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**(26 SEPTEMBER 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 26 September 2006, commencing at 6.00pm.

**1. DECLARATION OF OPENING**

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

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

**(a) Apologies:**

Cr Farrell advised that he may arrive late due to another commitment.

**(b) Present:**

Mayor Nick Catania, JP	Presiding Member
Cr Steed Farrell ( <i>Deputy Mayor</i> )	North Ward (from 6.25pm)
Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Maddalena Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicker	Executive Manager, Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Minutes Secretary
Lindsay McPhee	Journalist - Guardian Express (until 8.00pm)
Giovanni Torre	Journalist - Perth Voice (until 8.00pm)

Approximately 22 Members of the Public

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

Nil.

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

1. Mr Ian Amen of 13 Leslie Street, Mt Lawley - Item 10.1.8 - Stated that his home is an old cottage which has 3 metre ceilings and not a large footprint on the ground and is seeking to extend the house upwards, keeping the character of the original house. Advised that he has a letter from the neighbour advising that they have no concerns with the balcony. Further advised that there are a number of two storey dwellings already in the area.

2. Mr Martin Banning of 9/11 Lacey Street, Perth - Item 10.1.12 - Believes that the proposal is unworkable as his houses are unable to be restored as they are falling to pieces. Advised that he has had plans prepared for two storey commercial/residential home offices with a façade that will be in keeping with the Council's requirements. Stated that he is against any Council recommendation which will stop him redeveloping his properties.
3. Mr Gordon Jenkins of 7/39 Monger Street, Perth - Item 10.1.6 - Stated that the main objection is in relation to parking as there are already huge problems with parking in this area. Requested the Council refuse the application. Mentioned that a couple of years ago it was suggested that Monger Street may have the power undergrounded so that the trees didn't have to be mutilated every year. Asked if Monger Street had been included in the Underground Power Project.
4. Mr James Murphy, General Manager, Acacia Hotel - Item 10.1.6 - Stated that the Hotel opposes the development for two reasons. These reasons being that the height of the proposed units would encroach upon two bedrooms of the hotel and the view would be restricted and the rear wall of the units will be in close proximity to the rear wall of the hotel. Believes the gap between the two buildings is outside of the current Council regulations.
5. Mr Mick Geeney, Uniting Care West - 10.1.6 - Addressed three issues that had been raised. Advised that the development is intended to house homeless people and the reason for opting for two parking spaces is that there is little likelihood that residents will be using cars in this facility as they will be homeless people and also there will be a provision in their tenancy agreement that cars would not be appropriate. Stated that the reason for Monger Street being so important to their organisation is because it is central to all the services that are necessary for these people. Believes that it is an appropriate development. Advised that the Uniting Care would have a twenty five lease on the premises so there is little likelihood that the property would be sold.
6. Mr Fred Momen of 11 Bruce Street, Leederville - Item 14.3 - Stated that the house is in a run down condition and that he purchased the property with the intent to demolish and redevelop. Requested that Council defer the matter to enable them the opportunity to reduce the plot ratio.
7. Dr Tracey Summerfield of 22 Lacey Street, Perth - Item 10.1.12 - Stated that she supports the proposed policy. Advised that the street has a particular character and represents the cultural and social heritage of this little pocket. Believes Council has a responsibility to not only those who occupy that street but also to the community at large to protect this cultural heritage and form the balance between the rights of individual title holders and the rights of the community at large. Also believes that the amendment finds that balance and does not restrict her from developing her property as she just needs to ensure that she is mindful of the broader issues like protecting the streetscape and retaining the heritage value of the street for future generations.

8. Mr Warren McGrath of 32 Randall Street, Perth - Chairman of the Claise Brook Catchment Group - Stated that the Group's objectives centre on improving the quality of the ground water and surface water, including stormwater and water quality of park lakes, improving the habitat for native fauna in the area, increasing community awareness in environmental issues and increasing community involvement in landcare activities. Commended Council for providing funds for community and environmental initiatives and encouraged Council to make these funds available soon. Voiced the Group's opposition for the proposed planting of London Plane trees in the William Street Upgrade and encouraged Council to look at alternatives with using native trees which do not have the water quality issues that deciduous trees do on the stormwater quality.

Advised that the Group obtained sponsorship from the Water Corporation to fund the Catchment Friendly category of the Town's Garden Competition. Presented a cheque for \$1,375 as the prize money for the Catchment Friendly Garden category.

*Mayor Catania accepted the cheque and thanked the Group for their contribution to the Town.*

Received with acclamation.

**Cr Farrell entered the meeting at 6.25pm.**

9. Ms Y S Wong of 6 Cuthbert Street, Shenton Park - Item 14.2 - Requested Council approve the application for demolition. Advised that when she and her sister signed the offer and acceptance they stipulated that the property was not to be heritage listed as they proposed to demolish and construct two dwellings so they could live together but independently. Stated that the house is currently in a bad condition and that tradespeople have advised that the roof is of a poor design and it will continue to leak due to the design fault. Advised that the house is not in its original condition and has had many changes made to it and have objected all along to it being placed on the MHI.
10. Mr Russell Blakie, Proprietor of Must Wine Bar, 519 Beaufort Street, Highgate - Item 10.1.10 - Referred to the initial proposal in 2000 when changing from Shambles Furniture to the Must Wine Bar with regard to parking requirements. Stated that the Must Wine Bar supports and will continue to support decisions to establish dedicated parking areas in the precinct. Advised that the Highgate/Beaufort Precinct has an unmet demand for a high level lounge bar. Stated that the proposal is for a small space which will specialise in providing French champagne and finished in luxurious soft furnishings, plush carpet and quality finishes and will seat a maximum of 20 or so people. Believes that the development would be exclusive and high end but will complement what is on the street perfectly and will only add to the wonderful fibre of business mix in the area. Requested Council approve the proposal with a cash-in-lieu shortfall.

11. Mr Brian Carroll of 6/28 Carr Street, West Perth - Item 10.1.4 - Stated that while he objects to the proposal for a number of reasons, he believes that overall it is quite a nice development. Advised that his concerns are the parapet walls along the western side of the boundary, security and landscaping. Stated there will be a mix of fibre cement sheeting, which is already there, and parapet walls along his boundary and that some of those parapet walls will include living areas rather than just a garage. Believes it will enclose and quite restrict the space they have in their relatively small courtyards. Concerned that during the building process fences and walls will come down, which will leave a large security area exposed. Requested that any damage to the landscaped gardens be restored as quickly as possible. Asked Council to enforce some form of bond that in the event that security is breached, say over a weekend, that they can rapidly get fencing in to fix that breach.
12. Mr Vin Kha of 70 Clarence Street, Mt Lawley - Item 10.1.9 - Stated that he has provided the Council with a petition outlining residents supporting his application. Believes his business will benefit and service the daily needs of the community.
13. Ms Sue Flower of 49 Emmerson Street, North Perth - Item 10.3.3 - Stated that this is the School's first fete in well over a decade, are a small hidden school and believes that this is an opportunity to showcase the school to the broader community. Advised that there will be the usual fete attractions such as rides, stall and activities and have been very well supported by the community.

There being no further questions from the public, the Presiding Member, Mayor Nick Catania, JP closed Public Question Time at 6.35pm.

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

Nil.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

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

- 5.1 The Chief Executive Officer advised that a petition had been received from Mr Nigel Chartres of 27 Grosvenor Road, Mt Lawley with 27 signatures objecting to the removal of the tree on the verge outside No 39 Grosvenor Road, Mt Lawley.

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

**Moved Cr Farrell, Seconded Cr Chester**

*That the petition be received.*

**CARRIED (9-0)**

**6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**Moved Cr Farrell, Seconded Cr Messina**

*That the Minutes of the Ordinary Meeting of Council held on 12 September 2006 be confirmed as a true and correct record.*

**CARRIED (9-0)**

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

**7.1 Announcement Under Section 3.12(2) of the Local Government Act 1995 to Amend a Local Law**

It is advised that the Town of Vincent hereby gives Public Notice that it intends to amend the Second Schedule of the Town of Vincent Local Law Relating to Parking Facilities, as published in the Government Gazette on 23 May 2000 and amended from time to time, to include "The Mezz" car park and North Perth Plaza car park as Town of Vincent operated car parks.

Local Law Relating to Parking Facilities

This Amendment will enable Rangers to undertake parking enforcement action in "The Mezz" car park and North Perth Plaza car park, both of which are privately owned.

**7.2 WAFL Grand Final**

The Mayor advised that he attended the WAFL Grand Final on the weekend where Subiaco Football Club won. Congratulated Subiaco on their wonderful achievement. Advised that approximately 20,000 people attended the game.

Cr Ker echoed the Mayor's congratulations and also wanted to congratulate the East Perth Colts on winning their Grand Final.

**8. DECLARATION OF INTERESTS**

8.1 Cr Doran-Wu declared a financial interest in Item 10.1.6 - No. 36 Monger Street, Perth - Proposed Four (4) Two (2) Storey Multiple Dwellings. The nature of her interest being that the Department of Housing and Works is the major funder of Shelter WA which is her place of employment.

8.2 Cr Messina declared a proximity interest in Item 10.1.14 - Town of Vincent Enforcement of Parking Local Law in The Mezz and North Perth Plaza Private Car Parks. The nature of his interest being that he has factory and commercial premises opposite the North Perth Plaza and prospective franchise outlet at The Mezz.

Cr Messina requested permission to remain in the Chamber during debate but not to vote.

- 8.3 The Chief Executive Officer declared a financial interest in Item 10.4.4 - Chief Executive Officer's Performance Review 2006 - Appointment of Consultant. The nature of his interest being that the Item relates to his Contract of Employment.

The Presiding Member advised that Cr Messina's request to remain in the Chamber during debate on Item 10.1.14 would now be considered.

**Cr Messina departed the Chamber at 6.40pm.**

**Moved Cr Ker, Seconded Cr Torre**

*That Cr Messina be permitted to remain in the Chamber during debate on Item 10.1.14 but not to vote.*

**CARRIED (8-0)**

(Cr Messina was absent from the Chamber and did not vote.)

**Cr Messina returned to the Chamber at 6.41pm. 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 10.1.8, 10.1.12, 10.1.6, 10.1.10, 10.1.4, 10.1.9 and 10.3.3

**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:**

Items 10.1.14 and 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	Items 10.1.7 and 10.3.1
Cr Chester	Item 10.1.13
Cr Ker	Items 10.1.2 and 10.2.3
Cr Doran-Wu	Nil.
Cr Torre	Nil.
Cr Lake	Nil.
Cr Messina	Nil.
Cr Maier	Items 10.1.3 and 10.4.5

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 10.1.6 and 10.1.14

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

Items 10.1.1, 10.1.5, 10.1.11, 10.1.15, 10.2.1, 10.2.2, 10.2.4, 10.2.5, 10.2.6, 10.3.2, 10.4.1, 10.4.2 and 10.4.4

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

Items 14.1, 14.2 and 14.3

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 10.1.1, 10.1.5, 10.1.11, 10.1.15, 10.2.1, 10.2.2, 10.2.4, 10.2.5, 10.2.6, 10.3.2, 10.4.1, 10.4.2 and 10.4.4

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

Items 10.1.8, 10.1.12, 10.1.6, 10.1.10, 10.1.4, 10.1.9 and 10.3.3

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

**Moved Cr Farrell, Seconded Cr Torre**

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

*Items 10.1.1, 10.1.5, 10.1.11, 10.1.15, 10.2.1, 10.2.2, 10.2.4, 10.2.5, 10.2.6, 10.3.2, 10.4.1, 10.4.2 and 10.4.4*

**CARRIED (9-0)**

**Note:** Item 10.2.6 was recommitted at 8.15pm - refer to page 136.

**10.1.1 Nos. 45-47 (Lot 21 D/P: 66059) Stuart Street, corner Pandal Lane, Perth - Proposed Alterations and Additions to Approved Nineteen (19) Three Storey Grouped Dwellings (Enclosure of Voids and Roof Additions to the Terrace Areas of Units 1-8, 11-18 and 19)**

<b>Ward:</b>	South	<b>Date:</b>	19 September 2006
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	PRO2913; 5.2006.344.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	L Mach		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Omni Design on behalf of the owner Faststart Enterprises Pty Ltd for proposed Alterations and Additions to Approved Nineteen (19) Three Storey Grouped Dwellings (Enclosure of Voids and Roof Additions to the Terrace Areas of Units 1-8, 11-18 and 19), at Nos. 45-47 (Lot 21 D/P: 66059) Stuart Street, corner Pandal Lane, Perth, and as shown on plans stamp-dated 13 July 2006, subject to the following condition:*

- (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.*

**COUNCIL DECISION ITEM 10.1.1**

**Moved Cr Farrell, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (9-0)**

<b>Landowner:</b>	Faststart Enterprises Pty Ltd
<b>Applicant:</b>	Omni Design Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential / Commercial (R80)
<b>Existing Land Use:</b>	Grouped Dwellings under construction
<b>Use Class:</b>	Grouped Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	3495 square metres
<b>Access to Right of Way</b>	West side, 3.04 metres wide, sealed and Town owned.

