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(25 JULY 2006)

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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 25 July 2006, commencing at 6.00pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania JP, declared the meeting open at 6.12pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward (will arrive late)
Cr Chester	North Ward (will arrive late)
Cr Maddalena Torre	South Ward (will arrive late)

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward (from 6.16pm until 9.53pm)
Cr Simon Chester	North Ward (from 6.14pm)
Cr Helen Doran-Wu	North Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Maddalena Torre	South Ward (from 6.20pm)
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicker	Executive Manager, Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Minutes Secretary
Lindsay McPhee	Journalist - Guardian Express (until 8.59pm)
Giovanni Torre	Journalist - Perth Voice (from 6.16pm until 8.59pm)

Approximately 36 Members of the Public

(c) Members on Leave of Absence:

Cr Ian Ker	South Ward
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3. (a) PUBLIC QUESTION TIME & RECEIVING OF PUBLIC SUBMISSIONS

Cr Chester entered the Meeting at 6.14pm.

1. Mr Bruce Arnold of 9/14 Forrest Street, East Perth - Item 10.1.2 - Requested that the Item be deferred as incorrect plans have been included in the Agenda.

2. Mr Ben Doyle of Planning Solutions, 255 Beaufort Street, Perth - Item 10.1.17 - Referred to conditions (iii), (iv), (vii)(c) and (f) and (xv). Believes the widening of the ramps to 4 metres will result in almost 60% of the Carr Place frontage being driveway and the reduction in the awning will serve no purpose and detract from the appearance of the building. Considers the conditions relating to public art or cash in lieu, undergrounding of power and upgrading of the footpaths to be public works which are not directly related to the development. Does not believe a 1.6 metre high barrier between the two abutting balconies is going to be a good result for the occupiers. Requested that the matter be determined tonight.

Cr Farrell and Journalist - Giovanni Torre entered the Meeting at 6.16pm.

3. Mr David Di Prospero of Edward Street/Lord Street, East Perth - Item 10.1.15 - Stated that the residents have had enough of the continued problems associated with these plants. Advised that they were not consulted when the batching plant was upgraded. Does not believe that the companies are doing anything to scale down the business to meet the 2012 deadline.

Cr Chester departed the Chamber at 6.17pm.

Cr Torre entered the Meeting at 6.20pm.

4. Ms Janine Freeman of 7 Muriel Place, Leederville - Item 10.1.9 - Requested that Council reject the Officers Recommendation as it will adversely and negatively impact on the amenity and quality of life of Muriel Place residents. Advised that a petition had been submitted regarding this matter. Concerned with increased traffic and parking problems and undermining of the streetscape and residential nature of Muriel Place. Believes there are ample appropriately zoned buildings available on Oxford Street.

Cr Chester returned to the Chamber at 6.21pm.

5. Mr John Hicks of 52 Wasley Street, North Perth - Items 10.1.1, 10.1.12 and 14.2 - Stated that he objects to any further development of St Michaels. Believes that the traffic review does not assess the impact of the carpark with regards to safety and proximity to the corner of Wasley and Norfolk Streets. Concerned that heavy delivery trucks in Wasley Street will contribute to the traffic congestion and inconvenience residents. Believes the development is too large and not in keeping with the surrounding residential area. Further believes that the fence line in Wasley Street as part of Stage One has encroached 24cm onto the verge. Objects to the carpark and storage on 64 Wasley Street and any administration taking place in the existing house. Requested that the non compliance matters in relation to Stage One plans be considered before any new application. Believes three years is too long to be inconvenience by construction.
6. Mr Murray Wheeler of 2 Muriel Place, Leederville - Item 10.1.9 - Concerned that the tree in the garden will be removed and the landscaping will be minimal and border edging therefore a lot of "green" will be lost. Believes that the development will cause an increase in the number of cars using Muriel Place which already has a lot of off street parking.

Cr Messina departed the Chamber at 6.26pm.

7. Mr Clyde Myer of 19 Adana Elbow, Kenwick - Item 10.1.5 - Stated that they have no objections to the conditions of approval. Advised that the development is well under the maximum height limitations and that the overshadowing is 10% which is also well under what is allowable. Stated that there is no window in the stairwell that overlooks anyone.

Cr Messina returned to the Chamber at 6.30pm.

8. Ms Martina Sedic of 3/36 Monmouth Street, Mt Lawley - Item 10.1.13 - Stated that they are not seeking a density bonus but a 5% variation of the average lot requirements. Believes that the development of the two lots will allow for separate and sufficient frontage to Salisbury Street as there is a sealed right of way at the rear of the block which allows for public vehicle access. Stated they are proposing to build two modern contemporary homes which will mirror image each other and will minimise any impact on the existing neighbours as each neighbour will only gain one new neighbour rather than two. Advised that the development will fit in with the existing streetscape by bringing each house in line with the verandahs and frontages of the existing house in the street.
9. Mr Anthony Magri of 41A Cowle Street, West Perth Item 10.1.13 - Stated that the reason that they proposed a Green Title subdivision is to take advantage of the R Codes. Believes that to strata title the block would be more detrimental to the streetscape. Requested that Council approve the proposal.
10. Mr Ted Rollinson of 51 Wasley Street, Mt Lawley - Items 10.1.1, 10.1.12 and 14.2 - Stated that the airconditioning units in Stage One are visible from the street and visually obtrusive. Referred to the report where it mentions a security roller door at one point and then later refers to a security gate and a sliding panel. Also referred to the location of the entrance of the carpark and questioned why it had been moved back to Norfolk Street. Stated that the fence post and piers of Stage One are in excess of 1.8 metres, and that the fence along Wasley Street encroaches upon the footpath by 150-240mm. Referred to other matters such as the construction management plan, illegal use of the right of way, open space and plot ratio. Requested that Item 10.1.1 not be considered until Items 10.1.12 and 14.2 have been resolved totally.
11. Mr John Collins of Edward Street, Perth - Item 10.1.15 - Stated that the mixer trucks do use the Town's residential streets to avoid traffic lights. Believes that this situation will get worse if the hours are increased.
12. Mr Brett Shulman of 16 Namur Street, North Perth - Item 10.1.3 - Referred to the objections of adjoining owners with regards to the plot ratio. Advised that the development is lesser in scale and in height than many of the associated adjoining developments, also that there has been consideration in its alignment to boundaries so people to south can maintain a northern aspect. Believes that there is no loss of amenity to adjoining owners. Stated that the open space factor could be overcome if they were to include a balcony outside bedroom one over the garage but this would cause a bulky rectangular look. Requested that Council approve the development.

13. Mr Greg Maslin of 68 Dunedin Street, Mt Hawthorn - Item 10.1.6 - Stated that it is not their intention to affect the streetscape of the area and that there are no objections from the neighbours. Believes that to maintain the character of the home the ceiling heights need to be 2.7 metres.
14. Ms Jennifer Harrison of 73 Wasley Street, North Perth - Item 10.1.1, 10.1.12 and 14.2 - Stated that nobody supported the applications when they were advertised to the public. Referred to the current legal action against the developer in relation to Stage one and believes that it is totally inappropriate that the Council should consider the other applications before the outcome of the SAT hearing which is scheduled for 14 August 2006. Advised that the residents believe that the takeover of No 64 Wasley Street for parking and nursing home associated matters should not be looked at until the Town is satisfied that the developer is prepared to fund what is required in relation to this. Believes that the Councillors should be aware that the developers have fudged the numbers in relation to this development as the number of beds approved in April 2003 was 105 and the number of current beds is 107. Submitted a document with a number of other issues. Stated that they are totally against any further expansion of the nursing home and if there is to be an expansion then the Town should have enforcement proceedings in place, both during the process and at the end of it.

There being no further questions from the public, the Presiding Member, Mayor Nick Catania, JP closed Public Question Time at 6.50pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

- 4.1 Cr Messina requested a leave of absence for the Ordinary Meeting of Council to be held on 8 August 2006 for personal reasons.

Moved Cr Torre, Seconded Cr Farrell

That Cr Messina be granted a leave of absence for the Ordinary Meeting of Council to be held on 8 August 2006 for personal reasons.

CARRIED (8-0)

(Cr Ker on leave of absence.)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved Cr Farrell, Seconded Cr Torre

That the Minutes of the Special Meeting of Council held on 11 July 2006 be confirmed as a true and correct record.

CARRIED (8-0)

(Cr Ker on leave of absence.)

Moved Cr Maier, Seconded Cr Farrell

That the Minutes of the Ordinary Meeting of Council held on 11 July 2006 be confirmed as a true and correct record.

CARRIED (8-0)

(Cr Ker on leave of absence.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1. Municipal Heritage Inventory Review

The Mayor stated that he was pleased to announce that at the last Council Meeting, the Council resolved to extend the community consultation period for the Review of the Draft Municipal Heritage Inventory to 31 August 2006.

8. DECLARATION OF INTERESTS

8.1 Mayor Catania declared a financial interest in Item 10.3.1 - Investment Report as at 30 June 2006. The nature of his interest being that he is the Chairperson of the North Perth Community Bank.

8.2 Mayor Catania declared an interest affecting impartiality in Item 10.3.4 - Bocce Rink at Perth Lot Y214 and 215 Lawley Street, West Perth. The nature of his interest is that his father-in-law is a long time member of the Bocce Club.

8.3 Cr Messina declared a financial interest in Item 10.3.1 - Investment Report as at 30 June 2006. The nature of his interest being that he is a Director and Shareholder of the North Perth Community Bank.

8.4 Cr Messina declared financial interest in Item 10.2.2 - Further Report - Proposed Bus Stop Modification Adjacent to the Mt Hawthorn Plaza Redevelopment, Scarborough Beach Road, Mount Hawthorn. The nature of his interest being that his company Gelatino is to take possession of a tenancy in the Mezz. Cr Messina requested permission to participate in the debate of the Item but not to vote.

8.5 Cr Farrell declared an interest affecting impartiality in Item 10.1.10 - Tenancy 1 - No 190 (Lot 10) Scarborough Beach Road, corner Matlock Street, Mount Hawthorn - Proposed Change of Use from Shop to Eating House (Café). The nature of his interest being that he owns property in Matlock Street but not in close proximity.

The Presiding Member advised Cr Messina that his request would now be considered.

Cr Messina departed the Chamber at 6.55pm.

Moved Cr Maier, Seconded Cr Doran-Wu

That Cr Messina be permitted to remain in the chamber during Item 10.2.2 to participate in debate but not vote on the matter.

CARRIED (7-0)

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

Cr Messina returned to the chamber at 6.56pm. The Presiding Member advised Cr Messina that his request had been approved.

**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 10.1.2, 10.1.17, 10.1.15, 10.1.9, 10.1.1, 10.1.12, 10.1.5, 10.1.13, 10.1.3 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 10.4.3

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

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

Cr Farrell	Nil
Cr Chester	Items 10.1.4, 10.1.16, 10.3.5 and 10.4.4
Cr Doran-Wu	Nil.
Cr Torre	Nil.
Cr Lake	Nil.
Cr Messina	Nil.
Cr Maier	Items 10.1.8 and 10.1.10

At 6.58pm Cr Maier referred to Standing Orders 2.20.3- Section 1 and asked the following question:

Q. On what basis did the CEO judge my Notice of Motion regarding the Town's presentation to the Local Government Advisory Board to be out of order?

The Presiding Member advised that as this matter was not on the Agenda, he ruled the question out of order.

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:**

Items 10.2.2 and 10.3.1

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

Items 10.1.7, 10.1.11, 10.1.14, 10.2.1, 10.2.3, 10.3.2, 10.3.3, 10.3.4, 10.4.1 and 10.4.2

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

Items 14.1 and 14.2

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

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

Items 10.1.7, 10.1.11, 10.1.14, 10.2.1, 10.2.3, 10.3.2, 10.3.3, 10.3.4, 10.4.1 and 10.4.2

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

Items 10.1.2, 10.1.17, 10.1.15, 10.1.9, 10.1.1, 10.1.12, 10.1.5, 10.1.13, 10.1.3 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 Chester

That the following unopposed items be moved en bloc;

Items 10.1.7, 10.1.11, 10.1.14, 10.2.1, 10.2.3, 10.3.2, 10.3.3, 10.3.4, 10.4.1 and 10.4.2

CARRIED (8-0)

(Cr Ker on leave of absence.)

10.1.7 No. 44 (Lot 65, Strata Lot 2) Clarence Street, Mount Lawley- Proposed Partial Demolition of and Two-Storey Addition to Existing Single House

Ward:	South	Date:	17 July 2006
Precinct:	Forrest; P14	File Ref:	PRO3540; 5.2006.168.1
Attachments:	001		
Reporting Officer(s):	E Saraceni		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner J E Calder for proposed Partial Demolition of and Two-Storey Addition to Existing Single House, at No. 44 (Lot 65, Strata Lot 2) Clarence Street, Mount Lawley, and as shown on plans stamp-dated 5 May 2006 (Sun Study Plan) and 22 June 2006, 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 Clarence 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;*
- (iii) first obtaining the consent of the owners of Nos. 40 and 46 Clarence 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. 40 and 46 Clarence Street in a good and clean condition; and*

- (v) *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.*

COUNCIL DECISION ITEM 10.1.7

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker on leave of absence.)

Landowner:	J E Calder
Applicant:	J E Calder
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): R50
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	216 square metres
Access to Right of Way	Rear, 3 metres wide, sealed, dedicated road

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves alterations and two-storey additions to an existing single house.

Amended plans were submitted on 22 June 2006 and the following is a summary of the applicant's accompanying written submission: -

- The changes have achieved 42 per cent open space, including the balcony area, which improves amenity of the development.
- A 4 metre minimum dimension for the courtyard is achieved with the amendments.
- A single garage is proposed to replace an existing single garage, which could also be used as a covered entertainment area and the manoeuvring area has been designed in accordance with the Town's template for turning circles.
- The occupant (note not the owner), of No. 40 Clarence Street has provided written support of the visual privacy variation for the north-east facing balcony on the upper floor.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
<u>Setbacks</u> Ground Floor: West	1.8 metres	Nil - 1.1 metres	Supported- the variation is not considered to have an undue impact on adjoining neighbours. The neighbours have signed plans agreeing to the variation.
East	5 metres	Nil - 1.2 metres	Supported - as above.
Upper Floor: West	1.5 metres	Nil -1.1 metres	Supported- as above.
East	1.6 metres	1.2 metres	Supported - as above.
<u>Privacy</u>	Balconies to be setback within direct line of sight within the cone of vision, from the boundary with a minimum setback of 7.5 metres in the case of balconies.	Setback 1.5 metres from western boundary and 1.7 metres from eastern boundary.	Supported-as 1.6 metre high screening is proposed on the two side elevations and the two side adjoining property owners have no objection to the visual privacy variation.
<u>Open Space</u>	45 per cent (or 97.2 square metres)	42 per cent (or 90.72 square metres)	Supported- the original plans depicted the carport as being only 3.8 metres wide and setback 1 metre from the rear boundary. However, this resulted in the dimensions of the outdoor living area falling below the minimum requirements. The applicant resubmitted plans to ameliorate this non-compliance illustrating the proposed carport as having a nil setback from the right of way. Consequently, the width of the carport had to be widened in order to meet vehicular manoeuvrability

			requirements, resulting in the overall area of the carport being increased, which resulted in a decrease in the overall open space. This variation is also supported in this instance.
Consultation Submissions			
<p>The application was not formally advertised, however, the immediate western adjoining dwelling is part of the subject property and is owned by the same owner. The owner is aware of the variations and does not object to them.</p> <p>The eastern adjoining owner has submitted a non-objection in relation to the proposal and in particular the variation to the visual privacy requirement (relating to the upper floor, rear-facing balcony).</p>			
	Submission Detail	Comment	
Support (2)	General support of the proposal, including specific support of the cone of vision variations.	Noted.	
Objection (Nil)	None	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:

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

10.1.11 Units B & C - No. 191 (Lot 183 D/P: 3642) Scarborough Beach Road, Mount Hawthorn - Proposed Change of Use from Vehicle Sales Premises to Shop (Day Spa)

Ward:	North	Date:	18 July 2006
Precinct:	Mount Hawthorn Centre; P02	File Ref:	PRO3092; 5.2006.244.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by R Kawiars on behalf of the owner V Gvozdenovic for proposed Change of Use from Vehicle Sales Premises to Shop (Day Spa), at Units B & C - No. 191 (Lot 183 D/P: 3642) Scarborough Beach Road, Mount Hawthorn, and as shown on plans stamp-dated 22 May 2006, 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) doors, windows and adjacent floor areas fronting Scarborough Beach Road shall maintain an active and interactive relationship with this street;*
- (iii) 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;*
- (iv) the gross floor area of the shop shall be limited to 144 square metres, as shown on the approved plans;*
- (v) prior to the first occupation of the development, one (1) class 3 bicycle parking facility shall be provided at a location convenient to the entrances of the approved development. Details of the design and layout of the bicycle parking facility shall be submitted and approved prior to installation of such facility;*
- (vi) the applicant/owner shall pay a cash-in-lieu contribution of \$10, 985 for the equivalent value of 4.225 car parking spaces, based on the cost of \$2,600 per bay as set out in the Town's 2006/2007 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements; and*
- (vii) this approval is for Shop (Day Spa) only and should the applicant/owner/occupier wish to change the nature of the shop use, it shall be necessary to reapply to and obtain approval from the Town prior to commencement of the new use;*

- (viii) *no activity of a non-day spa nature, prostitution, brothel business, agency business associated with prostitution, escort agency business, and the like, shall occur at the premises;*
- (ix) *the hours of operation shall be limited to 9am to 6pm Monday and Wednesday, 9am to 9pm Tuesday, Thursday and Friday and 10am to 6pm on Saturday; inclusive; and*
- (x) *the three (3) car parking bays in front of Units B and C 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.*

COUNCIL DECISION ITEM 10.1.11

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker on leave of absence.)

Landowner:	V Gvozdencovic
Applicant:	R Kauiers
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Vehicle Sales Premises
Use Class:	Shop
Use Classification:	"P"
Lot Area:	544 square metres
Access to Right of Way	West side, 6 metres wide, sealed, privately owned

BACKGROUND:

28 June 2005 The Council at its Ordinary Meeting granted conditional approval for the change of use of Unit B from light industry (clothing manufacturing) and Unit C from eating house (lunch bar/coffee lounge), to vehicle sales premises and associated signage (application for retrospective approval) at the subject property.

DETAILS:

The proposal involves the change of use from vehicle sales premises to shop (day spa).

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

The applicant in their submission has requested that the Council waive or reduce the cash-in-lieu requirement for the subject application.

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			
The application does not require advertising as the proposal is a permitted use and is being referred to the Council for its consideration.			
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking - Office Component			
Car Parking Requirement (nearest whole number) -Retail/Shop: 1 car bay per 15 square metres of gross floor area (144 square metres) - 9.6 car bays.			10 car bays
Apply the adjustment factors			(0.7225)
<ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 50 metres of one or more public car parks in excess of 75 spaces) 			7.225 car bays
Minus car parking on-site			3 car bays
Minus the most recently approved on-site parking shortfall			Nil
Resultant shortfall			4.225 car bays
Bicycle Parking			
Retail/Shop: (144 square metres of gross floor area) -1 space per 300 square metres of gross floor area for employee/resident.			0.48 space (Class 1 or 2)
-1 space per 200 square metres for visitor/shopper.			0.72 space (Class 3)

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

COMMENTS:

Car Parking

The total gross floor area for the proposed shop (day spa) will result in a car parking shortfall of 4.225 car bays, after the application of adjustment factors. This shortfall can be addressed as a cash-in-lieu contribution and should be applied accordingly as the applicant anticipates to have two staff working and three customers on the premises at any one time, which exceeds the amount of car bays provided on-site.

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

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

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

Given the debate and Council resolutions relating to Items 10.1.5 and 10.1.16 at the Ordinary Meeting of Council held on 26 July 2005, in the context of the current and draft amended cash-in-lieu of car parking provisions and the increase in cash-in-lieu construction costs in the 2006/07 Fees and Charges, the following practice is considered to be the most appropriate in such cases:

1. No land value component is to be included in the cash-in-lieu of car parking contribution until the draft amended Parking and Access Policy is finally adopted by the Council.
2. Planning applications received prior to and on 12 July 2005 (date of formal adoption of 2005/2006 Budget and Fees and Charges) - the cash-in-lieu contribution is to be based on \$2,500 per car bay.
3. Planning application received after 12 July 2005 - the cash-in-lieu contribution is to be based on \$2,600 per car bay.

Summary

The proposal is supported as it is considered to enhance the amenity of the adjacent or surrounding properties and is compliant with the Town's Mount Hawthorn Centre Precinct Policy.

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

10.1.14 East Perth Redevelopment Authority – Lake Street Precinct, Northbridge - Revisions to Design Guidelines for Lots 370 and 371 Newcastle Street, Northbridge

Ward:	South	Date:	14 July 2006
Precinct:	Beaufort, P13	File Ref:	PRO2980
Attachments:	001		
Reporting Officer(s):	A Denford		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the letter dated 30 June 2006 and associated documentation from the East Perth Redevelopment Authority (EPRA) in relation to the proposed modifications to the Design Guidelines for Lots 370 and 371 Newcastle Street, Northbridge, within the Lake Street Precinct as shown in Attachment 10.1.14; and*
- (ii) *ADVISES the East Perth Redevelopment Authority (EPRA) that the Council has NO OBJECTION to the proposed changes outlined in the documentation provided in relation to proposed modifications to the Design Guidelines for Lots 370 and 371 Newcastle Street, Northbridge within the Lake Street Precinct.*

COUNCIL DECISION ITEM 10.1.14

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to outline to the Council the proposed revisions to the Design Guidelines for Lots 370 and 371 Newcastle Street, Northbridge which is located within the Lake Street Precinct.

DETAILS:

The Town has received a letter dated 30 June 2006 and associated documentation advising that the East Perth Redevelopment Authority (EPRA) Board, recently endorsed the advertising of a modification to the Design Guidelines for Lots 370 and 371 Newcastle Street, Northbridge within the Lake Street Precinct.

EPRA is now seeking comments on the proposed modifications to the Design Guidelines, with the public comment period closing on 21 July 2006.

The proposed modifications are summarised below:

"The modifications primarily relate to changes required as part of the subdivision of Lot 306 Newcastle Street, Northbridge into two lots - Lots 370 and 371. These two lots have been earmarked for future development as follows:

- *Lot 370 - to be developed for Women's Health Care House (Inc); and*
- *Lot 371 - to be developed as a mixed-use development with emphasis on affordable and social housing".*

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

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

"1.3 Develop, implement and promote sustainable urban design".

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The proposed modifications to the Design Guidelines regarding Lots 370 and 371 Newcastle Street, Northbridge relate to the future development of the lots within the Lake Street Precinct, which forms part of *'The Village Northbridge Design Guidelines'*.

As stated in the covering letter from the East Perth Redevelopment Authority (EPRA) dated 30 June 2006, future development has been identified as being a Women's Health Care House and mixed-use development with emphasis on affordable and social housing on Lots 370 and 371 respectively.

The specific information within the Design Guidelines that is proposed to be modified addresses the following issues:

- Setbacks;
- Vehicular access;
- Appearance;
- Building height; and
- Heritage listed properties.

In light of the above, it is recommended that the Council receives the documentation regarding the proposed modifications to the Design Guidelines relating to Lots 370 and 371 Newcastle Street, and given the minimal implications, that the Town advises EPRA that it has no objection to the proposed modifications.

10.2.1 Town of Vincent 2006 Garden Competition

Ward:	Both	Date:	18 July 2006
Precinct:	All	File Ref:	CVC0007
Attachments:	-		
Reporting Officer(s):	J van den Bok		
Checked/Endorsed by:	R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the proposed 2006 Garden Competition; and*
- (ii) *APPROVES the;*
 - (a) *2006 Garden Competition as outlined in the report, with entries to close on Friday, 29 September 2006, and the final judging to be carried out on Saturday, 7 October 2006;*
 - (b) *judging panel to comprise of the Mayor, Councillors Chester and Lake, Manager Parks Services and the winner of the 2005 "Best Residential Waterwise Front Garden" category, Geoff Higgs; and*
 - (c) *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, 8 November 2006, commencing at 6.00pm.*

COUNCIL DECISION ITEM 10.2.1

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker on 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 of the Town of Vincent 2006 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 2005 competition were as follows:

- Best Waterwise 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

A quality pair of Swiss “Felco” secateurs was also presented for The Mayor's Encouragement Award to a recipient selected by the judging panel.

In 2005, 117 individual category entries were received over the seven (7) categories.

DETAILS:

Categories

The required amount, being six (6) entries, was received in all categories during the 2005 competition and it is considered that the existing categories attract enough interest and should be retained for the 2006 competition.

Therefore, the recommended categories for the Town of Vincent 2006 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

The prize money was increased in some of the categories last year and it is considered that the existing prize money is adequate for one more year.

The Catchment Friendly Garden category is sponsored by the Water Corporation through the Claise Brook Catchment Group (CBCG) and their sponsorship will again be sourced.

The prize money for the 2006 Garden Competition is therefore recommended as follows;

Best 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.

In addition to the above, the presentation will also include a number of raffles or give-away prizes provided by the numerous sponsors as in previous years.

Judging

Preliminary judging of this year's competition 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.

Final judging will be undertaken on the morning of Saturday, 7 October 2006 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
- Mr Geoff Higgs (*Winner Best Waterwise Residential Front Garden Category 2005*)

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 2006. 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.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area Two of the Strategic Plan 2005-2010 – 2.1 Celebrate and acknowledge the Town's cultural diversity. "*a) Develop and financially support, promote and organise community events and initiatives (including those generated by community groups) that engage the community and celebrate the cultural diversity of the Town*".

FINANCIAL/BUDGET IMPLICATIONS:

An estimate of costs associated with the 2006 Town of Vincent Garden Competition are as follows: -

Income:

• Claisebrook Catchment Group	\$1,250
• Sponsorship	<u>\$2,000</u>
	<u>\$3,250</u>

Expenditure:

• Cash prizes	\$4,950
• Function	\$3,700
• Trophies	\$1,500
• Photography	\$1,300
• Certificates	\$70
• Advertising	\$1,850
• Administration	\$250
• Street sign	<u>\$180</u>
	<u>\$13,800</u>

An amount of \$12,500 has been included in the 2006/07 budget for the garden competition.

The Claise Brook Catchment Group will be providing \$1,250 via sponsorship from the Water Corporation, for the prize money/trophy allocation – “Catchment Friendly Garden”.

In addition, it is estimated from previous years that sponsorship contributions will amount to around \$2,000. Sponsorship for the 2005 competition amounted to \$2,050 in cash contributions.

COMMENTS:

As part of last year’s award night, an electronic display of the gardens and their owners was presented during the program with the assistance of the Executive Manager Technical Services. This will be further enhanced and is sure to provide a more interesting and comprehensive look at all the gardens, their creators and what occurs behind the scenes in the running of the competition.

It is therefore recommended that the Council approves the 2006 Garden Competition, with entries closing on Friday 29 September 2006.

10.2.3 2005/2006 Metropolitan Regional Road Project - Walcott Street between Charles and Redfern Streets, North Perth/Coolbinia

Ward:	North	Date:	19 July 2006
Precinct:	North Perth P8	File Ref:	ORG0002
Attachments:	001		
Reporting Officer(s):	R Lotznicker		
Checked/Endorsed by:	J Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the 2005/2006 Metropolitan Regional Road Project Walcott Street between Charles and Redfern Streets, North Perth/Coolbinia; and*
- (ii) *NOTES that payment to the City of Stirling of the Town's contribution of \$111,230.70 (incl GST) towards the project has been withheld until the substandard works have been rectified to the satisfaction of the Town's Chief Executive officer.*

COUNCIL DECISION ITEM 10.2.3

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to inform the Council that due to the poor standard of finish of the new asphalt surface along Walcott Street, the Town's officers have withheld payment until the matter has been further rectified.

BACKGROUND:

The City of Stirling rehabilitated the section of Walcott Street between Charles and Redfern Streets in the 2005/2006 financial year. The project was part funded from the Metropolitan Regional Road Program with both the City of Stirling and the Town of Vincent being required to contribute to the project in accordance with the terms and conditions of the grant, given its boundary road status.

DETAILS:

In accordance with the funding proposal, the Town allocated \$109,994 in the 2005/2006 budget as its 50% share of the 1/3 estimated cost of the project.

The project was undertaken by the City of Stirling and completed in early 2006. On completion of the project, the Town's officers noted that the standard of finish of the new Stone Mastic Asphalt surfacing had extensive 'flushing' in several locations along the length of the road. Photographs are shown at Appendix 10.2.3.

As no formal correspondence from the City of Stirling had been received with regard to the condition of the road or what they were proposing to do to rectify the matter, the Town's officers contacted the City and were advised that there was a dispute with the contractor who undertook the resurfacing works.

In July 2006 the Town received a remittance advice for \$111,230.70 (incl. GST) from the City being the Town's contribution for the above project.

Following receipt of the request for payment, on 12 July 2006 the Executive Manager Technical Services wrote to the City's Director Infrastructure Management expressing concerns at the standard of finish of the surfacing along Walcott Street.

The City was requested to advise what measures were being undertaken to rectify the sub-standard works before the Town provided a financial contribution towards the project, as it did not wish to be subject to any potential liability attributed to the sub standard road surface as it currently existed

On 14 July 2006, the Town's Executive Manager Technical Services received a call from his counterpart at the City of Stirling, advising what measures the City had put into place to rectify the matter. A formal response had not been received at the time of writing this report and therefore the requested payment is currently being withheld.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

Local Government is responsible for the care control and management of the road reserve and must ensure that the infrastructure contained in this reserve is maintained to an acceptable standard.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.

FINANCIAL/BUDGET IMPLICATIONS:

The Town allocated \$109,994 in the 2005/2006 budget as its 50% share of the 1/3 estimated cost of the project. These funds have been carried forward to 2006/2007.

COMMENTS:

The City of Stirling should have formally advised the Town of its intentions with regard to its plans to rectify the Walcott Street works. The Town was not regularly informed and was subsequently issued with a request for payment for its share of the upgrade works.

Given concerns of any potential liability resulting from the sub standard road surface, the Town's Executive Manager Technical Services requested further information regarding the matter prior to approving the payment of the monies due as the Town's contribution for the project.

10.3.2 Active Vincent Day 2006

Ward:	Both	Date:	5 July 2006
Precinct:	All Precincts	File Ref:	CMS0046
Attachments:	-		
Reporting Officer(s):	J. Bennett		
Checked/Endorsed by:	J. Anthony M. Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That Council APPROVES changes to "Active Vincent Day" to be held at Beatty Park Reserve on Sunday 15 October 2006.

COUNCIL DECISION ITEM 10.3.2

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker on leave of absence.)

PURPOSE OF REPORT:

To advise Council of changes to Active Vincent Day 2006.

BACKGROUND:

At the Ordinary Council Meeting of 28 February 2006, the following was resolved:

"That Council APPROVES Active Vincent Day to be combined with the World Ultimate Club Championships at Leederville Oval on Sunday 19 November 2006, subject to;

- (a) event application fees for Leederville Oval being waived;*
- (b) full compliance with conditions of use being imposed including Environmental Health and other conditions as required by the Town; and*
- (c) acknowledgment of the Town of Vincent as a major sponsor of the event on all publications and advertising materials subject to the conditions listed in the report.*

to the satisfaction of the Chief Executive Officer."

Organisers of the World Ultimate Championship withdrew their participation due to a conflict between events and venues, and therefore have chosen to hold their final on an alternative date and location.

DETAILS:

Active Vincent Day and Pets in the Park is held annually in October and aims to encourage physical activity and a healthy lifestyle among community members as well as introducing residents to the sporting clubs and recreation groups that are available in and around their suburb or town. As with previous years it is incorporated with Pets in the Park.

