on the matter and departed the chamber at 9.31pm.

**10.1.24 Western Australian Planning Commission Draft Statements of Planning Policy: Metropolitan Freight Network, and Road and Rail Transport Noise**

<b>Ward:</b>	Both Wards	<b>Date:</b>	16 August 2005
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0022
<b>Attachments</b>	<a href="#">001</a> ; <a href="#">002</a>		
<b>Reporting Officer(s):</b>	C Mooney, R Lotznicher		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report and the Western Australian Planning Commission Draft Statement of Planning Policy: Metropolitan Freight Network, and Draft Statement of Planning Policy: Road and Rail Transport Noise, as shown in the Attachment 10.1.? a and 10.1.? b, respectively;*
- (ii) *ADVISES the Western Australian Planning Commission that the Council SUPPORTS IN PRINCIPLE the Draft Statement of Planning Policy: Metropolitan Freight Network, and Draft Statement of Planning Policy: Road and Rail Transport Noise; and*
- (iii) *FORWARDS a copy of this report and its comments to the Western Australian Planning Commission.*

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

*That the recommendation be adopted.*

Debate ensued.

**Moved Cr Maier, Seconded Cr Messina**

*That a new clause (iv) be added to the recommendation as follows:*

- “(iv) REQUESTS the Chief Executive Officer to consider incorporating noise amelioration measures as detailed in ‘Section 5.8’ of the Western Australian Planning Commission, Draft Statement of Planning Policy: Road and Rail Transport Noise in the Review of the Town’s Town Planning Scheme No. 1 and/or the Draft Policy relating to Residential Design Elements.”*

Debate ensued.

**AMENDMENT CARRIED (6-0)**

(Cr Farrell on leave of absence. Crs Chester and Ker were absent from the chamber and did not vote.)

Debate ensued.

**MOTION AS AMENDED CARRIED (6-0)**

(Cr Farrell on leave of absence. Crs Chester and Ker were absent from the chamber and did not vote.)

**COUNCIL DECISION ITEM 10.1.24**

*That the Council;*

- (i) *RECEIVES the report and the Western Australian Planning Commission Draft Statement of Planning Policy: Metropolitan Freight Network, and Draft Statement of Planning Policy: Road and Rail Transport Noise, as shown in the Attachment 10.1.? a and 10.1.? b, respectively;*
- (ii) *ADVISES the Western Australian Planning Commission that the Council SUPPORTS IN PRINCIPLE the Draft Statement of Planning Policy: Metropolitan Freight Network, and Draft Statement of Planning Policy: Road and Rail Transport Noise;*
- (iii) *FORWARDS a copy of this report and its comments to the Western Australian Planning Commission; and*
- (iv) *REQUESTS the Chief Executive Officer to consider incorporating noise amelioration measures as detailed in 'Section 5.8' of the Western Australian Planning Commission, Draft Statement of Planning Policy: Road and Rail Transport Noise in the Review of the Town's Town Planning Scheme No. 1 and/or the Draft Policy relating to Residential Design Elements.*

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**PURPOSE OF REPORT:**

The purpose of this report is to provide a summary of the contents and objectives of the Western Australian Planning Commission (WAPC) draft Statements of Planning Policy relating to Metropolitan Freight Network, and Road and Rail Transport Noise, respectively, and to formalise the Council's comments on these draft Policies.

**DETAILS:**

The Town received documentation and was invited to comment on the draft Statements of Planning Policy relating to Metropolitan Freight Network, and Road and Rail Transport Noise, as outlined below, dated May 2005. Submissions should be received no later than 31 August 2005.

**Statement of Planning Policy: Metropolitan Freight Network**

The intent of the draft Statement of Planning Policy: Metropolitan Freight Network is to identify and protect the metropolitan freight road and rail network as well as minimise the adverse impact of freight transport noise on adjacent development.

**Application of Policy**

The Policy applies to primary freight roads and freight rail routes as well as:

- development of freight handling facilities in relation to designated freight routes; and
- development within associated areas of influence of the designated freight routes.

The Policy is relevant to:

- existing freight route or freight handling facility which abuts future urban development;
- proposed freight route or handling facility which abuts existing urban development; and
- proposed freight route or handling facility which abuts future urban development.

### **Objectives**

The objectives of the Policy are stated as follows:

- facilitate the development and operation of an efficient freight network, based on strategic co-location of freight handling serviced by an integrated network of freight transport facilities;
- protect the primary freight network from avoidable encroachment by any incompatible or noise sensitive development with the potential to compromise freight handling and /or transport operations;
- minimise adverse environmental and social impacts associated with the handling and movement of freight on noise sensitive development, such as housing; and
- inform local government and landowners of the designation of existing and proposed freight network.

### **Implementation**

The draft Policy suggests that the Policy measures should be implemented by using a combination of the following:

- zoning and special control areas;
- structure planning;
- development control under relevant town planning schemes;
- subdivision and strata subdivision control; and
- notification and advice.

### **Statement of Planning Policy: Road and Rail Transport Noise**

The intent of the draft Statement of Planning Policy: Road and Rail Transport Noise is to utilise the planning system to minimise the adverse impact of transport noise, and to create more equitable measures between the cost of road and rail infrastructure, without placing unreasonable restrictions on new built development. The draft Policy provides a framework for the consideration and management of traffic noise, in regard to noise sensitive development associated with proposed or existing major transport corridors.

### **Application of Policy**

The Policy applies throughout Western Australia, to mobile sources of noise within transport corridors. It does not apply to fixed noise sources, which should be addressed with reference to the *Environmental Protection (Noise) Regulations 1997*.

The Policy applies when assessing traffic noise impacts associated with:

- new primary distributor or district distributor roads in the vicinity of residential and other noise-sensitive land uses;
- new rail infrastructure in the vicinity of residential and other noise-sensitive land uses;
- major upgrading of existing roads, or upgrading of existing rail infrastructure which is likely to result in a significant increase in capacity and/or noise, in the vicinity of residential and other noise-sensitive land uses;

- rezoning of land for residential development or other noise-sensitive land uses in the vicinity of an existing or proposed primary distributor, district or distributor road or a railway;
- subdivision of land for residential development or other noise-sensitive land uses in the vicinity of an existing or proposed primary distributor or district distributor road or a railway; and
- new residential development or other noise-sensitive land uses in the vicinity of an existing or proposed primary distributor or district distributor road or a railway.

### **Objectives**

The objectives of the Policy are stated as follows:

- to establish noise criteria against which planning and development applications can be consistently assessed;
- to identify proposals which require noise mitigation measures;
- to minimise the effect of road and rail traffic noise on residential development and other noise-sensitive land uses; and
- to ensure that the efficient operation of road and rail transport corridors is not adversely affected by adjacent, incompatible (noise-sensitive) development.

### **Policy Measures**

#### *Exposure Criteria for Outdoor Noise Levels*

An outdoor noise criterion has been established to measure the exposure criteria for noise sensitive premises. The standards are consistent with noise criteria adopted in other Australian States.

#### *Exposure Levels 1-3*

The draft Policy sets out a table relating to assess the appropriate external/outdoor noise exposure target levels for noise sensitive land uses, based on three levels of noise exposure criteria.

The draft Policy states that:

*“Noise Level is to be determined at a point 1 metre from the edge of the site or building façade that is the most exposed to traffic noise, and at a height of 1.5m from the ground level at that point. Noise assessments should generally reflect the impact of any future growth in road and rail traffic, based on a 20 year forecast period.”*

Exposure levels relate to the level of outdoor noise that would be appropriate for the planning of existing or new road or rail infrastructure and noise sensitive development located in both greenfield or brownfield sites, subject to appropriate measures to ameliorate noise impact.

#### *Application of Criteria*

Further assessment of road and rail transport noise will generally be required for proposals involving noise sensitive development in the immediate vicinity of primary or district distributor roads or rail lines, such as sites abutting transport reserve and those separated from the reserve only by road, including areas of land that are likely to remain undeveloped or open in terms of built form.

#### *Separation of noise-sensitive development from noise source*

Separation of noise sensitive developments from transport corridors is one way of lessening the impact of transport noise. Sustainable land use and transport planning does encourage higher residential density along public transport corridors. It is considered that extensive separation in these instances is generally not appropriate.

*Noise mitigation through infrastructure design and management*

Noise mitigation strategies are to be prepared by the relevant infrastructure agency, where major road and rail infrastructure are being proposed, as well as where noise sensitive uses are established or planned.

*Noise Amelioration through building design.*

In instances where practical steps have been undertaken to avoid and minimise noise intrusion, and the external noise level impacting on the noise –sensitive premises still exceed the target level criteria, specific measures relating to the built form through design, construction and material use must be considered.

*Notification of potential for noise nuisance*

Such advice as notifications on certificates of title and/or advice to prospective purchasers of the potential of noise impacts from major rail and/or road corridors can alleviate future distress.

**Implementation**

Implementation of this Policy will be through the preparation of regional strategies by the WAPC, local planning strategies and schemes by Local Government, and through the process of decision making on rezoning, subdivisions and planning applications.

Local Government should review the zoning and development control provisions under local planning schemes, to ensure consistency with the objectives of this Policy and the measures detailed in section 5. This relates particularly to residential-zoned land in the vicinity of major transport corridors referred to in section 3.

Local Government should make provision under the local planning scheme for control of noise-sensitive development in areas affected by exposure level 2 or exposure level 3 noise criteria as defined in Table 1.

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies.

**STRATEGIC IMPLICATIONS:**

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

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

*“1.4 Maintain and enhance the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment . . .”*

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Statement of Planning Policy: Metropolitan Freight Network**

The Town is traversed by many higher order roads; however, in accordance with Appendix 1 of the Policy it does not contain any primary freight roads. The only primary freight road that is located within the proximity to the Town of Vincent is the Mitchell Freeway. There are no primary freight road network that intersect within the Town's borders. Notwithstanding this, and given the Town's geographic location in the metropolitan road network, there is potential for freight movements on a number of north bound roads. Therefore, in accordance with Clause 6.5 "*Monitoring and Review*", it is agreed that the careful assessment of any future freight routes is required to minimise any significant adverse impacts especially to that of residential areas associated with the transport of freight.

Careful consideration and public consultation is required in planning the location of future and upgrading of major freight networks and associated infrastructure. Policies like the above, will allow for local government, the community and residents adjoining or in close proximity to these networks to be involved with planning from the initial stage of current and future development of these networks.

**Statement of Planning Policy: Road and Rail Transport Noise**

**Introduction**

The introduction acknowledges that current planning practice is resisting urban expansion policies and encouraging transit orientated development principles, such as higher density residential development and employment close to public transport and activity centres. The draft Policy acknowledges that in order to facilitate this pattern of urban development, appropriate and effective management tools are required to protect the amenity of residential development and noise development from unacceptable levels of transport noise. The application of such measures are directly related to the Town, as an inner city Local Government and highly sought after location to live. The introduction of measures to aid in alleviating exposure transport noise in both the built form and infrastructure measures is an essential tool for successful application of transit orientated development principles.

**Noise Control at Source**

Complaints are received, from time to time, regarding noise generated by passing vehicles. High rise development with reduced front setbacks often creates a tunnel effect and when some vehicles fitted with free flow exhaust systems/extractors, motor bikes and large vehicles drive by this often creates excessive noise.

This not only occurs on the higher order roads in the Town but can also occur in residential streets, such as Palmerston Street opposite the Maltings and Albert Street next to the former Browne's Dairy/Globe Meats site.

It is considered that regulations should be introduced to limit vehicle exhaust noise to acceptable limits, that is, not to permit modified vehicle exhaust systems to be fitted.

The use of low noise surfaces, such as Stone Mastic Asphalt (SMA), has been trialled in the Town, on Carr Street, for the section between Charles Street and Fitzgerald Street. This treatment has also been trialled in some of the Town's residential streets. While this treatment reduces tyre noise due to its more open structure, its long term use is currently being further investigated due to other factors, such as skid resistance, etc.

### **Constructing road in a cut**

This is not applicable to the Town as no new higher order roads are planned.

### **Noise Walls**

A trial barrier has been installed along the Mitchell Freeway in Mount Hawthorn. The Town receives ongoing requests for the extension of this barrier, however, to date Main Roads WA have not progressed this matter.

This type of treatment is not possible along other higher order roads in the Town. Appropriate landscaping should be supported, however, Main Roads WA Policy no longer permits this within a certain distance from primary distributor roads. The Town was recently requested to remove trees from the median in East Parade.

### **Landscape Mounds**

This is not feasible for higher order roads in the Town due to relatively narrow verge widths, maintaining property access, services (overhead power clearances) existing verge trees and footpaths.

### **Implementation**

The endorsement of the Statement of Planning Policy relating to Road and Rail Transport Noise will require local government to implement the Policy through local planning strategies and scheme provisions. As the Town is currently undertaking a review of its Town Planning Scheme No. 1, the Statement of Planning Policy will require consideration when developing these strategies and document.

In light of the above, it is recommended that the Council receives and supports in principle the Western Australian Planning Commission Draft Statements of Planning Policy relating to Metropolitan Freight Network, and Road and Rail Transport Noise, respectively, in line with the Officer Recommendation.

**10.1.27 Progress Report - Community Visioning Project - Final Project Report and Associated Documentation**

<b>Ward:</b>	Both Wards	<b>Date:</b>	16 August 2005
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0144
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	H Coulter		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the Progress Report, Project Report, six (6) Vision Statements (Vincent Vision 2024, Leederville/West Perth 2024, Mount Hawthorn 2024, North Perth 2024, Perth 2024 and Mount Lawley/Highgate 2024) and associated documentation relating to the Community Visioning Project;
- (ii) **ACKNOWLEDGES** the valuable time and effort expended by members of the Community Visioning Taskforce and Professional Panel in preparing the final draft vision statements, principles and guidelines relating to Vincent Vision 2024;
- (iii) **ADVISES** the Western Australian Planning Commission that a final Project Report and six (6) vision statements relating to Vincent Vision 2024 has been received and is in accordance with the Communities Program Project Funding Agreement, and **FORWARDS** a copy for its consideration;
- (iv) **ADOPTS** the community's vision statements and guiding principles of Vincent Vision 2024 as contained in Vincent Vision 2024, Leederville/West Perth 2024, Mount Hawthorn 2024, Perth 2024, North Perth 2024 and Mount Lawley/Highgate 2024;
- (v) **CONSIDERS** the vision statements and guiding principles of Vincent Vision 2024 in any future review of the Town of Vincent's Town Planning Scheme No.1, Strategic Plan, Plan for the Future (Principal Activities Plan) and annual budget, and the Sections' Business Plans; and
- (vi) **AUTHORISES** the Chief Executive Officer to:
  - (a) make available the final Project Report and Vision Statement documents to those who directly participated in the project;
  - (b) develop key strategies focusing on the short-term (2006-2010) and longer term (2006-2020) for each of the five places with direct relationship to the Town's Strategic Plan, Plan for the Future and annual budget and the Sections' Business Plans;
  - (c) display the final Project Report and Vision Statements documents in the Town's Civic and Administration Centre, Library and Beatty Park Leisure Centre, with copies available for distribution; and
  - (d) develop a Community Engagement and Information Strategy to ensure information channels remain open between the Town and the community in terms of the vision statements and guiding principles of Vincent Vision 2024.

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

*That the recommendation be adopted.*

Crs Chester and Ker returned to the Chamber at 9.33pm.

Debate ensued.

**Moved Cr Chester, Seconded Cr .....**

*That the Consultant and Senior Planning Officer make a presentation at the next Forum.*

**AMENDMENT LAPSED  
FOR WANT OF A SECONDER**

Cr Torre departed the chamber at 9.36pm.

**Moved Cr Maier, Seconded Cr Messina**

*That a new clause (vii) be added to the recommendation as follows:*

*“(vii) AMENDS page 19 of the Vincent Vision 2024 Project Report dated June 2005 prior to clauses (iii) and (vi) being actioned, as follows:*

*“Transport*

- ...*
- Significantly less more households in Vincent have no motor vehicle...”*

Debate ensued.

**AMENDMENT CARRIED (7-0)**

(Cr Farrell on leave of absence. Cr Torre was absent from the chamber and did not vote.)

Cr Torre returned to the chamber at 9.37pm.

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

*That new clauses (vi)(e) and (f) be added to the recommendation as follows:*

*“(vi) (e) facilitate a Community Presentation and Launch of the Vincent Vision 2024 final Project Report and Vision Statement documents to celebrate the community's participation and to outline the key findings and next steps of Vincent Vision 2024; and*

- (f) identify appropriate funds through the 2005/2006 Budget Review process to facilitate the above Vincent Vision 2024 Community Presentation and Launch event.”*

Debate ensued.

**AMENDMENT CARRIED (8-0)**

(Cr Farrell on leave of absence.)

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

*That clause (vi)(a) be amended to include the preparation of an Executive Summary that will be made available to the public and distributed to those involved.*

**AMENDMENT CARRIED (8-0)**

(Cr Farrell on leave of absence.)

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

*That the matter be discussed at a Forum.*

Debate ensued.

**CARRIED (8-0)**

(Cr Farrell on leave of absence.)

Cr Lake requested that it be recorded in the minutes that appreciation and thanks be given to Cr Doran-Wu for proposing the Community Visioning process and for a job well done by the Town's Administration. This was endorsed by all.

**MOTION AS AMENDED CARRIED (8-0)**

(Cr Farrell on leave of absence.)

