



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

24 JULY 2007

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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 24 July 2007, commencing at 6.00pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania, JP, declared the meeting open at 6.00pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Director Technical Services, Rick Lotznicker -- for Council related business

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward
Cr Simon Chester	North Ward (from 6.05pm)
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Mike Rootsey	Director Corporate Services
Craig Wilson	Acting Director Technical Services (from approx 6.55pm)
Lindsay McPhee	Journalist - Guardian Express

Approximately 18 Members of the Public

(c) Members on Leave of Absence:

- Cr Maddalena Torre – on approved leave of absence for 24 July Meeting – for Council related business.

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

1. Mrs Stephanie Glynn of 137 Egina Street, Mount Hawthorn spoke in relation to a matter which may come to the next Council Meeting, regarding the proposed development of a drive-through liquor store at the current BWS bottle-shop location on the corner of Scarborough Beach Road and Egina Street. The concerns are based around potential increase in traffic volumes causing increased vehicle and pedestrian accidents in the area. It is a previous black-spot that has been modified in the past and residents are concerned about the impact on the local community and road safety concerns. There had been a traffic study which was attached with the planning application which is flawed and hasn't considered the traffic implications widely enough. There needs to be more investigations into these concerns. Expressed concern about impacts on the community in terms of noise pollution, increased deliveries to the area. Believes the planning application contravenes the Council's Policies.

(Councillor Chester entered the meeting at 6.05pm)

2. Jodie Ferdanando of 114 Egina Street, Mount Hawthorn spoke in relation to a matter which may come to the next Council Meeting, regarding the proposed development of a drive-through liquor store at the current BWS bottle-shop location on the corner of Scarborough Beach Road and Egina Street. Was unaware of the proposal and considers there has been no chance to make a public comment. Would like to suggest that if Council is considering approval, a condition be given on the proposal that a broader and more pro-active consultation be undertaken and further investigations into the traffic impacts are done before finally approval is made.
3. Diane Dempster of 151 Egina Street, Mount Hawthorn spoke in relation to a matter which may come to the next Council Meeting, regarding the proposed development of a drive-through liquor store at the current BWS bottle-shop location on the corner of Scarborough Beach Road and Egina Street. Ms Dempster's property is next to the car park. Ms Dempster has submitted a letter with concerns. Advised that trucks are frequently blocking her driveway everyday. There have been many close calls with pedestrians almost being hit by trucks. Feels there needs to be more discussion than just receiving a letter. Requests her letter be taken into consideration.
4. Mr Salvio Negeri spoke on Item 10.1.9 advising that as Director of FabJam Pty Ltd he is seeking approval for medical consulting rooms only. Property was purchased for the sole purpose of a Podiatry Practice. The site is located in the area of multiple uses with a mixture of predominantly commercial as well as consulting rooms. The continuation of consulting rooms will not have any detrimental impact on the surrounding areas and it would be in keeping with the diversity of the area. Has provided service for 16 years and feels that a Podiatrist would provide a quality and highly accessible service for the community. Will meet all of the Council's requirements.
5. Ms Sandra Brambsby spoke on Item 10.1.10 advising that she is speaking on behalf of the four owners of the property, all of which have entered into the project for the sole purpose of becoming owner and resident of one of each of the four dwellings. Entered into the arrangement not for profit but with one which provides inner city living, with a secure environment. Subject and adjoining lots are unique and should be treated independently from existing dwellings in the street. Intention for the original six narrow lot subdivision was for contemporary two storey dwellings which are relative to R80 density. An artists impression was sent and clearly identifies that the dwellings are in keeping with the desired bulk and scale, building on boundary requirements and plot ratio of the codes. Asked the Council to approve the matter.
6. Ms Mia Hayes of 7 Bold Court, Leederville spoke on Item 10.1.3 advised that she objects to the proposed entrance for the 20 car basement car park. This will affect the Bold Court residents. Believes the entrance should be in Carr Place. Bold Court does not have a footpath and believes it is a hazard for pedestrians and will affect the quality of life for residents.

(Councillor Messina departed the Chamber at 6.15pm)

Mia Hayes continued speaking, advising that the factory at the end of the lane has been leased and this has increased the traffic activity during the week and on some weekends.

7. Ms Judith Burrows of 70 Auckland Street, North Perth and Secretary of the North Perth Precinct Group spoke on Item 10.1.13. Apologised that Cosi Schrippa was unable to attend the meeting. Asked for full support of Amendment 24 and return confidence back to the locality of Eton.

(Councillor Messina returned at 6.17pm)

Judith Burrows continued speaking. Since initial consultation in 2001 the majority of residents prefer R20 which suits their lifestyle. Asked the Council to progress the matter as a matter of priority.

8. Phillip Goldsmith of 14 Mary Street, Highgate spoke on Item 10.1.10 registering objection to the development, due to exceeding the plot ratio. Feels it will have an adverse affect on the local area.
9. Anne Keepinghood of 4/45 Barlee Street spoke on Item 10.1.6. No. 53 Barlee Street is adjacent to eastern boundary. Concerned about closeness of proposed development to western boundary, developer intending to use existing boundary wall and rear of garage as a dividing wall. She is concerned about the possible structure damage of this building, the likelihood of the existing cottage causing earth movement damage of adjacent properties. Believes the construction of the sand pad on the sloping block to raise building level to Barlee Street frontage and dumping and compacting of sand so close to the boundary also has potential to cause structural damage through excess vibration and movement.
10. Mr Rob Heinrich of 10 Bold Court, Leederville spoke on Item 10.1.3. Advised that he objects to the proposed entrance for the 20 car basement car park. This will affect the Bold Court residents. Believes the entrance should be in Carr Place as it is wider and more accessible. Bold Court does not have a footpath and believes it is a hazard for pedestrians and will affect the quality of life for residents. No setback on the corner and has a single narrow width car port and asks that there is some form of setback to give better visibility when entering and exiting his driveway. Asked Council not to approve the matter.
11. Ms Lorraine Vicensoni Vice Chairperson of the North Perth Precinct Group spoke on Item 10.1.13 advised that she supports the recommendation to support the finalisation of this amendment and would urge that this amendment be progressed as a matter of urgency. Would like details included in the Scheme documentation with respect to the scheme review and its process as it is likely that the commission and the Minister will consider these matters in relation to finalising Amendment 24.

There being no further questions from the public, the Presiding Member, Mayor Nick Catania, JP, closed Public Question Time at 6.27pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Minutes of the Ordinary Meeting of Council held on 10 July 2007.

Moved Cr Farrell, Seconded Cr Ker

That the Minutes of the Ordinary Meeting of Council held on 10 July 2007 be confirmed as a true and correct record.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

6.2 Minutes of the Special Meeting of Council held on 10 July 2007.

Moved Cr Farrell, Seconded Cr Chester

That the Minutes of the Special Meeting of Council held on 10 July 2007 be confirmed as a true and correct record.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Launch of the Leederville Masterplan – Release of Plan

It is with pleasure that I advise that the launch of the Leederville Masterplan was held on Tuesday, 17 July 2007 with a public meeting held at the Administration and Civic Centre. This meeting was well attended and positive feedback was received. Considerable print and electronic media coverage has been received and positive comments to date have been very encouraging. A number of meetings have been held. Public consultation closes on 31 August 2007 and I encourage our community to make submissions on this exciting project.

8. DECLARATION OF INTERESTS

8.1 Cr Lake declared a proximity interest in Item 10.1.17 – Late Report relating to parking arrangements around Members Equity Stadium 2007/2008. The extent of her interest being that she lives within the area subject to restrictions.

8.2 Cr Maier declared a proximity interest in Item 10.1.17 – Late Report relating to parking arrangements around Members Equity Stadium 2007/2008. The extent of his interest being that he owns property within the area subject to restrictions.

- 8.3 Cr Doran-Wu declared an interest affecting impartiality in Item 10.1.9 – relating to a development application at No. 562 Newcastle Street, West Perth. The extent of her interest being that she has a working relationship with the applicants representative.

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

Nil.

10. REPORTS

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

The Agenda Items were categorised as follows:

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

Items 10.1.9, 10.1.10, 10.1.3, 10.1.13 and 10.1.6

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

Item 10.1.1

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

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

Cr Farrell	Items 10.1.11 and 10.1.12
Cr Chester	Items 10.1.14, 10.4.2, 10.4.4 and 10.4.5
Cr Ker	Items 10.1.17
Cr Doran-Wu	Item 10.1.8
Cr Torre	On approved leave of absence.
Cr Lake	Nil.
Cr Messina	Nil.
Cr Maier	Nil.
Mayor Catania	Nil.

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

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

Item 10.1.17.

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

Items 10.1.2, 10.1.4, 10.1.5, 10.1.7, 10.1.15, 10.1.16, 10.2.1, 10.2.2, 10.4.1, 10.4.3 and 10.4.6.

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

Nil.

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

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

Items 10.1.2, 10.1.4, 10.1.5, 10.1.7, 10.1.15, 10.1.16, 10.2.1, 10.2.2, 10.4.1, 10.4.3 and 10.4.6.

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

Items 10.1.9, 10.1.10, 10.1.3, 10.1.13 and 10.1.6.

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

Moved Cr Farrell, Seconded Cr Ker

That the following unopposed items be moved en bloc;

Items 10.1.2, 10.1.4, 10.1.5, 10.1.7, 10.1.15, 10.1.16, 10.2.1, 10.2.2, 10.4.1, 10.4.3 and 10.4.6.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

10.1.2 No. 163 (Lot 65 D/P: 44503) Harold Street, Highgate – Proposed Two Storey Single House with Basement - Amended Plans to Planning Approval

Ward:	South	Date:	17 July 2007
Precinct:	Hyde Park; P 12	File Ref:	PRO2925; 5.2005.3305.1
Attachments:	001		
Reporting Officer(s):	S O'Loughlin		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the amended plans stamp dated 2 March 2007 and 7 June 2007 to Planning Approval (Serial No. 5.2005.3305.1) granted by the Council on 21 February 2006 and issued on 14 March 2006 for proposed Two Storey Single House at No. 163 (Lot 65 D/P: 44503) Harold Street, Highgate, subject to the following requirements without resulting in any greater variation to the requirements of the Town's Policies and Residential Design Codes:

- (i) the basement shall not be used for habitable purposes; and*
- (ii) conditions imposed on the previous Planning Approval granted by the Council at its Ordinary Meeting held on 21 February 2006 and issued on 14 March 2006 are relevant and applicable to the above approved amended plans.*

COUNCIL DECISION ITEM 10.1.2

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr Torre on approved leave of absence.)

PURPOSE OF REPORT:

The subject amended plans have been submitted as part of the Building Licence application for the proposed development and varies from the Planning Approval plans. The subject amended plans are being referred to this Ordinary Meeting for consideration and determination by the Council mainly due to the extent and nature of changes to the Planning Approval Plans.

Landowner:	M C & K A Audrey
Applicant:	S Teoh
Zoning:	Metropolitan Region Scheme (MRS): Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Vacant
Use Class:	Single House
Use Classification:	"P"
Lot Area:	389 square metres
Access to Right of Way	N/A

BACKGROUND:

21 February 2006 The Council at its Ordinary Meeting conditionally approved a two storey single house.

DETAILS:

The main differences between the current Building Licence application plans and the previous Planning Approval plans is the additional basement that is located underneath the entry foyer and garage. The basement is under natural ground level and will not be used for habitable purposes.

ASSESSMENT:

Non-Compliant Requirements Refer to "Comments"	
Consultation Submissions Nil	
Other Implications	
Legal/Policy	TPS 1, Residential Design Codes and associated Policies.
Strategic Implications	Nil
Financial/Budget Implications	Nil

COMMENTS:

Planning

The additional basement is completely under natural ground level and will be for non-habitable purposes resulting in no greater variation to the relevant acceptable development standards and requirements as per the Town's Policy 3.5.18 – Variations to Planning Approval and Building Licence Plans and the Residential Planning Codes.

Summary

In light of the above, it is recommended that the Council approves the above application as the proposed basement is not considered to unduly affect the amenity of the area.

10.1.4 No. 24 (Lot: 235 D/P: 29875) Sydney Street, North Perth - Proposed Freehold (Green Title) Subdivision - WAPC Ref 133873

Ward:	North	Date:	18 July 2007
Precinct:	North Perth; P8	File Ref:	133873; 7.2007.8.1
Attachments:	001		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council advises the Western Australian Planning Commission that it SUPPORTS the proposed subdivision application Reference No. 133873 submitted by Property People Surveying on behalf of the owner S D'Ambrosio at No. 24 (Lot: 235 D/P: 29875) Sydney Street, North Perth, and as shown on plans stamp-dated 22 June 2007, subject to the following conditions:

- (i) the land being filled and/or drained at the subdivider's cost to the satisfaction of the Town and any easements and/or reserves necessary for the implementation thereof, being provided free of cost. The maximum permitted amount of fill and height of associated retaining walls is 500 millimetres above the existing pre-subdivision ground level, and any greater amount of fill or higher retaining wall requires a separate Planning Approval to be applied to and obtained from the Town of Vincent;*
- (ii) support of the subdivision is not to be construed as support of the demolition of the existing building(s) and/or any development on the proposed lots;*
- (iii) if any portion of the existing building(s) is to be demolished to facilitate the proposed subdivision, a separate Planning Approval and/or Demolition Licence is to be obtained from the Town for the demolition of the existing building(s) prior to the clearance of the Diagram or Plan of Survey by the Town;*
- (v) all buildings and effluent disposal systems, having the necessary clearance from the new boundaries as required under the relevant legislation;*
- (vi) the street verge tree(s) on Sydney Street adjacent to the subject land being retained and measures being taken to ensure their identification and protection to the satisfaction of the Town prior to commencement of site works; and*
- (vii) the existing residence to comply with the requirements of the Residential Design Codes to the satisfaction of the Town, including;*
 - (a) the provision and construction of two (2) on-site car parking bays and associated driveway and crossover;*

- (b) *the provision of a courtyard with a minimum area of 30 square metres and minimum dimension of 4 metres; and*
- (c) *the provision of open space with a minimum area of 45 percent of the site area.*

COUNCIL DECISION ITEM 10.1.4

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr Torre on approved leave of absence.)

Landowner:	S D'Ambrosio
Applicant:	Property People Surveying
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R20
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	1017 square metres

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The above site falls within the Eton Locality, where all planning and subdivision applications are required to be referred to Council for determination. The proposal involves the battleaxe subdivision of the subject property into two (2) freehold lots as follows:

- Proposed front Lot 1 being 477 square metres.
- Proposed rear battleaxe Lot 2 being 540 square metres.

COMMENTS:

Under the R20 density, the minimum lot area is 440 square metres and an average of 500 square metres. For battleaxe lots, the rear battleaxe lot area is required to be 540 square metres. The proposed lot sizes are 477 square metres for the front lot and 540 square metres for the rear battleaxe lot, which includes part of the access leg.

Under Clause 3.1.2 (A2) (ii) of the Residential Design Codes, the site area for the rear battleaxe lot is inclusive of the access leg, where such an access leg contributes no more than 20 per cent of the site area of 540 square metres. The maximum access leg area allowed under the 20 per cent is 108 square metres for the above site and in this instance only 100 square metres of the access leg is required to be added on the effective lot area of 440 square metres to achieve a total site area of 540 square metres.

Strategic Planning

The Town's Policy relating to "Eton - Locality Plan 7" states as follows in regards to subdivision:

"iii) Subdivision:

Battleaxe subdivisions are only supported as a means of:

- a) retaining an intact streetscape; and*
- b) discouraging garages in front of the dwellings in favour of the traditional habitable space with the result being a more interactive streetscape, greater surveillance and security.*

Infill development in the form of splitting the wider frontage lots down the middle is otherwise encouraged."

Notwithstanding the above, the battleaxe subdivision is considered acceptable for the following reasons:

- The proposal complies with the battleaxe requirements of the Residential Design Codes;
- The proposal facilitates the retention of the existing intact streetscape by retaining the existing dwelling adjacent to Sydney Street; and
- The proposal complies with the Town's Policy relating to "Eton - Locality Plan 7".

A report regarding proposed Amendment No. 24 to the Town of Vincent Town Planning Scheme No. 1 relating to land coded R20 within the Eton Locality is also programmed for Council's consideration on the current agenda.

Summary:

The proposal complies with the R20 subdivision requirements for a battleaxe lot and therefore the proposal is considered supportable, subject to standard and appropriate conditions to address the above matters.

10.1.5 No. 11 (Lot: 42 D/P: 1823) Daphne Street, North Perth - Proposed Carport and Entry Canopy Addition to Existing Single House

Ward:	North	Date:	17 July 2007
Precinct:	Smith's Lake; P6	File Ref:	PRO3993; 5.2007.201.1
Attachments:	001		
Reporting Officer(s):	D Bothwell		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by N Ross Architect on behalf of the owner L H Reger for proposed Carport and Entry Canopy Addition to Existing Single House, at No. 11 (Lot: 42 D/P: 1823) Daphne Street, North Perth, and as shown on plans stamp-dated 5 June 2007, subject to the following conditions:

- (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) any new street/front wall, fence and gate between the Daphne Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (iii) the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the main dwelling.*

COUNCIL DECISION ITEM 10.1.5

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr Torre on approved leave of absence.)

Landowner:	L H Reger
Applicant:	N Ross
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	352 square metres
Access to Right of Way	West side, 3 metres wide, sealed, Town owned.

BACKGROUND:

The current carport addition is a replacement of an existing carport which was recently removed as illustrated in the attached photographs. There was only one car bay existing previously on-site and there is only one car bay provided for this particular proposal.

DETAILS:

The proposal involves a carport and canopy addition to an existing single house. The applicant's submission is attached.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	Not Applicable	Not Applicable	Noted.
Setbacks: South	1.5 metres	1 metre	Supported – as not considered to have an undue impact on the streetscape and neighbouring properties and no objections were received.

Street Setbacks Policy	Car parking is to be accessible from an existing right of way when legally available.	Carport provided from primary street.	Supported – as Technical Services have advised that access from the right-of-way (ROW) would be unsuitable. The ROW is only 3 metres wide with right angle access, making vehicular access very difficult.
Consultation Submissions			
Support (1)	No details provided		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

Vehicular Access:

Technical Services have advised that due to the right-of-way being only three (3) metres wide with right angle access, vehicular access from the ROW would be cumbersome and difficult. Therefore, vehicular access for the proposed carport from Daphne Street is supported.

Summary:

The single carport provided on-site replaces the existing single carport which has been removed. The requirement for an additional car bay is not required in this instance, as any additional car bay within the front setback area will result in another crossover for the site, which has a narrow frontage of 10.56 metres. In light of the above, the proposal is recommended for approval, subject to standard and appropriate conditions to address the above matters.

10.1.7 No. 36 (Lot 33 D/P: 384) Ruth Street, Dual Frontage to Edith Street, Perth - Proposed Demolition of Existing Single House and Construction of Single Storey Single House

Ward:	South	Date:	17 July 2007
Precinct:	Hyde Park; P12	File Ref:	PRO2657 5.2007.97.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	R Rasiah	Amended by:	John Giorgi R Boardman

CHIEF EXECUTIVE OFFICER'S AND DIRECTOR OF DEVELOPMENT SERVICES' 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 Redink Homes on behalf of the owner E Risteska for proposed Demolition of Existing Single House and construction of Single Storey Single House, at No. 36 (Lot 33 D/P: 384) Ruth Street, Dual Frontage to Edith Street, Perth and as shown on plans stamp-dated 20 March 2007, subject to the following conditions:*
- (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
 - (b) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
 - (c) *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;*
 - (d) *first obtaining the consent of the owners of No. 34 Ruth Street, Perth for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 34 Ruth Street, Perth in a good and clean condition; and*
 - (e) *any new street/front wall, fence and gate between the Ruth Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (i) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (ii) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*

- (iii) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (iv) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (v) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*
- ~~(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 Redink Homes on behalf of the owner E Risteska for proposed Construction of Single Storey Single House, at No. 36 (Lot 33 D/P: 384) Ruth Street, Dual Frontage to Edith Street, Perth and as shown on plans stamp dated 20 March 2007, for the following reasons:~~
- ~~(a) the development will unduly adversely affect the orderly and proper planning and the preservation of the amenities of the locality;~~
 - ~~(b) the non-compliance with the open space of the Residential Design Codes; and~~
 - ~~(c) the open space requirements proposed to be varied is as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements.~~

COUNCIL DECISION ITEM 10.1.7

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Cr Torre on approved leave of absence.)

Landowner:	E Risteska
Applicant:	Redink Homes Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	324 square metres
Access to Right of Way	N/A

BACKGROUND:

- 11 May 2004 The Council at its Ordinary Meeting deferred consideration of an application for the demolition of existing single house and construction of two (2) two-storey single houses. It is to be noted that this application was submitted by the current owner of the subject property.
- 25 May 2004 The Council at its Ordinary Meeting conditionally approved the demolition of existing house, and refused the construction of two (2) two-storey single houses. It is to be noted that this application was submitted by the current owner of the subject property.
- 7 December 2004 The Council at its Ordinary Meeting approved a development proposal for the construction of two (2) two-storey single houses. It is to be noted that this application was submitted by the current owner of the subject property.
- 6 June 2007 The Town's Officer wrote to the applicant, in relation to a new Planning Application received by the Town on 23 March 2007, outlining the variations of the development in relation to the acceptable development standards of the Town's Town Planning Scheme No.1 and the Residential Design Codes (R Codes). The applicant was advised to redesign the proposal so that it addresses the variations or alternatively to provide written justification for the variations for consideration by the Council.

DETAILS:

The proposal involves the demolition of the existing single house and the construction of a single storey brick and tile dwelling. The proposal does not alter the existing parking arrangement, which comprises an enclosed double garage accessed from Edith Street. It is to be noted that the previous demolition approval for the subject place has since expired.

The applicant has provided written justification for the proposed variations (attached), as outlined in the Table below. A summary of the justification is provided below:

- The applicant has advised that they are willing to remove the existing galvanised shelter to the right hand side of the existing garage, which will result in increasing the open space of the site to 41 per cent.
- The applicant has tried to achieve the best possible open space outcome whilst working within the constraints of a very small lot and keeping the existing covered off street parking.
- Building a two storey home to reduce the site coverage would have more of an effect on the street as a whole.
- As the lot is very narrow (only 10 metres wide), it is very difficult to design a habitable, usable home if the full setbacks are imposed.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Open Space	45 per cent	34 per cent	Not supported - as the open space variation is not <u>normally</u> supportable under the Town's Non-Variation Policy. Compliance can be achieved via a redesign of building, <u>however this would most likely result in a two storey house, which would have an effect on the street as a whole. Also the owner desires to build a single storey house.</u>
Building on Boundary	Walls not higher than 3.5 metres with an average of 3 metres for 2/3 (18.78 metres) the length of the balance of the boundary behind the front setback.	22.58 metres to eastern boundary.	Supported - as no objection received from adjoining neighbour and not considered to have an undue impact on affected neighbour.
Setbacks - Dwelling to Western Boundary	1.5 metres	1.07 metres	Supported - as no objection received from adjoining neighbour and not considered to have an undue impact on affected neighbour.
Consultation Submissions			
Support (1)	<ul style="list-style-type: none"> The non-compliant requirements are reasonable when compared to other existing structures in the area. It is unreasonable to force modern building compliances on historic precincts within the Town. 		Noted. Noted.
Objection	Nil.		Noted.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

Demolition

The subject dwelling at No. 36 Ruth Street, Perth appears to have been constructed in 1933, after the City of Perth granted a Building Licence to Mr C. Raabe to build a single storey brick and tile dwelling. According to the Metropolitan Sewerage plans of 1953, Ruth Street, Perth had been fully developed by this time with a variety of brick and wood residences.

The subject dwelling features a central front entrance, three bedrooms, living room and bathroom, with a laundry, kitchen and dining room to the rear. The place is a basic brick and tile dwelling that has been modified to meet the need for increased living areas. The internal floor plan appears somewhat altered, as the west sleepout has been divided into two bedrooms and other changes to the rear such as kitchen renovations, have also taken place. There is a galvanised iron garage constructed in 1988, a brick and iron shelter and a vegetable garden in the rear yard.

The streetscape along Ruth Street, Perth consists of mostly single storey dwellings, with some second storey additions. Brick and tile dwellings remain in situ either side of the subject dwelling; however, there are at least two new residential constructions along the northern side of the street.

The subject place is not considered to meet the threshold for the Town's Municipal Heritage Inventory. The place is not considered to have any specific cultural heritage value that would make it eligible for consideration for inclusion on the Town's Municipal Heritage Inventory. The dwelling is considered to require no further investigation and that a full Heritage Assessment is not warranted.

Summary

In light of the above, it is recommended that the demolition of the subject place be approved subject to standard and appropriate conditions. However, in light of the fact that the open space is a standard stated in the Town's Policy relating to Non-Variation to Specific Development Standards and Requirements, the redevelopment proposal ~~is not~~ cannot normally be supported, as the Council Policy does not allow the Officers to exercise their discretion.

Chief Executive Officer's Comment

The Chief Executive Officer has amended this report as it is considered that the application of the Open Space Policy in this case is unreasonable. The narrow dimension (of 10 metres) of the lot makes it difficult to build a single storey house, if it was to comply with all Council Policies. If it is applied, it would possibly result in a two storey house being built, which in the view of the Officers would have an effect on the whole streetscape. A two storey house is not the desire of the applicant/owners, as they prefer a single storey house, mainly for access reasons. The Director of Development Services also supports this matter.

10.1.15 Western Australian Planning Commission – June 2007 Planning Bulletin 83 – ‘Planning for Tourism’

Ward:	All	Date:	13 July 2007
Precinct:	All	File Ref:	PLA0140
Attachments:	001		
Reporting Officer(s):	A Rayner, J Anthony		
Checked/Endorsed by:	B McKean,R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Western Australian Planning Commission’s June 2007 Planning Bulletin 83 – ‘Planning for Tourism’ in relation to the Commission’s interim recommendations for strategic planning for tourism as attached to this report;*
- (ii) *NOTES that;*
 - (a) *the Town currently has no areas zoned solely for tourism purposes;*
 - (b) *the Town is currently in the process of reviewing the Town Planning Scheme No.1; and*
 - (c) *the June 2007 Planning Bulletin 83 – ‘Planning for Tourism’ provides recommendations to local authorities as an interim measure until the Western Australian Planning Commission can implement its detailed planning mechanisms; and*
- (iii) *APOPTS the following actions:*
 - (a) *that the Western Australian Planning Commission’s recommendations be formally addressed as part of the Town Planning Scheme Review.*

COUNCIL DECISION ITEM 10.1.15

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr Torre on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the Western Australian Planning Commission’s Tourism Planning Taskforce’s interim recommendations for including Tourism strategic planning criteria into its development scheme and policies.

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The June 2007 Planning Bulletin 83 – ‘Planning for Tourism’ (‘the Bulletin’) sets out an interim policy of the Western Australian Planning Commission (‘WAPC’) to implement the recommendations of the Tourism Planning Taskforce (‘the Taskforce’) that were adopted by the WAPC in June 2006.

The Bulletin establishes the WAPC interim policy position and responds to recommendations made by the Tourism Planning Taskforce established by the Minister for Planning and Infrastructure in 2002. It recognises the importance of a strategic land use planning approach to ensure the sustainable growth of the tourism industry and aims to protect tourism sites for tourism purposes and from inappropriate development. In addition, the Bulletin encourages local governments to prepare tourism components in their local planning strategies and recognises the need for all planning proposals that impact on land identified for tourism purposes to be referred to Tourism WA prior to a recommendation or determination being made.

A copy of the Bulletin and the Tourism Planning Taskforce Report is attached to this report and is “*Laid on the Table*” respectively for the Council’s consideration.

CONSULTATION/ADVERTISING:

Not applicable at this stage.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

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

“1.1 Improve and maintain environment and infrastructure

1.1.1 Capitalise on the Town’s strategic location, its centres and commercial areas.

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

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

1.1.4 Minimise negative impacts on the community and environment.

1.1.5 Enhance and maintain parks and community facilities.

2.1 Progress economic development with adequate financial resources

2.1.4 Identify the needs and expectations of the business community and facilitate outcomes in the Town.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The WAPC through its advice in the June 2007 Planning Bulletin 83 – ‘Planning for Tourism’ is suggesting interim measures for safeguarding potentially valuable zoned land for tourism purposes and is giving notice to the Council of its intentions to formally require compliance in the future of local authorities to ensure development does not affect State significant Strategic Tourism Sites. As such, it is recommended that the Council adopt the interim procedure in processing development applications as recommended by the WAPC’s Taskforce that either does have or could have in the future tourism functions or be zoned for Tourism purposes.

Furthermore, it is recommended that the WAPC’s recommendations be formally addressed as part of the Town Planning Scheme Review.

10.1.16 No. 47 (Lot 2) Bourke Street, Leederville – Disused car bodies and car parts

Ward:	South	Date:	16 July 2007
Precinct:	Leederville; P3	File Ref:	PRO0105
Attachments:	photographs		
Reporting Officer(s):	S.Teymant,		
Checked/Endorsed by:	A. Giles, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report in relation to the property located at No. 47 (Lot 2) Bourke Street, Leederville;
- (ii) **FORMS THE OPINION** that the disused materials (including car bodies, car parts and disused materials) at No. 47 (Lot 2) Bourke Street, Leederville;
 - (a) is likely to adversely affect the value of any adjoining properties;
 - (b) results in that property having an appearance which does not conform with the general appearance of other properties in the locality;
- (iii) **AUTHORISES;**
 - (a) pursuant to section 3.25 of the Local Government Act 1995, a Notice to be served on the landowners, Heleni Velliou of No. 47 (Lot 2) Bourke Street, Leederville,, requiring the property to be cleared of car bodies, car parts and disused materials within thirty (30) days of the service of the Notice; and
 - (b) pursuant to section 3.26 of the Local Government Act 1995 the Chief Executive Officer to take legal action in the case of default and including the removal of the material and recovering any costs incurred by the Town or its Contractors in a court.

COUNCIL DECISION ITEM 10.1.16

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr Torre on approved leave of absence.)

PURPOSE:

The purpose of the report is to obtain the Council's approval to serve notice on the owners of the No. 47 Bourke Street, Leederville, in accordance with provisions of the *Local Government Act 1995*, as a result of the property being unsightly and a harbourage point for vermin.

BACKGROUND:

The following provides a summary and timeline of events in relation to the Town's dealings with the storage of vehicles at No. 47 Bourke Street, Leederville since 2002.

- | | |
|-------------------|--|
| 11 June 2002 | Council Decision (Item 10.1.22) at the Ordinary Meeting of Council held on 11 June 2002 required that all car bodies at the premises were to be removed under the 'open air storage yard', use class of the Town Planning Scheme No. 1: |
| 25 June 2002 | A letter was addressed to "The Occupier" of No. 47 Bourke Street, Leederville and to Mrs Heleni Velliou advising of the Council's Decision and a request to remove the cars within 14 days: |
| 1 July 2002 | The Owner spoke with a Planning Officer at the front counter, advising that he had received the Town's correspondence, that the car bodies belonged to his son and that he would provide the Town with a letter of response: |
| 16 September 2002 | A letter from the Owner was received advising that he had removed most of the cars and cut the grass. |
| 23 April 2004 | Notice under Section 3.25 of The Local Government Act 1995 was issued via registered post: |
| 8 June 2004 | The notice sent registered post on 23 April 2004 was returned to the Town as unclaimed mail: |
| 12 February 2004 | A written agreement between the Owner and Manager Health Services advising of the Owner's legal power of attorney and agreement stating as follows: "I agree that I will cause a minimum of 2 vehicles being removed from the above property per month from today's date, with all vehicles being removed by 12 th November 2004. I am aware that if I do not complete the removal of the vehicles from the property as outlined above, the Town will undertake further action to remove these vehicles at my cost.": |
| 10 December 2004 | The Town's Environmental Health Officer reported; "4 car bodies and a significant of scrap metal stored along the western boundary fence." A report on 5 May 2005 stating "visited siteno deterioration since photographs of 10 December 2004. It was decided not to take any further action at present unless further complaints are received." |

Location of Property – General appearance of other properties in the locality

The subject property is located in Bourke Street, Leederville. The unsightly appearance of the property portrays an unacceptable image adjoining owners and occupiers. Furthermore, the property does not conform with the general appearance of other properties in the locality, which are well kept and maintained.

Adversely affecting the value of any adjoining property

As stated above, the adjoining properties are well kept and maintained. It is advised that the unsightly nature of the subject properties would adversely affect the value of any adjoining property.

DETAILS:

A recent review of the Town's Legal Action Register revealed that compliance in relation to the removal of car bodies from No. 47 Bourke Street, Leederville, had not been satisfactorily achieved.

A follow-up inspection of inspection of No. 47 Bourke Street by The Town's Environmental Health Officer, on 23 May 2007, revealed the presence of 7 car bodies plus numerous car parts, tyres and general scrap. Upon review of the property file, it was revealed that the yard areas of the premises were actually worse than at the time of the most recent site inspection by the Town's Officers on 10 December 2004, during which time a total of 4 car bodies and vehicle scrap were identified.

CONSULTATION/ADVERTISING:

Nil.

STRATEGIC IMPLICATIONS:

Town of Vincent Strategic Plan 2006 – 2011 'Natural and Built Environment':

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

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

LEGAL/POLICY:

The *Local Government Act 1995*, provides the following statutory basis for dealing with complaints in relation to unsightly properties:

3.25. Notices requiring certain things to be done by owner or occupier of land

(1) A local government may give a person who is the owner or, unless Schedule 3.1 indicates otherwise, the occupier of land a notice in writing relating to the land requiring the person to do anything specified in the notice that —

(a) is prescribed in Schedule 3.1, Division 1; or

(b) is for the purpose of remedying or mitigating the effects of any offence against a provision prescribed in Schedule 3.1, Division 2.