**BACKGROUND:**

22 March 2005 Conditional approval was granted by the Council at its Ordinary Meeting for proposed nineteen (19) three storey grouped dwellings, at the subject property.

26 July 2005 Approval was granted by the Council at its Ordinary Meeting for amended plans to the above Planning Approval.

**DETAILS:**

The proposal involves alterations and additions to approved nineteen (19) three storey grouped dwellings, namely the enclosure of a void and a roof addition to the terrace areas of units 1-8, 11-18 and 19.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	19 dwellings R80	19 dwellings R80	Noted - no variation.
Plot Ratio	0.75- 2621.25 square metres	Previous Approval: 0.659-2303.20 square metres  Current Proposal: 0.666-2328.7 square metres (additional 25.5 square metres)	Noted - no variation.
All variations have been addressed in the report to the 22 March 2005 and 22 July 2005 Ordinary Meetings of Council.			
<b>Consultation Submissions</b>			
The amended plans were not advertised as the plans do not involve any greater variation to the development requirements from the previously approved plans.			
Support	N/A		N/A
Objection	N/A		N/A
<b>Other Implications</b>			
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).		
Strategic Implications	Nil		
Financial/Budget Implications	Nil		

\* 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 alterations and additions are regarded as minor, not considered to have an undue impact on the adjoining neighbours or streetscape and does not propose any further variations to the Residential Design Codes or the Town's Policies. Accordingly, conditional approval is recommended.

**10.1.5 Nos. 69 and 71 (Lots 304 and 305 D/P: 2334) London Street, Mount Hawthorn- Proposed Survey Strata Subdivision**

<b>Ward:</b>	North	<b>Date:</b>	18 September 2006
<b>Precinct:</b>	Mount Hawthorn; P01	<b>File Ref:</b>	964-06; 7.2006.47.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	E Saraceni		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Residential Design Codes, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission, for the application submitted by Property People Surveying on behalf of the owners D F Licastro & R J Good for proposed Survey Strata Subdivision, at Nos. 69 and 71 (Lots 304 and 305 D/P: 2334) London Street, Mount Hawthorn, and as shown on plans stamp-dated 5 July 2006, subject to the following conditions:*

- (i) all buildings having the necessary clearance from the new boundaries as required by the relevant legislation;*
- (ii) support of the subdivision is not to be construed as support of the demolition of the existing building(s) and/or any development on the proposed lots;*
- (iii) if any portion of the existing building(s) is to be demolished to facilitate the proposed subdivision, Planning Approval and/or Demolition Licence is to be obtained from the Town for the demolition of the existing building(s) prior to the clearance of the Diagram or Plan of Survey by the Town;*
- (iv) all structures on proposed Lot 3, and all buildings and structures that have been granted Planning Approval and/or Demolition Licence for demolition being demolished and materials removed from the site and the site made good. A separate Planning Approval and/or Demolition Licence is required from the Town prior to the commencement of any demolition works;*
- (v) a two (2) metre by two (2) metre visual truncation being provided where the common property access way intersects with London Street and proposed Lot 3 and a sight line being maintained clear of obstruction above the height of 0.75 metre;*
- (vi) prior to the clearance of the Diagram or Plan of Survey by the Town, the owner(s) shall enter into a legal agreement with and to the satisfaction of the Town, which is secured by an absolute 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 conserve the existing dwellings on proposed Lots 1 and 2. All costs associated with this condition shall be borne by the applicant/owners; and*

- (vii) *each existing dwelling to comply with the requirements of the Residential Design Codes pertaining to grouped housing development to the satisfaction of the Town, including;*
- (a) *the provision and construction of two (2) on-site car parking bays and associated driveway and crossover; and*
  - (b) *the provision of a permanent enclosed storage area with a minimum area of 4 square metres and minimum internal dimensions of 1.5 metres and adequate provision for the storage of garbage.*

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**COUNCIL DECISION ITEM 10.1.5**

**Moved Cr Farrell, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (9-0)**

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<b>Landowner:</b>	D F Licastro & R J Good
<b>Applicant:</b>	Property People Surveying
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R20
<b>Existing Land Use:</b>	Single House on each lot
<b>Use Class:</b>	Grouped Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	Total: 1316 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

28 March 2006

The Council at its Ordinary Meeting resolved that an application for the survey strata subdivision of the subject lots into four lots "*Lie on the Table*" in order to allow for further consultation with the applicant to ensure that the development conforms with the Town Planning Scheme and in particular the 50 per cent bonus.

**DETAILS:**

The proposal involves an application for the subdivision of Lots 304 and 305 into three (3) lots and one common property lot. The size of the proposed 3 lots ranges from 350 to 494 square metres and the common property lot has an area of 112 square metres. The applicant intends to retain and refurbish the two existing single storey dwellings on proposed front Lots 1 and 2. One two-storey grouped dwelling is intended for proposed Lot 3, located at the rear of proposed Lots 1 and 2.

The applicant's submission, which includes indicative sketch plans of the above proposed development, including two new on-site car parking bays at the rear of each existing dwelling on proposed Lots 1 and 2, is attached to this report. The proposed two-storey dwelling has not been assessed and requires a separate Planning Approval to be applied and obtained from the Town.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	2 dwellings/lots R20	3 dwellings/lots R22.80 13.98% density bonus	Supported- the proposed development is not considered to have an undue impact on the amenity of the surrounding area. The applicants are proposing to retain the existing dwellings on proposed Lots 1 and 2 and are not seeking a density bonus greater than 50 per cent under clause 20 (2) of TPS1.
Minimum Lot/Site Area	440 square metres	387.3 square metres (including 1/3 the area of access leg)	Supported- the proposed Minimum Lot Area is not considered to be a significant variation from the minimum requirement for the R20 Code, especially as the two existing dwellings will be retained, and provides a more favourable outcome than the previous proposal.
Average Lot/Site Area	500 square metres	438.7 square metres (including 1/3 the area of access leg)	Supported- as above.
Plot Ratio	N/A	N/A	Noted.
<b>Consultation Submissions</b>			
The proposed subdivision did not require any community consultation.			
<b>Other Implications</b>			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

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

**COMMENTS:**

The places at Nos. 69 and 70 London Street, Mount Hawthorn are not currently listed on the Town of Vincent Municipal Heritage Inventory.

The Eton Locality Statement states that *"the retention and/or restoration of established houses which are indicative of the era in which the locality was developed and generally contribute to its existing character will be encouraged."* The original City of Perth Building Licence records indicate that the dwelling at No. 69 London Street was constructed in 1927 and the dwelling at No. 71 London Street was constructed in 1926. The dwellings although modest, are indicative of the type of housing that was constructed in the Eton Locality during the inter-war period.

In light of the above, it is considered that the subject dwelling is worthy of retention. Due to the applicant/owners proposing to retain the existing dwellings on proposed Lots 1 and 2 and are only proposing a 13.98 per cent density bonus, Clause 20 (2) of TPS 1 may be applied in this instance. The proposed subdivision also provides a more favourable outcome than the previous proposal.

Therefore, the application is recommended for approval, subject to standard and appropriate conditions.

**10.1.11 East Perth Redevelopment Authority – Proposed Minor Modifications to the Lindsay Street Precinct Design Guidelines**

<b>Ward:</b>	South	<b>Date:</b>	15 September 2006
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	PRO1409
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	A Denford		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the letter dated 5 September 2006 and associated documentation from the East Perth Redevelopment Authority (EPRA) in relation to the proposed minor modifications to the Lindsay Street Precinct Design Guidelines 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 modifications to the Lindsay Street Precinct Design Guidelines.*

**COUNCIL DECISION ITEM 10.1.11**

**Moved Cr Farrell, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (9-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to outline to the Council the proposed minor modifications by the East Perth Redevelopment Authority (EPRA) to the Lindsay Street Precinct Design Guidelines. The EPRA are seeking comments from relevant stakeholders with the public comment period closing on 29 September 2006.

**DETAILS:**

The Town has received a letter dated 5 September 2006 and associated documentation advising that the East Perth Redevelopment Authority (EPRA) Planning Committee has recently endorsed for advertising proposed modifications to the Design Guidelines for the Lindsay Street Precinct in the New Northbridge Area as detailed in the attachment to this report.

The EPRA is now seeking comments from all relevant stakeholders on the proposed modifications to the Lindsay Street Precinct Design Guidelines. The western portion of the Precinct is situated within the Town of Vincent and, therefore, comment from the Town is required.

The proposed modifications are summarised below:

*"The modifications to the guidelines result principally from changes to the lot boundaries between Lots 505,506 and 507 Lindsay Street. The northern and southern side boundary of Lot 506 was proposed to align with the eaves of the existing heritage dwelling on the site. The subdivision plan has been amended to include greater separation between the building and lot boundary. This will ensure the existing dwelling at Lot 506 has adequate access to natural light and ventilation.*

*It is also proposed to rectify errors in the precinct plan for properties along Newcastle Street and correct a minor typographical error."*

The resulting modifications to the Design Guidelines are outlined below.

Section 5.3 - Table 4: Summary Information will be amended as follows:

- The land area of Lot 505 is to be REDUCED from 520 square metres to 489 square metres;
- The land area of Lot 506 is to be INCREASED from 433 square metres to 498 square metres; and
- The land area of Lot 507 is to be REDUCED from 419 square metres to 384 square metres.

Section 5.4 - Building Design, Clause 5.4.2 will be amended as follows:

- The dwelling yield of Lot 507 is to be reduced from 2 dwellings to 1 dwelling.

**CONSULTATION/ADVERTISING:**

Not required by the Town.

**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 minor modifications to the Lindsay Street Design Guidelines will have no undue impact on the Town of Vincent and, as such, it is recommended that the Council receives the documentation relating to the proposed modifications to the Lindsay Street Design Guidelines and that the Town advises EPRA that it has no objections to the proposed modifications.

**10.1.15 Review of Pesticide Legislation and Policy in Western Australia**

<b>Ward:</b>	Both	<b>Date:</b>	14 September 2006
<b>Precinct:</b>	All	<b>File Ref:</b>	ENS0024
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	D Brits		
<b>Checked/Endorsed by:</b>	R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report relating to the Review of Pesticide Legislation and Policy in Western Australia;*
- (ii) *ADVISES the Department of Health and the Western Australian Local Government Association (WALGA) that the Town SUPPORTS IN PRINCIPLE the intention to review the Pesticide Legislation and Policy as outlined in the Policy and Recommendations Report for (public) Consultation as 'Laid on the Table'; and*
- (iii) *AUTHORISES the Executive Manager Environmental and Development Services and Manager Health Services to participate in consultation sessions and working groups through WALGA, the Department of Health and the Australian Institute of Environmental Health if necessary to assist in bringing this matter to fruition.*

**COUNCIL DECISION ITEM 10.1.15**

**Moved Cr Farrell, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (9-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to update the Council on the release of the Management of Pesticides in Western Australia, the Policy and Recommendations Report for Consultation in relation to the Review of Pesticide Legislation and Policies in Western Australia, and the intention to put in a place a new Code of Practice that would be called up in legislation and be legally enforceable.

**BACKGROUND:**

On 11 September 2006, in a Media Release, the State Government confirmed the intention to put in place a New Code of Practice as the preferred legislative model to manage pesticides in Western Australia. A new Code of Practice will help ensure the safe and legal use of pesticides in Western Australia. The focus of the review was to develop a legislative model for the whole of Government (all State Agencies involved in pesticides control). To support the proposal, a new 'Coordinating Committee' will be created that will include all relevant Government Agencies like Health, WorkSafe, Environment and Conservation, Water, Chemistry Centre WA, Agriculture and Food, Contract Pest Control Industry and WALGA.