**COUNCIL DECISION ITEM 10.1.27**

*That the Council;*

- (i) *RECEIVES the Progress Report, Project Report, six (6) Vision Statements (Vincent Vision 2024, Leederville/West Perth 2024, Mount Hawthorn 2024, North Perth 2024, Perth 2024 and Mount Lawley/Highgate 2024) and associated documentation relating to the Community Visioning Project;*
- (ii) *ACKNOWLEDGES the valuable time and effort expended by members of the Community Visioning Taskforce and Professional Panel in preparing the final draft vision statements, principles and guidelines relating to Vincent Vision 2024;*
- (iii) *ADVISES the Western Australian Planning Commission that a final Project Report and six (6) vision statements relating to Vincent Vision 2024 has been received and is in accordance with the Communities Program Project Funding Agreement, and FORWARDS a copy for its consideration;*
- (iv) *ADOPTS the community's vision statements and guiding principles of Vincent Vision 2024 as contained in Vincent Vision 2024, Leederville/West Perth 2024, Mount Hawthorn 2024, Perth 2024, North Perth 2024 and Mount Lawley/Highgate 2024;*
- (v) *CONSIDERS the vision statements and guiding principles of Vincent Vision 2024 in any future review of the Town of Vincent's Town Planning Scheme No.1, Strategic Plan, Plan for the Future (Principal Activities Plan) and annual budget, and the Sections' Business Plans; and*

- (vi) **AUTHORISES** the Chief Executive Officer to:
- (a) *make available the final Project Report and Vision Statement documents to those who directly participated in the project and prepare an Executive Summary that will be made available to the public and distributed to those involved;*
  - (b) *develop key strategies focusing on the short-term (2006-2010) and longer term (2006-2020) for each of the five places with direct relationship to the Town's Strategic Plan, Plan for the Future and annual budget and the Sections' Business Plans;*
  - (c) *display the final Project Report and Vision Statements documents in the Town's Civic and Administration Centre, Library and Beatty Park Leisure Centre, with copies available for distribution;*
  - (d) *develop a Community Engagement and Information Strategy to ensure information channels remain open between the Town and the community in terms of the vision statements and guiding principles of Vincent Vision 2024;*
  - (e) *facilitate a Community Presentation and Launch of the Vincent Vision 2024 final Project Report and Vision Statement documents to celebrate the community's participation and to outline the key findings and next steps of Vincent Vision 2024;*
  - (f) *identify appropriate funds through the 2005/2006 Budget Review process to facilitate the above Vincent Vision 2024 Community Presentation and Launch event;*
- (vii) **AMENDS** page 19 of the Vincent Vision 2024 Project Report dated June 2005 prior to clauses (iii) and (vi) being actioned, as follows:
- “Transport*
- ...
  - *Significantly ~~less~~ more households in Vincent have no motor vehicle...”*; and
- (viii) **DISCUSSES** the matter at a Forum.

---

**PURPOSE OF REPORT:**

To report to the Council on the final Project Report and Vision Statements relating to *Vincent Vision 2024*.

**BACKGROUND:**

- |                   |                                                                                                                                                      |
|-------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| 27 May 2003       | The Council at its Ordinary Meeting, inter alia, resolved to allocate \$40,000 in the 2003/4 Draft Budget for the purposes of 'Community Visioning'. |
| 24 September 2003 | A presentation to the Elected Members on Community Visioning was given by Futurist and Planner Steven Ames.                                          |

7 October 2003 A Notice of Motion was passed by the Council relating to Community Visioning and authorising the CEO to invite representatives of the Hon. Minister for Planning and Infrastructure and the Department of Planning and Infrastructure to give a public presentation.

16 December 2003 The Council at its Ordinary Meeting endorsed the Project Brief relating to Community Visioning and authorised the Chief Executive Officer to call tenders for the delivery of a Community Visioning project.

24 February 2004 The Council at its Ordinary Meeting accepted the Tender submitted by Community Perspectives for the design, preparation and carrying out of a Community Visioning process.

23 November 2004 The Council at its Ordinary Meeting resolved the following with regard to Community Visioning:

*"That the Council:*

- (i) *RECEIVES the Progress Report No. 2 as at 19 November 2004 relating to the Community Visioning Project;*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to re-allocate \$19,485 to the Community Visioning Project and this be funded from the following; and*

<i>Item</i>	<i>Amount Required</i>	<i>Funding Source</i>	<i>Amount</i>	<i>Net Impact</i>
<i>Community Visioning</i>	<i>\$7,685</i>	<i>Car Park Strategy Implementation Yr 1 of 5</i>	<i>\$7,685</i>	<i>0</i>
<i>Community Visioning</i>	<i>\$11,800</i>	<i>Leederville Masterplan Account</i>	<i>\$11,800</i>	<i>0</i>

- (iii) *RECONSIDERS the additional items as outlined as Stage 3, 4 and 5 at the second meeting in December 2004 and the Town urgently contacts the Department for Planning and Infrastructure requesting a decision on the funding applied for."*

21 December 2004 The Council at its Ordinary Meeting resolved the following with regard to Community Visioning:

- "(i) RECEIVES the Progress Report No. 3 relating to the Community Visioning Project;*
- (ii) APPROVES the completion of tasks for Stages 3, 4 and 5 of the Community Visioning Project as outlined in this report;*
- (iii) APPROVES BY AN ABSOLUTE MAJORITY the distribution of 'Communities Program' funding from the Western Australian Planning Commission totaling \$40,000 (\$18,000 for the Community Visioning Project and \$21,200 to the Town Planning Scheme Amendments and Policies Project) as*

*outlined in this report, subject to receipt of written confirmation from the Western Australian Planning Commission that this funding has been granted; and*

- (iv) *APPROVES of the Community Visioning Project time frame to be extended until 30 April 2005, to enable the tasks of States 3, 4 and 5 to be completed."*

5 January 2005

The Western Australian Planning Commission advised that the Town's application for funding under the 'Communities Program' of *Dialogue with the City* was successful and accordingly the requested amount of \$40,000 had been granted.

**DETAILS:**

A final Project Report was delivered to the Town by the Project Consultant on 30 June 2005. The final project report is accompanied by 23 supporting reports documenting the project's 14 month lifespan. It is acknowledged that the project completion date passed at the end of April 2005 however, the preparations to bring about the final draft vision statements, principles and guidelines took longer than expected due to processes requiring further community participation, meetings, feedback and modification.

Excerpts of the Project Report are as follows:

"....

*Completed in June 2005, Vincent Vision 2024 has achieved an unprecedented level of community involvement and interest. Over 170 children have put forward their issues and visions for the future, together with young people, seniors, people with disabilities and people from the Italian, Greek, Chinese, Macedonian and Aboriginal communities. Businesses from throughout the Town of Vincent have also been involved.*

*A major Community Vision 2024 workshop and five place workshops attracted the involvement of almost 500 people and a Community Issues, Trends and Vision Survey involved a further 300 people. The Vincent Vision 2024 Online Community Forum was active throughout the project with some 100 postings and 109 people participated in the Online Community Survey.*

*A group of local residents also worked with the team of heritage staff from the Town of Vincent in researching, designing and leading five place-based 'Walks of Interest' and almost 150 local residents.*

*The Vincent Vision 2024 Community Visioning Taskforce involved over 30 local residents in drafting the vision statements for the future which have been firmly based on the views and vision ideas put forward by the community at the Place Workshops. This has collectively involved some 490 hours work by the Community Visioning Taskforce.*

*The vision statements for Vincent and each of the five 'places' were then developed by the project consultant and this process was based on the outcomes and findings of all the various community engagement activities to ensure the visions statements truly reflect the views and aspiration of the community. Steven Ames, author of the American Planning Association's award-winning handbook, *A Guide to Community Visioning* and international expert in building strategic vision for the future also assisted in this process.*

*A panel of local professionals with backgrounds in town planning, architecture, urban design, environment, business and community have then taken these Place Vision Statements and contributed well over 100 hours in developing Guiding Principles, as the foundation for achieving Vincent Vision 2024.*

*Many employees of the Town of Vincent have also keenly supported and contributed to each stage of the project. The Project Management Team was made up of staff representatives from across the organisation and 15 staff members formed the team of facilitators necessary for the five place workshops.*

*Members of the Executive Management Team have participated on the Project Reference Group, together with a core group of Elected Members. A project initiated by the Council, Vincent Vision 2024 has enjoyed considerable support and encouragement from Elected Members, many of whom have willingly participated and assisted in the many community engagement activities.*

...  
*Vincent Vision 2024 is made up of the following six 'vision documents'. Each of the five place based vision documents has an illustration of a particular aspect of the town centre to provide some visual representation of the 'community vision'.*

- *Vincent Vision 2024 – A Community of Communities*
- *Leederville West Perth 2024 – A Tapestry of Life with Flair*
- *Mt Hawthorn 2024 – Unique, Neighbourhood-Oriented Character*
- *Perth 2024 – Every Possible Convenience, Indifference to the Ordinary*
- *North Perth 2024 – Rich Heritage and Cultural Contrasts*
- *Mt Lawley Highgate 2024 – A Fabulous Diversity of Lifestyles and Cultures."*

The complete suite of documents is "*Laid on the Table*", and the Project Report and six (6) Vision Statements documents was distributed to Elected Members on 15 August 2005.

#### **LEGAL/POLICY:**

There is a legal requirement for the Town to commence a review of its Town Planning Scheme No.1 and to bring this to completion as soon as practicable.

#### **STRATEGIC IMPLICATIONS:**

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

...  
*(c) Review and release within an agreed time frame, the Town Planning Scheme, in accordance with the community vision.*  
..."

#### **FINANCIAL IMPLICATIONS:**

The 2005/2006 Budget lists \$80,000 for Town Planning Scheme Amendments and Policies. No further provision is made for Community Visioning.

Funding sources for implementing particular aspects of *Vincent Vision 2024* will need to be further investigated as part of the Council Budget process or externally sourced (for example, Communities Program - Round 2 Funding relating to capital works and implementation projects).

**COMMENTS:**

It is considered that the Community Visioning Project has been a particularly successful project. The final report and accompanying documents provide exemplary information with which to commence the review of Town Planning Scheme No.1 and it is considered that this project will aid the Town in producing a Scheme representative of its community. The background information and documents along with the vision statements, principles and guidelines contained in each of the five town centre areas is comprehensive and sets a clear direction for how the community desires to see the Town in 2024.

In outlining aspects of the project's implementation, the Project Report states:

***"Implementing Vincent Vision 2024***

*True to the Oregon Model of Community Visioning, adopted by the Town of Vincent as the framework for undertaking Vincent Vision 2024, it is the community that presents these vision documents to the Council. While it is not the prerogative of the Council to change or amend the vision statements or guiding principles, it is appropriate for the Council to formally accept and endorse the Community Vision as the vision for the new Town Planning Scheme and the vision that will guide the strategic direction and development of the Town of Vincent into the future.*

*The new Town Planning Scheme should clearly demonstrate how the Community Vision and Guiding Principles for both Vincent and each of the five places are going to be achieved through the provisions of the Scheme. Obviously, it is imperative that the new Town Planning Scheme in no way strays or contradicts the Community Vision or any of the Guiding Principles.*

*As the Community Vision is also to underpin the strategic direction of the Town of Vincent, a framework must now be established for this to occur. A Strategic Planning Model has been developed with this in mind and appears on the following page. The essential elements of this framework will require that:*

- *Key Strategies be developed for achieving the vision and Guiding Principles for Vincent 2024 and each of the five places and the focus area vision statements. These strategies should focus on the 'big picture' items that need to occur if Vincent Vision 2024 is to become a reality.*
- *The actions required to achieve each Key Strategy be developed focusing on the short-term (2005-2006) and longer term (2006-2010).*
- *A shift in focus takes place from the 'departmental' provision of services and works to an approach that integrates all functions by considering each 'place' as a whole.*

*A 'Place Planning' approach is considered the best way the Town of Vincent can focus on achieving place-based community visions. Place Planning typically involves:*

- *Shifting the focus from traditional planning which often occurs in an isolated and segmented way to that of achieving a holistic view and integrated outcomes for the Place,*
- *Sustainable outcomes tailored to reflect the individual and distinctive characteristics of particular Places and their communities.*
- *Building community commitment and capacity to contribute to the development and implementation of Place Plans.*
- *Active and inclusive community and stakeholder engagement and ownership in the process.*

*A collaborative approach be taken to implementing Vincent Vision 2024 recognising that the Town of Vincent and the community share this responsibility in partnership with Government and the private sector. All key government and private sector stakeholders, together with the community should be involved in the development and implementation of Key Strategies and Actions at both the Vincent and 'place' level. The structure for this could involve a Vincent Vision 2024 Implementation Taskforce made up of key Council staff, government and private sector stakeholders and a representative sample of community members from each of the five places. A similar structure could exist for each Place.*

#### ***Organisational Commitment***

*Executive leadership and commitment is essential if Vincent Vision 2024 is to become a reality and Staff at all levels in the organisation should know about Vincent Vision 2024 as this should guide much of their work through the development of Business Plans for each Business Unit. As a signal of this commitment staff from the Town of Vincent have commenced the groundwork for developing the Key Strategies and Actions for implementing the community vision for Vincent as a whole. Staff have identified 'what the Council is doing now' in respect to each of the eight vision focus areas and the key actions that can be carried out in 2005-2006 and some key actions for 2006-2010. This document is provided as Appendix 1 and should be considered a draft, as this exercise is a work in progress.*

#### ***Vincent Vision 2024 Community Engagement and Information Strategy***

*Vincent Vision 2024 should be widely promoted throughout the community and to key government, business and civic leaders and stakeholders. In particular, everyone whom participated in the project should be informed of the outcomes. An ongoing Community Engagement and Information Strategy should be developed to keep the community informed and engaged in the process of implementing Vincent Vision 2024. This should include retaining and revising the Vincent Vision 2024 Website and the publication and ready access to the vision documents and the key documents, produced in a variety of formats. Council could also consider a launch event to 'officially' endorse and launch the vision documents for Vincent and the five places.*

*All projects emanating from the implementation of Vincent Vision 2024 should be clearly 'branded' with the Vincent Vision 2024 logo as a way of highlighting to the community that progress is being made toward the vision. An annual progress report on the implementation of Vincent Vision 2024 could be incorporated in the Town of Vincent's Annual Report, highlighting the tasks and actions that have been completed.*

#### ***Keeping the Community Informed and Involved***

*In line with the Oregon Model of Community Visioning, Vincent Vision 2024 has only just started in many ways and it is an ongoing project that should be resourced accordingly. The task ahead for the Town of Vincent, besides developing a new Town Planning Scheme, is to continue working with the community in developing actions to achieve the community vision at both the Vincent and place level. The community should be kept informed of achievements and ongoing community involvement should be nurtured and encouraged."*

Essentially, there are a number of key actions to be undertaken in the immediate future with regard to community visioning. The tasks are listed as follows:

- The Council adopts and endorses the community's vision;
- The Final Report and Vision documents are made immediately available to those who directly participated in the project;
- A Strategic Framework to be developed for achieving the vision with direct links to the Town's Strategic Plan for the Future (Principal Activities Plan) and Budget, and the Section's Business Plans;

- Key strategies be developed focusing on the short-term (2006-2020) and longer term (2006-2010) for each of the five places with direct relationship to the Town's Strategic Plan, Plan for the Future and budget and the Sections' Business Plans;
- The Final Report and Vision Documents to be displayed in the Town's Civic and Administration Centre, Library and Beatty Park Leisure Centre, with copies available for distribution. (It is noted that additional funding may be given to the Town by the Department for Planning and Infrastructure for graphic design and printing costs associated with reproducing vision brochures. In the meantime, compact disks containing the vision documents may be made available to the public in addition to the documents being uploaded to the website);
- A Community Engagement and Information Strategy be developed to ensure information channels remain open between the Town and the community in terms of the vision. This Strategy would include the ongoing maintenance of the *Vincent Vision 2024* web site, documents being available in a variety of formats and the production of newsletters which advise the community of 'how we are going' in terms of achieving the vision.
- Work on the review of Town of Vincent Town Planning Scheme No. 1, commencing with the Local Planning Strategy, has now formally begun and a direct relationship between *Vincent Vision 2024* and Town Planning Scheme No.2 will be realised. In this regard, the primary purpose of the visioning process is on track to achieving its intended primary purpose.

As outlined above, there are aspects of *Vincent Vision 2024* which will require on-going attention by the Town's employees in terms of aligning the community's visions with the Town's Strategic Plan and Capital Works Program. Principally, this will require the Town's Executives and Managers to familiarise themselves with the Visions, take ownership of the respective vision focus areas into their service areas and develop reporting procedures in order that the community can track the progress of the vision. In view of the above, it is recommended that the Council receives the final project report, acknowledges the valuable time and effort expended by members of the Community Visioning Taskforce and Professional Panel in preparing the final draft vision statements, principles and guidelines relating to *Vincent Vision 2024*, adopts the community's vision as outlined in *Vincent Vision 2024* and considers the guiding principles of *Vincent Vision 2024* into the Town of Vincent's Strategic Plan, Plan for the Future, and annual budget and the Sections' Business Plans by developing a strategic framework to realise the vision.

**10.1.28 Expression of Interest - Nomination of Elected Member/s to WALGA`s proposed Health Legislative Review Reference Group in relation to the proposed New Public Health Act for Western Australia**

<b>Ward:</b>	-	<b>Date:</b>	16 August 2005
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0030
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	Deon Brits		
<b>Checked/Endorsed by:</b>	R. Boardman, J Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION**

*That the Council NOMINATES an Elected Member delegate, together with a Deputy or Proxy, to the proposed WALGA Health Legislative Review Reference Group.*

**COUNCIL DECISION ITEM 10.1.28**

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

*That the recommendation be adopted.*

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

*That no nominations be made.*

**CARRIED (8-0)**

(Cr Farrell on leave of absence.)

**MOTION AS AMENDED CARRIED (8-0)**

(Cr Farrell on leave of absence.)

**PURPOSE OF REPORT:**

The purpose of the report is to nominate an Elected Member and a proxy Elected Member to serve on the proposed WALGA Health Legislative Review Reference Group ('Reference Group').

**DETAILS:**

Since the recent appointment of Elected Members to various Advisory and Working Groups, a request was received from WALGA on 4 August 2005 to nominate through expression of interest relevant persons, that is, Local Government Principal Environmental Health Officers, Chief Executive Officers and Elected Members to participate in the Reference Group regarding the proposed New Public Health Act.