(2) Schedule 3.1 may be amended by regulations.

(3) If the notice is given to an occupier who is not the owner of the land, the owner is to be informed in writing that the notice was given.

(4) A person who is given a notice under subsection (1) is not prevented from complying with it because of the terms on which the land is held.

(5) A person who is given a notice under subsection (1) may apply to the State Administrative Tribunal for a review of the decision to give the notice.

(6) A person who fails to comply with a notice under subsection (1) commits an offence.

Schedule 3.1 Division 1 - Powers under notices to owners or occupiers of land [Section 3.25(1)]

(2) In this item - 'unsightly' in relation to land, means having an appearance that, because of the way in which the land is used, does not conform with the general appearance of other land in the locality.

(3) The notice cannot be given to an occupier who is not an owner.

5A. (1) *Ensure that overgrown vegetation, rubbish, or disused material, as specified, is removed from land that the local government considers to be untidy.*

3.26. Additional powers when notices given

(1) *This section applies when a notice is given under section 3.25(1).*

(2) *If the person who is given the notice (“**notice recipient**”) fails to comply with it, the local government may do anything that it considers necessary to achieve, so far as is practicable, the purpose for which the notice was given.*

(3) *The local government may recover the cost of anything it does under subsection (2) as a debt due from the person who failed to comply with the notice.*

FINANCIAL/BUDGET IMPLICATIONS:

Should the owner of the property not undertake the specified works within the time specified in the notice (30 days), the Town may act in default and recover costs from the owners who were served with the Notice. It is anticipated that clean-up costs of the property in the case of default, will be less than \$1000, as enquiries revealed that most scrap merchants pick up car bodies and disused parts free of charge, provided that the items are placed on the verge for collection. The only cost that may be incurred would be bobcat charges, through the transfer of vehicles from the property to the front verge area and minor costs associated with disposing of disused items not accepted by scrap merchants.

COMMENTS:

It is recommended is that the Chief Executive Officer be authorised to re-issue notice under section 3.2.5 of the *Local Government Act 1995* on the owners of the property at No. 47 Bourke Street, Leederville, directing the removal of all unsightly and disused items from the property and in the case of default, have an appointed contractor complete the works and list the owner as a debtor of the Town in order to recoup costs.

10.2.1 Town of Vincent 2007 Garden Competition

Ward:	Both	Date:	12 July 2007
Precinct:	All	File Ref:	CVC0007
Attachments:	-		
Reporting Officer(s):	K. Godfrey		
Checked/Endorsed by:	J van den Bok	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report on the proposed 2007 Garden Competition; and
- (ii) **APPROVES;**
 - (a) *the 2007 Garden Competition as outlined in the report, with entries to close on Friday, 28 September 2007, and the final judging to be carried out on Saturday, 6 October 2007;*
 - (b) *the final judging panel to comprise the Mayor, Councillors Chester and Lake, Manager Parks Services and the Water Corporation's Water Efficiency Project Manager, Adele Gismondi; and*
 - (c) *the awarding of prizes to the winners of each category of the competition at a function to be held at the Town of Vincent Administration and Civic Centre on Wednesday, 7 November 2007, commencing at 6.00pm.*

COUNCIL DECISION ITEM 10.2.1

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Cr Torre on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to advise and seek approval from the Council for the dates and format for the Town of Vincent 2007 Garden Competition.

BACKGROUND:

Since the Town's inception in 1995, there has been an annual Spring Garden Competition conducted, which is open to all owners/occupiers who have lived in the Town for at least six (6) months.

This event has been very popular with residents and local contractors, and businesses provide sponsorship for the event by way of a cash contribution or prizes to be raffled at the presentation of awards night held in November each year.

The categories in the 2006 competition were as follows:

- Best Residential Front Garden
- Best Kept Verge
- Best Courtyard and/or Rear Garden
- Best Landscaped Commercial/Grouped Housing Property
- Best “Vegetable or Food Garden”
- Best Kept Street/Part Street
- Catchment Friendly Garden

In 2006, 117 individual category entries were received.

DETAILS:

Categories

Whilst no prizes have been awarded in the Best Landscaped Commercial Grouped Housing Property over the past two (2) years due to the lack of entries, it is considered worthwhile to again include this category in the 2007 competition, which will include properties within the recently restructured boundaries.

The minimum number of six (6) entries is normally always received in the remaining categories; therefore, the recommended categories for the Town of Vincent 2007 Garden Competition are as follows:

- Best Residential Front Garden
- Best Kept Verge
- Best Courtyard and/or Rear Garden
- Best Landscaped Commercial/Grouped Housing Property
- Best Vegetable or Food Garden
- Best Kept Street/Part Street
- Catchment Friendly Garden

Awards/Prize Money

It is considered that the prize money allocated for each category over the past two (2) years is adequate and should remain unchanged.

The Catchment Friendly Garden category is sponsored by the Water Corporation through the Claise Brook Catchment Group (CBCG).

The prize money for the 2007 Garden Competition is therefore recommended as follows;

Best Waterwise Residential Front Garden

Best Kept Verge

Catchment Friendly Garden

- First Prize \$500 plus trophy/certificate
- Second Prize \$300 plus certificate
- Third Prize \$200 plus certificate

Best Courtyard and/or Rear Garden

Best Landscaped Commercial/Grouped Housing Property

Best Vegetable Garden

- First Prize \$300 plus trophy/certificate.
- Second Prize \$200 plus certificate
- Third Prize \$150 plus certificate

A specialised street sign will again be provided for the Best Kept Street/Part Street category and a quality pair of Swiss made "Felco" secateurs will be presented for the Mayor's Encouragement Award.

As in previous years, the presentation will also include a number of raffles or give-away prizes provided by the numerous sponsors. These raffles have proved to be a very popular and entertaining part of the night.

Judging

Preliminary judging for the majority of categories will again be undertaken by the Town's horticultural staff.

Preliminary judging for the Catchment Friendly Garden will be undertaken by CBCG members in association with the Parks Services Technical Officer. The Water Corporation's, Water Efficiency Project Manager, Adele Gismondi, has also expressed in interest in forming part of the Catchment Friendly Garden preliminary judging.

Final judging will be undertaken on the morning of Saturday, 6 October 2007 and it is proposed that the final judging committee consist of the following:

- Mayor Nick Catania
- Cr Sally Lake
- Cr Simon Chester
- Manager Parks Services
- Adele Gismondi (*Water Corporation, Water Efficiency Project Manager*)

The Mayor, Councillor Lake, Councillor Chester and the Manager Parks Services, form the Town's "Garden Awards Advisory Group".

CONSULTATION/ADVERTISING:

An advertisement/entry form will be placed in a local community paper during late August early September 2007. In addition, an entry form is included in the "Mayor's Message" and rates notices.

Entry forms will also be made available at the front desk of the Administration Civic Centre and via the Town's website. Entries close on Friday 28 September 2007.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – 3.1.1 Celebrate and acknowledge the Town's cultural and social diversity. *“(a) Organise and promote community events and initiatives that engage the community and celebrate the cultural and social diversity of the Town.”*

The Competition is in keeping with the Council’s Sustainable Environment Plan 2007-2012, Objective 2 – Water and Objective 3 – Biodiversity.

FINANCIAL/BUDGET IMPLICATIONS:

An estimate of costs associated with the 2007 Town of Vincent Garden Competition is as follows: -

• Cash prizes	\$4,950
• Function	\$4,000
• Trophies	\$1,550
• Photography	\$1,300
• Certificates	\$150
• Advertising	\$2,000
• Administration	\$250
• Street sign	<u>\$200</u>
	<u>\$14,400</u>

An amount of \$15,000 has been included in the 2007/08 budget for the garden competition.

Local Contractors have donated service vouchers and products to the value of \$1,200.

COMMENTS:

It is therefore recommended that the Council approves the 2007 Garden Competition, as detailed in this report.

10.2.2 Further Report - Investigation of Renewable Energy Use by the Town

Ward:	Both Wards	Date:	12 July 2007
Precinct:	All Precincts	File Ref:	ENS0119
Attachments:	001		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicker, J Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the further report on the Investigation of Renewable Energy Use by the Town;
- (ii) **NOTES;**
 - (a) the annual estimated cost, as of June 2007, of converting 25% of the Town's total electricity consumption for its facilities and buildings to Natural Power, is \$32,664 (GST inclusive);
 - (b) that the 2007/08 Budget, as adopted at the Ordinary Meeting of Council of 11 July 2007, includes a specific allocation of \$35,000 for a "Renewable Energy Subsidy"; and
- (iii) **APPROVES;**
 - (a) the purchase of Natural Power equivalent to 25% of the Town's annual electricity consumption for its facilities and buildings,
 - (b) the display of 'GreenPower' logo on the Town's buildings, advertising and stationary as determined by the Chief Executive Officer; and
- (iv) **ADVISES** Synergy Energy of its decision and makes application for 25% of the Town's annual electricity consumption to be sourced from 'Natural Power'.

COUNCIL DECISION ITEM 10.2.2

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Cr Torre on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to obtain Councils approval to purchase 25% of the annual electricity requirements for the Town's facilities and buildings from renewable energy sources.

BACKGROUND:

At its Ordinary Meeting of 24 April 2007 the Council received a report on the Town potentially using renewable energy sources for its facilities and buildings.

At the conclusion of the discussion the Council made the following decision:

That the Item be DEFERRED to allow for the matter to be presented at an Elected Member's Forum.

In accordance with the above Synergy Energy duly made a presentation to the Elected Members Forum on 19 June 2007, on the supply and pricing of renewable energy. A copy of their Power Point Presentation is attached to this report.

DETAILS:

At its Ordinary Meeting of 24 October 2006 Council endorsed the following Notice of Motion:

"That the Council;

- (i) *AUTHORISES the CEO to prepare a report investigating the implications of having up to 100% of the electricity supplied to Town of Vincent facilities being provided by renewable energy through a government accredited Green Power product and the report to be provided no later than April 2007. The report should:*
 - (a) *provide a breakdown, by facility, of the annual electricity use of the Town together with the total annual use of all facilities;*
 - (b) *assess the cost implications of a range of percentage commitments to renewable energy supply and identify the potential savings in CO² emissions;*
 - (c) *consider the initiative's relationship to and impact on the:*
 - (1) *Town of Vincent Draft Environment Plan; and*
 - (2) *Cities for Climate Protection Australia program;*
 - (d) *consider feedback on the implementation of the program in other local governments in Western Australia; and*
- (ii) *REQUESTS the Town's Sustainability Advisory Group to consider the matter and provide comments."*

In accordance with above notice of motion a reported titled *Investigation of Renewable Energy Use by the Town – Progress Report No. 1* was presented to the Ordinary Meeting of Council of 24 April 2007.

The report outlined the various options available to Town in purchasing Natural or Earth Friendly power through Synergy Energy. As some debate the Council made the following decision:

That the Item be DEFERRED to allow for the matter to be presented at an Elected Member's Forum.

The Town's officers duly arranged for Synergy Energy's Product Manager Marketing to make a presentation to the Elected Members Forum on 19 June 2007, on the supply and pricing of renewable energy.

The information provided at the forum was by way of a 'Power Point' presentation of which the salient slides are included in Attachment 10.2.3.

Natural Power

Natural Power is energy that is generated from renewable sources, sources that cannot be depleted or can be replaced, such as solar and wind. Generating renewable energy produces no greenhouse gas and therefore has minimal impact on the environment.

Natural Power is accredited by the [National Green Power Accreditation Program](#) and currently Synergy's Natural Power product is the only Western Australian sourced accredited Green Power.

When purchasing Natural Power, Synergy guarantees that the energy will be sourced from renewable sources and will increase the overall amount of renewable energy in the grid.

Essentially, the more Natural Power sold the greater the amount of renewable energy will go into the grid, and the less coal-fuelled energy will be required to meet future needs. Reducing the amount of coal-fuelled energy will in turn reduce the greenhouse gas emissions.

Synergy's Natural Power surcharge is an extra 3 cents per unit used and the customer has a choice of a set proportion of their energy usage being sourced from renewable energy, 5%, 10%, 25%, 50%, 75% or 100%.

Synergy invests the 3 cents per kWh surcharge in purchasing 'certified' renewable energy, which in general is more expensive to produce. Further, Natural Power is only purchased from 'new' sources of energy generation commissioned after 1 January 1997, to stimulate and support development of the renewable energy industry.

The purchase of a minimum of 10% of Natural Power entitles the customer, in this instance the Town, to use the Green Power logo below (conditions apply).



Cost Implications for the Town

The following table, as supplied by Synergy, illustrates the cost of Natural Power as a percentage of total energy consumption, the savings in CO² emissions (Tonnes/CO²e) and the equivalent number of cars removed from the road.

Note: This excludes street lighting

Natural Power estimate - All Town facilities

Annual consumption (kWh) May 06 to April 07	4,355,183				
Minimum Green Power Accreditation Requirement	10%				
Additional cost/pa (inc GST)	10%	25%	50%	75%	100%
Natural Power at 3c/kWh	\$13,066	\$32,644	\$65,328	\$97,992	\$130,655
Emissions prevented/avoided per annum (Tonnes/CO2) *	408	1,019	2,038	3,057	4,076
Equivalent number of cars removed from the per annum **	129	324	647	971	1,294
Estimated increase in total annual electricity expenditure	2.7%	6.8%	13.5%	20.3%	27.0%

* CO₂e / kWh as advised by the Australian Greenhouse Office Factors and Methods Workbook December 2006

** based upon a medium sized Toyota Camry travelling 15,000 km p.a. on unleaded petrol and resulting in 3.15 tonnes of CO₂ e p a as per Australian Greenhouse Office's Green Vehicle Guide.

CONSULTATION/ADVERTISING:

Open to public comment during the 2007/08 budget preparation.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – 1. Natural and Built Environment;

1.1.4 Minimise negative impacts on the community and environment

1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.

Sustainable Environment Plan 2007-2012
Action 4 – "Energy"

FINANCIAL/BUDGET IMPLICATIONS:

An allocation of \$35,000 "renewable energy subsidy" was included in the 2007/08 Budget as approved by Council at its Ordinary Meeting of 11 July 2007.

COMMENTS:

If approved, the Town will be only the twelfth Local Authority in Western Australia to purchase either a portion or all of their energy needs from renewable sources. While this proposal was not specifically advertised for public comment, it is in keeping with the Council's Sustainable Environment Plan 2007-2012, Action 4 - "Energy".

10.4.1 Loftus Centre Redevelopment, 99 Loftus Street, Leederville – Approval of External Cladding Materials/ and External Colour Scheme

Ward:	South	Date:	18 July 2007
Precinct:	Oxford Centre; P4	File Ref:	RES0061
Attachments:	001 ; 002		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Report relating to the Loftus Centre Redevelopment, 99 Loftus Street, Leederville, relating to the proposed external building cladding and colour scheme;*
- (ii) *APPROVES;*
 - (a) *of the external cladding material to be "Luxalon" steel cladding, sample as "Laid on the Table", at an estimated cost of \$163,732; and*
 - (b) *the external colour scheme, as detailed in this report and shown in Plans A301-C, A302-C, A303-C attached at Appendix B and C;*
- (iii) *NOTES that the funding source for the "Luxalon" external cladding material will be considered at the mid year Budget Review in early 2008 (as it is premature at this stage to assume cost savings will be sufficient to cover the amount); and*
- (iv) *AUTHORISES the Chief Executive Officer to;*
 - (a) *prepare an internal colour scheme for the Loftus Centre Redevelopment, subject to the final colour scheme being approved by the Council; and*
 - (b) *make minor variations to the colour schemes, should it be necessary.*

COUNCIL DECISION ITEM 10.4.1

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (8-0)

(Cr Torre on approved leave of absence.)

FURTHER REPORT:

Following discussions with the Mayor regarding the external colour finishes, concern was expressed at the "blue tonings" for the proposed new buildings. Mayor Catania suggested that the Project Architect be requested to investigate "green tonings", which is in keeping with the existing colour scheme.

The Project Architect has prepared a revised external finishes schedule, which substitutes the painted concrete panel feature colour from "Blue Portage" (dark blue) and the contrast colour from "Inland Sea" (light blue) to "Moreton Bay" (dark green/light olive) and "So Hip" (mist/light green) - the mist/light green is very similar to the existing external cladding colour. The feature colours of "Embeglo" (orange/ochre) and the "Pacific Blue" feature colours for the false windows at each end of the buildings on the eastern elevations will remain.

This revised "green toning" colour scheme has the advantage of cost savings of approximately \$1,500 as an existing western elevation panel does not need to be repainted and also approximately \$20,000 can be saved by no longer needing to repaint the existing colorbond. A colour board has now been provided and this will be "Laid on the Table". Revised colour scheme plans will also be presented at the Council Meeting.

Accordingly, approval of the external colour scheme, with "green tonings" as opposed to the blue tonings is now recommended, for the reasons outlined above.

PURPOSE OF THE REPORT:

The purpose of the report is to obtain the Council approval of the Loftus Centre Redevelopment proposed cladding and external colour scheme.

BACKGROUND:

At the Ordinary Meeting of Council held on 23 January 2007, the Council considered this matter and resolved to award the building tender to Perkins Builders and for the project to proceed. The Council also resolved inter-alia as follows;

- "(d) The Chief Executive Officer be requested to further investigate and report back to the Council on the following;*
 - (a) potentials for further cost savings (without compromising the aesthetics of the building);*
 - (b) funding options available to cover the additional cost of the "Luxalon" (or other alternative material) cladding;*
 - (c) various options for types of cladding available;*
 - (d) information concerning the embodied energy required to manufacture and install the various cladding materials; ... "*

DETAILS:

It is advised as follows;

1. Potential for further Cost Savings (without compromising the aesthetics of the building)

The Chief Executive Officer is monitoring the project costs on a daily basis. Cost savings are being achieved wherever possible. However, minor cost increases are also being incurred. This is demonstrated in the following summary of variations, as at 18 July 2007;

No.	Item	Additional Costs	Savings	
	Variations			
1.	Provision of Screw piles	\$2,673.00	-	
2.	Removal of unsuitable soil	\$14,322.00	-	
3.	Water Corporation Headworks Charges	-	\$24,459.00	
4.	Credit for Kordon's termite treatment	-	\$15,000.00	
5.	Supply and replace existing gas valves	\$409.00	-	
6.	Deletion of floor ducts to Library Area	-	\$3,010.00	
7.	Installed extra downpipes to existing building	\$1,859.00	-	
8.	Door Hardware	-	\$4,375.00	
9.	Supply and install fire hose reel to Gymnastics	\$2,384.91	-	
	Total	\$21,647.00	\$46,844.00	
	Net Savings			\$25,197.00

As can be seen, net savings are being achieved from the original Provisional Sums included in the Project Budget, however as the construction project is only 30% completed as at 18 July 2007, it is considered premature to assume that sufficient cost savings will be achieved to pay for the luxation cladding.

The Project Architect advises that the Project Budget does not include any monies to repaint the existing light green colour of the Centre (except the western elevation) and only minimal internal painting. This external painting is estimated to cost \$20,000 and as yet, quotes have not been obtained. It would be desirable to paint all the external parts of the Centre during construction, as the aesthetics will be greatly enhanced. The extent of the internal painting will be determined once the existing and new works have been completed. If there are insufficient funds available in the project budget, the painting would have to be carried out in the 2008-09 financial years.

2. Funding Options available to cover the additional cost of the "Luxalon" (or other alternative material) cladding

The Project Architect advises as follows:

"Further to the Perkins contract agreement in which a cost saving of \$180,532 (not approved by the Council) was offered if the Luxalon cladding was changed to Custom Orb cladding, the following is advised:

- *A local manufacturer (ACS- Architectural Ceiling Systems) offers a product similar to Luxalon which we thought would be cheaper however the costs indicate that it would be in the order of \$10,000 more expensive than Luxalon. We therefore have discarded this as an option.*

- *Luxalon have offered their steel cladding system as an alternative to the Aluminium cladding system which will result in a saving of \$16,800. This non-aluminium Luxalon system addresses the issues raised by the councillors in relation to "High Embodied Energy" applicable to aluminium and therefore steel should in our view take precedence."*

A decision on the cladding is now required, in order to allow sufficient time for the product to be provided and to ensure no delays are incurred.

At this stage it is envisaged that there will be cost savings from the original Provisional Sums included in the Project Budget. However, it is premature to estimate an amount. When the actual savings are quantified, a final cost for the Luxalon cladding will be known. Funding sources can then be identified, which may include; Project Cost Savings, Loan, re-allocation from another project.

It is therefore recommended that the matter be further considered at the mid year Budget Review in early 2008.

3. Various Options for Types of Cladding available - (Samples "Laid on the Table")

"Cladding options available are as follows;

<i>Options</i>	<i>Saving</i>
1. <i>Luxalon Aluminium cladding system</i>	<i>\$0.00</i>
2. <i>Luxalon Steel cladding system</i>	<i>\$16,800.00</i>
3. <i>Custom Orb Sheeting- colorbond colours</i>	<i>\$180,532.00</i>
4. <i>Deckform cladding system (similar to Luxalon)</i>	<i>Approx. \$10,000.00</i>
	<i>(More expensive than Luxalon)</i>

The Architect recommends that the Town proceeds with the Luxalon Steel Cladding system which will result in a cost saving of \$16,800."

4. Information concerning the embodied energy required to manufacture and install the various Cladding Materials

The local agent for "Luxalon" - The Hunter Douglas Architectural Products Group - was requested to investigate this matter. At the time of writing this report, information has been provided, as shown in Appendix 10.4.1(A).

5. Colour Scheme

External Colours:

A decision on the project colour scheme is required for the external products. The Project Architect has recommended the following;

EXTERNAL FINISHES SCHEDULE - REVISED 23.7.2007

Item	Code	Finishes/Colour
Roof Deck and Accessories	R	Colorbond XRW Colour: Surfmist
Vision Glass	VG	Pilkington "Comfort Plus" Low -E; Colour: Neutral
Spandrel Glass	SG	Pilkington "Decorated Glass" Colour: AUS14 Storm Grey
Colourback Glazing for False windows	FG	Pilkington "Decorated Glass" Colour: AUS10 Pacific Blue
Door / Window frames ; Roller Doors	D/WF	Dulux Powdercoatings Colour: Olde Pewter 50243
External Wall Cladding- Luxalon Multipanel façade (MPF) or similar approved	W/C	Colour to match Colorbond Colour: Shale Grey
Existing Colorbond Cladding	EC	Dulux Colorbond Mist Green
External Feature Stone Cladding	W/S	Selected Donnybrook Stone Cladding
Face Brickwork	W/B	To match existing
Painted concrete panels / Main colour	W	Taubmans Flannel Flower T161-1W
Painted concrete panels / Feature colour	WF1	Taubmans Inland Sea T147-5W So Hip T154-4W
Painted concrete panels / Feature colour	WF2	Taubmans Blue Portage T146-7A Morton Bay T153-7A
Painted concrete panels / Feature colour	WF3	Dulux Colour: Embeglo 60YR 25/349
Wall Colour	WF4	Taubmans Foxdale T160-5W
Circular Steel Columns with Feature Supports; 100 SHS Columns(West Elevation); MS Handrails; Window Awnings	W	Taubmans Flannel Flower T161-1W
Bollards	WF5	Dulux Protective Coatings Colour: R11 International Orange
Versilux Ceilings	W	Taubmans Flannel Flower T161-1W
Retaining wall facing	L	Limestone
External Paving-Type1	P1	Selection to be confirmed Midland Brick Sentosa
External Paving -Type 2	P2	Selection to be confirmed Midland Brick Golden Dune



Internal Colours:

A colour scheme for the Library/Local History Centre and internal works for the State Gymnastics Centre is currently being prepared. Orders are currently being placed for internal cabinets and fixed furniture.

A colour scheme will be prepared and reported to the Ordinary Meeting of Council to be held on 14 August 2007, for approval.

Matters still to be addressed

Options to minimise the Operating Deficit

The Council requested a report on the findings to minimise the operating deficit to be submitted no later than March 2007, however due a lack of resources, investigation of this matter is still in a preliminary stage. Cost options currently being explored include;

- Investigation of energy efficient fixtures and fittings, e.g. lights, hot water, air conditioning;
- Investigation of introduction of costs, e.g. Library coffee vending machine;
- Investigation of sponsorship, including naming rights, external signage on the Recreation Centre facing Leederville Oval (a verbal offer of \$20,000 per year for a large sign has been indicatively proposed);
- Investigation of Government grants and funds, e.g. Healthways, Lotteries, Heart Foundation, State Library Services;

Comment:

This matter is still being progressed, however due to a lack of resources and a heavy workload, slow progress is being made.

ADVERTISING/COMMUNITY CONSULTATION:

Not applicable. The Town's Public Relations Officer has created a "Corporate Projects" site on the Town's web page and background information, together with weekly photographs are included on this site. The web-site is being updated on a regular basis.

LEGAL/POLICY IMPLICATIONS:

N/A.

STRATEGIC IMPLICATIONS:

This project is in keeping with the Town's Strategic Plan 2006-2011, Objective 1 - "*Natural and Built Environment*", in particular, 1.1.6(j) - "*Carry out redevelopment of the Loftus Centre....*".

FINANCIAL/BUDGET IMPLICATIONS:

At the Ordinary Meeting of Council held on 23 January 2007, the Council approved this project at a cost of \$13,444,664. The building tender is \$11,901,664 (excluding GST).

Builder Progress Claim Payments

Progress Payment Number	Date Received	Amount Requested (excl GST)	Amount Paid (excl GST)	Date Paid
No. 1	17/04/07	\$247,568.00	\$247,568.00	26/04/07
No. 2	16/05/07	\$979,312.00	\$979,312.00	22/05/07
No. 3	18/06/07	\$1,158,441.86	\$1,158,441.86	25/06/07
No. 4	12/07/07	\$1,072,606.68	\$1,072,606.68	18/07/07

Total Paid **\$3,457,927.00**

COMMENTS:

It is pleasing to report that good progress is still being made (30% completed as at 18 July 2007) with the Loftus Centre Redevelopment Project and no major problems have occurred or been identified at this stage. The builder has been most accommodating and has worked with the Town's Officers and the Recreation Centre and Community Centre staff to minimise inconvenience.

Monthly progress reports will be provided to the Council as the project progresses.

10.4.3 Appointment of Dog Act Registration Officers

Ward:		Date:	13 July 2007
Precinct:		File Ref:	PF
Attachments:	Nil		
Reporting Officer(s):	S Beanland		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

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

<i>Anfuso, Maria</i>	<i>Gilich, Jason</i>	<i>Metcalf, Erin</i>
<i>Arnasiewicz, Christine Anne</i>	<i>Harris, Richard</i>	<i>Mitchell, Sue</i>
<i>Baker, Stephen</i>	<i>Hegney, Patricia Alice</i>	<i>Palioudakis, Galilea Elizabeth</i>
<i>Beanland, Sharnelle Nyree</i>	<i>Hunter, Leanne Susan</i>	<i>Préau, Christian</i>
<i>Boardman, David Warren</i>	<i>James, Donna</i>	<i>Isabella Rechich</i>
<i>Boyes, Angela Rosemary</i>	<i>Lawrence, Dene Francis</i>	<i>Rhodes, Peter Norman</i>
<i>Bowen, Matthew Peter</i>	<i>Lawrence, Francis John</i>	<i>Rozario, Veronica Diana</i>
<i>Bracknell, Emma Mae</i>	<i>Lombardi, Marisa Carla</i>	<i>Rutherford, Elizabeth Ann</i>
<i>Bryant, Timothy Gene</i>	<i>Lumbis, Tracy Jane</i>	<i>Swensen, Sofia Emma</i>
<i>Cicanese, Peter Michele</i>	<i>MacLean, James Gregor</i>	<i>Taylor, Amanda Jane</i>
<i>Curtis, Albert Graham</i>	<i>Marini, Lauren</i>	<i>Turner, Megan Kathleen</i>
<i>Duckett, Chloe Tess</i>	<i>Masters, Andrew</i>	<i>Wornham, Chris</i>
<i>Figg, Danielle Ronda</i>	<i>Mayes, Jennifer</i>	
<i>Giles, Simon Roger</i>	<i>McGee, John Phillip</i>	

and

- (ii) *CANCELS all previous appointments of Registration Officers pursuant to the provisions of the Dog Act 1976.*

COUNCIL DECISION ITEM 10.4.3

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (8-0)

(Cr Torre on approved leave of absence.)

PURPOSE OF THE REPORT:

The purpose of this report is to appoint Registration Officers under the Dog Act 1976.

DETAILS:

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

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

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

These appointments are in keeping with the Town's Strategic Plan 2006-2011, 4.1.4

"Deliver Services in ways that accord with the expectations of the community, whilst maintaining statutory compliance."

CONSULTATION/ADVERTISING:

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

FINANCIAL/BUDGET IMPLICATIONS:

Other than the advertising costs (an approximate cost of \$105), there will be no cost associated with these appointments.

COMMENTS:

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

10.4.6 Request to Vary the Heads of Agreement between the Town of Vincent and Allia Venue Management Pty Ltd for Members Equity Stadium, 310 Pier Street, Perth

Ward:	South	Date:	19 July 2007
Precinct:	Beaufort, P13	File Ref:	RES0064
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES of a variation to the Heads of Agreement between the Town and the Stadium Manager, Allia Venue Management Pty Ltd, to allow for a change to the pro forma Deed of Licence for non-commercial events to be signed and executed by the Licensee, the Town's Chief Executive Officer and the Chief Executive Officer of Allia Venue Management Pty Ltd; and*
- (ii) *AUTHORISES the Chief Executive Officer to;*
 - (a) *prepare the necessary legal documentation; and*
 - (b) *advise Allia Venue Management Pty Ltd of its decision.*

COUNCIL DECISION ITEM 10.4.6

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

CARRIED "EN BLOC" (8-0)

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval to vary the Heads of Agreement relating to the Members Equity Stadium to streamline the processing of Deeds of Licence.

BACKGROUND:

At the Members Equity Stadium Committee Meeting held on 17 April 2007, the Committee considered an item to change the Heads of Agreement (HOA) with regard to the approval of Licences, and resolved as follows;

"That;

- (i) the procedure for approving of stadium events (other than commercial events) be streamlined and approved by the Town's Chief Executive Officer and Allia's Chief Executive Officer ...;*
- (ii) the Heads of Agreement be amended to incorporate this change and accordingly the Town to write to Allia and seek their approval."*

Allia Venue Management Pty Ltd wrote to the Town consenting to the variation.

At the Members Equity Stadium Committee Meeting held on 17 July 2007, the Committee again considered an item to change the Heads of Agreement (HOA) with regard to the approval of Licences, and resolved as follows;

"That;

- (i) the procedure for approving of stadium events (other than non-sporting commercial events) be streamlined and approved by the Town's Chief Executive Officer and Allia's Chief Executive Officer (and the Licensee); and*
- (ii) the Heads of Agreement and pro forma Deed of Licence be amended to incorporate this change."*

The current procedure for processing Deeds of Licences requires both the Town's Chief Executive Officer and Mayor to sign. Over the previous years, in many cases, non-commercial and minor events have been arranged at short notice and difficulty has arisen in obtaining the signature of the Mayor prior to the event. (These events are of a non-commercial nature such as, media announcements, television filming, meetings, etc.)

As these non-commercial events do not have an impact outside the Stadium, it is appropriate to streamline the process, as detailed below:

Proposed Procedure for Processing of Deed of Licences

1. Deed is registered with Town's Central Records.
2. Referred to Chief Executive Officer's Executive Assistant/Personal Assistant for copying.
3. Referred to Chief Executive Officer for checking.

4. **Events within the Grandstand and Surrounds, including the Playing Pitch (excluding Non-Sporting Commercial Events)**

4(a) Referred to:

4. **Non-Sporting Commercial Events**

4(a) Referred to:

- Manager Ranger & Community Safety Services;
- Manager Health Services.

- Manager Ranger & Community Safety Services;
- Manager Health Services;
- Manager Financial Services.

For information.

- | | |
|--|--|
| | 4(b) Invoice raised for Administration Fee (currently \$583). |
| | 4(c) Insurance Policy checked and copied for file (if applicable). |
| 5(a) Signed by Chief Executive Officer (only). | 5(a) Conditions/comments compiled and checked. |
| 5(b) Council's Common Seal is affixed. | 5(b) Internal meeting held (if required). |
| 6. Council's Common Seal recorded by Chief Executive Officer's Personal Assistant. | 6. Reported to Stadium Committee for consideration and determination. |
| 7. Returned to Allia - relevant pages by fax; hard copy by post. | 7. If approved; <ul style="list-style-type: none">• Signed by Mayor and Chief Executive Officer.• Council's Common Seal is affixed. |
| 8. Details reported to next Stadium Committee. | 8. Council's Common Seal recorded by Chief Executive Officer's Personal Assistant. |
| | 9. Returned to Allia by post. |
| | 10. Invoice posted to Licensee. |
| | 11. Post event report to Stadium Committee and Council (if required). |

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The Heads of Agreement at Clause 6.3 requires a person (Licensee) to obtain a Deed of Licence for all events. Both parties to the Heads of Agreement consent to the change, for the processing of non-commercial sporting events in the Grandstand and on the pitch.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2006-2011, Objective 2.1.6(a) - *"Review leases and commercial contracts to ensure the best return for the Town, whilst being cognisant of its community service obligations."*

FINANCIAL/BUDGET IMPLICATIONS:

No direct cost savings, however there is a saving in staff processing time.