### **DETAILS:**

The establishment of the code is one of 10 recommendations contained in the final report of the review of the State's pesticide legislation and policies by the Department of Health, the lead State Agency in this regard. The report, titled '*Review of Pesticide Legislation and Policies in Western Australia*', incorporates suggestions made in the 69 public submissions received in response to the discussion paper released in September last year. Department of Health Officer Mr Peter Rutherford (with additional pesticide experience in the Department of Agriculture and Food) said the proposed Code of Practice had widespread government and industry support and would provide a comprehensive source of information for pesticide users in WA. He continued:

*'The code will bring together all pesticide control of use policies and protocols for adoption by the relevant agencies through minor amendments to their existing legislation. It will reduce the fragmentation that currently exists as a result of having many different agencies involved, while at the same time using their range of skills.'*

Mr Rutherford said other recommendations covered proposals for the regulation of the pest control industry, and flexibility in the off-label use of pesticides. *'It also supports mandatory recordkeeping and training for commercial pesticide users and that mechanisms for control of spray drift, incident reporting and waste disposal be developed in the Code of Practice,'* he said. The report's recommendations would improve the effectiveness of Western Australia's pesticide legislation and help ensure that industry standards were in line with other Australian States and Territories.

### **CONSULTATION/ADVERTISING:**

Consultation and advertising is the responsibility of the Department of Health, Government of Western Australia. The Public Consultation period will continue until Friday, 1 December, 2006.

Copies of the background information are available at [www.health.wa.gov.au/publications](http://www.health.wa.gov.au/publications) or by contacting Mr Peter Rutherford on telephone number 9222 4279. Written comments/requests can be sent to Mr Rutherford at the Department of Health WA, PO Box 8172, Perth Business Centre, Western Australia 6849.

### **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:**

Health Act 1911 (as amended) and Health (Pesticides) Regulations 1956; Poisons Act 1964; Aerial Spraying Control Act 1966; Environmental Protection Act 1986; Agriculture Produce (Chemical Residues) Act 1983; Dangerous Goods (Transport) Act 1998; Occupational Safety and Health Act 1984; Explosives and Dangerous Goods Act 1961; and Water Catchment Protection Acts.

**FINANCIAL/BUDGET IMPLICATIONS:**

No major financial implications are foreseen, however, WALGA will address the subject of cost-shifting if necessary.

**COMMENTS:**

Pesticide Safety has much improved in the last few years due to the development of more target (organism) specific pesticides, greater public awareness, improved labelling, improved education and stricter Government controls. The recommended multi-agency '*Coordination Committee*' and Code of Conduct called up in legislation will improve more regular policy integration and amendments to improve the efficiency of the legislation in minimising harm to the population and environment.

**10.2.1 Proposed Naming of Right of Way bounded by Bulwer Street, Lane Street, Brisbane Street and Baker Avenue - "Astone Lane"**

<b>Ward:</b>	South	<b>Date:</b>	9 January 2006
<b>Precinct:</b>	Hyde Park Precinct (P12)	<b>File Ref:</b>	TES0433
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	A Munyard		
<b>Checked/Endorsed by:</b>	R Lotznicker	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on the naming of the right of way bounded by Bulwer Street, Lane Street, Brisbane Street and Baker Avenue, Perth;*
- (ii) *APPROVES the application of the name "ASTONE LANE" to the right of way; as illustrated on attached Plan 2470-RP-1;and*
- (iii) *ADVISES the Geographic Names Committee, the applicant and all residents adjoining the right of way of its decision.*

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**COUNCIL DECISION ITEM 10.2.1**

**Moved Cr Farrell, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (9-0)**

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**PURPOSE OF REPORT:**

The purpose of this report is to seek the Council's approval for the naming of the Town owned right of way (ROW) as illustrated by Plan 2470-RP-1.

**BACKGROUND:**

The Town has, through its ROW naming and lighting program, previously named those ROWs which are dedicated as public roads. The naming of other ROWs is facilitated upon the request from adjoining residents, provided the cost of installing name plates is borne by the applicant and the name is approved by the Council and the Geographic Names Committee of the Department for Planning and Infrastructure.

Naming of ROWs has a number of positive outcomes for adjacent residents. Once approved by the Geographic Names Committee, ROW names are included in the Streetsmart guide, and are therefore identifiable to FESA, should their attendance be necessary, and to the public in general. Australia Post will deliver mail to addresses off named ROWs provided the ROWs meet other standards set down by them, e.g. drainage, paving and lighting.

**DETAILS:**

The Town has received an application for the naming of the ROW bounded by Bulwer Street, Lane Street, Brisbane Street and Baker Avenue.

The applicant proposes the name "Astone Lane" in memory of her late father, who was a well known identity in the Northbridge community. The following is an extract from a letter from the applicant, providing more information about her father and his connection with the area.

*"My father, the late Antonino Astone (09-06-1907 to 25-12-1995) arrived at Fremantle Port in 1949, from Raccaia, Sicily. He settled in the Northbridge area and first established a boot maker shop on the corner of Brisbane Street and William Street, where there is now a Karaoke Restaurant.*

*During that time, being more significant, Mr Astone held the first license to transport passengers to and from the Fremantle Port. Mr Astone transported hundreds of migrants and brought them to settle within the Northbridge area.*

*During the 1950s, Mr Astone made a significant contribution to the local community through his work as the owner of a taxi fleet, fruit and vegetable vendor, and a crockery business where he established a vast network of Northbridge restaurant clients. His crockery business continued for 26 years.*

*My father was a well known figure within the Northbridge community, who resided at 135 Bulwer Street for over 40 years. The cohort of students from that time (Highgate Primary School) remember Mr Astone as the "Man with the red truck".*

*I set this proposal before the Council, that the name "ASTONE" be considered for the laneway behind the house where he lived, and his brother John Astone owned the adjacent property.*

*Mr Astone was a familiar character, who has many descendants. I am proud his efforts have not been forgotten by the community and by this I am prepared to pay for the cost of signage, should the Council be willing to approve my proposal."*

**CONSULTATION/ADVERTISING:**

Consultation regarding ROW, road or place names is not usually undertaken. Such naming is based on the decision of the Council together with the approval of the Geographic Names Committee.

**LEGAL/POLICY:**

There are no legal implications to naming the ROW.

**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 applicant has given an undertaking to pay the costs of manufacture and installation of the street nameplates.

**COMMENTS:**

The naming of this ROW will result in an improved amenity for the adjacent residents and it is therefore recommended that the Council approve the application of "Astone Lane" to the ROW. The Town's Heritage Officers support the application of names which have historical relevance, and this name meets all requirements. The applicant has been advised that the Town's historian would very pleased to receive more information about Mr Astone and his contribution to the development of the Town, should she wish to provide it.

**10.2.2 Proposed Loading Zone in Florence Street, West Perth**

<b>Ward:</b>	South	<b>Date:</b>	28/08/2006
<b>Precinct:</b>	Cleaver Precinct (P5)	<b>File Ref:</b>	PKG0054
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	A Munyard		
<b>Checked/Endorsed by:</b>	R Lotznicker	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on the proposed introduction of a Loading Zone in Florence Street, adjacent to the Leighton Nursing Home, West Perth;*
- (ii) *APPROVES the introduction of the Loading Zone as illustrated on attached Plan No. 2466-PP-1; and*
- (iii) *PLACES a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs.*

**COUNCIL DECISION ITEM 10.2.2**

**Moved Cr Farrell, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (9-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to seek the Council's approval of the introduction of a Loading Zone on the east side of Florence Street adjacent to the Leighton Nursing Home.

**BACKGROUND:**

The Town has received complaints from residents regarding delivery vehicles obstructing the right of way (ROW) adjacent to the Leighton Nursing Home and officers have discussed the issue with the management of the home and have arrived at the current proposed solution.

**DETAILS:**

Running from Florence Street to Oak Lane is a private ROW which is named *Florence Place*. Part of this ROW is adjacent to the Leighton Nursing Home and is utilised to facilitate deliveries. Residents with a right of access through the ROW have complained that this obstruction is inconvenient for them.

The Town's Technical Services Officers have discussed the matter with the Home's management and have arrived at a solution which will provide them with the necessary amenity and maintain residents' rights of access.

It is recommended that a Loading Zone be implemented in Florence Street, adjacent to the Nursing Home, and close to the delivery point. This Loading Zone is proposed to be in place during Office Hours only, and will therefore be available for visitor parking outside these times.

**CONSULTATION/ADVERTISING:**

As the Loading Zone is adjacent to the Nursing Home only, no further consultation is considered necessary.

**LEGAL/POLICY:**

The Town's Rangers will enforce the restrictions once implemented.

**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. *“p) Develop a strategy for parking management in business, residential and mixed use precincts, that includes - parking facilities that are appropriate to public needs;*

**FINANCIAL/BUDGET IMPLICATIONS:**

Existing poles can be utilised and the cost of implementing the measures is estimated to be approximately \$200.00.

**COMMENTS:**

The ROW must be kept unobstructed and available for use by those with a right of access. At the same time, it is essential that the nursing home has a satisfactory delivery point, and therefore, the Loading Zone is recommended for implementation.

**10.2.4 Further Report Proposed Improvements Brookman Street, Moir Street, Robinson Avenue and Forbes Road, Perth**

<b>Ward:</b>	South	<b>Date:</b>	20 September 2006
<b>Precinct:</b>	Hyde Park P12	<b>File Ref:</b>	TES0484, TES0069 TES0006, TES0311
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Lotznicker		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the report on the proposed improvements for Brookman Street, Moir Street, Robinson Avenue and Forbes Road, Perth;
- (ii) **APPROVES IN PRINCIPLE** the;
  - (a) road reconstruction / streetscape upgrade proposals as shown on attached Plans Nos 2456-CP-01 and 2362-CP-2A;
  - (b) traffic management proposal for Robinson Avenue as shown on attached Plan No. 2473-CP-1;
  - (c) Forbes Road 'Green Way' link proposal as shown on attached plan No 2409-CP-03;
  - (d) introduction of 'No Parking' restrictions on the south side of Robinson Avenue between William and Lake Streets, the introduction of a one (1) hour (1P) parking restriction on the north side of Robinson Avenue between William Street and Brisbane Place, and associated line marking / delineation as shown on attached Plan No. 2474-PP-1;
- (iii) **CONSULTS** with the;
  - (a) Heritage Council of Western Australia and residents and businesses in Brookman Street, Moir Street, Robinson Avenue (between Lake and William Streets), and Forbes Road regarding the overall proposal as outlined on attached plan No 2456-CP-01, providing them with 21 days to provide comments on the proposal;
  - (b) residents in Robinson Avenue (between Lake Street and William Street), Brisbane Terrace and Brisbane Place regarding the traffic management and parking proposal as outlined on attached plan Nos 2473-CP-1 and 2474-PP-1, providing them with 21 days to provide comments on the proposal;
- (iv) **RECEIVES** a further report at the conclusion of the consultation period.

**COUNCIL DECISION ITEM 10.2.4**

**Moved** Cr Farrell, **Seconded** Cr Torre

*That the recommendation be adopted.*

**CARRIED (9-0)**

**FURTHER REPORT:**

**Wetlands Heritage Trail Working Group Meeting - 13 February 2006**

Forbes Road Redesign Options

Design options including flush kerbing with a path on both sides of the road and a path on one side of Forbes Road only, were suggested. The advantages and disadvantages of meandering the path along the length of Forbes Road was also debated.

It was decided that further options that include a path on north side 'only' and a path on south side 'only' be developed. The group subsequently agreed that a path on the 'south side' of Forbes Road, between William and Lake Streets would provide the most favourable outcome.

**Ordinary Meeting - 9 May 2006**

At its Ordinary Meeting held on 9 May 2006, the Council considered a report on the proposed Implementation Program for the Wetlands Heritage Trail / Greenway where the following decision was adopted (in part):

*"That the Council.*

- (vi) *APPROVES IN PRINCIPLE the program of works and annual cost estimates for years 2006/2007 to 2011/2012, as indicated in the report, to be implemented over an six year (6) year period;*
- (vii) *LISTS for consideration in the 2006/2007 draft budget an amount of \$190,000 for the implementation of year 2 (2006/2007) of the project;*
- (viii) *CONSULTS with the various stakeholders prior to implementing the various sections of the Wetland Heritage Trail / Greenway and associated works in accordance with the Town's consultation policy;"*

The program included \$120,000 for Forbes Road Improvements in 2006-2007 as follows:

*This proposal includes the construction of a dual use path on the south side of Forbes Road including new kerbing, road resurfacing and parking and safety improvements.*

Funds were subsequently allocated in the 2006/2007 budget for this project.