At the Ordinary Meeting of the Council held on 9 August 2005 Council resolved as follows:

*That the Council;*

- (i) *RECEIVES the report relating to the release of a Discussion Paper on the proposed review of the Health Act 1911;*

- (ii) *ADVISES the Minister for Health, Mr Jim McGinty, Acting Director General Dr Neale Fong and the Western Australian Local Government Association (WALGA) that the Town supports the intention to modernise State health legislation and the principles outlined for reform and adopting a New Public Health Act for Western Australia;*
- (iii) *AUTHORISES the Chief Executive Officer, Executive Manager Environmental and Development Services and Manager Health Services to participate in consultation sessions and working groups through WALGA, the Australian Institute of Environmental Health and relevant professional bodies to assist in bringing this matter to fruition; and*
- (iv) *NOTES that progress reports to the Council will be submitted as required.'*

Subsequently, the Council Resolution was conveyed to WALGA's Coordinator of the Reference Group, Policy Manager Ms Michelle Mackenzie. However, the recent InfoPage dated 4 August 2005 received after the original report was submitted include an Elected Member nomination. The Info Page has advised the following:

*"The Department of Health has released a Discussion Paper for a New Public Health Act. The Paper articulates a significant shift in public health law through a new risk based legislative framework. The Paper is available for download at <http://www.newpublichealthact.health.wa.gov.au/>.*

*The Association has been invited to partner with the Department of Health and the Health Consumers Council on a series of statewide consultative workshops. We are discussing the workshop format and time-table with the Department. The Association is seeking assurance from the Minister that there will be an adequate time-frame for consultation on the drafting instructions for the new legislation and the draft Bill.*

*The Association has advised the Department that in order to develop a considered Local Government response that we will:*

- *Establish a Legislative Review Reference Group;*
- *Prepare a Preliminary Paper for circulation and feedback from Councils;*
- *Seek copies of member responses to the Department's Discussion Paper to inform our position;*
- *Prepare a revised paper for Local Government comment; and*
- *Develop a formal position through the Association's State Council*

*The Department of Health has called for submissions by the 30<sup>th</sup> September. Due to State Council processes a fully considered submission by the Association will be available after the December State Council meeting."*

#### **COMMENTS:**

Upon the final Reference Group being made public, Council will be advised of successful nominations accordingly.

**10.1.29 Nos. 177-179 (Lot 48) Carr Place, Leederville - Withdrawal of Planning, Building and Local Law Notices**

<b>Ward:</b>	North Perth	<b>Date:</b>	17 August 2005
<b>Precinct:</b>	Oxford Centre, P4	<b>File Ref:</b>	PRO0119; 00/33/0944
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	G Snelling		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

- (i) *in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to Section 5.25(e) of the Local Government Act 1995, the Council resolves to RECONSIDER clause (ii) of the resolution adopted by the Council at its Ordinary Meeting held on 9 April 2002 (Item 10.1.2);*
- (ii) *Councillor Maier MOVES a motion to CHANGE the decision by deleting the following clause:*
- "(ii) the Council advises the owners of Nos. 177-179 (Lot 48) Carr Place, Leederville that the unauthorised portion of the retaining wall, boundary fence and site fill shall be removed within 14 days of notification and the Council authorises the Chief Executive Officer to commence legal proceedings should this requirement not be complied with";*
- (iii) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three Elected Members, namely Councillor Maier, Councillor Messina and Councillor Lake, being one third of the number of offices of members of the Council, SUPPORTS this motion;*
- (iv) *the Council RESOLVES BY AN ABSOLUTE MAJORITY to CHANGE the decision by deleting the following clause;*
- "(ii) the Council advises the owners of Nos. 177-179 (Lot 48) Carr Place, Leederville that the unauthorised portion of the retaining wall, boundary fence and site fill shall be removed within 14 days of notification and the Council authorises the Chief Executive Officer to commence legal proceedings should this requirement not be complied with."; and*
- (v) *the Council AUTHORIZES the WITHDRAWAL of the Planning, Building and Local Law Notices issued on 17 June 2002, for the unauthorised portion of the retaining walls, boundary fences and site fill at Nos. 177-179 (Lot 48) Carr Place, Leederville.*

**COUNCIL DECISION ITEM 10.1.29**

**Moved Cr Lake, Seconded Cr Maier**

*That the recommendation be adopted.*

**Debate ensued.**

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

**(Cr Farrell on leave of absence.)**

<b>Landowner:</b>	M, V, M and R Zampogna
<b>Applicant:</b>	R Zampogna
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial and Residential R80
<b>Existing Land Use:</b>	Six Grouped Dwellings
<b>Use Class:</b>	Grouped Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	2732 square metres
<b>Access to Right of Way</b>	N/A

**PURPOSE OF THE REPORT:**

The purpose of the report is for the Council to change a previous Council decision and withdraw Planning, Building and Local Law Notices, to reflect the view of the Minister for Planning and Infrastructure's decision to uphold an appeal on 13 May 2003.

**BACKGROUND:**

- |                                |                                                                                                                                                                                                                                                                   |
|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 18 December 1995               | The Council at its Ordinary Meeting granted conditional Planning Approval for six grouped dwellings at Nos. 177-179 (Lot 48) Carr Place, Leederville.                                                                                                             |
| 11 October 2000                | A Building Licence for a retaining wall on the site was issued under delegated authority as it did not exceed the maximum height as outlined in the Town's Local Law relating to Fences, Floodlights and other External Lights.                                   |
| December 2001/<br>January 2002 | The Town investigated reports that unauthorised fencing, of approximately 2.9-3.9 metres in height, had been erected on the subject site. The height did not comply with the Town's Local Law, which requires approval for fences exceeding 2.4 metres in height. |
| 19 February 2002               | Planning Application received by the Town seeking Planning Approval for eight additional grouped dwellings including associated boundary fences, and seeking retrospective Planning Approval for the unauthorised fencing on the subject property.                |

- 9 April 2002 The Council, at its Ordinary Meeting, refused the above Planning Application. The Council also resolved that the unauthorised portion of the retaining wall, boundary fence and site fill shall be removed within 14 days of notification and the Council authorised the Chief Executive Officer to commence legal proceedings should this requirement not be complied with.
- 31 May 2002 The Town commissioned a detailed survey of the subject site, including the height of retaining walls and boundary fences that had been constructed, by Brook and March Licensed Surveyors.
- 6 June 2002 A copy of the applicant's appeal to the Office of the Minister for Planning and Infrastructure was received by the Town.
- 17 June 2002 Planning, Building and Local Law Notices were issued in respect of the unauthorised retaining wall, boundary fence and site fill that had been placed upon the site.
- 19 July 2002 Respondent Statement lodged by the Town's Solicitors acting on behalf of the Town, in response to the applicants appeal of the Planning Notice.
- 12 and 18  
November 2002 Mediation conferences held between the appellant and representatives of the Office of the Minister for Planning and Infrastructure and the Town.
- 3 December 2002 The Council at its Ordinary Meeting considered the outcome of the planning appeal mediation conferences, and resolved that the item be deferred for further clarification of the issues raised and a report to be submitted.
- 17 December 2002 The Council at its Ordinary Meeting considered the outcome of the planning appeal mediation conferences, and resolved not to approve the application for the following reasons:
1. *Non-compliance with orders.*
  2. *Current orders in effect.*
  3. *Non-compliance with the Town Planning Scheme.*
  4. *Height of wall.*
  5. *Illegal fill on site.*
- 13 May 2003 The Minister for Planning and Infrastructure upheld the appeal and approved the application.
- 10 June 2003 In light of the decision of the Minister for Planning and Infrastructure to uphold an appeal and approve the application for an additional eight two-storey grouped dwellings to existing six two-storey grouped dwellings and associated alterations and additions, including fencing, on the subject property, the Council considered the matter at its Ordinary Meeting and resolved to apply relevant conditions to the subject development.

- 28 April 2005            The State Administrative Tribunal (SAT) advised that a review against the requirements of the Town's Building Notice, with respect to unauthorised building works undertaken, had been transferred to SAT and invited the applicant/appellant to advise of what progress had been made in resolving the issues.
- 9 June 2005            SAT Directions Hearing heard before a SAT member and representatives of the Town, however; the applicant was absent. The hearing was listed for directions to resolve the Town's Building Notice; that is, the limestone block retaining wall structure has been constructed so that the wall height exceeds that on the approved Building Licence Plans by between 1 millimetre to 150 millimetres. The matter was discussed and adjourned to a compulsory conference.
- 29 June 2005            SAT compulsory conference held between SAT, the applicant and representatives of the Town. The matter was discussed and adjourned to 25 July 2005.
- 7 July 2005            The Town wrote to the Minister for Planning and Infrastructure, to confirm whether the Planning Approval is still valid beyond two (2) years of the date of the Minister's letter dated 13 May 2003.
- 25 July 2005            SAT compulsory conference held between SAT, the applicant and representatives of the Town. Pending written advice from the Minister for Planning and Infrastructure, the conference adjourned to 9 August 2005.
- 25 July 2005            Later in the day a facsimile was received from the Office of the Minister for Planning and Infrastructure, stating that the Minister's previous decision generally remains valid.
- 9 August 2005            SAT compulsory conference held between SAT, the applicant and representatives of the Town, and a copy of the letter from the Minister for Planning and Infrastructure dated 25 July 2005, was provided to the SAT member and the applicant. Matter to be referred to the Ordinary Meeting of Council to be held on 23 August 2005. SAT compulsory conference adjourned to 30 August 2005 pending resolution of Council.

**DETAILS:**

The Planning application dated 7 February 2002 and received on 19 February 2002, proposed to develop the rear of Lot 48 Carr Place, for an additional eight, two storey grouped dwellings to the existing six two storey grouped dwellings, and associated alterations and additions, including fencing.

The report to the Ordinary Meeting of Council held on 9 April 2002 in response to that application stated as follows:

*"If the Council approves the subject Planning Application, this Planning Approval will be for the proposed grouped dwelling development, which also includes retrospective Planning Approval for the existing unauthorised portions of the boundary fences, retaining walls and filling on site."*

In response to the Council resolution of 9 April 2002, the Town issued the following Notices on 17 June 2002:

- (i) A Notice under the Town of Vincent Local Law Relating to Fences, Floodlights and Other External Lights, Local Law Number 20. In summary, the unauthorised works was the existing brick fence, including the limestone retaining wall constructed to an approximate height of 3.24 metres, which exceeds the Town's maximum height of 2.4 metres.
- (ii) A Notice under the Local Government (Miscellaneous Provisions) Act 1960 Section 401 (1) (b). In summary, the unauthorised works was the over-height limestone block retaining wall structure exceeding that shown on the approved Building Licence plans by between 1 millimetre to 150 millimetres along the rear southern property boundary.
- (iii) A Notice under Section 10 (1) of the Town Planning and Development Act 1928 and Clause 51 of the Town of Vincent Town Planning Scheme No.1. In summary, the unauthorised works was the fence being between 2400 millimetres and 3240 millimetres along the western side boundary and between 2400 millimetres and 3240 millimetres along the southern rear boundary, and site fill being between 300 millimetres and 1580 millimetres above the natural ground level, all without the Planning Approval of the Town.

As a result of the Minister for Planning and Infrastructure decision on 13 May 2003 to uphold the planning appeal and approve the above application, the existing unauthorised portions of the boundary fences, retaining walls and filling on-site was granted retrospective Planning Approval.

On 25 July 2005, the Town received a letter from the Office of the Minister for Planning and Infrastructure stating the following:

*"While this matter would normally be for the local government to determine, I note that the Minister's decision makes specific reference to the retaining walls and fill. It must then follow that if Council is of the opinion that these works were constructed consistent with the Minister's decision, then they remain valid.*

*The issue of substantial commencement is a more subjective matter for the local government to determine. The Minister is however, of the opinion that there is sufficient legal precedent to provide Council with guidance on the tests required to interpret this particular requirement, as it relates to any decision made under a town planning scheme, and that it is not necessary for her to intervene further in this matter."*

#### **COMMENTS:**

It appears that this matter had not been completely finalised by the Minister for Planning and Infrastructure until they advised the Town in July 2005 (possibly due to an oversight). The Council's action to change a previous Council decision is required, before the matter is finalised by the State Administrative Tribunal.

On 25 July 2005 at the SAT compulsory conference, the applicant verbally advised that the above mentioned grouped dwelling development will not proceed at the present time, and wish only to complete the construction of the limestone retaining walls and brick fencing along the southern rear boundary and the western side boundary.

The above advice from the Office of the Minister for Planning and Infrastructure can be construed that the Minister's Planning Approval granted for the existing unauthorised portions of the boundary fences, retaining walls and filling, together for the completion of the boundary fences in accordance with the approved application, is still valid.

Given that the eight grouped dwelling component has not yet commenced construction, and the two years approval period from the Minister's approval dated 13 May 2003 has expired, the approval of the grouped dwelling component is considered no longer valid.

In light of the above, it is recommended that the subject Planning, Building and Local Law Notices be withdrawn.

**10.1.30 Leederville Masterplan - Report on Feasibility Component**

<b>Ward:</b>	South	<b>Date:</b>	16 August 2005
<b>Precinct:</b>	Oxford Centre, P4	<b>File Ref:</b>	PLA0147
<b>Attachments</b>	-		
<b>Reporting Officer(s):</b>	H Coulter		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman, J Giorgi	<b>Amended by:</b>	J Giorgi

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES this report on the 'Feasibility Component' of the Leederville Masterplan Brief in response to the questions 'taken on notice' at the Ordinary Meeting of Council held on 9 August 2005.*

**COUNCIL DECISION ITEM 10.1.30**

**Moved Cr Chester, Seconded Cr Torre**

*That the recommendation be adopted.*

Debate ensued.

**Cr Chester requested that it be recorded in the minutes that he has concerns regarding the omission of the feasibility component in the Masterplan brief.**

**CARRIED (8-0)**

**(Cr Farrell on leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of this report is to respond to questions 'taken on notice' by the Council at its Ordinary Meeting held on 9 August 2005.

**BACKGROUND:**

18 September 2003 A meeting was held with the then Chairman of the Western Australian Planning Commission, Town of Vincent Elected Members, representatives of the Department for Planning and Infrastructure and Officers of the Town of Vincent to discuss the Western Australian Planning Commission's introduction of a \$500,000 budget allocation, to showcase demonstration proposals, which may include places of interest, redevelopment schemes, transport schemes and the like.

23 September 2003 The Council at its Ordinary Meeting resolved to produce a Masterplan for the Leederville area.

16 December 2003 The Council at its Ordinary Meeting endorsed the Project Brief for a *Leederville Masterplan* with amendments and approved a budget reallocation of \$50,000 to fund delivery of a *Leederville Masterplan*.

13 July 2004 The Council at its Ordinary Meeting resolved inter alia as follows:

*"That the Council AUTHORISES the Chief Executive Officer to:-*

*(i) develop a preliminary Leederville Business Case identifying potential funding sources for the proposed upgrades to public infrastructure in the Leederville District Centre identified in the:-*

- (a) Oxford Centre Study; and*
- (b) Leederville Masterplan;*

*in collaboration with, and consideration of funding opportunities identified in the preparation of the Leederville Masterplan. The Business Cases should prove the financial viability of the Leederville Masterplan and provide positive social, environmental and economic outcomes; ...*

*(iv) submit a report on (i) above for Council's consideration in conjunction with the Leederville Masterplan as a fully integrated document;*

*(v) in relation to (i) and (ii) above, explore in detail the potential for public/private partnerships; and*

*(vi) seeks advice from the East Perth Redevelopment Authority in the preparation of the Business Case."*

23 November 2004

The Council at its Ordinary Meeting resolved, inter alia, as follows:

*"That the Council;*

*(i) RECEIVES the Progress Report No 1 on Investigation of Possible Mall Concepts and Wider Streets for Alfresco Dining for Oxford and Newcastle Streets, Leederville and Multi-Level Carparks; ...".*

21 December 2004

The Council at its Ordinary Meeting resolved:

*"That the Council;*

*(i) RECEIVES the Progress Report No.1 relating to 'Leederville Business District - Investigation of Funding Sources for Possible Public Infrastructure'; and*

*(ii) NOTES that a further report relating to 'Leederville Business District - Investigation of Funding Sources for Possible Public Infrastructure', will be submitted to an Ordinary Meeting of Council to be held in June 2005.*

*(iii) REQUESTS the Chief Executive Officer to submit a report for the Council's further consideration at the earliest opportunity and in any case no later than February/March 2005 and for such report to:*

*(a) include all costings/indicative timelines and options for all recommendations identified in the Leederville Masterplan; and*

- (b) *link the Leederville Masterplan, the findings of the Notices of Motion of 13 July 2004 and the proposed Economic Development Plan Recommendations;*
- (iv) *CONSIDERS the matters referred to in (iii) above during the Council budget process 2005/06, and for these to be considered for inclusion in the Strategic Plan, Principal Activities Plan and draft Budget 2005/06; and*
- (v) *APPROVES the tender variation to include 4.9 of the Council's Leederville Masterplan Tender Brief."*

2 March 2005

The Council at its Special Meeting resolved, inter alia, as follows:

*That the Council;*

- (i) *RECEIVES the report relating to the investigation of landholdings and future redevelopment concept plans for the Leederville Business District;*
- (ii) *SUPPORTS IN PRINCIPLE the concept plan to redevelop the Council's land subject to a further report being submitted detailing the financial, legal, economic, land use, planning and architectural aspects; ...*
- (v) *EVALUATES the Leederville Masterplan and the Economic Development Strategy prior to authorising the CEO to engage the necessary consultants to further investigate the project options, including;*
  - (a) *obtaining the necessary financial, valuation, development, project management, architectural and legal advice;*
  - (b) *investigating the benefits and financial implications for the most appropriate development model for the proposed development;*
  - (c) *refining the redevelopment concept plans; and*
  - (d) *entering into discussion with the Water Corporation concerning possible development options over the drainage reserve and other Water Corporation landholdings; ...*
- (ix) *NOTES that this report contains commercially sensitive information and therefore is to remain confidential;*
- (x) *AUTHORISES the Mayor and CEO to meet with the Minister for Planning and Infrastructure and the Director General of the Department of Planning and Infrastructure as soon as is practicable, to discuss the strategic nature and benefits to the state of the project and implementation models to realise the project; and ..."*

7 June 2005

The inaugural meeting of the *Leederville Masterplan Working Group* was held to discuss the way forward with the *Leederville Masterplan*.