COMMENTS:

The streamlining of the processing of Deeds of Licence for non-commercial sporting events is considered appropriate and accordingly, the Council's approval is requested.

10.1.9 No. 562 (Lot 134 D/P: 2360) Newcastle Street, West Perth- Proposed Change of Use From Single House to Consulting Rooms (Podiatrist) with Partial Demolition and Associated Additions and Alterations

Ward:	South	Date:	16 July 2007
Precinct:	Cleaver; P05	File Ref:	PRO3961 5.2007.155.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by In Situ Planning and Design on behalf of the owner Fabjan Pty Ltd for proposed Change of Use From Single House to Consulting Rooms (Podiatrist) with Partial Demolition and Associated Additions and Alterations, at No. 562 (Lot 134 D/P: 2360) Newcastle Street, West Perth, and as shown on plans stamp-dated 12 July 2007, subject to the following conditions:

- (i) this approval is for Consulting Rooms (Podiatrist) use only, and any change of use from Consulting Rooms (Podiatrist) shall require Planning Approval to be applied for and obtained from the Town prior to commencement of such use;*
- (ii) the hours of operation shall be limited to the following times: 8.00am to 6.00pm weekdays, and 8.00am to 1.00pm Saturdays, inclusive;*
- (iii) the subject property is not to be used for massage activity of a sexual nature, prostitution, as a brothel business, as an agency business associated with prostitution, as an escort agency business, or the like;*
- (iv) a maximum of one (1) consultant/practitioner and one (1) consulting room is permitted to operate at the property at any one time;*
- (v) any new street/front wall, fence and gate between the Newcastle Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*

- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (vi) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (vii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate planning application, and all signage shall be subject to a Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (viii) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (ix) *a detailed landscaping plan, prepared in consultation with the Town's Parks Services Section, including a list of trees being planted in the car parking area along the north-eastern boundary of the site (one tree per four car bays) and the landscaping and reticulation of the garden bed adjacent to Newcastle Street along the southern boundary of 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*
- (x) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$2,960 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing.*

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Lake, Seconded Cr Ker

That clause (ix) be amended to delete the words “and reticulation” in line four and add the words “the landscaping shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described.”

Debate ensued.

AMENDMENT PUT AND CARRIED (8-0)

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

(Cr Torre on approved leave of absence.)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (8-0)

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 In Situ Planning and Design on behalf of the owner Fabjan Pty Ltd for proposed Change of Use From Single House to Consulting Rooms (Podiatrist) with Partial Demolition and Associated Additions and Alterations, at No. 562 (Lot 134 D/P: 2360) Newcastle Street, West Perth, and as shown on plans stamp-dated 12 July 2007, subject to the following conditions:

- (i) this approval is for Consulting Rooms (Podiatrist) use only, and any change of use from Consulting Rooms (Podiatrist) shall require Planning Approval to be applied for and obtained from the Town prior to commencement of such use;*
- (ii) the hours of operation shall be limited to the following times: 8.00am to 6.00pm weekdays, and 8.00am to 1.00pm Saturdays, inclusive;*
- (iii) the subject property is not to be used for massage activity of a sexual nature, prostitution, as a brothel business, as an agency business associated with prostitution, as an escort agency business, or the like;*
- (iv) a maximum of one (1) consultant/practitioner and one (1) consulting room is permitted to operate at the property at any one time;*

- (v) *any new street/front wall, fence and gate between the Newcastle Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
- (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (vi) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (vii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate planning application, and all signage shall be subject to a Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (viii) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (ix) *a detailed landscaping plan, prepared in consultation with the Town's Parks Services Section, including a list of trees being planted in the car parking area along the north-eastern boundary of the site (one tree per four car bays) and the landscaping of the garden bed adjacent to Newcastle Street along the southern boundary of 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). The landscaping shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described; and*

- (x) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$2,960 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing.*

Landowner:	Fabjan Pty Ltd
Applicant:	In Situ Planning and Design
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Consulting Rooms
Use Classification:	"SA"
Lot Area:	685 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves demolition of the rear brick shed, and conversion of the existing house into consulting rooms for a podiatrist. The applicant has advised that only one podiatrist will operate from the site; however, enough parking facilities have been provided for a maximum of two podiatrists. The house will not be used for residential purposes.

As the proposal does not comply with the Town's Consulting Rooms Policy, the applicant has liaised with the Town's Officers and subsequently provided written justification in support of his proposal. A summary of the applicant's letter dated 9 July 2007 is provided below:

- The subject dwelling has been operating as an accounting firm for a number of years.
- In 2006, prior to purchasing the property, the owner undertook discussions with the Town of Vincent staff and was advised that the proposed consulting room could be considered in context of the existing Town Policies. (Note: it appears these discussions were undertaken prior to the adoption of the Town's Consulting Rooms Policy on 21 November 2006).
- The subject site is located in an area of multiple uses with a mixture of residential, consulting rooms and commercial premises in the immediate vicinity. The continuation of a consulting room will not have a detrimental impact on the surrounding uses.
- The Town's Town Planning Scheme enables the Council to grant approval for a change of use from one non-conforming use to another non-conforming use if the new use is deemed to be less detrimental to the amenity of the locality than the original non-conforming use. The proposal will increase the number of parking bays and will significantly upgrade the existing facility to meet Council requirements and improve the visual amenity.

The Town's Officers undertook an archival search of records to establish whether the office (accountancy firm), which previously operated from the subject site, had received planning approval. No record of a planning approval for an office use was located nor is the use documented in the Town's Non-Conforming Use Register. Thus, the proposal is to be considered as a Change of Use from Residential to Consulting Room as opposed to Change of Use from Office to Consulting Room, as stated in the application documentation. The applicant has provided a Statutory Declaration, at the request of the Town's Administration, which states that the subject place has been used as an accountancy firm up until the beginning of 2007.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
Consulting Rooms Policy No. 3.5.22	The maximum floor area permitted to be dedicated to the consulting rooms is not to exceed more than 20 per cent of the total floor area and the residential use is to remain the predominant use of the dwelling.	No residential usage. The building to be used as a Consulting Room only.	Supported - as the premises has been used as an office (accountancy firm) for a number of years and presents as a non-residential premises. The applicant will be landscaping the site as part of the proposal to increase its presence and amenity. In addition to this, there are other non-residential uses, including other medical consulting rooms, within close proximity of the site and the above proposal is not considered to compromise the strategies contained in the Policy. Furthermore, as of 1 July 2007, the lots directly on the southern side of Newcastle Street, which were previously under the City of Perth and now under the Town of Vincent are all commercial in nature.
	The use of a	No residential	As above.

	building for the sole purpose of consulting rooms is not permitted where located in a Residential zone. <i>A minimum of 80 per cent of the total floor area of the building is to be dedicated for residential use.</i>	usage. The building to be used as a Consulting Room only.	
Non-Residential/Residential Development Interface Policy	The preservation of a traditional front garden of a former dwelling.	Car bays in the front setback.	Supported - as the proposal improves the existing presentation of the building, as it reduces the existing car parking arrangement in the front setback and proposes a 1.5 metre landscaped garden bed.
Town of Vincent - Economic Development Strategy	No requirement to add new commercial precincts or nodes as all Vincent's residents live within 1 kilometre of a commercial centre.	Non-residential use encroaching into a residential area.	Supported - as there are non-residential uses and other medical consulting rooms within close proximity of the site. The above proposal is not considered to compromise the objectives contained in the Strategy. Furthermore the subject place is included within the enlarged area of the Leederville Masterplan, which will be subject to further land use consideration.
Consultation Submissions			
Support (1)	No details provided.		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil

Car Parking	
Car Parking Requirement (nearest whole number) -Consulting Room: 3 car bays per consulting room (1 consulting room) - 3 car bays	3 car bays
Apply the adjustment factors ▪ The proposed development is within 400 metres of a bus stop (0.85)	2.55 car bays
Minus car parking on-site	7 car bays
Resultant surplus	4.45 car bays

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

COMMENTS:

The Florence Locality Plan Policy No: 3.3.22 within which the subject place is located, states that there are a number of non-residential uses along Newcastle Street, which have been in existence for many years. The plan further states that "*whilst these uses will remain non-conforming their continued presence is generally accepted where they do not unduly intrude on the amenity of their neighbours. These uses must remain at their existing scale and intensity. They will not be permitted to extend beyond their existing site.*"

In accordance with the above, it is considered the proposed change of use, which involves the retention of the existing dwelling and associated landscaping, will increase the amenity of the place and its contribution to Newcastle Street, without intruding on the amenity of its neighbours.

The application is considered acceptable and would not result in any undue impact on the amenity of the surrounding area or compromise the Town's strategies for the area and locality as a whole. The application is, therefore, supported subject to standard and appropriate conditions to address the above matters.

10.1.10 Nos. 165-167 (Lot: 15 D/P: 672, Lot: 16 D/P: 672) Harold Street, Highgate- Proposed Four (4) Two-Storey Grouped Dwellings

Ward:	South	Date:	18 July 2007
Precinct:	Hyde Park; P12	File Ref:	PRO3201, PRO3197; 5.2006.612.1
Attachments:	001		
Reporting Officer(s):	B McKean, L Mach		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by B Schenk on behalf of the owner R Mead, L Varallo, M Corner & B Schenk for proposed Four (4) Two-Storey Grouped Dwellings, at Nos. 165-167 (Lot: 15 D/P: 672, Lot: 16 D/P: 672) Harold Street, Highgate, and as shown on plans stamp-dated 20 June 2007, 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 plot ratio and buildings on boundary requirement of the Residential Design Codes;*
- (iii) the plot ratio requirement proposed to be varied is as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements; and*
- (iv) consideration of the objections received.*

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND LOST (2-6)

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

(Cr Torre on approved leave of absence.)

Reasons:

1. **Development is considered appropriate.**
2. **Considered appropriate in terms of R80 Zoning.**
3. **Interaction with streetscape better than for alternative forms of developments.**
4. **Consideration of approval of adjacent developments.**

PROPOSED ALTERNATIVE 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 B Schenk on behalf of the owner R Mead, L Varallo, M Corner & B Schenk for proposed Four (4) Two-Storey Grouped Dwellings, at Nos. 165-167 (Lot: 15 D/P: 672, Lot: 16 D/P: 672) Harold Street, Highgate, and as shown on plans stamp-dated 20 June 2007, subject to the following conditions :

- (i) *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);*
- (ii) *first obtaining the consent of the owners of Nos. 163 and 169 Harold Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of these boundary (parapet) wall facing Nos. 163 and 169 Harold Street in a good and clean condition;*
- (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) *any new street/front wall, fence and gate between Harold Street and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*

- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (v) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the 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).*

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Ker, Seconded Cr Farrell

That clause (i) be amended by inserting the following words at the beginning “should the current proposed survey strata subdivision not be completed, 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);

Debate ensued.

AMENDMENT PUT AND CARRIED (8-0)

(Cr Torre on approved leave of absence.)

AMENDMENT

Moved Cr Lake, Seconded Cr Ker

That clause (v) be amended to delete the words “and reticulation” in line four and add the words “the landscaping shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described.”

Debate ensued.

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

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

(Cr Torre on approved leave of absence.)

MOTION AS AMENDED PUT AND CARRIED (6-2)

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

(Cr Torre on approved leave of absence.)

COUNCIL DECISION ITEM 10.1.10

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by B Schenk on behalf of the owner R Mead, L Varallo, M Corner & B Schenk for proposed Four (4) Two-Storey Grouped Dwellings, at Nos. 165-167 (Lot: 15 D/P: 672, Lot: 16 D/P: 672) Harold Street, Highgate, and as shown on plans stamp-dated 20 June 2007, subject to the following conditions :

- (i) should the current survey strata subdivision not be completed 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);*
- (ii) first obtaining the consent of the owners of Nos. 163 and 169 Harold Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of these boundary (parapet) wall facing Nos. 163 and 169 Harold Street in a good and clean condition;*
- (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) *any new street/front wall, fence and gate between Harold Street and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
- (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (v) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the 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).*

Landowner:	R Mead, L Varallo, M Corner & B Schenk
Applicant:	B R Schenk
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Vacant
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	Total Lot - 814 square metres
Access to Right of Way	N/A

BACKGROUND:

- 27 February 2005 The Council at its Ordinary Meeting approved an application for two-storey single house at No.167 Harold Street.
- 27 June 2005 The Town under delegated authority from the Council conditionally approved an application for two-storey single house at No.165 Harold Street.
- 27 June 2005 The Town under delegated authority from the Council conditionally approved an application for two-storey single house at No.167 Harold Street.

DETAILS:

The proposal involves four (4) two-storey grouped dwellings at the subject property. The applicant's submission is attached.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	4 dwellings R 60 (as grouped dwellings are proposed)	4 dwellings R 60	Noted- no variations.
Plot Ratio	Unit 1 0.65- or 132 square metres Unit 2 0.65- or 132 square metres Unit 3 0.65- or 133 square metres Unit 4 0.65- or 133 square metres	Unit 1 0.99- or 200 square metres Unit 2 0.99- or 200 square metres Unit 3 0.77- or 157 square metres Unit 4 0.99- or 202 square metres	Not supported- refer to 'Comments' section.
Building Setbacks (Please note that only external setbacks are listed) :			
Ground Floor: North	1.5 metres	Nil - 4.5 metres	Supported- as a result of staggering of setbacks and not considered to have an undue impact. Supported- as above.
South	1.5 metres	Nil - 4.5 metres	

Upper Floor: East (Harold Street)	6 metres	Balconies - 5.0 metres	Supported- as not considered to have an undue impact.
North -Balcony – Kitchen - Stair	1.2 metres	Nil	Not supported- refer to 'Buildings on Boundary' below.
-Hall (Unit 1)	2.8 metres	1.75 metres	Supported- as minor variation in this instance and not considered to have an undue impact.
-Bath (Unit 1) – WIR (Unit 1) – Balcony (Unit 4) – Dining (Unit 4) – Kitchen (Unit 4)	2 metres	Nil-0.9 metre	Not supported- refer to 'Buildings on Boundary' below.
South -Balcony – kitchen – stair (Unit 2)	1.2 metres	Nil	Not supported- refer to 'Buildings on Boundary' below.
-Hall (Unit 2)	3.5 metres	1.75 metres	Supported- minor variation in this instance and not considered to have an undue impact.
-Bath (Unit 2) – WIR (Unit 2) – Balcony (Unit 3) – Kitchen (Unit 3)	2 metres	Nil-0.9 metres	Not supported- refer to 'Buildings on Boundary' below.

Boundary Walls:	Walls not higher than 3.5 metres with average of 3 metres, to one side boundary.	North Wall height ranges from 5.2 metres – 5.92 metres (Average wall height - 5.56 metres) South Wall height ranges from 5.8 metres – 6.0 metres (Average wall height of 5.9 metres)	Not supported - it is considered that two storeys buildings on boundaries can be considered in this instance on the basis that similar height boundary walls have been approved (yet to be constructed) within the near proximity of the subject site. However, in this instance, the proposed buildings on boundary, in addition to the plot ratio variation proposed, is considered to be an overdevelopment of the site and to have an undue impact on the neighbouring properties.
Outdoor living area	Provided behind the street setback area and directly accessible from a habitable room.	Units 1 and 2 - located in front setback area and not directly accessible from a habitable room.	Supported- as no undue impact and courtyards are open to winter sun.
Consultation Submissions			
Support	Nil		Noted.
Objection (4)	<ul style="list-style-type: none"> • Plot Ratio • Setbacks • Privacy • Acoustic Privacy • Design is not high quality • Concern regarding unit 4 being able to sublet 		<p>Supported – refer to ‘Comments’ section.</p> <p>Supported in part- refer to above.</p> <p>Not supported- as matter is compliant with relevant R-Codes requirements (plans have been amended to comply since consultation).</p> <p>Not supported- as development will be required to comply with Environmental Protection (Noise) Regulations 1997.</p> <p>Not supported- as design, excluding bulk and scale not considered to have undue impact on area.</p> <p>Not supported- as statement is speculative and not a valid planning consideration.</p>

	<ul style="list-style-type: none"> • Impact of locality and character of area • Building wall height - visual impact, bulk and scale • Overshadowing 	<p>Supported- as proposal considered to be overdevelopment of the site and to have undue impact on the area.</p> <p>Not supported- as matter is compliant with relevant R-Codes requirements (plans have been amended to comply since consultation).</p> <p>Not supported- as matter is compliant with relevant R-Codes requirements.</p>
	<ul style="list-style-type: none"> • Car parking • Traffic 	<p>Not supported- as car parking has been provided in accordance with relevant R-Codes requirements.</p> <p>Not supported- not considered to have an undue impact.</p>
Other Implications		
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications	Nil	
Financial/Budget Implications	Nil	

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

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

COMMENTS:

The applicant's submission is noted and concurred with by the Town's Officers; that the current design is a positive development for the area in that it omits garages for the front setback and a potential additional driveway. Notwithstanding this, it is considered that the plot ratio variation and the building on boundary variation sought is an overdevelopment of the site and has the potential to have an undue impact on the neighbouring properties.

In is further noted that the majority of dwellings that have been approved as part of the same subdivision have a plot ratio which is compliant with the requirement of 0.65, with the exception of No.169 Harold Street, Highgate which has been approved with a plot ratio of 0.79.

In light of the above, the proposal is recommended for refusal.

10.1.3 Nos. 173-175 (Lot 9 D/P: 1401, Lot 10 D/P: 1401) Carr Place, Dual Frontage to Bold Court, Leederville- Construction of Ten (10) Two-Storey Multiple Dwellings with Basement Car Parking

Ward:	South	Date:	17 July 2007
Precinct:	Oxford Centre; P4	File Ref:	PRO2599 and PR02554; 5.2006.519.1
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

CORRECTED OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner Custom Homes (WA) Pty Ltd for proposed Construction of Ten (10) Two-Storey Multiple Dwellings with Basement Car Parking at Nos. 173-175 (Lot 9 D/P: 1401, Lot 10 D/P: 1401) Carr Place, Dual Frontage to Bold Court, Leederville, and as shown on plans stamp-dated 2 March 2007, subject to the following conditions:

- (i) prior to the issue of a Building Licence, revised plans and details shall be submitted and approved demonstrating the following:*
 - (a) all screening to the decks shall be screened with a permanent 100 per cent obscure material and not perforated, as stated on the plans;*
 - (b) measures to assist in alleviating the impact of vehicular headlights into Nos. 9 and 11 Bold Court, including the investigation of levelling of the ramp at the top of the gradient, window glazing of the affected properties windows and/or landscaping. These plans and details shall be undertaken in consultation with the Town and the affected property owners and at the applicant's/owner(s)' full expense;*
 - (c) all storerooms having a minimum dimension of 1.5 metres and area of 4.0 square metres; and*
 - (d) the overall height of the concealed roof aspect of the development being a maximum of 7.0 metres as projected from the natural ground level directly below.*

The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;"
- (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) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Carr Place and Bold Court boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*
- (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (v) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Carr Place and Bold Court 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);*
- (vi) *first obtaining the consent of the owners of No. 171 Carr Place and No.10 Bold Court for entry onto their land, the owners of the subject land shall finish and maintain the surface of these boundary (parapet) wall facing No. 171 Carr Place and No.10 Bold Court in a good and clean condition;*
- (vii) *any proposed vehicular entry gates adjacent to Carr Place shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*

- (viii) *an acoustic assessment of the proposed development is to be undertaken by a suitably qualified Acoustic Consultant in accordance with the Town's Development and Design Sound Attenuation Policy 3.5.21. In addition to requirements outlined in the Sound Attenuation Policy 3.5.21, the Acoustic Consultant is to assess and comment on the proposed vehicular ramp and vehicular access gates to the property, in relation to suitable design measures to be implemented to ensure compliance internally in dwellings with AS/NZS2107 and externally with the Environmental Protection (Noise) Regulations 1997;*
- (ix) *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);*
- (x) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access via Carr Place and Bold Court, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town; and*
- (xi) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
- (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*
 - (b) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or shop. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

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

Note: The above Officer Recommendation was corrected and distributed prior to the meeting.

COUNCIL DECISION ITEM 10.1.3

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Acting Director Technical Services Craig Wilson entered the meeting at approximately 6.55pm

Debate ensued.

Moved Cr Chester, Seconded Cr Farrell

That this Item be DEFERRED for further investigation of all the concerns that were raised during public question time, including the proposed location of the access/egress To the basement carpark, possibly location of access/egress to be from Carr Place, traffic movements, potential for vehicle and pedestrian conflict, setbacks.

MOTION TO DEFER PUT AND CARRIED (7-1)

<p><u>For</u> Mayor Catania Cr Chester Cr Doran-Wu Cr Farrell Cr Ker Cr Lake Cr Maier</p>	<p><u>Against</u> Cr Messina</p>
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(Cr Torre on approved leave of absence.)

Moved with Corrected Recommendation.

First Floor - Carr Place	6.0 metres	4.7 (balcony)- 10.3 (main building) metres	<p>Supported in part as balconies can be supported at 5.0 metres and would not result in an undue impact on streetscape. Matter has been conditioned to comply.</p> <p><u>Supported- minor variation in this instance as balcony wall to Carr Place frontage is not considered to have an undue impact on the street due to the façade articulation.</u></p>
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ADDITIONAL INFORMATION:

Upon further assessment of the proposal, it is recommended that proposed clause/condition (i)(a) in the Agenda Report be deleted for the reasons stated in the 'Corrected Assessment Table'.

The Corrected Recommendation is shown by strikethrough and underlining.

Landowner:	Custom Homes Pty Ltd
Applicant:	Custom Homes Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R 80
Existing Land Use:	Vacant
Use Class:	Multiple Dwelling
Use Classification:	"P"
Lot Area:	1336 square metres
Access to Right of Way	N/A

BACKGROUND:

30 November 2005 The Town under delegated authority from the Council conditionally approved applications for demolition of existing dwellings at the subject properties.

DETAILS:

The proposal involves proposed construction of ten (10) two-storey multiple dwellings with basement car parking at the subject properties. The applicant's submission and a traffic impact statement is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	10 dwellings R 80	10 dwellings R 80	Noted- no variation.
Plot Ratio	1.0 or (1336 square metres)	0.98 or (1303 square metres)	Noted- no variation.
Street Walls & Fences	Front walls and fences within the primary street setback area are to be 50 percent visually permeable above 1.2 metres above natural ground level.	Carr Place and Bold Court frontage- fencing is 20 percent visually permeable above 1.2 metres above natural ground level.	Not supported-results in an undue impact on streetscape and has been conditioned to comply.
Privacy Setbacks	Balconies- 7.5 metres Bedrooms- 4.5 metres	Balcony (Unit 1A) - 5.8 metres to east Bed 2 (Unit 1A) - 3.5 metres to east.	Supported- as predominately overlooks front setback area and no undue impact.

Communal Open Space	16 square metres per dwelling or a total of 160 square metres.	Each unit has own courtyard in excess of 16 square metres, resulting in a total of over 160 square metres.	Supported- as it is considered that adequate amenity has been provided for each dwelling.
Storerooms	Minimum 1.5 metres with area of 4 square metres	2 stores have an area of 3.9 metres.	Not supported- minor variation in this instance and has been conditioned to comply.
Height	7.0 metres	Up to 7.1 metres	Not supported- minor variation in this instance and has been conditioned to comply.
Setbacks Ground Floor - East (living and daybed)	1.5 metres	Nil -1.45 metres	Supported- as staggering of setbacks would not result in undue impact on affected neighbour.
First Floor - Carr Place	6.0 metres	4.7 (balcony)- 10.3 (main building) metres	Supported in part- as balconies can be supported at 5.0 metres and would not result in an undue impact on streetscape. Matter has been conditioned to comply.
First floor - East (1a, 2a, 3a bed 2 and ensuite)	1.3 metres	1.2 metres	Supported- as considered minor variation in this instance and no undue impact on affected neighbour.
- East (4a and 5a)	2.2 metres	1.2 metres	Supported- as above.

Consultation Submissions		
Support (1)	<ul style="list-style-type: none"> • Details not provided. 	Noted.
Objections (5)	<ul style="list-style-type: none"> • General street amenity will be ruined due to proposed access. • Traffic and safety will be compromised. • Noise from ramp. • Setbacks variations. • Size of bedrooms not in keeping with the standard of the existing housing on street. • Privacy. • Request treatment of boundary walls. • Height. 	<p>Supported in part- refer to 'Comments' section.</p> <p>Supported in part- refer to 'Comments' section.</p> <p>Noted - has been conditioned that an acoustic report be submitted and implemented.</p> <p>Not supported- refer to Assessment Table above.</p> <p>Not supported- not considered to be a valid planning consideration.</p> <p>Supported- as the matter has been conditioned to comply.</p> <p>Supported- as the matter has been addressed via standard 'boundary wall' condition.</p> <p>Supported- and has been conditioned to comply.</p>
	<ul style="list-style-type: none"> • Street fence. • Visual impact. 	<p>Supported- refer to Assessment Table.</p> <p>Not supported- as proposal not considered to have an undue visual impact.</p>
	<ul style="list-style-type: none"> • Design not in keeping with streetscape. • Dividing fences. • Retention of mature trees. • Impact of headlights. 	<p>Not supported- as the design is not considered to have an undue impact on the streetscape.</p> <p>Noted- as this is a private matter to be resolved between the two affected neighbours under the Dividing Fences Act.</p> <p>Not supported- as there are no significant trees as per the Town's Significant Tree Register listed on the subject site.</p> <p>Supported – as the matter has been conditioned accordingly to reduce impact.</p>

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

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

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

COMMENTS:

Technical Services Comments

Bold Court is a 6 metres wide dedicated laneway, which in accordance with the Liveable Neighbourhoods Guidelines, should, not carry more than 300 vehicle movements per day (vm/d). In response to the Town's concerns about the possible impact the proposed 10 multiple dwelling development would have upon the traffic volumes in Bold Court, the applicant engaged the services of a Traffic Consultant. The traffic consultant concluded that the development would generate in the order of 50 vm/d, based upon 5 vm/d per dwelling, calculated in accordance with the New South Wales Traffic Generation Guidelines as recommended by the Western Australian Planning Commission (WAPC) Transport Assessment Guidelines for Developments (August 2006). This figure was derived using a formula that takes into consideration proximity to public transport and walking distance to amenities and services.

There are six (6) existing single residential dwellings, a vacant lot (potential single house) and a block of 12 single bedroom units currently accessing Bold Court. It is estimated the six (6) single dwellings and the vacant block, based on 8 vm/d, generate about 56 vm/d while the block of units will, based upon 4 vm/d maximum, generate about 48 vm/d, a total of 104 vm/day.

Further, if the property at No. 167 Carr Place, Leederville, with the above residential existing 12 x one bedroom units were re-developed in the future it could potentially generate an additional 40 vm/d (based on having two street frontages) while the adjacent property at No. 177 Carr Place Leederville, of which the rear is currently undeveloped, could also generate an additional 50 vm/d using the same above rationale.

Therefore, assuming all those properties accessing Bold Court are developed to their full potential, the traffic would be in the order of 244 vm/d, which is well within the Liveable Neighbourhood Guidelines of a maximum 300 vehicle movements per day.

There may, however, be an impact on safe pedestrian movement and parking in Bold Court, Leederville, as there is no scope for footpaths or embayed parking.

Furthermore, the proposed vehicle access ramp is located directly opposite Nos. 9 and 11 Bold Court, Leederville and it would be expected that headlights of exiting vehicles will have a significant detrimental impact upon the residents' amenity. This issue has been conditioned accordingly in the Officer Recommendation.

Summary

The subject planning application is considered to be generally acceptable in terms of design and its compliance with the R-Codes.

Whilst it is noted that the proposed vehicular access arrangement from Bold Court is considered to have an impact in terms of the general amenity of the residents of Bold Court, it is considered that the proposed development is appropriate for the subject inner city location and that the impact as a result of the development is not unreasonable and beyond of what can be expected from such a development.

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

10.1.13 Proposed Amendment No. 24 to the Town of Vincent Town Planning Scheme No. 1 - Relating to Land Coded R20, within the Eton Locality Plan 7

Ward:	North	Date:	16 July 2007
Precinct:	North Perth, P8; Mount Hawthorn, P1	File Ref:	PLA 0177
Attachments:	-		
Reporting Officer(s):	A Fox		
Checked/Endorsed by:	B McKean, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council:

- (i) **RESOLVES** pursuant to Town Planning Regulation 17 (1) to **RECEIVE** the 12 submissions of objection and 140 submissions of support, alternatively are shown as “Laid on the Table”.
- (ii) **RESOLVES** pursuant to Town Planning Regulation 17 (2), that Amendment No. 24 to the Town of Vincent Town Planning Scheme No. 1 be adopted for final approval, without modification;
- (iii) **AUTHORISES** the Mayor and Chief Executive Officer to execute and affix the Town of Vincent Common Seal to Amendment No. 24 to the Town of Vincent Town Planning Scheme No. 1 documents reflecting the Council’s endorsement of final approval;
- (iv) **FORWARDS** the relevant executed documents to and **REQUESTS** the Honorable Minister for Planning and Infrastructure and Western Australian Planning Commission to adopt for final approval and gazettal, without modification, Amendment No. 24 to the Town of Vincent Planning Scheme No. 1;
- (v) **ADVISES** the Environmental Protection Authority and those who made submissions of (i), (ii), (iii) and (iv) above;
- (vi) **WRITES** to the Minister for Planning and Infrastructure and the Western Australian Planning Commission to strongly request those parties treat Amendment No. 24 as a matter of urgency and that they support and gazette Amendment No. 24 prior to the 30 December 2007 deadline; and
- (vii) **RECEIVES** quarterly progress reports in the Information Bulletin as to the progress of Amendment No. 24.

COUNCIL DECISION ITEM 10.1.13

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Cr Messina departed the Chamber at 6.58pm

Debate ensued.

Cr Messina returned at 7.00pm

Debate ensued.

MOTION PUT AND CARRIED (8-0)

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an overview of the submissions received during the consultation period relating to Scheme Amendment No.24 and to provide a recommendation to the Council to adopt for final approval, without modification, Amendment No.24 to the Town of Vincent Town Planning Scheme No. 1 to delete the following clauses:

- “i) *clause 20 (4) (c) (ii) “After 30 December 2007 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct”*; and
- (ii) *clause 20 (4) (h) (i) “After 30 December 2007 development and subdivision of land coded R20 will be determined in accordance with the R30 code and shall be subject to all provisions relevant to that coding in the Mount Hawthorn Precinct”.*”

These clauses generally relate to the lots coded R20 in the area contained in the "Eton - Locality Plan 7" as identified in the Town of Vincent Policies relating to the Residential Design Guidelines - Locality Statements.

BACKGROUND:

29 November 2001 The North Perth Precinct Group submitted a petition to the Town supporting a rezoning of the Eton Locality to Residential R20. The Group contacted 368 out of 479 (77 percent) of the residences in the Eton Locality through a door knocking exercise with 316 out of the 368 residences contacted (over 85 percent) supporting the down zoning.

18 December 2001 Council at its Ordinary Meeting resolved the following:

“That the Council;

- (i) *receives and acknowledges the extensive work undertaken by the North Perth Precinct Group Inc. regarding the petition and accompanying documentation supporting an R20 density code for the Locality of Eton - North Perth Precinct;*
- (ii) *considers the review of the residential densities of Banks Precinct and the entire Town of Vincent as part of the Residential Densities Review for the Town, which is to be finalised following the adoption of the recommendations of the Municipal Heritage Inventory Review; and*

(iii) *pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended), RESOLVES to amend the Town of Vincent Town Planning Scheme No. 1 by initiating the rezoning of the land contained in the "Eton - Locality Plan 7" as identified in the Town of Vincent Policies relating to the Residential Design Guidelines - Locality Statements, from "Residential R60", "Residential R30/40" and "Residential R30", respectively, to "Residential R20".*"

- 26 February 2002 Council at its Ordinary Meeting resolved to initiate Scheme Amendment No.11 to the TPS No.1 to rezone the "Eton - Locality Plan 7" as identified in the Town's Policies relating to Residential Design Guidelines – Locality Statements from 'Residential R30' and 'Residential R30/40' to 'Residential R20'.
- 12 March 2002 The Western Australian Planning Commission (WAPC) and the Environmental Protection Authority (EPA) were advised of the resolution to initiate Amendment No. 11.
- 26 March 2002 Correspondence received from the EPA stating that the proposed amendment does not require an environmental assessment.
- 19 April 2002 WAPC advise the Town that further information is required to support the Amendment in relation to a land use plan and existing and proposed development potential.
- 13 May 2002 The Town sends response to WAPC.
- 11 September 2002 WAPC advises the Town that consent to advertise has been granted, subject to an alternate amendment being included in the proposal.
- 25 September 2002 The Town sends correspondence to WAPC seeking clarification on the WAPC's advice with regard to the alternate amendment and providing a simplified submission form.
- 22 October 2002 The Town received clarification from WAPC with regard to the alternate amendment and providing a simplified submission form.
- 30 October 2002 Servicing Authorities, affected Government Authorities, Local Authorities and property owners and occupiers, and Precinct Groups sent notice of the Amendment.
- 30 October 2002 Amendment advertised in 'The West Australian' newspaper.
- 2 November 2002 Amendment advertised in the 'Voice News' newspaper.
- 10 December 2002 Advertising period completed. 287 submissions lodged with the Town.