**Ordinary Meeting - 26 April 2006**

Following representation from residents from Robinson Avenue regarding the implementation of Traffic management in the eastern end of the street (west of William Street), a report was presented to the Council where the following decision was adopted:

*"That the Council;*

- (i) *RECEIVES the report on Traffic Management Matter referred to the Town's Local Area Traffic Management Advisory Group;*
- (ii) *REFERS the following matter, as listed below and detailed in the report, to the Town's Local Area Traffic Management Advisory Group for their consideration;*
  - *Robinson Ave (west) - Traffic Management; and*
- (iii) *NOTES that a further report will be submitted on the matter listed following consideration by the Town's Local Area Traffic Management Advisory Group."*

### **Local Area Traffic Management (LATM) Advisory Group Meeting - 22 June 2006**

In accordance with the Council's decision {OMC 26 April 2006 clause (ii)}, the matter was discussed at the 22 June 2006 LATM Advisory Group Meeting. The meeting was attended by several residents from Robinson Avenue and the following matters were discussed:

- Loading Zone facility to be investigated in William Street to deter commercial vehicles using Robinson Avenue to unload goods (Kong's).
- Demarcation Lines and strategically placed line marking required along Robinson Avenue to improve egress from driveways and delineate parking.
- Nib to be constructed at the Robinson Avenue / Lake Street intersection to improve intersection safety.
- Review signage and monitor on-road parking.

In addition, the main thrust of the resident's request was to make the section of Robinson Avenue between Brisbane Place and William Street 'one way' west to east for the following reasons:

- Deter through traffic from William Street.
- William Street/Robinson Avenue intersection is dangerous, with delivery trucks servicing Kong's William Street facilities.
- Parking on the southern side of Robinson Avenue (between William Street and Brisbane Place) causing hold ups for traffic exiting and entering Robinson Avenue.
- Traffic exiting Robinson has to travel on the right (or northern) side of the road.

It was contended that if this section of Robinson Avenue was made one way, on-road parking could be restricted to the north side only, allowing a free flow of traffic from Robinson into William while preventing the entry of traffic (including through traffic) into Robinson from William. It was further contended that this would also ease congestion on Fridays and other holy days when the Mosque was heavily utilised.

Some form of "traffic calming" at the Lake Street entrance to Robinson was also considered appropriate.

Therefore the following consensus was reached by the group: (refer Plan No. 2456-CP-01)

- Make the section of Robinson Avenue between Brisbane Place and William Street 'one way' west to east with embayed parking on the north side of the street.
- Install a nib on the north/east corner of Lake Street and Robinson Avenue.
- Investigate the implementation of a loading zone on William Street. (*in progress*)
- Investigate parking patterns in the street to be able to implement line marking and improve signage.
- Implement tree plantings in the carriageway (Hope Street treatment).

It was further agreed that the proposal would be advertised to the area including:

- Forbes Road
- Robinson Ave
- Moir and Brookman Street
- Brisbane Tce and Brisbane Place

Results parking patterns

Date	Street Sections					
	William - Wellman (Sth)	Wellman - Brookman (Sth)	Brookman - Moir (Sth)	Moir - Lake (Sth)	Lake - Brisbane (Nth)	Brisbane - William (Nth)
2006						
Thurs 13 July 3.00pm	5 cars	1 car	nil	nil	6	nil
Fri 14 July 3.00pm	5 cars	1 car	nil	nil	7	nil
Fri 14 July 10.55am	7 cars & 1 truck	1 car	nil	nil	9	nil
Sat 15 July 7.00am	4 Cars	1 car	nil	nil	12	nil
Sat 15 July 11.45pm	3 Cars	2 car	nil	nil	18	nil
Mon 17 July 9.00am	2 cars	nil	nil	nil	10	nil
Wed 19 July 10.00am	4 cars	nil	nil	nil	8	nil
Thurs 20 July 9.00am	nil	nil	nil	nil	8	nil
Wed 20 September 7.35am	nil	nil	nil	nil	9	nil
<b>Average</b>	<b>4.4</b>	<b>1.2</b>	<b>nil</b>	<b>nil</b>	<b>9.67</b>	<b>nil</b>

Conclusion

The above investigations have indicated that 'No Parking' demarcation could be implemented on the south side of Robinson Ave between Brookman and Lake Streets without adversely affecting the on-road parking amenity of the street.

In addition, the provision of restricted embayed parking on the north side of Robinson Avenue between William Street and Brisbane Place and 'No Parking' on the south side of Robinson Avenue between William and Wellman Streets would not have an adverse impact on the parking amenity in the street.

**Financial Implications**

The 2006/2007 Budget includes the following amounts for the works discussed in this report:

- Reconstruction
  - Brookman Street \$75,000
  - Moir Street \$75,000
  - Forbes Road / Greenway \$110,000
- Forbes Rd (resurfacing) \$22,000
- Forbes Road (footpath) \$ 6,500
- Street Trees
  - Robinson Ave \$15,000
  - Moir Street \$15,000
  - Brookman Street \$15,000
- Robinson Ave - Traffic management \$ 5,000
- **TOTAL Funds available \$338,500**

### **Comments / Conclusions**

Substantial funds have been allocated for the various proposals outlined in the report, which include road reconstruction, traffic management, streetscape improvements, parking improvements and a section of the Town's Wetlands Heritage Trail / Greenway link. Given the varied nature of the works proposed, the community's views on the proposals will enable the matter to be further progressed.

In addition, the road and footpaths fall within the curtilage of the "Brookman and Moir Streets Heritage Precinct" listed by the Heritage Council of Western Australia (HCWA) on the State Register of Heritage Places. As such, the proposed works as a whole are required to be referred to HCWA for its comment. Consultation with private property owners regarding the proposed road and footpath improvements should clearly indicate the Town's co-ordination with the Heritage Council. The proposed works are considered not to have a negative impact on the heritage values of the precinct, and are consistent with the feedback from residents who generally feel an upgrade of the area is consistent with the high heritage values placed on the precinct. Part 21 of the Brookman and Moir Streets Development Guidelines address 'Urban Infrastructure' and should also be regarded.

### **PREVIOUS REPORT**

The following is the verbatim report presented to Council at its Ordinary Meeting held on 8 November 2005

#### *OFFICER RECOMMENDATION:*

*That the Council;*

- (i) RECEIVES the report on the proposed improvements Brookman Street, Moir Street, Robinson Avenue and Forbes Road, Perth;*
  - (ii) APPROVES IN PRINCIPLE the upgrade proposals as outlined on the attached Plans Nos 2362-CP-2 and 2362-CP-3;*
  - (iii) CONSULTS with the Heritage Council of Western Australia and residents and businesses in Brookman Street, Moir Street, Robinson Avenue (between Lake Street and William Street), and Forbes Road giving them 14 days to provide comments on the proposal; and*
  - (iv) RECEIVES a further report at the conclusion of the consultation period.*
- 

#### COUNCIL DECISION ITEM 10.2.4

Moved Cr Lake, Seconded Cr Messina

*That the recommendation be adopted.*

*Debate ensued.*

Moved Cr Chester, Seconded Cr Maier

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

- “(v) plans for Forbes Road in its role in the “Wetlands Interpretative Trail” be developed in conjunction with the Wetland Interpretative Trail Working Group.”*

AMENDMENT CARRIED (7-0)

*(Mayor Catania was an apology. Cr Torre on leave of absence.)*

*Debate ensued.*

*Moved Cr Chester, Seconded Cr Ker*

*That the Item be DEFERRED to allow further investigation and report.*

**PURPOSE OF REPORT:**

*The purpose of this report is to present a draft concept plan for the Council's 'in principle' approval for improvement works at Brookman Street, Moir Street, Robinson Avenue and Forbes Road, prior to consulting with the community*

**BACKGROUND:**

*Both Brookman and Moir Streets are located in a low lying area and are constructed on an impervious subgrade.*

*The former City of Perth, while reconstructing both roads in the 1980s, encountered problems and subsequently the roads were reconstructed using interlocking pavers in lieu of the standard basecourse/asphalt construction. Forbes Road and Robinson Avenue are both 'sealed' roads (basecourse/Asphalt).*

**DETAILS:**

*The proposed improvement works are outlined on attached Plans Nos 2362-CP-2 and 2362-CP-3 and a brief description of the works is outlined below:*

*Brookman Street*

*This street comprises a 'one way' street north to south. It is approximately 170m long, 6.8m wide with two 1.6m wide footpaths constructed in red asphalt. As mentioned above, the road carriageway is constructed in interlocking pavers.*

*Given the impervious nature of the subgrade (comprising a mixture of peat/sand) differential settlement has occurred, resulting in an undulating road surface and loose and dislodged pavers in some sections. The road holds water during even minor storm events and requires to be reconstructed.*

*Proposal*

*The upgrading works will comprise of the following:*

- *Removal and replacement of kerbing*
- *Removal of the existing asphalt paths and replacement with insitu concrete\**
- *Removal of the existing 'interlocking pavers' and regrading and recompacting the base*
- *Relaying the interlocking pavers*
- *Providing better delineation of the one way road system by carrying out minor modifications at the intersections*
- *Planting of trees*

*Note\*: Moir Street, which is similar to Brookman Street, has concrete footpaths in lieu of asphalt footpaths. These have acted as rigid beams which have restrained the interlocking pavers, resulting in Moir Street being less deformed than Brookman Street.*

*Robinson Avenue (William Street to Lake Street)*

*This street comprises a 'two way' street running east west. It is approximately 260m long, 6.8m wide with two 1.6m wide footpaths constructed in insitu concrete. The road was resurfaced in the late 1990s and the footpaths are in good condition (cast insitu concrete).*

Proposal

*It is proposed that appropriate trees be strategically placed in the roadway (similar to the Hope Street treatment).*

Note: *The intersection of Robinson Avenue and William Street will be modified as part of the William Street upgrade works. This design has not yet been finalised.*

*Forbes Road (Lake Street to Wellman Street)*

*This street comprises a 'two way' street running east west. It is approximately 250m long, and varies in width from 6.2m to 9.0. A 1.6m wide concrete footpath is located on the north side and a concrete/slab path is located on the south side to Forbes lane.*

Proposal

*The upgrading works will comprise of the following:*

- *Resurfacing of the road with a 7 mm SMA mix.*
- *Upgrading the slab footpaths*
- *Minor kerbing works*
- *Planting of trees (on the verge) and rekerbing (with a barrier kerb) on the south side of the street between Wellman Street and Forbes lane ( to deter verge parking)*
- *Delineate the 'on road parking on the south side of the street between Wellman Street and Forbes lane*
- *Plant additional trees on the north side of the street between Wellman Street and Forbes lane*
- *Improve parking line marking and signage in the vicinity of Brookman Street and Moir Street.*

*Moir Street*

*This street comprises a 'one way' street south to north. It is approximately 140m long, 6.8m wide with two 1.6m wide footpaths constructed in insitu concrete. As with Brookman Street the road carriageway is constructed in interlocking pavers.*

*While some differential settlement has occurred in this street due to the existence of the concrete footpaths (as mentioned above) these have acted as rigid beams which have restrained the interlocking pavers resulting in the Street being less deformed than Brookman Street.*

Proposal

*It is proposed that appropriate trees be strategically placed in the road way (similar to the Hope Street treatment).*

Note: *No funds have been allocated in the 2005/2006 financial year for reconstruction works on Moir Street.*

Proposed Tree Species

*It is proposed to consult with owner/occupiers in relation to the species to be planted in each respective street. A choice of native and exotic trees that will tolerate the local soil conditions in these areas will be provided and owner/occupiers requested to submit their preferred option as recently completed in Wade Street.*

*Species likely to be offered and readily sourced from local nursery suppliers will include. Melaleuca linariifolia (Snow in Summer), Melaleuca quinquinervia (Broad Leafed Paperbark), Eucalyptus leucoxlyn rosea (Yellow Gum).and Lagerstromia indica (Crepe Myrtle).*

**CONSULTATION/ADVERTISING:**

*Residents and businesses will be consulted regarding the proposal and requested to provide comments.*

**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. (b) Continue to develop, enhance and implement annual footpath, rights of way, road rehabilitation and upgrade programs.*

**FINANCIAL/BUDGET IMPLICATIONS:**

*A total of \$142,000 has been allocated in the 2005/2006 budget to implement the improvements as detailed above. The works have been scheduled for November / December 2005.*

**COMMENTS:**

*Residents in this area have been requesting improvements for some time. While the undergrounding of power in this area would be desirable (as requested by numerous residents) this is beyond the scope of this project and would only be implemented as part of a future State Underground Power Program Project.*

*It is therefore recommended that the Council approves in principle the upgrade proposals as outlined on the attached Plans Nos 2362-CP-2 and 2362-CP-3, consults with the residents and businesses in Brookman Street, Moir Street, Robinson Avenue (between Lake Street and William Street), and Forbes Road, giving them 14 days to provide comments on the proposal and receives a further report at the conclusion of the consultation period.*

**10.2.5 Tender No 328/06 – Traffic Management Services**

<b>Ward:</b>	Both	<b>Date:</b>	4 September 2006
<b>Precinct:</b>	All	<b>File Ref:</b>	TEN0363
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	J van den Bok, C Economo, R Lotznicker		
<b>Checked/Endorsed by:</b>	M Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council ACCEPTS the tenders submitted by Carrington's Traffic Services, Quality Traffic Services and Australian Traffic Engineering as being the most acceptable to the Town for the provision of Traffic Management Services in accordance with the specifications detailed in tender No. 328/06.*

**COUNCIL DECISION ITEM 10.2.5**

**Moved Cr Farrell, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (9-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to request the Council to approve the tender for Traffic Management Services.