Active Vincent Day & Pets in the Park will be promoted through the local community newspapers as well as flyers. Signs will be located at the venue prior to the event. As Active Vincent Day & Pets in the Park will take place during RAC Community Safety Month in October, the event can also be promoted through Community Safety promotions as well as on the Community Safety website

The Town will host Active Vincent Day on 15 October 2006, 10am to 2pm at Beatty Park Reserve following the traditional format in conjunction with Pets in the Park.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

- Environmental Protection Act 1986;
- Environmental Protection (Noise) Regulations 1997;
- Health Act 1911;
- Health (Public Building) Regulations 1992; and
- Council Policy No: 3.8.3 "Concerts and Events Policy".

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 - Key Result Area

“2.1 Celebrate and acknowledge the Town's cultural diversity

- (a) *Develop, financially support promote and organise community events and initiatives (including those generated by community groups) that engage the community and celebrate the cultural diversity of the Town.*

2.2 Provide and develop a range of community programs and community safety initiatives

- (k) *Enhancing the lifestyle of the community through the provision of leisure opportunities.”*

FINANCIAL/BUDGET IMPLICATIONS:

Town of Vincent will have a budget of \$10,000 for Active Vincent Day to bring the community a day of quality performers and various recreation activities.

COMMENTS:

Active Vincent Day and Pets in the Park has always been well supported by the community and is considered a premier opportunity to promote health, fitness and community well being in the Town of Vincent.

10.3.3 Further Report - Donation to North Area Health Service - Australian Early Development Index (AEDI) 2006

Ward:	Both	Date:	17 July 2006
Precinct:	All	File Ref:	(FIN0008)
Attachments:	-		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:		Amended by:	

FURTHER OFFICER RECOMMENDATION:

That the Council;

- (i) *NOTES the further information provided by the Health Department and understands that a donation to this programme is no longer required; and*
- (ii) *REQUESTS that a further report be presented to Council on the requirement to provide funding for early year's initiative as suggested by the Health Department.*

COUNCIL DECISION ITEM 10.3.3

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker on leave of absence.)

FURTHER REPORT:

At the Ordinary Meeting of Council on 27 June 2006 the following resolution was adopted:

“That the Item be DEFERRED to obtain further information from the Health Department and also for the Town to establish how the residents and ratepayers will benefit from the information.”

The Health Department have provided the following responses to the questions asked:

Why is the Health Department not funding the project as it did in 2003.

In 2003, the departments of health and education provided joint funding for the EDI. Population health is providing a small contribution to the implementation cost of the AEDI for this year. This is not enough for full implementation across every community which is the reason why the approach to the Town of Vincent was made in the first instance.

Is the focus on the index for disadvantaged children.

No, the focus is not on disadvantaged children. The AEDI is conducted at the population level and explores how well communities are raising their children. The AEDI is completed by pre-school teachers on all children in their class and this information is then mapped back to the suburb of residence that the child lives in.

What benefit does this index provide to the residents of the TOV.

Participating in the AEDI will provide information on child development for each individual suburb within the Town of Vincent. It will provide the ToV community with a basis for reviewing the services, supports and environments that influence children in their first five years of life. It also provides information for schools and the community to look ahead to the supports that need to be developed to enhance children's capacity to be successful once they reach school. The community can use the data to:

- *monitor early child development*
- *create effective community based responses*
- *prompt new policies and programs*
- *explore new ways of working together to ensure children get the best possible start*

What is the impact of the Town not providing this donation.

It is very difficult to ask schools to participate in the AEDI when there is no funding available to support them in the process. Given the amount of money required for schools to participate, it is unlikely that they would be able to self fund their participation. If schools can not participate, it lowers the sample size of individual suburbs and if there are not enough children, the suburb is not included in the final results.

Have any other Local Governments been asked to donate, which ones

The Town of Mosman Park and Shire of Peppermint Grove are fully funding their schools to participate in the AEDI. The Town of Cambridge is providing half the funding for their school's to participate. All three applications have council approval.

The Health Department have advised that given the timeframe involved and the fact that some schools within the Town of Vincent participated in the AEDI Programme last year, it will be difficult to accept schools into the programme.

The Health Department have advised rather than provide funding for the AEDI consideration be given to providing funding towards an early years initiatives and can be concentrated on areas of vulnerability as shown on the EDI maps.

The following is a verbatim copy of the Minutes of the item that was placed before Council on 27 June 2006:

“PURPOSE OF REPORT:

To request approval for a donation to the North Metropolitan Health Service to implement the Australian Early Development Index (AEDI) in primary schools.

BACKGROUND:

The AEDI is a population measure of how well communities are raising their children. It is a measure of young children's development, based on the scores from a checklist that pre-primary school teachers complete.

The EDI provides empirical evidence to determine how well populations of children are developing in their first five years of life. The EDI provides a scorecard for communities interested in learning what is going right and wrong for their children. It also provides evidence that communities can use to advocate for improvement of programs and facilities relevant to the early years.

DETAILS:

An EDI was conducted across the North Metropolitan Health Service in 2003. The only difference is that it has now been implemented across Australia and is entered using a web based questionnaire.

The AEDI consists of over 100 questions measuring 5 developmental domains:

- *Physical health and well being*
- *Social competence*
- *Emotional maturity*
- *Language and cognitive skills*
- *Communication and general knowledge*

The survey is completed on the web by the child's pre-primary teacher after the first 6 months of having them in class so they have grasped a good understanding of their behaviour. The IEDI is performed on children of this age as it is the first opportunity for a universal point to collect data about the development of children as they finish their pre-school years. The AEDI provides an outcome measure of the development that has taken place up to the start of school.

It is understood that children who are classed as vulnerable in at least two or more developmental domains do not have the capacity to take advantage of school. These children will struggle with all aspects of school but if intervention can occur at an early stage of schooling, the foundations for competence and coping skills that will affect learning and health will be established."

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 Key Result Area Two - Community Development

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

"(a) Undertake regular community visioning programmes.

(b) Undertake social research and a community needs survey and review existing projects in light of survey results."

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$2000 would be drawn from the Donation account.

COMMENTS:

The EDI provides communities with a basis for reviewing in their area the services, supports and environments that influence children in their first five years of life. The results can be used as evidence to demonstrate a need for services.

Participating in this project in liaison with the North Metropolitan Health Service will assist with future planning of grant allocation and community development programmes with evidence based targets.

10.3.4 Bocce Rink at Perth Lot Y214 and 215 Lawley Street, West Perth

Ward:	South	Date:	18 July 2006
Precinct:	Hyde Park	File Ref:	PRO1242
Attachments:	-		
Reporting Officer(s):	P Betts		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES of a lease with the Azzurri Bocce Club, for the Bocce rink at part Perth Lot Y214 and 215 Lawley Street, West Perth subject to:*
- (a) *a five (5) year term;*
 - (b) *rent of \$3,233 per annum; and*
 - (c) *Payment of outgoings; and*
- (ii) *AUTHORISES the Chief Executive Officer to negotiate the final terms and conditions to the satisfaction of the Town.*

COUNCIL DECISION ITEM 10.3.4

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to approve of a lease with the Azzurri Bocce Club.

BACKGROUND:

The Bocce rink located at Lawley Street has been leased by the Western Australian Italian Club since 1 January 2000 with the lease expiring on 31 December 2004. A five year option period was available which would extend the lease from 1 January 2005 until 31 December 2009. The lease has been renewed monthly since the expiry date of the initial five (5) year period.

DETAILS:

The Azzurri Bocce Club approached the Town requesting the lease for the Bocce rink be assigned directly to them. The Town wrote to the Western Australian Italian Club enquiring if they supported the assignment of the lease for the Bocce rink directly to the Azzurri Bocce Club. The Western Australian Italian Club has advised the Town of its desire to retain the lease of the Bocce rink due to a number of reasons:

- The Western Australian Italian Club was instrumental in the establishment of the Azzurri Bocce Club, and has supported it since its inception.

- The Western Australian Italian Club has undergone a revival and is driven by a more forward looking committee with more transparent management practices and more forward and strategic planning.
- With respect, the Western Australian Italian Club does not consider that the Azzurri Bocce Club can meet broader community needs on its own with regards to the club, nor can it promote and improve matters to the same degree that the Western Australian Italian Club can.

The Azzurri Bocce Club operates autonomously and they have advised the Town that the intentions of the Western Australian Italian Club and the Azzurri Bocce Club for the use and future of the rink differ.

Currently the invoice for the lease payment is sent by the Town of Vincent to the Italian Club, who then raise their own invoice and charge the Bocce Club for the amount of the lease payment. The Bocce Club then pay the Italian Club who in turn forward the money to the Town. There have been instances in the past where the Bocce Club have made payment to the Italian Club and there has been a delay in forwarding the payment to the Town.

The relationship between the WA Italian Club and the Bocce Club is an administrative one in the processing of the lease payment.

The Azzurri Bocce Club members have been responsible for a number of building improvements to the facility. The Bocce Club has approximately 110 members and is open daily for Bocce games.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

The Town's Policy No. "1.2.8 Terms of lease", which specifies a five year term, to a maximum of ten years.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005 - 2010

Key Result 2.1 (a) "Develop, financially support, promote and organise community events and initiatives (including those generated by community groups) that engage the community and celebrate the cultural diversity of the Town."

Key Result Area 3.2 (a) "Review leases and commercial contracts to ensure the best return for the Town."

FINANCIAL/BUDGET IMPLICATIONS:

The Western Australian Italian Club currently pays \$3,233.00 in annual lease fees.

COMMENTS:

It is recommended that negotiations commence with the Azzurri Bocce Club with the view of offering a five (5) year lease. It will be necessary for the Azzurri Bocce Club to present the financial statements of the Club to the Town together with their current Certificate of Incorporation during negotiations.

10.4.1 Use of the Council's Common Seal

Ward:	-	Date:	19 July 2006
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

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

COUNCIL DECISION ITEM 10.4.1

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker on leave of absence.)

BACKGROUND:

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

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

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

Date	Document	No of copies	Details
30/06/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta 6021 and Football Federation Australia Ltd, Level 7, 26 College Street, Sydney NSW 2000 re: FFA Training Sessions - 3, 11, 12 and 13 July 2006 (Change Rooms 1 and 2 and Pitch)
06/07/06	Deed	3	Town of Vincent and B C Waters and K L Waters of 128 Buxton Street, Mount Hawthorn re: Mp/172 (Lot 162 D/P: 1659) Anzac Road (cnr Buxton Street), Mount Hawthorn - Demolition of Existing Single House and Construction of Two-Storey Single House

Date	Document	No of copies	Details
06/07/06	Caveat	3	Town of Vincent and B C and K L Waters of 128 Buxton Street, Mount Hawthorn re: No. 172 (Lot 162 D/P: 1659) Anzac Road (cnr Buxton Street), Mt Hawthorn - Caveat on the Certificate of Title of the subject land undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence
13/07/06	Parking Agreement	4	Town of Vincent and H L Morgan of 320 Onslow Road, Shenton Park between Lots 8 (470) and 9 (472) William Street, Perth
13/07/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta 6021 and Football Federation Australia Ltd, Level 7, 26 College Street, Sydney NSW 2000 re: FFA Training Sessions - 17, 18, 19, 20, 21, 24, 25, 26, 27, and 28 July 2006 (Change Rooms 1 and 2 and Pitch)

10.4.2 Authorised Officers – Ranger Services

Ward:	Both Wards	Date:	17 July 2006
Precinct:	All Precincts	File Ref:	PF
Reporting Officer(s):	John McGee		
Checked/Endorsed by:	J MacLean, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council APPROVES the appointment of Matthew Bowen, Gavin Neil Smith, and Peter Rhodes as Authorized Officers of the Town of Vincent, effective from 25 July 2006 under the provisions of:-

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

COUNCIL DECISION ITEM 10.4.2

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker on leave of absence.)

PURPOSE OF REPORT:

The purpose of the report is to authorise three (3) new Temporary Rangers, 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 and various Town of Vincent Local Laws,.

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.

Matthew Bowen, Gavin Neil Smith and Peter Rhodes have been employed in a temporary Ranger capacity to ensure the staffing levels of the Ranger's Section is maintained, to ensure adequate enforcement coverage and to carry out the duties of a Ranger as required. It is appropriate for the Council to formally appoint the above named persons, as Authorized Officers from 25 July 2006.

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.

STRATEGIC IMPLICATIONS:

This appointment is in keeping with the Town's Strategic Plan 2005 - 2010, at Item 1.4 *"Develop a strategy for parking management in business residential and mixed use precincts"*

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications associated with the above appointments.

COMMENTS:

The appointment of Matthew Bowen, Gavin Neil Smith, and Peter Rhodes to the position of temporary Rangers will ensure that the Ranger Services and Community Safety Section can continue to meet the expectations of the community and the appointment is recommended for approval.

10.1.2 Further Report - No. 148 (Lot 64 D/P: 2360) Carr Street, West Perth - Proposed Additional Five (5) Two-Storey Single Bedroom Grouped Dwellings with Studios to Existing Single House

Ward:	South	Date:	17 July 2006
Precinct:	Cleaver; P05	File Ref:	PRO3362; 5.2005.3247.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Bruce Arnold Architects on behalf of the owner A Burns, A Dragojevich & J Dragojevich for proposed Additional Five (5) Two-Storey Single Bedroom Grouped Dwellings with Studios to Existing Single House, at No. 148 (Lot 64 D/P: 2360) Carr Street, West Perth, and as shown on plans stamp-dated 27 June 2006, 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 upper floor building on boundary and upper floor setback requirements of the Residential Design Codes; and*
- (iii) consideration of the objections received.*

COUNCIL DECISION ITEM 10.1.2

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

Moved Cr Maier, Seconded Cr Lake

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

"(ii) the non-compliance with the upper floor building on boundary, upper floor setback requirements and the minimum lot size requirements of the Residential Design Codes; and"

Debate ensued.

AMENDMENT LOST (3-5)

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

(Cr Ker on leave of absence.)

Moved Cr Lake, Seconded Cr Messina

That the Item be DEFERRED as requested by the applicant.

CARRIED (7-1)

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

FURTHER REPORT:

The Council at its Ordinary Meeting held on 26 April 2006 considered the subject proposal and resolved the following:

"That the Item be DEFERRED for further investigation."

The applicant has since submitted amended plans stamp-dated 27 June 2006 and a written submission for the Council's consideration.

The applicant's submission addresses the Council's concerns regarding the proposed single bedroom dwellings, the potential a loft may accommodate a third storey, the building height of the proposed development and the density bonus.

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

In light of the above, the Assessment Table is amended as follows:

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	8 single bedroom grouped dwellings Or 5 multi-bedroom grouped dwellings or single houses Or 5 single bedroom grouped dwellings and 2 multi-bedroom grouped dwellings or single houses	1 single house and 5 single bedroom grouped dwellings with studio.	Noted - no variation.

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
	R60 (Note: all standards for grouped dwellings and single houses within R80-R160 areas are as for the R60 Code)	R42.5	
Minimum Site Area: Single House	160 square metres	335.20 square metres	Noted - no variation.
Unit 2	106 square metres	96.56 square metres	Supported - as the existing dwelling is proposed to be retained, and the Town's Heritage Officer has stated that the building is considered to contribute to the historic character of the area and a density bonus is considered acceptable under Clause 20 of the Town's Town Planning Scheme No. 1.
Unit 3	106 square metres	96.56 square metres	Supported - as above.
Unit 4	106 square metres	90.66 square metres	Supported - as above.
Unit 5	106 square metres	89.14 square metres	Supported - as above.
Unit 6	106 square metres	90.66 square metres	Supported - as above.
Setbacks: Ground Floor- West Unit 3	1.5 metres	Nil	Supported - as boundary wall is compliant in terms of height and length (for the ground floor) and not considered to have an undue impact on affected neighbour.
Unit 4	1.5 metres	Nil	Supported - as above.

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Upper Floor- West Unit 3	1.2 metres	Nil	Not supported - as it results in undue impact on affected neighbour and creates a feeling of confinement for adjacent properties outdoor living area and an objection was received to that effect. Not supported - as above.
Unit 4	1.8 metres	Nil	
North Units 4,5, and 6	1.8 metres	1.5 metres	
Building on Boundary: West- Unit 3	Walls not higher than 3.5 metres with average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.	Height - 5.1 metres - 5.4 metres. Two boundary walls.	Not supported - as building wall height is considered excessive, it will cause undue impact on affected neighbour, and it creates a feeling of confinement for adjacent properties outdoor living area whereby an objection was received to that effect. Not supported - as above.
Unit 4	As above	4.4 metres - 5.2 metres. Two boundary walls.	
East- Unit 6	As above	4.5 metres - 5.3 metres. Two boundary walls.	Supported - boundary wall is to a right of way and is not considered to have an undue impact on the affected neighbour. Supported - as above.
Unit 2	As above.	5.8 metres - 6 metres. Two boundary walls.	
Outdoor Living Area Existing House	Behind the street setback.	Located within the street setback.	

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Vehicular Access	No closer than 0.5 metre to side boundary. Driveways with a minimum width of 4 metres, which may be reduced to 3 metres where necessary to retain an existing dwelling.	On boundary. 2.8 metres	Supported - due to site constraints as compliance with this matter would require demolition of the existing dwelling. Supported- Technical Services has advised that this variation is not supported. However, due to site constraints, compliance with this matter would require demolition of existing dwelling. It is to be noted that a 2.42 metres wide driveway at (Nos.134-136 Summers Street) has been previously approved.
Essential Facilities: Unit 2	An enclosed lockable storage area, constructed in a design and material matching the dwelling, accessible from outside the dwelling, with a minimum dimension of 1.5 metres with an internal area of at least 4 square metres	4 metres by 1 metre (4 square metres)	Supported – due to site constraints as a result of the retention of the existing dwelling. The units vary in size from 94.7m ² - 98.7m ² . The proposed store size is considered adequate to the needs of the occupant/owner and would not detract from the amenity of the locality.
Unit 3	As above	4 metres by 1 metre (4 square metres) and accessed from studio	Supported - as above.
Unit 4	As above	3.7 metres by 1 metre (3.7 square metres) and accessed from garage	Supported - as above
Unit 5	As above	As above	Supported - as above.
Unit 6	As above	As above	Supported - as above.

Heritage

The Town's Heritage Officers have provided additional comments in relation to the heritage value of the existing single house being retained at the subject property.

The place at No. 148 Carr Street, West Perth is not currently listed on the Town of Vincent's Municipal Heritage Inventory (MHI) or the Town's Interim Heritage Data Base.

Carr Street, formerly known as Leeder Street, was one of the early residential areas established in Perth. The majority of residential development along the street took place during the first two decades of the twentieth century. The certificate of title for the place documents that Mrs Mary Hartree purchased the subject property from Mrs Mary Beatty, of Cottesloe in 1906. However, it is not until 1917, that the Wise Post Office Directories first list the subject place. The Hartrees lived at the place until 1920 when Mr George Lowe, a potato inspector purchased the place. In 1950, Mr Rooke a carrier, purchased the place and lived there for twelve years until Antony Colossi, a stonemason and his wife, Domenica purchased the place.

The brick and tile dwelling at No.148 Carr Street was built circa 1906 in the Federation Georgian style. Since its construction the place has undergone alterations to the front verandah and has had additions constructed to its rear. The place maintains some of its original features including four small, unusual recessed arches, two string courses and brick arch lintels over the front window and door arrangements. Whilst these features are of interest it is considered that the place does not have any particular qualities that would make it eligible for entry on the Town's Municipal Heritage Inventory.

However, the provision of density bonuses is not restricted to places that are on or meet the threshold for inclusion into the MHI. As stipulated in the Florence Locality Plan No.22 *"the retention and/or restoration of existing housing contributing to the historic character of the area will be encouraged."* The Town's Heritage Officers encourage the retention of the place at No.148 Carr Street as it has *value* in the evolution of history in the locality as part of the late nineteenth and early twentieth century building stock and as it contributes to the character of the area. Therefore, the density of the proposed development is supported.

Summary

The main changes to the current plans stamp-dated 27 June 2006 to the previously deferred plans stamp-dated 12 April 2006 are summarised as follows:

- The pitch roofs have been replaced with concealed rooves.
- The boundary wall heights have been reduced.
- The overall building heights and wall heights have been reduced and are now compliant with the R Codes.

The proposed western boundary wall heights remain non-compliant with the requirements of the R Codes and the affected neighbour has objected due to a feeling of confinement, therefore, the Officer Recommendation remains unchanged.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 26 April 2006.

"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 Bruce Arnold Architects on behalf of the owners A Burns, A Dragojevich & J Dragojevich for proposed Additional Five (5) Two-Storey Single Bedroom Grouped Dwellings with Studios to Existing Single House, at No. 148 (Lot 64 D/P: 2360) Carr Street, West Perth, and as shown on amended plans stamp-dated 12 April 2006, 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 upper floor building on boundary, upper floor setback and height requirements of the Residential Design Codes; and*
 - (iii) *consideration of the objections received.*
-

COUNCIL DECISION ITEM 10.1.12

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Moved Cr Ker, Seconded Cr Lake

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

“(iv) the proposed additional grouped dwelling does not meet the requirement for single bedroom dwellings.”

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Messina on leave of absence.)

Debate ensued.

Moved Cr Maier, Seconded Cr Ker

That clause (ii) be amended as follows:

“(ii) the non-compliance with the upper floor building on boundary, open space, upper floor setback and height requirements of the Residential Design Codes; and”

AMENDMENT CARRIED (8-0)

(Cr Messina on leave of absence.)

Moved Cr Maier, Seconded Cr Lake

That a new clause (v) is added to the recommendation as follows:

“(v) the non-compliance with the minimum lot size requirements of the Residential Design Codes as the units are not considered to be single bedroom units and retention of the front house is not worthy of attracting a sufficient density bonus.”

Debate ensued.

AMENDMENT LOST (2-6)

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

(Cr Messina on leave of absence.)

Moved Cr Doran-Wu, Seconded Cr Torre

That the Item be DEFERRED for further investigation.

CARRIED ON THE
CASTING VOTE OF THE
PRESIDING MEMBER (5-4)

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

(Cr Messina on leave of absence.)

Landowner:	A Burns, A Dragojevich & J Dragojevich
Applicant:	Bruce Arnold Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Single House, Grouped Dwelling
Use Classification:	"P"
Lot Area:	1017 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves additional five (5) two-storey single bedroom grouped dwellings with studios to existing dwelling at the subject property.

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

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
Density	8 single bedroom grouped dwellings Or 5 multi-bedroom grouped dwellings or single houses Or	1 single house and 5 single bedroom grouped dwellings with studio.	Noted.

	<p>5 single bedroom grouped dwellings and 2 multi-bedroom grouped dwellings or single houses</p> <p>R60 (Note: all standards for grouped dwellings and single houses within R80-R160 areas are as for the R60 Code)</p>	R42.5	
<p>Minimum Site Area: Single House</p> <p>Unit 2</p>	<p>160 square metres</p> <p>106 square metres</p>	<p>335.20 square metres</p> <p>96.56 square metres</p>	<p>Noted.</p> <p>Supported - as the existing dwelling is proposed to be retained, and the Town's Heritage Officer has stated that the building is considered to contribute to the historic character of the area and a density bonus is considered acceptable under Clause 20 of the Town's Town Planning Scheme No. 1.</p>
<p>Unit 3</p> <p>Unit 4</p> <p>Unit 5</p> <p>Unit 6</p>	<p>106 square metres</p> <p>106 square metres</p> <p>106 square metres</p> <p>106 square metres</p>	<p>96.56 square metres</p> <p>90.66 square metres</p> <p>89.14 square metres.</p> <p>90.66 square metres</p>	<p>Supported - as above.</p> <p>Supported - as above.</p> <p>Supported - as above.</p> <p>Supported - as above.</p>
<p>Setbacks: Ground Floor- West Unit 3</p> <p>Unit 4</p>	<p>1.5 metres</p> <p>1.5 metres</p>	<p>Nil</p> <p>Nil</p>	<p>Supported - as boundary wall is compliant in terms of height and length (for the ground floor) and not considered to have an undue impact on affected neighbour.</p> <p>Supported - as above.</p>

<i>Upper Floor- West Unit 3</i>	<i>2.1 metres</i>	<i>Nil</i>	<i>Not supported - as it results in undue impact on affected neighbour and creates a feeling of confinement for adjacent properties outdoor living area and an objection was received to that effect.</i>
<i>Unit 4</i>	<i>2.2 metres</i>	<i>Nil</i>	<i>Not supported - as above.</i>
<i>Building on Boundary West- Unit 3</i>	<i>Walls not higher than 3.5 metres with average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.</i>	<i>Height - 6.73 metres - 7.3 metres. Two boundary walls.</i>	<i>Not supported - as building wall height is considered excessive, it will cause undue impact on affected neighbour, and it creates a feeling of confinement for adjacent properties outdoor living area whereby an objection was received to that effect.</i>
<i>Unit 4</i>	<i>As above</i>	<i>6.3 metres - 6.9 metres. Two boundary walls.</i>	<i>Not supported - as above.</i>
<i>East- Unit 6</i>	<i>As above</i>	<i>6.26 metres - 7.06 metres. Two boundary walls.</i>	<i>Not supported - despite being on the boundary to a right of way and the adjacent neighbours having a similar type gable wall, the building wall height is considered excessive.</i>
<i>Building Height Unit 3: West -Wall height</i>	<i>6 metres</i>	<i>6.73 metres - 7.3 metres.</i>	<i>Not supported - as building wall height is considered excessive, undue impact on affected neighbour, the wall creates a feeling of confinement for adjacent properties outdoor living area, an objection was received and a variation is sought relating to the Town's Policy 'Non-Variation of Specific Development Standards and Requirements'.</i>

-Pitch Height	9 metres	9.3 metres	<i>Not supported - as pitch height is considered excessive and proposes variation outlined in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements.</i>
North -Pitch height	9 metres	9.2 metres	<i>Not supported - as above.</i>
South -Pitch height	9 metres	9.2 metres	<i>Not supported - as above.</i>
Unit 4: West -Wall height	6 metres	6.3 metres - 6.9 metres	<i>Not supported - as building wall height is considered excessive, undue impact on affected neighbour, creates a feeling of confinement for adjacent properties outdoor living area, objection received and proposed variation as outlined in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements.</i>
-Pitch Height	9 metres	9.1 metres	<i>Not supported - as pitch height is considered excessive and proposed variation outlined in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements.</i>
South -Pitch height	9 metres	9.3 metres	<i>Not supported - as above.</i>
Unit 5 South -Pitch height	9 metres	9.4 metres	<i>Not supported - as above</i>

<p><i>Unit 6: East -Wall Height</i></p> <p><i>South -Pitch height</i></p>	<p><i>6 metres</i></p> <p><i>9 metres</i></p>	<p><i>6.26 metres - 7.06 metres.</i></p> <p><i>9.3 metres</i></p>	<p><i>Not supported - despite being on the boundary to a right of way and the adjacent neighbours having a similar type gable wall as the building wall height is considered excessive and proposed variation as outlined in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements.</i></p> <p><i>Not supported - as pitch height is considered excessive and proposed variation as outlined in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements.</i></p>
<p><i>Unit 2: East -Wall height</i></p> <p><i>-Pitch height</i></p> <p><i>South -Pitch height</i></p>	<p><i>6 metres</i></p> <p><i>9 metres</i></p> <p><i>9 metres</i></p>	<p><i>6.6 metres - 7.1 metres</i></p> <p><i>9.3 metres</i></p> <p><i>9.2 metres</i></p>	<p><i>Not supported - despite being on the boundary to a right of way and the adjacent neighbours having a similar type gable walls as the building wall height is considered excessive and proposed variation as outlined in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements.</i></p> <p><i>Not supported - as pitch height is considered excessive and proposed variation as outlined in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements.</i></p> <p><i>Not supported - as above.</i></p>

<i>North -Pitch height</i>	<i>9 metres</i>	<i>9.2 metres</i>	<i>Not supported - as above.</i>
<i>Outdoor Living Area Existing House</i>	<i>Behind the street setback.</i>	<i>Located within the street setback.</i>	<i>Supported- as site constraints as a result of retention of existing dwelling.</i>
<i>Vehicular Access</i>	<i>No closer than 0.5 metre to side boundary.</i>	<i>On boundary.</i>	<i>Supported - due to site constraints as compliance with this matter would require demolition of the existing dwelling.</i>
	<i>Driveways with a minimum width of 4 metres, which may be reduced to 3 metres where necessary to retain an existing dwelling.</i>	<i>2.8 metres</i>	<i>Supported- Technical Services has advised that this variation is not supported. However, due to site constraints, compliance with this matter would require demolition of existing dwelling. It is to be noted that a 2.42 metres wide driveway at (Nos.134-136 Summers Street) has been previously approved with an under-width access way.</i>
<i>Essential Facilities Unit 2</i>	<i>An enclosed lockable storage area, constructed in a design and material matching the dwelling, accessible from outside the dwelling, with a minimum dimension of 1.5 metres with an internal area of at least 4 square metres</i>	<i>4 metres by 1 metre (4 square metres)</i>	<i>Supported – due to site constraints as a result of the retention of the existing dwelling. The units vary in size from 94.7m² - 98.7m². The proposed store size is considered adequate to the needs of the occupant/owner and would not detract from the amenity of the locality.</i>
<i>Unit 3</i>	<i>As above.</i>	<i>4 metres by 1 metre (4 square metres) and accessed from studio.</i>	<i>Supported - as above.</i>
<i>Unit 4</i>	<i>As above</i>	<i>3.7 metres by 1 metre (3.7 square metres) and accessed from garage.</i>	<i>Supported - as above</i>
<i>Unit 5</i>	<i>As above</i>	<i>As above</i>	<i>Supported - as above.</i>

<i>Unit 6</i>	<i>As above</i>	<i>As above</i>	<i>Supported - as above.</i>
<i>Consultation Submissions</i>			
<i>Support</i>	<i>Nil</i>		<i>Noted</i>
<i>Objection Three (3)</i>	<ul style="list-style-type: none"> <i>Concern the development may result in more street parking.</i> 		<i>Not supported - proposal is compliant with car parking requirements of the Residential Design Codes (R Codes).</i>
	<ul style="list-style-type: none"> <i>Many non-compliance components which do not constitute orderly and proper planning within the Cleaver Precinct.</i> 		<i>Partly not supported - as most non compliance issues are a result of the existing dwelling being retained and the Town's Heritage Officer has stated that the building is considered to contribute to the historic character of the area and a density bonus is considered acceptable under Clause 20 of the Town's Town Planning Scheme No. 1. In light of the above, some of the proposed variations to the requirements are considered acceptable.</i>
	<ul style="list-style-type: none"> <i>Density - would like to see more landscaping to soften the overdevelopment of the site.</i> 		<i>Not supported - addressed in Assessment Table.</i>
	<ul style="list-style-type: none"> <i>Feeling of confinement due to height of boundary wall (visual impact of great concern)</i> 		<i>Supported - building height is considered to have an undue impact on affected neighbour's amenity such as outdoor living area.</i>
	<ul style="list-style-type: none"> <i>Overshadowing</i> 		<i>Not supported - as the development is compliant with the overshadowing requirements of the R Codes and is, therefore, not considered to have an undue impact on affected neighbour.</i>
	<ul style="list-style-type: none"> <i>Noise</i> 		<i>Not supported - as the development is purely residential and as such the issue is not a valid planning consideration.</i>
	<ul style="list-style-type: none"> <i>Privacy/overlooking</i> 		<i>Not supported - as the development complies with the privacy requirements of the R Codes and is, therefore, not considered to have an undue impact of affected neighbours.</i>

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

** The 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:

Heritage

The place at No.148 Carr Street, West Perth is not currently listed on the Town of Vincent Municipal Heritage Inventory or the Town's Interim Heritage Inventory.

The place was built circa 1917 in the Federation Georgian style. Since its construction, the place has undergone alterations to the front verandah and has had additions constructed to its rear. The place has an interesting and unusual symmetrical façade, which features four small, uncommon recessed arches and intact fenestration.