- 17 December 2002 The Council at its Ordinary Meeting resolved the following:
- “(i) *resolves pursuant to Town Planning Regulation 17(1), to receive the three hundred and four (304) submissions and further resolve pursuant to Town Planning Regulation 17(2), that Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1 be adopted for final approval, as per Option No.2 - Rezoning the land contained in the Eton - Locality Plan 7 from "Residential R30" and "Residential R30/40" to "Residential R20";*
 - (ii) *authorises the Mayor and Chief Executive Officer to execute and affix the Town of Vincent common seal to Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1 documents reflecting the Council's endorsement of final approval; and*
 - (iii) *advises the Hon. Minister for Planning and Infrastructure, Western Australian Planning Commission (WAPC), Environmental Protection Authority, and those who made submissions as outlined in (i) above, and forwards the relevant executed documents to and requests the Hon. Minister and WAPC to adopt for final approval and Gazettal, Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1.”*
- 16 January 2003 The Town advised the WAPC of the above resolution.
- 8 April 2003 The Council at its Ordinary Meeting carried the following Notice of Motion unanimously:
- “That the Council authorises the Chief Executive Officer to write urgently by close of business 10 April 2003 to the Minister for Planning and Infrastructure and the Local Member for Yokine to reinforce the Council's strong support and, in turn, request their support for Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1, to reflect – Rezoning the land contained in the Eton – Locality Plan 7 from “Residential R30” and “Residential R30/40” to “Residential R20”.”*
- 10 April 2003 The Town wrote to both the Hon. Minister for Planning and Infrastructure and the Local Member of Yokine, advising of the above resolution and expressing community support for the amendment and concerns of the Elected Members regarding the delay in processing Amendment No. 11 by the WAPC.
- 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'.

- 28 May 2003 Correspondence from the Hon. Minister for Planning and Infrastructure, noted that the WAPC recommended that the amendment documents be modified to replace the R30 code with R20/30 and to replace R30/40 with R20/40, to be further advertised and considered by Council Members.
- 20 June 2003 Meeting held with representatives of the Hon. Minister for Planning and Infrastructure, Department for Planning and Infrastructure and Town of Vincent Officers and Elected Members regarding Amendment No. 11 to TPS No. 1.
- 23 June 2003 Mayor Nick Catania wrote to the Hon Minister for Planning and Infrastructure, with respect to a partnership between the concerned parties, to approve Amendment No. 11 to down zone to R20 and the Town would proceed with the following:
- “1. *Identify sites and areas throughout the Town which are considered to be appropriate to accommodate higher densities, as part of the review of the Town of Vincent Town Planning Scheme No. 1.*
 2. *Engage in consultation with the community/stakeholders and follow due process in the review of the Town of Vincent Town Planning Scheme No.1. If found to be appropriate through proper process, designate higher densities to the appropriate sites identified in 1 above.*
 3. *Develop appropriate design guidelines, policies, structure plans, detailed area plans, and the like, to deliver social and environmental dividends to the Town's community and the broader community as part of the review of the Town of Vincent Town Planning Scheme No. 1.*
 4. *Liaise and consult with the Department for Planning and Infrastructure and/or Western Australian Planning Commission in relation to 1. above.”*
- 24 June 2003 The Council at its Ordinary Meeting resolved the following:
- “That the Council;
- (i) *receives the report relating to the Review of the Town of Vincent Town Planning Scheme No. 1 - Scheme Examination Report and Community Visioning Process, and Appendices 10.1.17(a) and 10.1.17(b) relating to the Scheme Examination Report and Community Visioning, respectively;*
 - (ii) *receives and endorses the Scheme Examination Report on the operation of the Town of Vincent Town Planning Scheme No.1, as required by Section 7AA of the Town Planning and Development Act 1928 (as amended), as contained in Appendix 10.1.17 (a); and*

- (iii) *pursuant to Section 7AA of the Town Planning and Development Act 1928 (as amended), forwards to the Western Australian Planning Commission (WAPC) and the Minister of Planning and Infrastructure the Scheme Examination Report on the operation of the Town of Vincent Town Planning Scheme No. 1, and requests the approval of the WAPC and the Minister of Planning and Infrastructure for the preparation of a new town planning scheme alongside a community visioning process.*"

11 July 2003

The Town sent a request to the WAPC for approval to commence preparation of a new Town of Vincent Town Planning Scheme, pursuant to section 7AA of the Town Planning and Development Act (as amended).

7 August 2003

The Hon. Minister for Planning and Infrastructure resolved to generally support the Council proposal to recode the Eton Locality to R20, subject to interim arrangement, that being July 2006, to allow the Town to conduct a review on housing and density across the entire Town so a holistic response to density can be developed.

26 August 2003

The Council at its Ordinary Meeting resolved the following:

"That the Council;

- (i) *RECEIVES the decision from the Hon Minister for Planning and Infrastructure and the Western Australian Planning Commission, as contained in letter dated 12 August 2003, relating to the modifications required to Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1;*
- (ii) *RESOLVES pursuant to Town Planning Regulations 21 (2) and 25 that Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1, with modifications as required by the Hon Minister for Planning and Infrastructure and the Western Australian Planning Commission, in accordance with its letter dated 12 August 2003 and accompanying Schedule of Modifications, as follows:*

"Schedule of Modifications Required by the Hon. Minister For Planning and Infrastructure to the Town of Vincent Amendment No. 11 to Town of Vincent Town Planning Scheme No. 1.

The Hon Minister requires that the Council modify the Amendment documents in the following manner before final approval is given:

- 1. Modifying the amending plan to delete those areas denoted in cross-hatching on the attached plan from the amendment area, as little or no evidence of support for the change proposed is in evidence in those areas.*
- 2. Modifying clause 20(4) of the Scheme to insert new provision as follows:*

- a) *Inserting sub-clause 20(4)(c)(i) and (ii), as follows:*
- (i) *Dual Coding: Within the area coded R30/40, the development will only be permitted to R40 standards where the existing house is retained and where criteria specified in the precinct document is satisfied.*
 - (ii) *After 1 July 2006 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct.*
- b) *Inserting sub-clause 20(4)(h)(i), as follows:*
- (h) *Mount Hawthorn Precinct P 1,*
 - (i) *After 1 July 2006 development and subdivision of land coded R20 will be determined in accordance with the R30 code and shall be subject to all provisions relevant to that coding in the Mount Hawthorn Precinct.";*

BE ADOPTED FOR FINAL APPROVAL;

- (iii) *AUTHORISES the Mayor and Chief Executive Officer to execute and affix the Town of Vincent common seal to Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1 modified amending documents reflecting the Council's endorsement of final approval;*
- (iv) *ADVISES the Hon Minister for Planning and Infrastructure, Western Australian Planning Commission (WAPC), Environmental Protection Authority, and those who made submissions as outlined in the Minutes of the Ordinary Meeting of Council held on 17 December 2002, of clauses (i), (ii) and (iii) above;*
- (v) *FORWARDS the relevant executed modified amending documents to and requests the Hon Minister and Western Australian Planning Commission to adopt for final approval and Gazettal, Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1; and*
- (vi) *REQUESTS from the Minister for Planning and Infrastructure detailed reasons for the exclusion of lots from Amendment No. 11 of the Town of Vincent Planning Scheme No. 1."*

- 3 October 2003 The Hon Minister for Planning and Infrastructure formally approved Amendment No. 11 to TPS No.1.
- 7 October 2003 Amendment No. 11 was published in the Government Gazette on 7 October 2003.
- 19 February 2004 The Town received response from the Hon Minister for Planning and Infrastructure to its request for detailed reasons for the exclusion of lots from Amendment No. 11. The following was noted:
- “ . . . The ‘Regional Residential Density Guidelines for the Perth Metropolitan Region’ (RRDG) is listed as the strategic policy under SPP No.8 and was used to assess the amendment.*
- The RRDG provides guidelines for allocating residential densities in the Perth metropolitan area. In summary, it provides that low density areas (ie. R20) should be located on land that is either remote from reticulated sewerage, has environmental or topographical conditions that make higher densities unfeasible, or where the protection of heritage dwellings or streetscape is required and that medium density (ie. R30,40) coding should be applied carefully in existing areas where criteria specified in the RRDG are evident.*
- Our need to contain urban sprawl is critical and given the above policy there is a presumption against down coding in inner urban areas.*
- In my final determination on Amendment no. 11, I considered the submissions received in some depth. In my analysis, I considered the heritage issues, and the volume and content of the submissions received, including the property interests of those making submissions. Those areas where there appeared to be little or no support for down-zoning, I gave precedence to the general policy consideration.”*
- 24 September 2004 The Town sent further correspondence to the WAPC regarding the Town’s previous request to commence preparation of a new Town of Vincent Town Planning Scheme.
- 30 June 2005 A final Project Report of *Vincent Vision 2024* was delivered to the Town by the Project Consultant on 30 June 2005.
- 5 August 2005 The Town sent correspondence to the WAPC and the Hon Minister for Planning and Infrastructure regarding request to commence preparation of a new Town of Vincent Town Planning Scheme.
- 9 August 2005 The Town received acknowledgement from the Office of the Minister for Planning and Infrastructure regarding the above request.

17 August 2005

The North Perth Precinct Group wrote to the Town and expressed the following in regard to retention of the R20 code within the Eton Locality:

“ . . . I am writing on behalf of the North Perth Precinct Group regarding the progress of the proposed residential density plan for the Town of Vincent. It is understood that this plan is prepared as part of the Town Planning Scheme Review process and will be presented in draft form to the Minister for Planning and Infrastructure in the near future.

Whilst we are fully aware that Council are supportive of the key objectives of the North Perth Precinct Group to retain an R20 density over most of the Eton Locality, we would appreciate the opportunity, if possible, to be involved in the proposed meeting with the Minister. We understand that the meeting with the Minister will deal with the whole Town, however it is felt that the Eton Locality as predominantly single residential resulted in it being rezoned R20. However, the North Perth Precinct Group understands the need for higher residential densities in appropriate locations, particularly in areas closer to commercial and community services. . . .”

23 August 2005

The Council at its Ordinary Meeting resolved the following amongst other matters relating to *Vincent Vision 2024*:

“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; . . .*
- (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; . . . “*

- 20 September 2005 The Council at its Ordinary Meeting resolved the following:
- “That the Council;*
- (i) *pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended), RESOLVES to INITIATE an amendment to the Town of Vincent Town Planning Scheme No. 1 by deleting the following clauses;*
- (a) *clause 20 (4) (c) (ii) “After 1 July 2006 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct”; and*
- (b) *clause 20 (4) (h) (i) “After 1 July 2006 development and subdivision of land coded R20 will be determined in accordance with the R30 code and shall be subject to all provisions relevant to that coding in the Mount Hawthorn Precinct”;*
- (ii) *REQUESTS the Minister for Planning and Infrastructure and the Western Australian Planning Commission to progress the above amendment as a matter of priority due to the implications of the confined timeframe of 1 July 2006; and*
- (iii) *AUTHORISES the Chief Executive Officer to convene a meeting between the Hon. Minister for Planning and Infrastructure, the Mayor, North Ward Councillors, two (2) South Ward Councillors and representatives from the North Perth Precinct Group Inc, regarding the proposed Amendment No. 22 to the Town of Vincent Town Planning Scheme No. 1.”*
- 4 October 2005 Honorable Mayor Nick Catania wrote to the Office of the Minister for Planning and Infrastructure, requesting urgent attention and expedition of processing Amendment No.22 given the time constraints resulting from the 1 July 2006 deadline. In addition, the Hon Mayor requested a meeting with the Hon Minister for Planning and Infrastructure, as stated in Item (iii) of Council’s resolution of the 20 September 2006.
- 31 October 2005 An acknowledgement letter was received from the Officer of the Minister for Planning and Infrastructure on 31 October 2005, advising the Town that the Hon Minister would take into consideration the time constraints associated with the amendment at the time of final determination.
- 23 November 2005 The Hon Mayor again wrote to the Hon Minister reiterating the need for an urgent meeting with respect to the amendment. There has been no response from the Office of the Hon. Minister since this last correspondence from the Town.

14 March 2006

The Council at its Ordinary Meeting resolved the following:

“That the Council:

- (i) *RESOLVES pursuant to Town Planning Regulation 17 (1) to RECEIVE the 26 submissions of objection, 152 submissions of support and 3 submissions of no comment, as shown in Attachment 10.1.18;*
- (ii) *RESOLVES pursuant to Town Planning Regulation 17 (2), that Amendment No.22 to the Town of Vincent Town Planning Scheme No.1 be adopted for final approval, without modification;*
- (iii) *AUTHORISES the Mayor and Chief Executive Officer to execute and affix the Town of Vincent Common Seal to Amendment No.22 to the Town of Vincent Town Planning Scheme No.1 documents reflecting the Council’s endorsement of final approval;*
- (iv) *FORWARDS the relevant executed documents to and REQUESTS the Honorable Minister for Planning and Infrastructure and Western Australian Planning Commission to adopt for final approval and gazettal, without modification, Amendment No.22 to the Town of Vincent Planning Scheme No.1;*
- (v) *ADVISES the Environmental Protection Authority and those who made submissions of (i), (ii), (iii) and (iv) above;*
- (vi) *WRITES to the Minister for Planning and Infrastructure and the Western Australian Planning Commission to strongly request those parties treat Amendment No 22 as a matter of urgency and that they support and gazette Amendment No 22 prior to the 1 July 2006 deadline; and*
- (vii) *RECEIVE monthly progress reports in the Information Bulletin as to the progress of Amendment No 22.”*

28 March 2006

Due to submitters not being advised of the item being considered at the Ordinary Meeting of Council held on 14 March 2006, the item was again considered at the following Ordinary Meeting of Council where the following was resolved:

“That the Council:

- (i) *RESOLVES pursuant to Town Planning Regulation 17 (1) to RECEIVE the 27 submissions of objection, 152 submissions of support and 3 submissions of no comment, as shown in Attachment 10.1.18;*

- (ii) *RESOLVES pursuant to Town Planning Regulation 17 (2), that Amendment No.22 to the Town of Vincent Town Planning Scheme No.1 be adopted for final approval, without modification;*
- (iii) *AUTHORISES the Mayor and Chief Executive Officer to execute and affix the Town of Vincent Common Seal to Amendment No.22 to the Town of Vincent Town Planning Scheme No.1 documents reflecting the Council's endorsement of final approval;*
- (iv) *FORWARDS the relevant executed documents to and REQUESTS the Honorable Minister for Planning and Infrastructure and Western Australian Planning Commission to adopt for final approval and gazettal, without modification, Amendment No.22 to the Town of Vincent Planning Scheme No.1;*
- (v) *ADVISES the Environmental Protection Authority and those who made submissions of (i), (ii), (iii) and (iv) above;*
- (vi) *WRITES to the Minister for Planning and Infrastructure and the Western Australian Planning Commission to strongly request those parties treat Amendment No 22 as a matter of urgency and that they support and gazette Amendment No 22 prior to the 1 July 2006 deadline; and*
- (vii) *RECEIVE monthly progress reports in the Information Bulletin as to the progress of Amendment No 22."*

- 4 April 2006 The Council advised the Western Australian Planning Commission of the Council's resolution of the Ordinary Meeting of Council on 28 March 2006.
- 18 April 2006 The Council forwarded the relevant executed documentation relating to Scheme Amendment No. 22 in accordance with the Council's resolution, recommending the adoption of Council's recommendation to delete reference to clauses 20)4)c)ii) and 20)4)h)i) within the Town of Vincent's Town Planning Scheme No. 1 Scheme Text and Scheme Maps. In addition, the Town requested the Minister's urgent attention and determination on the matter, due to the time constraints resulting from the 1 July 2006 deadline.
- 18 April 2006 The Town's Officers and North Perth Precinct Group representatives met with Officers from the Department for Planning and Infrastructure to provide a brief outlined of the subject amendment and its purpose and justification.
- 8 June 2006 The Town received written advice from the Western Australian Planning Commission advising of the Minister's determination with respect to the proposed Scheme Amendment No. 22.

19 June 2006

The Council at its Ordinary Meeting resolved the following:

“That the Council;

(i) *RECEIVES the decision from the Hon Minister for Planning and Infrastructure and the Western Australian Planning Commission as contained in letter dated 8 June 2006, relating to the modifications required to Amendment No. 22 to the Town of Vincent Town Planning Scheme No. 1;*

(ii) *RESOLVES pursuant to Town Planning Regulations 21 (2) and 25, that Amendment No. 22 to the Town of Vincent Town Planning Scheme No. 1, with modifications as required by the Hon Minister for Planning and Infrastructure and the Western Australian Planning Commission, in accordance with its letter dated 8 June 2006, BE ADOPTED FOR FINAL APPROVAL as follows:*

“Schedule of Modifications Required by the Hon. Minister For Planning and Infrastructure to the Town of Vincent Amendment No. 22 to Town of Vincent Town Planning Scheme No. 1.

The Hon Minister requires that the Council modify the Amendment documents in the following manner before final approval is given:

- 1. Retain clauses 20)4)c)ii) and 20)4)h)i and change the date referred to in both clauses to ‘30 December, 2007’.*
- 2. That the words ‘Delegated under S.20 of WAPC Act 1985’ are replaced by the words ‘Delegated Under S.16 of PD Act 2005’;*

(iii) *AUTHORISES the Mayor and Chief Executive Officer to execute and affix the Town of Vincent common seal to Amendment No. 22 to the Town of Vincent Town Planning Scheme No. 1 modified amending documents reflecting the Council’s endorsement of final approval;*

(iv) *ADVISES the Hon Minister for Planning and Infrastructure, Western Australian Planning Commission (WAPC), Environmental Protection Authority, and those who made submissions as outlined in the Minutes of the Ordinary Meeting of Council held on 28 March 2006, of clauses (i), (ii) and (iii) above; and*

(v) *forwards the relevant executed modified amending documents to and requests the Hon Minister and Western Australian Planning Commission to adopt for final approval and Gazettal, Amendment No. 22 to the Town of Vincent Town Planning Scheme No. 1.”*

- 14 July 2006 The Town of Vincent's Town Planning Scheme No. 1 Amendment No. 22 with modifications, was gazetted and published in the Government Gazette.
- 22 November 2006 Mayor Nick Catania wrote to the Office of the Minister for Planning and Infrastructure in relation to the disparity between the "sunset date" of 30 December 2007 for Clauses 20 (4)(c)(ii) and 20 (4)(h)(i) and the final adoption and gazettal of the new Town Planning Scheme not expected to be prior to mid 2008. The Town requested clarification as to the position the Town would be in, in the event that the new Town Planning Scheme was not completed, that is, gazetted and promulgated, prior to 30 December 2007.
- 22 November 2006 The Chief Executive Officer wrote to the Western Australian Planning Commission requesting the same clarification in regard to the Town's position in the event that the new Town Planning Scheme was not completed, that is, gazetted and promulgated, prior to 30 December 2007.
- 2 January 2007 A letter was received from the Office of the Minister for Planning and Infrastructure addressed to Mayor Nick Catania, stating the following:
- “...
You have requested clarification on the position the Town would be in with respect to Amendment No.22, in the event that the new town planning scheme is not gazetted prior to 30 December 2007. Amendment No.22 is not directly related to gazettal of a new town planning scheme, but simply defer the implementation of the sunset clause in respect of the areas, that are the subject of the amendment.
- Town Planning Scheme No.1 currently provides, in Clause 20 (4) (c) and (h) that after 30 December 2007, subdivision and development in the subject area will be assessed at the densities of R30/40 and R30 respectively. Unless TPS No.1 is further amended to modify the above provisions prior to that date, the provisions of the existing 'sunset' clause will come into effect.*
- As you would understand, any proposed amendment to TPS No.1 will be considered by the Western Australian Planning Commission and the Minister, in light of the history of the residential density situation in the locality.”*
- 3 January 2007 A letter was received from the Department for Planning and Infrastructure addressed to the Chief Executive Officer stating:
- “If the new Town Planning Scheme is not completed, or does not look as if it will be completed prior to December 2007, then it is recommended that the Town initiate a further amendment to the current Scheme to further extend the sunset clause”*

23 January 2007

The Council at its Ordinary Meeting resolved the following:

“That the Council;

- (i) pursuant to Section 74 of the Planning and Development Act 2005 resolves to INITIATE an amendment to the Town of Vincent Town Planning Scheme No. 1 by deleting the following clauses;*
 - (a) clause 20 (4) (c) (ii) “After 30 December 2007 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct”; and*
 - (b) clause 20 (4) (h) (i) “After 30 December 2007 development and subdivision of land coded R20 will be determined in accordance with the R30 code and shall be subject to all provisions relevant to that coding in the Mount Hawthorn Precinct”; and*
- (ii) REQUESTS the Minister for Planning and Infrastructure and the Western Australian Planning Commission to progress the above amendment as a matter of priority, including a reduced advertising period of 21 days, due to the implications of the confined timeframe of 30 December 2007.”*

5 February 2007

The Office of the Minister for Planning and Infrastructure, the Western Australian Planning Commission (WAPC) and the Environmental Protection Authority (EPA) were advised of the resolution to initiate Amendment No. 24. Request was also made to progress the amendment as a matter of priority, including a reduced advertising period of 21 days, due to the implications of the confined timeframe of 30 December 2007.

20 February 2007

Correspondence was received from the Environmental Protection Authority advising the following:

“After consideration of the information provided...the EPA considers that the proposed scheme amendment should not be assessed under Part IV Division 3 of the Environmental Protection Act 1986 (EP Act) and that it is not necessary to provide any advice or recommendations.”

14 March 2007. Correspondence was received from the Western Australian Planning Commission advising the following:

“I wish to advise that your request for a reduced advertising period of 21 days for Amendment No. 24 has not been granted. Given the significant reduction in residential development potential that the proposed amendment will impose upon property owners it is considered that the full advertising period of 42 days should be undertaken to give all affected landowners an appropriate opportunity to comment.

Please also note that given the Western Australian Planning Commission’s and Minister’s previous resolutions in regard to this issue it is unlikely that the proposal will be supported for finalisation in its current form.”

18 April 2007 Servicing Authorities, affected Government Authorities, Local Authorities and property owners and occupiers, and Precinct Groups sent notice of the Amendment.

18 April 2007 Amendment advertised in the 'Voice News' and 'Guardian Express' newspapers.

11 June 2007 Advertising period completed. 152 submissions lodged with the Town.

DETAILS:

The purpose of Scheme Amendment No. 24 is to delete references to the following clauses within the Town of Vincent’s Town Planning Scheme No. 1 (TPS No. 1) scheme text relating predominately to the Eton Locality:

- “(i) clause 20 (4) (c) (ii) “After 30 December 2007 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct”; and*
- (ii) clause 20 (4) (h) (i) “After 30 December 2007 development and subdivision of land coded R20 will be determined in accordance with the R30 code and shall be subject to all provisions relevant to that coding in the Mount Hawthorn Precinct”;”*

Amendment No. 11

The proposed deletion of the clauses as part of Scheme Amendment No. 24 relate directly with the Scheme Amendment No. 11, which was promulgated on 7 October 2003. Amendment No. 11 sought to down code the majority of the properties within the Eton Locality from R30/R40 to R20. The basis for this down coding was a desire to maintain the residential amenity of the area and to deter the subdivision of larger size lots to the detriment of the character of the area and housing stock within the Locality.

Honorable Minister (Hon Minister) for Planning and Infrastructure inserted sunset clauses at the time of final adoption. Justification provided by the Hon Minister at the time of imposing these clauses was based on a number of representations made by affected property owners at the time of the Scheme Amendment being considered for final adoption and the State Government Policy direction with respect to urban consolidation within the Perth Metropolitan area.

Amendment No. 22

A second Amendment (Town Planning Scheme Amendment No. 22) to TPS No.1 was subsequently initiated to delete the clauses inserted by the Hon Minister and allow for appropriate, orderly and proper planning consideration to be given to the residential density requirements of the Eton Locality during the Town's Town Planning Scheme Review. This Amendment resulted in the Hon. Minister for Planning and Infrastructure extending the time frame of the sunset clauses from 1 July 2006 to 30 December 2007.

Amendment No. 24

The primary reason for initiating Scheme Amendment No. 24 to the TPS No. 1 is to reflect the community's vision derived for the Town's Community visioning project (*Vincent Vision 2024*) completed in 2005. *Vincent Vision 2024* expresses the desire within the community for the retention of the existing density, streetscapes and for dwellings with significant heritage and local character to be retained. It was considered that the deletion of the above noted clauses would be reflective of the desired outcomes presented in the Town's community visioning process.

In addition, the Town has identified a conflict in the timeframe between the review of the TPS No. 1 and the timing of the down-coded land reverting back to R30 and R30/40 on 30 December 2007. With the finalisation of the Town's Community Visioning Project (*Vincent Vision 2024*), the Town has now commenced the review of TPS No.1. The preparation and promulgation of a new Scheme will result in the adoption of the Local Planning Strategy and the new Town Planning Scheme (including Scheme Text, Scheme Maps and associated Policies).

The initial focus of the review of TPS No.1 concentrated on addressing existing inadequacies and anomalies in the Scheme. The Community Visioning Project (*Vincent Vision 2024*) ensured the community was thoroughly engaged in shaping the future direction of the Town's urban environment. The outcomes of this Community Visioning Project have established the direction the new Scheme is to follow and respect. The philosophy behind the Scheme review is to establish a Scheme Text and Maps that are derived from a comprehensive Local Planning Strategy. The Local Planning Strategy is intended to stimulate planning responses to the 'Vision Statements' and 'Guiding Principles', in order that the Scheme Text and Maps will be an accurate representation of the community's vision.

The Strategy will also address the State Government's *Network City*, affordable housing, and ways in which the Scheme will seek to facilitate the community's vision in terms of housing density, character, heritage, town centres, commercial areas, environmental design and sustainability where it relates to town planning. Aspects addressing the level of discretion, Amendments (including the Eton Locality) and the inadequacies of the existing Scheme will also be addressed in the Local Planning Strategy.

As stated in letters forwarded to the Hon Minister and the Department for Planning and Infrastructure, the Town has substantially commenced the formulation of a Local Planning Strategy. However, an unexpected delay in the progression of the Town Planning Scheme Review means that the Town is unable to accurately estimate the final gazettal date of the new Town Planning Scheme. Notwithstanding the above, due to the ongoing nature of existing commitments and responsibilities, the Town considers the possibility of gazettal of a new Town Planning Scheme unlikely prior to late 2008.

The concern is that should the Hon Minister determine another extension of the date of the sunset clauses, more uncertainty will be created for the Town and residents in the affected Scheme Amendment area and a further Scheme Amendment may be required to be initiated and progressed to extend the date specified on the revised sunset clause should there be a further delay in the progression of the Scheme Review.

Accordingly, it is considered that the most appropriate course of action under these circumstances is to delete clauses 20 (4) (c) (ii) and 20 (4) (h) (i) from TPS No.1 and remove any reference to a date that the area will revert to a higher density coding. This would mean that the R20 density would apply until the new Town Planning Scheme is gazetted, where, depending on the outcomes of the review and subsequent recommendation, the density coding for the Eton Locality will be changed or remain the same.

CONSULTATION/ADVERTISING:

The proposed Scheme Amendment was advertised in both local newspapers (*The Guardian* and *The Voice*) and affected landowners were notified, in accordance with the *Town Planning Regulations Act 1967*, Clause 15. A total of 152 submissions were received, and 92 per cent of the submissions received (140 submissions) supported the proposed Scheme Amendment and a total of 130 of those submissions received in support of the proposed amendment were received as pro forma. The remaining 8 per cent of submissions received (12 submissions), objected to the proposed Scheme amendment. A Schedule of Submissions has been prepared and is “*Laid on the Table*”.

The volume of submissions received in support of Scheme Amendment No.24 reflects that the proposal to delete clauses 20 (4)(c)(ii) and 20 (4)(h)(i) is generally accepted and supported by the community located within the Eton locality.

For the purpose of this report, the main points raised in the submissions have been collated and grouped into issue areas. Provided below is a summary of the main concerns raised, and the Officer Comments in response to each of the matters.

Consultation Submissions		Officer Comments Pursuant to Clause 38(5) of TPS 1
Support (140)		
Proformas (130)	<ul style="list-style-type: none"> “I agree with amendment No.22 and R20 to be retained”. 	Noted.
Preservation of Amenity and Aesthetic Value	<ul style="list-style-type: none"> It would increase traffic and noise levels and in addition congest verge parking creating a less safe street environment. 	Supported in part - The R Codes and Town’s Policies would require adequate car parking be required for development and noise levels to be compliant with Environmental Protection Noise Regulations 1997.
	<ul style="list-style-type: none"> R20 will maintain a safer environment for the children and elderly members of the community. 	Not supported - This is an assertion and not based on fact.

	<ul style="list-style-type: none"> • R30/40 development abutting R20 single dwellings attracts a whole host of issues that include: <ul style="list-style-type: none"> – Overlooking and loss of privacy; – Overshadowing; – Extra cars; – Additional on-street parking; – Driveways servicing multiple garages located immediately adjacent to existing dwellings; – Loss of trees; – Bulk and scale being inconsistent with existing dwellings; – Unacceptable streetscape impact; and – Environmentally unfriendly. 	<p>Not supported - The objectives of both the Residential Design Codes and the Town's Policies is to protect the amenity of adjoining properties and the surrounding area.</p>
	<ul style="list-style-type: none"> • Existing character homes should be retained where possible to preserve the streetscape and protect the amenity of the area. 	<p>Supported in part – The retention of the character homes or the façade of the character homes will preserve the streetscape and surrounding amenity.</p>
<p>Limiting Infill development</p>	<ul style="list-style-type: none"> • We think it is a great mistake to change the environment of our district of lovely old homes and gardens with congested infill which we think is unnecessary and inappropriate. 	<p>Not supported – The R Codes and Town's Policies protect the amenity of the locality when development occurs.</p>
	<ul style="list-style-type: none"> • The 'Vincent Vision' for Eton Locality does not exclude infill development altogether, however it requires it to be more controlled and strategically located as opposed to being ad hoc and unsuitable. 	<p>Supported – The Town's Policies and R Codes promote development that does not unduly impact on the surrounding amenity.</p>
	<ul style="list-style-type: none"> • It is considered that a blanket density of R30/40 and R30 may result in unsuitable development that is incompatible with adjoining owners. 	<p>Not supported – The Town's Policies and R Codes promote development that does not have an undue impact on affected neighbours or the surrounding amenity.</p>

Oppose (12)		
Contrary to State Government Policy	<ul style="list-style-type: none"> The amendment proposal is not consistent with the WAPC document 'Network City Community Planning Strategy for Perth and Peel (2004)' Network City encourages infill development within the existing Perth metropolitan region to reduce outward growth demands, the promotion of a more sustainable city through the better utilization of vacant or underdeveloped land and encourages an increased proportion of new dwellings being established within the Perth metropolitan urban zone. Scheme Amendment No.24 is contrary to all of the above objectives. 	Not supported - Refer to 'Comment' section of this report
	<ul style="list-style-type: none"> The issue of housing diversity needs to be strongly encouraged. The Amendment promotes the development of uniform housing stock with no diversity at all. The DHW has a growing demand for one and two bedroom dwellings and a zoning of R20 does not encourage this housing type. 	Supported in part – Refer to the 'Comment' section of this report.
	<ul style="list-style-type: none"> The principle of permanently down-coding to an R20 density in this locality is contrary to contemporary strategic town planning in this state, particularly 'Network City' and the 'Regional Residential Density Guidelines for the Perth Metropolitan Region (RRDG)'. The RRDG in particular provides guidelines for allocating residential densities in the Perth metropolitan area. 	Not Supported – Refer to the 'Comment' section of this report.
Amendment is inequitable	<ul style="list-style-type: none"> Most of the lots in Eton North Perth are probably only R20 in area, so why should the larger lots here be penalised and devalued in Mt Hawthorn? Eton is North Perth and not Mt Hawthorn. Boundary should be at London Street. TOV created the push by Eton Street for R20 by allowing unsuitable monstrosities to be built. Any new building should enhance the area whether R20 or R40. 	Not supported - Refer to 'Comment' section of this report.
	<ul style="list-style-type: none"> Development is taking place in all inner suburbs including some areas within Vincent. Why penalise this pocket. As an inner city suburb we cannot stop infill simply because a minority of residents what to live in a rural atmosphere in the city. 	Not supported - Refer to 'Comment' section of this report

	<ul style="list-style-type: none"> We object to retention of R20 coding as the only argument given for this is the “Community’s Vision” and there is no evidence of a positive desire for this in this part of Mount Hawthorn. We should not be lumped in with North Perth. There are a number of lots around us which have been subdivided with no apparent resulting issues and there seems no logical reason why other large lots shouldn’t also be subdivided if the owners want this. 	<p>Not supported - Refer to ‘Comment’ section of this report</p>
	<ul style="list-style-type: none"> Why is only the area of Mt Hawthorn located within the Eton Locality affected by this amendment? The owners and occupiers of Eton Locality are being discriminated against by the current amendment applying to their area only. 	<p>Not supported - Refer to ‘Comment’ section of this report</p>
	<ul style="list-style-type: none"> As a private citizen and property owner, I have been very disappointed when the surrounding areas have been zoned R60 where ours is R20. Very unfair. I wish my property in particular and the Eton Locality would be rezoned up to R60 as all the surrounding areas to be fair in the property and area value point of view. 	<p>Not supported - Refer to ‘Comment’ section of this report</p>
<p>Planned to subdivide and develop for financial purposes</p>	<ul style="list-style-type: none"> I purchased the property with the intention to develop a rear house. For this reason, I strongly oppose deleting the clause and wish for the zoning to revert to R30/40. 	<p>Not supported - Refer to ‘Comment’ section of this report</p>
	<ul style="list-style-type: none"> Unable to share in the financial gain in the area and the size of my property. Always expected that we could subdivide as we were told by the Town of Vincent and borrowed very heavily and has put financial strain on my whole family. 	<p>Not supported - Refer to ‘Comment’ section of this report</p>
	<ul style="list-style-type: none"> My client has suffered financial losses due to two (2) previous approvals for grouped dwelling developments and subdivision having expired for Nos. 69 & 76 Sydney Street prior to conditions being fulfilled. With the gazettal of Amendment No. 11 in October 2003, it was no longer possible to renew these approvals. 	<p>Not supported - Refer to ‘Comment’ section of this report</p>
	<ul style="list-style-type: none"> Personally I would really like to subdivide my property into four sites to give them to my four children one to each as my intention in my will. 	<p>Not supported - Refer to ‘Comment’ section of this report</p>

Authenticity of the petition	<ul style="list-style-type: none"> The members of the North Perth Precinct Group (NPPG) that door knocked were in favour of reducing the R code to R20. Door knockers only recorded the views of those that supported the Amendment No. 24 and not necessarily those that objected to the amendment. The petitions lodged are biased and should be withdrawn. 	Not supported - Refer to 'Comment' section of this report
	<ul style="list-style-type: none"> Owners & Occupiers within the Eton Locality were petitioned by only the NPPG in 2002. The petition was acknowledged and supported by the Council with the Council consequently resolving to initiate the scheme amendment. There is no indication that the Mount Hawthorn Precinct Group (MHPG) either participated in or endorsed the petition. The participation of the MHPG should be considered as mandatory. 	Not supported - Refer to 'Comment' section of this report
	<ul style="list-style-type: none"> The North Perth Precinct Group (NPPG) does not represent all ratepayers in this locality. Their continual efforts to lobby and petition other residents should be evaluated for what it is; a small lobby group with a limited number of core members. 	Not supported - Refer to 'Comment' section of this report
Delays in the TPS Review	<ul style="list-style-type: none"> The ongoing delays in the Town of Vincent producing the Town Planning Scheme (TPS) Review are causing ongoing uncertainty in the future directions for owners and occupiers in the Eton Locality area. The delivery of the TPS review 'should be finalised' in 2008, which within itself contains a degree of uncertainty. Deletion of the sunset clause in December 2007 will further exacerbate the uncertainty for the owners and occupiers of the Mount Hawthorn Precinct. 	Not supported - Refer to 'Comment' section of this report
	<ul style="list-style-type: none"> I understood that the moratorium was for 2 years only and then it would automatically revert to the R30/R40 zoning. If this amendment is put through it will add another 2 years of inactivity and uncertainty for the area. 	Not supported - Refer to 'Comment' section of this report
	<ul style="list-style-type: none"> Further we are disappointed that this issue is being revisited. We understand that the 'Vincent Vision' is yet to be completed but wasn't this the same reason given prior to an extension being granted in July 2006? 	Not supported - Refer to 'Comment' section of this report

<p>Medium Density living within Town Of Vincent</p>	<ul style="list-style-type: none"> The visions of the Town of Vincent must allow for the futures of the next generations. While the look and feel of the character of the precinct should be considered, the TPS must face the reality that land close into the city is becoming scarce. Issues of 'Global Warming' must be considered when reviewing the TPS. Future Town of Vincent opportunities should be medium density living R40. 	<p>Not supported - Refer to 'Comment' section of this report</p>
<p>Zoning not suitable for major road</p>	<ul style="list-style-type: none"> We oppose the down coding for our area (Eton Locality) because our properties are situated on a major road (London Street) bordering Mount Hawthorn and North Perth and we believe they are more suited to its original R30/40 zoning which is consistent with other main road zonings. Returning to the original zoning will of course allow some subdivision within our area, but it is not all owners who will be able to or even want to pursue this option. 	<p>Not supported - Refer to 'Comment' section of this report</p>
<p>Municipal Heritage Inventory should protect properties from being developed</p>	<ul style="list-style-type: none"> Both the North Perth and Mount Hawthorn Precincts already have significant distribution of developments at the R30/40 code. It could not be argued that there is a clearly established pattern of development or architectural style based on the R20 that should be maintained. If however, there are specific examples of dwellings that have architectural merit that are worthy of retention then Council's municipal inventory (MHI) should be reviewed to ensure that particular properties or buildings are protected from redevelopment. 	<p>Not supported - Refer to 'Comment' section of this report</p>

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/BUDGET IMPLICATIONS:

The current 2007-2008 Budget lists \$10, 000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

The number of submissions received in support of Scheme Amendment No.24 reflects that the proposal to delete clauses 20 (4)(c)(ii) and 20 (4)(h)(i) is widely supported by the community located within the Eton Locality. It should be noted however, that the submissions received objecting to the proposed Scheme Amendment, while small in volume, expressed very strong opposition to the proposed Scheme Amendment. The following addresses the objections raised during the 'community consultation' period.

i) Contrary to State Government Policy

Issues were raised that Amendment No. 24 is contrary to the State Government Policy 'Network City' in that 'Network City' encourages infill development within the existing Perth Metropolitan region to reduce outward growth demands and to promote a more sustainable city. It is important to note however, that whilst the State Government Policy 'Network City' encourages infill, it does not preclude lower density development within close proximity to the Perth CBD.