**BACKGROUND:**

On 2 August 2006, a tender was advertised for a three (3) year period. At the close of the tender on Wednesday 16 August 2006 at 2.00pm, eight (8) tenders were received. Present at the opening were Purchasing /Contracts Officer, David Paull, and Ranger, Russell Edwards.

**DETAILS:**

Tenders were received from the companies shown on attachment 10.2.5.

**Tender Evaluation**

Selection Criteria

The following weighted criteria was used for the selection of the company to undertake the works as specified.

	<b>CRITERIA</b>	<b>WEIGHTING</b>
1	Past experience in similar projects/works	25%
2	Organisational structure/capacity/resources	25%
3	Contract Price	25%

CRITERIA		WEIGHTING
4	Compliance with Tender Specification	15%
5	Financial Capacity	5%
6	References	5%
<b>TOTAL:</b>		100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Executive Manager Technical Services Executive, Manager Corporate Services-Mike Rootsey, Manager Parks Services-Jeremy van den Bok and the Co- Coordinator Engineering Services-Con Economo.

Each submission was assessed using the tender selection criteria in accordance with the tender documentation as follows.

Selection Criteria	Carrington Traffic Services	Quality Traffic Management	Australian Traffic Engineering	Advanced Traffic Management.. (ATM)	All Roads Traffic Services (ARTS)	Total Road Services	Roadsafe Traffic Management..	Warp Group
Past experience in similar projects/works (25)	25	25	25	25	25	25	22.5	25
Organisational structure/capacity/ resources (25)	25	25	25	25	25	25	22.5	25
Contract Price (25)	25	20.4	22.1	18.67	21.37	18.38	24.77	13.68
Compliance with Tender Specification (15)	14	15	15	15	13.05	13	11.25	13.5
Financial Capacity (5)	3.25	5	3.25	5	2.5	2.5	2.5	2.5
References (5)	5	5	5	5	5	5	4	5
<b>Total</b>	<b>97.25</b>	<b>95.4</b>	<b>95.35</b>	<b>93.67</b>	<b>91.92</b>	<b>88.88</b>	<b>87.52</b>	<b>84.68</b>
<b>Ranking</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>

To comply with health and safety requirements and relevant legislation when carrying out works within the road reserve or in other public places 'traffic management' must be set up by accredited traffic management personnel in compliance with AS 1742.3 2002 to ensure the work site is kept safe from passing traffic, pedestrians etc.

In addition the preparation of traffic management plans are required (from simple to complex) for specific works. These plans must be prepared by accredited traffic management personnel, submitted to the Town and kept on file.

While a project is in progress a variety of temporary traffic management measures (depending on the size, duration and scope of the works), eg signage, barriers, traffic cones flashing directional message boards, traffic controllers (stop / go personnel) etc needs to be implemented and maintained in compliance with the traffic management plan.

The Town has been using various companies to carry these works out however given the increasing value of this work, to comply with the tender regulations and to streamline operations, an annual tender is considered necessary.

The submissions received were competitive, however, compliance with the request for tender specifications varied as did demonstrated financial capacity and demonstrated relevant experience.

The following companies are considered suitable to be included on a panel to provide the required services to the Town. A panel is required to gain the flexibility to engage Traffic Management Services for a variety of works at short notice.

- Carrington's Traffic Services,
- Quality Traffic Services and
- Australian Traffic Engineering

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

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

#### **LEGAL/POLICY:**

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

#### **STRATEGIC IMPLICATIONS:**

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

#### **FINANCIAL/BUDGET IMPLICATIONS:**

Costs associated with Traffic Management Services are charged to a specific capital works projects respective engineering and parks maintenance accounts as and when required.

The total cost of Traffic Management Services within the Town during the 2005/06 financial year was \$134,076.00.

#### **COMMENTS:**

It is recommended that the Council accepts the tenders submitted by Carrington's Traffic Services, Quality Traffic Services and Australian Traffic Engineering as being the most acceptable to the Town for Traffic Management Services in accordance with the specifications as detailed in Tender No. 328/06.

**10.3.2 Authorisation of Expenditure for the period 1 August - 31 August 2006**

<b>Ward:</b>	Both	<b>Date:</b>	08 September 2006
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0005
<b>Attachments:</b>	<a href="#">001;</a>		
<b>Reporting Officer(s):</b>	Melike Orchard		
<b>Checked/Endorsed by:</b>	Bee Choo Tan	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council CONFIRMS the;*

- (i) *Schedule of Accounts for the period 1 August - 31 August 2006 and the list of payments;*
- (ii) *direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors; and*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth superannuation plans;*

*as shown in Appendix 10.3.2*

**COUNCIL DECISION ITEM 10.3.2**

**Moved Cr Farrell, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (9-0)**

**DECLARATION OF INTEREST**

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

**PURPOSE OF REPORT:**

To seek authorisation of expenditure for the period 1- 31 August 2006.

**BACKGROUND:**

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

**DETAILS:**

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

<b>FUND</b>	<b>CHEQUE NUMBERS/ PAY PERIOD</b>	<b>AMOUNT</b>
<b>Municipal Account</b>		
Town of Vincent Advance Account	EFT	\$1,818,725.07
<b>Total Municipal Account</b>		<b>\$1,818,725.07</b>
<b>Advance Account</b>		
Automatic Cheques	56019-56133, 56135-56206, 56208-56307, 56309-56412	\$748,727.15
<b>Municipal Account</b>		
Transfer of Creditors by EFT Batch 556-564, 566-567		\$1,454,386.18
Transfer of PAYG Tax by EFT	August 2006	\$152,924.68
Transfer of GST by EFT	August 2006	
Transfer of Child Support by EFT	August 2006	\$631.14
Transfer of Superannuation by EFT City of Perth	August 2006	\$28,917.93
Local Government	August 2006	\$89,478.11
<b>Total</b>		<b>\$2,475,065.19</b>
<b>Bank Charges &amp; Other Direct Debits</b>		
Bank Charges – CBA		\$2,310.96
Lease Fees		\$2,203.27
Corporate Master Cards		\$1,886.86
Australia Post Lease Equipment		\$0.00
2 Way Rental		\$0.00
Loan Repayment		\$64,664.31
Rejection Fees		\$25.00
ATM Rebate		\$0.00
Beatty Park - miscellaneous deposit		\$0.00
<b>Total Bank Charges &amp; Other Direct Debits</b>		<b>\$71,090.40</b>
<b>Less GST effect on Advance Account</b>		<b>-88,239.71</b>
<b>Total Payments</b>		<b>\$4,276,640.95</b>

**STRATEGIC IMPLICATIONS:**

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

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

**ADVERTISING/CONSULTATION:**

Nil.

**COMMENT:**

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

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

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

**OFFICER RECOMMENDATION:**

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

**COUNCIL DECISION ITEM 10.4.1**

**Moved Cr Farrell, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (9-0)**

**BACKGROUND:**

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

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

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

<b>Date</b>	<b>Document</b>	<b>No of copies</b>	<b>Details</b>
08/09/06	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: Perth Glory Football Club v Sydney Football Club - 10 September 2006 (Stadium)
08/09/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco 6008 re: WARL Junior Presentations - 13 September 2006 (Gareth Naven Room)

<b>Date</b>	<b>Document</b>	<b>No of copies</b>	<b>Details</b>
11/09/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta 6021 Western Australian Rugby League Ltd of 310 Pier Street, Perth 6000 re: WARL Grand Finals - 17 September 2006 and 23 September 2006 (Western Stand, Grandstand and Pitch)
11/09/06	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 - 11, 12, 14, 15, 18, 19, 20, 21 and 22 September 2006 (Change Rooms 1 and 2, and Pitch)
18/09/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco 6008 re: Samsung Trade Evening - 19 September 2006 (Gareth Naven Room)
18/09/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco 6008 re: Lumacom Conference - 26 September 2006 (Glory Lounge)
18/09/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco 6008 re: Fremantle Dockers - Grand Final Breakfast - 27 September 2006 (Gareth Naven Room)
18/09/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco 6008 re: WARL Ken Allen Awards Dinner - 28 September 2006 (Glory Lounge and Gareth Naven Room)

**10.4.2 Western Australian Local Government Association (WALGA) - Central Zone Metropolitan Representation**

<b>Ward:</b>	-	<b>Date:</b>	20 September 2006
<b>Precinct:</b>	-	<b>File Ref:</b>	ORG0045
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council ADVISES the Western Australian Local Government Association (WALGA) that it SUPPORTS the principle of equal representation of Member Councils to Zones and the number of delegates be set at two (2) per Council for the Central Metropolitan Zone.*

**COUNCIL DECISION ITEM 10.4.2**

**Moved Cr Farrell, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (9-0)**

**PURPOSE OF THE REPORT:**

To advise WALGA of the Town's preferred position for equal representation of zone delegates.

**BACKGROUND:**

WALGA recently wrote to the Town of Vincent seeking feedback on a Zone resolution which stated as follows;

***"RESOLUTION:***

*That the Zone endorses the principle of equality in representation of Member Councils to Zones.*

***Moved Mayor Anderton / Seconded Cr Lake***

***CARRIED"***

The Town is a member of the Central Zone and presently the voting delegations are at:

<b>Council</b>	<b>Number of Delegates</b>
Town of Cambridge	2
Town of Claremont	2
Town of Cottesloe	2
Town of Mosman Park	2
Town of Nedlands	2
Shire of Peppermint Grove	2
City of Perth	2

<b>Council</b>	<b>Number of Delegates</b>
City of South Perth	3
City of Subiaco	2
Town of Victoria Park	2
Town of Vincent	2

The Town's current delegates are Councillor Ian Ker and Councillor Sally Lake (voting) and CEO (non-voting) and Deputy Delegate (voting) for both.

**CONSULTATION/ADVERTISING:**

N/A.

**LEGAL/POLICY:**

N/A.

**STRATEGIC IMPLICATIONS:**

WALGA is a lobby organisation on behalf of Local Governments and the Town's membership of WALGA achieves benefits, including lobbying, bulk purchasing and advice on Policy matters.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

All Central Zone Councils currently have two (2) delegates, with the exception of the City of South Perth, which has three (3). Accordingly, support for two (2) delegates is recommended.