Florence Locality Plan 22 encourages the retention of original dwellings relating to the early development of the Locality. The existing place contributes to the historic character of the area and, therefore, consideration of a density bonus for the proposed new development is considered acceptable.

Summary

While the variations sought by the applicant are generally acceptable due to the retention of the existing dwelling, the variations sought to the upper floor setback, upper floor boundary wall and building height are considered to have an undue impact on the affected neighbour. In light of this, the planning application is recommended for refusal."

10.1.17 Further Report- No.658 (Lot 3 D/P: 541) Newcastle Street, Dual Frontage to Carr Place, Leederville - Proposed Demolition of Existing Office/Warehouse and Construction of Three-Four Storeys Plus Basement Car Park Mixed Use Development Comprising Offices and Two (2) Multiple Dwellings

Ward:	South	Date:	19 July 2006
Precinct:	Oxford Centre; P4	File Ref:	PRO3243; 5.2006.214.1
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Planning Solutions (Aust) Pty Ltd on behalf of the owner Lavenda Pty Ltd and A & E M Percudani for proposed Demolition of Existing Office/Warehouse and Construction of Three -Four Storey Plus Basement Car Park Mixed Use Development Comprising Offices and Two (2) Multiple Dwellings, at No. 658 (Lot 3 D/P: 541) Newcastle Street, dual frontage to Carr Place, Leederville, and as shown on plans stamp-dated 23 May 2006 (A1 Rev.2, A3 Rev.2 , A4 Rev.2, A5 Rev.2, A6 Rev.2 and A7 Rev.2) and 28 June 2006 , subject to the following conditions:

- (i) any future 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 readily 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;*
- (ii) 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;*
- (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 (\$24,500) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$24,500, subject to the Town agreeing to this arrangement . The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s). The art work contribution of \$24,500 shall not be used for the provision of underground power, and all costs associated with the provision of underground power shall be met by the owner(s);*
- (iv) the provision of underground of power in the Newcastle Street road reserve to the property and all costs associated with the provision of underground power shall be met by the owner(s);*

- (v) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (vi) *to first obtaining the consent of the owners of No(s). 654-656 (Lot 4) and No. 660 (Lot 2) Newcastle Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 654-656 (Lot 4) and No. 660 (Lot 2) Newcastle Street in a good and clean condition;*
- (vii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *a minimum of two significant design features being incorporated into the ground floor walls facing Carr Place, to break up the visual bulk of the walls to further compliment the streetscape;*
 - (b) *any proposed security gate along the Carr Place frontage being a minimum 50 percent visually permeable when viewed from the street;*
 - (c) *a continuous and complementary awning(s) being provided along the entire Newcastle Street frontage and along the Carr Place frontage between the two (2) motor vehicle access points onto Carr Place of the subject site. The awnings shall be a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 600 millimetres from the kerb line of Newcastle Street and Carr Place;*
 - (d) *the terraces to the dwellings being fully open on at least 2 sides. Where screening is required for privacy reasons, permanent obscure glazing at a height of 1.6 metres may be considered as an open side;*
 - (e) *1.5 metres by 1.5 metres visual truncations being provided on the either side of where the two ramps meet the footpath. This would include the removal of the stairwell nib walls and adjusting the truncation of the walls between the ramps; and*
 - (f) *in order to retain the enclosed stairwells, the ramps are to be widened to a minimum of 4metres.*

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

- (viii) *prior to the first occupation of the development, five (5) class- one or two bicycle parking facilities, shall be provided at a location convenient to the entrance of 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) *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;*
- (x) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*

- (xi) *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;*
- (xii) *doors, windows and adjacent floor areas fronting Newcastle Street and the first and second floors of Carr Place shall maintain an active and interactive relationship with these streets. Glazing within the subject doors and windows on the ground floor shall be clear glazing with no heavy/dark tinting nor be reflective;*
- (xiii) *prior to the first occupation of the development, two (2) 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 maximum gross floor area for the office use shall be limited to 993 square metres unless adequate car parking is provided for the changes in floor space area;*
- (xv) *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 \$2,520 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;*
- (xvi) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (xvii) *the office/non-residential car parking area shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xviii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (xix) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating 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;*
- (xx) *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 residential units/dwellings that:*
 - (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*

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

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

- (xxi) *prior to the first occupation of the development, each dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer; and*
- (xxii) *on-site parking for the office/non-residential component shall be available for the occupiers of the residential component outside normal business hours.*

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Messina

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

- "(vii) (f) ~~*in order to retain the enclosed stairwells,*~~ *the ramps to Carr Place are to be widened to a minimum of 4metres while retaining the enclosed stairwells.*"

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Ker on leave of absence.)

Moved Cr Messina, Seconded Cr Torre

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

- "(vii) (c) *a continuous and complementary awning(s) being provided along the entire Newcastle Street frontage ~~and along the Carr Place frontage between the two~~ (2) ~~motor vehicle access points onto Carr Place~~ of the subject site. The awnings shall be a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 600 millimetres from the kerb line of Newcastle Street ~~and Carr Place;~~*"

AMENDMENT CARRIED (7-1)

For

Mayor Catania

Cr Doran-Wu

Cr Farrell

Cr Lake

Cr Maier

Cr Messina

Cr Torre

Against

Cr Chester

(Cr Ker on leave of absence.)

Moved Cr Lake, Seconded Cr Messina

That clause (vii)(d) be deleted and the remaining subclauses renumbered accordingly.

AMENDMENT CARRIED (7-1)

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

(Cr Ker on leave of absence.)

Moved Cr Maier, Seconded Cr

That clause (iv) be deleted.

AMENDMENT LAPSED FOR WANT OF A SECONDER

MOTION AS AMENDED CARRIED (8-0)

COUNCIL DECISION ITEM 10.1.17

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Planning Solutions (Aust) Pty Ltd on behalf of the owner Lavenda Pty Ltd and A & E M Percudani for proposed Demolition of Existing Office/Warehouse and Construction of Three -Four Storey Plus Basement Car Park Mixed Use Development Comprising Offices and Two (2) Multiple Dwellings, at No. 658 (Lot 3 D/P: 541) Newcastle Street, dual frontage to Carr Place, Leederville, and as shown on plans stamp-dated 23 May 2006 (A1 Rev.2, A3 Rev.2, A4 Rev.2, A5 Rev.2, A6 Rev.2 and A7 Rev.2) and 28 June 2006, subject to the following conditions:

- (i) any future 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 readily 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;*
- (ii) 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;*

- (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 (\$24,500) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$24,500, subject to the Town agreeing to this arrangement . The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s). The art work contribution of \$24,500 shall not be used for the provision of underground power, and all costs associated with the provision of underground power shall be met by the owner(s);*
- (iv) *the provision of underground of power in the Newcastle Street road reserve to the property and all costs associated with the provision of underground power shall be met by the owner(s);*
- (v) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (vi) *to first obtaining the consent of the owners of No(s). 654-656 (Lot 4) and No. 660 (Lot 2) Newcastle Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 654-656 (Lot 4) and No. 660 (Lot 2) Newcastle Street in a good and clean condition;*
- (vii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *a minimum of two significant design features being incorporated into the ground floor walls facing Carr Place, to break up the visual bulk of the walls to further compliment the streetscape;*
 - (b) *any proposed security gate along the Carr Place frontage being a minimum 50 percent visually permeable when viewed from the street;*
 - (c) *a continuous and complementary awning(s) being provided along the entire Newcastle Street frontage of the subject site. The awnings shall be a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 600 millimetres from the kerb line of Newcastle Street;*
 - (d) *1.5 metres by 1.5 metres visual truncations being provided on the either side of where the two ramps meet the footpath. This would include the removal of the stairwell nib walls and adjusting the truncation of the walls between the ramps; and*
 - (e) *the ramps to Carr Place are to be widened to a minimum of 4metres while retaining the enclosed stairwells.*

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

- (viii) *prior to the first occupation of the development, five (5) class- one or two bicycle parking facilities, shall be provided at a location convenient to the entrance of 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) *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;*
- (x) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (xi) *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;*
- (xii) *doors, windows and adjacent floor areas fronting Newcastle Street and the first and second floors of Carr Place shall maintain an active and interactive relationship with these streets. Glazing within the subject doors and windows on the ground floor shall be clear glazing with no heavy/dark tinting nor be reflective;*
- (xiii) *prior to the first occupation of the development, two (2) 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 maximum gross floor area for the office use shall be limited to 993 square metres unless adequate car parking is provided for the changes in floor space area;*
- (xv) *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 \$2,520 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;*
- (xvi) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (xvii) *the office/non-residential car parking area shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xviii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*

- (xix) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating 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;*
- (xx) *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 residential units/dwellings that:*
- (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*
- (b) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*
- This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (xxi) *prior to the first occupation of the development, each dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer; and*
- (xxii) *on-site parking for the office/non-residential component shall be available for the occupiers of the residential component outside normal business hours.*

FURTHER REPORT:

The Council at its Ordinary Meeting held on 11 July 2006 considered the subject proposal and resolved that the item be deferred.

Condition (iv)

This condition should be retained as Western Power has previously required the underground of power for the mixed use development on adjoining No. 666 Newcastle Street, corner Carr Place, and nearby Nos. 228-232 Carr Place.

Condition (vii)(c)

This condition should be retained as the awning will not only provide pedestrian shelter but also a design feature to reduce the visual impact of the development along Carr Place.

Condition (vii)(f)

The intention of this condition is that the enclosed pedestrian stairwells are retained and the vehicular ramp be widened to a minimum of 4 metres to improve safety conditions.

The Town's Technical Services is of the view that 3.0 metre wide ramp is too great of a variation to support from the required 5.5 metres width in terms of safety concerns, however is willing to supported 4.0 metre wide ramp.

On the above basis, the Officers Recommendation remains unchanged.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 11 July 2006.

Moved Cr Torre, Seconded Cr Farrell

That the Item be DEFERRED for further information.

CARRIED (8-0)

(Cr Doran-Wu was an apology.)

10.1.15 No. 71 (Lot 199) Edward Street, Perth - Proposed Removal of Operational Time Restrictions from Hanson Concrete Batching Plant by City of Perth

Ward:	South	Date:	17 July 2006
Precinct:	Beaufort Precinct; P13;	File Ref:	PRO0553 ENS0031
Attachments:	-		
Reporting Officer(s):	D Brits, R Rasiah		
Checked/Endorsed by:	D Abel; R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *REQUESTS the City of Perth to advertise for community consultation in a 250 metre radius the Development Application proposing the removal of restrictions on the hours of operation of 6.00am to 7.00pm Monday to Saturday (to 24-hour operation) at No. 71 (Lot 199) Edward Street, Perth, regarding the Hanson Concrete Batching Plant, for the following reasons;*
 - (a) *it is acknowledged that the East Perth Redevelopment Authority (EPRA) in June 1996 approved the current use for a period of sixteen (16) years and that the hours restrictions have been removed on an annual application basis since 2002 however, also acknowledge that the permanent and original approval was subject to the hours of operation being restricted from 6.00am to 7.00pm Monday to Saturday; and*
 - (b) *complaints have been lodged with the City of Perth, EPRA, Town of Vincent and Department of Environment and Conservation (DEC) in relation to insufficient community consultation, unreasonable noise, dust emissions, and increased heavy haulage traffic flow; and*
- (ii) *in the event of City of Perth deciding to approve the application without Community Consultation on the proposed altered hours of operation, the City of Perth is REQUESTED to INCLUDE the following Conditions of Approval and confirm the conditions in writing to the Town;*
 - (a) *prior to changes in operating hours Community Consultation be conducted with residents and business owners in a 250 metre radius around the batching plant to identify and address concerns regarding health, safety, noise, dust, heavy haulage traffic, and relevant amenity issues;*
 - (b) *a Complaint Handling System be implemented that includes a procedure to log and deal with complaints from residents and owners allegedly affected within the Town of Vincent;*
 - (c) *a Management Plan be required that includes the control and monitoring of dust, unreasonable noise after 10.00pm to 7.00am, and heavy haulage traffic, to the reasonable satisfaction of the City of Perth, residents/businesses in a 250 metre radius, the Department of Environment and Conservation and the Town of Vincent; and*
 - (c) *a review of conditions by June 2007 including community consultation within a 250 metre radius.*

Moved Cr Lake, Seconded Cr Farrell

That the recommendation be adopted.

Moved Cr Lake, Seconded Cr Maier

That the existing clauses be renumbered to clauses (ii) and (iii) and a new clause (i) be inserted as follows:

- “(i) *ADVISES the City of Perth that the Council objects to the proposed removal of the restrictions on the hours of operation of 6.00 am to 7.00 pm Monday to Saturday (to 24 hour operation) at No. 71 (Lot 199) Edward Street, Perth, in relation to the Hanson Concrete Batching Plant, due to the detrimental impact on nearby residential areas within the Town of Vincent;*”

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Ker on leave of absence.)

Debate ensued.

MOTION AS AMENDED CARRIED (8-0)

(Cr Ker on leave of absence.)

COUNCIL DECISION ITEM 10.1.15

That the Council;

- (i) *ADVISES the City of Perth that the Council objects to the proposed removal of the restrictions on the hours of operation of 6.00 am to 7.00 pm Monday to Saturday (to 24 hour operation) at No. 71 (Lot 199) Edward Street, Perth, in relation to the Hanson Concrete Batching Plant, due to the detrimental impact on nearby residential areas within the Town of Vincent;*
- (ii) *REQUESTS the City of Perth to advertise for community consultation in a 250 metre radius the Development Application proposing the removal of restrictions on the hours of operation of 6.00am to 7.00pm Monday to Saturday (to 24-hour operation) at No. 71 (Lot 199) Edward Street, Perth, regarding the Hanson Concrete Batching Plant, for the following reasons;*
- (a) *it is acknowledged that the East Perth Redevelopment Authority (EPRA) in June 1996 approved the current use for a period of sixteen (16) years and that the hours restrictions have been removed on an annual application basis since 2002 however, also acknowledge that the permanent and original approval was subject to the hours of operation being restricted from 6.00am to 7.00pm Monday to Saturday; and*

- (b) *complaints have been lodged with the City of Perth, EPRA, Town of Vincent and Department of Environment and Conservation (DEC) in relation to insufficient community consultation, unreasonable noise, dust emissions, and increased heavy haulage traffic flow; and*
- (iii) *in the event of City of Perth deciding to approve the application without Community Consultation on the proposed altered hours of operation, the City of Perth is REQUESTED to INCLUDE the following Conditions of Approval and confirm the conditions in writing to the Town;*
- (a) *prior to changes in operating hours Community Consultation be conducted with residents and business owners in a 250 metre radius around the batching plant to identify and address concerns regarding health, safety, noise, dust, heavy haulage traffic, and relevant amenity issues;*
- (b) *a Complaint Handling System be implemented that includes a procedure to log and deal with complaints from residents and owners allegedly affected within the Town of Vincent;*
- (c) *a Management Plan be required that includes the control and monitoring of dust, unreasonable noise after 10.00pm to 7.00am, and heavy haulage traffic, to the reasonable satisfaction of the City of Perth, residents/businesses in a 250 metre radius, the Department of Environment and Conservation and the Town of Vincent; and*
- (c) *a review of conditions by June 2007 including community consultation within a 250 metre radius.*

BACKGROUND:

On 6 July 2006, the Town received correspondence from the City of Perth Approval Services advising of the receipt of a Development Application proposing the removal of restrictions on the hours of operation of 6.00am to 7.00pm Monday to Saturday at No. 71 (Lot 199) Edward Street, Perth, the Hanson Concrete Batching Plant.

Although the formal advertising period for the application concluded on Monday, 26 June 2006, the Manager Approval Services agreed to extend the period to incorporate the Town of Vincent's comments.

The City of Perth advised that a formal complaint was received in 2004 and recently from residents in the Town of Vincent.

Hanson has owned and operated a concrete batching plant in this vicinity (Parry Street) since 1964 and maintains development approval to operate until at least 2012 on the current site. The Hanson plant has all necessary approvals to locate its plant on the current site. Ready-mix also operates a similar sized concrete batching plant in the immediate vicinity (Carisbrook Road) and delivery vehicles use a similar route to enter and exit their plant. Lord Street is a major arterial road to and from Perth City and will always attract substantial vehicular traffic.

In relation to operations, it is understood that Hanson has had a number of visits from Department of Environment representatives over the years, and continues to address any substantiated matters raised.

Dust monitoring (personal) has been undertaken on numerous occasions over the years and it is reported that the results are well within statutory limits. In an endeavour to further mitigate dust, Agitator Trucks have been 'washed down' prior to leaving the plant. Hanson advise that odour has not been established as only naturally occurring crushed granite or dune sands are used in the manufacture of concrete.

With a booming local economy, the concrete industry receives frequent requests to deliver concrete after normal operating hours. This is typically to minimise the inconvenience to pedestrian or vehicular traffic. At other times, it may be to ensure concrete works are completed to enable clients or workers to return to work or other activities during daylight, if completed at night, or by Monday if works are undertaken on a Sunday.

Hanson is of the view that they should not be restricted in satisfying a few objectors while they serve its customers needs in the construction industry. Although concrete may be carted from alternate sites, it should be realised that this will only further add to heavy vehicular traffic on our freeways and major arterial roads, particularly during peak periods coming into the City. The proximity of batching plants to the Central Business District - a major user of concrete in any metropolitan area - reduces the number of trucks travelling into and out of the City from afar and actually reduces the total number of vehicles necessary to satisfy the demand. If deliveries are permitted outside the current restricted hours it can, at times, help to reduce truck traffic during peak traffic flows Monday to Friday.

It is understood that the City of Perth has copies of Consultants Reports, traffic and environment, submitted with Hanson's Development Application for additional works on its premises in late 2004. These were approved February 2005.

Hanson acknowledge that its industry attracts the attention of near neighbours from time to time and this is accentuated in a mixed use area as is the case surrounding the East Perth operation. Hanson advised the Manager Health Services that they are committed to work with their neighbours and the regulatory authorities to achieve a harmonious co-existence, whilst satisfying the interests of a demanding building industry. In addition, it is Hanson's view that the general operation of a concrete batching plant in such a mixed use environment leads to some inconvenience to parties at times and they have attempted to address any aberrations promptly and efficiently.

DETAILS:

The Vincent complainant in correspondence to the City of Perth dated 26 June 2006 outlines concerns as follows:

*'We object to the removal of any time restrictions of the Hansen Concrete Batching Plant at 71 Edward Street and request that you impose restrictions that will benefit the amenities of the area and allow us to regain our dignity in what has been a very destructive exercise in very **bad planning**. We request that the Perth City Council inform the Hanson Concrete Batching Plant and the Ready-mix concrete batching plant that they make provision to scale down their operations and **MOVE** out of the area sooner rather than later.*

*The **viability of all our premises**... is suffering as a result of the combined and what has been a steady and "furious" increase of the agitator and large heavy haulage vehicular activity to and from the batching plants....To look out of a window in any of our first floor units that overlook this most unappealing, **un-aesthetic**, undesirable and very out of place piece of building architecture is one thing. If we wish to simply leave a window open to let in some **fresh air** that is another.*

*It is virtually impossible with the **noise** from the agitator trucks and **exhaust pollution** that occurs when the heavy haulage semi's and agitator trucks form a cue in front of 171-183-181a Lord Street to turn into Edward Street right into Edward Street off when they travel North off Lord Street and mostly when coming from the Graham Farmer Freeway.*

There is a dust and continual noise problem from the Hansen Concrete batching plant that DEFINITELY occurs. This FACT does not always concur with DEC/EPA and it seems not that it will ever be resolved to a satisfactory level, as we have complained about it from the word "go" when the concrete batching plant was very mistakenly re-located and re-commissioned and to its' present address and very much AGAINST our repeated wishes for it NOT to, to E.P.R.A in 1995/6 and up until they were in charge of this area.

*The **dust** will occasionally waft over from the incoming product dumping that occurs in a VERY large East West facing shed. There really is no other source except maybe from and out of the FILLED heavy haulage semi trailers that come to the batching plant or are the remnant of product that the EMPTIED heavy haulage semi trailers. This is very possible as we have seen , during the summer and winter months that the drivers of the semi trailers, from BOTH batching plants do not bother to cover there inbound loads, WET or DRY or cover the empty trailers when choose to use Edward Street onto Lord when they depart the area. Our theory is that there are remnants of **fine particle SILACATE dust** and other dangerous fine particle product that will be respired by many while in this area. It is still present in the uncovered trailers of the heavy haulage vehicles even after they dump their load. There would be just enough time for the air, warming sunlight and any heat that is present with in the now OPEN area void within the trailer, to dry up and blow out of the trailer/s as they travels along and within a short distance. Even if it were happening over a longer distance, this product is being left to its own devices and not prevented from leaving the confines of the trailers. Why NOT?*

*Is there an acceptable amount of **environment pollution** from the remnant material payload of the trucks if they are seemingly empty? Who can prove otherwise? Theoretically it sounds*

possible. Just put some talcum powder or similar material such as what might simulate the remnant product into the empty trailer/s and see how long it stays in there for the duration of the trip.

It is not very different to what comes of FULL uncovered load of such material on these heavy haulage trailer/s. There is just less material/product to escape. None the less, it is an UNACCEPTABLE amount to "dose" any HUMAN BEING with. This applies to all of us who have to endure it now and with any the buildup on the buildings and other structures that has occurred here over time. In our by chance, careful but occasional observations of the goings on around here, it seems to many of us that remnant dust is material that the concrete batching plants seem to have relied on the rain to wash down, when it does rain and for the wind to blow it away from their site location. Up until recently and prior to us notifying DEC/EPA, Hansen at 71 Edward Street rarely bothered to wash down the agitator trucks that are covered in dust, BEFORE they exited from the plant site and almost immediately onto Edward Street. It seems that some do wash now, but guess what? The agitator trucks now track fine dust material on their tires and out onto the cross over of both 71 Edward Street and 120-130 Claisbrook Road. This dust, when it dries on the road is just another source of fugitive material that will be blown around just outside of the plant boundaries and onto us and into our building and most likely we will, or who ever is unfortunate to be around at the wrong time, will breath in.

*We know **fugitive dust** is present and have observed it blowing around occurring from time to time. We smell it and yes, we can also TASTE it in on our tongues at times when it is present in the air around here. IT is visible on cars and buildings, inside and out on the leaves of some trees, before it rains.*

It is a unique looking dust particle and compared to what we have seen in the past:

It is not from the passing vehicle traffic that you would find on a local main road like Lord Street.

It is NOT the black soot from the wood/coal fired steam powered "choo choo" trains that might go by the distantly located originally East Perth Railway Station.

It is not the black soot from the long time decommissioned East Perth Power Station.

It is NOT from any other source of the other major industrial operations other than the two batching plants in the area.

It is not form the NON existent ACI bottle factory that used to be in the NEWLY revived part of east Perth.

It is more usually a visible white/grey powder. Unlike any we have ever seen on a main road like Walcott Street or Beaufort Street or William Streets (prior to construction works or anywhere in the Perth City during times of little or no construction of major projects. This would not be the sort of dust that would be allowed to occur ever and on such a constant level in an area that is supposed to support a residential population. If it did, wouldn't it be the responsibly of the local governing authority to track and halt the source?

We know that all the products that makes the concrete have to be hauled in from a long distance before it is batched in the city. The agitator trucks can transport the mixed material from an out of the city site given the fact that there is now a very well placed freeway infrastructure that will get them in and out of our city and they do not have to batch under our noses. So why are they still here?

This fact again seems to be another denial of correction by the relevant parties who have left up to us to prove its existence. The health authorities insist it is a matter that the DEC/EPA should be addressing. DEC/EPA is telling us that the concrete batching plants are doing what they are supposed, but this is usually when we complain. We complain because of the problems that are only visually evident at the time of inspection by whoever needs to see it an when it convenes them. We know the product that makes the material has to be hauled in from a long distance before it is batched in the city. The agitator trucks CAN transport the mixed material from an out of the city site given the fact that there is now a very well placed freeway infrastructure that will get them in and out of our city so they do not have to batch here under our noses, to provide a quality product on time. So why are they still here? The only benefits that are gained are those that the concrete batching plants are obtaining for their profits at OUR expense. That is ALL what it's all about.

*The **dust problem** is a major cause for concern, as it is very evident especially in the summer when it gets blown around by the prevailing winds inside and ultimately over the boundaries of the plants. It would require a very high barrier wall to contain this dust as it is the finer particle that gets blown out and over the boundaries at the moment. There seems to be little to redress the escaping dust and we find this an impossible situation to relay the problems to a health and/or environment authority...We have been living and working on and off in this area for the last 40 years and we DO know the difference only too well of these recent changes to the plants increase in size and operating hours.'*

In addition, it is understood that a Petition was submitted to the City of Perth by nearby residents as follows:

1. Request to reject current and future applications to remove the operational hours/time restrictions: 22 petitioners;
2. Request to reduce current activities (6.00am to 7.00pm): 11;
3. Request to review this incompatible industrial use near residences: 10;
4. Requests an alternative route for heavy vehicles: 11; and
5. Request to appoint an independent Health Consultant at the Proponent's expense to investigate the impact of the fugitive dust, noise and environmental pollution caused by the current and proposed use: 10.

CONSULTATION/ADVERTISING:

Consultation and advertising is the responsibility of the City of Perth.

STRATEGIC IMPLICATIONS:

- Town of Vincent Strategic Plan 2005 – 2010:
'We will continue to be a safe and healthy inner city area, rich in heritage and cultural diversity' and 'sustainability guides our decision making.'
- *Vincent Vision 2024 (June 2005) – Vision Ideas for the Future: Workshop participants identified 'Environment and Sustainability' as a key area to maintain and improve quality of life in Vincent.*

LEGAL POLICY:

City of Perth Town Planning Scheme, Environmental Protection Act 1986 (as amended), Environmental Protection (Concrete Batching) Regulations 1998 and the Environmental Protection (Noise) Regulations 1997.

The Senior Environmental Officer, Swan Goldfields Agricultural Region of the Department of Environment, monitors environmental compliance of the plant.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Although the onus was originally on EPRA and now on the City of Perth to assess the use of the premises, issues have been raised with the Town as outlined above and it would be prudent to request action as detailed in the Officer Recommendation.

**10.1.9 No. 271 (Lot 7 D/P: 1925) Oxford Street, corner Muriel Place, Leederville
- Proposed Change of Use from Single House to Consulting Rooms
(Cosmetic and Laser Clinic) and Associated Alterations and Additions**

Ward:	South	Date:	17 July 2006
Precinct:	Leederville; P03	File Ref:	PRO3512; 5.2006.121.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by P Hsu on behalf of the owner P Hsu for proposed Change of Use from Single House to Consulting Rooms (Cosmetic and Laser Clinic) and Associated Alterations and Additions, at No. 271 (Lot 7 D/P: 1925) Oxford Street, corner Muriel Place, Leederville, and as shown on plans stamp-dated 4 July 2006, 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) 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;*
- (iii) a maximum of two (2) consulting rooms may be used at any one time, and a maximum of one (1) consultant/practitioner, one (1) procedural assistant, one (1) receptionist and two (2) clients are permitted on the premises at any one time;*
- (iv) this approval is for Consulting Rooms (Cosmetic and Laser Clinic) only and should the applicant/owner/occupier wish to change the nature of the consulting room use, it shall be necessary to reapply to and obtain approval from the Town prior to commencement of the new use;*
- (v) all activities at the premises shall be in compliance with the Town's Draft Policy requirements relating to Consulting Rooms, and no activity of a non-medical nature, prostitution, brothel business, agency business associated with prostitution, escort agency business, and the like, shall occur at the premises;*
- (vi) no massage activity of a non-medical nature shall occur at the premises at any one time;*
- (vii) the hours of operation shall be limited to 9am to 6pm Monday to Friday, 9am to 8pm Thursday and 9am to 2pm on Saturday, inclusive;*

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

(a) ten percent of the site area being landscaped; and

(b) the crossover from Muriel Place to the car parking area being a maximum width of 7.5 metres.

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

(ix) *any new street/front wall, fence and gate between the Oxford Street boundary and Muriel Place 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; and

(f) the solid portion adjacent to the Muriel Place boundary from the above truncation(s), can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;

(x) *doors, windows and adjacent floor areas fronting Oxford Street and Muriel Place shall maintain an active and interactive relationship with these streets;*

(xi) *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;*

(xiii) *this approval for Consulting Rooms (Cosmetic and Laser Clinic) is for a period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use; and*

- (xiii) *first obtaining the consent of the owners of No. ~~271~~ 273 Oxford Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. . ~~271~~ 273 Oxford Street in a good and clean condition.*

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 10.1.9

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Messina

That the preamble of clause (ix) be amended to read as follows:

- “(ix) *all ~~any new~~ street/front walls, fences and gates between the Oxford Street boundary and Muriel Place boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*”

AMENDMENT CARRIED (6-2)

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

(Cr Ker on leave of absence.)

Debate ensued.

MOTION AS AMENDED LOST (2-6)

<u>For</u>	<u>Against</u>
Cr Lake	Mayor Catania
Cr Torre	Cr Chester
	Cr Farrell
	Cr Lake
	Cr Maier
	Cr Messina

(Cr Ker on leave of absence.)

Reasons:

1. **Negative impact on the surrounding residential area.**
2. **Contrary to the advice received to focus or prioritise business economic development in Town Centres.**
3. **Not in accordance with the Town Planning Scheme zoning for the area.**
4. **The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality.**
5. **Consideration of the objections received.**
6. **The non-compliance with the vehicular access and landscaping requirements.**
7. **The non-compliance with the Town's policies relating to Parking and Access, Street Setbacks and Non-Residential Development Interface.**
8. **Approval of the proposed development would create an undesirable precedent for other similar commercial use developments encroaching into residential areas.**
9. **The non-compliance with the objectives of the Town Planning Scheme No 1 and the Economic Development Strategy.**

Landowner:	P Hsu
Applicant:	P Hsu
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Consulting Rooms
Use Classification:	"SA"
Lot Area:	316 square metres
Access to Right of Way	West side, 2.7 metres wide, unsealed, privately owned.

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the change of use from single house to consulting rooms (cosmetic and laser clinic) and associated alterations and additions at the subject property.

The consulting room use is to operate as a medical orientated cosmetic and laser clinic, which will specialise in non-invasive medical cosmetic procedures.

A petition consisting of eight (8) signatures and objecting to the proposal has been submitted and was read at the Ordinary Meeting of Council held on 27 June 2006. The petition raises the following concerns which have been addressed in the Assessment Table:

- Insufficient parking to sustain the operation of a consulting room business;
- Danger associated with increased traffic on Muriel Place Leederville;
- Not in keeping with the streetscape; and
- Not in keeping with the residential nature of Muriel Place, Leederville.

The applicant in their submission, have addressed the concerns raised by the community.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Vehicular Access	Where possible vehicle access to on-site parking is to be provided from a right of way.	On-site car parking accessed from Muriel Place.	Supported - the right of way is unsealed and not programmed to be sealed within the current, or subsequent financial year, therefore, vehicular access to car parking off Muriel Place is supported in this instance in light of Council's resolution at its Ordinary Meeting held on 27 April 2004.
Landscaping	Ten per cent of the site area for non-residential development adjacent to residential areas is to be landscaped.	7 per cent.	Not supported - considered to have an undue impact on the streetscape and addressed in condition (viii) of the Officer Recommendation.
Consultation Submissions			
Support (1)	<ul style="list-style-type: none"> No objection. 		Noted.
Objection (2)	<ul style="list-style-type: none"> Increase in traffic makes dogs bark. 		Not supported - not a major planning consideration.
	<ul style="list-style-type: none"> Decrease the property value of surrounding properties. 		Not supported - not a major planning consideration.
	<ul style="list-style-type: none"> Inadequate car parking provided. 		Not supported - car parking is compliant with the Town's Policy relating to 'Parking and Access'.
	<ul style="list-style-type: none"> Concern the occupier is not a qualified medical practitioner. 		Not supported - applicant's 'Annual Registration Certificate' to the Medical Board of Western Australia demonstrating the applicant's qualifications was submitted to the Town.