One of the primary reasons for the initiation, of Amendment No. 24 is to support the community's desires as outlined in the Towns Community Visioning Project 'Vincent Vision 2024'. Consideration will be given to State Government Planning Policies including 'Network City' during the review of the Town Planning Scheme, although 'Vincent Vision 2024' is not required to be aligned with 'Network City', as it is representative of the opinions and desired vision of the Town of Vincent, its residents and stakeholders. Upon undertaking the Scheme Review, correlation and reference to State Government Planning Policies will be made and included as part of the Scheme Document where appropriate.

It should also be noted that as part of the Scheme Review, the Town has identified five centres which are considered appropriate to accommodate further urban growth. Growth of these centres will be primarily within a network city pattern by creating medium and higher density activity centres to support viable public transport corridors and provide a wide range of affordable and quality housing options including provisions for additional residential development.

ii) Amendment is inequitable

This area has generally, one dwelling per lot; however, some infill development has occurred in the area, due to subdivision approvals granted under the previous density coding and prior to the final adoption and subsequent down coding of the area to R20. A number of such properties that have already been subdivided exist along the southern portion of Sydney Street, between Haynes Street and Scarborough Beach Road. Some concern was expressed that land owners within the Eton Locality were being penalised by this amendment as there had been a number of surrounding properties which had been subdivided with no apparent resulting consequence. It was suggested that the higher R30/40 was considered to be more appropriate in certain areas.

The Town acknowledges that there maybe a number of properties in the Eton Locality where applying an R30/40 density is considered to have some merit. It should be noted however, that it is not generally practice of the Town to support spot rezoning, as it is contrary to the orderly and proper planning of the Town. Furthermore, the Town is presently undertaking a review of the Town Planning Scheme (TPS), which will include a review of the Scheme Text, Maps and all associated Policies relating to planning. In light of the review taking place, it is considered more appropriate to maintain the current density of R20 across the entire subject area for the interim period while the TPS Review is being undertaken.

At this stage, it would be premature to support any change in density to the current R20 density, until the outcomes of this strategically important document, are finalised and can be taken into account. In addition, it is evident from the consultation and advertising to the local and affected residents within the area that the most desired view is to retain the current density of R20.

iii) Alternative Options for Residents Wishing to Subdivide

A number of the submissions received objecting to the proposal to retain the R20 coding raised the concern that the removal of the option to subdivide properties at R30/40 density would deny the option of subdividing and developing properties, as was the original intention when the properties in the area were purchased.

Clause 20 of the TPS No.1 provides for an increase in density, up to a maximum of 50 percent, at the discretion of the Council in certain instances. Clause 27 of the TPS No. 1 provides for variations to Scheme provisions for heritage places. Clause 40 of the TPS No. 1 also allows the Council to approve an application that does not comply with a standard or requirement.

These clauses still provide some, although not all, property owners within the Eton Locality subject of this Scheme Amendment, with the option to apply to subdivide properties up to an additional 50 percent of the prescribed density, on the basis of the proposed development complying with one of the sub-clauses outlined in Clause 20 (2). Notably, historically, this clause has been reluctantly applied by the Council.

iv) Authenticity of the petition

There was concern raised by a number of objectors that the 'community consultation' was ineffective as owners and occupiers in the Eton Locality were petitioned by the North Perth Precinct Group (NPPG) who were in favour of reducing the Residential Code to R20 and that the NPPG recorded only those residents that supported the amendment and not those that may have shown any objection. Some concern was also expressed that there was no indication that the Mount Hawthorn Precinct Group (MHPG) either participated or endorsed the petition.

While it is agreed that any petitioning by the NPPG or other community group may present a subjective point of view, it should be noted that all affected residents within the Eton Locality including the MHPG were given equal opportunity to comment on the proposed amendment. In addition, the Town has no records of all the residents that were approached by the NPPG, therefore, it is unable to accurately ascertain how many, if any, comments of objection were expressed to the NPPG.

v) Delay in Review of Town Planning Scheme

Some concern was expressed that ongoing delays in the review of the Town Planning Scheme are causing uncertainty in the future directions for owners in the Eton Locality and that deletion of the sunset clause in December 2007 will further exacerbate the uncertainty for these owners and occupiers.

The Town's Community Visioning Project '*Vincent Vision 2024*' was completed in 2005. It was a successful undertaking and is the best reflection of the future desires of the Town, its residents and stakeholders. However, '*Vincent Vision 2024*' is only one stage in a lengthy process of reviewing the Town Planning Scheme. Amendment No. 24 has been initiated in order to remove confusion and inequity between landowners while review of the Town Planning Scheme is undertaken by maintaining the current zoning of R20. Removing the ability to subdivide properties in the interim period during the scheme review, will eliminate the occurrence of development that may be contrary to the final adopted Town Planning Scheme.

vi) Zoning not appropriate for major road

A submission was received by a resident of London Street that expressed that a zoning of R30/R40 was considered to be more appropriate for a 'main road' than the current R20 zoning.

The Town acknowledges that there are a number of areas in the Eton Locality including London Street where applying an R30/40 density may have some merit. It is considered inappropriate at this stage to support any spot rezoning within the Eton Locality whilst the TPS Review is underway. It is considered more appropriate to maintain the current density of R20 across the entire subject area for the interim period until the Scheme Review is finalised.

vii) Municipal Heritage Inventory should protect properties from development

Comment was received that the Town's Municipal Heritage Inventory (MHI) should be reviewed to ensure that particular properties worthy of retention are maintained.

The MHI is a working document that allows for places to be added, deleted or amended following due process. It should be noted that the MHI alone should not be used to retain dwellings of significance. The Town's Policies protect the existing amenity and character of a locality including maintaining the existing dwelling where appropriate.

In light of the above comments, and given the results of consultation showing strong support for Amendment No. 24, it is considered the most appropriate course of action to delete clauses 20 (4) (c) (ii) and 20 (4) (h) (i) from TPS No.1 rather than to extend the sunset clause date, on the basis of the unknown timeframe relating to the final adoption and gazettal of the new Town Planning Scheme. It is recommended that the Council seeks final approval without modification, of Amendment No. 24 to Town Planning Scheme No. 1 in accordance with the Officers Recommendation.

10.1.6 No. 53 (Lot 62 D/P: 692) Barlee Street, Mount Lawley - Proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Single Houses

Ward:	South	Date:	18 July 2007
Precinct:	Forrest; P14	File Ref:	PRO3828; 5.2006.580.1
Attachments:	001		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by P N Christou on behalf of the owner Perret Holdings Pty Ltd and Camfam Pty Ltd for proposed Demolition of Existing Single House and Construction of Two (2) Two- Storey Single Houses, at No. 53 (Lot 62 D/P: 692) Barlee Street, Mount Lawley, and as shown on plans stamp-dated 1 December 2006 (existing house plan) and 19 February 2007 (site plan, floor plans, elevation plans and overshadowing plan), subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) first obtaining the consent of the owners of Nos. 49 and 57 Barlee Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 49 and 57 Barlee Street in a good and clean condition;*
- (iii) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (iv) 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;*
- (v) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) the ground floor dividing wall of Houses 1 and 2, the first floor balcony of Houses 1 and 2 and the first floor dividing wall of Houses 1 and 2 being setback a minimum of 4 metres, 5 metres and 6 metres respectively from the northern (Barlee Street) property boundary;*

- (b) *the 'privacy screen' attached to the first floor on the eastern elevation of House 1 and the western elevation of House 2 that extends for 7 metres in length adjacent to the balcony to bedroom 2/study, the stairs and the balcony to bedroom 3 being fixed obscure glazing and be non-openable to a minimum of 1.6 metres above the finished first floor level. Alternatively prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 49 and 57 Barlee Street stating no objection to the respective proposed privacy encroachments;*
- (c) *the maximum height to the top of the roof pitch of Houses 1 and 2 being 9 metres above the natural ground level;*
- (d) *the courtyard to House 1 on the northern, eastern and southern elevations, the courtyard to House 2 on the northern, western and southern elevations, 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; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the finished floor levels of the courtyards to Houses 1 and 2 being no greater than 0.5 metre above the natural ground level; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating a screen fence being a minimum of 1.6 metres above natural ground level along the eastern and southern property boundary. Alternatively prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 49 and 57 Barlee Street stating no objection to the respective proposed privacy encroachments;*
- (e) *the balcony to the master bedroom to House 1 on the eastern elevation, the balcony to the master bedroom to House 2 on the western elevation, the balcony to bedroom 4 to House 1 on the eastern and southern elevations, the balcony to bedroom 4 to House 2 on the western and southern elevations, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 49 and 57 Barlee Street stating no objection to the respective proposed privacy encroachments.*

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

- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Barlee Street boundary and the main building (except the bin stores indicated on the plans), including along the side boundaries within this front setback area, complying with the following:*

- (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
- (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
- (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
- (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

- (vii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Barlee 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*
- (viii) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title or Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town.*

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Ker

That clause (v)(a) be deleted.

Debate ensued.

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

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

(Cr Torre on approved leave of absence.)

Debate ensued.

Moved Cr Farrell, Seconded Cr Doran-Wu

That the Item be DEFERRED for further investigation and to address the matters of concern raised during public question time, including boundary setbacks, use of boundary walls, potential for structural damage to adjoining properties, height of sand pad and compaction.

CARRIED (5-3)

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

(Cr Torre on approved leave of absence.)

Landowner:	Perret Holdings Pty Ltd and Camfam Pty Ltd
Applicant:	P N Christou
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R50
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	473 square metres
Access to Right of Way	South side, 3.02 metres wide, sealed, Town owned

BACKGROUND:

21 November 2006 The freehold subdivision of the subject property was granted conditional approval by the Western Australian Planning Commission.

DETAILS:

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

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	2.6 dwellings R50	2 dwellings R42.28	Noted - no variation.
Plot Ratio	N/A	N/A	Noted.
Building Setbacks: Ground-North -Main Dwelling	4 metres	6 metres to the main dwelling; however, 3.7 metres to dividing wall.	Supported in part – as the dividing wall is considered to have an undue impact on the streetscape and is addressed in the Officer Recommendation.
East -Living - Laundry	1.5 metres	1.5 metres - 1.2 metres - 3 metres - 1.5 metres - 3 metres	Supported – as the variation is considered minor and does not have an undue impact on affected neighbours.
West -Living to Laundry	1.5 metres	1.5 metres - 1.2 metres - 3.1 metres - 1.5 metres - 3.1 metres	Supported – as the variation is considered minor, to not have an undue impact on affected neighbour and affected neighbour has stated no objection.
First Floor-North (Barlee Street) -Balcony	6 metres	4.5 metres	Not supported – as considered to have an undue impact on the streetscape and is addressed in the Officer Recommendation.

-Main Dwelling	6 metres	6 metres to main dwelling; however, 3.8 metres to dividing wall.	Not supported – as the dividing wall is considered to have an undue impact on the streetscape and is addressed in the Officer Recommendation.
East	2.7 metres	2 metres - 1.2 metres - 0.8 metre - 1.2 metres - 3 metres	Supported – as not considered to have an undue impact on affected neighbours as ‘privacy screens’ have been recommended to be fixed obscure glazing, which would be less imposing on the affected neighbours.
West	2.7 metres	2 metres - 1.2 metres - 0.9 metre - 1.2 metres - 3.1 metres	Supported – as above.
Street walls and fences: North-Houses 1 and 2 -	Not to exceed a maximum height of 1.8 metres above the adjacent footpath level. The solid portion of the wall or fence excepting piers is to be a maximum height of 1.2 metres above the adjacent footpath level. The pillars not to exceed 350 mm wide.	Bin enclosures 1.2 metres wide and solid to 2 metres high.	Supported - not considered to have an undue impact on affected neighbours for the following reasons: <ul style="list-style-type: none"> • Incorporates design features such as glass blocks and planters above; • Provides screening for bins; • Bins stores are only 1.2 metres wide and 2 metres high; and • Remaining portion of fence consists of planter boxes and open bars which has minimal impact on the streetscape and counter balances the impact of the bin stores.

East- House 1	As above.	Solid wall from 1.8 metres - 1.9 metres within the front setback.	Not supported – considered to have an undue impact on the streetscape and has been addressed in the Officer Recommendation.
West- House 2	As above.	Solid wall from 1.5 metres - 1.9 metres within the front setback.	Not supported – as considered to have an undue impact on the streetscape and has been addressed in the Officer Recommendation.
Outdoor Living Area: House 1	Located behind the front setback area.	Located within the front setback.	Supported – as not considered to have an undue impact on the streetscape or surrounding amenity.
House 2	Located behind the front setback area.	Located within the front setback.	Supported – as above.
Building Height: Roof Pitch Height	9 metres	9.05 metres - 9.3 metres (the pitch - highest point of the roof located in the middle of the two dwellings)	Not supported – as considered to have an undue impact on the streetscape and affected neighbours and has been addressed in the Officer Recommendation.
Privacy Setbacks: Ground Floor- North House 1 -Courtyard	7.5 metres	0.5 metre to eastern property boundary.	Not supported – as considered to have an undue impact on affected neighbour and addressed in the ‘Officer Recommendation’.
House 2 -Courtyard	7.5 metres	0.5 metre to western property boundary.	Not supported – as above.

East House 1 -Courtyard	7.5 metres	0.4 metre to eastern property boundary.	Not supported – as above.
West House 2 - Courtyard	7.5 metres	0.4 metre to western property boundary.	Not supported – as above.
South House 1 -Courtyard	7.5 metres	0.5 metre to eastern property boundary.	Not supported – as above.
House 2 -Courtyard	7.5 metres	0.5 metre to western property boundary.	Not supported – as above.
First Floor- North House 1 -Balcony bedroom 3	to 7.5 metres	1.9 metres to east property boundary.	Not supported – as above.
House 2 -Balcony bedroom 3	to 7.5 metres	2 metres to west property boundary.	Not supported – as above.
East House 1 -Balcony master bedroom	to 7.5 metres	2 metres to eastern property boundary.	Not supported – as above.
-Balcony bedroom 3	to 7.5 metres	1.2 metres to eastern property boundary.	Not supported – as above.
-Balcony bedroom 4	to 7.5 metres	1.2 metres to eastern property boundary.	Not supported – as above.
-Balcony Bedroom2/study	to 7.5 metres	1.2 metres to eastern property boundary.	Not supported – as above.
West House 2 -Balcony master bedroom	to 7.5 metres	2 metres to western property boundary.	Not supported – as above.
-Balcony bedroom 3	to 7.5 metres	1.5 metres to western property boundary.	Not supported – as above.

-Balcony to bedroom 4	7.5 metres	1.5 metres to western property boundary.	Not supported – as above.
-Balcony to bedroom 2/study	7.5 metres	1.5 metres to western property boundary.	Not supported – as above.
South House 1 -Bedroom 2/study balcony	7.5 metres	2.1 metres to eastern property boundary.	Not supported – as above.
-Balcony to bedroom 4	7.5 metres	2 metres to eastern property boundary.	Not supported – as above.
Unit 2 -Bedroom 2/study balcony	7.5 metres	2.3 metres to western property boundary.	Not supported – as above.
-Balcony to bedroom 4	7.5 metres	4.2 metres to western property boundary.	Not supported – as above.
Consultation Submissions			
Support (2)	<ul style="list-style-type: none"> No objection. 		Noted.
Objections (3)	<ul style="list-style-type: none"> Overlooking. 		Supported – and addressed above and in the Officer Recommendation.
	<ul style="list-style-type: none"> Building Height. 		Supported – and addressed above and in the Officer Recommendation.
	<ul style="list-style-type: none"> Fill may create structural damage to existing boundary and garage walls. 		Noted – as damage to boundary walls is a civil matter.
	<ul style="list-style-type: none"> Concern regarding the compaction and the impact this may have on the existing boundary wall. 		Noted – as damage to boundary walls is a civil matter.
	<ul style="list-style-type: none"> Concern regarding the location of waste pipes and air conditioning units. 		Noted – as the location of waste pipes is not a planning consideration and no air conditioning units have been proposed.

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

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

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

COMMENTS:

Demolition

The subject existing brick and iron dwelling was constructed circa 1900 in the Federation Georgian style of architecture. Barlee Street was part of the Highgate Hill Estate, which was one of the first suburbs located north of Perth. This estate was aimed at the working class market. The subdivision accommodated the rise in Perth's population due to the Gold Boom. The place first appears in the Wise Post Office Directories in 1899 and is listed with Mr J Rowlands as the occupant. Mr Rowlands lived at the subject place until 1945. The Sawrbricks resided in the place from 1947 to at least 1981.

The dwelling has had numerous changes over the years. The Metropolitan Sewerage Map Plans indicate that the place originally comprised two front rooms constructed from brick with a rear timber skillion addition. The timber skillion addition has since been removed and replaced with a brick alternative. The front façade has been rendered and an enclosed verandah has been constructed along its length.

The dwelling is situated along the portion of Barlee Street between Roy and Gerald Streets in Mount Lawley, which consists of a variety of dwellings dating from the Federation period to the Late Twentieth Century styles of architecture. It is considered that this portion of the streetscape is fragmented and that the subject dwelling is not an essential component of it.

The place is not considered to have any specific cultural heritage value that would make it eligible for consideration for inclusion on the Town's Municipal Heritage Inventory. The dwelling is considered to require no further investigation and that a full Heritage Assessment is not warranted. Therefore it is recommended that the application to demolish the place be approved, subject to a quality archival record and other standard conditions.

Summary

The applicant has requested that the proposal be considered by the Council at its Ordinary Meeting in spite of a significant number of variations. However, the great number of privacy variations is a result of unclear plans, showing little detail of the materials proposed for the privacy screens. The proposal, if appropriately conditioned, is not considered to have an undue impact on the streetscape, adjoining neighbours or surrounding amenity.

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

10.1.1 Further Report – Nos. 378-390 (Lots 1, 2, 15, 155, 51 and 1) Beaufort Street and part dual frontage to McCarthy Street, Perth - Proposed Three (3) and Six (6) Storey Mixed Use Development Comprising Fifty Nine (59) Multiple Dwellings and Shop

Ward:	South	Date:	18 July 2007
Precinct:	Forrest; P14	File Ref:	PRO0083; 5.2006.544.1
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by RAD Architecture on behalf of the owner Duomark Pty Ltd for proposed three (3) and six (6) storey mixed use development comprising fifty nine (59) multiple dwellings and shop, at Nos. 378-390 (Lots 1, 2, 15, 155, 51 and 1) Beaufort Street and part dual frontage to McCarthy Street, Perth and as shown on plans stamp-dated 30 May 2007, subject to the following conditions:

- (i) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) a continuous and complementary awning being provided over the adjacent footpath along Block C and the Beaufort Street frontage of the development;*
 - (b) speed humps being provided on the right of way along the rear (south-east) side of the property;*
 - (c) appropriate design features being incorporated into the south-west side blank walls of the building;*
 - (d) design of the exits to the rear right of way to preclude left hand turns from the subject site; and*
 - (e) fencing on the eastern side of Block B to be a minimum height of 1.8 metres (solid), in accordance with the Town's Local laws, or alternatively higher, if agreed between the affected landowners.*

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

- (ii) prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*

- (iii) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$130,000) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$130,000, subject to the Town agreeing to this arrangement . The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development Section with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iv) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (v) *first obtaining the consent of the owners of No. 346 (Lot 5) Beaufort 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. 346 (Lot 5) Beaufort Street in a good and clean condition;*
- (vi) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (vii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access via Beaufort Street/McCarthy Street and the rear right-of-way (ROW), dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town;*
- (viii) *prior to the first occupation of the development, one (1) class one or two and one (1) class three bicycle parking facilities, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (ix) *the on-site car parking area for the shop/non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
- (x) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
 - (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities;*
 - (b) *a maximum of one (1) bedroom and two (2) occupants are permitted in each single bedroom dwelling at any one time;*
 - (c) *the floor plan layout for the single bedroom dwellings are to be maintained in accordance with the Planning Approval plans; and*

- (d) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or shop. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

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

- (xi) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
- (xii) *doors, windows and adjacent floor areas of the shop fronting Beaufort Street shall maintain an active and interactive relationship with this street,*
- (xiii) *prior to the first occupation of the development, the car parking spaces provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (xiv) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (xv) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (xvi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating balconies of units A8, A9, A10, A11, A12, C7, C16 and C25, living room windows of units A6, and A12 being screened with a permanent obscure glazing and be non-openable to a minimum of 1.6 metres above the finished floor levels, OR alternatively the provision of on-site effective permanent horizontal screening or equivalent preventing direct sight within the cone of vision to ground level of adjoining properties. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the affected owners of properties along the rear ROW and No.346 Beaufort Street, respectively, stating no objections to the proposed privacy encroachment.*
- (xvii) *the maximum gross floor area of the shop (retail) shall be limited to 138 square metres;*

- (xviii) *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.*
- (xix) *the car parking area shown for the shop/non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xx) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (xxi) *any new street/front wall, fence and gate between the Beaufort Street boundary and McCarthy Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (xxii) *a raised central median island shall be provided in Beaufort Street to exclude the right hand turn from vehicle exit from this development at the owner's/applicant's full cost and subject to approval from the Department for Planning and Infrastructure;*
- (xxiii) *prior to the first occupation of the development, the right of way shall be resurfaced from the access point to the development for a distance of approximately 60 metres in the direction of Bulwer Street, at the applicant's/owner(s)' full expense;*
- (xxiv) *a bond and/or bank guarantee for \$10,500 for the resealing and resurfacing of the right of way shall be lodged prior to the issue of a Building License;*
- (xxv) *a bond or bank guarantee for the sum of \$5,000 for the construction of median island in Beaufort Street, so as to prevent the right turn movement into and out of the development, to be paid prior to the issue of a Building Licence;*

- (xxvi) *prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with 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 indemnify the Town against any claim, be it for damage, wear or tear resulting from the Town's refuse collection service from within the property. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (xxvii) *the support/approval of the Department for Planning and Infrastructure and/or Western Australian Planning Commission, and compliance with its comments and conditions at the applicant(s)/owner(s)' full expense;*
- (xxviii) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land shall be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$11,500 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing; and*

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

Moved, Cr Ker Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Chester, Seconded Cr Ker

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

"(xxix) *prior to the issue of a Building License, a sustainability report on the environmental/sustainable measures and design features proposed by the applicant/owner(s), prepared by a suitably qualified consultant shall be submitted to and approved by the Town. The recommended measures of the sustainability report shall be incorporated into the development design. These measures shall be implemented and certification from the sustainability consultant that the measures have been undertaken shall be submitted to the Town prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town."*

AMENDMENT PUT AND CARRIED (8-0)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (7-1)

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

(Cr Torre on approved 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 BY AN ABSOLUTE MAJORITY the application submitted by RAD Architecture on behalf of the owner Duomark Pty Ltd for proposed three (3) and six (6) storey mixed use development comprising fifty nine (59) multiple dwellings and shop, at Nos. 378-390 (Lots 1, 2, 15, 155, 51 and 1) Beaufort Street and part dual frontage to McCarthy Street, Perth and as shown on plans stamp-dated 30 May 2007, subject to the following conditions:

- (i) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *a continuous and complementary awning being provided over the adjacent footpath along Block C and the Beaufort Street frontage of the development;*
 - (b) *speed humps being provided on the right of way along the rear (south-east) side of the property;*
 - (c) *appropriate design features being incorporated into the south-west side blank walls of the building;*
 - (d) *design of the exits to the rear right of way to preclude left hand turns from the subject site; and*
 - (e) *fencing on the eastern side of Block B to be a minimum height of 1.8 metres (solid), in accordance with the Town's Local laws, or alternatively higher, if agreed between the affected landowners.*

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

- (ii) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*

- (iii) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$130,000) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$130,000, subject to the Town agreeing to this arrangement . The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development Section with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iv) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (v) *first obtaining the consent of the owners of No. 346 (Lot 5) Beaufort 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. 346 (Lot 5) Beaufort Street in a good and clean condition;*
- (vi) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (vii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access via Beaufort Street/McCarthy Street and the rear right-of-way (ROW), dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town;*
- (viii) *prior to the first occupation of the development, one (1) class one or two and one (1) class three bicycle parking facilities, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (ix) *the on-site car parking area for the shop/non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
- (x) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
 - (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities;*
 - (b) *a maximum of one (1) bedroom and two (2) occupants are permitted in each single bedroom dwelling at any one time;*
 - (c) *the floor plan layout for the single bedroom dwellings are to be maintained in accordance with the Planning Approval plans; and*

- (d) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or shop. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

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

- (xi) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
- (xii) *doors, windows and adjacent floor areas of the shop fronting Beaufort Street shall maintain an active and interactive relationship with this street,*
- (xiii) *prior to the first occupation of the development, the car parking spaces provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (xiv) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (xv) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (xvi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating balconies of units A8, A9, A10, A11, A12, C7, C16 and C25, living room windows of units A6, and A12 being screened with a permanent obscure glazing and be non-openable to a minimum of 1.6 metres above the finished floor levels, OR alternatively the provision of on-site effective permanent horizontal screening or equivalent preventing direct sight within the cone of vision to ground level of adjoining properties. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the affected owners of properties along the rear ROW and No.346 Beaufort Street, respectively, stating no objections to the proposed privacy encroachment.*
- (xvii) *the maximum gross floor area of the shop (retail) shall be limited to 138 square metres;*

- (xviii) *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.*
- (xix) *the car parking area shown for the shop/non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xx) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (xxi) *any new street/front wall, fence and gate between the Beaufort Street boundary and McCarthy Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (xxii) *a raised central median island shall be provided in Beaufort Street to exclude the right hand turn from vehicle exit from this development at the owner's/applicant's full cost and subject to approval from the Department for Planning and Infrastructure;*
- (xxiii) *prior to the first occupation of the development, the right of way shall be resurfaced from the access point to the development for a distance of approximately 60 metres in the direction of Bulwer Street, at the applicant's/owner(s)' full expense;*
- (xxiv) *a bond and/or bank guarantee for \$10,500 for the resealing and resurfacing of the right of way shall be lodged prior to the issue of a Building License;*
- (xxv) *a bond or bank guarantee for the sum of \$5,000 for the construction of median island in Beaufort Street, so as to prevent the right turn movement into and out of the development, to be paid prior to the issue of a Building Licence;*

- (xxvi) *prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with 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 indemnify the Town against any claim, be it for damage, wear or tear resulting from the Town's refuse collection service from within the property. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (xxvii) *the support/approval of the Department for Planning and Infrastructure and/or Western Australian Planning Commission, and compliance with its comments and conditions at the applicant(s)/owner(s)' full expense;*
- (xxviii) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land shall be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$11,500 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing; and*
- (xxix) *prior to the issue of a Building License, a sustainability report on the environmental/sustainable measures and design features proposed by the applicant/owner(s), prepared by a suitably qualified consultant shall be submitted to and approved by the Town. The recommended measures of the sustainability report shall be incorporated into the development design. These measures shall be implemented and certification from the sustainability consultant that the measures have been undertaken shall be submitted to the Town prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town."*

FURTHER REPORT:

The Council at its Ordinary Meeting held on 27 March 2007 considered the subject proposal and resolved the following:

"That the Item be DEFERRED to allow previous concerns to be addressed including the lack of interaction with Beaufort Street at the street level and access from right of way."

The revised proposal and plans dated 30 May 2007 involves the construction of three blocks of buildings consisting of 2 blocks (A and B) of 3 storey multiple dwellings, and a third block (C) consisting of a six storey building comprising multiple dwellings and shops.

The residential component consists of 19 single bedroom dwellings and 40 two-bedroom dwellings. Vehicular access is proposed off Beaufort Street, with a left in and left out movement. Vehicular access is also proposed off the rear right of way (ROW) from Bulwer Street with a left in and right out movement. There will be no access from the site into McCarthy Street, except for those residential dwellings that have vehicular access directly off the rear ROW. There is currently a road widening requirement of between 2.1 to 2.6 metres affecting the northern portion of the subject sites, along the Beaufort Street frontage. The proposed development is outside this road widening area.

The main differences between the revised plans dated 30 May 2007 and the plans considered by the Council at its Ordinary Meeting held on 27 March 2007 are summarised by the

applicant as follows, including addressing the concerns raised at the previous Ordinary Meeting of Council on 27 March 2007, and at the Elected Members Forum on 15 May 2007:

- Increased activity at street level along Beaufort Street, with relocation of the electricity sub-station and stores within the site. The floor area of the shops has been increased from 84 to 138 square metres. The number of residential dwellings has been reduced from 62 to 59 units to also comply with the car parking requirements.
- In term of bulk and scale, the multiple dwellings on Block A and B have been reduced as a result of the removal of one floor for both the above blocks. Plot ratio has also been reduced from 1.69 (or 5222 square metres) to 1.47 (or 4806 square metres).
- Reduction in the number of entry points from 8 to 6 accessing the ROW from carports, thereby increasing sight lines. Open style grille panel lift doors have been proposed for maximum vision and surveillance.
- Balconies sizes and numbers have been increased to increase passive surveillance, including the increased number of windows.
- Security lighting along the underside of cantilevered first floor slab.
- Car parking areas and landscaping have been further addressed as per the attachment, including provision of a pedestrian footpath.
- The environmentally sustainable design features are proposed are primarily energy and water focussed solutions.