**10.4.4 Chief Executive Officer's Performance Review 2006 - Appointment of Consultant**

<b>Ward:</b>	-	<b>Date:</b>	15 September 2006
<b>Precinct:</b>	-	<b>File Ref:</b>	Personal
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council APPROVES of engaging Human Resource Consultant, Mr John Phillips of the Western Australian Local Government Association (WALGA) - Employment Solutions - to assist in conducting the Chief Executive Officer's Performance Review 2006, as detailed in this report, at a cost of \$2,250 plus GST of \$250.00.*

**COUNCIL DECISION ITEM 10.4.4**

**Moved Cr Farrell, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (9-0)**

**PURPOSE OF REPORT:**

The purpose of the report is to gain Council approval to engage a consultant to assist in conducting the Chief Executive Officer's Performance Review 2006.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 6 December 2005, the Council resolved as follows;

*"That the Council;*

- (i) RECEIVES the Chief Executive Officer's Performance Review Report 2005 and endorses the overall rating of "Satisfactory - Meeting the Performance Requirements" of the position of Chief Executive Officer of the Town of Vincent;*
- (ii) NOTES that the next review of the CEO's performance is to be conducted in October 2006;*
- (iii) ENDORSES the draft Key Result Areas based on the Town's Strategic Plan 2005-2010 (Amended) for the 2006 review period;*
- (iv) VARIES the Review process for 2006 to allow:*
  - adoption of action items arising from any revision of the Town's Strategic Plan;*
  - Elected Members be provided with the choice of providing feedback by means of a questionnaire or by interview (face to face or telephone);*

- *the Appraisal meeting to be convened in two parts:*
  - (a) *Elected Members and facilitator to review aggregated feedback and CEO Report (1<sup>st</sup> hour); and*
  - (b) *CEO to join meeting at the completion of (i) to discuss feedback; and*
- (v) *NOTES that the Chief Executive Officer has agreed to amend the Deed of Contract of Employment, Clause 5, to vary the review process as detailed in (iv)(a) and (b)."*

The performance review process is similar to previous years and will now consist of the following:

1. Council to determine the most appropriate method of conducting the CEO's annual review and this process will now include the use of an external consultant in conjunction with the Mayor and Councillors;
2. CEO to prepare annual performance review within twenty (20) working days of the anniversary of the CEO's commencement with the Town (i.e. 8 August 2004) or date to be agreed;
3. CEO and external consultant to meet to discuss the process and timing;
4. CEO to present report to external consultant and Mayor;
5. External consultant to review and assess CEO's review report assessing the performance measured against the position description, performance criteria, key result areas;
6. External consultant to send each Elected Member a questionnaire to individually record their assessment and impressions of the CEO's performance. Elected Members to be provided with the choice of providing feedback by means of a questionnaire or by interview (face-to-face or telephone);
7. A summary of the Elected Members' responses will be prepared and discussed jointly between the external consultant, Mayor and CEO;
8. An appraisal meeting to be convened in two parts;
  - (a) Elected Members and facilitator to review aggregated feedback and CEO Report (1st hour); and
  - (b) CEO to join meeting at the completion of (i) to discuss feedback;
9. CEO provided with an opportunity to comment on the report;
10. The external consultant and Mayor to jointly prepare a report within fourteen (14) working days of the interview and the report to be signed by all parties to be presented to Council within twenty (20) working days of the interview date.

An indicative timeframe was been prepared and is as follows:

<b>Item</b>	<b>Timeline</b>	<b>Indicative hours</b>
1. Report to Council seeking approval to use External Consultant	26 September 2006	-
2. Initial meeting with CEO to discuss timeline and format	27-29 September 2006	1hr approx
3. Consultant to review of CEO's Review Report and issue the CEO's questionnaire to Elected Members	29 September - 1 October 2006	2hrs approx
4. Collation of Elected Members' responses and follow-up, if required	2-6 October 2006	3hrs approx
5. Preparation of Elected Members' responses Summary Report for discussion with CEO	9-13 October 2006	2hrs approx
6. Mayor and Councillors to discuss Elected Members' Summary Report	16-20 October 2006	1hr approx
7. Meeting with CEO to discuss Elected Members' Summary Report	16-20 October 2006	2hrs approx
8. Preparation of CEO report to Council and liaison with Mayor	23-27 October 2006	3hrs approx
9. Final meeting with CEO to discuss final Report, any recommendations and areas of interest, etc	30 October 2006	1hr approx
10. Report to Council	7 November 2006	-
	<b>Total</b>	<b>15hrs approx</b>

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

The Local Government Act 1995, Section 5.39 requires that Senior Employees are to be governed by a written contract. (The Town's CEO and Executive Managers are designated Senior Employees.)

It is a legal requirement that each Contract of Employment contains sufficient information to enable the Officer to effectively carry out his responsibilities. Under Section 5.38, each employee is to be reviewed at least once in every of their employment.

**STRATEGIC IMPLICATIONS:**

This proposal is in keeping with the Town's Strategic Plan (Amended) 2005-2010, Key Result Area 4 "Governance and Management", in particular, 4.4(b) - "Enhance employee empowerment, professional development and job satisfaction."

**FINANCIAL/BUDGET IMPLICATIONS:**

A written quotation was obtained from WALGA to conduct the CEO's performance review as detailed in this report. Mr Phillips of WALGA assisted Council in preparing the CEO's Key Result Areas in 2003, 2004 and 2005 and the CEO's Performance Review 2004 and at this time it was indicated that it would be beneficial for him to be engaged to assist the Council in carrying out the CEO's performance review.

**COMMENTS:**

The proposed CEO Review Process is in keeping with the Council decision of 6 December 2005 and the CEO's Contract of Employment.

**10.1.8 No. 13 (Lot 325 D/P: 2001) Leslie Street, Corner Stanley Street, Mount Lawley - Proposed Partial Demolition of and Alterations and Two Storey Addition to Existing Single House**

<b>Ward:</b>	South	<b>Date:</b>	19 September 2006
<b>Precinct:</b>	Banks; P15	<b>File Ref:</b>	PRO3595; 5.2006.254.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	E Saraceni		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by A Dwyer on behalf of the owners A Dwyer and I W Amen for proposed Partial Demolition of and Alterations and Two Storey Addition to Existing Single House at No. 13 (Lot 325 D/P: 2001) Leslie Street, Corner Stanley Street, Mount Lawley, and as shown on plans stamp-dated 30 May 2006 (first floor plan and overshadowing diagram) and 31 August 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 building height and privacy requirements of the Residential Design Codes; and*
- (iii) the building height requirements proposed to be varied is as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements.*

**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

Debate ensued.

**LOST (0-9)**

**Reasons:**

- 1. Constraints imposed by existing dwelling structure.**
- 2. Fall of the land.**
- 3. Existing floor levels.**
- 4. Corner block.**
- 5. In keeping with the locality.**
- 6. The overall height of the building is less than the required 9 metres.**

**ALTERNATIVE RECOMMENDATION:**

**Moved Cr Ker, Seconded Cr Lake**

*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 A Dwyer on behalf of the owners A Dwyer and I W Amen for proposed Partial Demolition of and Alterations and Two Storey Addition to Existing Single House at No. 13 (Lot 325 D/P: 2001) Leslie Street, corner Stanley Street, Mount Lawley, and as shown on plans stamp-dated 30 May 2006 (first floor plan and overshadowing diagram) and 31 August 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 Leslie Street boundary and Stanley Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
  - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
  - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
  - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
  - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
  - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
  - (f) the solid portion adjacent to the Stanley Street 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; and 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) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*

(a) *the rear/western side of the balcony on the first floor being screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. The permanent obscure material does not include self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 11 Leslie Street stating no objection to this proposed privacy encroachment; and*

(b) *the ceiling height of the first floor being a maximum of 2.4 metres.*

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

Debate ensued.

Moved Cr Ker, Seconded Cr Messina

*That clause (iii)(a) be deleted.*

Debate ensued.

AMENDMENT CARRIED (9-0)

Moved Cr Ker, Seconded Cr Lake

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

Debate ensued.

AMENDMENT CARRIED (8-1)

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

Moved Cr Lake, Seconded Cr Maier

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

*“(iii) the screening/obscure glazing to bedroom two is not required if the Town receives written consent from the owners of No 11 Leslie Street stating no objection to this proposed privacy encroachment.”*

Debate ensued.

AMENDMENT CARRIED (9-0)

**MOTION AS AMENDED CARRIED (9-0)**

**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 A Dwyer on behalf of the owners A Dwyer and I W Amen for proposed Partial Demolition of and Alterations and Two Storey Addition to Existing Single House at No. 13 (Lot 325 D/P: 2001) Leslie Street, corner Stanley Street, Mount Lawley, and as shown on plans stamp-dated 30 May 2006 (first floor plan and overshadowing diagram) and 31 August 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 Leslie Street boundary and Stanley Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
  - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
  - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
  - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
  - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
  - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
  - (f) the solid portion adjacent to the Stanley Street 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; and truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*

- (iii) *the screening/obscure glazing to bedroom two is not required if the Town receives written consent from the owners of No 11 Leslie Street stating no objection to this proposed privacy encroachment.*

<b>Landowner:</b>	A Dwyer & I W Amen
<b>Applicant:</b>	A Dwyer
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R20
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	463 square metres
<b>Access to Right of Way</b>	Rear, 4.02 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. The existing house has 3 metre high ceilings and the applicant/owners are intending to retain the character of the house through the provision of 3.04 metre high ceilings for the upper floor additions.

The subject site also has a 782 millimetres decline slope from Leslie Street to the south-west boundary; therefore, the rear of the house is raised 782 millimetres from natural ground level. The existing high ceilings and sloping site result in the external wall height ranging from 6.9 metres to 7.3 metres above natural ground level, which results in a 0.9 to 1.3 metre variation from the maximum requirement of 6.0 metres as stipulated in the Residential Design Codes.

The applicants submission is "*Laid on the Table*"

**Council Determination**

The new Delegated Authority No. 110 recently adopted by the Council at its Ordinary Meeting held on 22 August 2006 allows for the subject application to be determined under delegated authority; however, in this particular instance, a previous commitment was made to the applicant that the application would be presented to the Council for determination.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	Noted.
Setbacks: Ground Floor- Stanley Street	1.5 metres	1.1-1.995 metres	Supported- as the variation is not considered to have an undue impact on the Stanley Street streetscape.

South-East	3.6 metres	0.72 metre	Supported- as the setback is in line with the existing dwelling. The variation is also not considered to have an undue impact on the adjoining neighbours.
Upper Floor- Stanley Street	1.5 metres	1.1-1.995 metres	Supported- as the variation is not considered to have an undue impact on the Stanley Street streetscape.
South-East	2.1 metres	0.72 metre	Supported- as the setback is in line with the existing dwelling. The variation is also not considered to have an undue impact on the adjoining neighbours.
Building Wall Height	6 metres to the top of the eaves.	Wall height ranges from 6.9 metres to 7.3 metres	Not supported- as the variation is considered to be excessive and is contained in the Town's Policy relating to Non-Variations to Specific Development Requirements.
Privacy	Setback outside the cone of vision - 7.5 metres in the case of balconies.	Balcony setback 6.5 metres from south-east boundary	Not supported- undue impact on affected neighbour. However, the variation can be ameliorated through the use of appropriate screening.

**Consultation Submissions**

Support (1)	Details not provided	Noted.
Objection	Nil	Noted.

**Other Implications**

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

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

**COMMENTS:**

The applicants/owners' intention to retain the character of the existing dwelling is a positive aspect of the subject application; however, the proposed 3.04 metre high ceilings for the upper floor additions create an excessive variation to the maximum wall height requirements as stipulated in the Residential Design Codes.

The resultant wall heights will create a built form that is excessive in bulk that will consequently have an undue impact on the amenity of the existing streetscape. In light of the above, the application is recommended for refusal.

**10.1.12 Amendment No. 40 to Planning and Building Policies - Policy Appendix No.17 Design Guidelines for Lacey Street, Perth**

<b>Ward:</b>	South	<b>Date:</b>	19 September 2006
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	PLA 0174
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	H Smith		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the final amended version of the Policy relating to Appendix No. 17 Design Guidelines for Lacey Street, Perth, as shown in Attachment 10.1.12, resulting from the advertised version having been reviewed and with regard to thirteen (13) written submissions received during the formal advertising period and one late submission 10.1.12(b), in accordance with Clauses 47 (4), and (5) (a) of the Town's Town Planning Scheme No. 1;*
- (ii) *ADOPTS the final amended version of the Policy relating to Appendix No. 17 Design Guidelines for Lacey Street, Perth, as shown in Attachment 10.1.12, in accordance with Clause 47 (5)(b) of the Town's Town Planning Scheme No. 1;*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the final amended version of the adopted Policy relating to Appendix No.17 Design Guidelines for Lacey Street, Perth, as shown in Attachment 10.1.12, in accordance with Clause 47 (6) of the Town's Town Planning Scheme No. 1; and*
- (iv) *AUTHORISES the Chief Executive Officer to consider a unique streetscape upgrading program for Lacey Street inclusive of street trees, paving and signage in keeping with its particular character during the Draft 2007/2008 Budget process.*

**COUNCIL DECISION ITEM 10.1.12**

**Moved Cr Farrell, Seconded Cr Torre**

*That the recommendation be adopted.*

Debate ensued.

**Moved Cr Chester, Seconded Cr Farrell**

*That the Item be DEFERRED for discussion at an Elected Member's Forum.*

**CARRIED (7-2)**

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

**PURPOSE OF REPORT:**

The purpose of this report is to provide the Council with an overview of the submissions received during the advertising period for this Policy and to present to the Council the final version of the Policy relating to Appendix No.17 - Design Guidelines for Lacey Street, Perth and seek final adoption.