	<ul style="list-style-type: none"> Demolition of existing laundry/garage on the boundary would decrease privacy and increase noise. 	Not supported - the applicant proposes to retain and extend the existing laundry and garage walls to address visual privacy and noise at neighbour's request.
	<ul style="list-style-type: none"> Visual privacy concerns from the proposed ramp. 	Not supported - proposed boundary fence provides adequate privacy screening, therefore, no undue impact on affected neighbour.
	<ul style="list-style-type: none"> Undue impact on residential amenity. 	Not supported - addressed in the Comments section.
	<ul style="list-style-type: none"> Danger associated with increased traffic on Muriel Place Leederville 	Not supported - traffic increase is considered minimal and do not have an undue impact on surrounding amenity.
	<ul style="list-style-type: none"> Not in keeping with the streetscape 	Not supported - development is maintaining its residential appearance; development is compliant with the Town's Policy relating to 'Non Residential/Residential Development Interface' and is considered to be in keeping with the Oxford Street and Muriel Place streetscapes.
	<ul style="list-style-type: none"> Not in keeping with the residential nature of Muriel Place 	Not supported - as above.
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 (proposed 1 consulting room)		3 car bays

Apply the adjustment factors <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 400 metres of one or more public car parks in excess of 75 spaces) 	(0.7225) 2.17 car bays
Minus car parking on-site	4 car bays
Resultant surplus	1.83 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:

Impact on Residential Amenity

The proposed change of use is not considered to have an undue impact on the residential amenity of the surrounding area for the following reasons:

- Existing building will maintain its residential appearance;
- The nature and scale of the consulting room use (cosmetic and laser clinic) is considered to be of a low intensity and unobtrusive; and
- Nearby properties along Oxford Street are being used for commercial purposes resulting in Oxford Street consisting of predominantly commercial uses and, therefore, proposal is considered to be in keeping with the Oxford Street streetscape.

Summary

The proposal is supported in this instance, as it is not considered to unduly impact the amenity of the adjacent or surrounding properties and is compliant with the Town's 'Non-Residential/Residential Development Interface', 'Parking and Access', 'Leederville Precinct' and the 'Oxford Locality' Policies.

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

10.1.12 Nos. 64A and 64B (Lots 1 and 2) Wasley Street, North Perth-Proposed Demolition of the Western Grouped Dwelling and Construction of a Temporary Car Park, and Change of Use of the Eastern Grouped Dwelling to Temporary Storage and Administration Purposes Associated with the Institutional Building (St Michael Nursing Home and Independent Living Units) at Nos. 53-65 Wasley Street, Corner Norfolk Street, and Forrest Street, North Perth.

Ward:	South	Date:	18 July 2006
Precinct:	Norfolk; P10	File Ref:	PRO3523; 5.2006.143.1
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Edgar Idle Wade Architects on behalf of the owners H J Hepworth, N M Crockford, M Vuckovic and A Pirozzi for Nos. 64A and 64B (Lots 1 and 2) Wasley Street, North Perth-Proposed Demolition of the Western Grouped Dwelling and Construction of a Temporary Car Park, and Change of Use of the Eastern Grouped Dwelling to Temporary Storage Associated with the Institutional Building (St Michael Nursing Home and Independent Living Units) at Nos. 53-65 Wasley Street, corner Norfolk Street, and Forrest Street, North Perth, and as shown on plans stamp-dated 24 March 2006, subject to the following conditions:

- (i) no administration use shall occur on the subject property;*
- (ii) the temporary car park and storage uses shall be directly associated with the St Michael Nursing Home at Nos. 53-65 Wasley Street, North Perth;*
- (iii) the car park and storage uses shall cease within three (3) years of notification of this approval or upon the first occupation of the basement car park at Nos.53-65 Wasley Street, North Perth, whichever occurs first;*
- (iv) the car park area shall be reinstated with landscaping or other development to the satisfaction of the Town within 60 days of the car park use ceasing on-site;*
- (v) the building shall be reinstated as a dwelling or other development to the satisfaction of the Town within 60 days of the storage use ceasing on-site;*
- (vi) an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*

- (vii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the deletion of car bay 4;*
 - (b) *car bay 5 being widened to provide a car bay for people with disabilities in accordance with Australian Standards 2890.1;*
 - (c) *the crossover being widened to 6.5 metres; and*
 - (d) *appropriate security lighting being mounted on the retained buildings and focussed in a way as to avoid light spill to the neighbouring properties to the satisfaction of the Town.*

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

- (viii) *a detailed management plan for the operation of the temporary car park and storage uses addressing loading and unloading operations (including delivery and service vehicle times), car park security, staff and visitors car parking, and the control of noise, traffic, litter, lighting or storage uses shall be submitted to and approved by the Town prior to operation of the car park or storage use, whichever occurs first, and thereafter implemented and maintained by the owner(s)/occupier(s) for the temporary period of time;*
- (ix) *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;*
- (x) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (xi) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (xii) *motor vehicle parking is not permitted on the Wasley Street verge adjacent to the subject property;*
- (xiii) *prior to the issue of a Demolition/Building Licence or first occupation of the development or commencement of the either use on-site, whichever occurs first, the owner(s) shall enter into a legal agreement with the Town and lodge an appropriate assurance bond/bank guarantee of \$5000, that addresses the following undertakings to the satisfaction of the Town:*
- (a) *the car park and storage uses to be directly associated with the St Michael Nursing Home;*
 - (b) *the property not to be used for administration purposes of any kind;*
 - (c) *the car park to be used only by the employees, customers and visitors of the St Michael Nursing Home, and not for use by construction related vehicles;*

- (d) the car park to be reinstated with landscaping or other development to the satisfaction of the Town;*
- (e) the building to be reinstated as a dwelling or other development to the satisfaction of the Town; and*
- (f) the car park and storage uses to cease within three (3) years of notification of this approval or first occupation of the basement car park at the St Michael Nursing Home, whichever occurs first.*

The legal agreement shall be secured by a caveat on the Certificate(s) of Title of the subject land. 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);

- (xiv) the owners of the subject land shall finish and maintain the surface of the western boundary wall of the remaining dwelling on site in a good and clean condition;*
- (xv) prior to the issue of a Demolition Licence, a Construction Management Plan addressing noise, hours of construction and traffic access via Wasley Street, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (xvi) 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;*
- (xvii) detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted and approved prior to the commencement of works on site;*
- (xviii) the hours of operation of the car park and storage uses shall only be between 7 am and 7 pm, Monday to Sunday inclusive. Details of measures, such as a gate, to prevent use of the car park outside these hours shall be submitted and approved prior to the issue of a Demolition/Building Licence or first occupation of this development or the commencement of either use on-site, whichever occurs first. All works shall be undertaken prior to the first occupation of the development or commencement of either use on-site, whichever occurs first and maintained thereafter by the owners/occupiers;*
- (xix) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Wasley Street verge adjacent to the subject property and on-site, shall be submitted and approved prior to the issue of a Demolition/Building Licence or first occupation of the development or commencement of the either use on-site whichever occurs first. All such works shall be undertaken at the owners cost prior to the first occupation of the development or commencement of either use on-site, whichever occurs first, and maintained thereafter by the owner(s)/occupier(s);*
- (xx) the car park shall be fenced and made secure outside the hours of operation; and*

- (xxi) *any new street/front wall, fence and gate between the Wasley 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.*

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Lake, Seconded Cr Messina

That clauses (iii) and (xiii)(f) be amended to read as follows:

- "(iii) *the car park and storage uses shall cease within three (3) years of notification of this approval or upon the first occupation of stage 3 of the development ~~the basement car park~~ at Nos. 53-65 Wasley Street, North Perth, whichever occurs first;*
- (xiii) (f) *the car park and storage uses to cease within three (3) years of notification of this approval or upon first occupation of stage 3 of development ~~the basement car park~~ at the St Michael Nursing Home, whichever occurs first."*

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Ker on leave of absence.)

Moved Cr Chester, Seconded Cr Doran-Wu

That clauses (i), (iii), (v) and (xiii) be amended to read as follows:

- "(i) *no administration use, other than storage use, shall occur on the subject property;*

- (iii) *the approval for the car park and storage uses is valid for three years only shall cease within three (3) years of notification of this approval and the use should revert back to residential after this time or upon the first occupation of stage 3 of the development at Nos. 53-65 Wasley Street, North Perth, whichever occurs first;*
- (v) *the building shall be reinstated as a dwelling or developed consistent with the Town of Vincent Town Planning Scheme residential zoning of the lots other development to the satisfaction of the Town within 60 days of the storage use ceasing on-site;*
- (xiii) *prior to the issue of a Demolition/Building Licence or first occupation of the development or commencement of the either use on-site, whichever occurs first, the owner(s) shall enter into a legal agreement with the Town and lodge an appropriate assurance bond/bank guarantee of \$5000, that addresses the following undertakings to the satisfaction of the Town:*
- (a) *the car park and storage uses to be directly associated with the St Michael Nursing Home;*
 - (b) *the property not to be used for administration purposes of any kind, other than storage use;*
 - (c) *the car park to be used only by the employees, customers and visitors of the St Michael Nursing Home, and not for use by construction related vehicles;*
 - (d) *the car park to be reinstated with landscaping or other development to the satisfaction of the Town;*
 - (e) *the building to be reinstated as a dwelling or developed consistent with the Town of Vincent Town Planning Scheme residential zoning of the lots other development to the satisfaction of the Town; and*
 - (f) *the approval for the car park and storage uses is valid for three years only to cease within three (3) years of notification of this approval and the use should revert back to residential after this time or upon first occupation of stage 3 of the development at the St Michael Nursing Home, whichever occurs first.*

The legal agreement shall be secured by a caveat on the Certificate(s) of Title of the subject land. 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);"

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Ker on leave of absence.)

Moved Cr Maier, Seconded Cr Lake

That the preamble of clause (xiii) be amended to read as follows:

“(xiii) prior to the issue of a Demolition/Building Licence or first occupation of the development or commencement of the either use on-site, whichever occurs first, the owner(s) shall enter into a legal agreement with the Town and lodge an appropriate assurance bond/bank guarantee of ~~\$5000~~ \$15,000, that addresses the following undertakings to the satisfaction of the Town.”

Debate ensued.

Cr Torre departed the Chamber at 7.47pm

AMENDMENT CARRIED (5-2)

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

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

Debate ensued.

MOTION AS AMENDED CARRIED (7-0)

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

COUNCIL DECISION ITEM 10.1.12

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Edgar Idle Wade Architects on behalf of the owners H J Hepworth, N M Crockford, M Vuckovic and A Pirozzi for Nos. 64A and 64B (Lots 1 and 2) Wasley Street, North Perth-Proposed Demolition of the Western Grouped Dwelling and Construction of a Temporary Car Park, and Change of Use of the Eastern Grouped Dwelling to Temporary Storage Associated with the Institutional Building (St Michael Nursing Home and Independent Living Units) at Nos. 53-65 Wasley Street, corner Norfolk Street, and Forrest Street, North Perth, and as shown on plans stamp-dated 24 March 2006, subject to the following conditions:

- (i) no administration use, other than storage use, shall occur on the subject property;*
- (ii) the temporary car park and storage uses shall be directly associated with the St Michael Nursing Home at Nos. 53-65 Wasley Street, North Perth;*
- (iii) the approval for the car park and storage uses is valid for three years only and the use should revert back to residential after this time or upon the first occupation of stage 3 of the development at Nos. 53-65 Wasley Street, North Perth, whichever occurs first;*
- (iv) the car park area shall be reinstated with landscaping or other development to the satisfaction of the Town within 60 days of the car park use ceasing on-site;*
- (v) the building shall be reinstated as a dwelling or developed consistent with the Town of Vincent Town Planning Scheme residential zoning of the lots to the satisfaction of the Town within 60 days of the storage use ceasing on-site;*

- (vi) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (vii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the deletion of car bay 4;*
 - (b) *car bay 5 being widened to provide a car bay for people with disabilities in accordance with Australian Standards 2890.1;*
 - (c) *the crossover being widened to 6.5 metres; and*
 - (d) *appropriate security lighting being mounted on the retained buildings and focussed in a way as to avoid light spill to the neighbouring properties to the satisfaction of the Town.*

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

- (viii) *a detailed management plan for the operation of the temporary car park and storage uses addressing loading and unloading operations (including delivery and service vehicle times), car park security, staff and visitors car parking, and the control of noise, traffic, litter, lighting or storage uses shall be submitted to and approved by the Town prior to operation of the car park or storage use, whichever occurs first, and thereafter implemented and maintained by the owner(s)/occupier(s) for the temporary period of time;*
- (ix) *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;*
- (x) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (xi) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (xii) *motor vehicle parking is not permitted on the Wasley Street verge adjacent to the subject property;*
- (xiii) *prior to the issue of a Demolition/Building Licence or first occupation of the development or commencement of the either use on-site, whichever occurs first, the owner(s) shall enter into a legal agreement with the Town and lodge an appropriate assurance bond/bank guarantee of \$15,000, that addresses the following undertakings to the satisfaction of the Town:*
 - (a) *the car park and storage uses to be directly associated with the St Michael Nursing Home;*
 - (b) *the property not to be used for administration purposes of any kind, other than storage use;*

- (c) *the car park to be used only by the employees, customers and visitors of the St Michael Nursing Home, and not for use by construction related vehicles;*
- (d) *the car park to be reinstated with landscaping or other development to the satisfaction of the Town;*
- (e) *the building to be reinstated as a dwelling or developed consistent with the Town of Vincent Town Planning Scheme residential zoning of the lots to the satisfaction of the Town; and*
- (f) *the approval for the car park and storage uses is valid for three years only and the use should revert back to residential after this time or upon first occupation of stage 3 of the development at the St Michael Nursing Home, whichever occurs first.*

The legal agreement shall be secured by a caveat on the Certificate(s) of Title of the subject land. 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);"

- (xiv) *the owners of the subject land shall finish and maintain the surface of the western boundary wall of the remaining dwelling on site in a good and clean condition;*
- (xv) *prior to the issue of a Demolition Licence, a Construction Management Plan addressing noise, hours of construction and traffic access via Wasley Street, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (xvi) *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;*
- (xvii) *detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted and approved prior to the commencement of works on site;*
- (xviii) *the hours of operation of the car park and storage uses shall only be between 7 am and 7 pm, Monday to Sunday inclusive. Details of measures, such as a gate, to prevent use of the car park outside these hours shall be submitted and approved prior to the issue of a Demolition/Building Licence or first occupation of this development or the commencement of either use on-site, whichever occurs first. All works shall be undertaken prior to the first occupation of the development or commencement of either use on-site, whichever occurs first and maintained thereafter by the owners/occupiers;*
- (xix) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Wasley Street verge adjacent to the subject property and on-site, shall be submitted and approved prior to the issue of a Demolition/Building Licence or first occupation of the development or commencement or the either use on-site whichever occurs first. All such works shall be undertaken at the owners cost prior to the first occupation of the development or commencement or either use on-site, whichever occurs first, and maintained thereafter by the owner(s)/occupier(s);*
- (xx) *the car park shall be fenced and made secure outside the hours of operation; and*

- (xxi) *any new street/front wall, fence and gate between the Wasley 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.*

Landowner:	H J Hepworth, N M Crockford, M Vuckovic and A Pirozzi
Applicant:	Edgar Idle Wade Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Two Grouped Dwellings
Use Class:	Western Portion -Temporary Car Park; and Eastern Portion - Temporary Storage and Administration Purposes
Use Classification:	Uses Associated with Institutional Building -"SA"
Lot Area:	1020 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

The above temporary car park, storage and administration proposal is associated with the St Michael Nursing Home along Wasley Street, North Perth.

DETAILS:

The proposal involves the demolition of one of the two grouped dwellings at the above site, to be converted into a temporary car park of 26 car bays and storage and administration facility associated with the St Michael Nursing Home at Nos. 53- 65 Wasley Street, corner Norfolk and Forrest Street, North Perth.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Consultation Submissions			
Support	<ul style="list-style-type: none"> • Nil 		<ul style="list-style-type: none"> • Noted
Objection (9)	<ul style="list-style-type: none"> • Loss in residential amenity, compromise residential character of the locality, inappropriate in the middle of a residential area and even contrary to the Town's Norfolk Precinct Policy and far too extensive. 		<ul style="list-style-type: none"> • Noted-and the car park is considered acceptable in this instance as the car park is temporary in nature, is unlikely to have an undue impact on surrounding residences, and would assist in providing additional car parking during the construction period of the nursing home re-development.
	<ul style="list-style-type: none"> • Make surrounding house less secure. 		<ul style="list-style-type: none"> • Not supported-as there is no evidence to substantiate this claim.
	<ul style="list-style-type: none"> • Introduction of commercial use (administration) within a residential area is not supported and is a dangerous precedent. 		<ul style="list-style-type: none"> • Supported-as a condition has been imposed that the administration component be deleted from the above proposal.
	<ul style="list-style-type: none"> • Reduce the value of surrounding properties. 		<ul style="list-style-type: none"> • Not supported-as there is no documentary evidence to support this claim. Moreover, property values are not a valid planning consideration.

	<ul style="list-style-type: none"> What is planned for the site after the car park ceases to operate. If the car park is approved, as a minimum the car park should be sealed to avoid dust pollution, landscaped and fenced. 	<ul style="list-style-type: none"> Supported- a condition has been imposed in terms of sealing of the car park. There is no information on what is planned after the car park use is terminated. Landscaping is shown on the submitted site plan. A fencing condition has been proposed to secure the site after hours.
	<ul style="list-style-type: none"> How long is temporary. The temporary car park will be an eye sore and to remove it within 3 years will be very difficult. There is no guarantee that the developer will stop using the site for car park purposes, given the developer's lack of compliance with mandatory requirements of the Town to-date. 	<ul style="list-style-type: none"> Supported- a condition is imposed for the car park to cease operating as soon the car park on the St Michael Nursing Home is completed.
	<ul style="list-style-type: none"> Concerns that the developer is able to proceed despite not complying with previous conditions. 	<ul style="list-style-type: none"> Noted-as this matter is now being determined at the State Administrative Tribunal. The Town will monitor the situation and take appropriate action if the conditions of approval are not complied with.
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 brick and tile dwelling at No. 64A Wasley Street, North Perth is part of a duplex pair, which was constructed in 1976. The duplex was built for Mr and Mrs Ariti and was designed by Anthony Casella Architects. The dwelling is not listed on the Town of Vincent Municipal Heritage Inventory or the Interim Heritage Database.

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, there are no objections for the demolition of the place.

Technical Services

The Town's Technical Services have advised that the proposed car park layout, as shown on the applicant's drawing SK2, generally complies with the requirements of Australian Standards 2890-1:2004 *Off-street car parking*. However, car bay No. 4 should be deleted to ensure adequate separation between passing vehicles. Further, car bay No. 5 could be widened to provide a car bay for people with disabilities. Protective measures, such as bollards, should be installed in the turning bay adjacent the rear/northern fence.

The existing crossover should be widened by 1.5metres on the western side to provide a 6.5 metres wide dual access, thereby reducing the turning movement while increasing the separation between vehicles entering and exiting the car park.

Given the car park has an anticipated life expectancy of three (3) years, it is recommended that it is sealed, drained and line-marked in accordance with the Town's specification. However, in respect of lighting, it is suggested that appropriate security lighting be mounted on the retained building and focused in such a way as to avoid light spill to the neighbouring properties.

The Town's Policy in respect of landscaping requires a tree every four (4) car bays however, even if the applicant were to acquire advanced specimens, three (3) years is insufficient time for the trees to grow to a size where they would provide significant shade. Therefore unless the trees were of a variety that can be easily transplanted, it is recommended low level planting be installed as per the applicants aforementioned drawing.

Storage and Administration

The storage of archival material and personal storage of staff on duty is supported in the remaining dwelling. However, the use of the premises for administration purposes associated with the nursing home is not supported, as it results in an intensification of a commercial use, which can be accommodated within the existing nursing home site.

Car Park

A car park within a Residential zone on its own is considered as an "X" or prohibited use. However, a car park use when associated with an Institutional Building (Nursing Home and Independent Living Units) can be considered, subject to compliance with the Town's Parking and Access Policy 3.7.1, which allows the provision of car parking serving a particular use to be located on a lot.

Reciprocal Car Parking

The Town's Policy relating to Parking and Access states the following in relation to reciprocal parking:

"ii) Reciprocal Parking

Reciprocal parking arrangements may be considered acceptable where the Town of Vincent is convinced that demand for parking by the uses proposed will not unreasonably coincide.

Where reciprocal parking is proposed, the Town of Vincent is to be satisfied that:

- a) *the parking facilities serving the proposed uses will be located on the one lot, or that parking arrangements are permanent (e.g. easement, amalgamation, legal agreement, restrictive covenant or any other formal arrangement the Town of Vincent may require);*
- b) *parking demand both in the immediate and long term can be satisfied;*
- c) *no substantial conflict will exist in the peak hours of operation of the uses for which the reciprocal parking arrangements are proposed;*
- d) *the uses being served by the parking arrangements are compatible (i.e. no overlap demand for parking facilities);*
- e) *the number of parking spaces which may be credited from one use to another use does not exceed the number of spaces reasonably anticipated to be in excess of the requirement of the first use during its peak hours of operation; and*
- f) *a proposed change of use will comply with the reciprocal parking arrangements, or will satisfy the parking requirement by other means before approval is granted."*

The subject 26 car parking bays on the subject property that are to be provided for use by the employees, customers and visitors of St Michael Nursing Home, at no cost to these users, will be secured via a legal agreement and caveat or a grant of easement, as detailed in the Officer Recommendation. There is no additional car parking requirements associated with the storage purposes associated with the St Michael Nursing Home.

As such, the approach by the applicant to overcome the issue of a shortfall in car parking during the construction period, by providing alternative parking in close proximity to the proposed additions to the existing St Michael Nursing Home at Nos. 53-65 Wasley Street, corner Norfolk Street and Forrest Street, North Perth is welcomed as an appropriate alternative interim short term solution only.

On this basis, no objection is raised to the car parking and archival storage uses, subject to standard and appropriate conditions to address the above matters.

10.1.1 Further Report - Nos. 53 - 65 (Lot(s) 12, 134-136) Wasley Street, Corner Norfolk Street, and No. 88 (Lot 4) Forrest Street, North Perth – Proposed Demolition of Existing Independent Living Units and Nursing Home and the Construction of Additional Nursing Home, Part Undercroft Car Parking, Shade Sails and Carports to the Existing Independent Living Units and Nursing Home

Ward:	South	Date:	18 July 2006
Precinct:	Norfolk;P10	File Ref:	PRO2045; 5.2004.2476.1
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Edgar Idle Wade Architects on behalf of the owner Iles Investments Pty Ltd for proposed demolition of existing independent living units and nursing home and the construction of additional nursing home, part undercroft car parking, shade sails and carports to the existing independent living units and nursing home at No(s). 53 - 65 (Lot(s) 12, 134 - 136) Wasley Street, corner Norfolk Street, and No.88 (Lot 4) Forrest Street, North Perth, and as shown on plans stamp-dated 22 May 2006, 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) prior to the first occupation of the development, eight (8) class- one or two, and five (5) class three bicycle parking facilities, shall be provided at a location convenient to the entrance of the development. The owners shall provide additional class one or two bicycle parking facilities if there is a demand for them. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (iii) a detailed management plan for the operation of the nursing home addressing loading and unloading operations (including delivery and service vehicle times), car park security, staff and visitors car parking, the control of noise (including sirens from ambulances), traffic, right of way access to adjoining properties, rubbish collection and litter, shall be submitted to and approved by the Town prior to the issue of a Building Licence, and thereafter implemented and maintained by the owner(s)/occupier(s);*

- (iv) *prior to the issue of a Building Licence, designs for art works valued at a minimum of 1 per cent of the estimated total cost of the development (\$30,000) shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services 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);*
- (v) *prior to the issue of a Building Licence, revised plans shall be submitted to and approved by the Town demonstrating the following:*
- (a) *the proposed security roller door to the undercroft car park being a minimum 50 percent visually permeable when viewed from the street; and*
- (b) *the overall height to the top of pitched roof of the buildings being a maximum of 9 metres when measured from natural ground level.*
- The revised plans shall not result in any greater variation to the requirements of the Town's Policies;*
- (vi) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (vii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (viii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (ix) *any new street/front wall, fence and gate between the Wasley Street, Norfolk Street and Forrest Street boundaries 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;*

- (x) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Wasley Street, Norfolk Street and Forrest Street verges adjacent to the subject property, inclusive of the area occupied by the temporary angle car bays within the Wasley Street road verge shall be submitted and approved prior to the issue of a Building Licence. The applicant is requested to liaise with adjacent landowners in regard to the selection of appropriate species and design where it abuts residential properties. All such works shall be undertaken at the owner's cost prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xi) *a construction management plan addressing noise, hours of construction, traffic, use of right of way (ROW), car parking, collection of rubbish, loading/unloading processes, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of commencement of construction works), shall be submitted to and approved by the Town prior to the issue of a Building Licence, and thereafter implemented and maintained by the owner(s)/occupier(s);*
- (xii) *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;*
- (xiii) *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);*
- (xiv) *prior to the first occupation of stage 3 of the development, the full length and width of the right of way from Norfolk Street to the western most boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;*
- (xv) *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;*
- (xvi) *all development and uses on site shall be directly associated with the nursing home on site;*
- (xvii) *the proposed additional parallel verge car parking shall be subject to a separate application to the Town, and shall be constructed in accordance with the Town's specification and at the cost of the owners;*
- (xviii) *the carports shall be one hundred (100) percent open on all sides and at all times (open style gates/panels are permitted);*
- (xix) *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;*

- (xx) *the independent living units and nursing home shall accommodate a maximum of 115 beds at any one time;*
- ~~(xxi) *no vehicle parking is permitted on the Norfolk Street, Forrest Street and Wasley Street road reservations, except for the current temporary verge car bays adjacent to the subject property;*~~
- (xxii) *all temporary verge car bays along Wasley Street shall be removed upon construction and occupation of the basement car park on-site, and the landscaping installed as per condition (x) above, at the owner's cost;*
- (xxiii) *the buildings facing the northern and eastern boundaries shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The acoustic report, including sound insulation recommendations, shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant and report are to be at the applicant's/owner(s) costs;*
- ~~(xxiii) *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/owner 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;*~~
- (xxiv) *all construction related vehicles shall be accommodated on site for the entire duration of the construction period;*
- (xxv) *no service vehicle access or parking is permitted along the rear right of way adjacent to the subject property;*
- (xxvi) *26 temporary car bays at Nos.64A and 64B Wasley Street, North Perth for employees, customers and visitors shall be provided prior to the commencement of construction of the remaining stages, and shall be maintained throughout the construction period;*
- (xxvii) *the carports adjacent to Forrest Street shall be used by residents and visitors of the nursing home, and not for any deliveries;*
- ~~(xxviii) *all deliveries to the site shall be via the basement car park or through the front of the building off Wasley Street;*~~
- (xxix) *no delivery vehicles associated with the nursing home shall be parked along the verge car parking bays or along the Wasley Street, Norfolk Street and Forrest Street frontages, unless prior approval under exceptional circumstances is obtained from the Town;*
- (xxx) *delivery times to the nursing home shall be restricted to 7am to 7pm, inclusive, daily, unless in cases of an emergency;*
- (xxxi) *the shade cloth shall be complementary in design and colours with the existing building and be made of permeable material; and*

(xxxiii) a dedicated temporary pedestrian footpath shall be provided, constructed and set aside for the full duration of the construction period along the Wasley Street and Norfolk Street frontages, at the applicant's/owner's cost.

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

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Cr Doran-Wu departed the Chamber at 7.50pm.
Cr Doran-Wu returned to the Chamber at 7.51pm.

Cr Torre returned to the Chamber at 7.55pm.

Cr Messina departed the Chamber at 8.00pm.

Moved Cr Maier, Seconded Cr Lake

That;

1. *clause (xvii), (xxiii), (xxvii) and (xxxiii) be amended to read as follows:*
 - "(xvii) the proposed additional parallel verge car parking shall be subject to a separate application to the Town and referral to an Ordinary Meeting of Council for determination, and shall be constructed in accordance with the Town's specification and at the cost of the owners;*
 - (xxii) the buildings facing the northern and eastern boundaries shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation from all sources of sound shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The acoustic report, including sound insulation recommendations, shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant and report are to be at the applicant's/owner(s) costs;*
 - (xxvi) ~~26~~ 25 temporary car bays at Nos. 64A and 64B Wasley Street, North Perth for employees, customers and visitors shall be provided prior to the commencement of construction of the remaining stages, and shall be maintained throughout the construction period;*
 - (xxvii) a dedicated temporary pedestrian footpath shall be provided, constructed and set aside for the full duration of the construction period along the Wasley Street and Norfolk Street frontages to the satisfaction of the Town's Technical Services Division, at the applicant's/owner's cost."*

2. *a new clause (xxiii) be added as follows:*

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

Cr Messina returned to the Chamber at 8.01pm.

The Presiding Member advised that each clause of the amendment would be dealt with individually.

Amendment to clause (xvii) was put.

AMENDMENT CARRIED (6-2)

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

(Cr Ker on leave of absence.)

Amendment to clause (xxii) was put.

AMENDMENT CARRIED (8-0)

(Cr Ker on leave of absence.)

Amendment to clause (xxvi) was put.

AMENDMENT CARRIED (8-0)

(Cr Ker on leave of absence.)

Amendment to clause (xxxii) was put.

AMENDMENT CARRIED (8-0)

(Cr Ker on leave of absence.)

New clause (xxiii) was put.

AMENDMENT CARRIED (7-1)

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

(Cr Ker on leave of absence.)

Moved Cr Chester, Seconded Cr Messina

That a new clause (v)(c) be added as follows:

"(v) (c) *the building frontages (including roof structure) to the public streets being further articulated, "broken up" by incorporating significant and appropriate design features to reduce the institutional appearance, visual bulk and scale of the building.*"

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Ker on leave of absence.)

Debate ensued.

MOTION AS AMENDED CARRIED (8-0)

(Cr Ker on leave of absence.)