The applicant's comprehensive submission dated 22 May 2007, including an updated Transport Statement dated 24 May 2007, are attached to this Agenda Report.

The revised plans dated 30 May 2007 have been re-assessed as per the following "Assessment Table" below:

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	R 80 (26 multiple dwellings)	R161 (59 multiple dwellings) - 101 per cent density bonus.	Supported – proposal is considered to enhance the amenity of the area given the current state of the site; supported given the context of the site being along Beaufort Street; considered to promote housing affordability and diversity and caters for the changing demographics and housing needs/wants of the community; and can be considered under Clause 40 of the Town's Town Planning Scheme No.1 with the absolute majority of the Council.
Plot Ratio	1.0 or 3269 square	1.47 or 4806 square	Supported-as the variation

	metres	metres	will not unduly affect the amenity of the area.
No. of Storeys- Commercial zoned land	3 storeys plus loft	6 storeys	Supported - as there are other similar high rise building in the area. The visual impact of the development when viewed from the street is also reduced due to the staggering of the heights of the four and six storey development and its context with other similar high rise development in the immediate area.
No of storeys- Residential zoned land	2 storeys plus loft	3 storeys	Supported - as above.
Stores	4 square metres and 1.5metres dimension	A few of the stores are less than 4 square metres in area and are not accessible from outside.	Supported - as the variation to the depth and size of some the stores is considered acceptable as the proposed development forms part of a mixed use development where the needs of the residents would not be as great as compared to residents/occupiers within a solely residential development. The R Codes explanatory notes further state that provisions or standards for mixed developments should not seek to impose too "high" standard so as to discourage the concept of mixed use development. The reduction in the size of the stores is considered not to be detrimental to the amenity of the locality or the occupiers of the development.
Privacy Setbacks	Balconies and bedrooms - 7.5 metres setback to lot boundary	Less than 7.5 and 4.5 metres respectively from the lot boundary.	Not supported - undue impact on neighbouring properties and a condition has been recommended for those affected balconies and windows to be adequately screened.

Building Setbacks:			
Ground floor- Block A- South elevation	1.5 metres	Nil	Supported - as the setback variations requested are partly due to the height of the proposal. Most of the other high rise developments if they were to be built under current standards would also involve setback variations. The variation is not considered to have an undue impact on the affected neighbours.

Ground floor-Block B-North elevation	1.5 metres	1.37 metre	As above.
Ground floor-Block B-East elevation	1.0 metre	0.3 metre.	As above.
Ground floor-Block C-West elevation-Beaufort Street	Nil	0.8 to 1.0 metre	As above.
First floor-Block A-South elevation	1.9 metres	1.508 metres	As above.
First floor-Block B-West elevation-Beaufort Street	4 metres	3.4 metres	As above.
First floor-Block C-South elevation	2.8 metres	Nil	As above.
Second floor-Block A-South elevation	2.6 metres	1.508 metres	As above.
Second floor-Block B-West elevation-Beaufort Street	4 metres	3.4 metres	As above.
Second floor-Block C-South elevation	3.5 metres	Nil	As above.
Third floor-Block C-South elevation	2.7 metres	Nil to 9.6 metres	As above.

Commercial Car Parking

Shop: 1 car bay per 15 square metres of gross floor area (proposed 138 square metres) = 9.2 car bays. Total 9 car bays To nearest whole number	9 car bays
Apply the parking adjustment factors. <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 400 metres of one or more public car parks in excess of 50 spaces) ▪ 0.80 (contains a mix of uses, with at least 45 per cent of gross floor area residential) ▪ 0.95 (provision of bicycle parking facilities) 	(0.5491) 4.94 car bays

Car parking provided on-site for commercial component	6 car bays	
Resultant surplus	1.06 car bays	
Bicycle Parking		
Requirements	Required	Provided
Shop <ul style="list-style-type: none"> • 1 space per 300 (proposed 138) square metres gross floor area (Class 1 or 2). • 1 space per 200 (proposed 138) square metres (Class 3) 	0.46 space 0.69 space	Indicated on site plan. 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.

The revised plans do not propose any other further variation to the Town's Policies, and do not have an undue impact on the amenity of the area, and as such there is no need to further re-advertise the proposal. Moreover, the revised plans are being referred to the Council for its consideration and determination.

The previous comments raised in the submissions considered at the Ordinary Meeting of Council held on 27 March 2007 are still considered to be relevant for the purposes associated with the revised plans being considered as part of this report.

Residential Car Parking

Car parking requirements for the residential component of the development have been calculated using the requirement for multiple dwellings from the Residential Design Codes (R Codes). In mixed use developments, the residential component requires the provision of 59 car bays, based on the standard of one (1) car bay for each of the 59 proposed multiple dwellings, with 10 per cent of the required car bays being allocated as visitor car bays. The number of car bays provided for the residential component is 59 car bays plus another 6 visitor car bays.

A total of 71 car bays have been provided for the entire development, therefore, resulting in 6 car bays available for the commercial component.

COMMENTS:

The revised plans dated 30 May 2007 proposal has been referred to the Western Australian Planning Commission (WAPC) as the proposal abuts Beaufort Street, which is classified as an "Other Regional Road" and also due to regional transport planning implications for comments. The comments when received from the WAPC/DPI will be included as a condition of approval. The WAPC/DPI's comments in relation to this current proposal dated 30 May 2007 had not been received when his Agenda report was prepared.

In summary, the WAPC had no objections to the previous proposal as per the plans considered at the Ordinary Meeting of Council held on 27 March 2007, under regional transport planning grounds, and recommends widening of the rear ROW and modifying of the rear ROW layout so that traffic can also perform left turn movements to access McCarthy Street.

In relation to the above comments, the Town's Technical Services advise that it is satisfied with the ROW widening allowance proposed by the applicant, as shown on the plans and it does not support the redesign of the traffic movement system to allow left turn movements to access McCarthy Street.

On the above basis, the previous Officer Recommendation remains mostly unchanged, except for minor modifications.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 27 March 2007:

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by RAD Architecture on behalf of the owner Duomark Pty Ltd for proposed four (4) and six (6) storey mixed use development comprising sixty two (62) multiple dwellings and shop, at Nos. 378-390 (Lots 1, 2, 15, 155, 51 and 1) Beaufort Street and McCarthy Street, Perth and as shown on plans stamp-dated 14 November 2006 (excluding site plan and overshadowing plan), ~~and~~ site plan dated 14 February 2007 and overshadowing plan dated 26 March 2007, subject to the following conditions:

- (i) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) a continuous and complementary awning being provided over the adjacent footpath along Block C and the Beaufort Street frontage of the development;*
 - (b) speed humps being provided on the right of way along the rear (south) side of the property;*
 - (c) significant design features and/or other appropriate finishes being incorporated into the walls of the stores and electrical substation fronting Beaufort Street; and*
 - (d) design of the exits to the rear right of way to preclude left hand turns from the subject site.*

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

- (ii) prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*

- (iii) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$130,000) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$130,000, subject to the Town agreeing to this arrangement . The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iv) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (v) *first obtaining the consent of the owners of No. 346 (Lot 5) Beaufort 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. 346 (Lot 5) Beaufort Street ~~description of adjoining land~~ in a good and clean condition;*
- (vi) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (vii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access via Beaufort Street/McCarthy Street and the rear right-of-way (ROW), dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town;*
- (viii) *prior to the first occupation of the development, one (1) class one or two and one (1) class three bicycle parking facilities, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (ix) *the on-site car parking area for the shop/non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
- (x) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
 - (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities;*
 - (b) *a maximum of one (1) bedroom and two (2) occupants are permitted in each single bedroom dwelling at any one time;*
 - (c) *the floor plan layout for the single bedroom dwellings are to be maintained in accordance with the Planning Approval plans; and*

(d) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or shop. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

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

- (xi) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
- (xii) *doors, windows and adjacent floor areas of the shop fronting Beaufort Street shall maintain an active and interactive relationship with this street,*
- (xiii) *prior to the first occupation of the development, the car parking spaces provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (xiv) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (xv) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (xvi) *prior to the first occupation of the development, ~~all balconies as indicated and~~ the balconies to Units B3 and B7 as circled (S) on the site plans within 7.5 metres respectively, to the non-street boundaries, shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (xvii) *the maximum gross floor area of the shop (retail) shall be limited to 84 square metres;*
- (xviii) *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.*
- (xix) *the car parking area shown for the shop/non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xx) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*

- (xxi) *any new street/front wall, fence and gate between the Beaufort Street boundary and McCarthy Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
- (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (xxii) *a raised central median island shall be provided in Beaufort Street to exclude the right hand turn from the vehicle exit from this development at the owner's/applicant's full cost and subject to approval from the Department for Planning and Infrastructure;*
- (xxiii) *prior to the first occupation of the development, the right of way shall be resurfaced from the access point to the development for a distance of approximately 60 metres in the direction of Bulwer Street, at the applicant's/owner(s)' full expense;*
- (xxiv) *a bond and/or bank guarantee for \$10,500 for the resealing and resurfacing of the right of way shall be lodged prior to the issue of a Building License;*
- (xxv) *a bond or bank guarantee for the sum of \$5,000 for the construction of median island in Beaufort Street, so as to prevent the right turn movement into and out of the development to be paid prior to the issue of a Building Licence; and*
- (xxvii) *prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with 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 indemnify the Town against any claim, be it for damage, wear or tear resulting from the Town's refuse collection service from within the property. All costs associated with this condition shall be borne by the applicant/owner(s).*

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

COUNCIL DECISION ITEM 10.1.1

Moved Cr Doran-Wu, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Doran-Wu, Seconded Cr Messina

That the Item be DEFERRED to allow previous concerns to be addressed including the lack of interaction with Beaufort Street at the street level and access from right of way.

Cr Torre returned to the Chamber at 7.00pm.

CARRIED BY AN ABSOLUTE MAJORITY (6-2)

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

(Cr Farrell on leave of absence.)

ADDITIONAL INFORMATION:

The applicant has submitted amended plans, a copy of which is attached, to address the overshadowing at midday, 21st June. Accordingly, the Officer Recommendation preamble should be changed to reflect this.

Clause (i) (a) should be amended for further clarification as an awning adjacent to Block B is not considered to be required due to it being residential development on residential zoned land. Clauses (iii) and (v) should also be modified to address a typographical error. Clause (xvi) should be altered upon further assessment as overlooking to the southern side is to commercial premises. A replacement clause (xxvii) should be added so that there is a legal agreement to indemnify the Town against any claim, be it for damage, wear or tear resulting from the Town's refuse collection service from within the property.

<i>Landowner:</i>	<i>Duomark Pty Ltd</i>
<i>Applicant:</i>	<i>RAD Architecture</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial & Residential R80</i>
<i>Existing Land Use:</i>	<i>Vacant Lot</i>
<i>Use Class:</i>	<i>Shop (retail) and Multiple Dwelling</i>
<i>Use Classification:</i>	<i>Commercial- "P" and "AA" ; Residential R80- "SA" and "P"</i>
<i>Lot Area:</i>	<i>3269 square metres</i>
<i>Access to Right of Way (ROW)</i>	<i>South side, 5.0 metres wide, sealed, Town owned. South-east side, 2.74 metres wide, unsealed and privately owned.</i>

BACKGROUND:

- 9 March 2004 *At its Ordinary Meeting, the Council conditionally approved the demolition of the Civic Theatre Restaurant and one (1) single house at Nos. 378-390 (Lots 1, 15, 1 and 2) Beaufort Street, Perth, and refused the proposed demolition of the existing single house at No. 1 (Lot 14) McCarthy Street, Perth.*
- 13 April 2004 *At its Ordinary Meeting, the Council conditionally approved the construction of a five-storey development comprising twenty-eight (28) service apartments and associated office, eating house, gymnasium and basement car parking, three-storey development comprising twenty-six (26) multiple dwellings, and retention of a single house facing McCarthy Street, at No.378-390 (Lots 1, 15, 2 and N118) Beaufort Street and No.1 (Lots 1, 14, N115 and N117) McCarthy Street, Perth.*
- 3 May 2004 *The proposal approved at the Ordinary Meeting of Council on 13 April 2004 was also conditionally approved by the Western Australian Planning Commission (WAPC).*
- 28 June 2005 *At its Ordinary Meeting, the Council conditionally approved the construction of a five-storey development and basement car parking comprising twenty-eight (28) service apartments and associated office, eating house, and gymnasium and three-storey development comprising twenty-six (26) multiple dwellings, and retention of single house facing McCarthy Street at Nos. 378-390 (Lots 1, 15, 2, and N118) Beaufort Street and No.1 (Lots 1, 14, N115 and N117) McCarthy Street, Perth.*
- 24 April 2006 *The Western Australian conditionally approved the amalgamation of the above properties (Ref:130181).*
- 19 September 2006 *The matter was presented to an Elected Members Forum, where there was opportunity for Elected Members to provide comments on the current proposal.*

DETAILS:

The proposal involves the construction of a three blocks of buildings consisting of 2 blocks of 4 storey multiple dwellings and a third block consisting of a six storey building comprising multiple dwellings and a shop.

The residential component consists of 22 single bedroom, 10 two bedroom and 30 three bedroom units. Vehicular access is proposed off Beaufort Street, with a left in and left out movement. Vehicular access is also proposed off the rear right of way (ROW) from Bulwer Street with a left in and right out movement. There will be no access from the site into McCarthy Street, except for those residential dwellings that have vehicular access directly of the rear ROW.

The applicant has responded to the concerns raised in the submissions with the following response and justification:

- *“The density proposed is considered acceptable in this case as high density development on the subject site is consistent with the existing building form or non-residential use of adjoining sites. Development to a lower density would be inconsistent with the established character of surrounding properties, in particular across Beaufort Street.*

- *The number of dwellings proposed is considered acceptable as variations to the density provisions may be supported where the development achieves the intended character and scale, and where residential amenity is protected and a high standard development is achieved. Issues associated with higher densities, e.g. car parking, bulk and scale have been shown not to have undue impact on the general amenity of the area.*
- *The increase in Plot Ratio from 1.0 to 1.69 is considered acceptable in this case because the bulk and scale has been carefully designed to respond to its context of mixed use, which is residential/commercial. The overall plot ratio is not considered to have an undue impact on streetscape or adjoining neighbours as the buildings' articulation and setback of the roof reduces the perceived bulk and scale of the development and the majority of the variations sought are at the Beaufort Street/Commercial boundaries and therefore will not affect the amenity of the residential area.*
- *The proposal is compliant with car parking requirements of the R Codes. Town of Vincent TPS indicates that parking for 68 vehicles will be required to effectively service the proposed development. On this basis the proposed 82 bays designed into the proposed development will reduce reliance upon streets for visitors' parking, minimizing congestion, safety hazards, and visual intrusion of vehicles on the streetscape, while facilitating ease of accessing parking bays.*
- *The Transport Statement Objective outlined the likely impact of the proposed redevelopment on traffic flows, parking facilities, safe access pedestrian and cycle facilities and local amenity. The development minimizes impacts on Beaufort Street flows by providing alternative access off the ROW at the rear and incorporating a median island in Beaufort Street at the entrance to the site to minimize the impact of right turning traffic across City bound traffic. Access from the proposed development to the rear lane will be designed to prevent left turn movements thereby protecting the residential amenity in McCarthy Street.*
- *Bin storage areas have been located away from boundaries and are screened from view.*
- *The number of storeys proposed is considered acceptable in this case as the development has an active and interactive relationship with the street. The bulk and scale of the façade is considered to have no undue impact on the streetscape and is consistent with the height, scale and nature of existing buildings within close proximity to the proposed development, that are up to eight storeys in height and considering the existing approvals for the subject site. In most cases the proposed development complies with the privacy requirements of the R-Codes and is therefore, not considered to have an undue impact on affected neighbours.*
- *The Building Setbacks proposed are considered acceptable in this case as the non-compliant portions are minimal. The variations are within acceptable standards and will not unduly affect the amenity of the adjoining lots and the immediate vicinity. Most existing developments in the area, if built under current standards would also require setback variations.*
- *The variations are considered to adequately address the relevant performance criteria in the R Codes. The variations do not unduly impact on the amenity of the adjoining properties or streetscape due to the composition of the proposed development which provides a 'buffer zone' between the adjoining residential and commercial properties. Given the site's location on a major road and identification as a key site for redevelopment, the proposal is considered to enhance and improve the streetscape and surrounding area, and to have adequately addressed the Town's requirements and objectives for the area."*

The applicant's comprehensive submission including the Traffic Statement 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>Density</i>	<i>R 80 (26 multiple dwellings)</i>	<i>R167 (62 multiple dwellings) - 109 per cent density bonus.</i>	<i>Supported – proposal is considered to enhance the amenity of the area given the current state of the site, supported given the context of the site being along Beaufort Street, considered to promote housing affordability and diversity and caters for the changing demographics and housing needs/wants of the community and can be considered under Clause 40 of the Town's Town Planning Scheme No.1 with the absolute majority of the Council.</i>
<i>Plot Ratio</i>	<i>1.0 or 3269 square metres</i>	<i>1.69 or 5222 square metres</i>	<i>Supported-as the variation will not unduly affect the amenity of the area.</i>
<i>No. of Storeys- Commercial zoned land</i>	<i>3 storeys plus loft</i>	<i>6 storeys</i>	<i>Supported - as there are other similar high rise building in the area. The visual impact of the development when viewed from the street is also reduced due to the staggering of the heights of the four and six storey development and its context with other similar high rise development in the immediate area.</i>
<i>No of storeys- Residential zoned land</i>	<i>2 storeys plus loft</i>	<i>4 storeys</i>	<i>Supported - as above.</i>

Stores	4 square metres and 1.5 metres dimension	15 of the 62 stores have internal area of 3.6 square metres and 21 stores are not accessible from outside.	Supported - as the variation to the depth and size of some the stores is considered acceptable as the proposed development forms part of a mixed use development where the needs of the residents would not be as great as compared to residents/occupiers within a solely residential development. The R Codes explanatory notes further state that provisions or standards for mixed developments should not seek to impose too "high" standard so as to discourage the concept of mixed use development. The reduction in the size of the stores is considered not to be detrimental to the amenity of the locality or the occupiers of the development.
Privacy Setbacks	Balconies- 7.5 metres setback to lot boundary	Less than 7.5 metres as marked (5) on plans	Not supported - undue impact on neighbouring properties and a condition has been recommended for those affected balconies to be adequately screened.
Pedestrian Footpath	1.2 metres wide	1.0 metre	Supported – as the access proposed is considered as safe and comfortable for the residents and would be visitors to the site. Furthermore there are alternative pedestrian footpath accesses provided to the subject site.
Plot Ratio for Single Bedroom Dwelling	60 square metres	Units B1 and 2 are 54.7 square metres each. Units C1, C2, C3, C4, C5, C6, C11, C12, C13, C14, C15, C16 are 68.2 square metres each. Units C7, C8, C9, C10, C17, C18, C19, C20 are 65.7 square metres each.	Supported-on the basis that a condition is imposed that the internal construction be built as per the approved plans.

<i>Building Setbacks:</i>			
<i>Ground floor-Block A-North elevation</i>	<i>1.0 metre</i>	<i>Nil</i>	<i>Supported - as the setback variations requested are partly due to the height of the proposal. Most of the other high rise developments if they were to be built under current standards would also involve setback variations. The variation is not considered to have an undue impact on the affected neighbours.</i>
<i>Ground floor-Block A-East elevation (McCarthy Street)</i>	<i>4.0</i>	<i>Nil</i>	<i>Supported - as above</i>
<i>Ground floor-Block B- East elevation</i>	<i>1.5 metres</i>	<i>Nil</i>	<i>Supported - as above</i>
<i>Ground Floor-Block C - South elevation</i>	<i>1.5 metres</i>	<i>Nil</i>	<i>Supported - as above</i>
<i>Ground Floor-Block C-West elevation</i>	<i>Nil</i>	<i>1.375 metres</i>	<i>Supported - as above</i>
<i>First floor-Block A-South elevation</i>	<i>2.1 metres</i>	<i>1.565 metres</i>	<i>Supported - as above</i>
<i>First floor-Block A-East elevation</i>	<i>1.5 metres</i>	<i>0.485 metre</i>	<i>Supported - as above</i>
<i>First Floor-Block B-West elevation</i>	<i>4 metres</i>	<i>2.653 metres</i>	<i>Supported - as above</i>
<i>First Floor-Block C-South elevation</i>	<i>2.6 metres</i>	<i>Nil</i>	<i>Supported - as above</i>
<i>Second floor-Block A-south elevation</i>	<i>2.6 metres</i>	<i>1.508 metres</i>	<i>Supported - as above</i>
<i>Second floor-Block A-East elevation</i>	<i>1.5 metres</i>	<i>0.571 metres</i>	<i>Supported - as above</i>

<i>Second floor-Block B-North elevation</i>	<i>3 metres</i>	<i>2.8 metres</i>	<i>Supported - as above</i>
<i>Second floor-Block B-West elevation</i>	<i>4 metres</i>	<i>2.653 metres</i>	<i>Supported - as above</i>
<i>Second floor-Block C-South elevation</i>	<i>3.7 metres</i>	<i>Nil</i>	<i>Supported - as above</i>
<i>Third floor-Block C-South elevation</i>	<i>4.7 metres</i>	<i>Nil</i>	<i>Supported - as above</i>
<i>Fourth Floor-Block C</i>	<i>6 metres</i>	<i>Nil</i>	<i>Supported - as above</i>
<i>Consultation Submissions</i>			
<i>Support (Nil)</i>	<i>Noted</i>		<i>Noted.</i>
<i>Objection (4)</i>	<i>Density – the proposal density is double what is allowed, which will have a detrimental affect on the general amenity of the area.</i>		<i>Not supported - as the development as designed would benefit the area without undue adverse impact to the surrounding amenity, in terms of bulk and scale.</i>
	<i>Number of dwellings – An increase of 138 per cent over and above that permitted would have a detrimental affect on the general amenity of the area.</i>		<i>Not supported - as above.</i>
	<i>Plot Ratio – An increase from 1.0 to 1.69 is excessive and would have a detrimental affect on the general amenity of the area.</i>		<i>Not supported - as the Town has considered higher plot ratios provided that the "total development package" fits in with the surrounding development.</i>
	<i>Car Parking - concern that that the development will increase demand for on-street car parking, to the detriment of the existing residents.</i>		<i>Not supported - as the car parking for the above site is compliant with the Town's and the R Codes requirements.</i>

	<p><i>Traffic movements - suggest that additional road alignment works need to be undertaken to make traffic movements safe. Concern that the development increases traffic in the right of way and McCarthy Street which is currently very quiet.</i></p>	<p><i>Not supported – as the Town’s Technical Services is satisfied with the traffic and safety aspects as addressed in the Transport Statement dated 29 January 2007, prepared by “SHAWMAC”. The development traffic can be accommodated within the road network with no undue impact expected.</i></p>
	<p><i>Bin storage - concern that the proposed location of the bin stores along side the McCarthy Street boundary will have unreasonable smell and visual impact on the surrounding residences.</i></p>	<p><i>Supported – as revised plans have been submitted indicating the bin area along McCarthy Street being removed and relocated to other parts of the development site.</i></p>
	<p><i>Number of storeys – the proposed size and height will have a visual impact on the surrounding and adjacent residents and detrimental impact on the amenity of the area.</i></p>	<p><i>Not supported-as there are other similar high rise building in the area and also gives prominence to this strategically located site.</i></p>
	<p><i>Privacy – concern that the development will provide privacy problems between adjoining owners.</i></p>	<p><i>Supported - see Non-Compliance Table above for comments.</i></p>
	<p><i>Building Setbacks – concern that none of the setbacks comply to the detriment of the amenity of the surrounding residents and streetscape</i></p>	<p><i>Not supported- as the building setbacks are not considered to create an undue, adverse effect on the area. Moreover multi-storey development such as this would not be able to be built if the setbacks in the R Codes were applied strictly. The overall proposal is considered to comply with the performance standards of the R Codes.</i></p>

	<i>Excessive concessions sought – the architect's state in their covering letter that 62 units were required to make the project economically viable. If that this the case the developer has paid too much for the site and it is not the Council's responsibility to grant excessive concessions to help the numbers add up. The proposed development exceeds most requirements and the sheer size, bulk and boundary setback variations will have detrimental implications to all adjoining property owners. Recognise that some concessions have been granted in the past, however this application increases those previously approved and is excessive.</i>	<i>Not supported - as the Town has the ability through its Town Planning Scheme and Policies to vary requirements based on individual merit of the development proposal, as in this case.</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>Commercial Car Parking</i>		
<i>Shop: 1 car bay per 15 square metres of gross floor area (proposed 84 square metres) = 5.6 car bays. Total =6 car bays To nearest whole number</i>		<i>6 car bays</i>
<i>Apply the parking adjustment factors.</i> <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 400 metres of one or more public car parks in excess of 50 spaces) ▪ 0.80 (contains a mix of uses, with at least 45 per cent of gross floor area residential) ▪ 0.95 (provision of bicycle parking facilities) ▪ 		<i>(0.5491) 3.29 car bays</i>
<i>Car parking provided on-site for commercial component</i>		<i>9 car bays</i>
<i>Resultant surplus</i>		<i>5.71 car bays</i>
<i>Bicycle Parking</i>		
<i>Requirements</i>	<i>Required</i>	<i>Provided</i>
<i>Shop</i> <ul style="list-style-type: none"> • 1 space per 300 (proposed 84) square metres gross floor area (Class 1 or 2). • 1 space per 200 (proposed 84) square metres (Class 3) 	<i>0.28 space 0.42 space</i>	<i>As above. As above.</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.*

** 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

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). In mixed use developments, the residential component requires the provision of 62 car bays, based on the standard of one (1) car bay for each of the 62 proposed multiple dwellings with 10 per cent of the required car bays being allocated as visitor car bays. The number of car bays provided for the residential component is 62 car bays plus another 6 visitor car bays.

A total of 77 car bays have been provided for the entire development, therefore, resulting in 9 car bays available for the commercial component.

COMMENTS:

The proposal has been referred to the Western Australian Planning Commission (WAPC) as the proposal abuts Beaufort Street, which is classified as an "Other Regional Road" and also due to regional transport planning implications. In summary, the WAPC has no objections to the proposal under regional transport planning grounds and recommends widening of the rear ROW and modifying of the rear ROW layout so that traffic can also perform left turn movements to access McCarthy Street. In relation to these comments, the Town's Technical Services has advised it is satisfied with the ROW widening allowance proposed by the applicant, as shown on the plans and it does not support the redesign of the traffic movement system to allow left turn movements to access McCarthy Street.

The application is considered acceptable and therefore, supported subject to standard and appropriate conditions to address the above matters."

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

Ward:	South	Date:	13 July 2007
Precinct:	Beaufort; P13	File Ref:	PRO0058 5.2007.222.1
Attachments:	001 002		
Reporting Officer(s):	S Kendall, S Teymant		
Checked/Endorsed by:	-	Amended by:	John Giorgi R Boardman

CHIEF EXECUTIVE OFFICER'S AND DIRECTOR OF DEVELOPMENT SERVICES' RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by C S Lau on behalf of the owner C S & J S Lau & M K De Almeida for proposed Demolition of Existing Commercial Building, at No. 441 (Lot 11 D/P: 1114) William Street, Perth and as shown on plans stamp-dated 15 June 2007, subject to the following conditions:

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) support of the demolition application is not to be construed as support of any Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
- (iv) demolition of the existing commercial building may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing buildings valued by the community;*
- (v) any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies;*
- (vi) the owner being required to undertake approved landscaping plan works and this shall be completed within three (3) months from the issue of the demolition licence and maintained in accordance with the Landscape Plan thereafter until redevelopment works are carried out; and*
- (vii) the owner entering into a Legal Agreement with the Town (prepared by the Town at the owners expense), prior to the issue of a demolition licence to;*
 - (a) provide a detailed Landscaping Plan, prepared in consultation with the Town's Parks Services Section for the site at No. 441 (Lot 11 D/P: 1114) William Street, Perth. The Plan shall be submitted and approved prior to the issue of a Demolition Licence. The approved landscaping plan works shall be undertaken and completed within three 3 months from the issue of the Demolition Licence and maintained thereafter by the owner(s)/occupier(s);*

- (b) a bond of \$8,500 being paid by the owners, prior to a demolition licence being issued, to ensure the landscape plan is implemented within the time period and thereafter maintained to the satisfaction of the Chief Executive Officer;
- (c) the Town being able to carry out the Landscape Plan works and thereafter maintain it to an appropriate appearance and standard, and draw on the bond as required in the absolute discretion of the Town's Chief Executive Officer, in the event of non-compliance by the owners; and
- (d) such Legal Agreement to remain in effect until redevelopment works commence.

Moved, Cr Doran-Wu Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Doran-Wu, Seconded Cr Farrell

That a new clause (vii)(c) be inserted;

PROPOSED AMENDMENT:

That clauses (vi) and (vii)(a) be amended; a new clause (vii) (c) be added; and existing clauses (vii) (c) and (d) be renumbered as follows:

"(vi) the owner being required to undertake approved low height visually permeable landscaping plan works, including the provision of lighting for the site and this shall be completed within three (3) months from the issue of the demolition licence and maintained in accordance with the Landscape Plan thereafter until redevelopment works are carried out; and

(vii) the owner entering into a Legal Agreement with the Town (prepared by the Town at the owners expense), prior to the issue of a demolition licence to;

(a) provide a detailed Landscaping and Lighting Plan, prepared in consultation with the Town's Parks Services and Technical Services Section for the site at No. 441 (Lot 11 D/P: 1114) William Street, Perth. The Plan shall be submitted and approved prior to the issue of a Demolition Licence. The approved landscaping and lighting plan works shall be undertaken and completed within three 3 months from the issue of the Demolition Licence and maintained thereafter by the owner(s)/occupier(s);

(b) a bond of \$8,500 being paid by the owners, prior to a demolition licence being issued, to ensure the landscape plan is implemented within the time period and thereafter maintained to the satisfaction of the Chief Executive Officer . In the event that the bond is drawn upon, such bond shall be maintained at a level of \$8,500 until the redevelopment works are recommenced;

(c) a bond of \$10,000 being paid by the owners, prior to a demolition licence being issued, to ensure the lighting plan is implemented within the time period and thereafter maintained to the satisfaction of the Chief Executive Officer;

(e)(d) the Town being able to carry out the Landscape Plan works and thereafter maintain it to an appropriate appearance and standard, and draw on the bond as required in the absolute discretion of the Town's Chief Executive Officer, in the event of non-compliance by the owners; and

(d)(e) such Legal Agreement to remain in effect until redevelopment works commence."

Debate ensued.

Cr Farrell departed the Chamber at 7.25pm

Debate ensued.

Cr Farrell returned at 7.27pm.

Debate ensued.

The Chief Executive Officer recommended the words "in the event that the bond is drawn upon, such bond shall be maintained at a level of \$8,500 dollars until the redevelopment works are commenced, be inserted at the end of (vii)(b).

The mover, Cr Doran-Wu and the seconder Cr Farrell consented to these words being inserted.

AMENDMENT PUT AND CARRIED (8-0)

Debate ensued.

AMENDMENT

Moved, Cr Lake Seconded Cr Messina

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

(viii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence, complying with the following:*

(a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*

(b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*

(c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*

(d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*

- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

Debate ensued.

AMENDMENT PUT AND CARRIED (8-0)

AMENDMENT

Moved, Cr Messina Seconded Cr Farrell

That a new clause (vii)(f) be inserted as follows;

“(vii)(f) indemnify the Town against any claims whatsoever that may arise as a result of this matter.”