12 July 2005

The Council at its Ordinary Meeting resolved, inter alia, as follows:

*"That the Council;*

- (i) *RECEIVES the report on the Proposed Leederville Business District Redevelopment - Progress Report No. 1 as at 6 July 2005;*
- (ii) *ADVISES the Water Corporation of Western Australia that;*
  - (a) *it does not support their proposal to locate a 225mm "spur" sewer line through the Council's land (Lot 36 and Pt Lot 34) on the grounds that this would significantly decrease the value of the Council's land, compromise future development on the land and cause additional building costs to protect the proposed sewer and any building footings; and*
  - (b) *it prefers an alternative alignment along a proposed new gazetted road, which would be created, if this option is agreed, as shown in Confidential Plan No. 2357-CP-1;*
- (iii) *APPROVES IN PRINCIPLE;*
  - (a) *the relocation of the existing 1,050 diameter main drain (estimated to cost between \$400,000-\$450,000) contained within The Avenue Carpark reserve to a new alignment along The Avenue Carpark, and in a proposed new gazetted road which would run at the rear of the Oxford Street properties, as shown in Confidential Plan No. 2357-CP-1;*
  - (b) *the indicative plan to relocate the "proposed" 225mm diameter "spur" sewer line from the current Water Corporation proposal which would traverse the Town's Lot 36 and Pt Lot 34 (approximately 1.5 metres from the western boundary adjacent to Kailis' Lot 19), to a new proposed alignment within a proposed gazetted road, which would run in an east-west direction, as shown in Confidential Plan No. 2357-CP-1;*
- (iv) *subject to Clauses (ii) and (iii) above being supported, APPROVES of the scope of works to re-align the existing 1,050 diameter main drain, contained within The Avenue Carpark reserve, to be included in the Water Corporation's "tender preliminaries" for the sewer construction project (as this will have cost savings to the Town) subject to;*
  - (a) *the Town being responsible for payment of these works;*
  - (b) *the Chief Executive Officer being authorised to negotiate suitable terms and conditions with the Water Corporation; and*
  - (c) *a further report being received by the Council at the conclusion of the negotiations, for approval;*

- (v) *APPROVES IN PRINCIPLE the offer from the Water Corporation cede to the Town, at \$1.00 (plus GST), the redundant portion of the reserve land (comprising up to 784m<sup>2</sup>) located within The Avenue Carpark land on Certificate of Titles 1659/262 and 1054/163, once the main sewer has been decommissioned and the main drain has been realigned and AUTHORISES the Chief Executive Officer to negotiate with the Water Corporation, subject to a report being submitted to the Council for approval, at the conclusion of the negotiations;*
- (vi) *NOTES that;*
  - ...
  - (d) *the Project Architects will be presenting information on a confidential basis to a Forum to be held on 19 July 2005;*
- (vii) *REQUESTS the Chief Executive Officer to write to the Water Corporation seeking their comments and/or commitment to their involvement in the Leederville Masterplan and also details of their future proposals (if any) for their landholdings;*
- (viii) *ADVISES GNTM Pty Ltd (Kailis) that, should they require access from their property into the Council land and a thoroughfare alongside their property for their proposed development, the proposed thoroughfare will only be supported on the basis that it be located equally on both properties; and ..."*

9 August 2005

The Council at its Ordinary Meeting resolved:

*"That the Council;*

- (i) *RECEIVES the Leederville Masterplan, Final Draft -June 2005, prepared by Consultants, Considine and Griffiths Architects Pty Ltd and Chris Antill Planning and Urban Design, as "Laid on the Table";*
- (ii) *NOTES that due to an omission from the tender document, the report does not address the issue of feasibility that was central to Council's original concept for the Leederville Masterplan;*
- (iii) *REFERS the Leederville Masterplan (Final Draft) to the Leederville Masterplan Working Group for consideration of the findings and recommendations made in the document;*
- (iv) *REFERS the confidential Concept Plans prepared by Architects Jones, Coulter Young and presented at a Forum on 19 July 2005 to the Leederville Masterplan Working Group and AUTHORISES the Working Group to consider and progress, subject to the plans remaining confidential;*
- (v) *RESTRICTS distribution of the Leederville Masterplan to Elected Members and Working Group and the Concept Plans*

- to the Chief Executive Officer only, until approved by the Council for release to the public; and*
- (vi) *AUTHORISES the Chief Executive Officer to negotiate payment of the report provided by Considine and Griffiths as the Council has expressed its dissatisfaction with the report that has been provided."*

**DETAILS:**

The Council at its Ordinary Meeting held on 9 August 2005 considered a report relating to the Leederville Masterplan Final Draft document. During discussions, questions were put to the Chief Executive Officer regarding the 'feasibility' component of the Project Brief. Excerpts of the transcript of the Ordinary Meeting of 9 August 2005, is as follows:

*"Cr Chester - I have some concerns with this document such that I don't believe that we can approve in principle the document for its adoption.*

*...I think that there is something that is very fundamental to this document that has compromised the preparation of this report.*

*Council in December approved a Brief that included section 4.9 – "to investigate and provide a feasibility assessment of the Leederville Masterplan". The outcome was "the report is to contain a detailed section that outlines a feasibility assessment of the Leederville Masterplan with reference to costs, timelines, significant priorities and the Town's ability to deliver key aspects of the plan".*

*..... Now what has happened is that for some unexplained reason, that section 4.9 of the Brief has not been included in the tender document on which we engaged the consultant Considine and Griffiths.*

*...*

*As a result of that I ask a question: "Have we got any idea how that key section was removed from the Brief?" Section 4.9"*

*CEO: Mr Chairman, I would need to research that so I will need to take that question on notice. I would need to get the documents and go through it all. I do not have the documents here and I have had no forewarning that this question would be asked.*

*Cr Chester: With due respect, I have been asking questions since November 2004. So I would have thought with the internal processes within the planning department, there would have been some realisation as to the reason why that oversight had occurred."*

**LEGAL/POLICY:**

Nil.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2005-2010 - Key Result Area One: Environment and Infrastructure:  
"1.3 Develop, implement and promote sustainable urban design."

**FINANCIAL IMPLICATIONS:**

The 2005/2006 Budget allocates \$100,000 to the *Leederville Masterplan* and \$25,000 to the *Oxford Centre Study* Implementation (Year 1 of 5).

**COMMENTS:**

The Council resolved to endorse an amended Project Brief for a *Leederville Masterplan* at its Ordinary Meeting held on 16 December 2003. The Tender Brief No.285/04 was advertised in January 2004 and consultants, Considine and Griffiths Architects Pty Ltd and Chris Antill Planning and Urban Design, were appointed in April 2004, following the Council's acceptance of their tender at its Ordinary Meeting held on 13 April 2004. The following pertains to requests for further information in regard to the Tender Brief and questions regarding the 'feasibility component' of the Project Brief which have occurred to-date.

30 November 2004 An Elected Member Request (EMR), reference number 22961, requested information on costings - was it included in the Consultant's brief and what would it cost to have this as a variation.

1 December 2004 An email was sent to the Consultants in respect of the above request.

9 December 2004 The Town's Officers replied to EMR 22961 as follows:

*"As requested, the Consultants have been contacted with regard to costing of implementing their recommendations. The Consultants have advised that... "When we get to the end, we can arrange for costing. I think it would be best to leave costing until the final version of the report so that we cost an agreed plan and do the costing once."*

*A telephone conversation with Phil Griffiths (Consultant team) revealed a 'ball park figure' for this type of 'costing work' would be \$2,500-\$3,000, and that they would get quotes once the final report is available. The 'costing work' does not form part of the Consultants Brief, and this work will require a formal variation to the Brief. The Consultants also advised that "We are aiming to have the first draft to you this month..."*

21 February 2005 An Elected Member Request, reference number 23081, requested whether the Consultant appointed to do the *Leederville Masterplan* was assessed on their ability to perform section 4.9 of the Brief. That section of the Brief stated:-

*"the report is to contain a detailed section that outlines a feasibility assessment of the Leederville Masterplan with reference to costs, timelines and significant priorities and the Town's ability to deliver key aspects of the plan."*

28 February 2005 The Town's Officers replied to EMR 23081 as follows:

*"As previously advised in Elected Member Request No.22961, the 'costing work' does not form part of the Consultants brief, and this work will require a formal variation to the Brief."*

*As such, assessment of the Consultant's ability to perform such work was not included in the selection procedure. It is noted that a draft Leederville Masterplan has been received and following comments to the consultants from the Town, they will prepare the final version with broad-brush costings for the works that are the responsibility of the Town and also suggest a timeframe for implementation."*

28 February 2005

An email was received by the Chief Executive Officer from Councillor Chester regarding the *Leederville Masterplan*, which listed four concerns along with a request for comments prior to the Special Meeting of Council scheduled for 2 March 2005.

2 March 2005

At the Special Meeting of Council, the Council considered a confidential item - Item 7.1. In this report, the draft Masterplan for this area was included and at the Council Meeting considerable discussion ensued. The following comments presented to Elected Members in response to the email request above.

*"Point 1. The Oxford Centre study got nowhere because there was NO plan behind it to tell us how to implement it.*

Response

*This statement is incorrect in that the Oxford Centre Study included Recommendations and an Implementation Plan was prepared. The Oxford Centre Study Implementation was deferred by the Council at its Ordinary Meeting held 10 February 2004 pending the final outcome of the Leederville Masterplan. It is noted that Year 1 of the 5 year implementation plan is listed on the current budget. The Implementation Plan is attached.*

*Point 2. Section 4.9 (Implementation) of the Masterplan Brief being somehow missed out from the consultant brief relegates the \$33k being spent on the Leederville Masterplan to being of little more use than the Oxford Centre study. The key difference between the Leederville Masterplan and the Oxford Centre study was that we now recognised that implementation was the key!*

Response

*It is reiterated that an Implementation Plan was prepared for the Oxford Centre Study and the current brief requires the Consultant to outline a 4 point Implementation Plan also. It is noted that section 4.9 related to a Feasibility Assessment which the Consultant has advised would be an additional \$2,500-\$3,000 and this will be carried out as previously advised. It is noted that a sum of \$50,000 was originally budgeted for the Leederville Masterplan.*

*Point 3. It is totally inadequate for the consultant to advise that the costings will be done in the final phase of the Leederville Masterplan. The project could have a 5 to 7 year life and having a sharp implementation/business plan that fundamentally drives the Masterplan is actually the more important document. Basic decisions made in considering the Masterplan in isolation could be flawed when considering the implementation plan. The implementation plan will shape the Masterplan and the implementation plan has to be done in parallel to effectively deliver the project.*

Response

*The Consultant has advised that the costings being done for the Masterplan will be broad brush costings for the works that are the responsibility of the Town along with a suggested timeframe for implementation. This is customary given that they have not been advised to target a specific site or work within a particular timeframe. The Council can then decide to proceed or otherwise with in its own budgetary requirements.*

*It is noted that Elected Member Request No.22961 advised: " The 'costing work' does not form part of the Consultant's Brief, and this work will require a formal variation to the Brief".*

*Point 4. The Leederville redevelopment is a high risk project worth far more than \$55 million, the Leederville Masterplan is a key document. To have the integrity of such a key document compromised so early in the project raises serious concerns in my mind. I am far from satisfied with the attitude of Executive that we will just tag the costings onto the end of the preparation of the Leederville Masterplan as a last minute consideration.*

Response

*It is considered that the integrity of the document has not been affected and as outlined above, costings and an Implementation Plan will be provided with the final document."*

26 April 2005 The Council at its Ordinary Meeting resolved,

*"That the Council;*

- (i) RECEIVES the report in relation to the Leederville Masterplan Working Group;*
- (ii) SUPPORTS the initiative of a Leederville Masterplan Working Group to meet and assist in the delivery of the Leederville Masterplan to the Council;*
- (iii) ENDORSES the Leederville Masterplan Working Group Terms of Reference as shown in Attachment 001 subject to clause 1.0 being amended to read as follows:*

*1.0 Membership*

*The membership of the Leederville Masterplan Working Group shall comprise up to thirteen (13) persons consisting of:*

- 1.1 Six Elected Members – Mayor (chair) and five Councillors;*
- 1.2 Town's Executive Officers;*
- 1.3 Representatives from the East Perth Redevelopment Authority and Western Australian Planning Commission (upon invitation);*
- 1.4 Manager Planning, Building and Heritage Services;*  
*and*
- 1.5 Planning Officer (Strategic).*

- (iv) *NOMINATES five Councillors, Crs Chester, Doran-Wu, Farrell, Ker and Torre to participate with the Mayor and the Town's Executive Officers, Manager Planning, Building and Heritage Services and Planning Officer (Strategic) on the Working Group;*
- (v) *INVITES representatives of the East Perth Redevelopment Authority and the Western Australian Planning Commission to participate in the Working Group;*
- (vi) *RECEIVES a further report once the Working Group has met and established a way forward; and*
- (vii) *REQUESTS the Town's Officers to report to the Working Group, investigating aspects relating to the Leederville Masterplan Tender/Project Brief in terms of:*
  - (a) *the Consultant's attention to development on Town-owned land, costings and feasibility of public works and development on Town-owned land and their potential as drivers of the delivery of the Masterplan;*
  - (b) *dialogue with key landowners within Leederville such as The Schools of Isolated and Distance Education Office, Water Corporation and Central TAFE; and*
  - (c) *to highlight the differences between the Council resolved Project Brief and the Tender/Project Brief tendered to the Consultants."*

7 June 2005

Inaugural Meeting of the *Leederville Masterplan Working Group* was held. An Officer's Report dated 7 June 2005 was presented in accordance with Clause (vii) of the Council's resolution of 26 April 2005, a copy of this report is appended as detailed above and provided information relating to the stated requests. The Group discussed, among other things, the way forward for the *Leederville Masterplan*. Excerpts of the Minutes are as follows in this regard:

*..."The CEO advised that a decision needed to be made on the way forward with the Masterplan along with key milestones of the next phases of the project. Invitations to economic estimators and feasibility consultants should be carried out. .... General discussion with regard to expectations of the Town, Council and business proprietors of Leederville. The CEO noted that the Working Group needs to decide who we speak to, that is, the type of Consultants, regarding principles of implementing masterplans. The CEO suggested the Consultants who carried out the Economic Development Strategy and specialist economic consultants etc. Further discussion ensued regarding value for money of the Leederville Masterplan, the OCUDS 2000, Leederville Oval Redevelopment. Concern regarding the lack of economic considerations and consultation with business owners in the Masterplan were voiced.*

*Cr Chester advised that the Mayor had requested written timelines and expectations of the Leederville Masterplan over the next 6 months.*

*The CEO requested EPRA contacts attend a Confidential Elected Members Briefing on 21 June 2005. They would be requested to provide their views on the Leederville Masterplan, its implementation and delivery of the document to the public. Consultants Pracsys and Neil Stevens would also be requested to attend. Cr Chester also noted Mark Hedges and Dale Page of EPRA's 'Place Creation' section may be of assistance. They would be contacted by the CEO."*

General consensus was reached by the Working Group in terms of acknowledging the shortcomings of the Tender Brief and the subsequent *Leederville Masterplan*, and that 'moving forward' was more important than *reflecting what could have been* or "*past oversights*". Discussions then moved towards the value of Economic Consultants and that a Elected Member's Forum would be set up to host such presentations as a means of moving forward.

7 June 2005                      In accordance with clause (vii) (c) above, the Officer's Report detailed the following in this regard:

The Officer's Report was taken on notice to be discussed and considered at a later date.

The Consultants were requested to provide costings of implementing their recommendations and that these should include a "bottom line cost", that is, the net cost to the Town. The variation to the Brief was considered and approved by the Council at its Ordinary Meeting held on 21 December 2004.

21 June 2005                      Elected Member's Forum to discuss the *Leederville Masterplan*.

In summary, clause 4.9 *Feasibility Assessment* was not included in the Tender Brief as a result of an administrative error/oversight, when the adopted Project Brief was transferred into the standard tender documentation. Accordingly, measures have been taken to ensure that situations of this nature are avoided in the future in that all documentation which is transferred into the standard tender documentation will be checked by not only the Officer responsible for the Project (responsible Town's Officer and Finance Officer (Purchasing)) but also by the responsible Manager, to ensure that the Tender Brief accurately reflects the project brief adopted by the Council.

In view of the above, it is considered that the Town's administration has provided responses to the concerns held by the Council in relation to the *Feasibility Assessment* of the *Leederville Masterplan* Project Brief. In addition to the above, it is noted that these requests were also the subject of a number of telephone discussions between the Chief Executive Officer, Councillor Chester and the Executive Manager Environmental and Development Services, where the matters outlined above were further acknowledged, discussed and clarified.

**Chief Executive Officer's Comment:**

The Chief Executive Officer amended this report by making minor changes to the last two paragraphs on page 140.

**Crs Lake and Maier declared a financial interest in this Item and did not speak or vote on the matter. They departed the chamber at 9.50pm.**

**Mayor Catania advised that although Crs Ker and Chester had declared a financial interest in this Item, they have approval from the Minister for Local Government to participate in debate and vote on this matter.**

**10.1.31 Progress Report No.8 - Municipal Heritage Inventory Review**

<b>Ward:</b>	Both	<b>Date:</b>	17 August 2005
<b>Precinct:</b>	All	<b>File Ref:</b>	PLA0098
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	H Eames, T Woodhouse		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

- (i) *the Council RECEIVES Progress Report No. 8 pertaining to the Municipal Heritage Inventory Review; and*
- (ii) *NOTES that a further Progress Report, including a detailed gantt chart that addresses the outstanding tasks and associated timelines to deliver the Draft Municipal Heritage Inventory and related initiatives, is programmed to be presented to the Ordinary Meeting of Council to be held on 13 September 2005.*

**COUNCIL DECISION ITEM 10.1.31**

**Moved Cr Torre, Seconded Cr Messina**

*That the recommendation be adopted.*

Debate ensued.

**CARRIED (6-0)**

**(Cr Farrell on leave of absence. Crs Lake and Maier were absent from the chamber and did not vote.)**

**PURPOSE OF REPORT:**

To provide the Council with an update on the progress of the Municipal Heritage Inventory (MHI) Review, associated timeline and related strategic projects and initiatives.

**BACKGROUND:**

Since its commencement, the Council has resolved a number of tasks to be completed that will contribute to the long term objectives of the MHI. Details relating to the phases of the project are shown in Table 1 as an attachment to this report.

On 11 June 2002, the Council resolved to adopt the "Publicity and Consultation Strategy" and "Conservation Encouragement Strategy".

On 21 December 2004, the Council resolved to approve the *Pre-Release Phase 1*, which was commenced in accordance with the Council's resolution in January 2005.

A further resolution of Council on 21 December 2004 was to authorise the Chief Executive Officer to review the timeline for the release of the Draft Municipal Heritage Inventory for public consultation and comment (Phase 2 of the '*Publicity and Consultation Strategy*'), upon receipt of the outcome of the '*Study of Heritage Listing and Property Values*' currently being undertaken by the Australian Property Institute, and to submit a report for the Council's consideration at the earliest opportunity and in any case no later than April 2005.

On 26 April 2005, the Council resolved to receive a report relating to the release of the Draft MHI and its strategic relationship with the '*Study of Heritage Listing and Property Values*'. It was further noted that a revised timeframe for the Municipal Heritage Inventory Review is listed for discussion at an Elected Members Forum at a date to be determined by the Mayor.

A presentation to the Elected Members on the '*Publicity and Consultation Strategy*' was given by the Heritage Officers on 15 June 2004, and a further presentation on the components of the Pre-Release Phase 1 consultation was given at an Elected Members Forum on 19 November 2004.