**BACKGROUND:**

The Council at its Ordinary Meeting held on 27 March 2001 resolved to adopt the Planning and Building Policy Manual dated 2001 with some amendments.

The Council at its Ordinary Meeting held on 27 June 2006 resolved the following:

*” That the Council;*

- (i) RECEIVES the Draft Policy Relating to Appendix No. 17 Design Guidelines for Lacey Street, Perth, as shown in Attachment 10.1.16;*
- (ii) ADOPTS the Draft Policy Relating to Appendix No. 17 Design Guidelines for Lacey Street, Perth, and that it be applied immediately subject to;*
  - An additional paragraph being inserted prior to the existing first paragraph in the draft Policy Statement section of the Design Guidelines as follows:*

*“The aim of these Guidelines is to retain and enhance the significant and distinctive qualities and characteristics of Lacey Street. It is the intention of these Guidelines that the original building stock in Lacey Street be retained and that alterations and additions to these buildings is carried out in a way which respects the integrity and continuity of the original building stock and streetscape.”*
- (iii) ADVERTISES the Draft Policy Relating to Appendix No. 17 Design Guidelines for Lacey Street, Perth, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
  - (a) advertising a summary of the subject Draft 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 Draft Policy; and*
  - (c) forwarding a copy of the subject Draft Policy to the Western Australian Planning Commission; and*
  - (d) apply the Draft Policy in the interim; and*
- (iv) after the expiry of the period for submissions:*
  - (a) REVIEWS the Draft Policy Relating to Appendix No. 17 Design Guidelines for Lacey Street, Perth, having regard to any written submissions; and*
  - (b) determines the Draft Policy Relating to Appendix No. 17 Design Guidelines for Lacey Street, Perth, with or without amendment, to or not to proceed with them.”*

**DETAILS:**

During discussion of the item at the Ordinary Meeting of the Council held on 27 June 2006, Elected Members raised a number of queries in relation to the draft Policy. The following queries were recorded from the meeting:

- What is the nature of the document and how will it be applied; and
- How will it be enforced.

In this respect, the intention of the Guidelines is to acknowledge the unique streetscape of Lacey Street as outlined in the Guidelines and to protect its integrity and character. Until the new Town Planning Scheme, inclusive of its townscapes, is adopted and gazetted, streetscapes of this nature will go unprotected. As such, it is considered necessary, in the meantime, that Lacey Street be considered under the umbrella of specific Design Guidelines, until townscape guidelines are prepared as part of the Local Planning Strategy and considered by the Council. These Guidelines would operate not unlike the other Design Guidelines contained in the Appendices of the Planning and Building Policy Manual.

**CONSULTATION/ADVERTISING:**

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

Advertising of the draft amended Policy concluded on 15 August 2006. Thirteen (13) submissions were received during the comment period, seven (7) of which objected to some aspects of the Policy. One letter was received outside of the formal advertising period. A summary of the points raised are provided in the following Schedule of Submissions.

<b>Nature of Submission</b>	<b>Respondent's Name</b>	<b>Affected Property</b>	<b>Submission</b>
Support	Greg Carey	Co-owner of No. 23 Lacey Street	Email dated 11 July 2006 <i>"I strongly agree to retain the existing dwellings and maintain the original federation style architecture. This street is unique and should remain that way. I fully endorse the key existing characteristics as outlined in your Appd. No.17...and strongly suggest they remain the same for years ahead. We don't not want loss of single storey streetscape. We do not want demolition or loss of intact housing stock. We do not want loss of roof pattern. We do not want loss of open streetscape. ...I strongly agree with the policy statement...to retain and enhance the significant and distinctive qualities and characteristics of Lacey Street be fully respected and maintained for the future."</i>
Objection	Professional Services	No.9 Lacey Street	Letter dated 13 July 2006 <i>"Your proposed amendments are ludicrous and against the interests of all landowners in Lacey Street, we strongly oppose them. How dare you publish a photo of our property in your propaganda letter sent to all landlords indicating we are agreeing with you. We don't agree with you and vigorously oppose your amendments and support the City of Perth in their quest to recover Lacey Street from your backward shire."</i>

	Three (3) letters received - Banning Holdings Pty Ltd	No.9 Lacey Street	<p>Letter dated 13 July 2006  <i>"Your arrogance in putting forward such a proposal when its likely the City of Perth will soon have control of the street is a problem in itself. At the very least you could have waited for the outcome. Your shire has demonstrated on numerous previous occasions that despite the landowners wishes you continually do your best to keep their properties within your boundaries of the 19th Century. ...."</i></p> <p>Letter dated 25 July 2006  <i>"We have been at 9 Lacey Street since 1984, our associate company purchased 11 Lacey Street in 1999 with the sole purpose of developing the two blocks into a two storey complex with the appropriate façade facing Lacey Street. We have already had previous plans drawn up and intend proceeding with the project. We do and will vigorously oppose any attempt to reduce our property in value, stop us from developing the properties, which in turn would reduce us to operate out of medieval dumps."</i></p> <p>Letter dated 11 September 2006  <i>"We hereby put you and your Shire on notice that following legal advice should your Shire make any decision that effects our ability to develop our above properties we will be seeking damages from your Shire and those damages will be substantial."</i></p>
Support	Dr Tracey Summerfield	No.22 Lacey Street	<p>Letter dated 18 July 2006  <i>"Having been a homeowner in Lacey Street for 21 years, I write in support of the proposed amended Design Guidelines and the rationale for these Guidelines. ...The benefits to the community of protecting unique sites far outweigh the costs of limiting development. There is reasonable scope for development within the inner city environs, without the need to interfere with areas that are unique in character. Limiting the development potential will have a negligible effect on the development of the inner-city. Any interference with the streetscape of streets such as Lacey Street, on the other hand, would have irrevocable effects; eradicating an important cultural and historical record and denying the broader community the benefit of access to character precincts."</i></p>
Objection	Brian and Ruth Combley	Co-owner of Unit 1, No.266 Stirling Street	<p>Letter dated 20 July 2006  <i>"We wish to record our very strong objections to the above proposals, ...Our property is already a commercial property, as it is not part of Lacey Street, being on Brisbane and Stirling Streets...It is in no way part of the 'gateway to Lacey Street'...and it is neither of a similar construction or vintage to the proposed Lacey Street precinct....          *Parking and access is already a real problem with no provision for off street parking.          *Blocks are too small to allow for acceptable size housing and will result in existing housing becoming run-down and dilapidated as the value will be reduced and the ability to on-sell will diminish....."</i></p>

			It is noted that a follow-up telephone discussion between the Town's Officers and Mr Combley allayed a number of the concerns outlined above, notably, that only that portion of the property facing Lacey Street would be scrutinized in terms of its contribution to the street. The subject land is currently used as a car park.
Objection	Bruno R Schifferli	Owner Unit 4, No.266 Stirling Street	Letter dated 31 July 2006 <i>"Although this block of office units is on the corner of Stirling and Brisbane Streets it appears you are considering it as a 'gateway property' as the car park entrance is on Lacey Street. We do not believe that future redevelopment will affect the streetscape of Lacey Street. ...Any restrictions on future development of this site would be a penalty for the current owners. The current building and car park do not enhance Lacey Street' 'open, single storey streetscape' therefore we do not see why they should be included in any future planning and building policies for Lacey Street."</i>
Objection	S L Quirke	Owner No.19 Lacey Street	Letter received 2 August 2006 <i>"I completely oppose your proposal for Lacey Street, Perth. The guidelines outlined are archaic and backward thinking. No benefit would be gained from agreeing to these preposterous restrictions being placed on the land owners of Lacey Street."</i>
Support	Tony Murdoch	Owner No.10 Lacey Street	Email dated 4 August 2006 <i>"I strongly agree with the decision to implement guidelines for Lacey Street.... I can't believe that the Council has taken so long to put in place strategies to protect and then provide incentives to renovate an area almost in original condition....Could the streetscape be given some attention as well. Matching trees, footpaths, signage etc."</i>
Objection	Robert Walsh	Owner No.21 Lacey Street	Letter dated 8 August 2006 <i>"...I do not agree with your opinion that Lacey Street is a unique street possessing qualities...Lacey Street has few 'true' federation style dwellings, apart from the three examples you have represented with the photographs...there already exists rather shabby looking commercial properties at the North West and South West end of the street and several of the houses have already been altered from their original design shape and size. I do not agree with your list of issues and threats. I firmly disagree with your suggestions...on the grounds that the Town of Vincent has sufficient powers to keep the buildings in Lacey Street suitably compliant with its existing historic attributes. I do not believe your opinions regarding the significant and distinctive qualities and characteristics of Lacey Street are founded on fact and, in my view, you have not presented any evidence supporting your claim,..."</i>

Objection	A & M Gurgone	Owners No.20 Lacey Street	Letter dated 7 August 2006 <i>"...we wish to object...We purchased the property in 1986, we wanted to work from this property, which we did..., and eventually building living quarters there. ...we moved the business to another property and then leased the property out, with the intention of later developing the property...In both Pier and Stirling Sts there are properties that have been built to three storeys...It appears that the proposed design guidelines would prevent this...it would be a gross miscarriage of justice if,..., we were not able to build to two or three storeys as other property owners in the two streets on either side of Lacey St. (Pier &amp; Stirling Sts)."</i>
Objection	Kevin Smyth	Owner Unit 3/ No.266 Stirling Street	Letter dated 6 August 2006 <i>"...note my objection...3/266 Stirling Street was purchased as a commercial property with a view to possible develop at a future date. Any restriction to the height or development of the car park areas will significantly devalue the property. The area is mainly commercial; it is the residences in Lacey Street which is out of character...It is wrong and unjust of the Council to make changes to any existing planning laws when the buildings were purchased in good faith with no hindrance. The changes outlined in the amendment will cause the properties in Lacey Street to fall into disrepair and further devalue the area. ...Double storey commercial or residential units at the so called gateway to Lacey Street would in no way detract from the character of existing buildings if designed correctly within existing planning permission...."</i>
No Objection	Western Power	No.85 Prinsep Road, Jandakot	<i>'...there are no objections to the works you propose to carry out ...'</i>

It is noted that the owners of No. 70 Brewer Street provided comment with respect to the inclusion of the property in the draft Policy. The owners were subsequently advised that the intention of the guidelines is to only include those properties fronting Lacey Street. The property at No. 70 Brewer Street was unintentionally included due to a 'GIS' mapping error and has been excluded from the map outlined in the amended draft Policy. Similarly, the map has been amended to include only that portion of No. 266 Stirling Street which fronts Lacey Street.

The comments made regarding the condition of the Lacey Street streetscape and requests for improvement are acknowledged and have been discussed with the Town's Technical Services Officers. It is noted that Lacey Street has also been the subject of discussion at the Local Area Traffic Management Advisory Group with respect to traffic management and parking issues.

With respect to the following points raised during the advertising period, responses are provided:

*"It is patently unjust to change back to residential an area that has been changed from residential to commercial."*

The draft Policy does not propose rezoning; the land is currently zoned Residential/Commercial R80, commercial use of land is subject to the requirements set out in Policy No. 3.1.13 relating to the Beaufort Precinct. The draft Policy statement encourages the restoration of former residences and a residential population. As such, existing commercial uses may continue as approved and any new uses subject to the existing provisions of the Beaufort Precinct Residential/Commercial zoning.

*"In both Pier and Stirling Sts there are properties that have been built to three storeys...It appears that the proposed design guidelines would prevent this...it would be a gross miscarriage of justice if,..., we were not able to build to two or three storeys as other property owners in the two streets on either side of Lacey St. (Pier & Stirling Sts)."*

Whilst it is unlikely that three-storey development would be appropriate in Lacey Street, nominal drawings depicting two-storey additions to existing buildings have been prepared and included in the amended draft Policy. The drawings demonstrate how properties could be extended whilst maintaining a single storey presentation to the street.

*"Has few "true" Federation style dwellings - many have been altered from their original design and shape and size ..... without any detrimental affect on the appearance of the street.*

.....

*I do not believe your opinions regarding the significant and distinctive qualities and characteristics of Lacey Street are founded on fact and., in my view, you have not presented any evidence supporting your claim, such as historical records comparisons with other streets and expert opinion, or any other compelling reasoning."*

The Town's Officers have identified Lacey Street as a unique street because it is a rare example of an entire street that has retained all of its original building stock constructed in the early 1900s. There are very few streets within the Town of Vincent that have retained all of their original building stock without the introduction of later and recent development. Another notable example is Brookman and Moir Streets, which has just been entered onto the State Register of Heritage Places.