AMENDMENT PUT AND CARRIED (8-0)

MOTION AS AMENDED PUT AND CARRIED (8-0)

COUNCIL DECISION ITEM 10.1.8

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by C S Lau on behalf of the owner C S & J S Lau & M K De Almeida for proposed Demolition of Existing Commercial Building, at No. 441 (Lot 11 D/P: 1114) William Street, Perth and as shown on plans stamp-dated 15 June 2007, subject to the following conditions:

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

- (v) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies;*
- (vi) *the owner being required to undertake approved low height visually permeable landscaping plan works, including the provision of lighting for the site and this shall be completed within three (3) months from the issue of the demolition licence and maintained in accordance with the Landscape Plan thereafter until redevelopment works are carried out;*
- (vii) *the owner entering into a Legal Agreement with the Town (prepared by the Town at the owners expense), prior to the issue of a demolition licence to;*
 - (a) *provide a detailed Landscaping and Lighting Plan, prepared in consultation with the Town's Parks Services and Technical Services Section for the site at No. 441 (Lot 11 D/P: 1114) William Street, Perth. The Plan shall be submitted and approved prior to the issue of a Demolition Licence. The approved landscaping and lighting plan works shall be undertaken and completed within three 3 months from the issue of the Demolition Licence and maintained thereafter by the owner(s)/occupier(s);*
 - (b) *a bond of \$8,500 being paid by the owners, prior to a demolition licence being issued, to ensure the landscape plan is implemented within the time period and thereafter maintained to the satisfaction of the Chief Executive Officer. In the event that the bond is drawn upon, such bond shall be maintained at a level of \$8,500 dollars until the redevelopment works are commenced;*
 - (c) *a bond of up to \$10,000 being negotiated and paid by the owners, prior to a demolition licence being issued, to ensure the lighting plan is implemented within the time period and thereafter maintained to the satisfaction of the Chief Executive Officer;*
 - (d) *the Town being able to carry out the Landscape Plan works and thereafter maintain it to an appropriate appearance and standard, and draw on the bond as required in the absolute discretion of the Town's Chief Executive Officer, in the event of non-compliance by the owners; and*
 - (e) *such Legal Agreement to remain in effect until redevelopment works commence;*
 - (f) *indemnify the Town against any claims whatsoever that may arise as a result of this matter; and*

- (viii) *plans shall be submitted and approved demonstrating any new street/front wall and fence including along the side boundaries within the front setback area, complying with the following:*
- (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

BACKGROUND:

The Council at its Ordinary Meeting held on 13 March 2007 considered the proposed demolition of the subject place at No. 441 William Street, Perth. Due to concerns regarding vagrant activity at the site, the applicant requested the non-application of the Town's standard condition requiring a development proposal for the redevelopment of the subject property being approved by the Town prior to the issue of a Demolition Licence. The matter was refused by the Council for the following reasons:

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

DETAILS:

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

As per the previous application that was considered by the Council at its Ordinary Meeting held on 13 March 2007, the applicant is seeking consideration of the non-application of the Town's standard condition requiring a development proposal for the redevelopment of the subject property being approved by the Town prior to the issue of a Demolition Licence. The owners, in a letter dated 13 June 2007, have requested that the standard condition not be applied for the following reasons:

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

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

In addition to the letter from Andreotta Cardenosa Consulting Engineers, the applicant has also resubmitted a petition from neighbouring residents and businesses, which requests that the Council approve the demolition of the subject building in light of its poor condition and on-going problems with squatters. A letter of support for the demolition of the subject place has also been provided by John Hyde MLA, Member for Perth, dated 5 July 2007, which was received during the period of Community Consultation. Both the petition and letter from Mr Hyde are contained within the attachment to this report.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Consultation Submissions			
Support (4)	<ul style="list-style-type: none"> • Whilst the applicant has expended considerable funds on fencing and securing the property it has continuously been broken into by squatters and drug dealers. • Given the upgrade that both the Council and State Government are funding, it would enhance the streetscape and encourage others to be proactive in the regeneration of private buildings. 	Noted.	Noted.

Objection	Nil	Noted.
Comment	<ul style="list-style-type: none"> The writer requests details of when the demolition works will be taking place and details of the Demolition Contractor. The writer requests written assurance that if there is any damage to their property as a result of the demolition, they will be compensated. 	<p>Noted - A Demolition Licence Application has not yet been submitted to the Town, outlining the proposed contractors. This is a civil matter, which needs to be addressed between both adjoining property owners.</p> <p>Noted - This is a civil matter, which needs to be resolved between both adjoining property owners.</p>
Other Implications		
Legal/Policy		TPS 1 and associated Policies and the Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

COMMENTS:

Health Comments

The vacant premises at No. 441 William Street, Perth has presented significant problems for the Town, the Western Australian Police and surrounding residents and business owners, since April 2003, due to the frequent use, and subsequent anti-social behaviour created by squatters. Despite being secured against entry on numerous occasions by both the Town's contractors and the property owner, the premises continues to be used by squatters, resulting in nearby residents and business owners contacting the Town and Police Services with complaints regarding unauthorised use. The Town's Health Services subsequently support the demolition of the building at No. 441 William Street, Perth, as soon as practical to alleviate the serious, social, health and amenity concerns created by the property.

In addition, it has been noted by the Town's Health Services and Safer Vincent Co-ordinator, and has been reported in *The West Australian* newspaper, that the homeless community is burgeoning due to the tight housing market and exorbitant rental demands. This unprecedented growth is particularly noticeable in the Town, particularly in those suburbs nearest to the CBD, such as Perth, Highgate, East Perth and even some parts of West Perth. The desperation of the homeless for shelter has resulted in vacant buildings within the suburbs of Perth, Highgate, East Perth and West Perth being readily occupied almost immediately upon having been secured/vacated. This desperation has also lead to the traditional practice of securing derelict buildings with corrugated iron and/or cyclone fencing as being rendered useless. The homeless community through their desperation have become more resourceful, obtaining access to both hand and power tools to easily remove or cut through secured buildings.

It is considered that the problems presented to the community in relation to the use of derelict buildings considerably outweigh current planning objectives of promoting and placing conditions on applications to demolish problem properties, in such a manner that results in the inevitable retention of existing derelict buildings. This in turn leads to considerable difficulties from an Officer perspective in terms of maintaining workable relationships with derelict property owners and complainants, ultimately resulting in considerable community dissatisfaction and disenchantment with the Town's processes and objectives.

As a result, should a building (such as No. 441 William Street, Perth) present no heritage value to the Town, within the areas of Perth, Highgate, East Perth and West Perth, then Health Services would strongly advocate the unconditional demolition approval of such buildings without a concurrent development application being submitted, as the only effective means of mitigating the social, health and amenity concerns created by such buildings; not to mention the burden placed on the Town's resources.

Heritage Comments

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

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

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

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

Chief Executive Officer's Comment

The Chief Executive Officer amended this report by requiring the owner to carry out and thereafter maintain the landscaping of the land and to also enter into a Legal Agreement and pay a bond for the Landscape Plan works. The Legal Agreement will ensure the landscaping will be carried out. The Town will be able to act in the case of default by the owners.

The Council approval of the demolition of this building is strongly recommended in this case for the following reasons:

1. The building does not have any heritage significance.
2. The building is considered structurally unsound and the internal staircase in danger of collapse, as indicated by a consulting engineer.

3. The potential for a death or serious injury being caused to a person entering the building (eg. homeless person) is a reality. The Council has a “duty of care” to take appropriate action to prevent a death or serious injury, as it is now aware of the risk. Despite the best actions of the owner and the Town’s Health Service Officers to secure the building from unauthorised entry, it is evident that these actions are ineffective and persons are continually entering the building (at great risk to themselves).
4. In view of the Council’s “duty of care” responsibility to take appropriate action, if the Council fails to do so, in the opinion of the Chief Executive Officer, this exposes the Town to potential litigation or a claim, if a death or serious injury does occur. Whilst any possible litigation or claim may be unsuccessful, the cost of defending such actions would be expensive and time-consuming of staff resources. Irrespective of the outcome, negative publicity would also result against the Council.
5. The derelict appearance of the building is a blight on the area and is the subject of frequent negative public opinion.
6. The Town’s upgrade of William Street is currently in progress and to have a derelict building remaining does not contribute to the amenity of the upgraded streetscape.
7. The Town’s Officers are spending considerable time dealing with complaints and trying to secure the derelict building. These resources can be better utilised.
8. A petition (of approximately 34 petitioners in the area) in supporting the demolition of the derelict building, as does the Local Member of Parliament, John Hyde.
9. The owner will be required to enter into a Legal Agreement with the Town to implement a Landscape Plan, to ensure the amenity of the area is improved and maintained. A bond of \$8,500 should be imposed to ensure the landscaping is implemented and maintained. The Town to draw on the bond, in the event of non-compliance by the owner.
10. The requirement of the owner to enter into a Legal Agreement and pay a bond of \$8,500 to ensure that the Landscape Plan is implemented and thereafter maintain is considered an appropriate condition, in lieu of the owner not complying with the Town requirement to submit a development proposal for the site. This condition will ensure that the owner can proceed with demolition and the Council can be satisfied that the appearance of the site will be maintained.

10.1.11 No. 4 (Lot 501) Money Street, Corner Washing Lane, Northbridge - Proposed Three Storey Commercial Development - Land within the East Perth Redevelopment Authority (EPRA) Area

Ward:	South	Date:	17 July 2007
Precinct:	Beaufort;P13	File Ref:	PRO2980
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

the Council ADVISES the East Perth Redevelopment Authority (EPRA) that it DOES NOT SUPPORT the Proposed Three Storey Commercial Development at No. 4 (Lot 501) Money Street, corner Washing Lane, Northbridge and as shown on plans stamp dated 23 May 2007, 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 development does not provide adequate car parking including parking for persons with disabilities;*
- (iii) the development is not of a scale compatible with the existing streetscape and does not relate to the height, bulk or form of the adjacent single storey dwelling at No. 6 (Lot 502) Money Street, Northbridge and the immediate surrounding area;*
- (iv) the development is non-compliant with a significant number of the Building Code of Australia (BCA) provisions. A Building Licence will not be issued by the Town for the development until it has been deemed to satisfy all the BCA requirements. It is recommended that a private Building Consultant, be commissioned by the applicant/owner to prepare a BCA Assessment Report;*
- (v) the location of bin store should be relocated and the area enclosed. The bin store should be located in an area, which has direct access to a pick up point as opposed to its current location behind the car bays;*
- (vi) the building along the Money Street frontage does not provide an active and interactive relationship with this street.*

COUNCIL DECISION ITEM 10.1.11

Moved, Cr Farrell Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (7-1)

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

Against
Cr Messina

(Cr Torre on approved leave of absence.)

PURPOSE OF REPORT:

The East Perth Redevelopment Authority has referred the subject development application to the Town of Vincent, being the adjoining local authority, for comment.

BACKGROUND:

The subject site at No. 4 (Lot 501) Money Street, corner Washing Lane, Northbridge is currently vacant, and is under the jurisdiction of East Perth Redevelopment Authority (EPRA).

Whilst the site is within the jurisdiction of EPRA, the above site when included in the Town of Vincent will fall within the Beaufort Precinct.

DETAILS:

The proposal involves the construction of a contemporary three-storey commercial building, which will be constructed from tilt up concrete panels, Alpolic Aluminium cladding and glass curtain walling. It is understood that the building will be used as an Office. All vehicular access is off Washing Lane.

The proposed development is flanked to the south by Washing Lane and by a brick and iron Federation Bungalow, which is on EPRA's Heritage List, along its northern boundary.

CONSULTATION/ADVERTISING:

Not required.

LEGAL/POLICY:

East Perth Redevelopment Act 1991.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The assessment of the proposal has been undertaken in accordance with the Town's Beaufort Precinct Policy No: 3.1.13 with reference to the EPRA's Village Northbridge Design Guidelines for the Lindsay Street Precinct.

Land Use

The Village Northbridge Design Guidelines for the Lindsay Street Precinct states that the preferred land use for the subject site is Mixed Use/Commercial/Residential. The proposed sole commercial use for the subject site appears to be in conflict with the Beaufort Precinct Policy, which states that *'opportunities to improve the amenity of the area exist through the redevelopment of under-utilised or vacant sites to achieve predominantly residential development'* and that *'commercial uses are not to be permitted to develop independently of residential uses'*.

The Town's Strategic Planning Officers consider that the provision of such a large scale commercial development is undesirable for the subject site and surrounding area. In accordance with the Beaufort Precinct Policy, the preferred uses would be for a residential or mixed used commercial/residential development.

Building Scale and Design

The proposed contemporary development appears to be inconsistent with both the objectives of the Village Northbridge Design Guidelines for the Lindsay Street Precinct and the Town's Beaufort Precinct Policy.

The Beaufort Precinct Policy states that *'new buildings should be of a scale compatible with the majority of existing buildings and comprise a consistent built form in relation to height, setbacks and street frontage.'* The Village Northbridge Design Guidelines for the Lindsay Street Precinct states *'the height of proposed development in relation to existing buildings plays an integral role in the establishment of consistent rhythm of the streetscape'* and *'the materials to be utilised by developments should reflect and highlight the traditional building materials utilised by the original industrial and cottage style buildings within the precinct.'*

The proposed three-storey development, which is constructed from tilt up concrete panels, Alpolc Aluminium cladding and glass curtain walling has a very dominant appearance when viewed from Money Street and Washing Lane. Whilst innovative and contemporary design is encouraged, it is considered that the bulk, scale and material selection of the proposed development will overwhelm and dominate the adjacent heritage listed property and the streetscape. It is recommended that further consideration be given to the interface of the proposed development and its relationship with the surrounding existing development, including the Money Street Interface.

Car Parking

EPRA's Lindsay Street Precinct Guidelines require a maximum of 1 car bay per 70 metres square. The subject development, which comprises 480 metres square of floor area, requires a maximum of 7 car bays. The subject development proposes six car parking bays, which are designed in a tandem arrangement. This effectively means that three out of the six car bays cannot be used independently if the spaces behind them are occupied. The applicants have advised that the car parking has been designed as tandem bays as it is *'envisaged that the office development will only contain a maximum of three tenancies who will each be allocated 2 car bays.'*

Notwithstanding the applicant's comments, it is considered important to acknowledge that the Council or EPRA will not have any control over the management, or level of employees at the premises. In addition to this, the proposed car parking arrangement does not take into consideration visitors parking needs and does not even provide a car bay for persons with a disability.

The Town's Beaufort Precinct Policy states that *'adequate car parking is to be provided on-site to ensure that unreasonable commercial parking does not spill into adjacent residential streets'*. In accordance with the Town's Parking and Access Policy No. 3.7.1 and associated adjustment factors, the proposed development would need to provide 8 car bays and not in a tandem layout. It is considered that the proposal does not provide an adequate supply of readily accessible car bays in this instance.

Building Services

The Town's Building Services have advised that the application does not comply with a significant number of the Building Code of Australia (BCA) provisions, of which there are too many variations to list. Building Services recommend that the application not be approved until the plans have been amended to comply with the BCA provisions. In order for the applicant to achieve compliance with the BCA provisions, it is recommended that they employ a private Building Consultant to prepare a BCA Assessment Report.

Technical Services

The Town's Technical Services have reviewed the scope of the works and have advised that as the development will be located directly above a sewerage easement, which is located along the eastern boundary of the site, the development plans will need to be submitted to and approved by the Water Corporation. The Town's Officers also recommended that the location of bin store should be relocated and the area be enclosed. The bin store should be located in an area, which has direct access to a pick up point as opposed to being behind the car park facilities.

SUMMARY:

The proposed development is not considered an appropriate development in terms of land use, car parking, building bulk and scale and design, including non-compliance with a significant number of BCA requirements. It is recommended that the Council not support the proposal in its current form and the owner submit revised plans to address the above mentioned issues.

10.1.12 No. 182 (Lot 511) Newcastle Street, Dual Frontage to Washing Lane Northbridge - Twelve (12) Multiple Residential Dwellings - Land Within The East Perth Redevelopment Authority (EPRA) Area

Ward:	South	Date:	16 July 2007
Precinct:	Beaufort;P13	File Ref:	PRO2980
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

the Council ADVISES the East Perth Redevelopment Authority (EPRA) that it DOES NOT SUPPORT the Proposed Twelve (12) Multiple Residential Development at No. 182 (Lot 511) Newcastle Street, Dual Frontage to Washing Lane, Northbridge, and as shown on plans stamp dated 25 June 2007, 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 development is not of a scale or density compatible with the existing streetscape and does not relate to the height, bulk or form of the single storey dwelling, adjacent to the eastern side of the subject place at Lot 510 Newcastle Street, Northbridge;*
- (iii) the development is non-compliant with a significant number of the Building Code of Australia (BCA) provisions. A Building Licence will not be issued by the Town for the development until it has been deemed to satisfy all the BCA requirements. It is recommended that a private Building Consultant, be commissioned by the applicant to prepare a BCA Assessment Report;*
- (iv) the storage areas do not comply with the Residential Design Codes, which requires a minimum dimension of 1.5 metres with an internal area of at least 4 square metres for each multiple dwelling; and*
- (v) the location of bin store area is insufficient for the expected use and this area should be enclosed.*

COUNCIL DECISION ITEM 10.1.12

Moved, Cr Farrell Seconded Cr Maier

That it be noted that this Item was WITHDRAWN at the request of the applicant.

MOTION PUT AND CARRIED (6-2)

For

Mayor Catania

Cr Doran-Wu

Cr Farrell

Cr Ker

Cr Lake

Cr Maier

Against

Cr Chester

Cr Messina

(Cr Torre on approved leave of absence.)

PURPOSE OF REPORT:

The East Perth Redevelopment Authority (EPRA) has referred the subject development application to the Town of Vincent for comment, being the adjoining local authority.

BACKGROUND:

The East Perth Redevelopment Authority has referred the subject development application to the Town of Vincent, being the adjoining local authority, for comment.

Whilst the site is within the jurisdiction of EPRA, the above site when included in the Town of Vincent will fall within the Beaufort Precinct.

DETAILS:

The proposal involves the construction of a contemporary four storey multiple dwelling complex, which comprises of nine two-bedroom multiple dwellings and three one-bedroom multiple dwellings.

The proposed development presents as a three storey building along the Newcastle Street frontage and as a four storey building to Washing Lane. Access to the undercroft car parking facility is off Washing Lane.

The following variations are being sought, from the Village Northbridge Design Guidelines for the Lindsay Street Precinct:

- The required site coverage is 80 per cent, and the proposed site coverage is 82.6 per cent.
- The required height of the development is to be restricted to 9 metres or two-storeys. The proposed development comprises four storeys at a height of 12.001 metres.
- Density of R100, allows a potential of 4.27 dwellings. Two of the three single bedroom dwellings exceed the maximum plot ratio floor area of 60 square metres. This extra floor area is considered acceptable, subject to the dwellings being built in accordance with the proposed floor layout.
- The proposed density, taking into account the three single bedroom dwellings is R257. The proposed density variation is considered an overdevelopment of the site and not supported as reflected in the Officer Recommendation.
- The front setback is required to be consistent and sympathetic with the setbacks of the adjoining existing building. The development is set in front of and towers above the single storey dwelling, located along the eastern side of the subject site at Lot 510 Newcastle Street, Northbridge, which is on the EPRA's Heritage List.

- The applicant has staggered the arrangement of the two units along the Ground Floor, with unit one, which is adjacent to the eastern boundary, being setback 4.395 metres from the street. However, this does not satisfy the requirement for the front setback to be consistent and sympathetic with the setbacks of the adjoining existing building.
- An overshadowing diagram was not provided to ascertain the extent of impact on the adjoining dwelling.
- The proposed storage areas for the units do not comply with the R Codes, which require a minimum dimension of 1.5 metres with an internal area of at least 4 square metres for each multiple dwelling.

CONSULTATION/ADVERTISING:

Not required.

LEGAL/POLICY:

East Perth Redevelopment Act 1991.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Building Services

The Town's Building Services have advised that the application does not comply with a significant number of the Building Code of Australia (BCA) provisions, of which there are too many variations to list. Building Services recommend that the application not be approved until the plans have been amended to comply with the BCA provisions. In order for the applicant to achieve compliance with the BCA provisions, it is recommended that they employ a private Building Consultant to prepare a BCA Assessment Report. The Town's Building Services have advised that they will be available to discuss this matter further with the applicants and that a Building Licence will be required for the proposed development.

Technical Services

The Town's Technical Services have reviewed the scope of the works and have advised that, in the absence of proper scaled drawings, it is difficult to ascertain the functionality of the parking area. Based on a preliminary assessment, it appears car-bay No. 12 is non-compliant and that a number of other bays may also not comply. The Town's Officers also consider that the bin store area is insufficient for the expected use and that this area should be enclosed.

Health Services

The proposed laundries in Units 5, 6, 9 and 10 do not comply with the Town's requirements, as set by the Health Act (Laundries and Bathrooms) Regulations 1971. The requirements state that the laundry is to be located in a separate room and is not to be located in a room in which food is prepared, stored, served or consumed. The opening between a laundry and kitchen/dining area shall not extend for more than half the width of the room. It shall not be less than 760millimetres, and not more than 1.2metres. The wall separating the laundry facilities from the kitchen is to be at least 1.8metres high.

In order to satisfy these requirements, amended plans will need to be submitted, that comply with the above, prior to the issue of a Building Licence.

Planning Services

As previously stated, prior to the site coming within the jurisdiction of EPRA, the above site when under the Town of Vincent, fell within the Beaufort Precinct. The assessment of the proposal has been undertaken in accordance with the Town's Beaufort Precinct Policy No: 3.1.13. The Beaufort Precinct Policy states that the area is to become, essentially, a *'mixed-use area of predominantly residential uses. New buildings should be of a scale compatible with the majority of existing buildings and comprise a consistent built form in relation to height, setbacks and street frontage'*.

The subject portion of Newcastle Street, between Money Street and Lindsay Street, comprises three single storey dwellings, which are on the EPRA's Heritage List and two vacant blocks. Whilst the subject site will act as a buffer between any future development on the corner of Newcastle Street and Money Street and the single storey dwellings, it is considered that the proposed development is too intensive in its current form and that further consideration should be given, as well as its relationship with the existing heritage listed buildings.

The Town's Officers acknowledge that the proposed development reflects current development trends further along Newcastle Street. However, it is not considered that the proposed development has had due regard to the policies and provisions of the Village Northbridge Design Guidelines for the Lindsay Street Precinct especially in relation to density, building scale, bulk, form and setbacks. The proposal is not considered supportable for the abovementioned reasons.

10.1.14 Interim Landscaping Proposal for Nos. 204, 206, 206A, 208-210, 212-214, 216, 220, 222, 224, 226 & 228 (Lots 202-209, 233-236), East Parade, Mount Lawley and Nos. 40 and 42 (Pt Lots 253, 254, 255 and 256) Guildford Road, Mount Lawley

Ward:	South	Date:	18 July 2007
Precinct:	Banks; P15	File Ref:	PRO2552; RO2962; PRO0985; TES0295; TES0303; 5.2005.2727.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	-	Amended by:	John Giorgi, R Boardman

CHIEF EXECUTIVE OFFICER'S AND DIRECTOR DEVELOPMENT SERVICES' RECOMMENDATION:

That the Council:

- (i) *RECEIVES the report on the proposed Interim Landscape Proposal Guildford Road/East Parade, Mount Lawley submitted by the Department of Planning and Infrastructure;*
- (ii) *ADVISES the Department of Planning and Infrastructure (DPI) that;*
 - (a) *approval has not been given by the Town for the demolition of the existing single dwelling at No.40 (Pt Lots 253 and 254) Guildford Road, Mount Lawley and that the place, which is listed on the Town's Municipal Heritage Inventory (MHI) has cultural heritage value and is worthy of retention. Any proposal to demolish the place must be considered after the requirements, as outlined in the Town's Heritage Management - Adding/Deleting/Amending Places Listed on the MHI Policy No. 3.6.5, have been satisfied;*
 - (b) *the Interim Landscape Proposal Guildford Road/East Parade, Mount Lawley, produced by the Western Australian Planning Commission (WAPC) satisfies the Town's requirements for a Landscaping proposal for the properties 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 No. 42 (Lot 255 and 256) Guildford Road, Mount Lawley, and that it SUPPORTS the implementation of Option Three as outlined in the Interim Landscape Proposal Guildford Road/East Parade, Mount Lawley;*
 - (c) *the final Policy for the development of the subject land, resulting from the East Perth Regeneration Project shall be submitted to the Town for endorsement under the Town's Town Planning Scheme by no later than 31 December 2007 and that the subject land shall not be sold until the document has been included within the Town's Town Planning Scheme; and*
 - (d) *the East Perth Regeneration Project shall incorporate provisions and development guidelines for the future care, conservation and management of the dwelling at No. 40 (Lots 253 and 254) Guildford Road, Mount Lawley; and*
- (iii) *APPROVES the issue of Demolition Licences for the places Nos. 204, 206, 206A, 208-210, 212-214, 216, 220, 222, 224, 226 & 228 (Lots 202-209, 233-236), East Parade, Mount Lawley and No. 42 (Lots 255 and 256) Guildford Road, Mount Lawley, subject to the following;*

- (a) *the DPI carrying out the Interim Landscape Proposal of Option 3 (as detailed in this report), within three (3) months of the issue of a Demolition Licence and thereafter, maintain it to the satisfaction of the Town, until redevelopment works commence;*
- (b) *prior to a Demolition Licence being issued, that the DPI enter into a Legal Agreement with the Town (prepared by the Town at the DPI's expense) to;*
1. *maintain the land as a temporary park (as detailed in Landscaping Plan Option 3) by the land owners until such time as the land is finally developed, to the satisfaction of the Town's Chief Executive Officer. (This condition of planning approval is not applicable to the owners of private properties);*
 2. *undertake the approved Landscaping Plan works (Option 3) and this be completed within three (3) months from the issue of the Demolition Licence and maintained thereafter by the DPI/owners/occupier(s) to the satisfaction of the Chief Executive Officer;*
 3. *pay a bond of \$18,500, prior to a demolition licence being issued, to ensure the Landscape Plan is implemented within the time period and thereafter maintained to the satisfaction of the Chief Executive Officer;*
 4. *allow the Town (in the event of non-compliance by the DPI) to be able to carry out the Landscape Plan and thereafter maintain it to an appropriate appearance and standard, and draw on the bond as required in the absolute discretion of the Town's Chief Executive Officer; and*
 5. *require such Legal Agreement to remain in effect until redevelopment works commence.*

Moved, Cr Farrell Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved, Cr Chester Seconded Cr Farrell

That new clauses (iii)(b) 6, (iv) and (v) be added as follows:

- "(iii) (b) 6. *maintain and undertake conservation works to the dwelling at No. 40 (Lots 253 and 254) Guildford Road, Mount Lawley to ensure it is fit for human habitation and to ensure its ongoing protection. The conservation works shall be completed within six (6) months from the issue of the Demolition Licence for the dwellings 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 No. 42 (Lots 255 and 256) Guildford Road, Mount Lawley and maintained thereafter by the DPI/owners to the satisfaction of the Chief Executive Officer;*

- (iv) *WRITES to the Western Australian Planning Commission and/or the Department of Planning and Infrastructure and REQUESTS that they present to the Council, at an Elected Members Forum, on the brief and long term plans/strategy for the East Parade Regeneration Project; and*
- (v) *the Council AUTHORISES the Chief Executive Officer to further write to and meet with the Minister for Planning and Infrastructure and the Director General of the Department for Planning and Infrastructure to ADVISE that in the opinion of the Council, the Western Australian Planning Commission (WAPC) has not taken sufficient measures to ensure the protection of the dwelling at No.40 (Pt Lots 253 and 254) Guildford Road, Mount Lawley, and the action of the WAPC in allowing this dwelling to deteriorate to its current state has set a poor example to the wider community, has had a negative impact on the amenity of the area and has been a poor use of government owned resources which could otherwise have been used to provide low cost accommodation. The WAPC should be more active in maintaining dwellings in its care, control and management within the Town of Vincent and should work with other Government agencies to investigate alternative uses for such properties."*

Debate ensued.

AMENDMENT PUT AND CARRIED (8-0)

MOTION AS AMENDED PUT AND CARRIED (8-0)

COUNCIL DECISION ITEM 10.1.14

That the Council;

- (i) *RECEIVES the report on the proposed Interim Landscape Proposal Guildford Road/East Parade, Mount Lawley submitted by the Department of Planning and Infrastructure;*
- (ii) *ADVISES the Department of Planning and Infrastructure (DPI) that;*
- (a) *approval has not been given by the Town for the demolition of the existing single dwelling at No.40 (Pt Lots 253 and 254) Guildford Road, Mount Lawley and that the place, which is listed on the Town's Municipal Heritage Inventory (MHI) has cultural heritage value and is worthy of retention. Any proposal to demolish the place must be considered after the requirements, as outlined in the Town's Heritage Management - Adding/Deleting/Amending Places Listed on the MHI Policy No. 3.6.5, have been satisfied;*
- (b) *the Interim Landscape Proposal Guildford Road/East Parade, Mount Lawley, produced by the Western Australian Planning Commission (WAPC) satisfies the Town's requirements for a Landscaping proposal for the properties 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 No. 42 (Lot 255 and 256) Guildford Road, Mount Lawley, and that it SUPPORTS the implementation of Option Three as outlined in the Interim Landscape Proposal Guildford Road/East Parade, Mount Lawley;*
- (c) *the final Policy for the development of the subject land, resulting from the East Perth Regeneration Project shall be submitted to the Town for endorsement under the Town's Town Planning Scheme by no later than 31 December 2007 and that the subject land shall not be sold until the document has been included within the Town's Town Planning Scheme; and*

- (d) *the East Perth Regeneration Project shall incorporate provisions and development guidelines for the future care, conservation and management of the dwelling at No. 40 (Lots 253 and 254) Guildford Road, Mount Lawley; and*
- (iii) *APPROVES the issue of Demolition Licences for the places Nos. 204, 206, 206A, 208-210, 212-214, 216, 220, 222, 224, 226 & 228 (Lots 202-209, 233-236), East Parade, Mount Lawley and No. 42 (Lots 255 and 256) Guildford Road, Mount Lawley, subject to the following;*
- (a) *the DPI carrying out the Interim Landscape Proposal of Option 3 (as detailed in this report), within three (3) months of the issue of a Demolition Licence and thereafter, maintain it to the satisfaction of the Town, until redevelopment works commence;*
- (b) *prior to a Demolition Licence being issued, that the DPI enter into a Legal Agreement with the Town (prepared by the Town at the DPI's expense) to;*
1. *maintain the land as a temporary park (as detailed in Landscaping Plan Option 3) by the land owners until such time as the land is finally developed, to the satisfaction of the Town's Chief Executive Officer. (This condition of planning approval is not applicable to the owners of private properties);*
 2. *undertake the approved Landscaping Plan works (Option 3) and this be completed within three (3) months from the issue of the Demolition Licence and maintained thereafter by the DPI/owners/occupier(s) to the satisfaction of the Chief Executive Officer;*
 3. *pay a bond of \$18,500, prior to a demolition licence being issued, to ensure the Landscape Plan is implemented within the time period and thereafter maintained to the satisfaction of the Chief Executive Officer;*
 4. *allow the Town (in the event of non-compliance by the DPI) to be able to carry out the Landscape Plan and thereafter maintain it to an appropriate appearance and standard, and draw on the bond as required in the absolute discretion of the Town's Chief Executive Officer; and*
 5. *require such Legal Agreement to remain in effect until redevelopment works commence;*
 6. *maintain and undertake conservation works to the dwelling at No. 40 (Lots 253 and 254) Guildford Road, Mount Lawley to ensure it is fit for human habitation and to ensure its ongoing protection. The conservation works shall be completed within six (6) months from the issue of the Demolition Licence for the dwellings 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 No. 42 (Lots 255 and 256) Guildford Road, Mount Lawley and maintained thereafter by the DPI/owners to the satisfaction of the Chief Executive Officer;*
- (iv) *WRITES to the Western Australian Planning Commission and/or the Department of Planning and Infrastructure and REQUESTS that they present to the Council, at*

an Elected Members Forum, on the brief and long term plans/strategy for the East Parade Regeneration Project; and

- (v) *the Council AUTHORISES the Chief Executive Officer to further write to and meet with the Minister for Planning and Infrastructure and the Director General of the Department for Planning and Infrastructure to ADVISE that in the opinion of the Council, the Western Australian Planning Commission (WAPC) has not taken sufficient measures to ensure the protection of the dwelling at No.40 (Pt Lots 253 and 254) Guildford Road, Mount Lawley, and the action of the WAPC in allowing this dwelling to deteriorate to its current state has set a poor example to the wider community, has had a negative impact on the amenity of the area and has been a poor use of government owned resources which could otherwise have been used to provide low cost accommodation. The WAPC should be more active in maintaining dwellings in its care, control and management within the Town of Vincent and should work with other Government agencies to investigate alternative uses for such properties.”*

PURPOSE OF REPORT:

The purpose of this report is for the Council to consider the Department of Planning and Infrastructure's (DPI) Interim Landscape Proposal, which is required to be submitted and endorsed prior to the issue of Demolition Licences for the places 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 Nos. 40 and 42 (Pt Lots 253, 254, 255 and 256) Guildford Road, Mount Lawley, as per the resolution of the Council from the Ordinary Meeting held on 7 September 2005.

BACKGROUND:

The Western Australian Planning Commission (WAPC) has progressively been acquiring the dwellings adjacent to the junction of Guildford Road and East Parade, Mount Lawley for the purpose of road widening and upgrading. As part of the acquisition, future planning and implementation process, the WAPC and Main Roads Western Australia have submitted a series of planning applications to the Town for the demolition of the subject places. This background section of the report, details when each of the subject places have been considered by the Council.

It is to be noted that 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 Planning and Development Act 2005 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).

28 March 2000

The Council at its Ordinary Meeting considered the matter of the proposed demolition of dwellings on Nos. 20 - 40 (Lots 244 - 254) Guildford Road, Mount Lawley. The area on which the subject dwellings were located had been identified by Main Roads Western Australia for road widening. In relation to this matter, the Council resolved to approve the proposed demolition of dwellings at Lots 244 (No.20), 245 (No.22), 246 (No.24), 247 (No.26), 248 (No.28), 249 (No.30), 250 (No.32), 251 (No.34), and 252 & Pt 253 (No.38), excluding Pt Lots 253 & 254 (No.40), Guildford Road, Mount Lawley, subject to standard conditions and:

- ‘(b) all mature and significant trees as identified by the Town shall be retained, and appropriate measures for the protection of these trees shall be submitted and approved prior to the issue of the Demolition Licence, and thereafter implemented and maintained; and*
- (c) a development concept plan and associated design guidelines for the future use and development of the total land area of Lots 244 –254 (Nos.20 – 40) Guildford Road, Mount Lawley shall be submitted and approved within 3 months of the Demolition Licence being issue.’*

At this meeting, the Council resolved to refuse the proposed demolition of the dwelling at No. 40 (Pt Lots 253 & 254) Guildford Road, Mount Lawley, as it was found to have cultural heritage significance in terms of its aesthetic, historical and rarity values. In relation to this property, the following was also resolved:

- ‘(iv) notifies the owners of Pt Lots 253 & 254 (No.40) Guildford Road, Mount Lawley of the intention to include No. 40 Guildford Road, Mount Lawley (the place) on the Town of Vincent Municipal Heritage Inventory and give the owners the right of reply and comment within 28 days of notification;*
- (v) considers the proposed listing of Pt Lots 253 &254 (No.40) Guildford Road, Mount Lawley on the Town of Vincent Municipal Heritage Inventory should the owners of the place submit objections to the proposed listing; and.*
- (vi) requests Main Roads Western Australia to reconsider plans for the slip-lane on Guildford Road to account for the cultural heritage significance and subsequent retention of the dwelling at Pt Lots 253 & 254 (No.40) Guildford Road, Mount Lawley.’*

23 May 2000

The Council at its Ordinary Meeting reconsidered the proposed demolition of the dwelling on No.40 (Pt Lots 253 and 254) Guildford Road, Mount Lawley. The proposed demolition was refused and in accordance with the policies relating to the Town of Vincent Municipal Heritage Inventory (MHI), the place was adopted onto the MHI.