### **Related Strategic Projects**

A number of strategic projects and initiatives relating to heritage management have been occurring during the process of the Draft MHI. Each of these have had an impact on the Draft MHI project in terms of resources and in terms of developing professional standards and debates about the practice. These include:

- participation in the State Heritage Working Party to present to the Minister for Heritage a set of professional standards and State Policies relating to heritage in WA;
- participation in the Federal Productivity Commission Heritage Enquiry relating to conservation practice and policy at local, state and federal levels;
- participation in the '*Study of Heritage Listing and Property Values*' with partnered local government and the Australian Property Institute;
- participation in data collection for State of Environment Report (WA component);
- commencement of Town Planning Scheme and associated townscapes/streetscapes components; and
- drafting of new Policies for Town of Vincent heritage management.

### **Additional Project**

An additional project strategically related to the MHI was included in the 2005/2006 Budget, which allows for the development of Heritage Grants. This has recently been accommodated by the Officers into the existing Heritage Incentives Packages and a report outlining the Heritage Grants program structure is anticipated to be presented to the Council for consideration in September 2005.

### **DETAILS:**

The progress of the MHI Review Project is currently directed by 5 features as follows:

1. related strategic projects as listed above;
2. electronic creation and subsequent management of the new heritage database and images, creation of owner-contact mailing list, creation and management of the new webpage;
3. creation of Policies to support future management of the MHI and associated heritage services;
4. design and production of Heritage Incentives Package (Information Resource Kit) and other support material; and

5. public consultation, workshops and feedback on the Draft MHI and subsequent adoption.

#### **Items to be Completed Prior to Release of Draft MHI**

With regard to the above features, the Council has expressed a wish to have - (a) Heritage Grants program; (b) Heritage Incentives Package; and (c) Study of Heritage Listing and Property Values; each completed prior to the release of the Draft MHI. The Heritage Grants are currently being drafted and incorporated with the already largely-completed Heritage Incentives Package and, as such, its development will be completed prior to the Draft MHI.

The '*Study of Heritage Listing and Property Values*' has previously been reported to the Council and is not expected to be completed in a timeframe complementary to the release of the MHI. The "*Study of Heritage Listing and Property Values*" is a pilot program being conducted by the Town of Vincent with the Australian Property Institute, the City of Stirling and the City of Perth to examine whether a correlation can be established between property values and heritage listings. The completion date of this project is outside the jurisdiction of the Town and its outcomes or findings are uncertain.

#### **Consultation Stages**

The "*Publicity and Consultation Strategy*" for the Municipal Heritage Inventory Review consists of three key phases: Pre-Release Phase 1; Draft Release and Public Comment Period; and Post-Adoption Period. The Pre-Release Phase 1 as resolved by the Council at its Ordinary Meeting held on 21 December 2004 has largely been completed, with tasks detailed in the attached Table.

The revised timeframe for the Municipal Heritage Inventory Review noted at the Ordinary Meeting of Council held on 26 April 2005 has not yet been listed for discussion at an Elected Members Forum.

#### **Owner Contact for Consultation**

With the *Planning and Building Application Module* going live on 22 June 2005, meetings have been held to establish how to most appropriately convert property owner details from Authority to the *MHI Access Database*. It is essential that owner contact details are as accurate as possible to ensure an effective consultation phase. The Town's Officers will be relying on postal-contact details provided by owners to the Town's Rates Services for this consultation.

After discussing the matter with the Town's Information Systems and Rates Services, the matter of owner contact mail lists has been resolved. This will require a manual task of correlating each separate property within the Draft MHI with rates information in the Authority system, and confirming this against individual searches in the Town's GIS mapping. This task is labour intensive, however, no other means of extracting the owner correspondence details is available. The task is critical in terms of timeframes if the Officers are to deliver direct mail outs to affected property owners immediately following the authorisation from the Council to release the MHI for consultation.

#### **Database Management**

The Town's Heritage Officers have received training in Microsoft *Access*, necessary for the Officers to manage the content information of the new database and for correlating information from the Town's Rates information database to create a consultation mail-out list of affected owners.

### **Policies**

A set of Policies has been drafted for the Council's consideration, which addresses the current lack of guidance in dealing with operational aspects of the MHI and associated heritage management tasks. The Policies have revised the existing statements contained within the *Town of Vincent Planning and Building Policy Manual*, as well as identifying new Policies needed to guide the future use and management of the MHI.

### **Incentives Package**

The *Incentives Package* delivers the Town's current and new heritage initiatives which support, educate and encourage community ownership and responsibility in a manner consistent with good conservation practice. It pulls together both existing incentives available through the Town Planning Scheme, specific heritage management initiatives, as well as the new Heritage Grants initiative introduced in the 2005/2006 Budget. As an overall initiative, the Incentives Package will manifest in the *Information Resource Kit*, which can be added to and adjusted as needed in the future.

A set of 8 brochures have been designed and produced to encourage and promote good heritage activity and awareness within the Town. These brochures were previously "*Laid on the Table*" at the Ordinary Meeting of Council held on 21 December 2004.

A webpage has also been designed and is currently active, with Officers anticipating training on website management in the next month. This webpage contains copies of all brochures, notices, Policies, stories, pictures, contacts, links and the current MHI database and will be an ongoing tool central to the improvements of delivering an effective MHI and heritage service in the future. It is available for viewing at [www.vincentheritage.com.au](http://www.vincentheritage.com.au). Updates will occur shortly once Officers receive the relevant training.

### **Draft Release and Public Comment Period**

This period relies heavily on the preparation of the Pre-Release Phase 1, and results in the distribution of the Draft MHI to affected owners and the broader community for comment and feedback. It is founded on the principle that the Council wishes to have affected owners notified immediately following authorisation to release the MHI and that this period should be supported by a variety of informative and accessible documents and initiatives to help owners of identified properties. This includes the electronic preparation of owners contact lists, incentives package, a searchable database accessible via the web and supportive Policies to explain technical aspects of the MHI.

A core aspect of this phase of the project is provision of public workshops. This will be undertaken on a geographic basis for logistical and equity purposes. Until final owner contact lists are compiled (as detailed on page 3 of this report), it is not possible to begin to estimate the likely structure of the workshops, their frequency, location or dates. However, this is something that can be further developed and update provided to the Council following further work on the database and contact mail-out lists. The use of a facilitator to guide these workshop discussions has been included in the budget allocation.

### **CONSULTATION/ADVERTISING:**

Members of the community were invited to join a Heritage Working Group as part of the Municipal Heritage Inventory Review in November 2000. The first stage of community consultation was completed by the consultant in 2001. The second stage consultation will commence following authorisation from the Council to release the Draft MHI for consultation.

**LEGAL/POLICY:**

There is a legal requirement for the Town to review its Municipal Heritage Inventory and the "*Publicity and Consultation Strategy*" forms part of that review.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2005-2010 - Key Result Area 1.2 "*Recognise the value of heritage in providing a sense of place and identity*".

**FINANCIAL IMPLICATIONS:**

The current 2005/2006 Budget lists \$14,900 for the *Heritage Incentive Packages* and \$32,400 for the Municipal Heritage Inventory Review. The costs of the information brochures, web design and media articles are within the agreed budget allocations, leaving sufficient funds to continue Phase 2 (Draft Release and Public Consultation, including affected owners) and Phase 3 (Post Adoption).

**COMMENTS:**

Steady progress on the Pre-Release phase of the "*Publicity and Consultation Strategy*" is being made with the following developments:

- finalisation of the webpage, which will provide a very comprehensive point of reference relating to heritage matters at the Town of Vincent;
- research for news articles to promote heritage conservation and to heighten the community's awareness of general heritage issues prior to the release of the MHI;
- familiarisation with the Municipal Heritage Inventory Access Database to ensure that the Town's Officers can proficiently manage the working electronic MHI database;
- development of Heritage Management Policies to ensure standard procedures in dealing with heritage matters; and
- finalisation of the *Heritage Incentives Packages* to coincide with the proposed release of the Municipal Heritage Inventory;

all of which are being completed or near completion.

The "*Study of Heritage Listing and Property Values*" is a collaborative project in which the results have not yet been received, however, sample statistics are currently being assessed by the Project Team following a meeting held on 13 July 2005.

A further progress report, including a detailed gantt chart that addresses the outstanding tasks and associated timelines to deliver the Draft MHI and related initiatives, is programmed to be presented to the Ordinary Meeting of Council to be held on 13 September 2005.

Mayor Catania advised that although Crs Ker and Chester had declared a financial interest in this Item, they have approval from the Minister for Local Government to participate in debate and vote on this matter.

Crs Lake and Maier returned to the chamber at 9.52pm.

Mayor Catania advised Crs Lake and Maier that Item 10.1.31 had been carried.

**10.1.32 Planning and Building Policies - Amendment No. 14 - Draft Policies Relating to Heritage Management - Development Guidelines, Assessment and Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI)**

<b>Ward:</b>	Both	<b>Date:</b>	17 August 2005
<b>Precinct:</b>	All	<b>File Ref:</b>	PLA0098
<b>Attachments:</b>	<a href="#">001 002</a>		
<b>Reporting Officer(s):</b>	T Woodhouse		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the:
  - (a) *draft Policy relating to Heritage Management - Development Guidelines, as shown in Attachment 10.1.32(a);*
  - (b) *draft Policy relating to Heritage Management – Assessment, as shown in Attachment 10.1.32(a);*
  - (c) *draft Policy relating to Heritage Management - Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI), as shown in Attachment 10.1.32(a); and*
  - (d) *Heritage Impact Statement Pro-forma, Municipal Heritage Inventory Nomination Form, Municipal Heritage Inventory Deletion Form and Municipal Heritage Inventory Amendment to Management Category Form, as shown in Attachment 10.1.32(b);*
- (ii) **ADOPTS** the draft Policies relating to Heritage Management - Development Guidelines, Assessment and Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI) to be applied in the interim up to formal adoption of the Draft Policies;
- (iii) **RESCINDS** the Policies relating to Heritage - Heritage Assessment, Heritage - Heritage Management - Municipal Heritage Inventory, and Residential Design Guidelines - Design Elements - Heritage Conservation;
- (iv) **ADVERTISES** the:
  - (a) *draft Policies relating to Heritage Management - Development Guidelines, Assessment and Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI); and*

- (b) *rescission of Policies relating to Heritage Assessment, Heritage Management - Municipal Heritage Inventory, and Residential Design Guidelines - Design Elements - Heritage Conservation;*

*for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*

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

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

- (a) *reviews the draft Policies relating to Heritage Management - Development Guidelines, Assessment, Adding/Deleting/Amending Places from the Municipal Heritage Inventory (MHI) having regard to any written submissions; and*
- (b) *determines the draft Policies relating to Heritage Management - Development Guidelines, Assessment, Adding/Deleting Places from the Municipal Heritage Inventory (MHI) with or without amendment, to or not to proceed with them.*

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**Moved Cr Torre, Seconded Cr Messina**

*That the recommendation be adopted subject to the following amendments:*

1. *A new clause (vi) be added to the recommendation as follows:*

"(vi) *AMENDS the draft Policy relating to Heritage Management - Development Guidelines as shown in the Attachment, by amending Objective 2) as follows, prior to clauses (ii), (iii), (iv) and (v) above, being actioned:*

- 2) *To ensure that the Council ~~is familiar with~~ gives due consideration to the procedures that apply to the identified Management Categories when considering and determining planning applications, particularly in regards to the impact of proposed developments on heritage places and their environs."*

2. *A new clause (vii) is added to the recommendation as follows:*

"(vii) *AMENDS the draft Policy relating to Heritage Management - Adding/Deleting/Amending Places listed on the Municipal Heritage Inventory (MHI) as shown in the Attachment, by amending clause 1) iii) as follows, prior to clauses (ii), (iii), (iv) and (v) above, being actioned:*

- 1) iii) *All recommendations ~~The decision~~ to add, delete or amend places in the Municipal Heritage Inventory shall be made to the Council on a quarterly basis and all nominations made during this period be*

*reported to the Council. In the instance of the recommended four year review of the MHI, an alternative timeframe will be adopted. "*

3. *A new clause (viii) be added to the recommendation as follows:*

*“(viii) AMENDS the draft Policies relating to Heritage Management - Development Guidelines, Assessment and Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI) as shown in the Attachments, , as follows, prior to clauses (ii), (iii), (iv) and (v) above being actioned:*

*(a) amends the draft Policy relating to Heritage Management - Development Guidelines by amending the following definition;*

**"Heritage Assessment**

A systematic assessment that describes a place and its setting and states the significant heritage values of the place based on the criteria outlined in the Burra Charter. It is preferable but not essential for such assessments to be undertaken by people with relevant experience in this area of expertise."

*(b) amends the draft Policy relating to Heritage Management - Development Guidelines, by amending the following clause 1) iv):*

**"1) i) A Conservation Essential**

- A Conservation Plan and/or Heritage Impact Statement is to be prepared in the event of a planning application to guide the decision making on the future conservation and development of the place.
- The Conservation Plan and/or the Heritage Impact Statement is to be prepared by ~~suitable~~ a suitable professional with demonstrated qualifications and experience in the field of heritage conservation management.
- The development proposal should be assessed with close regard for the Conservation Plan/Heritage Impact Statement, and the planning decision is to be consistent with the recommendations of the Conservation Plan/Heritage Impact Statement.
- If the place is listed on the State Register of Heritage Places comments are to be sought from the Heritage Council of Western Australia before ~~any development is approved.~~ a decision is made on an application for development."

*(c) amends the draft Policy relating to Heritage Management - Development Guidelines, by amending the following clauses 1) iii):*

**" 1) iii) C Conservation Encouraged**

- A Heritage Assessment is to be prepared by the Town of Vincent's Heritage Officers or by a recognised heritage professional whenever a planning application is submitted.
- Where the planning application proposes the demolition of two or more places the Town of Vincent may request that the Heritage Assessment is to be conducted independently by heritage professionals recognised by the Heritage Council of Western Australia.
- The Heritage Assessment will determine the level of cultural heritage significance associated with the place and the type of redevelopment considered appropriate.

- Depending on the outcome of the Heritage Assessment, a place in this category ~~will~~ may be reclassified to a different Management Category which would then guide the appropriate procedures for redevelopment ~~Category B or Category D.~~"

**(d) amends the draft Policy relating to Heritage Management - Development Guidelines, by amending the following Introduction:**

"The Municipal Heritage Inventory comprises a list of places within the Town of Vincent that have been recognised as having cultural heritage significance and worthy of conservation for present and future generations. Each place has been allocated a Management Category which reflects the level of cultural heritage significance associated with that particular place. The Management Categories provide a guide to any future works to be conducted and the level of protection and conservation recommended. The current Australian Burra Charter will supplement the heritage definitions and terms used in this Policy."

**(e) amends the draft Policy relating to Heritage Management - Assessment, by adding the following clause 5):**

"5) A Management Category will be allocated to each place that will reflect the cultural heritage significance associated with that particular place. The Management Category is designed to provide a guide to any future works to be conducted and the level of protection and conservation recommended which is outlined in Policy No. 3.6.1 Heritage Management relating to Development Guidelines. The Management Category will be allocated to a place based on considerations of the Statement of Significance and other relevant factors. "

**(f) amends the draft Policy relating to Heritage Management - Assessment, by amending the following Introduction:**

"All Heritage Assessments of local heritage places in the Town of Vincent are to be carried out in accordance with the procedures outlined within this Policy so that assessments are accountable, comparable and consistent. The criteria are based on the principles outlined within the Burra Charter and adhere to well-established 'best practice' in the identification and assessment of heritage places in Western Australian and throughout Australia at a local, state and national level. The current Australian Burra Charter will supplement the heritage definitions and terms used in this Policy. "

**(g) amends the draft Policy relating to Heritage Management - Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI), by amending the following Introduction:**

"The Town of Vincent has a rich and diverse heritage demonstrated within its built and natural environment. The Town of Vincent first released its Municipal Heritage Inventory in 1995 which has since been substantially updated resulting in the creation of the current working Municipal Heritage Inventory. The Inventory includes a range of places both natural and built that have been identified as having cultural heritage significance requiring varying degrees of protection and conservation. As a working document it is important that places can be deleted, added

and amended to the list when required. The current Australian Burra Charter will supplement the heritage definitions and terms used in this Policy."

- (h) *amends the draft Policy relating to Heritage Management - Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI), by amending the following clause 3):*

**"3) The following consultation procedures apply in the event of all considered changes to the Municipal Heritage Inventory:**

Before resolving to adopt nominations for adding/deleting/amending places on the Municipal Heritage Inventory, the Council will:

- ~~Notify the owner(s) and occupier(s) of the place and any other person whose names appear on the Certificate of Title of the land as having an interest therein;~~
- Notify the owner in writing stating that a nomination form for adding/deleting/amending the Municipal Heritage Inventory has been received and provide 14 days for the owner to comment prior to Council consideration.
- Provide the opportunity for interested owners and/or members of the community to participate in workshops/meetings conducted at the Town of Vincent addressing issues surrounding heritage listed places;
- Consider the nominations to add/delete/amend places on the Municipal Heritage Inventory and advertise the list of proposed amendments for public comment for the period of 28 days in the local newspaper; Advertise notice, including a list of the proposed amendments in the local newspaper and make the heritage assessment reports available for public viewing, during a public comment period of minimum 28 days;
- ~~Invite submissions on the proposed amendments within a period of not less than 28 days of the date specified on the notice;~~
- Consider any submissions made and resolve to adopt with or without modifications, the proposed amendments to the MHI after considering the submissions; and
- Forward notice of the final adoption of the proposed amendments to the MHI to the Heritage Council of Western Australia and the Western Australian Planning Commission."

- (i) *amends the draft Policy relating to Heritage Management - Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI), by amending the following clause 2)ii):*

"2) ii) *A place is requested to be deleted from the MHI by the owner or a member of the public.*

- a) Any place that is requested deletion from the MHI is to involve the submission of the Municipal Heritage Inventory Application Deletion Form, identifying the place and demonstrating conclusively that the existing assessment of its cultural heritage significance was erroneous or that it has subsequently lost this significance.
- b) To determine this, an assessment is to be prepared by the Town of Vincent's Officers to review the current status of significance. If it is found that the place does not meet the threshold for entry into the Municipal Heritage Inventory then a revised assessment and the Application for Deletion Form is to be presented to Council. The Council's basis for removing places from the Municipal Heritage Inventory will be the degree to which the place/s has lost its cultural heritage significance.
- ~~e) A place will not be removed from the Municipal Heritage Inventory solely on the grounds that it is not in its original state or it is in poor condition. These considerations need to be either factored into the assessment of the place or alternatively be addressed through development control decisions concerned with a range of planning issues.~~
- ~~c)⇌~~ The poor state of a place listed on the MHI should not in itself be a reason for removal from the Inventory. However if structural failure is cited as a justification for removal of the place from the MHI, evidence should be provided that states that the structural integrity of the place has failed, to the point where it cannot be rectified without the removal of a majority of its significant fabric. In this instance a structural condition report conducted by a registered structural engineer should be submitted to the Town of Vincent and considered in conjunction with the Application for Deletion Form.””