COUNCIL DECISION ITEM 10.1.1

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Edgar Idle Wade Architects on behalf of the owner Iles Investments Pty Ltd for proposed demolition of existing independent living units and nursing home and the construction of additional nursing home, part undercroft car parking, shade sails and carports to the existing independent living units and nursing home at No(s). 53 - 65 (Lot(s) 12, 134 - 136) Wasley Street, corner Norfolk Street, and No.88 (Lot 4) Forrest Street, North Perth, and as shown on plans stamp-dated 22 May 2006, 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) *prior to the first occupation of the development, eight (8) class- one or two, and five (5) class three bicycle parking facilities, shall be provided at a location convenient to the entrance of the development. The owners shall provide additional class one or two bicycle parking facilities if there is a demand for them. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (iii) *a detailed management plan for the operation of the nursing home addressing loading and unloading operations (including delivery and service vehicle times), car park security, staff and visitors car parking, the control of noise (including sirens from ambulances), traffic, right of way access to adjoining properties, rubbish collection and litter, shall be submitted to and approved by the Town prior to the issue of a Building Licence, and thereafter implemented and maintained by the owner(s)/occupier(s);*

- (iv) *prior to the issue of a Building Licence, designs for art works valued at a minimum of 1 per cent of the estimated total cost of the development (\$30,000) shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services 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);*
- (v) *prior to the issue of a Building Licence, revised plans shall be submitted to and approved by the Town demonstrating the following:*
- (a) *the proposed security roller door to the undercroft car park being a minimum 50 percent visually permeable when viewed from the street;*
 - (b) *the overall height to the top of pitched roof of the buildings being a maximum of 9 metres when measured from natural ground level; and*
 - (c) *the building frontages (including roof structure) to the public streets being further articulated, "broken up" by incorporating significant and appropriate design features to reduce the institutional appearance, visual bulk and scale of the building.*
- The revised plans shall not result in any greater variation to the requirements of the Town's Policies;*
- (vi) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (vii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (viii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (ix) *any new street/front wall, fence and gate between the Wasley Street, Norfolk Street and Forrest Street boundaries 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;*
- (x) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Wasley Street, Norfolk Street and Forrest Street verges adjacent to the subject property, inclusive of the area occupied by the temporary angle car bays within the Wasley Street road verge shall be submitted and approved prior to the issue of a Building Licence. The applicant is requested to liaise with adjacent landowners in regard to the selection of appropriate species and design where it abuts residential properties. All such works shall be undertaken at the owner's cost prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xi) *a construction management plan addressing noise, hours of construction, traffic, use of right of way (ROW), car parking, collection of rubbish, loading/unloading processes, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of commencement of construction works), shall be submitted to and approved by the Town prior to the issue of a Building Licence, and thereafter implemented and maintained by the owner(s)/occupier(s);*
- (xii) *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;*
- (xiii) *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);*
- (xiv) *prior to the first occupation of stage 3 of the development, the full length and width of the right of way from Norfolk Street to the western most boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;*
- (xv) *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;*
- (xvi) *all development and uses on site shall be directly associated with the nursing home on site;*

- (xvii) *the proposed additional parallel verge car parking shall be subject to a separate application to the Town and referral to an Ordinary Meeting of Council for determination, and shall be constructed in accordance with the Town's specification and at the cost of the owners;*
- (xviii) *the carports shall be one hundred (100) percent open on all sides and at all times (open style gates/panels are permitted);*
- (xix) *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;*
- (xx) *the independent living units and nursing home shall accommodate a maximum of 115 beds at any one time;*
- (xxi) *all temporary verge car bays along Wasley Street shall be removed upon construction and occupation of the basement car park on-site, and the landscaping installed as per condition (x) above, at the owner's cost;*
- (xxii) *the buildings facing the northern and eastern boundaries shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation from all sources of sound shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The acoustic report, including sound insulation recommendations, shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant and report are to be at the applicant's/owner(s) costs;*
- (xxiii) *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/owner 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;*
- (xxiv) *all construction related vehicles shall be accommodated on site for the entire duration of the construction period;*
- (xxv) *no service vehicle access or parking is permitted along the rear right of way adjacent to the subject property;*
- (xxvi) *25 temporary car bays at Nos.64A and 64B Wasley Street, North Perth for employees, customers and visitors shall be provided prior to the commencement of construction of the remaining stages, and shall be maintained throughout the construction period;*
- (xxvii) *the carports adjacent to Forrest Street shall be used by residents and visitors of the nursing home, and not for any deliveries;*
- (xxviii) *all deliveries to the site shall be via the basement car park or through the front of the building off Wasley Street;*

- (xxix) *no delivery vehicles associated with the nursing home shall be parked along the verge car parking bays or along the Wasley Street, Norfolk Street and Forrest Street frontages, unless prior approval under exceptional circumstances is obtained from the Town;*
- (xxx) *delivery times to the nursing home shall be restricted to 7am to 7pm, inclusive, daily, unless in cases of an emergency;*
- (xxxii) *the shade cloth shall be complementary in design and colours with the existing building and be made of permeable material;*
- (xxxiii) *a dedicated temporary pedestrian footpath shall be provided, constructed and set aside for the full duration of the construction period along the Wasley Street and Norfolk Street frontages to the satisfaction of the Town's Technical Services Division, at the applicant's/owner's cost; and*
- (xxxiiii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s).*

ADDITIONAL INFORMATION:

The management of the car parking on Norfolk, Forrest and Wasley Streets is not a planning matter directly related to the proposed development on-site, and requires further investigation in terms of appropriate time restrictions and other management measures. This matter will be the subject of a separate report to an Ordinary Meeting of Council.

FURTHER REPORT:

Background

- 18 January 2005 The Council at its Ordinary Meeting held on 18 January 2005 resolved "*That the Item be DEFERRED for further investigation and for the matter to be considered as part of a future Elected Members Forum.*"
- 15 March 2005 Development proposal presented to an Elected Members Forum. This did not include the proposed associated temporary car park at Nos.64A and 64B Wasley Street, North Perth, which is a separate Agenda Item for the Ordinary Meeting of Council on 25 July 2006.
- Revised plans
dated 8 April 2005 The revised plans were advertised and 8 objections were received.
- 4 July 2005 Public meeting held at the North Perth Hall to discuss matters relating to proposed application serial 00/33/2476.1 deferred at the Ordinary Meeting of Council on 18 January 2005. Minutes attached.
- 15 September 2005 Further public meeting held at the North Perth Hall to discuss matters relating to proposed application serial 00/33/2476.1 deferred at the Ordinary Meeting of Council on 18 January 2005. Minutes attached.

9 November 2005	Petition received in relation to basement car park access off Wasley Street.
21 December 2005	Revised plans received from the applicant/owners of St Michael Nursing Home.
17 March 2006	The Town's Officers advised by the St Michael Nursing Home owners that a new planning application is to be submitted for No.64 Wasley Street, North Perth for the provision of additional car parking bays.
21 April 2006	Written Direction under Section 214 (3) of the Planning and Development Act for the non-compliance with the Approval to Commence Development (No. 00/33/1092) issued on 17 April 2003.
15 May 2006	Owner/applicant applied to SAT for a review of the abovementioned Written Direction.
9 June 2006	SAT direction hearing held.
14 June 2006	Public meeting held at the North Perth Town Hall Lesser Hall to discuss matters relating to proposed application serial 00/33/2476.1 deferred at the Ordinary Meeting of Council on 18 January 2005 and application serial 5.2006.143 relating to proposed demolition of the western grouped dwelling and construction of a temporary car park, and change of use of the eastern grouped dwelling to temporary storage and administration purposes associated with the institutional building (St Michael Nursing Home and independent living units) at Nos.53-65 Wasley Street, corner Norfolk Street, and Forrest Street, North Perth.
22 June 2006	SAT mediation held on-site.
29 June 2006	Submission received from applicant on matters raised at the above mediation.

State Administrative Tribunal

Non-compliance matters relating to Planning Approval approved at the Ordinary Meeting of Council held on 8 April 2003 are being considered as a "Confidential Report" in this Agenda and is part of a "Review" (appeal) application to the State Administrative Tribunal.

Public Meetings

The matters raised at the public meetings on 4 July 2005 and 15 September 2005 have been addressed in the current proposal before the Council.

Additional Information

The applicant has submitted additional information in relation to the current proposal, which is summarised as follows:

- 26 temporary car bays being provided at Nos. 64A and 64B Wasley Street, for the entire period of the construction. The temporary car park will be removed after this time.
- Stage 1 –has been completed and occupied with 48 beds.
- Stage 2 –additional 24 beds.
- Stage 3–additional 28 beds. Total number is (48+24+28+15 beds from the independent living units =115 beds).
- Staffing details are attached.

- Open space is 41 per cent, with a plot ratio of 0.57 in lieu of 0.60, based on the R40 density applying to the site.
- Provision of bin storage in accordance with the Town's requirements.
- Majority of service vehicles to access basement car park, where a dedicated delivery bay has been provided. Larger vehicle deliveries will be via the front door driveway loop off Wasley Street. The laneway will not be available to be used for service vehicle deliveries at any time.
- Adjoining laneway to be sealed and fencing is to be upgraded.
- Dust, operating time and tradesperson' vehicles will be under controls issued to the Builder as part of Building Licence.
- Footpaths to be reinstated at completion of each stage of work.
- It is not considered expedient or appropriate to reinstate the verge, along Wasley Street, adjacent to the completed stage as matters are still being considered by the Town.

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

Additional comments were received in relation to the most recent consultation carried out in relation to the above plans dated 22 May 2006, which are summarised as follows (attached):

Assessment

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	0.60	0.57	Noted- no variation.
Ground floor setback to Wasley Street	4 metres	1 metre to basement car park.	Supported - as the setback is considered not to cause undue impact on the streetscape.
First floor setback to Walsey Street	6.0 metres	3.0 metres to porte cochere and 4.5 metres to building.	Supported - as the setback is considered not to cause an undue impact on the streetscape.
Height of building facing Norfolk Street	9.0 metres	9.4 metres	Not supported - as there is opportunity to reduce the height of the building to comply with the 9 metres height limit.
Height of building facing Wasley Street	9.0 metres	9.4 metres	Not supported - as there is opportunity to reduce the height of the building to comply with the 9 metres height limit.
Consultation Submissions			
Supported	Nil		Noted
Objections (13)	<ul style="list-style-type: none"> • The proposal is contrary to the Town's Norfolk Precinct Policy and is far too vast and inappropriate for the residential area. It will impact negatively on the amenity of this neighbourhood. The fence heights already exceed the Town's requirements. 		Not supported- as the extensions are to an already established non-residential use. The fence height is being considered as a separate "Confidential Report" in this Agenda.

	<ul style="list-style-type: none"> The current air-conditioners along Wasley Street are noisy. These levels are set to rise with the proposed increased development. It should be noted that there are approximately 380 aged care facilities in WA and with 25 or similar having greater numbers than this development. 	<p>Noted - a condition has been recommended to provide an acoustic consultant report for stages 2 and 3. The noise from air-conditioners is subject to the relevant noise legislation.</p>
	<ul style="list-style-type: none"> As the development is greater than 2 storeys in parts, it is ugly and will be a blot on the residential landscape. With the reduced setbacks, the development is inappropriate with the character of the area. 	<p>Supported - a condition has been recommended that the height be reduced to a maximum of 9 metres from the natural ground level. It is considered that the length of the building and its configuration is partly due to the nature of the use and its clientele.</p>
	<ul style="list-style-type: none"> The developer has provided 6 car bays on site for stage 2 and none for the remaining stage, which is not sufficient for the 94 residents and staff. The additional 26 car bays provided off site is still insufficient to cater for staff, visitors and construction vehicles. 	<p>Not supported-as the additional 26 car bays and the 14 temporary car bays are considered adequate for the development. Furthermore, the construction vehicles will be parked on-site. A condition to this effect has been recommended.</p>
	<p>The developer has not addressed the following concerns:</p> <ul style="list-style-type: none"> Impact on residents of increased large trucks making deliveries along Wasley Street. Rubbish collection along Norfolk Street. Provision of footpath along Wasley and Norfolk Streets during the construction period. Noise from gate of car park and light being on houses when car park is being used at night. 	<p>Not supported for the following reasons:</p> <ul style="list-style-type: none"> The trucks will be entering the site for deliveries. This is similar and applies to all sites, where rubbish is collected from the street verge. The footpath will be realigned and provided through the construction period. A high quality gate is to be installed, which will have minimal or no noise during its operation. As the level of the basement car park

		<p>is at grade with Norfolk Street, this would result in the lights having the same impact as a car exiting a property.</p>
	<p>The developer has refused to comply with the following requirements imposed by the Town, as follows:</p> <ul style="list-style-type: none"> • Reduce fence height. • Landscape verges along Wasley and Norfolk Streets. • Fully implement management plan. • Provide 40 car parking bays. • Seal, drain and pave right of way from Norfolk Street. • Provide public art required under Town Planning Scheme. 	<p>Noted-</p> <ul style="list-style-type: none"> • Matter is being considered as a separate "Confidential Report" in this Agenda. • Same as above. • Same as above. • Same as above. • Same as above. • Development has not been completed.
	<p>Developer reneging on its undertaking to residents in the following matters:</p> <ul style="list-style-type: none"> • The parking of construction vehicles being accommodated on site. • New development to comply with Town's requirements. • All delivery and pick up on-site. • Building heights to comply. 	<p>Supported-</p> <ul style="list-style-type: none"> • Has been conditioned to comply. • Has been conditioned, except for setbacks, which are supported. • Has been conditioned to comply. • Has been conditioned to comply.
	<ul style="list-style-type: none"> • At the meeting, the developer undertook to provide a traffic management review of the impact of the development on the neighbourhood to the Town. Given the lack of credibility of the previous review (the impact on the neighbourhood has been much greater than the previous review concluded) residents would like the opportunity to peruse the new review and make submissions on this review prior to Town's Officers reaching a conclusion on the merits of the 	<p>Noted- the traffic management report was made available for viewing by residents. The resident's views are well documented, however, the residents are entitled to provide additional information which will be assessed by the Town's Officers. The streets surrounding the nursing home are classified as access roads in</p>

	<p>application. If not given this opportunity, it is believed that this will be unfair on residents, who have suffered substantially already as a result of traffic problems caused by this development and feedback could assist the Town's consideration of the proposal.</p>	<p>accordance with the Metropolitan Functional Road Hierarchy. In accordance with the criteria, an access road can carry up to 3,000 vehicles per day and has a posted speed of 50kph. The streets surrounding the nursing home are currently within this criteria with the nursing home operations.</p>
	<ul style="list-style-type: none"> Residents believe that the Town should not consider this application until the current legal action against the developer is completed as any resolution could have an impact on the necessity for the developer to take over No.64 Wasley Street and the infill of the current development, for example, the developer having 40 parking bays on-site as currently required. Further, if any compromise is reached this should go back to residents and the Council for consideration if the existing town planning requirements are to be altered. If the developer is unhappy about the delay the company has the opportunity to lodge an appeal to the SAT and the Town could deal with this if and when it may arise. 	<p>Not supported- it is the Town's Officers view that both matters relating to the current development applications and the non-compliance matters, currently being reviewed by the State Administrative Tribunal (SAT), should be considered concurrently, and referred to the Council for its consideration and determination.</p>
	<ul style="list-style-type: none"> If the Town does recommend that the development goes ahead, residents believe that a bond of at least \$100,000 be paid by the developer to ensure that the developer abides by the Town's town planning scheme. The developer has "subbed its nose" at the Town for over 18 months by not complying with a number of requirements and the new proposals does not address all of the outstanding issues. This indicates that the developer may continue to disregard the Town's requirements in the future and measures need to be in place to rectify this situation apart from legal action which may or may not occur in the future. 	<p>Not supported- the requirement for bonds is for specific purposes, such as for crossovers, right of way upgrades, etc. Bonds are generally not imposed as a penalty for potential non-compliance with planning conditions; they may be considered onerous if appealed against, and could potentially expose the Town to additional cost if the condition is considered irrelevant by the SAT.</p>

Demolition

Overall, the places are not considered to meet the threshold for the Town's Municipal Heritage Inventory and it is considered that the places do not warrant full heritage assessment. It is recommended that the proposal to demolish the places be approved, subject to standard conditions.

Car Parking

A car park within a Residential zone on its own is considered as an "X" or prohibited use. However, a car park use, when associated with an Institutional Building (Nursing Home and Independent Living Units) can be considered, subject to compliance with the Town's Parking and Access Policy 3.7.1, which allows the provision of car parking serving a particular use to be located on a lot.

Car Parking Requirement	Car Parking Provision
<p>Car parking requirement (nearest whole number): Nursing Home requires 1 space per 3 beds - 115 beds (the additional 2 beds are from the existing 13 independent units which have the capacity to be increased to 15 beds) = 39 car bays required.</p>	<ul style="list-style-type: none"> • During construction, a total of 53 car bays will be available during stage 2, which will be then reduced to 47 car bays during the final stage 3 of construction. This includes the proposed 14 temporary verge car bays and 26 car bays at Nos.64 A and 64B Wasley Street. • A total of 72 car bays will be provided on-site after the completion of the development, which will include a delivery bay. • A total of 8 parallel car bays are also proposed along Wasley, Norfolk and Forrest Streets.

Reciprocal Car Parking

The Town's Policy relating to Parking and Access states the following in relation to reciprocal parking:

"ii) *Reciprocal Parking*

Reciprocal parking arrangements may be considered acceptable where the Town of Vincent is convinced that demand for parking by the uses proposed will not unreasonably coincide.

Where reciprocal parking is proposed, the Town of Vincent is to be satisfied that:

- a) *the parking facilities serving the proposed uses will be located on the one lot, or that parking arrangements are permanent (e.g. easement, amalgamation, legal agreement, restrictive covenant or any other formal arrangement the Town of Vincent may require);*
- b) *parking demand both in the immediate and long term can be satisfied;*
- c) *no substantial conflict will exist in the peak hours of operation of the uses for which the reciprocal parking arrangements are proposed;*

- d) *the uses being served by the parking arrangements are compatible (i.e. no overlap demand for parking facilities);*
- e) *the number of parking spaces which may be credited from one use to another use does not exceed the number of spaces reasonably anticipated to be in excess of the requirement of the first use during its peak hours of operation; and*
- f) *a proposed change of use will comply with the reciprocal parking arrangements, or will satisfy the parking requirement by other means before approval is granted."*

The subject 26 car parking bays at Nos.64A and 64B Wasley Street that are to be provided for use by the employees, customers and visitors of St Michael Nursing Home at no cost to these users, will be secured via a legal agreement and caveat, as detailed in the 'Officer Recommendation'. There is no additional car parking requirements associated with the storage purposes associated with the St Michael Nursing Home.

As such, the approach by the applicant to overcome the issue of a shortfall in car parking during the construction period, by providing alternative parking in close proximity to the proposed additions to the existing St Michael Nursing Home is welcomed to be an appropriate alternative interim short term solution only on these limited circumstances.

Bicycle Parking

The Town's Parking and Access Policy requires the provision of bicycle parking facilities for relevant commercial uses. The proposed development requires the provision of 16 class 1 or 2 and 5 class 3 bicycle parking bays rounded to the nearest whole number. For this particular proposal, the bicycle parking facilities required for class one or two are considered excessive for the nature of the development, and it is recommended that these be reduced to 8 class 1 or 2 and 5 class three bicycle facilities. On the above basis, end of trip facilities are also considered not required in this instance. Should a demand arise for additional bicycle facilities, these should then be installed by the nursing home owners. As such, an appropriate condition should be applied accordingly.

Conclusion

The proposal is supported and recommended for approval, subject to standard and appropriate conditions to address the above matters, as it is not considered to unreasonably affect the amenity of the adjacent or surrounding properties.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 18 January 2005.

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Edgar Idle Wade Architects on behalf of the owner Iles Investments Pty Ltd for proposed demolition of existing independent living units and nursing home and the construction of additional nursing home, part undercroft car parking, shade sails and carports to the existing independent living units and nursing home at No(s). 53 - 65 (Lot(s) 12, 134 - 136) Wasley Street, corner Norfolk Street, and No.88 (Lot 4) Forrest Street, North Perth, and as shown on plans stamp-dated 17 September 2004 and elevations and site plans for the carports dated 11 January 2005, subject to:

- (i) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) *prior to the first occupation of the development, 16 class 1 or 2 and 5 class 3 bicycle parking facilities shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities;*
- (iii) *a detailed management plan for the operation of the nursing home addressing loading and unloading operations (including delivery and service vehicle times), car park security, staff and visitors car parking, the control of noise (including sirens from ambulances), traffic, right of way access to adjoining properties, rubbish collection and litter, shall be submitted to and approved by the Town prior to the issue of a Building Licence, and thereafter implemented and maintained by the owner(s)/occupier(s);*
- (iv) *prior to the issue of a Building Licence, designs for art works valued at a minimum of 1 per cent of the estimated total cost of the development (\$30,000) shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services 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);*
- (v) *prior to the issue of a Building Licence, revised plans shall be submitted to and approved by the Town demonstrating the following:*
 - (a) *the proposed security roller door to the undercroft car park being a minimum 50 percent visually permeable when viewed from the street; and*
 - (b) *the overall height to the top of pitched roof of the buildings being 9 metres when measured from natural ground level; and*
 - (c) *a mechanical turning apparatus being provided on site, so that there will not be a need for vehicles to reverse to/from the adjacent right of way.*

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

- (vi) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (vii) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (viii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*

- (ix) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Wasley Street, Norfolk Street and Forrest Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (x) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Wasley Street, Norfolk Street and Forrest Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a building licence. The applicant is requested to liaise with adjacent landowners in regard to the selection of appropriate species and design where it abuts residential properties. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xi) *a construction management plan addressing noise, hours of construction, traffic, use of right of way (ROW), car parking, collection of rubbish, loading/unloading processes, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of commencement of construction works), shall be submitted to and approved by the Town prior to the issue of a Building Licence, and thereafter implemented and maintained by the owner(s)/occupier(s);*
- (xii) *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*
- (xiii) *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);*
- (xiv) *prior to the first occupation of the development, the full length and width of the right of way from Norfolk Street to the western most boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;*
- (xv) *a bond and/or bank guarantee for \$7400 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence;*
- (xvi) *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;*
- (xvii) *all development and uses on site shall be directly associated with the nursing home on site; and*
- (xviii) *the development and use of the right of way shall not restrict access to those properties that have a legal right of access over that right of way, unless agreed upon by the affected property owners; and*

- (xix) *the carports be one hundred (100) percent open on all sides and at all times (open style gates/panels are permitted);*
- (xx) *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;*
- (xxi) *the independent living units and nursing home shall accommodate a maximum of 115 beds at any one time;*
- (xxii) *no vehicle parking is permitted on the Norfolk Street verge adjacent to the subject property.*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.16

Moved Cr Torre, Seconded Cr Chester

That the recommendation be adopted subject to clauses (v) and (x) being amended to read as follows:

- (v) *prior to the issue of a Building Licence, revised plans shall be submitted to and approved by the Town demonstrating the following:*
 - (a) *the proposed security roller door to the undercroft car park being a minimum 50 percent visually permeable when viewed from the street; and*
 - (b) *the overall height to the top of pitched roof of the buildings being 9 metres when measured from natural ground level; ~~and~~*
 - (c) *a mechanical turning apparatus not being provided on site, ~~so that there will not be a need for vehicles to reverse to/from the adjacent right of way,~~ and*
 - (d) *adequate manoeuvring area being provided on the property to enable vehicles to enter and exit the property via the adjacent right of way from Norfolk Street in a forward gear;*

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

- (x) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Wasley Street, Norfolk Street and Forrest Street verges adjacent to the subject property, and the provision of parallel car bays within the Norfolk or Wasley Street road verges shall be submitted and approved prior to the issue of a building licence. The applicant is requested to liaise with adjacent landowners in regard to the selection of appropriate species and design where it abuts residential properties. All such works shall be undertaken at the owners cost prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);"*

Debate ensued.

Moved Cr Chester, Seconded Cr Torre

That the Item be DEFERRED for further investigation and for the matter to be considered as part of a future Elected Members Forum.

<i>Landowner:</i>	<i>Iles Investments Pty Ltd</i>
<i>Applicant:</i>	<i>Edgar Idle Wade Architects</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40</i>
<i>Existing Land Use:</i>	<i>Institutional Building (Nursing Home and Independent Living Units)</i>
<i>Use Class:</i>	<i>Institutional Building</i>
<i>Use Classification:</i>	<i>"SA"</i>
<i>Lot Area:</i>	<i>7068 square metres</i>
<i>Access to Right of Way:</i>	<i>South side, 5.03 metres wide, unsealed, privately owned</i>

BACKGROUND:

The most recent application was considered and conditionally approved at the Ordinary Meeting of Council on 8 April 2003 for proposed demolition of two existing dwellings, and alterations and additions to and partial demolition of existing nursing home.

DETAILS:

Part of the development approved at the Ordinary Meeting of Council on 8 April 2003 is currently being constructed (Stage 1 as attached). The current proposal involves the demolition of existing independent living units and nursing home along Norfolk Street, and the construction of additional nursing home, part undercroft car parking, shade sails and carports to the existing independent living units along Forrest Street. The applicant's submission is "Laid on the Table".

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Plot Ratio</i>	<i>0.60</i>	<i>0.50</i>	<i>Supported - due to compliance</i>
<i>First floor setback to Norfolk Street</i>	<i>6.0 metres</i>	<i>3.0 metres</i>	<i>Supported - as the setback is considered not to cause undue impact on the streetscape.</i>
<i>Ground floor setback to Wasley Street</i>	<i>6.0 metres (consistent with setbacks on adjoining land)</i>	<i>1.0 metre to basement car park. 3.0 metres to porte cochere and 4.5 metres to building</i>	<i>Supported - as the setback is considered not to cause undue impact on the streetscape.</i>
<i>Height of building facing Norfolk Street</i>	<i>9.0 metres</i>	<i>9.4 metres</i>	<i>Not supported - as there is opportunity to reduce the height of the building to comply with the 9 metres height limit.</i>
<i>Height of building facing Wasley Street</i>	<i>9.0 metres</i>	<i>9.4 metres</i>	<i>Not supported - as there is opportunity to reduce the height of the building to comply with the 9 metres height limit.</i>

<i>Forrest Street setback for carports</i>	<i>4.0 metres</i>	<i>Nil</i>	<i>Supported - as there is a carport on the adjoining lot to the east which has a nil front setback.</i>
<i>Consultation Submissions</i>			
<i>Supported</i>	<i>Nil</i>		<i>Noted</i>
<i>Objections (11)</i>	<p><i>If the right of way is to be used for deliveries, concerns are raised in terms of noise levels as a result of vehicles having their beepers on when reversing.</i></p> <p><i>The issue of safety as there is no proper area or turning circle provided for service vehicles, resulting in these vehicles parking along the street</i></p>		<p><i>Noted - the applicant has advised that 60 percent of deliveries will be via the undercroft area and the remaining 40 percent will be via the lane way, which is to have a mechanical turning apparatus, so that there will not be a need for vehicles to reverse.</i></p>
	<p><i>Potential impact of the under ground car park area and its impact on adjoining lot and trees during construction management time.</i></p> <p><i>Workers starting at unacceptable early times (6am). Time of work should start at 7 am.</i></p> <p><i>Issue of workers parking their vehicles on verges. Expect reasonable number of spaces for workers and visitors to be provided on site, during construction as this will further exacerbate street car parking</i></p> <p><i>St Michael Nursing Home has not made any effort to upkeep street verge.</i></p> <p><i>Proposed expansion contravenes with the Norfolk Precinct's Policy.</i></p>		<p><i>Noted - this is the owner's/builder's responsibility.</i></p> <p><i>Supported - addressed as a standard Building Licence condition.</i></p> <p><i>Noted - the Town's Rangers have been enforcing parking restrictions. The problem main is the limited current onsite parking. The applicant should submit a construction management plan to address parking of worker's vehicles.</i></p> <p><i>Supported - a condition should be imposed that will ensure that verges are well maintained.</i></p> <p><i>Noted - when compared to other commercial uses, a nursing home is considered to be a compatible use with the surrounding residential area.</i></p>

	<i>Originally an additional 28 beds were approved, however an additional 47 beds are being proposed.</i>	<i>Noted - and the additional number of beds is considered acceptable, considering the nature of the use and the additional car bays being provided.</i>
	<i>Provision of insufficient car parking to cater for expansion.</i>	<i>Not supported - as additional number of car bays are provided, which is greater than the required amount.</i>
	<i>Traffic hazards as a result of closeness to Norfolk/Wasley Streets intersection (20 and 37 metres respectively from proposed access points to the site) and increase in traffic volumes. Town of Vincent does not have any co-ordinated plan to deal with traffic movements in the area, and the proposed development result in future traffic reduction along Wasley and Forrest Streets unworkable.</i>	<i>The Town's Technical Services state to minimise the problems at this intersection and improve visual sightlines, 'No Parking' on the adjacent Norfolk Street verge should be a condition of approval.</i>
	<i>All staff car parking to be contained on site rather than allowed to park on street verges.</i> <i>Concern about the roof height along Norfolk Street.</i>	<i>Supported- as there should be adequate number of car bays available once the proposal is completed.</i> <i>Supported-a condition to reduce the overall height to 9 metres is recommended.</i>
<i>Other Implications</i>		
<i>Legal/Policy</i>		<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>
<i>Strategic Implications</i>		<i>Nil</i>
<i>Financial/Budget Implications</i>		<i>Nil</i>

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

Car Parking:

<i>Car parking requirement (nearest whole number): Nursing Home requires 1 space per 3 beds - 115 beds (the additional 2 beds are from the existing 13 independent units which have the capacity to be increased to 15 beds) = 39 car bays required</i>	<i>59 car bays provided on site</i>
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Bicycle Parking Facilities:

<i>Required</i>	<i>Provided</i>
<i>16 class one and two bicycle parking spaces. 5 class three bicycle parking spaces.</i>	<i>No bicycle parking facilities provided on site.</i>

COMMENTS:

Demolition

Overall, the places are not considered to meet the threshold for the Town's Municipal Heritage Inventory and it is considered that the places do not warrant full heritage assessment. It is recommended that the proposal to demolish the places be approved, subject to standard conditions.

Comparison of current and approved development on-site:

	<i>Approved</i>	<i>Proposed</i>
<i>Number of Nursing Home Places</i>	<i>105</i>	<i>115</i>
<i>Site Coverage</i>	<i>55 percent</i>	<i>55 percent</i>
<i>On Site Car Parking</i>	<i>41 bays</i>	<i>59 bays</i>

Traffic

Technical Services advise that the previous proposal represents an increase of 13 percent in vehicle trips per day (VPD), from the existing 140.5 VPD to 158.5 VPD, which equates to an increase of 18 VPD.

The current proposal results in an increase of 21 percent from the existing 140.5 VPD to 169.5 VPD or a 29 VPD increase. The increase in the VPD is spread over the local traffic routes and is considered acceptable in terms of overall traffic impact. On the above basis, the previous Riley Consulting Traffic Impact Assessment will not require substantial modification to account for this latest proposal increase in nursing beds.

Conclusion

The upgrading of the streetscape that would be required as a part of the proposal would also improve the streetscape and visual amenity of the area. The variations sought are considered acceptable.

The proposal is supported, as it is not considered to unreasonably affect the amenity of the adjacent or surrounding properties. It is therefore recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters and the nature of the development."

10.1.13 No. 4 (Lot 36 D/P: 2358) Salisbury Street, Leederville - Proposed Subdivision

Ward:	North	Date:	14 July 2006
Precinct:	Leederville; P03	File Ref:	131517; 7.2006.42.1
Attachments:	001		
Reporting Officer(s):	O Hammond		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Residential Design Codes, the Council RECOMMENDS REFUSAL to the Western Australian Planning Commission of the application submitted by Greg Rowe & Associates on behalf of the owners Y Cimen, M R Falcone, A Magri & M A Sedic for proposed Subdivision, at No. 4 (Lot 36 D/P: 2358) Salisbury Street, Leederville, and as shown on plans stamp-dated 7 June 2006, for the following reasons:

- (i) *the subdivision is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) *the non-compliance with the average site area requirements pertaining to the R30 coding of the Residential Design Codes.*

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

LOST (1-7)

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

Reasons:

1. **There is only a 3.9% density bonus and 3.67% variation in average lot/site area requirements pertaining to the R30 coding of the Residential Design Codes.**
2. **There is capacity for any future development to be sympathetic to with the streetscape.**
3. **There is no impact on the amenities of the locality.**

ALTERNATIVE RECOMMENDATION:

Moved Cr Torre, Seconded Cr Messina

That the following alternative recommendation be adopted:

“That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Residential Design Codes, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission of the application submitted by Greg Rowe & Associates on behalf of the owners Y Cimen, M R Falcone, A Magri & M A Sedic for proposed Subdivision, at No. 4 (Lot 36 D/P: 2358) Salisbury Street, Leederville, and as shown on plans stamp-dated 7 June 2006, subject to the following conditions:

- (i) the applicant obtaining Planning Approval and/or Building Licence for the development of a house(s) on the lots less than 350 square metres in accordance with clause 2.3.3 of the Residential Design Codes;*
- (ii) support of the subdivision is not to be construed as support of any development on the proposed lots;*
- (iii) the street verge tree(s) on Salisbury 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*
- (iv) 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.”*

Moved Cr Chester, Seconded Cr Messina

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

“(v) any development of the lot should be sympathetic with the existing streetscape.