15 October 2002

At the Special Meeting of Council, 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. The project involved the demolition of an additional ten dwellings and one warehouse building along East Parade.

23 August 2005

After the receipt and review of individual heritage assessments for the subject properties, the Council at its Ordinary Meeting refused the proposed demolition of the 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, for the following reasons:

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

7 September 2005

The Council at a Special Meeting considered a motion to revoke or change the Council decision made at the above Ordinary Meeting of Council held on 23 August 2005 and resolved to recommend approval to the Western Australian Planning Commission for the proposed demolition of the 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, subject to the following conditions:

- ‘(1) *plans demonstrating the landscaping of and the Western Australian Planning Commission's future plans for the subject properties shall be submitted and approved prior to the commencement of demolition works. Clause (iv) (a) (1) is not applicable to the owners of private properties The landscaping shall be undertaken within three (3) months of the demolition of the subject properties and shall be maintained as a temporary park by the land owners until such time as the land is finally developed;*
- (2) *an indicative development plan for the redevelopment of the subject properties owned by the Western Australian Planning Commission and Main Roads Western Australia shall be submitted and approved prior to the commencement of the demolition works;”*
- (3) *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;*
- (4) *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;*
- (5) *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;*

- (6) *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;*
- (7) *a minimum of 10 per cent of the subject properties under the ownership of the WAPC and MRWA shall be provided and landscaped as public open space by the WAPC and/or MRWA, and details and plans shall be submitted to and approved by the Town prior to the commencement of demolition works; and*
- (8) *the following previous Council resolutions relating to the demolition of nine dwellings at Nos. 20-34 and 38 (Lots 244-252 and Pt 253) Guildford Road, Mount Lawley, shall be complied with by the WAPC and/or MRWA, and details and plans shall be submitted to and approved by the Town prior to the commencement of demolition works:*

Ordinary Meeting of Council held on 28 March 2000 -

- '(ii) (c) a development concept plan and associated design guidelines for the future use and development of the total land area of Lots 244 -254 (Nos.20 - 40) Guildford Road, Mount Lawley shall be submitted and approved within 3 months of the Demolition Licence being issued;'* and

Ordinary Meeting of Council held on 23 May 2000 -

- '(iii) the Council advises the Ministry for Planning that the hypothetical indicative plan accompanying its letter dated 18 April 2000 does not satisfy condition (iii) on the planning approval for the demolition of nine dwellings at Nos. 20-34 and 38 (Lots 244-252 and Pt 253) Guildford Road, Mount Lawley, and this condition is still required to be complied with accordingly; and*
- (iv) the Ministry develop 10% of the site including the slip road, as public open space.'*; and
- (b) the Town WRITES 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.'*

24 October 2006

The Council at its Ordinary Meeting approved the demolition of the dwelling at No. 42 (Lot 255 and 256) Guildford Road, Mount Lawley, which had been significantly damaged by a fire. In accordance with the resolution of the Council, the Chief Executive Officer wrote to the Minister of Planning and Infrastructure, the Chairman of the WAPC, the Director General of the Department of Planning and Infrastructure and the Local Member for Parliament and advised that the WAPC had not taken sufficient measures to ensure the protection of the dwellings along East Parade in their care control and management.

DETAILS:

As previously discussed, the dwellings at Nos. 20 to 38 Guildford Road have already been demolished. The demolitions that occurred created an open area of 8,000 metres square and as the DPI has advised, the area has been stabilised and sown with ever lasting seed.

To enable the demolition of the remaining dwellings along East Parade and Guildford Road, the WAPC has prepared an Interim Landscape Proposal to address the above condition (1) of the Council Resolution from the Ordinary Meeting held on 7 September 2005. The Landscape Plan presents three options for the site. A summary of the three options is provided below:

Option One

Remove selected tree and shrub plantings, clean and re-profile the surface, fertilise with slow release granules, grass with couch seed mixed with perennial rye.

Option Two

Remove selected tree and shrub plantings, clean and re-profile the surface, apply glysohate to kill existing grass and then seed with everlastings.

Option Three

Remove selected tree and shrub plantings, clean and re-profile the surface. Prepare un-edged mulched native shrub planting beds together with fertilised grassed open space. Plant native trees in informal layout through shrub beds and grassed open space.

A full outline of the above three options, including the perceived advantages and disadvantages, is provided in the attachment to this report.

The DPI have advised that the redevelopment of the land not required for future road works is anticipated to proceed within the next two years and that consequently, most if not all of the landscaping works implemented prior to that time will be lost as a result of this development. In light of this, the DPI have advised that their preference would be for the implementation of Option Two.

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

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Parks Services

Parks Services have assessed the three (3) proposed landscaping options developed for the *East Parade Regeneration Project* for Guildford Road and East Parade and have provided the following comments:

Option One - as indicated in the options presented to the Town, option one (1) is inadequate in terms of landscape features and would not be considered.

Option Two - the DPI have advised that this is their preferred option. However, Parks Services consider that this proposal falls well short in terms of landscaping features for this area. Whilst the idea of sowing the site with everlasting seedlings would create a great spring time display, after flowering the area would brown-off and become very dry and devoid of colour. Even with the application of green hydro mulch, the site would still look somewhat barren. Therefore, given this information, Parks Services do not recommend option two (2).

Option Three - option three (3) is considered to be the most appropriate, in terms of its ability to produce an overall visual and aesthetic setting that will enhance this area. Whilst this option may be the most expensive of the three proposals, the Town would not support options one (1) or two (2) and recommend that the landscaping works proceed as detailed in the Town's preferred option.

Heritage Services

At the Ordinary Meeting held on 28 March 2000, the Council refused an application by Main Roads Western Australia, on behalf of the landowner Western Australian Planning Commission for the proposed demolition of the existing house at No. 40 Guildford Road and considered the proposed listing of the property on the Town's Municipal Heritage Inventory. Reasons given for this refusal were based on the cultural heritage significance that No. 40 Guildford Road has in terms of its local historic, aesthetic and rarity values within the Town of Vincent.

It is recommended that the Council remind the DPI that the place at No. 40 Guildford Road has not been recommended for demolition and that it is on the Town's Municipal Heritage Inventory and that any proposal to remove it from the list would need have due regard for the process outlined in the Town's Heritage Management - Adding/Deleting/Amending Places Listed on the MHI Policy No. 3.6.5.

East Parade Regeneration Project

In its letter dated 19 February 2007, the DPI have advised that Main Roads have completed the design works for the intersection of East Parade and Guildford Road and has confirmed that the remaining land area is not required for road purposes. The *East Perth Regeneration Project* has been set up by the WAPC to prepare development guidance control instruments and supporting policy specific to the project area for adoption under the Town's Town Planning Scheme, prior to the subsequent disposal and development of the land. At the request of the DPI, the Town nominated the Director of Development Services to be a representative on the Working Group for the *East Parade Regeneration Project*. It is understood that the Coffey Project team, formerly known as the Clifton Coney Group, has been engaged as the Project Co-ordinator to assist the WAPC and that tenders are currently being sought for planning and urban design, engineering and environmental consultants for the Project. It is anticipated that the project team will be appointed by the end of August 2007.

The DPI advised that the WAPC will be unable to meet the condition of the development approval (demolition), as stipulated at the Ordinary Meeting of Council held on 7 September 2005, until the *East Parade Regeneration Project* is complete and endorsed by the Town. The DPI has requested that the Town consider the early demolition of the remaining dwellings along East Parade and Guildford Road prior to the outcomes of the *East Perth Regeneration Project*.

The Town's Health Services have advised that the subject vacant premises along East Parade have presented significant problems for the Town and nearby residents for over 7 years. The properties have been subjected to vandalism, graffiti, use by squatters and drug users, prostitution, and the harbourage of rats. The Town's files demonstrate the considerable problems presented by the properties over a long period of time, in addition to numerous correspondence between the Town, concerned residents, the WAPC, Main Roads and the Minister for Planning and Infrastructure.

In light of the problems associated with the subject vacant buildings and the DPI's *East Parade Regeneration Project*, it is recommended that the Council endorse the issue of Demolition Licences for the places Nos. 204, 206, 206A, 208-210, 212-214, 216, 220, 222, 224, 226 & 228 (Lots 202-209, 233-236) East Parade, Mount Lawley and No. 42 (Lot 255 and 256) Guildford Road, Mount Lawley.

Chief Executive Officer's Comment:

The Chief Executive Officer amended this report to require the DPI to enter into a Legal Agreement to ensure that the land is landscaped and maintained to the satisfaction of the Town. This condition is similar to that imposed on the private landowner at 441 William Street, Perth (Item 10.1.8).

The Legal Agreement is considered appropriate in lieu of DPI not providing redevelopment plans.

This Legal Agreement will allow the DPI to carry out demolition of a number of properties, whilst at the same time will ensure that the land is appropriately landscaped. As has been previously demonstrated, timelines involving government departments frequently change and the specified timeline of two (2) years may change. The Town should request the Legal Agreement to ensure that appropriate landscaping is implemented and maintained. It is also recommended that a bond of \$18,500 be required as part of the Legal Agreement.

10.1.17 LATE REPORT: Members Equity Stadium Parking Arrangements for 2007/2008

Ward:	South	Date:	24 July 2007
Precinct:	Beaufort; P13	File Ref:	RES0040
Attachments:	001		
Reporting Officer(s):	J MacLean; S Beanland		
Checked/Endorsed by:	R Boardman	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) **APPROVES** the Parking Management Plan 2007/08, as shown in attached Appendix 10.1.17;
- (ii) **APPROVES** the implementation of a Residential Parking Zone, operating at all times throughout the year, in the area surrounding Members Equity Stadium, bounded approximately by West Parade, Parry, Harold, William, Brisbane and Stirling Streets, but excluding:
- Stirling Street, between Bulwer Street and Parry Streets;
 - Brisbane Street, between William and Bulwer Streets;
 - Brewer Street, between Thorley and Stirling Streets;
 - Parry Street, between Beaufort and Pier Streets;
 - Dalmeny Street;
 - Edward Street, between Stirling and Parry Streets; and
 - Pier Street, between Parry and Brewer Streets,
- as shown on the attached Plan 2313-PP-1; and
- (iii) **AUTHORISES** the Chief Executive Officer to negotiate with Allia Venue Management Pty Ltd, the most appropriate arrangement for the control of temporary parking on Loton Park on event days.

Moved, Cr Farrell Seconded Cr Ker

That the recommendation be adopted.

The Presiding Member advised that Cr's Lake and Maier had declared a proximity interest in this Item and departed the Chamber. They did not speak or vote on the matter and departed the Chamber at 7.52pm.

The Chief Executive Officer advised that plan number in clause (ii) should read "2447-PP-2" and this should be corrected.

Debate ensued.

AMENDMENT

Moved, Cr Ker Seconded Cr Chester

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

*“(iv) **AUTHORISES** the Chief Executive Officer to invite potentially affected residents on the southern side of Summers Street to apply for residential and visitor parking permits.”*

Debate ensued.

AMENDMENT PUT AND CARRIED (6-0)

Debate ensued.

AMENDMENT

Moved, Cr Ker Seconded Cr Chester

That clause (ii) be amended by deleting “Parry Street, between Beaufort and Pier Streets” and inserting in its place “prohibits parking in Parry Street (on both the southern and northern sides), between Stirling and Lord Streets;”

The Chief Executive Officer advised that minor corrections to the Parking Management Plan would need to be carried out.

AMENDMENT PUT AND CARRIED (6-0)

COUNCIL DECISION ITEM 10.1.17

That the Council;

- (i) **APPROVES** the Parking Management Plan 2007/08, as shown in attached Appendix 10.1.17;*
- (iii) **APPROVES** the implementation of a Residential Parking Zone, operating at all times throughout the year, in the area surrounding Members Equity Stadium, bounded approximately by West Parade, Parry, Harold, William, Brisbane and Stirling Streets, but excluding:
 - *Stirling Street, between Bulwer Street and Parry Streets;*
 - *Brisbane Street, between William and Bulwer Streets;*
 - *Brewer Street, between Thorley and Stirling Streets;*
 - *Dalmeny Street;*
 - *Edward Street, between Stirling and Parry Streets; and*
 - *Pier Street, between Parry and Brewer Streets,**as shown on the attached Plan 2447-PP-2; and**
- (iii) **Prohibits** parking on Parry Street (on both the southern and northern sides), between Stirling and Lord Streets; and*
- (iv) **AUTHORISES** the Chief Executive Officer to invite potentially affected residents on the southern side of Summers Street to apply for residential and visitor parking permits; and*
- (v) **AUTHORISES** the Chief Executive Officer to negotiate with Allia Venue Management Pty Ltd, the most appropriate arrangement for the control of temporary parking on Loton Park on event days.*

Cr's Lake and Maier returned to the Chamber at 8.02pm and were advised that the Item had been carried with amendments.

PURPOSE OF THE REPORT:

The purpose of the report is to obtain the Council's approval for the parking arrangements around Members Equity Stadium for 2007/2008.

BACKGROUND:

Members Equity Stadium has been used for soccer games since 1996 and parking restrictions have been in place since that time. Residential parking restrictions were also introduced and these have been enforced by the Town's Rangers. The extent of the residential parking restrictions has remained relatively unchanged for the last four to five years and is now accepted by sporting patrons as a condition of Members Equity Stadium. The parking restrictions are generally supported by many residents, however it should be noted that a number of residents also object to these restrictions, particularly as they and their visitors also receive parking infringement notices.

DETAILS:

The Parking Management Plan was last amended for 2005/2006 and has now been updated to reflect changes which have occurred in the past 12 months.

Residential Parking Restriction Zone

The streets included in the Residential Exclusion Zone are the same as 2006/2007, with the addition of the south side of Summers Street, which has recently been incorporated into the Town of Vincent.

It is not possible to list the game-dates in this report, however, the above recommendation for restrictions will ensure that, when the dates have been released, the impact on residents will be addressed.

Residential and Visitors parking permits were hand delivered to each residence within the exclusion zone in July 2007, to ensure that the disruption to residents would be kept to a minimum.

Temporary Parking on Loton Park

Previously, free temporary parking on Loton Park was negotiated as a condition of use for Perth Glory for 350 car bays. Parking on A-League event days has been managed by Allia, at no cost to the Town.

Temporary parking on Loton Park for non A-League events has been the subject of a fee for each vehicle (depending on the number of occupants in each vehicle) and this has been managed by the Town's Rangers.

New Deeds of Licence have now been approved for a three (3) year basis (plus three (3) year option) for Perth Glory (Perth Glory Partnership), Western Australian Rugby League (WARL) and Rugby WA - all of these sporting codes will now be required to pay for temporary parking on Loton Park.

The Budget 2007/08 has the following fees;

Vehicle with One (1) person	\$15.00
Vehicle with Two (2) persons	\$14.00
Vehicle with Three (3) persons	\$12.00
Vehicle with Four (4) persons	\$11.00
Vehicles with more than Four (4) persons	\$10.00

Town costs for Rangers to control temporary parking on Loton Park vary from \$850 to \$1,000 and income in previous years has been approximately \$3,500 per game.

Allia Venue Management Pty Ltd have requested that they carry out the function of control of temporary parking on Loton Park for all event days, as they already have trained personnel, as part of their contractual arrangements. Should they carry out this task, they would merely pass on the cost to the hirer. They have suggested that should the Council require, they can continue to carry out this task and the hirer will be required to pay the necessary hire fee. This fee could vary from \$3,500 (lowest rate) to \$5,250 (highest rate). If the Town was to use a medium rate, e.g. \$11.00 per person, an amount of \$4,355 per game would be received. This would be free of employee costs.

There may be benefits in the Town sub-contracting this parking arrangement to Allia Venue Management Pty Ltd, which includes allowing Rangers to control all on-street parking - which is the prime source of complaints. Should this occur, Allia would then pay the required amount for the temporary parking and it is suggested that this amount be \$4,355 per event.

Authority for the Chief Executive Officer to negotiate this arrangement is therefore requested.

LEGAL/POLICY:

There are no legal impediments associated with this proposal and Rangers would enforce the Residential Parking Zones as they have done in previous years, for Perth Glory Soccer Club games and other major events.

As new Deeds of Licence have been necessary following the sale of the former Perth Glory Pty Ltd and the Football Federation of Australia on-selling the Perth Glory Club, the previous condition of free temporary parking on Loton Park on event days for the A-League is no longer applicable.

CONSULTATION/ADVERTISING:

It is suggested that, in response to public demand, the Town has implemented similar Residential Parking Restrictions on a number of previous years and it is unlikely that the residents would reject their re-introduction. It is therefore considered unnecessary to undertake a consultation/survey to confirm this.

STRATEGIC IMPLICATIONS:

This proposal is in keeping with the Town's Strategic Plan 2006-2011 Key Result Area 1.1.6 "*(e) Review, implement and promote the Car Parking Strategy.*"

FINANCIAL/BUDGET IMPLICATIONS:

As this will be the first year that A-League events will attract a fee for temporary parking on Loton Park, it is envisaged that additional income of approximately \$45,000 to \$48,250 per annum will be achieved (based on eleven (11) games in the season). Should Finals be played in early 2008, additional income would also be received.

COMMENTS:

It is believed that the Residential Parking Zone, as outlined above, should be implemented and retained until the end July 2008. As there may also be benefits to sub-contract temporary parking on Loton Park to Allia, the Chief Executive Officer is requesting authority to negotiate this arrangement. Approval of the Parking Arrangements 2007 is therefore requested.

10.4.2 Review of Policy 1.1.8 - Percent for Art Scheme

Ward:	All	Date:	3 July 2007
Precinct:	All	File Ref:	PLA 0022
Attachments:	001		
Reporting Officer(s):	Richard Gunning		
Checked/Endorsed by:	J.Anthony / M.Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report on the review of Policy 1.1.8 - Percent for Art Scheme;
- (ii) **ADOPTS IN PRINCIPLE** the amended Policy 1.18 - Percent for Art Scheme as shown in Appendix 10.4.2; and
- (iii) **AUTHORISES** the Chief Executive Officer to:
 - (a) *advertise the proposed amended policy for a period of twenty-one (21) days, seeking public comment;*
 - (b) *report back to Council with any submissions received; and*
 - (c) *include the amended policy in the Town's Policy Manual if no public submissions are received.*

COUNCIL DECISION ITEM 10.4.2

Moved, Cr Farrell Seconded Cr Messina

That the recommendation be adopted together with the revised Percent for Art Policy.

Debate ensued.

MOTION PUT AND CARRIED (8-0)

PURPOSE OF REPORT:

To provide details of the Policy 1.1.8 - Percent for Art Scheme as well as proposed of amendments for approval.

BACKGROUND:

Policy No 1.1.8 Percent for Art Scheme was first adopted in 24 August 1998 and amended in 9 March 2004. The objective of the policy is "to develop and promote community identity within the Town of Vincent" by requiring commissioned public art works associated with public and commercial buildings which have a value over a certain amount. The commissioned artwork is to reflect the place, locality and/or community.

At the Ordinary Meeting of Council 13 March 2007, Item 10.3.3 recommended Council amends policy No.1.1.8 as follows:

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

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

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

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

(c) inserting a new clause (5) as follows:

(5) The owners of a development, which is the subject of the Town’s Percent for Art Scheme Policy, will be required to enter into a legal Agreement with the Town. Such Agreement will include the following:

(a) The developer (and any subsequent owners) of the subject development will be required to fully maintain the artwork in a safe and aesthetic condition, at their cost, to the total satisfaction of the Town, for the life the artwork and to comply with any reasonable request by the Town;

(b) The owner of the artwork to temporarily remove the artwork and to reinstate it (thereafter) should it be necessary to allow a public utility or service authority to carry out necessary/essential works;

(c) The owner of the artwork shall provide a notice sign or plaque stating the artist's name and title of the artwork which shall be permanently and publicly displayed and identified with the artwork. The location and form of the sign is to be agreed upon by both the artist and the Town;

(d) (i) Failure to comply with the Agreement by the developer/owner, the Town, in its absolute discretion, after giving the owner of the artwork twenty-eight (28) days notice in writing of the Town's intention to do so, and the owner failing to comply with the requirements of the notice, may carry out the requirements of the notice, including the removal the artwork from the site:

- for the purposes of either relocating (permanently or temporarily), cleaning, repairing, storing, selling or otherwise disposing of the artwork;*

- (ii) *The Town may also take action as specified in clause (d)(i) in the event of:*
- *it becoming unsafe, damaged, “tagged” with graffiti or vandalised or irreparable;*
 - *to allow future works in the public place;*
 - *or where the artwork is not being maintained to the satisfaction of the Town;*
- (iii) *The Town to recover any costs associated with such works from the developer/owner;*
- (e) *The Town to be indemnified from any liability whatsoever in the event of any claim being lodged against the developer/owner or the Town;*
- (f) *Any other relevant matters which may arise, as determined by the Town’s Chief Executive Officer (ie copyright, insurance).”;*
- (iii) *AUTHORISES the Chief Executive Officer to:*
- (a) *advertise the proposed amended policy for a period of twenty-one (21) days, seeking public comment;*
 - (b) *report back to Council with any submissions received; and*
 - (c) *include the amended policy in the Town’s Policy Manual if no public submissions are received; and*
- (iv) *REQUESTS the Chief Executive Officer to review Policy 1.1.8 - Percent for Art in its entirety”*

DETAILS:

In accordance with the resolution of Council 13 March 2007 Item 10.3.3 clause (iv) the Town’s Art’s Officer has reviewed the Percent for Art policy in its entirety, the following amendments are outlined in detail:

At present the Town’s policy becomes applicable where the private developer building has a value of \$500,000. Due to the increased building escalation costs over the previous years and in the light of the proposed amended legal requirements and associated costs, it is appropriate that this amount be increased as indicated in the amended policy.

The Public Artwork –Proposed Legal Agreement

The Town has currently three pieces of public artwork provided by a developer in a public place. At present there is no documentation requiring the artwork to be maintained, repaired or removed etc and should this be necessary, this cost may have to be borne by the Town.

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

A legal agreement as proposed in the policy amendment would provide clarity and protection to the Town and all parties involved for the future. After reviewing the new clause (5) as recommended by Council, the Officers have suggested additional wording to further clarify the legal requirements. The first paragraph of Clause (5) reads as follows:

“(5) The owners of a development, which is the subject of the Town's Percent for Art Scheme Policy, will be required to enter into a legal Agreement with the Town. Such Agreement will include the following:”

The Officers recommend the following wording;

“(5) The owners of a development, which is the subject of the Town's Percent for Art Scheme Policy, will be required to enter into a legal Agreement with the Town. The legal documentation shall be prepared by the Town's solicitors or other solicitors agreed upon by the Town. All costs associated with this condition, including the cost of the Town's solicitors checking the documentation if prepared by the other solicitors, shall be borne by the applicant/owners(s). Such Agreement will include the following.....;”

Although the legal costs would be borne by the owner, it would be considered reasonable that this would be allocated from the percent for art contribution, therefore not increasing the overall costs to the owner.

Other Councils

A number of councils are currently preparing to implement a Percent for Art policy however, the Town of Vincent is at present only one of three (3) local Governments in Western Australia to have such a policy. The threshold amendments for public buildings of \$500,000. will bring the Town closer in line with those councils, City of Geraldton and City of Melville which have a commercial building threshold of two million dollars.

The State Government in its Department of Housing and Works' Policy also has a percent for art threshold of two million dollars for their buildings.

CONSULTATION/ADVERTISING:

The proposed amendments have been reviewed in consultation with the Town's Planning Building and Heritage Services.

The amendments were also reviewed by the Art Advisory Group at a meeting on Wednesday 13 June. The Art Advisory Group agreed with the suggested amendments.

The proposed amended policy will be advertised for a period of twenty-one (21) days for public comment.

LEGAL/POLICY:

All costs of legal documentation to be borne by the owners, this however could be seen as part of the overall budget of the percent for art project.

STRATEGIC IMPLICATIONS:

Plan for the Future - Strategic Plan 2006-2011

3.1 *Enhance community development and well being.*

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

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

FINANCIAL/BUDGET IMPLICATIONS:

As a condition of the policy, any artwork undertaken by the developer will be at the developer's cost, for Town of Vincent public building and works projects the cost of the art work would be included in the Annual budget as a line item or part of a total project cost.

COMMENTS:

The Percent for Art Policy has been successful in achieving its objective of developing and promoting community identity within the Town of Vincent by requiring commissioned public art works associated with public and commercial buildings.

The Town of Vincent was the first local government in Western Australia to adopt a Percent for Art policy and it is through this policy that the Town boasts public artworks by a number of leading Western Australian Artists, including Stuart Green, Kevin Draper and Tony Pankiw.

It is envisaged that the proposed amendments to the Percent for Art Policy will enhance the effectiveness of the policy by eliminating any outstanding ambiguities as well as safeguarding the ongoing maintenance and future of the artworks and thus contribute to the continuing success of the policy.

10.4.4 Appointment of Authorised Persons – Ranger Services

Ward:	-	Date:	18 July 2007
Precinct:	-	File Ref:	PF
Attachments:	-		
Reporting Officer(s):	J McGee		
Checked/Endorsed by:	J MacLean, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council APPROVES the appointment of the following persons as Town of Vincent Authorised Persons:

- *Stephen Goddard;*
- *Gary Ian Perryman;*
- *Martin Gibbs; and*
- *Michele Rutherford;*

effective from Monday 6 August 2007, under the provisions of:-

- (a) *the Litter Act 1979 and all subsidiary legislation made under the Act;*
- (b) *the Dog Act 1976 and all subsidiary legislation made under the Act;*
- (c) *the Local Government Act 1995;*
- (d) *the Bush Fires Act 1954;*
- (e) *the Control of Vehicles (Off Roads Areas) Act 1978;*
- (f) *the Town of Vincent Parking Facilities Local Law;*
- (g) *the following Town of Vincent Local Laws:*
 - (1) *Relating to Streets and Footpaths;*
 - (2) *Relating to Display of Items on a Footpath;*
 - (3) *Relating to Eating Areas;*
 - (4) *Relating to Dogs;*
 - (5) *Relating to Street Trading;*
 - (6) *Relating to Parks and Reserves; and*
 - (7) *Relating to the Removal and Disposal of Obstructing Animals or Vehicles.*

COUNCIL DECISION ITEM 10.4.4

Moved, Cr Chester Seconded Cr Messina

That the recommendation be adopted.

MOTION PUT AND CARRIED (8-0)

PURPOSE OF REPORT:

The purpose of the report is to obtain Council approval to appoint Rangers as Authorised Persons, to enforce the provisions of the legislation, applicable to the Town of Vincent.

DETAILS:

The Town of Vincent has the responsibility for the enforcement of various Acts, Regulations and Local Laws. These include the Local Government Act, the Dog Act, the Litter Act, the Control of Vehicles (Off Road Areas) Act, the Bush Fires Act, all subsidiary legislation relating thereto, along with various Town of Vincent Local Laws.

In the past few years, there has been an increasing use of Members Equity Stadium, as a sporting venue and as an entertainment venue and this has resulted in an increase in the number of complaints about parking congestion in the surrounding streets. To assist local residents, the Council has introduced Residential Parking Restrictions in the area surrounding the Stadium. As a result of these restrictions, it is necessary to employ additional Rangers, on a temporary, part-time basis, to ensure that parking congestion is kept to a minimum.

It is a requirement that all Officers, acting in the position of Ranger of the Town of Vincent, be authorised under the various statutes to enable them to effectively perform their duties.

Stephen Goddard, Gary Ian Perryman, Martin Gibbs and Michele Rutherford have been employed in the capacity of Temporary Rangers to ensure adequate parking enforcement coverage and to carry out the duties of Rangers, as required. The first Members Equity Stadium event of the season, occurs on Friday 10 August 2007, so it is appropriate for the Council to formally appoint the above named persons as Authorized Persons, from Monday 6 August 2007.

CONSULTATION/ADVERTISING:

There is no need to undertake public consultation or advertising.

LEGAL/POLICY:

Section 3.24 of the Local Government Act 1995 requires any person, who will act on behalf of a Local Government, to be expressly authorised by it to do so. Section 9.10 of the Act allow for the appointment of Authorised Persons.

STRATEGIC IMPLICATIONS:

The above appointments are in keeping with the Town's Strategic Plan 2006 - 2011, at item 2.1.4(b) *"Implement parking management strategies that provide assistance to business, while maintaining the Town's commitment to the whole community."*

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications associated with the above appointments. The wages for the Temporary Rangers have been included in the current Budget.

COMMENTS:

The appointment of the employees will ensure that the Rangers and Community Safety Services Section can continue to meet the expectations of the organisation and the community. The Report is recommended for approval.

10.4.5 Information Bulletin

Ward:	-	Date:	18 July 2007
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	G van den Bok		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 24 July 2007, as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.5

Moved, Cr Chester Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (8-0)

SUBSEQUENT MOTION

Moved Cr Messina, Seconded Cr Farrell

The Council requested the Chief Executive Officer to instruct the Town's agents in the State Administrative Tribunal not to vary any conditions without the prior approval of the Council. The Chief Executive Officer undertook to check why this did occur in Item listed in the Information Bulletin 07.

MOTION PUT AND CARRIED (8-0)

DETAILS:

The items included in the Information Bulletin dated 24 July 2007 are as follows:

ITEM	DESCRIPTION
IB01	71 (Lot 199) Edward Street, East Perth – Proposed Removal of Operational Time Restrictions for Hanson Concrete Batching Plant. Letter from Margaret Smith, Manager Approval Services City Of Perth.
IB02	Safer Vincent Crime Prevention Partnership Minutes of Meeting held on 4 July 2007.
IB03	Letter of Appreciation from Aranmore Catholic College regarding Proposed 50kph speed limit on Oxford Street.
IB04	Letter of Thanks from Mrs Verna Kingsbury regarding the roundabout on the Oxford and Bourke Street intersection.
IB05	Note of Thanks from Mrs Dulcie Barr for taxi vouchers.
IB06	Note of Thanks from Mrs Samantha Ross for installation of fitness equipment at Menzies Park, Mount Hawthorn.

ITEM	DESCRIPTION
IB07	Letter from State Administrative Tribunal regarding Matter No. DR/343 of 2006 – Marchmont Group Pty Ltd v Town of Vincent (69 Barlee Street).
IB08	Ongoing Homelessness and Park Issues Presenting Within the Town of Vincent. Letter from Cheryl Barnett, A/Executive Director, Department of Child Protection.
IB09	Rangers' Statistics for April, May and June 2007 (All Precincts) PER0018

11.1 Notice of Motion – Cr Izzi Messina – Investigation of Solar Powered Light Poles for Right of Ways, Parks and Reserves

That;

- (i) *the Council REQUESTS the Chief Executive Officer to;*
 - (a) *investigate the feasibility of the purchase, installation and maintenance of solar powered light poles in the Town's Right of Ways, parks and reserves;*
 - (b) *investigate whether Western Power will assume responsibility for future maintenance of such solar powered light poles and fittings;*
- (ii) *the report considers the implementation of this initiative, in conjunction with the Town's Right of Way Upgrade Program and Parks and Reserves Upgrade Program; and*
- (iii) *the report be submitted to the Council no later than October 2007.*

COUNCIL DECISION ITEM 11.1

Moved, Cr Messina Seconded Cr Farrell

That the motion be adopted.

Cr Messina spoke to his motion.

Debate ensued.

MOTION PUT AND CARRIED (8-0)

11.2 Notice of Motion – Cr Izzi Messina – Investigation of Recognition for Long Serving Town Employees

That;

- (i) *the Council REQUESTS the Chief Executive Officer to investigate ways as to how the Town could appropriately acknowledge, celebrate and commemorate its long serving employees, who have contributed to the Town and the Vincent community;*
- (ii) *the report;*
 - (a) *investigates the matter and gives consideration to such items as a memorial (e.g. naming of a facility such as a Staff room, interview room, etc, at the Administration and Civic Centre, Depot, Library and Local History Centre or a building, etc) to acknowledge and recognise them for their service;*

- (b) *includes relevant criteria, options available (both current and proposed), type of acknowledgement to be provided (as determined by the Chief Executive Officer); and*
- (c) *be submitted to the Council by October 2007.*
-

COUNCIL DECISION ITEM 11.2

Moved, Cr Messina Seconded Cr Farrell

That the motion be adopted.

Cr Messina spoke to his motion.

Debate ensued.

MOTION PUT AND CARRIED (8-0)

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

14. CONFIDENTIAL REPORTS (Behind Closed Doors)

Nil.

15. CLOSURE

The Presiding Member, Mayor Nick Catania JP, declared the meeting closed at 8.25pm with the following persons present:

Mayor Nick Catania, JP	Presiding Member
Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward
Cr Simon Chester	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Mike Rootsey	Director Corporate Services
Craig Wilson	Acting Director Technical Services

No media representatives or members of the public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 24 July 2007.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2007