Debate ensued.

**CARRIED (8-0)**

(Cr Farrell on leave of absence.)

**COUNCIL DECISION ITEM 10.1.32**

*That the Council;*

- (i) **RECEIVES the:**
- (a) *draft Policy relating to Heritage Management - Development Guidelines, as shown in Attachment 10.1.32(a);*
- (b) *draft Policy relating to Heritage Management – Assessment, as shown in Attachment 10.1.32(a);*

- (c) *draft Policy relating to Heritage Management - Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI), as shown in Attachment 10.1.32(a); and*
- (d) *Heritage Impact Statement Pro-forma, Municipal Heritage Inventory Nomination Form, Municipal Heritage Inventory Deletion Form and Municipal Heritage Inventory Amendment to Management Category Form, as shown in Attachment 10.1.32(b);*
- (ii) *ADOPTS the draft Policies relating to Heritage Management - Development Guidelines, Assessment and Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI) to be applied in the interim up to formal adoption of the Draft Policies;*
- (iii) *RESCINDS the Policies relating to Heritage - Heritage Assessment, Heritage - Heritage Management - Municipal Heritage Inventory, and Residential Design Guidelines - Design Elements - Heritage Conservation;*
- (iv) *ADVERTISES the:*
  - (a) *draft Policies relating to Heritage Management - Development Guidelines, Assessment and Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI); and*
  - (b) *rescission of Policies relating to Heritage Assessment, Heritage Management - Municipal Heritage Inventory, and Residential Design Guidelines - Design Elements - Heritage Conservation;**for public comment , in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
  - (1) *advertising a summary of the subject Policies once a week for four consecutive weeks in a newspaper circulating in the locality;*
  - (2) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policies; and*
  - (3) *forwarding a copy of the subject Policies to the Western Australian Planning Commission and the Heritage Council of Western Australia; and*
- (v) *after the expiry of the period for submissions:*
  - (a) *reviews the draft Policies relating to Heritage Management - Development Guidelines, Assessment, Adding/Deleting/Amending Places from the Municipal Heritage Inventory (MHI) having regard to any written submissions; and*
  - (b) *determines the draft Policies relating to Heritage Management - Development Guidelines, Assessment, Adding/Deleting Places from the Municipal Heritage Inventory (MHI) with or without amendment, to or not to proceed with them;*
- (vi) *AMENDS the draft Policy relating to Heritage Management - Development Guidelines as shown in the Attachment, by amending Objective 2) as follows, prior to clauses (ii), (iii), (iv) and (v) above, being actioned:*

“2) *To ensure that the Council ~~is familiar with~~ gives due consideration to the procedures that apply to the identified Management Categories when considering and determining planning applications, particularly in regards to the impact of proposed developments on heritage places and their environs.”*

(vii) *AMENDS the draft Policy relating to Heritage Management - Adding/Deleting/Amending Places listed on the Municipal Heritage Inventory (MHI) as shown in the Attachment, by amending clause 1) iii) as follows, prior to clauses (ii), (iii), (iv) and (v) above, being actioned:*

“1) iii) All recommendations ~~The decision~~ to add, delete or amend places in the Municipal Heritage Inventory shall be made to the Council on a quarterly basis and all nominations made during this period be reported to the Council. In the instance of the recommended four year review of the MHI, an alternative timeframe will be adopted.”

(viii) *AMENDS the draft Policies relating to Heritage Management - Development Guidelines, Assessment and Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI) as shown in the Attachments, , as follows, prior to clauses (ii), (iii), (iv) and (v) above being actioned:*

(a) *amends the draft Policy relating to Heritage Management - Development Guidelines by amending the following definition;*

**"Heritage Assessment**

A systematic assessment that describes a place and its setting and states the significant heritage values of the place based on the criteria outlined in the Burra Charter. It is preferable but not essential for such assessments to be undertaken by people with relevant experience in this area of expertise."

(b) *amends the draft Policy relating to Heritage Management - Development Guidelines, by amending the following clause 1) iv):*

**"1) i) A Conservation Essential**

- A Conservation Plan and/or Heritage Impact Statement is to be prepared in the event of a planning application to guide the decision making on the future conservation and development of the place.
- The Conservation Plan and/or the Heritage Impact Statement is to be prepared by ~~suitable~~ a suitable professional with demonstrated qualifications and experience in the field of heritage conservation management.
- The development proposal should be assessed with close regard for the Conservation Plan/Heritage Impact Statement, and the planning decision is to be consistent with the recommendations of the Conservation Plan/Heritage Impact Statement.
- If the place is listed on the State Register of Heritage Places comments are to be sought from the Heritage Council of Western Australia before ~~any development is approved~~. a decision is made on an application for development."

(c) *amends the draft Policy relating to Heritage Management - Development Guidelines, by amending the following clauses 1) iii):*

**" 1) iii) C Conservation Encouraged**

- A Heritage Assessment is to be prepared by the Town of Vincent's Heritage Officers or by a recognised heritage professional whenever a planning application is submitted.
- Where the planning application proposes the demolition of two or more places the Town of Vincent may request that the Heritage Assessment is to be conducted independently by heritage professionals recognised by the Heritage Council of Western Australia.
- The Heritage Assessment will determine the level of cultural heritage significance associated with the place and the type of redevelopment considered appropriate.
- Depending on the outcome of the Heritage Assessment, a place in this category ~~will~~ may be reclassified to a different Management Category which would then guide the appropriate procedures for redevelopment-Category B or Category D."

**(d) amends the draft Policy relating to Heritage Management - Development Guidelines, by amending the following Introduction:**

"The Municipal Heritage Inventory comprises a list of places within the Town of Vincent that have been recognised as having cultural heritage significance and worthy of conservation for present and future generations. Each place has been allocated a Management Category which reflects the level of cultural heritage significance associated with that particular place. The Management Categories provide a guide to any future works to be conducted and the level of protection and conservation recommended. The current Australian Burra Charter will supplement the heritage definitions and terms used in this Policy."

**(e) amends the draft Policy relating to Heritage Management - Assessment, by adding the following clause 5):**

"5) A Management Category will be allocated to each place that will reflect the cultural heritage significance associated with that particular place. The Management Category is designed to provide a guide to any future works to be conducted and the level of protection and conservation recommended which is outlined in Policy No. 3.6.1 Heritage Management relating to Development Guidelines. The Management Category will be allocated to a place based on considerations of the Statement of Significance and other relevant factors. "

**(f) amends the draft Policy relating to Heritage Management - Assessment, by amending the following Introduction:**

"All Heritage Assessments of local heritage places in the Town of Vincent are to be carried out in accordance with the procedures outlined within this Policy so that assessments are accountable, comparable and consistent. The criteria are based on the principles outlined within the Burra Charter and adhere to well-established 'best practice' in the identification and assessment of heritage places in Western Australian and throughout Australia at a local, state and national level. The current

Australian Burra Charter will supplement the heritage definitions and terms used in this Policy."

- (g) *amends the draft Policy relating to Heritage Management - Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI), by amending the following Introduction:*

"The Town of Vincent has a rich and diverse heritage demonstrated within its built and natural environment. The Town of Vincent first released its Municipal Heritage Inventory in 1995 which has since been substantially updated resulting in the creation of the current working Municipal Heritage Inventory. The Inventory includes a range of places both natural and built that have been identified as having cultural heritage significance requiring varying degrees of protection and conservation. As a working document it is important that places can be deleted, added and amended to the list when required. The current Australian Burra Charter will supplement the heritage definitions and terms used in this Policy."

- (h) *amends the draft Policy relating to Heritage Management - Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI), by amending the following clause 3):*

- "3) **The following consultation procedures apply in the event of all considered changes to the Municipal Heritage Inventory:**

Before resolving to adopt nominations for adding/deleting/amending places on the Municipal Heritage Inventory, the Council will:

- ~~Notify the owner(s) and occupier(s) of the place and any other person whose names appear on the Certificate of Title of the land as having an interest therein;~~
- Notify the owner in writing stating that a nomination form for adding/deleting/amending the Municipal Heritage Inventory has been received and provide 14 days for the owner to comment prior to Council consideration.
- Provide the opportunity for interested owners and/or members of the community to participate in workshops/meetings conducted at the Town of Vincent addressing issues surrounding heritage listed places;
- Consider the nominations to add/delete/amend places on the Municipal Heritage Inventory and advertise the list of proposed amendments for public comment for the period of 28 days in the local newspaper; Advertise notice, including a list of the proposed amendments in the local newspaper and make the heritage assessment reports available for public viewing, during a public comment period of minimum 28 days;
- ~~Invite submissions on the proposed amendments within a period of not less than 28 days of the date specified on the notice;~~

- Consider any submissions made and resolve to adopt with or without modifications, the proposed amendments to the MHI after considering the submissions; and
  - Forward notice of the final adoption of the proposed amendments to the MHI to the Heritage Council of Western Australia and the Western Australian Planning Commission."
- (i) *amends the draft Policy relating to Heritage Management - Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI), by amending the following clause 2)ii):*

"2) ii) *A place is requested to be deleted from the MHI by the owner or a member of the public.*

- a) Any place that is requested deletion from the MHI is to involve the submission of the Municipal Heritage Inventory Application Deletion Form, identifying the place and demonstrating conclusively that the existing assessment of its cultural heritage significance was erroneous or that it has subsequently lost this significance.
- b) To determine this, an assessment is to be prepared by the Town of Vincent's Officers to review the current status of significance. If it is found that the place does not meet the threshold for entry into the Municipal Heritage Inventory then a revised assessment and the Application for Deletion Form is to be presented to Council. The Council's basis for removing places from the Municipal Heritage Inventory will be the degree to which the place/s has lost its cultural heritage significance.
- ~~e) A place will not be removed from the Municipal Heritage Inventory solely on the grounds that it is not in its original state or it is in poor condition. These considerations need to be either factored into the assessment of the place or alternatively be addressed through development control decisions concerned with a range of planning issues.~~
- ~~c) d) The poor state of a place listed on the MHI should not in itself be a reason for removal from the Inventory. However if structural failure is cited as a justification for removal of the place from the MHI, evidence should be provided that states that the structural integrity of the place has failed, to the point where it cannot be rectified without the removal of a majority of its significant fabric. In this instance a structural condition report conducted by a registered structural engineer should be submitted to the Town of Vincent and considered in conjunction with the Application for Deletion Form."~~

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

The purpose of this report is to introduce and outline the contents of the draft Policies relating to Heritage Management aimed to replace the existing Policies relating to Heritage Management.

## **BACKGROUND:**

The development of a set of new revised policies has been strongly influenced by the current review of the Town's Municipal Heritage Inventory. It is anticipated that with the release of the revised Municipal Heritage Inventory, it is critical that a set of draft Policies and Guidelines are in place to complement the final Municipal Heritage Inventory document and to alleviate any confusion over the implications of heritage property listings. In further support of this, it was noted at the Ordinary Meeting of Council held on 18 December 2001 that the scope of the MHI review, amongst other factors included '*inclusion of draft policies and guidelines to complement the final draft documentation.*'

Between October 2004 and April 2005, the Town of Vincent was a regular participant in a series of workshops conducted by the Heritage Council of Western Australia which examined ways of improving local heritage protection within Western Australia. At the conclusion of the workshops, the *Local Government Heritage Working Party* found that '*an effective heritage protection system requires common standards across local government in heritage listing and planning control; tangible financial and planning incentives; advisory services for owners; and a strong focus on community outreach and education.*'<sup>1</sup> The Town of Vincent is currently in the process of actioning these recommendations, which involves the review of Policies relating to heritage listing and planning control.

Information was extracted from the *Local Government Heritage Working Party Agenda Papers, April 2005*, that related specifically to standard procedures for assessment of heritage places, procedural guidelines for adding, deleting and amending entries in the Municipal Heritage Inventory and development control principles. The Draft Municipal Heritage Inventory Part A provided the framework to address heritage management and recommended conservation procedures for the places listed within the Inventory.

## **DETAILS:**

The Draft Policies address three key aspects of heritage management and are based strongly on the principles of the *Burra Charter*.

### **Draft Policy: Heritage Management - Development Guidelines**

The key objectives of the draft Policy relating to Heritage Management - Development Guidelines:

- 1) To recognise the Municipal Heritage Inventory (MHI) as the database of essential information regarding cultural heritage values, the recommended degree of protection and conservation management of the listed places;
- 2) To ensure that the Council is familiar with the procedures that apply to the identified Management Categories when considering and determining planning applications, particularly in regard to the impact of proposed developments on heritage places and their environs;
- 3) To conserve and enhance those places which contribute to the heritage of the Town in recognition of the distinctive contribution they make to the character of the Town of Vincent;

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<sup>1</sup> Heritage Working Party Findings - Summary, April 7th 2005.

- 4) To ensure that the evolution of the Town of Vincent provides the means for a sustainable and innovative process towards integrating the old and the new; and
- 5) To complement Town of Vincent Policies relating to Residential Design Elements.

It is anticipated that this Policy will facilitate the Council in considering and determining planning applications for places identified as having cultural heritage significance. The Management Categories are designed to provide an effective method to guide proposed works to be conducted and to recommend the level of protection and conservation appropriate for heritage listed properties. It is to be noted that formal Heritage Assessments have not been completed on each of the properties listed and thus further assessment will usually be required in the event of a planning application of a listed place.

**Draft Policy: Heritage Management - Assessment**

The key objectives of the draft Policy relating to Heritage Management - Assessment:

- 1) To conserve and protect places of cultural heritage significance within the Town of Vincent;
- 2) To provide clear procedural guidelines for Heritage Assessments conducted within the Town of Vincent; and
- 3) To provide improved certainty to landowners and community members about the formal practice involved in heritage assessment and protection in the Town of Vincent.

It was recommended by the *Local Government Heritage Working Party, Agenda Papers April 2005* that all assessments of local heritage places are carried out in accordance with the given procedures so that assessments are accountable and can be tested, comparable and consistent. This Policy is based on the recommended criteria which adhere to well established 'best practice' in the identification and assessment of heritage places in Western Australia and throughout Australia both at State and Local level. The assessment of significance - understanding the assessment of places of cultural heritage significance - is guided by the principles of the *Burra Charter* and is the basis of all good heritage decisions.

**Draft Policy: Heritage Management - Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI)**

The key objectives of the draft Policy relating to Heritage Management - Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI):

- 1) To provide a clear procedure for adding, deleting or amending entries on the Town of Vincent's Municipal Heritage Inventory;
- 2) To ensure places that are added, deleted or amended, on the Town's Municipal Heritage Inventory, follow due process; and
- 3) To ensure that decisions for adding, deleting or amending places on the Town of Vincent's Municipal Heritage Inventory, are based on consideration of the cultural heritage significance of the place.

It is anticipated that with the release of the revised Municipal Heritage Inventory, this Policy will provide the opportunity for owners or interested parties to nominate, delete and/or amend a place from the Municipal Heritage Inventory following the due process. The procedures allow for the Council to provide recommendations to the Municipal Heritage Inventory on a quarterly basis, and given the tailored electronic database in which the Inventory will be stored, the Town's Officers will be able to maintain a working and up to date document for the community that will be available on the Town of Vincent's heritage website.

Supporting documentation for the abovementioned Policies are also shown as an attachment to this report. This includes: Heritage Impact Statement Pro-forma, Municipal Heritage Inventory Nomination Form, Municipal Heritage Inventory Deletion Form and Municipal Heritage Inventory Amendment to Management Category Form.

**CONSULTATION/ADVERTISING:**

The draft Policies will be subject to consultation/advertising as prescribed under clause 47 of the Town's Town Planning Scheme No. 1, and the Community Consultation Policy.

**LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies.

**STRATEGIC IMPLICATIONS:**

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

*"1.2 Recognise the value of heritage in providing a sense of place and identity".*

**FINANCIAL/BUDGET IMPLICATIONS:**

The current 2005/2006 Budget lists \$80,000 for Town Planning Scheme Amendments and Policies.

**COMMENTS:**

The draft Policies that have been developed are based on the principles outlined in the *Burra Charter* and guided by the *Heritage Council of Western Australia Heritage Working Party Findings - Summary 2005* as a way forward to creating standard approaches to protection of local heritage within Western Australia. Consideration was also given to the heritage management approaches outlined within the *Draft Town of Vincent Municipal Heritage Inventory, Part A*.

It is viewed as critical that the abovementioned draft Policies are finalised prior to the release of the revised Municipal Heritage Inventory in order to provide sound guidance to issues surrounding heritage listed properties and to promote community awareness and education of heritage assessment and management within the Town of Vincent.

**10.2.3 Proposed Transformer Locations - Mount Hawthorn and North Perth**

<b>Ward:</b>	North	<b>Date:</b>	17 August 2005
<b>Precinct:</b>	North Perth P8 & Mt Hawthorn P1	<b>File Ref:</b>	RES0039
<b>Attachments:</b>	<a href="#">001;</a>		
<b>Reporting Officer(s):</b>	R Lotznicher		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**RECOMMENDATION:**

*That the Council*

- (i) *RECEIVES the report on the proposal to locate one (1) transformer in Woodville Reserve and one (1) transformer in Shakespeare Street Reserve;*
- (ii) *ADVISES Western Power that it APPROVES the proposal to locate the transformers at the two (2) locations as shown on attached Plan Nos A, B, C, D, E and F subject to Western Power:*
  - (a) *Providing evidence that they have liaised with the adjoining property owners and that the adjoining property owners have concurred with the proposed locations;*
  - (b) *Ensuring that appropriate landscaping is provided around the transformers for screening purposes in liaison with the Town's Technical Services Officers;*
  - (c) *Paying all costs associated with any service relocations and removals associated with the works; and*
  - (d) *Paying all costs associated with the preparation and lodgement of the required easement documentation associated with the transformers;*

**Moved Cr Maier, Seconded Cr Torre**

*That the recommendation be adopted.*

Debate ensued.