AMENDMENT CARRIED (8-0)

(Cr Ker on leave of absence.)

MOTION AS AMENDED CARRIED (7-1)

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

(Cr Ker on leave of absence.)

COUNCIL DECISION ITEM 10.1.13

“That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Residential Design Codes, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission of the application submitted by Greg Rowe & Associates on behalf of the owners Y Cimen, M R Falcone, A Magri & M A Sedic for proposed Subdivision, at No. 4 (Lot 36 D/P: 2358) Salisbury Street, Leederville, and as shown on plans stamp-dated 7 June 2006, subject to the following conditions:

- (i) the applicant obtaining Planning Approval and/or Building Licence for the development of a house(s) on the lots less than 350 square metres in accordance with clause 2.3.3 of the Residential Design Codes;*
- (ii) support of the subdivision is not to be construed as support of any development on the proposed lots;*
- (iii) the street verge tree(s) on Salisbury 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;*
- (iv) 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; and*
- (v) any development of the lot should be sympathetic with the existing streetscape.*

ADDITIONAL INFORMATION:

The applicant, Greg Rowe and Associates has specifically requested all relevant planning information relating to the subdivision application be provided to the Elected Members for their consideration. The applicant’s submission, which is *“Laid on the Table”*, is attached to this *Additional Information* report.

The comments contained in the applicant's submission are noted. *Clause 3.1.3 Variation to the Minimum Site Area Required* provisions of the Residential Design Codes makes reference to the consideration of a variation of up to 5 per cent of the minimum lot/site area of one lot, and not a variation to the average lot/site area. Also, the proposed subdivision is not considered to have a particularly beneficial outcome for the community, especially in terms of the orderly and proper planning of the locality. In light of the above comments and the comments contained in the Agenda Report, the *Officer Recommendation* remains unchanged.

Landowner:	Y Cimen & M R Falcone & A Magri & M A Sedic
Applicant:	Greg Rowe & Associates
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Vacant Lot
Use Class:	Single House
Use Classification:	"P"
Lot Area:	577 square metres
Access to Right of Way	North side, 5 metres wide, sealed, Town owned

BACKGROUND:

Conditional approval was granted by the Council at its Ordinary Meeting held 12 April 2005 for the demolition of existing single house and construction of a two-storey single house.

DETAILS:

The proposal involves an application for the subdivision of Lot 36 into two (2) lots. The size of the proposed 2 lots is 289 square metres each.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	1.92 dwellings/lots R30	2 dwellings/lots R34.6 3.9% density bonus	Not supported- proposed subdivision does not comply with the average site area per dwelling requirements of the R30 density code and unduly affect the amenity of the area.
Average Lot/Site Area	300 square metres	289 square metres	Not supported- proposed average lot/site area is less than the requirement for the R30 code and unduly affect the amenity of the area.
Plot Ratio	N/A	N/A	Noted.
Consultation Submissions			
The proposed subdivision did not require any community consultation.			
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 proposed subdivision is considered to have a detrimental effect on the existing streetscape and is, therefore, recommended for refusal.

10.1.3 Further Report- No. 18A (Lot: 2 STR: 46886) Harold Street, Mount Lawley- Proposed Two (2) Storey Single House

Ward:	South	Date:	17 July 2006
Precinct:	Banks; P15	File Ref:	PRO3462; 5.2006.92.1
Attachments:	001		
Reporting Officer(s):	E Saraceni; B Phillis		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by K J Polla on behalf of the owner R K Singh & K J Polla for proposed Two (2) Storey Single House, at No. 18A (Lot: 2 STR: 46886) Harold Street, Mount Lawley, and as shown on plans stamp-dated 7 March 2006, 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 Open Space and Plot Ratio requirements of the Residential Design Codes and as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements; and*
- (iii) consideration of objections from the immediate adjoining property owners.*

COUNCIL DECISION ITEM 10.1.3

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Cr Chester departed the Chamber at 8.24pm.

LOST (2-5)

For

Cr Lake
Cr Maier

Against

Mayor Catania
Cr Doran-Wu
Cr Farrell
Cr Messina
Cr Torre

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

Reasons:

1. It is a small lot size which is difficult to develop in accordance with the Town Planning Scheme No 1 and the Residential Design Codes.
2. The skilful and considered plan, given the limitations of the site.
3. It fits in with the development of the surrounding area.
4. There is no reduction in the amenity of the locality.

ALTERNATIVE RECOMMENDATION:

Moved Cr Farrell, Seconded Cr Torre

That the following alternative recommendation be adopted:

“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 K J Polla on behalf of the owner R K Singh & K J Polla for proposed Two (2) Storey Single House, at No. 18A (Lot: 2 STR: 46886) Harold Street, Mount Lawley, and as shown on plans stamp-dated 7 March 2006, 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; and*
- (ii) *any new street/front wall, fence and gate between the Harold 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) *first obtaining the consent of the owners of No. 18 (Strata Lot 1) Harold Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 18 (Strata Lot 1) Harold Street in a good and clean condition.”*

Debate ensued.

Moved Cr Lake, Seconded Cr Maier

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

“(iv) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the upper floor northern setback being at least 1 metre.”

Debate ensued.

AMENDMENT LOST (2-5)

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

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

MOTION CARRIED (5-2)

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

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

FURTHER REPORT:

Attached is additional information received from the applicant on 10 July 2006 (showing the actual size of the southern adjoining house) and more legible plans of the proposal for the Council's consideration. The applicant has also provided a justification response to the Officer's comments on variations sought and also the applicant's response to the submissions (all objections) lodged from the adjoining property owners, which is "*Laid on the Table*".

The additional information does not alter the 'Officer's Recommendation'.

In light of the above, the previous Officer Recommendation remains unchanged.

The following is a verbatim copy of the Minutes for the item placed before the Council at its Ordinary Meeting held on 11 July 2006.

Moved Cr Farrell, Seconded Cr Messina

That the Item be DEFERRED to consider the additional information provided.

CARRIED (4-3)

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

(Cr Doran-Wu was an apology. Cr Torre was absent from the Chamber and did not vote.)

The Presiding Member advised that Item 10.1.8 would be considered next as there was a member of the public awaiting the outcome of this Item.

10.1.8 No. 46 (Lot 100, Strata Lot 1) Grosvenor Road, Mount Lawley - Proposed Garage and Ancillary Accommodation Addition to Existing Single House

Ward:	South	Date:	18 July 2006
Precinct:	Norfolk; P10	File Ref:	PRO3408; 5.2005.3330.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners W Campbell & P Rawlinson for proposed Garage and Ancillary Accommodation Addition to Existing Single House, at No. 46 (Lot 100, Strata Lot 1) Grosvenor Road, Mount Lawley, and as shown on revised plans stamp-dated 7 July 2006, subject to the following conditions:

- (i) *any new street/front wall, fence and gate between the Grosvenor Road 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;*
- (ii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iii) *prior to the issue of a Building Licence, the owner(s) shall enter into a legal agreement with and 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 ensure the ancillary accommodation structure:

- (a) will only be occupied by a member or members of the family of the occupier of the main dwelling;*
- (b) the structure shall not be occupied by any more than two (2) persons at any one time;*
- (c) will not be used or rented out as a separate dwelling to the main dwelling; and*
- (d) the person or persons for whom the ancillary accommodation structure is to be constructed, is for use by that person or persons and will be used for no other purposes or by other persons.*

All costs associated with this condition shall be borne by the applicant/owners(s); and

- (iv) first obtaining the consent of the owners of No. 46 Grosvenor Road and No. 20 Hutt Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 46 Grosvenor Road and No. 20 Hutt Street in a good and clean condition.*

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Lake

That clause (iii)(d) be deleted.

Debate ensued.

Cr Farrell departed the Chamber at 8.35pm.

Cr Farrell returned to the Chamber at 8.36pm.

**AMENDMENT CARRIED ON THE
CASTING VOTE OF THE PRESIDING MEMBER (5-4)**

For

Mayor Catania (2 votes)

Cr Lake

Cr Maier

Cr Torre

Against

Cr Chester

Cr Doran-Wu

Cr Farrell

Cr Messina

(Cr Ker on leave of absence.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Ker on leave of absence.)

COUNCIL DECISION ITEM 10.1.8

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners W Campbell & P Rawlinson for proposed Garage and Ancillary Accommodation Addition to Existing Single House, at No. 46 (Lot 100, Strata Lot 1) Grosvenor Road, Mount Lawley, and as shown on revised plans stamp-dated 7 July 2006, subject to the following conditions:

- (i) any new street/front wall, fence and gate between the Grosvenor Road 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;*
- (ii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iii) prior to the issue of a Building Licence, the owner(s) shall enter into a legal agreement with and 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 ensure the ancillary accommodation structure:*
 - (a) will only be occupied by a member or members of the family of the occupier of the main dwelling;*
 - (b) the structure shall not be occupied by any more than two (2) persons at any one time; and*
 - (c) will not be used or rented out as a separate dwelling to the main dwelling;*

*all costs associated with this condition shall be borne by the applicant/owners(s);
and*

- (iv) *first obtaining the consent of the owners of No. 46 Grosvenor Road and No. 20 Hutt Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 46 Grosvenor Road and No. 20 Hutt Street in a good and clean condition.*

Landowner:	W Campbell & P Rawlinson
Applicant:	W Campbell & P Rawlinson
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	Lot 100 -738 square metres; Strata Lot 1 - approximately 407 square metres
Access to Right of Way	East side, 4 metres wide, sealed, privately owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the construction of a garage and ancillary accommodation addition to existing single house.

The applicant outlines in a submission that the ancillary accommodation structure is for the use of the owner's growing family.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	The total area of the ancillary accommodation structure, including the area of the connecting structure (measured over the enclosing walls), is not to exceed 70 square metres	70 square metres	Noted - no variation and refer to Comments.

Density (Minimum Lot/Site Area)	450 square metres	407 square metres	Supported - proposed structure is considered acceptable as: <ul style="list-style-type: none"> • proposed addition is compliant with the open space requirements of the Residential Design Codes; • not considered to be over development of the site; • no undue impact on the streetscape or surrounding amenity; and • applicants could potentially extend the existing dwelling with a similar impact.
Setbacks: Ground Floor- North	1 metres	Nil	Supported - boundary wall is compliant with the height and length requirements of the R Codes, is not considered to have an undue impact on affected neighbour and affected neighbour has stated no objection.
South Upper Floor- South	1 metre 1.2 metres	Nil 1 metre	Supported - as above. Supported - variation is considered minor, not to have an undue impact on affected neighbour and affected neighbour have stated no objection.
Building on Boundary	Walls not higher than 3.5 metres with average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.	3 boundary walls: North: Height - 2.9 metres Length - 8.5 metres	Supported - boundary wall is compliant in terms of height and length, is not considered to have an undue impact on affected neighbour and affected neighbour has stated no objection.

		<p>East: Height - 5.9 metres Length - 9.8 metres</p> <p>South: Height - 3 metres Length - 5.9 metres (occupies 78 per cent of boundary)</p>	<p>Supported - boundary wall is abutting a right of way, is compliant with the setback requirements of the R Codes, is interactive with the right of way and is not considered to have an undue impact on affected neighbours.</p> <p>Supported - boundary wall is compliant in terms of height, is not considered to have an undue impact on affected neighbour and affected neighbour have stated no objection.</p>
Garage	Manoeuvring space of at least 6 metres located immediately in front of the opening to the garage and permanently available.	4 metres	Supported - the Town's Technical Services have stated that in this instance the reduced manoeuvring distance is acceptable, subject to the garage parking space opening being not less than 3 metres wide. This opening width is shown on the plans.
Weather Protected Pedestrian Connection	Where the ancillary accommodation structure is to be a separate structure, a weather-protected pedestrian connection between the main dwelling and the ancillary accommodation structure is to be provided.	Nil provided (existing patio).	Supported - given that an existing patio is located adjacent to the ancillary accommodation structure, a weather protected pedestrian connection is not considered necessary in this instance.

Ancillary Accommodation Building Height	The external walls of the ancillary accommodation structure, including the external walls of the garage, carport and/or the like structure that it is proposed to be built above, is to be a maximum total height of five (5) metres.	5.9 metres	Supported - <ul style="list-style-type: none"> ancillary accommodation structure complies with the 6 metres building wall height for two-storey developments in the Town; the proposed structure is adjacent to a right-of-way and, therefore, no undue impact is imposed on the streetscape; not considered to have an undue impact on affected neighbours; and affected neighbours have stated no objection.
Statutory Declaration	The Town of Vincent being provided with a statutory declaration signed by the owner of the property and by the person or persons for whom the ancillary accommodation structure is to be constructed, stating that the ancillary accommodation structure is for use by that person or persons. Such a statutory declaration is subject to annual review.	Nil provided.	Not supported – the matter is addressed in condition (iv) of the Officer Recommendation to require the owner(s) to prepare a legal agreement, which is secured by a caveat on the Certificate(s) of Title, to ensure that current and future owner(s) are aware of the ancillary accommodation use and restrictions.
Consultation Submissions			
Support (3)	<ul style="list-style-type: none"> No objection 		Noted
	<ul style="list-style-type: none"> No objection providing that the boundary wall facing No. 20 Hutt Street is rendered and painted at the developers costs. 		Supported in part - standard condition (vi) relating to boundary walls has been imposed.
	<ul style="list-style-type: none"> No objection providing the 1.8 metre high boundary fence is replaced at the developer's costs. 		Not supported - dividing fences are subject to the requirements of the Dividing Fences Act.

	<ul style="list-style-type: none"> No objection provided the rear boundary fence is made good where it abuts the new garage. 	Not supported - as above.
	<ul style="list-style-type: none"> No objection provided any debris caused by the construction of the wall is cleared. 	Not supported - not a major planning consideration as it is a civil matter.
Objection	Nil	Noted
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

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

COMMENTS:

Plot Ratio

In this instance, the plot ratio for the subject ancillary accommodation structure was assessed under clause (1)(iii) of the Town's 'Ancillary Accommodation' Policy and not clause (1)(iv)(a) as there is no direct access from the ancillary accommodation to the proposed garage and only 2.2 square metres of the ancillary accommodation structure overlaps the proposed garage. In light of the above, the total area of 70 square metres for the proposed ancillary accommodation is compliant with the Town's Policy and is further supported for the following reasons:

- the bulk and scale of the structure is not considered to have an undue impact on adjoining neighbours or right-of-way streetscape;
- adjoining neighbours have stated no objection;
- proposed development is compliant with the open space requirements of the Residential Design Codes (R Codes); and
- applicants could potentially extend the existing dwelling with a similar impact.

Summary

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

10.1.5 No.4 (Lot 499 D/P: 25511) Hunter Street, North Perth- Proposed Two Storey Single House

Ward:	North	Date:	17 July 2006
Precinct:	North Perth; P8	File Ref:	PRO0491; 5.2006.209.1
Attachments:	001		
Reporting Officer(s):	E Saraceni, L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by B Spaseski on behalf of the owner B & Z Spaseski for proposed Two Storey Single House, at No. 4 (Lot 499 D/P: 25511) Hunter Street, North Perth, and as shown on plans stamp-dated 8 May 2006 , 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 Hunter 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;*
- (iii) to first obtaining the consent of the owners of No. 65 Mabel Street and No. 67 Mabel Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 65 Mabel Street and No. 67 Mabel Street in a good and clean condition; and*

(iv) *prior to the issue of a Building License revised plans shall be submitted and approved demonstrating:*

(a) *the average height of the northern boundary wall being a maximum average height of 3.0 metres;*

(b) *the windows to bedroom 2 on the eastern elevation shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first/upper floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; and*

(c) *the driveway gradient complying with Australian Standards 2890.1.*

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

COUNCIL DECISION ITEM 10.1.5

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker on leave of absence.)

ADDITIONAL INFORMATION:

Additional information has been obtained and attached as an Appendix. The Officer Recommendation remains unchanged.

Landowner:	B and Z Spaseski
Applicant:	B Spaseski
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential 30/40
Existing Land Use:	Vacant
Use Class:	Single House
Use Classification:	"P"
Lot Area:	209 square metres
Access to Right of Way	N/A

BACKGROUND:

17 January 2006 The Council at its Ordinary Meeting resolved to conditionally approve an application for the construction of a two-storey with loft single house at the subject property.

DETAILS:

The proposal involves a two-storey single house. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	Plot Ratio	N/A	N/A
Setbacks: <u>Ground</u> South	1.5 metres	1.4 metres	Supported- minor variation, no undue impact and no objections received by affected neighbour.
East (Rear)	1.5 metres	Nil-4.25 metres	Supported in part - refer to "Buildings on Boundary".
North	1.0 metre	Nil-5.65 metres	Supported in part - refer to "Buildings on Boundary".
<u>Upper</u> West (Front)	6.0 metres	2.59 (balcony) -3.5 metres	Supported - the proposed first floor setback is in keeping with existing developments along Hunter Street, specifically No. 5 Hunter Street. Noted that similar setbacks has been approved by the Council previously.
Buildings on Boundary	One wall built up to boundary is permitted with an average height of 3 metres and a maximum height of 3.5 metres, for 66.6% length of boundary.	- Two boundary walls proposed. -Northern boundary wall has average wall height 3.05 metres	Supported in part- minor variation, no undue impact and height of northern boundary wall has been conditioned accordingly.
Consultation Submissions			
Support	Nil		Noted
Objection (1)	<ul style="list-style-type: none"> • Visual impact of height, bulk and scale of development • Overshadowing • Privacy from stairwell window • Buildings on Boundary 		<ul style="list-style-type: none"> • Not supported- height and setbacks of development considered acceptable. • Not supported- matter is compliant with relevant R-Codes requirements. • Not supported- as above. • Supported in part- refer to above.

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

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

COMMENTS:

In light of this, the proposal is recommended for approval, subject to standard and appropriate conditions to address the above matters, including the condition that the proposed obscure glazed awning windows to bedroom 2 on the eastern elevation are only openable to a maximum of 20 degrees to protect the privacy of the affected neighbour.

10.1.6 No. 68 (Lot 267 D/P: 2831) Dunedin Street, Mount Hawthorn - Proposed Partial Demolition of and Alterations and Additions to Existing Single House

Ward:	North	Date:	18 July 2006
Precinct:	Mount Hawthorn; P01	File Ref:	PRO3570; 5.2006.211.1
Attachments:	001		
Reporting Officer(s):	B Phillis, E Saraceni		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Australian Renovation Group (ARG) on behalf of the owners G & L Maslin for proposed Partial Demolition of and Alterations and Additions to Existing Single House, at No. 68 (Lot 267 D/P: 2831) Dunedin Street, Mount Hawthorn, and as shown on plans stamp-dated 9 May 2006 , subject to the following conditions:

- ~~(i) prior to the issue of a Building Licence, revised plans shall be submitted and approved showing the floor to ceiling height of the upper floor at 2.4 metres, measured from the finished floor level of the upper floor to the ceiling level, reducing the external wall heights to 6.3 metres, measured from the natural ground level at the base of the walls to above the eaves. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;~~
- (ii) *any new street/front wall, fence and gate between the Dunedin 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) *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.*

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

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (8-0)

(Cr Ker on leave of absence.)

COUNCIL DECISION ITEM 10.1.6

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 Australian Renovation Group (ARG) on behalf of the owners G & L Maslin for proposed Partial Demolition of and Alterations and Additions to Existing Single House, at No. 68 (Lot 267 D/P: 2831) Dunedin Street, Mount Hawthorn, and as shown on plans stamp-dated 9 May 2006 , subject to the following conditions:

- (i) *any new street/front wall, fence and gate between the Dunedin 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*
- (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.*

ADDITIONAL INFORMATION:

A further assessment of the proposal by the Town's Executive Manager Environmental and Development Services and the Manager Planning, Building and Heritage Services have concluded that the proposed wall height is considered acceptable in this instance; therefore, clause (i) of the *Officer Recommendation* can be deleted for the following reasons:

- (a) The overall height of the proposal is due not only to the proposed upper floor to ceiling height, but also the existing ground floor to ceiling height of 3.18 metres to 3.54 metres of the existing house;
- (b) The proposed upper floor to ceiling height of 2.7 metres, compared to 2.4 metres, is considered more complementary to the existing ground floor to ceiling height;
- (c) The impact of the building height on the amenity of the neighbours and streetscape is not considered unreasonable as the proposed upper floor is 10.175 metres to the front boundary, 13.59 metres to the rear boundary plus a 3.5 metres wide right of way, and both side neighbours have submitted written no-objection to the proposed building height; and
- (d) The Town has previously approved such building height variations for two storey additions to existing single houses.

Landowner:	G J & L J Maslin
Applicant:	Australian Renovation Group (ARG)
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential (R30)
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	453 square metres
Access to Right of Way	East side, 3.5 metres wide, unsealed, privately owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

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

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

ASSESSMENT:

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

Building Setbacks: North Side (Upper)	2.0 metres	2.75 metres; 1.2 metres; 2.0 metres; 1.5 metres	Supported-as the wall is staggered, which assists with reducing the visual bulk impact experienced by the northern adjoining property.
Building Wall Heights: North Side (Upper)	6 metres (to top of eaves)	6.65 metres; 6.7 metres	Not supported-although the ground floor is existing, the ceiling height for the new upper floor is 2.7 metres, in lieu of the 2.4 metre minimum.
South Side (Upper)	6 metres (to top of eaves)	6.7 metres	Not supported-refer to above comment.
West - Front (Upper)	6 metres (to top of eaves)	6.6 metres / 6.7 metres - 7.1 metres	Not supported-refer to above comment.
East - Rear (Upper)	6 metres (to top of eaves)	6.7 metres	Not supported-refer to above comment.
Visual Privacy: West - Front Facing Living Room Window	To be screened or setback 6 metres from nearest side boundary.	Not screened and setback less than 6 metres from southern boundary.	Supported-adjoining owners have provided their explicit non-objection on the visual privacy variation.
Consultation Submissions			
Support (2) (North and south adjoining owners)	No further comments.		Noted
Objection (0)	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:

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

10.1.4 Further Report - Amendment No. 31 to Planning and Building Policies – Consulting Rooms

Ward:	Both Wards	Date:	18 July 2006
Precinct:	All Precincts	File Ref:	PLA0166
Attachments:	001		
Reporting Officer(s):	K Batina, A Denford		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Draft Policy relating to Consulting Rooms, as shown in Attachment 10.1.4;*
- (ii) *ADOPTS the Draft Policy relating to Consulting Rooms in the interim until the formal adoption of the Policy;*
- (iii) *ADVERTISES the Draft Policy relating to Consulting Rooms for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) *advertising a summary of the subject Policy once a week for four (4) consecutive weeks in a newspaper circulating in the locality;*
 - (b) *where practicable, notifying those persons who in the opinion of the Town, might be directly affected by the subject Policy; and*
 - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission (WAPC);*
- (iv) *after the expiry of the period for submissions:*
 - (a) *REVIEWS the Draft Policy relating to Consulting Rooms, having regard to any written submissions; and*
 - (b) *DETERMINES the Draft Policy relating to Consulting Rooms, with or without amendments; and*
- (iv) *RECOMMENDS consideration be given to the following amendments being made to the Town Planning Scheme as part of the Town Planning Scheme Review:*
 - (a) *Zone Table;*
DELETION of the ‘consulting rooms’ use class and REPLACEMENT with three (3) consulting rooms use classes as set out in the draft Consulting Rooms Policy; and
 - (b) *Schedule 1;*
 - (1) *DELETION of the ‘consulting rooms’ definition and REPLACEMENT with definitions for the three (3) consulting rooms use classes as set out in the draft Consulting Rooms Policy; and*
 - (2) *INCLUSION of the definitions stated in clause 7 of the draft Consulting Rooms Policy, being the definitions of ‘brothel’, ‘brothel business’, ‘escort agency’, ‘massage premises’ and ‘prostitution’.*

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 10.1.4

Moved Cr Torre, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Chester

That a new clause (v)(c) be added as follows:

“(v) (c) *clause 38(7) of the Town Planning Scheme be amended to expressly recognise the power of the Town to impose conditions on approvals limiting the hours of operation where the Town is able to do it.*”

Debate ensued.

Cr Torre departed the Chamber at 8.45pm.

AMENDMENT CARRIED (7-0)

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

Moved Cr Chester, Seconded Cr Farrell

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

“(i) *RECEIVES the Draft Policy relating to Consulting Rooms, as shown in Attachment 10.1.4; and AMENDS the Policy as follows:*

(a) *clause 3 being amended to read as follows:*

“3) *Location*

...

Specific

Residential Areas

~~While not actively encouraged within a Residential zone~~ While generally discouraged within a Residential zone, the following provisions are to be matters will be considered by the Town when determining an when making application for a consulting rooms development in a Residential Zone area;

Debate ensued.

AMENDMENT CARRIED (7-0)

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

Debate ensued.

Cr Torre returned to the Chamber at 8.50pm.

Moved Cr Maier, Seconded Cr Lake

That clause (v)(b)(2) be deleted.

Debate ensued.

AMENDMENT LOST (1-7)

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

(Cr Ker on leave of absence.)

Moved Cr Torre, Seconded Cr Chester

That the Item be DEFERRED to allow for the definitions listed in the proposed policy to be further researched and clarified.

CARRIED (8-0)

(Cr Ker on leave of absence.)

FURTHER REPORT:

The Council at its Ordinary Meeting held on 25 October 2005 considered Item 10.1.10 relating to a draft Consulting Rooms Policy. The Council resolved:

“That the Item be DEFERRED to allow for further information to be included in the proposed policy and a legal opinion to be obtained on the policy’s scope, strength of provisions and effectiveness of implementation prior to it being advertised for public consultation.”

Details

In accordance with the resolution from the Ordinary Meeting of Council held on 25 October 2005, the Town’s Officers instructed the Town’s Solicitors, Mullins Handcock to review the draft Consulting Rooms Policy in relation to its scope, strength of provisions and effectiveness of implementation. Legal advice was duly received from Mullins Handcock, which forms a ‘Confidential Attachment’ to this report.

The Policy has been subsequently modified to reflect the recommended changes made by Mullins Handcock, and additional comments made have been taken into consideration and included as part of the recommendation of this report. Briefly, the changes recommended by Mullins Handcock included the following:

- Rectifying the existing Town Planning Scheme text to reflect the different consulting room types, detailed in the Policy;
- Removal of the provision relating to requiring all previous approvals granted under the City of Perth being granted a new approval by the Town of Vincent, consistent with the Consulting Rooms Policy;
- Removal of subjective or suggestive wording and phrases, making the Policy more generic; and
- Modifications to some of the definitions provided.

In light of the comments provided by the Town's Solicitors, the Policy has been modified accordingly.

Comments

The draft Consulting Rooms Policy has been prepared so to provide applicants with concise guidelines and requirements for establishing 'Consulting Rooms' within the Town of Vincent. The Policy is intended to provide a clear definition of what constitutes a 'Consulting Room' within the Town and discourage the proliferation of non-compliant 'Consulting Room' premises that accommodate unlawful activities such as prostitution from occurring within the Town.

The manner in which this is proposed to be achieved is through the introduction of three (3) different categories of 'Consulting Rooms', namely Medical Consulting Rooms, Alternative Consulting Rooms and Non-Medical Consulting Rooms. In addition, the definitions for "Brothel", "Brothel Business", "Escort Agency", "Massage Premises" and "Prostitution" have been modified, in an effort to clarify the Town's position on these matters.

Specifically, the Policy outlines the following in relation to any prospective Consulting Room applications:

- permitted activities;
- standard conditions of approval;
- location considerations;
- issues of compliance with the Building Code of Australia;
- car parking and vehicular access;
- advertising signage;
- hours of operation; and
- definitions.

In light of the above, it is recommended that Council adopts the revised draft Consulting Rooms Policy and advertises the Policy in accordance with clause 47 of the Town of Vincent Town Planning Scheme No.1 (TPS). Additionally, it is recommended that further consideration be given to amendments relating to the Zoning Table and Schedule 1 of the Town Planning Scheme, as suggested in the legal advice received.

The following is a verbatim copy of the Minutes for the item placed before the Council at its Ordinary Meeting held on 25 October 2005:

"OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the draft Policy relating to Consulting Rooms, as shown in Attachment 10.1.10;*
- (ii) *ADVERTISES the draft Policy relating to Consulting Rooms for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
 - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*

- (iii) *after the expiry of the period for submissions:*
- (a) *REVIEWS the draft Policy relating to Consulting Rooms, having regard to any written submissions; and*
 - (b) *determines the draft Policy relating to Consulting Rooms, with or without amendment, to or not to proceed with them.*
-

COUNCIL DECISION ITEM 10.1.10

Moved Cr Chester, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

*Cr Messina departed the Chamber at 8.19pm.
Cr Messina returned to the Chamber at 8.21pm.*

Moved Cr Chester, Seconded Cr Ker

That the Item be DEFERRED to allow for further information to be included in the proposed policy and a legal opinion to be obtained on the policy's scope, strength of provisions and effectiveness of implementation prior to it being advertised for public consultation.

CARRIED (8-0)

(Cr Farrell on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to present the draft version of the Policy relating to Consulting Rooms and to seek Council's approval to advertise the draft Policy.

BACKGROUND:

4 August 2005

The Town received a letter from the proprietor of the Mount Hawthorn Medical Centre regarding a recent Planning Approval for extensions to a waiting room at the medical centre at No.81 Scarborough Beach Road, Mount Hawthorn.

Part of the conditional approval for the extension required that the applicant apply for a new planning approval in three years time. The proprietor expressed disappointment in being subject to this requirement, due to houses of ill-repute within the Town. The proprietor requested a review of this matter so that consulting rooms such as medical centres are not subject to the same treatment and requirements as other types of consulting rooms within the Town.

5 September 2005

The Mayor replied to the above proprietor informing that an examination will be undertaken as to how the Town will be able to grant reputable business with a more permanent concession.

28 June 2005

The Council at its Ordinary Meeting considered Item 10.4.4 relating to a change of use application from 'office building' to 'consulting rooms and ancillary and incidental shop and office' at Unit 2/ No.643 Newcastle Street, Leederville. The Council resolved to adopt the Officer Recommendation, subject to clause (viii) being amended as follows to address escort agencies, prostitution, brothels and the like.

“(viii) all activities at the premises shall be in compliance with the Town’s Policy requirements relating to consulting rooms, and no massage activity of a non-medical nature, prostitution, brothel business, agency business associated with prostitution, escort agency business, and the like, shall occur at the premises and no bedding shall be provided at the premises; and”

DETAILS:

In light of the Mayor’s response and Clause (viii) of the Council Resolution from the Ordinary Meeting of Council held on 28 June 2005, the Town’s Officers have prepared a draft Policy relating to Consulting Rooms, to enable such consulting room types, as medical centres and consulting rooms, to gain permanent approval, rather than periodic approval, requiring renewal every one to three years, as is the case now.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

*Strategic Plan 2005-2010 – Key Result Area One: Environment and Infrastructure:
“1.3 Develop, implement and promote sustainable urban design”*

FINANCIAL/BUDGET IMPLICATIONS:

The current 2005/2006 Budget allocates \$80,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

The draft Policy relating to Consulting Rooms has been prepared so to provide applicants and developers with a set of concise guidelines and requirements for establishing Consulting Rooms within the Town. It is intended that the Policy will give a clear definition of what is defined as a 'Consulting Room' and discourage the continuation of other use types that are presently defined under the guise of 'Consulting Rooms'.

Specifically, the Policy outlines matters, such as the permitted activities, location considerations, public consultation requirements, compliance with the Building Code of Australia, car parking and vehicular access, advertising signage, hours of operation and provides clear definitions as to what constitutes a 'Consulting Room' within the Town of Vincent.

In light of the above, it is recommended that Council adopts the draft version of the Policy relating to Consulting Rooms and advertises the draft version of the Policy in accordance with clause 47 of the Town of Vincent Town Planning Scheme No.1”.