**Moved Cr Maier, Seconded Cr Lake**

*That new clauses (ii)(e) and (iii) be added to the recommendation as follows:*

- “(ii) (e) *Providing for the delivery and installation of 3 park benches to the satisfaction of the Town to compensate the local community for the loss of park space;*
- (iii) *AUTHORISES the Chief Executive Officer to arrange installation of one bench in Shakespeare Street Reserve and two benches in Woodville Reserve.”*

Debate ensued.

**AMENDMENT CARRIED (6-2)**

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

(Cr Farrell on leave of absence.)

**MOTION AS AMENDED CARRIED (8-0)**

(Cr Farrell on leave of absence.)

**COUNCIL DECISION ITEM 10.2.3**

*That the Council*

- (i) *RECEIVES the report on the proposal to locate one (1) transformer in Woodville Reserve and one (1) transformer in Shakespeare Street Reserve;*
- (ii) *ADVISES Western Power that it APPROVES the proposal to locate the transformers at the two (2) locations as shown on attached Plan Nos A, B, C, D, E and F subject to Western Power:*
  - (a) *Providing evidence that they have liaised with the adjoining property owners and that the adjoining property owners have concurred with the proposed locations;*
  - (b) *Ensuring that appropriate landscaping is provided around the transformers for screening purposes in liaison with the Town's Technical Services Officers;*
  - (c) *Paying all costs associated with any service relocations and removals associated with the works;*
  - (d) *Paying all costs associated with the preparation and lodgement of the required easement documentation associated with the transformers; and*
  - (e) *Providing for the delivery and installation of 3 park benches to the satisfaction of the Town to compensate the local community for the loss of park space; and*
- (iii) *AUTHORISES the Chief Executive Officer to arrange installation of one bench in Shakespeare Street Reserve and two benches in Woodville Reserve.*

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**PURPOSE OF REPORT:**

The purpose of this report is to seek Council approval to install two (2) transformers, one (1) in Woodville Reserve and the other in Shakespeare Street Reserve as requested by Western Power.

**BACKGROUND:**

On 21 June 2005, a letter was received from Western Power advising that due to new developments in the Mt Hawthorn and North Perth areas, there is a need to upgrade the existing networks in order to prevent blackouts and protect the existing power infrastructure.

Western Power has requested that the Town give approval for the installation of two (2) ground mounted transformers, one within Woodville Reserve adjacent to Namur Street and the other in Shakespeare Reserve adjacent to the right of way off Shakespeare Street.

**DETAILS:**

On 8 March 2005, the Town adopted a draft policy on "Electricity Supply - Development Guidelines for Installation of Substations" and included the following statement in its decision:

*"Wherever possible the Town will minimise and discourage isolated placement of electrical infrastructure in public spaces."*

For information, Western Power has completed a preliminary design for the Highgate East State Underground Power Project Stage 3. (This is unrelated to the current request).

Officers have inspected all the proposed transformer and substation locations with Western Power and have suggested some changes. While several locations can be accommodated within existing buildings (large flats and unit complexes), the majority of the infrastructure will be located either in a reserve or on the verge. There is NO other option.

**Benefits to the Town of Vincent**

With regard to the proposal, which is the subject of this report, residents in the Town will benefit from the improved power infrastructure which will provide them with a more reliable power supply.

Western Power have advised that a transformer located in these locations would be available to service any future undergrounding of power in the area with possible cost savings of up to \$20,000.

**Details of Location** (refer to attached Plan Nos A, B, C, D, E & F)

The proposed size of the structures would be 1.80m x 1.6m x 1.4m in height, painted green and would require an easement area of 3.0 x 3.7 if located in the reserve. The Woodville Reserve transformer may be able to be located on the verge.

**CONSULTATION/ADVERTISING:**

Western Power is responsible for consulting with adjoining property owners.

**LEGAL/POLICY:**

N/A

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *"(j) Develop a strategy for the staged implementation of underground power throughout the Town."*

**FINANCIAL/BUDGET IMPLICATIONS:**

There will be no financial implications to the Town as the proposal will be fully funded by Western Power.

**COMMENTS:**

The proposal to locate the transformers in the Town of Vincent should be supported as they will have minimal impact and will result in cost savings for future underground power proposals in the Town.

**10.3.1 Revenue Opportunity Proposal - Rates Notice Advertising Inserts**

<b>Ward:</b>	Both	<b>Date:</b>	15 August 2005
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0087
<b>Attachments:</b>			
<b>Reporting Officer(s):</b>	M Rootsey		
<b>Checked/Endorsed by:</b>	J Giorgi	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *APPROVES the proposal by Council Media Sales Inserts (CMSI) for the inclusion of advertising inserts with the Council Rates Notice distribution for the next 18 (eighteen) months.*
- (ii) *APPROVES that any revenue generated from this service will be used in the additional funding for a nominated community projects to be identified by the Chief Executive Officer.*
- (iii) *REQUESTS that the Chief Executive Officer to provide a report at the end of the nominated period to assess the performance of this proposal.*

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

*That the recommendation be adopted.*

**Moved Cr Maier, Seconded Cr Lake**

*That clause (ii) be deleted.*

Debate ensued.

**AMENDMENT WITHDRAWN**

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

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

- “(ii) *APPROVES that any revenue generated from this service will be used in the additional funding for a nominated community projects to be identified by the Chief Executive Officer, and approved by the Council;”*

Debate ensued.

**AMENDMENT CARRIED (8-0)**

(Cr Farrell on leave of absence.)

**MOTION AS AMENDED CARRIED (8-0)**

(Cr Farrell on leave of absence.)

**COUNCIL DECISION ITEM 10.3.1**

*That the Council;*

- (i) *APPROVES the proposal by Council Media Sales Inserts (CMSI) for the inclusion of advertising inserts with the Council Rates Notice distribution for the next 18 (eighteen) months;*
- (ii) *APPROVES that any revenue generated from this service will be used in the additional funding for a nominated community projects to be identified by the Chief Executive Officer, and approved by the Council; and*
- (iii) *REQUESTS that the Chief Executive Officer to provide a report at the end of the nominated period to assess the performance of this proposal.*

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**PURPOSE OF REPORT:**

To outline the opportunity to obtain revenue through the use of advertising inserts in the rate notice package and seek the Council's approval for this proposal.

**BACKGROUND:**

The Town has been approached by CMSI, a Melbourne based company to determine the interest generating additional revenue by allowing the company to place advertising inserts within the Council rate notices. This specific service has been operating for Councils since January 2004 and currently forty three (43) councils in Australia participate in this project.

Currently in Western Australia only one (1) council participates in this scheme. This is mainly due to the fact that the proposal has only recently been marketed in this State. Several WA councils are currently interested in this proposal.

**DETAILS:**

The Town will receive revenue which is generated by the Councils allowing CMSI to place advertising inserts within the Council rate notices envelopes.

CMSI retains 35% of the fee for managing the service, so the Council retains 65% of all the revenue generated.

In January 2004 when the advertising was first sold it was at the unit rate of 15 cents per insert (30 cents per envelope). Within twelve months this has increased to 25 cents per insert (50 cents per envelope).

Reasons for the increase were an increasing number of councils participating and more advertisers becoming aware of the service and its strength leading to an increase in demand.

It is forecasted for the 2005/06 financial year that the unit price will increase to 35 cents per insert (70 cents per envelope).

It is estimated that based on the current mailing list for rate notices for four mailouts per year it would generate approximately \$31,000 over the next two (2) years.

The Town maintains total control over all advertising insert material. This is achieved by CMSI submitting to the Town all artwork for the Town to approve. The Town may reject any of CMSI's material.

Only advertising material that is in the public interest is submitted to the Town. In addition all inserts carry a disclaimer making it clear that the Council does not recommend any of the goods or services being advertised.

The integrity of the Council rate notice is maintained because only two CMSI advertising inserts are included in the rate notice per mailout. CMSI actively pursues companies with reputable products, works closely with advertisers to develop offers that rate payers will find attractive and relevant to the Town of Vincent area.

CMSI provides an end to end service that facilitates the Council receiving this revenue without having to be involved in the administration and coordination of this service. The service includes:

- Marketing and attracting suitable advertisers
- Facilitating approval processes with the Council
- Overseeing the production and delivery of the advertising inserts to the Council's specified mailing house in a timely fashion

**CONSULTATION/ADVERTISING:**

N/A

**LEGAL/POLICY:**

N/A

**STRATEGIC IMPLICATIONS:**

Key Result Area Four - Governance and Management

4.5 Promote Financial Management and Information Technology Systems;

- (b) Investigate appropriate alternative funding sources to minimise the Town's reliance on rates.

**FINANCIAL/BUDGET IMPLICATIONS:**

This revenue is not included in the 2005/06 budget therefore any revenue received would be surplus.

**COMMENTS:**

This proposal will generate an additional source of revenue for the Town. The scheme would appear to have enclosed the necessary controls to ensure that the Town maintains control as to what is being advertised.

The Council has stated in its Strategic Plan the need for alternative sources of income to reduce the Town's reliance on rates income. This proposal meets the criteria for this particular Key Result Area.

It is anticipated that the revenue will be used to fund a community initiative or project that will be nominated at a later date.

It is therefore recommended that the proposal be accepted and trialled for a period of eighteen (18) months.

Mayor Catania advised that it was now 10.03pm and requested that someone move to extend the meeting.

Moved Cr Messina, Seconded Cr Maier

*That the meeting be extended until 10.15pm.*

**CARRIED (8-0)**

(Cr Farrell on leave of absence.)

### **10.3.2 Community Events 2005/2006**

<b>Ward:</b>	Both	<b>Date:</b>	10 August 2005
<b>Precinct:</b>	All	<b>File Ref:</b>	CMS0008
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	J.Anthony		
<b>Checked/Endorsed by:</b>	M Rootsey/ J. Giorgi	<b>Amended by:</b>	

#### **OFFICER RECOMMENDATION:**

*That Council APPROVES the schedule of community events as outlined in the report.*

#### **COUNCIL DECISION ITEM 10.3.2**

Moved Cr Torre, Seconded Cr Messina

*That the recommendation be adopted.*

Debate ensued.

**CARRIED (8-0)**

(Cr Farrell on leave of absence.)

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

To provide information to Council on the scheduling of community events for the financial year of 2005/2006 and seek approval.

#### **DETAILS:**

The Town organises a number of community events throughout the year which are organised by various sections to meet their respective objectives. For the purposes of this report, a community event is defined as a stand alone activity that is promoted and accessible to all or targeted members of the community.

The events listed below vary from having cultural objectives to those which are organised to provide the community access to activities which may not otherwise be available in the Town. The listed events are those planned for the 2005/2006 financial year.

<b>Date of Event</b>	<b>Event</b>	<b>Objective</b>	<b>Organiser</b>	<b>Resources</b>
Opening Night - 2 Sept 2005 Exhibition 3-11 Sept 2005	Art Award	To provide the community with access to a high standard exhibition either as exhibitors or viewers. To Contribute significantly to the Perth Art Community via exhibiting opportunities and prize money. To enable the Council to acquire artwork through the acquisitive prize.	Community Development	In-house Budget \$35,000
22 September 2005	Local History Photographic Awards 2005	To encourage community participation in the Local History Collection. To increase community awareness of the Local History Collection To acquire old photographs of the Town.	Library	In-house Budget \$1075
16 October 2005	Active Vincent Day	Promote and increase awareness of the importance of physical activity and provide an enjoyable day out for members of the local community.	Community Development	In-house Budget \$14,000
Judging - October Awards Night - 2 November 2005	Garden Competition	To encourage & reward owner/occupiers who maintain their gardens, verges and streets, - therefore	Parks Services	In-house Budget of \$11,000 Sponsorship of approximately \$2,000 is received also

		assisting in beautifying the streets and general appearance of the Town.		
9 November 2005	Pioneer's Event (Seniors)	To formally recognise and commemorate the contributions made to the community by those living in the Town of Vincent for 45 years or more; To honour their contribution as well as their significant historical connection to the Town.	Community Development	In-house Budget \$6500
Function 1 December 2005	Spirit of Christmas Art Competition & Function	To develop networks and links between the Town of Vincent and local primary schools; Promote positive youth participation; and Develop positive relations between local government and schools	Community Development	In-house Budget approx \$2,500
4 December 2005	Oxford Street Festival	Community activities, stage performances and stalls along Oxford St.	Leederville Community Action Group	TOV contributes \$15,000 plus in kind support by internal working group.
11 December 2005	Mayor's Community BBQ	Free Community event to promote a sense of community in the Town. (The Mayor has suggested this in lieu of the Mayoral Dinner)	Community Development	Budget \$5000 approx

<p>The forums are held on the last Wednesday of the month except December and January.</p>	<p>Vincent Library Forums</p>	<p>To hold a monthly forum to encourage seniors and others to come to the library and provide a social outlet and stimulating speaker. To encourage regular library attendance within the community. To promote the library and also the Local Studies collection to seniors.</p>	<p>Library</p>	<p>In-house Budget \$1500 p.a.</p>
<p>Australia Day 26 January 2005</p>	<p>Visions of Vincent Photographic Competition</p>	<p>To provide opportunity for the public to contribute images to be retained as part of the Town's Local History Collection. To enable those taking part in the Australia Day Citizenship Ceremony to join in the Town's celebration of Australia Day. To celebrate and enjoy the images created by photographic entrants</p>	<p>Community Development</p>	<p>In-house Budget \$12,000</p>
<p>January - March 2006</p>	<p>Summer Concert Series</p>	<p>To create a community spirit that encourages people from a variety of cultures to utilise local facilities and participate in local events.</p>	<p>Community Development</p>	<p>In-house TOV contribution \$16,000 plus sponsorship from Lotteries and Telstra to be advised.</p>

15 January 2006	Mayhem Youth Festival	Provide opportunities for young people to participate in a positive cultural youth event and provide young people with an opportunity to access a drug, alcohol and smoke free event.	Community Development	In-house with Youth Advisory Council contribution approx \$5000. Financial support from the Foundation for Young Australians approx \$6,000, Propelarts \$3,000 and Office for Children and Youth \$5,000 to be determined.
11 February 2006*	Commonwealth Games Baton Relay	To support and celebrate the baton relay which will be passing through the Town of Vincent.	Town	Budget to be advised as further details become available.
March 2006	Hyde Park Rotary Fair	Community Fair showcasing community displays and activities at Hyde Park.	Rotary Club of North Perth	In-house
March 2006	Harmony Week	To celebrate our diverse cultures and raise an awareness of the differences between cultures by providing an enjoyable activity which will be relevant to all members of the community.	Community Development	In-house Budget \$18,000
March/April 2006	Business of Oxford Street Project Exhibition Launch	To create a display in the library using interviews and photographs acquired in the Businesses of Oxford Street oral history project. To invite the interviewees and their guests to view the results	Library	In-house Budget \$500

\* Corrected date from Agenda Report

		of the project and promote participation in the Local Studies Collection.		
March - June 2006	AmpFest - Clash of the Bands	To promote a positive image of young people in the community by showcasing their talents in a public arena and provide young people, specifically those under 18, an opportunity to enjoy free live music in their local area. Provide young people with the opportunity to develop skills in planning and implementing a major event.	Community Development	AmpFest Committee comprising of Towns of Vincent, Mosman Park, Claremont and the City of Subiaco and Nedlands. Each Council contributes \$6,000. Major sponsorship from Healthway and other support from businesses. Budget \$40,000
April 2006	Recreation Week	To encourage residents to become involved in recreational activities that organized by clubs or groups already existing in the Town	Community Development	In-house Budget \$3000
25 April 2006	Anzac Day	To provide residents with an event to remember and honour our servicemen and women.	Community Development	In-house Budget \$4000
April 2006	National Youth Week Event	National Youth Week is a time for young people to express their ideas and views, raise issues of concern and act on issues which	Community Development	In-house with support from the Office for Children and Youth Budget \$5000

		affect their lives.		
May 2006	Carer's Lunch	Provide recognition for local carers and provide an opportunity to publicise to carers in the Town the different services available	Community Development	In-house Budget \$4,000
May 2006	"Indulgence" Coffee and Chocolate Festival	Provide local business with the opportunity to promote and market their merchandise and produce and develop and foster networks between the Town of Vincent and community businesses.	Community Development	In-house Budget \$10,000

**STRATEGIC IMPLICATIONS:**

The Cultural Seeding Grants and the submitted application address the following section of the Town's Strategic Plan-Amended 2005-2010:

2.1 Celebrate and acknowledge the Town's cultural diversity.

*“(a) Develop, financially support, promote and organise community events and initiatives (including those generated by community groups) that engage the community and celebrate the cultural diversity of the Town.”*

**FINANCIAL/BUDGET IMPLICATIONS:**

The 2005/06 budget has allocations for the community events organised by the Town.

**COMMENTS:**

The community events listed in the report provides an indication of the scheduling of events which are promoted to the local community. Such events provide residents and visitors to the Town with an opportunity to actively participate and be involved in a variety of cultural, leisure and social activities which promotes overall community well-being.

**10.4.3 2nd Trans Tasman Town Centre and National Mainstreet Conference 2005**

<b>Ward:</b>	-	<b>Date:</b>	17 August 2005
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0031
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Chief Executive Officer and up to one Elected Member, ..... (to be nominated), be authorised to attend the 2nd Trans Tasman Town Centre and Mainstreet Conference 2005 to be held in Auckland, New Zealand from 29 October 2005 to 2 November 2005 at an estimated cost of \$3,160 each.*

**COUNCIL DECISION ITEM 10.4.3**

**Moved Cr Maier, Seconded Cr Messina**

*That the recommendation be adopted.*

Debate ensued.

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

*That Councillor Simon Chester be nominated to attend.*

Debate ensued.

**CARRIED (7-1)**

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

(Cr Farrell on leave of absence.)

**MOTION AS AMENDED CARRIED (8-0)**

(Cr Farrell on leave of absence.)

**PURPOSE OF THE REPORT:**

The purpose of this report is to obtain the Council's approval for the Chief Executive Officer and up to one Elected Member to attend the 2nd Trans Tasman Town Centre and Mainstreet Conference 2005.

**BACKGROUND:**

The 2nd Trans Tasman Town Centre and National Mainstreet Conference 2005 is to be held in Auckland, New Zealand from Sunday 29 October to Wednesday 2 November 2005. Similar conferences were previously held in 1995, 1997, 1999 and Melbourne 2004.

**Speakers and Workshop/Educationals**

The theme - "*Sharing Inspiration and Innovation*" encapsulates the spirit of the Conference in bringing together parts of Australasia for four days to learn from each other and be revitalised. The Conference will feature keynote speakers, workshops and field trips on the following topics;

- Financial management of town centres
- Creative project funding
- Community and business partnerships
- Partnerships with local government
- Marketing, promotion and branding
- Festivals and events
- Tourism and place marketing
- Innovative design of town centres
- Personal and professional development
- Year of the Built Environment
- Conserving and enhancing the heritage of town centres
- Community safety and crime prevention
- Strengthening existing businesses and creating new opportunities for growth
- Recruitment and retention of businesses
- Case studies of town centre renewal
- Communities achieving economic, social and cultural renewal
- Regional development and community initiatives
- Consumer trends
- Retail and merchandising trends
- E-commerce and town centres

A copy of the Conference Program outline is "Laid on the Table". Various field trips to precincts which are considered successful will form a part of the program.

**FINANCIAL IMPLICATIONS:**

	<b>Conference Costs</b>
Conference Registration	\$945.00
Accommodation (4 nights)	\$800.00
Airfare (economy class)*	\$1,040.00
Expenses allowance	\$375.00
	<hr/>
	\$3,160.00
	<hr/> <hr/>

\* *Economy Fare - approximate and subject to flight availability  
(Business Class fare is \$3,381)*

**LEGAL POLICY:**

Council's Policy 4.1.15 – "*Conferences & Training - Attendance, Representation, Travel & Accommodation Expenses and Related Matters*" - Clause 1.1(i) and (ii) states;

- "(i) *When it is considered desirable that the Council be represented at an interstate conference, up to a maximum of one Elected Member and one Officer may attend;*
- (ii) *In certain circumstances (for example where the Conference is of a technical nature) and where an Elected Member is not attending the CEO may recommend that two (2) officers attend, in lieu of the Elected Member. In this instance, the CEO will specify reasons in the report to the Council."*

*"1.4 Attendance at an international conference is at the discretion of the Council."*

#### **Previous Attendance - Policy 4.1.15 - Clause 1.3**

Councillor Maddalena Torre, the Chief Executive Officer and Executive Manager Technical Services attended the National Mainstreet Conference in Melbourne in September 2004.

#### **STRATEGIC IMPLICATIONS:**

Attendance at the National Mainstreet Conference is an excellent opportunity for the Town to be appraised of issues relating to streetscapes and commercial precincts and to network with colleagues and view actual examples of successful projects.

The Town's Strategic Plan 2003-2008, Key Result Area 1.4 *"Maintain and enhance the Town's infrastructure to provide a safe, healthy, aesthetic and functional environment"* and Key Result Area 3.4 - *"Promote the Town of Vincent as a place for investment appropriate to the vision for the Town."*

The Council will be embarking on a number of commercial precinct upgrades, valued at many millions of dollars, over the next few years. These include;

- William Street upgrade (\$1 million)
- Fitzgerald Street upgrade (currently in progress)
- Mount Hawthorn (\$550,000)
- Leederville Masterplan (multi-million dollars)

The information from this conference will be most beneficial.

#### **COMMENT:**

It is requested that approval be granted for the Chief Executive Officer and up to one Elected Member to attend the Conference.

The Chief Executive Officer has been invited to present a paper on the William Street upgrade.

**10.4.4 Strategic Plan Review – Approval of Timeline and Consultant Selection Criteria**

<b>Ward:</b>	Both	<b>Date:</b>	18 August 2005
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0038
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-		
<b>Amended by:</b>	-		

**RECOMMENDATION:**

*That the Council;*

- (i) *APPROVES of the Indicative Timeline and Consultants’ selection criteria for a review of the Council’s Strategic Plan 2005-2010, as detailed in this report; and*
- (ii) *AUTHORISES the Chief Executive Officer to call for quotations from suitable consultants to assist in the review process.*

**Moved Cr Messina, Seconded Cr Torre**

*That the recommendation be adopted subject to the following amendments:*

1. *That clause (i) be amended and a new clause (i)(a) added to read as follows:*
  - “(i) *APPROVES of the Indicative Timeline and Consultants’ selection criteria for a review of the Council’s Strategic Plan 2005-2010, as detailed in this report subject to; and*
    - (a) *the criteria being amended as follows:*
      - *‘1.1 – Professional expertise and relevant experience in strategic planning’ being increased from 30% to 35% (and 17.5% each – where it appears); and*
      - *1.5 – Fee Proposal being reduced from 30% to 25%; and*”
2. *That clause (i) be amended and a new clause (i)(b) added to read as follows:*
  - “(i) *APPROVES of the Indicative Timeline and Consultants’ selection criteria for a review of the Council’s Strategic Plan 2005-2010, as detailed in this report subject to; and*
    - (b) *the Indicative Timeline being amended to include a Community Forum before the draft Strategic Plan is accepted in principle. The Community Forum is for the Consultant to provide information and allow input from the community members; and*”

**CARRIED (8-0)**

(Cr Farrell on leave of absence.)

Debate ensued.

**Moved Cr Maier, Seconded Cr .....**

*That;*

1. *section 1.1 of the criteria is amended to 35% (17.5% for each point);*
2. *section 1.2 of the criteria is amended by deleting the last point;*
3. *section 1.3 of the criteria is amended by changing the percentage of points two and three to 10% each; and*
4. *section 1.5 of the criteria is amended by changing the total weighting to 20%.*

**AMENDMENT LAPSED  
FOR WANT OF A SECONDER**

Debate ensued.

**Moved Cr Lake, Seconded Cr .....**

*That the 'Methodology' weighting be increased to 20% and criteria 1.1 be reduced to 30%*

**AMENDMENT LAPSED  
FOR WANT OF A SECONDER**

Debate ensued.

**MOTION AS AMENDED CARRIED (8-0)**

(Cr Farrell on leave of absence.)

**COUNCIL DECISION ITEM 10.4.4**

*That the Council;*

- (i) *APPROVES of the Indicative Timeline and Consultants' selection criteria for a review of the Council's Strategic Plan 2005-2010, as detailed in this report subject to;*
  - (a) *the criteria being amended as follows:*
    - *'1.1 – Professional expertise and relevant experience in strategic planning' being increased from 30% to 35% (and 17.5% each – where it appears); and*
    - *1.5 – Fee Proposal being reduced from 30% to 25%; and'*
  - (b) *the Indicative Timeline being amended to include a Community Forum before the draft Strategic Plan is accepted in principle. The Community Forum is for the Consultant to provide information and allow input from the community members; and*
- (ii) *AUTHORISES the Chief Executive Officer to call for quotations from suitable consultants to assist in the review process.*

**BACKGROUND:**

At the Council Meeting held on 21 December 2004, the Council received a report relating to a review of the Town's Strategic Plan 2005-2010 (interim) and resolved inter alia as follows:

*“That the Council;*

- (i) *ADOPTS the Council's Strategic Plan 2003-2008 as amended at the workshop held on 11 December 2004 and shown in Appendix 10.4.8 subject to: . . . .*
- (iv) *REVIEWS its Strategic Plan in mid to late 2005 and considers an amount of \$10,000 in the draft Budget 2005/06 for this matter.”*

**QUOTATION EVALUATION**

The following weighted criteria are recommended for the selection of consultants.

Criteria	%	Weighting
<b>1.1 Professional expertise and relevant experience in strategic planning</b> <ul style="list-style-type: none"> <li>• Demonstrated knowledge and experience in strategic planning</li> <li>• Capacity to address the range of technical aspects involved in the project</li> </ul>	<del>15</del> 17.5 <del>15</del> 17.5	<b>3035%</b>
<b>1.2 Relevant experience of key person(s)</b> <ul style="list-style-type: none"> <li>• Credentials (i.e. formal qualifications and experience) of key person(s)</li> <li>• Role of the key person(s) in the project</li> <li>• Submission of contact details of referees for similar projects</li> </ul>	5  5 5	<b>15%</b>
<b>1.3 Methodology</b> <ul style="list-style-type: none"> <li>• Proposed methodology for this project</li> <li>• Previous methodology in relevant projects and demonstrated evidence of successful results</li> <li>• Demonstrated experience in relevant projects of a similar nature</li> </ul>	5 5 5	<b>15%</b>
<b>1.4 Key Issues</b> <ul style="list-style-type: none"> <li>• Demonstrate your understanding of the required service by identifying the key issues associated with delivering the project</li> <li>• Explain how you intend to address these issues</li> </ul>	5 5	<b>10%</b>
<b>1.5 Fee Proposal</b> <ul style="list-style-type: none"> <li>• This contract is offered on a lump sum basis. Include in the lump sum fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST)</li> </ul>	<del>30</del> 25	<b>3025%</b>
	<b>100</b>	<b>100%</b>

**Indicative Timeline**

<b>Item</b>	<b>Timeline</b>	<b>Indicative hours</b>
1. Council Meeting to approve timeline and selection criteria	23 August 2005	By Town
2. Quotation advertised	27 August 2005	By Town
3. Issue of Background Papers	27 August – 1 September 2005	By Town
4. Quotations Close	2pm Tuesday 2 September 2005	By Town
5. Assessment of Quotations	2 September – 7 September 2005	By Town
6. Council Decision to appoint Consultant	13 September 2005	By Town
7. Initial briefing with CEO	16 September 2005	1 hr approx
8. Meeting with CEO and Executive Managers	27 September 2005	1 hr approx
9. Meeting with elected members and key staff (full day or equivalent evenings)	Saturday 24 September 2005	7 hrs approx
10. Community Information Session	5 October 2005	3 hrs approx
11. Preparation of Draft Strategic Plan with strategies, action plan timeline (and submission of electronic version)	25 September – 12 October 2005	By Consultant
12. Adoption In Principle of Draft Strategic Plan by Council	25 October 2005	By Town
13. Advertising of Draft Strategic Plan	1 November – 2 December 2005	By Town
14. Adoption of Final Strategic Plan	20 December 2005	By Town

**CONSULTATION/ADVERTISING:**

It is essential that the elected Council, administration, ratepayers, residents and other key stakeholders be extensively consulted and be given the opportunity to have input in the proposed Strategic Plan. This will be carried out in accordance with the above Indicative Timeline and process.

**LEGAL/POLICY:**

At the Special Council Meeting held on 15 October 2002, the Council resolved “*inter alia*”:

*“The Council ACKNOWLEDGES the advice of the Chief Executive Officer that it is recognised “Best Practice” procedure to carry out a review of the Council’s Strategic Plan prior to conducting an independent Organisational Review.”*

The Local Government Act 1995, Section 5.56 requires each Council to prepare a “Plan for the Future” for the next four or more years. This plan is required to be updated and reviewed annually.

Whilst it is not a legal requirement to have a Strategic Plan, it is considered “*Best Practice*” management that a Strategic Plan be adopted to complement and be linked and aligned to the “Plan for the Future” and also the Annual Budget.

**STRATEGIC IMPLICATIONS:**

The Strategic Plan provides the elected Council and administration with its aims, goals and objectives (key result areas).

**FINANCIAL/BUDGET IMPLICATIONS:**

As the estimated cost will be less than \$50,000, quotations will be called and these will be processed in a similar manner to those applicable to tenders.

The Council has resolved that an amount of \$12,000 be included in the 2005/06 Budget and this is detailed as follows:

<b>Item</b>	<b>Amount</b>
Consultant/Facilitator fees	\$9,000
Advertising	\$1,000
Printing	\$1,000
Administration and Sundries	\$1,000
<b>Total</b>	<u><u>\$12,000</u></u>

**COMMENTS:**

The review of the Council's Strategic Plan is considered necessary to provide future direction to the Council over the next five (5) years. It is therefore recommended that the Council approve of the indicative timeline and criteria as recommended.

At 10.22pm it was,

**Moved Cr Ker, Seconded Cr Torre**

*That the Council move 'behind closed doors' to consider the confidential Item as it contained commercially sensitive information.*

**CARRIED (8-0)**

(Cr Farrell on leave of absence.)

Reporter Giovanni Torre departed the chamber.

**10.4.6 Confidential Report - Approval of Naming Rights for Leederville Oval, 246 Vincent Street, Leederville**

<b>Ward:</b>	South	<b>Date:</b>	18 August 2005
<b>Precinct:</b>	Oxford Centre, P4	<b>File Ref:</b>	TEN0312
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *ADVISES East Perth Football Club (EPFC), Subiaco Football Club (SFC) (and Wright Media) that it approves of the Naming Rights Agreement for Leederville Oval, subject to the following conditions;*
  - (a) *a Legal Agreement specifying the terms and conditions being entered into by all parties, to the satisfaction of the Town;*
  - (b) *the Legal Agreement being for a period of three (3) years commencing on 1 January 2006 and ending on 31 December 2008, with \*\*\*\*\* being granted the first right to renew;*
  - (c) *the Legal Agreement specifying a total payment of \$##### (including GST) for the period of the Agreement and the final financial arrangements being to the satisfaction of the Town; and*
  - (d) *all proposed signage, including purchase, installation and maintenance is the responsibility of the \*\*\*\*\* and is to be to the satisfaction of the Town;*
- (ii) *APPROVES of the new name for Leederville Oval to be "\*\*\*\*\*" for the term of the Naming Rights Agreement;*
- (iii) *AUTHORISES the Chief Executive Officer (in liaison with the Mayor) to finalise and negotiate the conditions to be included in the Naming Rights Agreement;*
- (iv) *AUTHORISES the Chief Executive Officer to prepare the necessary Naming Rights Legal Agreement and the Agreement to include matters as detailed in this report;*

- (v) **ADVISES** \*\*\*\*\* *that it is required to submit a separate Planning Approval and Sign Licence application demonstrating the details, including the form, size and siting, of any proposed signage, and the Planning Application shall be submitted to and approved by the Western Australian Planning Commission, prior to the erection of such signage;*
- (vi) **NOTES** *that a condition of the Agreement requires the Naming Rights Agreement details to remain strictly confidential until publicly announced by the applicant; and*
- (vii) **AUTHORISES** *the Chief Executive Officer to make public this report, or parts of this report at the appropriate time.*
- (\*\*\*\* and ##### - Name and amount confidential until legal agreement is signed.)

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**Moved Cr Chester, Seconded Cr Ker**

*That the recommendation be adopted.*

Debate ensued.

**Moved Cr Chester, Seconded Cr Messina**

*That clause (iii) be amended as follows:*

*“(iii) **AUTHORISES** the Chief Executive Officer (in liaison with the Mayor) to finalise and negotiate the conditions to be included in the Naming Rights Agreement and the final amount be circulated to Elected Members;”*

**AMENDMENT CARRIED (6-2)**

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

(Cr Farrell on leave of absence.)

Debate ensued.

**MOTION AS AMENDED CARRIED (7-1)**

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

(Cr Farrell on leave of absence.)

**COUNCIL DECISION ITEM 10.4.6**

*That the Council;*

- (i) *ADVISES East Perth Football Club (EPFC), Subiaco Football Club (SFC) (and Wright Media) that it approves of the Naming Rights Agreement for Leederville Oval, subject to the following conditions;*
  - (a) *a Legal Agreement specifying the terms and conditions being entered into by all parties, to the satisfaction of the Town;*
  - (b) *the Legal Agreement being for a period of three (3) years commencing on 1 January 2006 and ending on 31 December 2008, with \*\*\*\*\* being granted the first right to renew;*
  - (c) *the Legal Agreement specifying a total payment of \$##### (including GST) for the period of the Agreement and the final financial arrangements being to the satisfaction of the Town; and*
  - (d) *all proposed signage, including purchase, installation and maintenance is the responsibility of the \*\*\*\*\* and is to be to the satisfaction of the Town;*
- (ii) *APPROVES of the new name for Leederville Oval to be "\*\*\*\*\*" for the term of the Naming Rights Agreement;*
- (iii) *AUTHORISES the Chief Executive Officer (in liaison with the Mayor) to finalise and negotiate the conditions to be included in the Naming Rights Agreement and the final amount be circulated to Elected Members;*
- (iv) *AUTHORISES the Chief Executive Officer to prepare the necessary Naming Rights Legal Agreement and the Agreement to include matters as detailed in this report;*
- (v) *ADVISES \*\*\*\*\* that it is required to submit a separate Planning Approval and Sign Licence application demonstrating the details, including the form, size and siting, of any proposed signage, and the Planning Application shall be submitted to and approved by the Western Australian Planning Commission, prior to the erection of such signage;*
- (vi) *NOTES that a condition of the Agreement requires the Naming Rights Agreement details to remain strictly confidential until publicly announced by the applicant; and*
- (vii) *AUTHORISES the Chief Executive Officer to make public this report, or parts of this report at the appropriate time.*

**(\*\*\*\*\* and ##### - Name and amount confidential until legal agreement is signed.)**

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**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains commercially sensitive financial information.

**LEGAL:**

The Town of Vincent Local Law Relating to Standing Orders states the following:

*“2.15 Confidential business*

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is –*
- (i) *to be treated as strictly confidential; and*
  - (ii) *not, without the authority of Council, to be disclosed to any person other than–*
    - (a) *the Members; and*
    - (b) *Officers of the Council but only to the extent necessary for the purpose of carrying out their duties;*
- prior to the discussion of that matter at a meeting of the council held with open doors.*
- (2) *Any report, document or correspondence which is to be placed before the Council or any committee and which is in the opinion of the Chief Executive Officer of a confidential nature, may at his or her discretion be marked as such and –*
- (i) *then to be treated as strictly confidential; and*
  - (ii) *is not without the authority of the Council to be disclosed to any person other than the Mayor, Councillors or the Officers of the Council referred to in sub-clause (1).”*

The confidential report is provided separately to Elected Members, the Chief Executive Officer and Executive Managers.

At the conclusion of these matters, the Council may wish to make some details available to the public.

At 10.32pm it was,

**Moved Cr Ker, Seconded Cr Torre**

*That an "open" meeting be resumed.*

**CARRIED (8-0)**

(Cr Farrell on leave of absence.)

**11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES**

Nil.

**13. URGENT BUSINESS**

Nil.

**14. CLOSURE**

**The Presiding Member, Mayor Catania JP, declared the meeting closed at 10.33pm with the following persons present:**

Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Maddalena Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Jeremy VanDenBok	Acting Executive Manager Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Giovanni Torre	Journalist (The Perth Voice)

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 23 August 2005.

Signed: .....Presiding Member  
Mayor Nick Catania, JP

Dated this ..... day of ..... 2005