10.1.10 Tenancy 1 - No. 190 (Lot 10 D/P: 46765) Scarborough Beach Road, corner Matlock Street, Mount Hawthorn - Proposed Change of Use from Shop to Eating House (Cafe)

Ward:	North	Date:	18 July 2006
Precinct:	Mount Hawthorn; P02	File Ref:	PRO0446; 5.2006.38.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Urban Concepts on behalf of the owner Jadestar Investments Pty Ltd for proposed Change of Use from Shop to Eating House (Cafe), at Tenancy 1 - No. 190 (Lot 10 D/P: 46765) Scarborough Beach Road, corner Matlock Street, Mount Hawthorn, and as shown on plans stamp-dated 27 June 2006, subject to the following conditions:

- (i) doors, windows and adjacent floor areas fronting Scarborough Beach Road and Matlock Street shall maintain an active and interactive relationship with these streets;*
- (ii) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate planning application, and all signage shall be subject to a Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (iii) the public floor area of the eating house shall be limited to 30 square metres, as shown on the plans;*
- (iv) prior to the first occupation of the development, two (2) class 3 bicycle parking facilities shall be provided at a location convenient to the entrance of the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities;*
- (v) the applicant/owner shall pay a cash-in-lieu contribution of \$3,016 for the equivalent value of 1.16 car parking spaces, based on the cost of \$2,600 per bay as set out in the Town's 2006/2007 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements; and*
- (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.*

COUNCIL DECISION ITEM 10.1.10

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Journalists Giovanni Torre and Lindsay McPhee left the meeting at 8.59pm.

Debate ensued.

Moved Cr Maier, Seconded Cr Messina

That the Item be DEFERRED to allow for the Officers to recalculate the cash-in-lieu figures.

CARRIED (8-0)

(Cr Ker on leave of absence.)

ADDITIONAL INFORMATION:

The Town's Parking and Access Policy requires a restaurant/eating house to provide 1 car bay per 4.5 square metres of public floor area. Public floor area is defined in the Policy as:

"the areas at a premises used as bars, lounges, dining areas, function area, and the like, and excludes areas occupied by lifts, stairways, ramps, escalators, passages, hallways, corridors, lobbies, fixtures, kitchens, stages, sanitary areas, and staff areas including those staff areas behind counters."

Notwithstanding the above, the following is a revised car parking calculation as requested by Councillors Dudley Maier and Sally Lake including the area indicated as 'passage way', which is considered to be contradictory to the Town's Policy relating to 'Parking and Access'.

Car Parking	
Car Parking Requirement (nearest whole number) -Eating House: 1 car bay per 4.5 square metres of public floor area (proposed 30 <u>53</u> square metres) - 6.67 <u>11.77</u> car bays. -Retail/Shop: 1 car bay per 15 square metres of gross floor area (existing 219.45 square metres) - 14.63 car bays. -Office: 1space per 50 square metres of gross floor area (existing 77.3 square metres) - 1.55 car bays Total = 22.85 <u>27.95</u> car bays	23 <u>28</u> car bays
Apply the adjustment factors	(0.5814)
<ul style="list-style-type: none"> ▪ 0.80 (mix of uses with greater than 45 percent of the gross floor area is residential) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.90 (within 400 metres of one or more public car parks in excess of 50 spaces) ▪ 0.95 (parking facilities for bicycle users) 	13.37 <u>16.28</u> car bays
Minus car parking on-site	11 car bays
Minus the most recently approved on-site parking shortfall	1.2094 car bays
Resultant shortfall	1.16 <u>4.07</u> car bays

Landowner:	Jadestar Investments Pty Ltd
Applicant:	Urban Concepts
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Shop
Use Class:	Eating House
Use Classification:	"P"
Lot Area:	1306 square metres
Access to Right of Way	N/A

BACKGROUND:

22 March 2005 The Council at its Ordinary Meeting granted conditional approval for proposed three (3) storey, including lofts, mixed use development comprising five (5) shops, two (2) offices, nine (9) multiple dwellings and undercroft car parking at the subject property.

DETAILS:

The proposal involves the change of use from shop to eating house (cafe), at the subject property.

The eating house (cafe) intends to prepare and serve beverages on site and serve food such as muffins and cakes. There will be no cooking done on the premises.

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

ASSESSMENT:

Note: *The following Assessment Table was corrected and distributed prior to the meeting. Changes are indicated by strikethrough, italic font and underline*

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			
No advertising was required as an eating house is a permitted ('P') use and the application is being referred to the Council for determination.			
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking - Office Component			
Car Parking Requirement (nearest whole number) -Eating House: 1 car bay per 4.5 square metres of public floor area (proposed 30 square metres) - 6.67 car bays. -Retail/Shop: 1 car bay per 15 square metres of gross floor area (existing 219.45 square metres) - 14.63 car bays. -Office: 1space per 50 square metres of gross floor area (existing 77.3 square metres) - 1.55 car bays Total = 22.85 car bays			23 car bays

Apply the adjustment factors	(0.5814)
<ul style="list-style-type: none"> ▪ 0.80 (mix of uses with greater than 45 percent of the gross floor area is residential) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.90 (within 400 metres of one or more public car parks in excess of 50 spaces) ▪ 0.95 (parking facilities for bicycle users) 	13.37 car bays
Minus car parking on-site	11 car bays
Minus the most recently approved on-site parking shortfall	1.2094 car bays
Resultant shortfall	1.16 car bays
Bicycle Parking	
Eating House: (30 square metres of public floor area)	
-1 space per 100 square metres of public floor area for employee/resident.	0.3 space (Class 1 or 2)
-2 spaces plus 1 space per 100 square metres of public area for visitor/shopper.	2.3 spaces (Class 3)
	Total spaces required: 2 spaces (Class 3)

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

COMMENTS:

Car Parking

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

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

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

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

1. No land value component is to be included in the cash-in-lieu of car parking contribution until the draft amended Parking and Access Policy is finally adopted by the Council.
2. Planning applications received prior to and on 12 July 2005 (date of formal adoption of 2005/2006 Budget and Fees and Charges) - the cash-in-lieu contribution is to be based on \$2,500 per car bay.
3. Planning application received after 12 July 2005 - the cash-in-lieu contribution is to be based on \$2,600 per car bay.

The total public floor area for the proposed eating house will result in a car parking shortfall of 1.16 car bays, after the application of adjustment factors. This shortfall can be addressed as a cash-in-lieu contribution.

SUMMARY:

The proposal is supported as it is considered to enhance the amenity of the adjacent or surrounding properties and is compliant with the Town's Mount Hawthorn Centre Precinct Policy.

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

10.1.16 Sustainability Management System – Town of Vincent

Ward:	Both Wards	Date:	19 July 2006
Precinct:	All Precincts	File Ref:	PLA0096
Attachments	001 , 002 , 003 , 004 , 005 , 006 , 007		
Reporting Officer(s):	K Batina		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report relating to the Town of Vincent Sustainability Management System Framework and the supporting Attachments;
- (ii) **ACKNOWLEDGES** the completion of the Sustainability Management System framework for the Town operations and the wider local government area;
- (iii) **ENDORSES** the following specific Sustainability Management System documents and tools, as shown in the Attachments 10.1.16(d), 10.1.16(e) and 10.1.16(f);
 - (a) the Sustainability Charter;
 - (b) Sustainability Reporting Processes; and
 - (c) Version 1 of the Triple Bottom line Decision Making Toolkit;

which will then be reviewed following the completion of the Sustainability Management System Implementation Program, where quarterly progress reports will then be provided to Council for consideration; and
- (iv) **SUPPORTS** the Sustainability Management System Implementation Program, as detailed in this report.

COUNCIL DECISION ITEM 10.1.16

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Ker on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to outline the preparation and the development of the Sustainability Management System (SMS) for the Town of Vincent, and to seek the endorsement by Council of various key components of the SMS.

BACKGROUND:

- 16 December 2003 The Council at its Ordinary Meeting resolved to engage Omega Environmental Pty Ltd to undertake the formulation of a Sustainability Management System for the Town of Vincent.
- 21 January 2004 Omega Environmental Pty Ltd was formally engaged to undertake the development of a Sustainability Management System and Sustainability Strategy for the Town of Vincent.
- January 2004
to November 2005 Omega Environmental Pty Ltd in conjunction with the Town's Officers, conducted a stocktake of the Town's operations and practices. Based on the outcomes of this inventory, Omega Environmental Pty Ltd then undertook modelling of the information to develop a Sustainable Management System for the Town.

DETAILS:

Background

The Town of Vincent's Sustainability Management System (SMS) has been prepared in response to the desire of the Town to adopt and integrate a sustainable management system into its current practice methods and operations to ensure more sustainable practices and procedures within the Town and the community. Influenced by the *State Sustainability Strategy* released by the Western Australian Planning Commission in 2003, and the associated triple bottom line approach (social, environmental and economic), the SMS aims to improve the Town's current operations and procedures and to ensure more sustainable approach to living , within the community.

Sustainability

"Sustainability" is often incorrectly associated with it being a concept solely related to environmental management however, it also encompasses economic and social outcomes and their subsequent management. If a Council is sustainable it is achieving financial performance improvement in its own operations, and economic improvements for the community, while at the same time maintaining or improving the environment and social well being of Council staff and the community. In Western Australia, some Councils are starting with management systems to address only environmental issues, with a view to expanding this later to incorporate wider triple bottom line issues. The Town of Vincent is the only WA Council to have actively pursued a sustainability management system that covers all environmental, social and economic issues.

Sustainability is often regarded as a final outcome; however sustainability relates to a continual process of improvement, and is not static, but rather constantly evolving. The SMS prepared for the Town will facilitate this process of continual improvement by developing sustainable practices and benchmarks.

The Process

When the Town of Vincent SMS project commenced, it was intended that the organisation would develop an SMS to manage its own economic, social (staff) and environmental issues, and a sustainability strategy to set out how it would promote sustainable management across the entire Town. However, following discussions between the Town Officers and the consultants, it was decided that the best approach would be to develop an SMS that would enable all internal and community sustainability issues in the Town of Vincent to be managed via a single, strategic SMS.

In the initial stages of the project, it was recognised that the successful implementation of the SMS would only be possible if the principles and the recommendations from the SMS were integrated with the existing Town of Vincent systems, practices and processes, rather than have it exist as a separate document with little, if any, linkages to the Town of Vincent's practices and processes.

As a result, the SMS has drawn on existing processes for occupational health and safety, quality management, environmental management, financial management, community and social issues management, and other management practices to develop a fully integrated sustainability system.

The development of the SMS was undertaken in various stages, which are summarised below:

Stage One - Review

To provide the consultant with an indication of the Town's current practices and procedures, an extensive review was undertaken with the assistance of key staff members from each of the service departments. The purpose of this was to ascertain what were the existing practices and to identify what improvements or changes needed to be made to enable better and more sustainable practices to be developed, to facilitate this occurring.

Stage Two – Stocktake

Resulting from Stage One of the process, the following stage involved a stock take of all the information collected. Through this stock take, areas which did not yet have any processes or procedures in place, were highlighted and brought to the consultant's attention. In addition to this stock take, an SMS Steering Committee comprising nominated staff members and an SMS Coordinator was also established. In creating this committee, it gave to the staff members a sense of ownership of the process, and more importantly, influenced and provided guidance to the SMS from a 'on the ground' level. Furthermore, through staff involvement, the SMS was able to be made tailor made to specifically suit the Town of Vincent's practices and procedures.

The outcome of this stage was the development of a final SMS framework comprising documents, toolkits, procedures and monitoring. The content of each of these components is discussed further in this report.

Stage 3 - The Town of Vincent's SMS Model

Resulting from Stages 1 and 2, an SMS Model was developed. Comprising five primary components, supported by 17 sub-components, the Town of Vincent's SMS is detailed as follows:

Charter Component

This component comprises the Sustainability Charter, which is an overall Charter that outlines the organisation's commitment to environmental (i.e. sustainable) performance improvement.

Planning Component

The Planning Component comprises three parts, being:

- Sustainability Issues Identification;
- Sustainability Objectives; and
- Targets and Sustainability Improvement Actions.

The *Sustainability Issues Identification* is a process of identifying the key triple bottom line issues facing the organisation and the community.

The *Sustainability Objectives and Targets* is a process that sets out strategic objectives and quantifiable targets that will address the significant issues and bring about triple bottom line performance improvement.

The *Sustainability Improvement Actions* involves developing actual actions and strategies to be implemented to improve performance.

Implementation and Operation Component

Comprising the following eight (8) sub-components, the '*Implementation and Operation Component*' of the SMS Model is the most involved and comprehensive of the five components.

Specifically, each sub-component involves the following processes:

Structure and Responsibility will involve the allocation of responsibility for sustainability within the organisation and making staff accountable for triple bottom line performance improvement.

Sustainability Training and Awareness will ensure that staff are appropriately trained to act sustainably in their day-to-day roles, and raising awareness among staff of the importance of sustainability and their role in the SMS.

To ensure that there is effective communication on sustainability issues between staff, and from management down to staff and visa versa, there will be an *Internal Communication* sub-component of the *Implementation and Operation* Component.

Equally important is the process for communicating and interacting with external stakeholders and the community on sustainability issues, and for this reason an *External Communication* component is included also.

A key sub-component of implementing the SMS, is *SMS Documentation* which will ensure all relevant SMS processes, practices and components are documented simply and effectively.

Document Control is another sub-component, will involve the process for implementing tools to control the distribution of sustainability-related documentation, to ensure relevant copies are maintained and obsolete versions of documents are removed from use in a timely fashion.

To enable the adjustment of existing procedures and work instructions, and implementing new procedures that provide for effective management of the significant triple bottom line issues identified through the SMS, a *Controlling Routine Operations* sub-component will also be included.

A process will be put in place to ensure that there are procedures in place to deal with any emergency, whether it be environmental, safety or business related, which are encompassed in the *Emergency Control* sub-component.

Monitoring and Checking Component

As mentioned previously, the SMS is a continually evolving document and management system, and therefore necessitates a monitoring and checking system to ensure its applicability and appropriateness in any given situation. The Management tools to facilitate this are as follows:

To enable assessment of the effectiveness of the SMS and to measure the organisation's and community performance improvement across the triple bottom line, and the process for reporting of performance both internally and to the public, *Sustainability Indicators, Monitoring and Reporting methods* need to be put in place.

Where there may be non-conformances in the SMS as well as opportunities for improvement, an *Incident and Suggestion Reporting* sub-component, has been developed, that will enable these matters to be addressed in a timely and effective manner.

Sustainability Audits

The process for auditing the SMS to assess its effectiveness in delivering triple bottom line performance improvement.

Sustainability Records

The process for identifying what records need to be maintained to demonstrate that outcomes are being achieved through the SMS.

Review and Adjustment Component

Sustainability Decision Making

The process for reviewing the sustainability impacts of decisions and assessing them on the basis of their triple bottom line merit.

SMS Review

The process for reviewing the overall SMS on a regular basis and making fundamental changes to the system as required to ensure it remains valid and effective.

The SMS components 'fit together' into a continuous improvement framework, as indicated in Figure 1 (Refer Attachment 10.1.16 (a)).

SMS Documentation

The SMS is supported by a variety of processes which are documented in a strategic set of standards, support sheets, tools and templates. These are provided as an attachment to this report. (Refer Attachment 10.1.16 (b))

SMS Standards

A series of SMS standards have been developed to implement the various SMS components and sub components. Each Standard sets out in specific detail how each of the SMS components has been implemented within the organisation. The Standards serve as the primary reference point for the SMS Coordinator (Senior Planning Officer - Strategic) and Managers on SMS issues.

A Standard has been developed for all seventeen SMS sub components.

SMS Support Sheets

SMS Support sheets have been developed for the more complicated SMS components to support the key elements of each standard. These Support Sheets set out the important SMS components in a simplified way, and support the SMS Standards and have been designed as a quick source of SMS information for Managers.

Key elements of each Standard have been summarised in the SMS Support Sheets.

SMS Tools and Templates

A variety of tools and templates have also been developed to aid in the implementation of the processes described in the Standards. These include a Triple bottom Line Decision Making Toolkit, Issues Identification Sheets, and an Incident and Suggestion Form.

SMS Manuals and Guides

SMS Manuals and Guides have been developed for the SMS Coordinator, Managers and Key Staff. Each document is tailored to that specific audience, and comprises a mix of Standards, Support sheets, tools and other information to support personnel in discharging their responsibilities under the SMS.

Identifying an SMS Document

All SMS documents are categorised by a distinct header and footer that contains details of the document, and a note as to its classification as a Standard, Support sheet etc.

As the SMS is implemented and maintained, a number of documents are produced that provide evidence of the systems effective implementation. These documents are regarded as SMS Records as shown in Attachment 10.1.16 (c) and may include:

- sustainability issues registers
- objectives and targets
- management plans, actions and strategies
- training records
- memorandums, letters, newsletters and other SMS-related communication records
- operational procedures, work instructions and other controls
- emergency controls
- performance data
- performance reports
- the results of any audits
- incident records
- suggestions
- records of triple bottom line – based decisions
- outcomes of management reviews

Current Status of SMS Framework

As at November 2005, the SMS project assigned to Omega Environmental was 98% complete. All SMS processes have been developed, and documents, tools and standards produced to describe these processes and practices in detail.

Implementation

As a final component of the SMS framework implementation, staff will undergo training in the SMS processes over a six month period, spanning from late August 2006 to late February 2007. Following the completion of this component of the SMS, this will officially end the SMS development process, and Omega's involvement.

It is proposed to run a Sustainable Management System Pilot Programme that will serve as the first step in implementing the framework into the Town's current practices and procedures. This will be undertaken in two parts. The primary component will involve the comprehensive training of staff over a six month period. The secondary component will entail a continual monitoring and overseeing of the continual implementation of the SMS framework but will not involve any further staff training.

The structure the Sustainable Management System Pilot Programme is proposed as follows:

- Omega and SMS Coordinator (Senior Planning Officer - Strategic) will map out proposed roll out plan for implementing the key aspects of the SMS over a pilot period of 12 months, which will include 6 months training for all staff members;
- Reconvene SMS Steering Team and discuss proposed Pilot Program so to reach an agreed consensus;
- SMS Coordinator, supported by Omega and the SMS Steering Team, will commence the roll out of the SMS components as outlined in the roll out plan in Pilot Program for the Town;
- In the initial stages, Managers and staff will be trained in the key components being implemented. Training will be carried out by Omega and the SMS Coordinator.

- During the pilot phase, the SMS Steering Team will revert to regular meetings to routinely review and adjust SMS components as outlined in the relevant Standards.
- At the end of the pilot phase (12 months), the SMS will be subject to a review. This will also serve as an annual review of the SMS, as outlined in the relevant Standard.

Subsequent to the training taking place, the organisation must seek to adequately implement and maintain the processes developed during the initial project. The SMS framework has been purposefully developed by Omega so it need not be fully implemented all at once. Recognising that there are a variety of different matters demanding greater priority within the Town, many of the SMS processes mapped out have been designed to sit in hiatus until the organisation is ready to implement them fully. These processes have been described in documents, and tools have been developed to support these processes. It will be the discretion of the Town's SMS Steering Team and management as to the most appropriate time to fully implement these processes, to fit in with staff schedules and budgets.

It should be noted that there are already several SMS components and supporting tools already in place and being used.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Town of Vincent Strategic Plan 2005 - 2010:

Key Result Area Three: Economic Development: *“3.2 Develop business strategies that provide a positive triple bottom line return for the Town.”*

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

As has been accounted for in this report, the SMS framework has been completed, with the only outstanding component being the implementation of the SMS into the Town's existing practices and procedures. This stage is evidently the most crucial component of the SMS project, as it marks the completion of the SMS project and its application to the Town's operations.

It is therefore recommended that Council note the completion of the SMS framework, documentation and tools, and endorse the following components, so to enable the implementation of the SMS framework to the Town:

- Sustainability Charter (Refer Attachment 10.1.16 (d));
- Sustainability Reporting Processes (Refer Attachment 10.1.16 (e)).
- Version 1 of the Triple Bottom Line Decision Making Toolkit (Refer Attachment 10.1.16 (f)); and

To facilitate the implementation of the SMS framework, it is also recommended that Council support the Sustainable Management System Pilot Programme, which is outlined in the above report, and forms as an attachment to this report. (Refer Attachment 10.1.16 (g)).

Mayor Catania advised that Cr Messina had declared a financial interest in this Item. Cr Messina had Council approval to remain in the Chamber and participate in debate but not vote on the matter.

10.2.2 Further Report – Proposed Bus Stop Modification Adjacent to the Mt Hawthorn Plaza Redevelopment, Scarborough Beach Road, Mount Hawthorn

Ward:	North	Date:	19 July 2006
Precinct:	Mount Hawthorn Centre; P2	File Ref:	PRO0266 & TES0128
Attachments:	001		
Reporting Officer(s):	C. Wilson		
Checked/Endorsed by:	R. Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report on the proposed modification to the bus stop adjacent to the Mount Hawthorn Plaza Shopping Centre, in Scarborough Beach Road, Mt Hawthorn;*
- (ii) *NOTES that the majority of respondents (78.5%) were 'in favour' of the proposal; and*
- (iii) *APPROVES the proposed modification of the bus stop, as shown on attached plan SK_01, subject to either the existing or a new bus shelter being relocated and retained at this location to the satisfaction of the Chief Executive officer.*

COUNCIL DECISION ITEM 10.2.2

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

The Mayor asked Cr Messina to leave the Chamber as he did not have Council approval to vote. Cr Messina departed the Chamber at 9.07pm.

CARRIED (7-0)

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

Cr Messina returned to the Chamber at 9.08pm.

PURPOSE OF REPORT:

The purpose of this report is to provide Council with further information pertaining to the request by the developers of the 'Mezz' (*the Mt Hawthorn Plaza Shopping Centre*) to replace the existing embayed bus stop with a kerbside stop on Scarborough Beach Road, adjacent to the Shopping Centre.

BACKGROUND:

The redevelopment of the Mt Hawthorn Plaza Shopping Centre, located in Scarborough Beach Road, Mt Hawthorn, commenced in December 2005 and is expected to be completed by December 2006.

While the development approval and building licence sets out the conditions for the major elements of the redevelopment, some of the lesser design elements are evolving during the course of the works.

One such element is the useable footpath area fronting the new ground floor tenancies along the Scarborough Beach Road facade, between Flinders and Fairfield Streets.

Ordinary Meeting of Council 28 February 2006

At this meeting the Council considered a request from Hawaiian Developments to replace the embayed bus stop in Scarborough Beach Road with a kerbside stop at the same location. The developers request was based upon an anticipated significant increase in pedestrian traffic using Scarborough Beach Road once the shopping centre redevelopment is completed. Further, they envisage that some of the tenancies fronting Scarborough Beach Road will be cafés and/or restaurants seeking to incorporate alfresco dining under the new awnings to be installed as part of the upgraded facade.

At the meeting the Council decided:

“That the Item be DEFERRED for a more detailed assessment to be made of the traffic implications and a report be provided to Council at its second meeting in March 2006.”

Ordinary Meeting of Council 28 March 2006

In accordance with the above decision, further information was provided to Council at this meeting as part of a larger report on a proposed Scarborough Beach Road Streetscape Enhancement within the Mt Hawthorn Centre Precinct.

In respect of the bus stop, Council resolved to:

“(v) REQUESTS the applicant to submit the proposal to remove the ‘embayed’ bus stop on Scarborough Beach Road to the Public Transport Authority and Main Roads WA for comment and provide the Town with a report on the outcome as soon as this information is received;”

Ordinary Meeting of Council 13 June 2006

In accordance with clause (v) above, a further report was presented at this meeting providing Council with additional information in respect of the potential impact upon traffic and advising of the responses of Main Roads WA and the Public Transport Authority.

Having considered the additional information, it was decided (*in part*):

“That the Council;

(iii) APPROVES IN PRINCIPLE the proposed modification of the bus stop as shown on attached plan SK_01 subject to the existing bus shelter being relocated and retained at this location to the satisfaction of the Town;

- (iv) *REQUESTS the applicant to advertise/display the proposal in the Mt Hawthorn Plaza redevelopment display area for 21 days, from a date to be agreed by the Town;*
- (v) *ADVERTISES the proposal to the Mount Hawthorn Precinct Group and adjoining businesses and residents for 21 days seeking comments on the proposal; and*
- (vi) *in the advert that no adverse comments are received at the conclusion of advertising period, AUTHORISES the Chief Executive Officer to approve the replacement of the embayed bus stop with a kerb side stop and in the advert that adverse comments are received RECEIVES a further report on the matter."*

DETAILS:

Community Consultation

In accordance with clauses (iv) and (v) of the Council's decision of 13 June 2006, the proposed changes were displayed in the mall area of the Mt Hawthorn Plaza for a period of 21 days, seeking comment. Further, a copy of the proposal was sent to the Mt Hawthorn Precinct Group and nearby businesses with a replied paid envelope.

By the close of the consultation period on 14 July 2006, some 14 responses had been received as follows:

	Responses	Percentage
In favour	11	78.5%
Against	2	14.5%
Other	1	7%
Total	14	100%

In accordance in clause (vi) of the Council's decision of the aforementioned meeting, if any adverse comments were received, a further report was to be prepared for its consideration.

In favour

- Will be a great improvement.
- Great when finished.
- Will add atmosphere.
- Good for the area.
- I support alfresco dining & traffic calming impact.
- As long as it doesn't cause more traffic blockages
- Great concept.
- Looking forward to being finished.
- As long as parking bays don't go.
- Two (2) comments sheets returned in favour with no comment.

Against

Two (2) comment sheets received opposing the changes were submitted by local businesses located on the other (*southern side*) of Scarborough Beach Road.

- As a stand alone measure I think it will create traffic flow problems, increase safety risks and be detrimental to pedestrians, commuters and local businesses.
- If you remove the bus embayment, there will only be one lane for traffic flow. Traffic will stop behind the bus and there will be no traffic flow.

Other

One (1) respondent took the opportunity to comment on a matter not specifically related to the bus stop proposal.

CONSULTATION/ADVERTISING:

Consultation was undertaken in accordance with Council's resolution of the 13 June 2006 and the Town's *Community Consultation Policy 4.1.5*.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

N/A

COMMENTS:

Over recent times there has been a subtle change in transport planning in respect of the interaction between bus services and general traffic. In the past the priority, where possible, has been to install embayed bus bays to isolate the bus from the through traffic lane to reduce delays. However, the down side is that in heavy or congested traffic the bus can be delayed when re-entering the traffic stream.

The current thinking is that in areas such as commercial / retail precincts, a kerbside bus stop acts as a traffic calming measure, has minimal impact upon the general traffic flow and improves the level of service of the bus system.

The Chief Executive Officer advised that Mayor Catania and Cr Messina had declared a financial interest in this Item. Mayor Catania and Cr Messina departed the Chamber at 9.09pm. Deputy Mayor - Cr Farrell assumed the Chair.

10.3.1 Investment Report as at 30 June 2006

Ward:	Both	Date:	12 July 2006
Precinct:	All	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	M Howard-Bath		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 30 June 2006 as detailed in Appendix 10.3.1.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (6-0)

(Cr Ker on leave of absence. Mayor Catania and Cr Messina were absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the level of funds available, the distribution of surplus funds in the short term money market and the interest earned to date.

BACKGROUND:

Interest from investments is a significant source of funds for the Town, where surplus funds are deposited in the short term money market for various terms. Details are attached in Appendix 10.3.1.

Council's Investment Portfolio is spread across several Financial Institutions in accordance with Policy Number 1.3.8.

DETAILS:

Total Investments for the period ended 30 June 2006 were \$12,251,100 compared with \$13,753,389 at 31 May 2006. At 30 June 2005, \$8,301,350 was invested.

Total accrued interest earned on Investments as at 30 June 2006:

	Budget	Actual	%
	\$	\$	
Municipal	310,000	383,371	123.67
Reserve	324,200	442,266	136.42

COMMENT:

As the Town performs only a custodial role in respect of monies held in Trust Fund Investments these monies cannot be used for Council purposes, and are excluded from the Financial Statements.

10.3.5 Hyde Park Stage Upgrade - Progress Report

Ward:	South	Date:	18 July 2006
Precinct:	Hyde Park-P12	File Ref:	RES0016
Attachments:	001		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the progress report on the Hyde Park Stage upgrade;*
- (ii) *APPROVES in principle the design of the proposed Hyde Park Stage as shown in Appendix 10.3.5; and*
- (iii) *ADVERTISES the design for community comment (including receiving comments from the Heritage Council of Western Australia) for a period of twenty one (21) days.*

Moved Cr Maier, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

Mayor Catania returned to the Chamber at 9.10pm and assumed the Chair. Cr Doran-Wu departed the Chamber at 9.10pm.

Cr Messina returned to the Chamber at 9.11pm.

Moved Cr Maier, Seconded Cr Messina

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

“(ii) APPROVES in principle the design of the proposed Hyde Park Stage as shown in Appendix 10.3.5 with universal access to back of house;”

AMENDMENT CARRIED (7-0)

(Cr Ker on leave of absence. Cr Doran-Wu was absent from the Chamber and did not vote.)

Cr Doran-Wu returned to the Chamber at 9.12pm.

MOTION AS AMENDED CARRIED (8-0)

(Cr Ker on leave of absence.)

COUNCIL DECISION ITEM 10.3.5

That the Council;

- (i) *RECEIVES the progress report on the Hyde Park Stage upgrade;*
 - (ii) *APPROVES in principle the design of the proposed Hyde Park Stage as shown in Appendix 10.3.5 with universal access to back of house; and*
 - (iii) *ADVERTISES the design for community comment (including receiving comments from the Heritage Council of Western Australia) for a period of twenty one (21) days.*
-

PURPOSE OF REPORT:

To present to Council an update on the proposed design for the Hyde Park Stage and request approval in principle for the concept plans.

BACKGROUND:

At the Ordinary Meeting of Council of 20 March 2006 the following recommendation was adopted.

“That the Council;

- (i) *RECEIVES the progress report on the Hyde Park Stage upgrade;*
- (ii) *APPROVES in principle the design of the proposed Hyde Park Stage as shown in Appendix 10.3.4 subject to the required additional funding being allocated to the project;*
- (iii) *ADVERTISES the design for community comment (including receiving comments from the Heritage Council of Western Australia) for a period of twenty one (21) days;*
- (iv) *LISTS a further amount of \$90,000 for consideration on the 2006/07 Draft Budget to fund the work; and*
- (v) *REQUESTS the Chief Executive Officer to actively pursue external funding sources for the project.*

That the recommendation be adopted.

That the Item be DEFERRED to allow for further information to be provided such as additional elevations, an alternative roofline, site plan and outline of previous stage, typography and an option without a roof.”

DETAILS:

Further to the Ordinary Meeting of Council of 20 March 2006, the architect has provided as requested, the north and west elevations, the roof line and an outline of the existing stage topography, this is Attachment B.

The estimate for work relating to the design for attachment B remains the same as listed below:

Hyde Park Budget	
<i>Description</i>	<i>Total</i>
Earthworks	7,945.59
Structural Steel	28,922.99
Concrete	13,138.37
Brickwork	27,555.60
Roof Plumbing	22,038.57
Electrical	4,131.84
Tiling	13,772.86
Painting	1,377.28
Hardware	443.10
Hire Equipment	1,790.47
Labour	3,305.49
Special Items - ss handrail	1,377.28
Estimate Total	\$125,799.44

The estimate provided does not provide for a contingency, fees to the relevant authorities or professional fees for design and drawings.

An option without a roof has also been provided as requested by the Council resolution of 20 March 2006 (Attachment C).

The North Perth Rotary Club have some funds available for this project. It is understood that this figure is approximately \$15,000. The Executive Manager Corporate Services had a meeting with the executive of the North Perth Rotary Club on 23 June 2006 to discuss the revised plans. The North Perth Rotary Club's preference is for a facility with storage and changerooms but recognise the financial constraints on this project.

The new stage will require approval from the Heritage Council as Hyde Park is listed on the State Heritage List, therefore approval will be required before any work can be undertaken.

CONSULTATION/ADVERTISING:

This concept has not been advertised.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

Strategic Plan - 2005-2010 - Key Result Area 1 - Environment and Infrastructure

"1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.

(h) Continue to design and implement infrastructure improvements for public open space."

FINANCIAL/BUDGET IMPLICATIONS:

Additional funds of \$90,000 have been included in the Draft 2006/07 Budget to match the \$50,000 to be carried forward. The total funds available therefore for this project is \$140,000.

COMMENTS:

Officers are of the opinion that the recommended option is of good quality that will provide the park with an aesthetically pleasing stage that is compatible with the environment and it is therefore recommended that Option B be supported in principle for Community Consultation.

10.4.3 Delegations for the Period 1 April 2006 to 30 June 2006

Ward:	Both	Date:	17 July 2006
Precinct:	All	File Ref:	ADM0018
Attachments:	001		
Reporting Officer(s):	J MacLean, S Beanland,		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *ENDORSES the delegations for the period 1 April to 30 June 2006 as shown in Appendix 10.4.3; and*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to write-off infringement notices/costs to the value of \$37,645.50 for the reasons as detailed below.*

<i>Description</i>	<i>Amount</i>
<i>Breakdown/Stolen (Proof Produced)</i>	<i>\$585.00</i>
<i>Details Unknown/Vehicle Mismatched</i>	<i>\$970.00</i>
<i>Dog Act</i>	<i>\$400.00</i>
<i>Equipment Faulty (Confirmed by Technicians)</i>	<i>\$1,300.00</i>
<i>Failure to Display Resident or Visitor Permit</i>	<i>\$8,765.00</i>
<i>Interstate or Overseas Driver</i>	<i>\$3,640.00</i>
<i>Litter Act</i>	<i>\$200.00</i>
<i>Other (Financial Hardship, Disability, Police On-duty, Etc)</i>	<i>\$8,680.00</i>
<i>Penalties Modified</i>	<i>\$1,652.50</i>
<i>Pound Fees Modified</i>	<i>\$498.00</i>
<i>Ranger/Clerical Error</i>	<i>\$3,690.00</i>
<i>Signage Incorrect or Insufficient</i>	<i>\$1,165.00</i>
<i>Ticket Purchased but not Displayed (Valid Ticket Produced)</i>	<i>\$6,100.00</i>
TOTAL	\$37,645.50

COUNCIL DECISION ITEM 10.4.3

Moved Cr Farrell, Seconded Cr Lake

That the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

(Cr Ker on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly progress report of the delegations exercised by the Ranger Services and Community Safety Section for the period 1 April to 30 June 2006 and to obtain the Council's approval to write-off infringement notices.

BACKGROUND:

The Local Government Act 1995, at Section 5.42, allows for a Council to delegate to the Chief Executive Officer its powers and functions.

The purpose of delegating authority to the Chief Executive Officer is to provide for the efficient and orderly administration of the day to day functions of the Local Government. The Chief Executive Officer, Executive Managers and specific Managers exercise the delegated authority in accordance with the Council's policies.

DETAILS:

By far, the single area which results in most infringement notices being withdrawn, is that of a resident/ visitor who was not displaying the necessary permits. While the offence is "Failure to Display a Valid Permit", it is not considered appropriate to penalise residents and their visitors, since the primary purpose of introducing Residential Parking Zones is to provide respite to them. The other area of withdrawal which shows a high balance of written-off penalties is that of "Other" and this category incorporates everything not specifically identified in one of the other categories. "Other" incorporates withdrawals for "Financial hardship", "Disabilities", "On-duty Emergency Personnel", such as police detectives, Doctors, Silver Chain Nurses, Counsellors, etc, where they provide evidence that they were on-duty.

Other than the above categories, the next most prevalent withdrawal class is that of a driver purchasing a parking ticket, but not displaying it on the dashboard. Where a driver provides a valid purchased parking ticket to the Town and states that he had purchased it for his/her vehicle, it has been the practice to withdraw the infringement notice. It is acknowledged that the "valid ticket" could have been purchased for another vehicle and be passed on to the driver who received the infringement notice, but this is difficult to prove. In an attempt to reduce this category of withdrawals, Ranger Services staff will now send a Statutory Declaration Form to the offender, requiring him/her to provide the information in an evidentiary format. It is hoped that, since there are severe penalties for giving an untruthful declaration, this may reduce the incidence, but where an offender submits a Statutory Declaration, it can be taken to be similar to giving evidence in a Court of Law and the infringement notice should be withdrawn.

The total value of the withdrawals has been reduced by approximately \$13,000 (approximately 25%) for the April to June quarter and the reductions are primarily in the "Failure to Display Resident or Visitor Permit", and "Ranger/Clerical Error", which both show a reduction of approximately 50%.

ADVERTISING/CONSULTATION:

Not applicable.

LEGAL/POLICY:

Section 5.42 of the Local Government Act 1995 gives power to a Council to delegate to the CEO the exercise of its powers and functions; prescribes those functions and powers which cannot be delegated; allows for a CEO to further delegate to an employee of the Town; and states that the CEO is to keep a register of delegations. The delegations are to be reviewed at least once each financial year by the Council and the person exercising a delegated power is to keep appropriate records.

It is considered appropriate to report to Council on a quarterly basis on the delegations utilised by the Town's Administration. A copy of these for the quarter is shown in the attached Appendix 10.4.3. Quarterly reports are reported to the Council.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The Council's Auditors recommend that infringement notices be reported to Council for a decision to write-off the value of the infringement notice. In these cases, it is the opinion of the Co-ordinator Prosecutions Officer that infringement notices cannot be legally pursued to recover the money or it is uneconomical to take action as this will exceed the value of the infringement notice. The details of the infringement notices are as follows:

Description	Amount
Breakdown/Stolen (Proof Produced)	\$585.00
Details Unknown/Vehicle Mismatched	\$970.00
Dog Act	\$400.00
Equipment Faulty (Confirmed by Technicians)	\$1,300.00
Failure to Display Resident or Visitor Permit	\$8,765.00
Interstate or Overseas Driver	\$3,640.00
Litter Act	\$200.00
Other (Financial Hardship, Disability, Police On-duty, Etc)	\$8,680.00
Penalties Modified	\$1,652.50
Pound Fees Modified	\$498.00
Ranger/Clerical Error	\$3,690.00
Signage Incorrect or Insufficient	\$1,165.00
Ticket Purchased but not Displayed (Valid Ticket Produced)	\$6,100.00
TOTAL	\$37,645.50

COMMENTS:

It is recommended that the delegations be endorsed by the Council.

10.4.4 Information Bulletin

Ward:	-	Date:	19 July 2006
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 25 July 2006, as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.4

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Ker on leave of absence.)

DETAILS:

The items included in the Information Bulletin dated 25 July 2006 are as follows:

ITEM	DESCRIPTION
IB01	Rangers' Statistics for April, May and June 2006 PER0018
IB02	New Smoking Laws – 31 July 2006. Letter from Mr Michael Jackson, Director, Tobacco Control Project – Department of Health.
IB03	Letter from Minter Ellison Lawyers – Town of Vincent v Highgate Lottery Centre and Newsagent – Appeal No. SJA 1138 of 2003.
IB04	Letter from Hon Alannah MacTiernan MLA, Minister for Planning and Infrastructure – Demolition of Derelict Properties Along East Parade and 364-366 Lord Street.
IB05	Letter from Moshe Gilovitz, Secretary WAPC – Town Planning Scheme No 1 Amendment No 22.
IB06	Letter from the State Administrative Tribunal attaching orders made on 10 July 2006. Niche Developments Pty Ltd v Town of Vincent. Matter No. DR/28 of 2006.
IB07	Letter from the State Administrative Tribunal attaching reasons and orders made. Optus Mobile Pty Ltd and Town of Vincent. Matter No. DR/681 of 2005.

ITEM	DESCRIPTION
IB08	Letter from Mr Patrick Walker, Commissioner and Executive Director, Department of Consumer and Employment Protection. General Review of Building Legislation. Issues Paper: Review of the <i>Builders' Registration Act 1939</i> .
IB09	Letter from Minister for Health – Hawthorn House Project
IB10	Letter from Department of Health – Refurbishment of Hawthorn House
IB11	Letter from Department of Land Administration – Renaming of Tyler Street to Merredin Street
IB12	Letter from Banks Precinct Group – Naming of Swan River Recreational Path in Town of Vincent the “Tony Di Scerni Dual Use Path”
IB13	Letter from Hon Ken Travers – Member for North Metropolitan Region – Certificate of Appreciation – Youth Focus

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil

13. URGENT BUSINESS

Nil

At 9.16pm **Moved** Cr Torre, **Seconded** Cr Farrell

That the meeting proceed “behind closed doors” to consider the confidential report, in accordance with:

- *Section 5.23(d) of the Local Government Act 1995 – “legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting”.*

CARRIED (8-0)

(Cr Ker on leave of absence.)

14. CONFIDENTIAL REPORTS (*Behind Closed Doors*)

14.1 CONFIDENTIAL REPORT – Nos 299-307 (Lot 100) Charles Street, Corner Albert Street, North Perth – Consideration for Removal from the Draft Municipal Heritage Inventory

Ward:	North	Date:	17 July 2006
Precinct:	Charles Centre; P7	File Ref:	PLA0098 & PRO1243
Attachments:	-		
Reporting Officer(s):	H Eames		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That pursuant to section 5.95(2) of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, the Council PROCEEDS “behind closed doors” at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members for proposed deletion of property/place from the Draft Municipal Heritage Inventory, as the matter contains sensitive personal and/or financial information.

Moved Cr Farrell, **Seconded** Cr Chester

That the recommendation be adopted.

Debate ensued.

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

That the Item be DEFERRED to further consider the historic value for the place and its close association with the Brownes Dairy enterprises and Brownes family, and whether the place is worthy for entry on to the Municipal Heritage Inventory.

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

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

(Cr Ker on leave of absence.)

Debate ensued.

Moved Cr Chester, Seconded Cr Lake

That the Item be DEFERRED.

LOST (3-5)

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

(Cr Ker on leave of absence.)

Debate ensued.

MOTION CARRIED (6-2)

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

(Cr Ker on leave of absence.)

COUNCIL DECISION ITEM 14.1

That the Council APPROVES the removal of the property at Nos. 299-307 (Lot 100) Charles Street, corner Albert Street, North Perth from the Draft Municipal Heritage Inventory.

This report was considered as a Confidential Item. The Chief Executive Officer has now released it for public information.

PURPOSE OF REPORT:

This report has been prepared in relation to the property owner's submission regarding the proposed entry of the place at Nos.299-307 Charles Street, West Perth on the draft Municipal Heritage Inventory. The owner has requested urgent attention to this matter as the property had been the subject of a sale, which has been delayed pending determination of the property's status on the draft Municipal Heritage Inventory.

BACKGROUND:

Landowner:	Lam Family Investments Pty Ltd
Applicant:	H Lam
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential/Commercial
Existing Land Use:	Commercial
Use Class:	Shop and Office Building
Use Classification:	"AA" and "AA"
Lot Area:	1599 square metres
Access to Right of Way	N/A

At the Ordinary Meeting of Council held on 28 September 1999, partial demolition and additions and alterations were conditionally approved for the place, converting the site from industrial to commercial use (shops and office).

The subject property was nominated for inclusion on the draft Municipal Heritage Inventory, which has recently been released for owner and public consultation.

The Place Record Form drafted by the Heritage Consultant on behalf of the Town is shown as an attachment to this report and the Officer's Heritage Assessment is also shown as an attachment to this report.

The owner of the subject property has expressed personal aggrievement at the proposed inclusion of the property on the draft Municipal Heritage Inventory, shown as an appendix to this report. The aggrievement relates to the termination of a contract of sale, which was to occur the week that the owner was notified of the proposal to list the place on the Municipal Heritage Inventory. The owner has expressed concern that little of the original Browne's Dairy Factory building remains and that it has been substantially redeveloped.

DETAILS:

The owner of the above property has requested that the property be removed from the draft Municipal Heritage Inventory.

The owner of the subject property has provided the Town with a submission which is shown as a confidential attachment. The owner has met to discuss the above concerns with the Town's Officers.

ASSESSMENT:

In order to establish if the place has cultural heritage significance, a Heritage Assessment was prepared by the Town's Heritage Officers. The Heritage Assessment found that the place has considerable historic value associated with the Browne's Dairy enterprises and the Browne's family association with North Perth. The considerable historic values associated with the place are not reflected in the building's structure, style or physical appearance and cannot be recognised in any form from the general public domain.

COMMENTS:

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

The place has insufficient original detail or structural references to relate clearly to its historic associations. Whilst the place meets the criterion for cultural heritage significance as stated in the Town's Heritage Management Policy 3.6.2 - Assessment (Criterion 2), the 'integrity' (the extent to which the building retains its original function) and the 'authenticity' (the extent to which the fabric is in its original state) are both considered to be very low. In this respect, the place does not warrant the physical protection or intended planning provisions of the Heritage List under the Town of Vincent Town Planning Scheme No.1.

It is therefore recommended that the place be removed from the draft Municipal Heritage Inventory and that the relevant historical information be provided to the Local Studies Collection for archival and research purposes.

14.2 CONFIDENTIAL REPORT - Nos. 53-65 (Lots 12, 134, 135, 136) Wasley Street, Corner Norfolk Street and No. 88 (Lot 4, Strata Lot 3) Forrest Street, North Perth - Proposed Demolition of Two Existing Dwellings, and Alterations and Additions to and Partial Demolition of Existing Nursing Home - Non-Compliance with Conditions of Planning Approval- State Administrative Tribunal - Review Matter No. DR 160 of 2006 - Mediation

Ward:	South	Date:	17 July 2006
Precinct:	Norfolk; P10	File Ref:	PR02045; 00/33/1092
Attachments:	-		
Reporting Officer(s):	N Wellington, R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

That the Council;

- (i) *ADVISES the State Administrative Tribunal that it DOES NOT SUPPORT the deletion of the following conditions as determined at the Ordinary Meeting of Council held on 8 April 2003:*

"(xiii) a detailed management plan that addresses the control of noise, traffic, car parking, right of way access to adjoining properties, delivery and service vehicle times, rubbish collection and litter associated with the development shall be submitted and approved prior to the issue of a building licence, and thereafter implemented and maintained, as the car parking has not been complied with;"

(xv) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;"

- (ii) *ADVISES the State Administrative Tribunal (SAT) that it DOES NOT SUPPORT the deletion of the following conditions as determined at the Ordinary Meeting of Council held on 8 April 2003, however the following conditions be held in abeyance and no enforcement action will be taken on the basis that both stages 2 and 3 of the proposed development are approved by the Council in conjunction with Planning Approvals Serial 00/33/2476.1 and 5.2006.143, and the development is completed including the following conditions:*

"(vi) a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Wasley Street, Norfolk Street and Forrest Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a building licence. The applicant is requested to liaise with adjacent landowners in regard to the selection of appropriate species and design where it abuts residential properties. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);"

(xvi) prior to the first occupation of the development, the full length and width of the right of way from Norfolk Street to the western most boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;"

It is further required that in relation to clause (ii) (xvi) above that the right of way (ROW) must be fully maintained by the owners as agreed at the on-site meeting held on 22 June 2006 with the SAT Member and Town's Officers and made trafficable at all times till the final ROW upgrade is undertaken;

(iii) *ADVISES the State Administrative Tribunal that it DOES SUPPORT the variation to the fencing condition (v) as determined at the Ordinary Meeting of Council held on 8 April 2003 in terms of height and the fire booster cabinet as follows:*

“(v) the height of the street fencing, piers and fire cabinet as constructed along the Wasley Street frontage shall be as per attached plans dated 3 July 2006;”

(iv) *ADVISES the State Administrative Tribunal (SAT) that it has NO OBJECTION to the SAT Presiding Member determining any matters not agreed to by the parties; and*

(v) *AUTHORISES the Chief Executive Officer to make the information available to the public, after it has been determined and finalised by the State Administrative Tribunal.*

Moved Cr Messina, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Messina

That clause “(xv)” referred to in clause (i) be moved to clause (ii).

AMENDMENT CARRIED (8-0)

(Cr Ker on leave of absence.)

Cr Farrell departed the Chamber at 9.53pm.

MOTION AS AMENDED CARRIED (7-0)

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

COUNCIL DECISION ITEM 14.2

That the Council;

(i) *ADVISES the State Administrative Tribunal that it DOES NOT SUPPORT the deletion of the following conditions as determined at the Ordinary Meeting of Council held on 8 April 2003:*

“(xiii) a detailed management plan that addresses the control of noise, traffic, car parking, right of way access to adjoining properties, delivery and service vehicle times, rubbish collection and litter associated with the development shall be submitted and approved prior to the issue of a building licence, and thereafter implemented and maintained, as the car parking has not been complied with;”

(ii) *ADVISES the State Administrative Tribunal (SAT) that it DOES NOT SUPPORT the deletion of the following conditions as determined at the Ordinary Meeting of Council held on 8 April 2003, however the following conditions be held in abeyance and no enforcement action will be taken on the basis that both stages 2 and 3 of the proposed development are approved by the Council in conjunction with Planning Approvals Serial 00/33/2476.1 and 5.2006.143, and the development is completed including the following conditions:*

- "(vi) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Wasley Street, Norfolk Street and Forrest Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a building licence. The applicant is requested to liaise with adjacent landowners in regard to the selection of appropriate species and design where it abuts residential properties. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xv) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (xvi) *prior to the first occupation of the development, the full length and width of the right of way from Norfolk Street to the western most boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;"*

It is further required that in relation to clause (ii) (xvi) above that the right of way (ROW) must be fully maintained by the owners as agreed at the on-site meeting held on 22 June 2006 with the SAT Member and Town's Officers and made trafficable at all times till the final ROW upgrade is undertaken;

- (iii) *ADVISES the State Administrative Tribunal that it DOES SUPPORT the variation to the fencing condition (v) as determined at the Ordinary Meeting of Council held on 8 April 2003 in terms of height and the fire booster cabinet as follows:*
- "(v) the height of the street fencing, piers and fire cabinet as constructed along the Wasley Street frontage shall be as per attached plans dated 3 July 2006;"*
- (iv) *ADVISES the State Administrative Tribunal (SAT) that it has NO OBJECTION to the SAT Presiding Member determining any matters not agreed to by the parties; and*
- (v) *AUTHORISES the Chief Executive Officer to make the information available to the public, after it has been determined and finalised by the State Administrative Tribunal.*

At 9.55pm **Moved Cr Torre, Seconded Cr Messina**

That an open meeting be resumed.

CARRIED (7-0)

(Cr Torre was an apology. Cr Farrell was absent from the Chamber and did not vote.)

Note: The Chief Executive Officer advised that this report is now released to the public as the Council has determined the matter.

PURPOSE OF REPORT:

- To advise the Council of the above review application.
- To comply with the requirements of the Town's Policy/Procedure for State Administrative Tribunal (SAT).
- For the Council to exercise its discretion whether or not to enforce the Written Direction under Section 214 (3) of the Planning and Development Act 2005 issued on 21 April 2006.
- The Town is currently being represented by the Town's Officers.

BACKGROUND:

- 9 May 2002 Development application received by the Town for proposed demolition of two existing dwellings, and alterations and additions to and partial demolition of existing nursing home.
- 25 March 2003 Matter DEFERRED at the Ordinary Meeting of Council (OMC) for further investigation and report to:
1. Examine car parking requirements and access to the right of way.
 2. Examine verge parking.
 3. Obtain traffic impact survey.
 4. Clarify car ownership of self care residents.
 5. Re-evaluate ratio of beds to car parking bays.
- 8 April 2003 Conditional approval granted at the OMC for demolition of two existing dwellings, and alterations and additions to and partial demolition of existing nursing home.
- 17 April 2003 Approval to Commence Development issued to applicant.
- 14 January 2004 Building Licence application received by the Town.
- 12 May 2004 Demolition Licence issued for two houses.
- 4 June 2004 Building Licence issued for the construction of single storey aged care building (stage 1).
- 17 September 2004 New planning application received for proposed demolition of existing independent living units and nursing home and the construction of additional nursing home, part undercroft car parking, shade sails and carports to the existing independent living units and nursing home at the subject site, which was approved at the Ordinary Meeting of Council on 8 April 2003.
- 18 January 2005 At its Ordinary Meeting, the Council "deferred" the application for proposed demolition of existing independent living units and nursing home and the construction of additional nursing home, part undercroft car parking, shade sails and carports to the existing independent living units and nursing home at the subject site.
- 11 March 2005 The Certificate of Classification/Occupancy issued for stage 1 development.
- 4 July 2005 Public meeting held at the North Perth Hall to discuss matters relating to proposed application serial 00/33/2476.1 deferred at the Ordinary Meeting of Council on 18 January 2005.
- 15 September 2005 Further public meeting held at the North Perth Hall to discuss matters relating to proposed application serial 00/33/2476.1 deferred at the Ordinary Meeting of Council on 18 January 2005.
- 21 December 2005 Revised plans received from the applicant/owners of St Michael Nursing Home.
- 17 March 2006 The Town's Officers advised by the St Michael Nursing Home owners that a new planning application is to be submitted for No.64 Wasley Street, North Perth for the provision of additional car parking bays.

- 21 April 2006 Written Direction under Section 214 (3) of the Planning and Development Act for the non-compliance with the Approval to Commence Development (No. 00/33/1092) issued on 17 April 2003.
- 15 May 2006 Owner/applicant applied to SAT for a review of the abovementioned Written Direction.
- 9 June 2006 SAT direction hearing held.
- 14 June 2006 Public meeting held at the North Perth Hall Lesser Hall to discuss matters relating to proposed application serial 00/33/2476.1 deferred at the Ordinary Meeting of Council on 18 January 2005 and application serial 5.2006.143.
- 22 June 2006 SAT mediation held on-site.
- 29 June 2006 Submission received from applicant on matters raised at the above mediation.

DETAILS:

The Written Direction was issued for the non-compliance with the following conditions contained in the Planning Approval to Commence Development (No. 00/33/1092) approved by the Council at its Ordinary Meeting on 8 April 2003 and issued on 17 April 2003 for the subject development:

- "(v) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Wasley Street, Norfolk Street and Forrest Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (vi) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Wasley Street, Norfolk Street and Forrest Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a building licence. The applicant is requested to liaise with adjacent landowners in regard to the selection of appropriate species and design where it abuts residential properties. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xiii) *a detailed management plan that addresses the control of noise, traffic, car parking, right of way access to adjoining properties, delivery and service vehicle times, rubbish collection and litter associated with the development shall be submitted and approved prior to the issue of a building licence, and thereafter implemented and maintained;*
- (xv) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (xvi) *prior to the first occupation of the development, the full length and width of the right of way from Norfolk Street to the western most boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;"*

The owners/applicant sought a review with SAT of the above conditions. The SAT at its direction hearing held on 9 June 2006 made the following Order, in part:

- "1. *The matter is adjourned to mediation on site at 53 Wasley Street, North Perth, (St Michaels Nursing Home) to commence at 2.15pm on 22 June 2006 on the basis that it is expected that the parties will consent to the mediator, if she considers it appropriate, proceeding to determine any matters not agreed by the parties.*"

Mediation was conducted by a SAT member on-site on 22 June 2006 with the Town being represented by its Officers, and the owners and architect (applicant). The Orders made resulting from the above mediation are as follows:

- "1. *The applicant is to provide, to the respondent by 30 June 2006, information and justification in relation to the following matters:*
- (a) *the existing screen wall along Wasley Street;*
 - (b) *the fire booster cabinet enclosure;*
 - (c) *carparking arrangements and landscaping of the verge areas;*
 - (d) *the right-of-way; and*
 - (e) *the management plan."*

The applicant has provided the following information/justification in relation to the subject conditions being considered as part of the above review with the SAT:

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

Response from the applicant:

"It is requested that the fence remain as constructed on the following grounds:

- *That, as the fence is also a retaining wall, it was constructed during excavation which made it difficult to reference finished ground levels at the time. There was never an intention to exceed pier height limits, and as such all brick piers have undergone adjustment (to the nearest brick course), since completion of the project, such that they are all now nominally 2m high as required. On specific accurate measurement, some of the piers exceed the specific 2m height limit by a very small margin (approx 10 to 40 mm). Please see the attached drawing of the constructed Wasley St Fence Elevation which indicates that, on average, heights comply, and the intent of the planning policy has been met.*
- *That, as above, and due to the natural slope of the ground, some of the open wrought iron panels only marginally exceed the specific height limits at the downhill end only, and that, on average as indicated on the as constructed fence elevation, the intent of the planning policy is met.*

To be noted, is that the wrought iron panels used in this instance are significantly more open at approx 90+% transparency than the minimum 50% transparency allowed.

Also, from a safety point of view, there is a real concern about lowering the fence due to the ground height differential inside the boundary, particularly at the up-hill end.

- *That the Fire Booster Cabinet (approx 1800mm high at the uphill end) is a services enclosure (as per the Building License Drawings), not part of the boundary fence, and as such is not required to meet the specific requirements of a boundary fence. The Fire Booster Cabinet is required, under the Building Code of Australia and Australian Standard AS 2419, to be on the boundary, solidly enclosed (essentially to protect against vandalism and ensure good working order in the case of an emergency life threatening situation) and nominally 1800mm high (min internal achievable height is 1650mm with min connection height and clearances over for gauges etc + concrete slab over). A complying Fire Booster Cabinet can therefore not comply with the specific requirements of a boundary fence.*

Also the Fire Booster Cabinet has been constructed in accordance with the approved drawings issued for Building License."

- (vi) a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Wasley Street, Norfolk Street and Forrest Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a building licence. The applicant is requested to liaise with adjacent landowners in regard to the selection of appropriate species and design where it abuts residential properties. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);

Response from the applicant:

"It is requested that the verges on Wasley St, Norfolk St and Forrest St remain in their current condition (as existing trees, lawn and car bays) on the following grounds:

- *That the development of St Michaels Aged Care Facility is to be staged, as acknowledged by Council, and, that in order to avoid unnecessary duplication of work, all verges will be landscaped to the satisfaction of Council at the end of the third and final stage.*
- *Also, it is intended that at the completion of each stage of the development the corresponding section of verge will be made good (as existing trees, lawn and car bays), as is the case with Stage 1, until final landscaping works can commence to coincide with ultimate completion."*

- (xiii) a detailed management plan that addresses the control of noise, traffic, car parking, right of way access to adjoining properties, delivery and service vehicle times, rubbish collection and litter associated with the development shall be submitted and approved prior to the issue of a building licence, and thereafter implemented and maintained;

Response from the applicant:

"It is proposed that the detailed Management Plan, as submitted prior to the issue of the Building License, has (to the owners knowledge) been thereafter implemented and maintained with the exception of the construction of the new 34 bay car-park, and associated bin storage area, proposed for Stage 3 on the original planning approval drawings.

Note, Stages 2 and 3 have not been constructed yet on the basis that a Building License was not issued for these stages, and that Stages 2 and 3 are the subject of an amended planning application.

Also note that, from the outset, the redevelopment of St Michaels Aged Care Centre was clearly presented as a staged development.

It is now proposed that parking status-quo has, and can be maintained throughout all stages of the development on the following basis:

- *At the present time, with the construction of the new 14 bay verge parking lot, and the existing 22 bay car-park on site (36 bays total available) car-parking facilities exceed the 34 proposed on the above original planning approval drawings. Also, the current overall resident to bay ratio exceeds council recommendations and expected demand in accordance with the revised Traffic and Parking Impact Assessment Report Dec 2005.*
- *Immediately on approval to proceed with construction of Stage 2 and associated temporary parking at 64 Wasley St, additional car-parking will be constructed that will ensure resident to car-bay ratios continue to exceed council recommendations and expected demand (in accordance with the revised Traffic and Parking Impact Assessment Report Dec 2005) through all subsequent stages to final completion.*
- *At the overall completion of the project 68 car-bays are available for 100 residents (approx 1.5 bays per resident), again this is well in excess of the expected demand in accordance with the revised Traffic and Parking Impact Assessment Report Dec 2005."*

- (xv) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;

Response from the applicant:

"Refer above" [Management Plan]

- (xvi) prior to the first occupation of the development, the full length and width of the right of way from Norfolk Street to the western most boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense.

Response from the applicant:

"It is requested that the ROW remain as currently exists on the following basis:

- *The ROW has in the recent past been upgraded to ensure that the surface is secure, trafficable and in good condition, and, in its current state, provides good access for the residents of lots 84 and 86. It is intended that the surface be maintained in its current condition.*
- *That the current surface is satisfactory, as a temporary measure, given that subsequent construction will inevitably, and progressively, disrupt the ROW surface. Continually making good a bitumen road may be seen as unsustainable waste of resources.*
- *That the ROW is not currently available for use by any commercial vehicle.*
- *That it is noted that, pertaining to the conditions of approval, Council is in possession of a bond provided by the owners in 2003, as insurance that the ROW will ultimately be satisfactorily sealed and drained to Council requirements.*

We also enclose a copy of the Traffic and Parking Impact Assessment report Dec 2005 which highlights that the redevelopment of St Michaels Aged Care Facility will have no significant impact on local traffic movements, and, that the development will provide more than sufficient parking to accommodate visitors and staff."

COMMENTS:

If the subject conditions cannot be resolved between the Council and the applicant, the SAT member will make the final decision (as set down by the Judge in the Directions Hearing), subject to agreement by both parties. If either party believe it has been prejudiced, then the matter will be passed to another SAT member for hearing.

At the mediation held on 22 June 2006, the owners/applicant advised no objection to the matters raised in this "Confidential Report" being made available to the public.

Condition (v):

The variation to the maximum panel height of 1.8 metres and maximum pier height of 2.0 metres in this instance is considered acceptable. The tallest pier is 60 millimetres above the maximum requirement, however the average pier height is 2008 millimetres. The overall panel average height is 1875 millimetres. It is considered the intent of the Street Walls and Fences Policy has been met. It is also considered that due to the technical limitations, the structure being built as per the approved Building Licence, and the fire cabinet being supported in its current size and location.

On the above basis, the variation to condition (v) relating to fencing of the Council resolution at its Ordinary Meeting of 8 April 2003 is supported.

Condition (vi):

It is acknowledged that the landscaping and reticulation of the Wasley Street verge could not be reasonably completed due to the staged nature of the development. The area for the landscaping has now been approved for temporary verge car parking. Technically, the Building Licence issued is for what has been constructed. No Building Licences have been issued for the other stage in the approval by Council on 8 April 2003.

The matter can be addressed as part of the future stages 2 and 3 of the development. On this basis, there is no objection to the non-compliance of condition (vi) of the Council resolution at its Ordinary Meeting of 8 April 2003.

Condition (xiii):

It is acknowledged that the car parking requirements in the management plan has not been completed due to the staged nature of the development. While the applicant has advised that there are currently 22 car bays on-site, they are not what was approved by the Council at its Ordinary Meeting held on 8 April 2003. On the above basis, the car parking condition should be complied with.

Condition (xv):

The car parking has not been provided at grade as per the Council Approved plans at its Ordinary Meeting held on 8 April 2003.

Condition (xvi):

The Town has no objection to the ROW being unsealed at the current moment, as the Town has a performance bond in relation to the upgrade of the ROW. However, the ROW must be fully maintained by the owners as agreed at the on-site meeting with the SAT member and Town's Officers, and made trafficable at all times till the final upgrade is undertaken.

At 9.55pm **Moved Cr Torre, Seconded Cr Messina**

That an open meeting be resumed.

CARRIED (7-0)

(Cr Torre was an apology. Cr Farrell was absent from the Chamber and did not vote.)

15. CLOSURE

The Presiding Member, Mayor Catania JP, declared the meeting closed at 9.55pm with the following persons present:

Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Maddalena Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Minutes Secretary

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 25 July 2006.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2006