The Town's Officers concur with the objector that a number of the dwellings have been altered over the years and many changes have been made to update the residences. It is considered that these changes over the years have some significance themselves, reflecting a changing demographic and way of living to meet the needs of its 21st century occupants without unduly compromising the appearance of the street. The commercial premises, which are found at both ends of Lacey Street, are not considered to reduce the quality and integrity of the streetscape.

It is noted that the authentic cultural heritage value of an individual place is not taken into consideration when looking at streetscapes. The avenue for recording places within the Town that have individual cultural heritage significance in terms of aesthetic, social, scientific and historic value is through the Town's Municipal Heritage Inventory. When analysing the value of a streetscape, it is the extent to which the original housing stock has been retained, the general intactness and the presentation and form, which is considered. Lacey Street is considered to have all these attributes.

The term Federation relates to the period when the buildings were constructed and not the specific style. The style of the precinct comprises Cottage and Georgian dwellings. Characteristics of the Cottage style include: small to diminutive dwellings, generally on small lots, simple roof forms, small verandahs, and small front gardens, more modest building materials and compact floor plans. Characteristics of the Georgian style include: symmetrical facades, medium pitched roofing, verandah under separate roof, and sash windows. The various changes to the places have not distorted the original design intent of these styles.

Individual properties within Lacey Street were not formally identified through the Town's Heritage Survey and Municipal Heritage Inventory Review (MHIR), however overall, Lacey Street has been identified as an important streetscape through the Town's Survey and MHIR, which was undertaken by Hocking Planning and Architecture Collaboration in 2004, and through survey work undertaken as part of the Town's review of Town Planning Scheme No.1. As described above, the street is one of only a limited number within the locality, which has retained all of its original housing stock and has retained a relatively unaltered presentation.

*"We hereby put you and your Shire on notice that following legal advice should your Shire make any decision that effects our ability to develop our above properties we will be seeking damages from your Shire and those damages will be substantial."*

The above comment is noted; however, most development on any land within the Town requires Planning Approval in accordance with the provisions of the Residential Design Codes and the Town's Town Planning Scheme and associated Policies. The Town's adopted Planning Policies include additional considerations with respect to the resultant built form and preservation of the amenity of an area via its Residential Design Guidelines and 31 Locality Statements. Further, it is noted that under Clause 47 of the Town Planning Scheme,

*"The Council may make planning policies, which are to-*

- (a) relate to an aspect or aspects of development control or any other matter relevant to the Scheme; and*
- (b) apply to all or a part of the Scheme area."*

**LEGAL/POLICY:**

Town Planning Scheme No.1 and associated Policies.

**STRATEGIC IMPLICATIONS:**

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

*"1.2 Recognise the value of heritage in providing a sense of place and identity.*

*Action Plans to implement this strategy include:*

- (a) Protection of heritage through the on-going review of the Municipal Heritage Inventory and investigation and implementation of initiatives to conserve the heritage of the Town of Vincent.*
- (b) Foster activities which add to the community's understanding of heritage values and undertake a community survey to determine community values and community aspirations in regard to the heritage character of the Town.*

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

*...*

- (c) Review and release within an agreed time frame, the Town Planning Scheme, in accordance with the community vision...."*

**FINANCIAL/BUDGET IMPLICATIONS:**

The 2006/2007 Budget lists \$88,760 for Town Planning Scheme Amendments and Policies.

**COMMENTS:**

The draft Policy relating to Appendix 17 Design Guidelines for the Lacey Street area is intended to provide developers and landowners with direction and a set of guidelines that reflect the Town's expectations with respect to the protection and development of this street. The objections relating to the 'gateway' property at No. 266 Stirling Street are acknowledged and in this respect the map detailed in the amended draft Policy has been modified to exclude the remainder of the property.

The Guidelines are essential to integrate streetscape considerations within planning context and it is of equal importance that history is seen as a living, evolving, and co-existing aspect of the urban landscape. The aim of this Policy is to provide a degree of certainty for the community and property owners, as well as protect the unique streetscape value of the precinct whilst promoting local urban character, aesthetic appeal of streetscape and facilitating sympathetic new additions to the existing structures.

In addition to the above, it is considered that the proposed request for a general upgrade of the street with respect to paving, street trees and signage would considerably improve the amenity and ambiance of the street along with strengthening its significance as a notable streetscape. In this respect, funding would need to be considered as part of the 2007-2008 Budget process.

In light of the above, it is recommended that the Council receives, adopts and advertises the final amended version of the new Policy relating to Design Guidelines for the Lacey Street area as outlined in the Officer Recommendation.

The Presiding Member advised that Cr Doran-Wu had declared a financial interest in this Item. Cr Doran-Wu departed the Chamber at 6.58pm.

**10.1.6 No. 36 (Lot PT 58 D/P: 613) Monger Street, Perth - Proposed Four (4) Two (2) Storey Multiple Dwellings**

Ward:	South	Date:	18 September 2006
Precinct:	Beaufort; P13	File Ref:	PRO3106; 5.2006.367.1
Attachments:	<a href="#">001</a>		
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 RECOMMENDS REFUSAL to the Western Australian Planning Commission for the application submitted by the owner, the Department of Housing and Works for proposed Four (4) Two (2) Storey Multiple Dwellings at No. 36 (Lot PT 58 D/P: 613) Monger Street, Perth, and as shown on amended plans stamp-dated 24 August 2006 and survey plans stamp dated 25 July 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 variations to the density, setbacks, car parking, open space and privacy requirements of the Residential Design Codes which will have a negative impact on the amenity of the surrounding residential area; and*
- (iii) in consideration of the objections received in relation to the proposed development.*

**COUNCIL DECISION ITEM 10.1.6**

**Moved Cr Farrell, Seconded Cr Torre**

*That the recommendation be adopted.*

Debate ensued.

**Moved Cr Torre, Seconded Cr Chester**

*That the Item be DEFERRED to allow for further discussions with the applicant.*

**CARRIED (6-2)**

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

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

<b>Landowner:</b>	Department of Housing and Works
<b>Applicant:</b>	Department of Housing and Works
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential-Commercial R80
<b>Existing Land Use:</b>	Single house
<b>Use Class:</b>	Multiple Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	382 square metres
<b>Access to Right of Way</b>	Not applicable

**BACKGROUND:**

The Town has forwarded the above development proposal to the Western Australian Planning Commission (WAPC) for its consideration and ultimate determination, as the proposal involves public works.

10 May 2005      The Council at its Ordinary Meeting resolved to conditionally approve the demolition of the existing single house at the above site.

**DETAILS:**

The proposal involves the demolition of the existing house and construction of four (4) two storey multiple dwellings of 2 bedrooms each, submitted by the Department of Housing and Works (DHW). The Applicant's submission (attached) is summarised as follows:

- DHW is seeking approval under clause 40 of Town of Vincent Town Planning Scheme No.1, to address lack of accommodation for homelessness and people in crisis. The proposal will maximise potential of the site for development. It is strongly argued that the development is consistent under Part 4 of the Residential Design Codes for "*dependant persons*", as the proposal is specifically designed for "*dependant persons*" and it is strongly argued that the proposed tenants have a special dependency.
- The 4 multiple dwellings will house a total of 8 people, for long term or permanent residence. These people will be supervised by a management agency which the DHW has leased for a period of 25 years. The management group in this instance is the Wesley Mission. The asset will always remain in the ownership of DHW.
- Due to the nature of the client base, dispensation is requested in terms of the car parking required. The 2 car bays provided are for Fire and Emergency vehicles, and visiting health providers or personnel from Wesley Mission. The residents do not own vehicles, visitors are unlikely and residents do not normally have immediate friends or family.

Additional information dated 14 September 2006 (attached) is summarised as follows, in response to the matters raised in the objections received:

- The objection to the density has been encouraged by the Town's letter to owners about the variations being sought, and what should be considered is that the total development will only house 8 residents.
- Car parking justification has been already stated in the original submission lodged with the planning application.
- DHW is prepared to discuss the setback variations with the WAPC or Town of Vincent, if the setback variations are considered unreasonable.
- In terms of ownership, the DHW has a 25 year lease with Wesley Mission, and would be extremely reluctant to sell the property.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	3 dwellings, R80.	4 dwellings, R104 resulting in a 30 per cent density bonus.	Supported-given the site's premium access to public transport services and facilities of the central business district, and a total occupation of 8 people.
Plot Ratio	1.0 or 382 square metres.	0.89 or 340 square metres.	Noted-no variation.
Open Space	60 per cent or 229 square metres.	52.87 per cent or 202 square metres.	Not supported- as the development site is a vacant site, once the existing house is demolished, and there is opportunity to comply with this requirement.
Car Parking	7 car bays	2 car bays	Not supported-as the site is a vacant site, and there is opportunity to provide additional car bays. Moreover, there is a shortage of car parking in the immediate street and vicinity, and there is no guarantee that restriction can be placed on would be tenants that they are not allowed to park cars on-site or on the adjacent street. There is also no mechanism to control would be visitors to the site, should they drive to the site, resulting in an exacerbation of the parking problem in the area.
Privacy Setback- Bedroom 2 of Unit 3	4.5 metres	3.5 metres to the South-East boundary.	Not supported-undue impact on affected neighbours and can be overcome by way of a condition.
Privacy Setback- Balcony of Unit 4	7 .5 metres	4.3 metres to the South-East boundary.	Not supported-undue impact on affected neighbours and can be overcome by way of a condition.

Privacy Setback-Bedrooms 1 and 2 of Unit 4	4.5 metres	2.5 metres to the North (rear) boundary.	Supported-as the view is to a blank wall of the Acacia Hotel located on the adjacent rear property.
Building Setback-North West-First Floor	2.4 metres	1.5 metres to 2 metres	Supported-as the setback would not result in an undue impact on the adjoining property, which is currently used for car parking.
Building Setback-South -West (front) First Floor	6 metres	4.5 metres	Supported-as the setback is to the upper floor balcony, and the variation would not affect the existing streetscape.
Building Setback-North-East-First Floor	2.3 metres	1.5 metres to 5 metres	Supported-as the setback would not result in an undue impact on the adjoining property.
<b>Consultation Submissions</b>			
Support	<ul style="list-style-type: none"> <li>• Nil</li> </ul>		Noted
Objection (9)	<ul style="list-style-type: none"> <li>• Objection to the number of proposed dwellings which are greater than allowed, which will place pressure on local community.</li> </ul>		Not supported-for similar reasons stated in the Officer comments in the Assessment Table above.
	<ul style="list-style-type: none"> <li>• The shortfall in car parking provided on site, as there is already pressure in terms of traffic and shortage in car parking spaces along the street, due to other uses, such the mosque, temple and business in the area. The proposal will exacerbate an already difficult situation.</li> </ul>		Supported-with Officer comments similar to those stated in the Assessment Table above under the Car Parking section.
	<ul style="list-style-type: none"> <li>• Potential for ownership and proposed use may change at some time in the future, when it would be too late to impose regulations.</li> </ul>		Supported-as there is always the possibility that a property can be sold, even though the applicant has advised that this is not its intention at all.
	<ul style="list-style-type: none"> <li>• Setback variations.</li> </ul>		Not supported- as the variations are within acceptable limits and unlikely to have an undue impact on the amenity or streetscape of the area.

<b>Other Implications</b>	
Legal/Policy	TPS 1 and associated Policies, and 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:**

**Heritage**

The demolition proposal has been previously conditionally approved by the Council at its Ordinary Meeting held on 10 May 2005.

**Summary**

The argument that the proposal is consistent with Part 4 of the R Codes relating to "*dependant persons*" put forward by the applicant is not supported by the Town's Officers. The definition section in the R Codes for "*Aged and Dependant Person- states a person who is aged 55 years or over or is a person with a recognised form of disability requiring special accommodation provisions for independent living or special care*". The above statement by the applicant does not fall into this category, to qualify for a density bonus under the above requirement, however, the density bonus can be considered under other planning grounds as stated in the Officers comments in the Assessment Table and under Clause 40 of Town of Vincent Town Planning Scheme No.1 (subject to approval by an Absolute Majority of Council).

Accordingly, the proposal is recommended for refusal for the abovementioned reasons.

The Council's decision is required to be forwarded to the Western Australian Planning Commission for final determination.

Cr Doran-Wu returned to the Chamber at 7.00pm.

**10.1.10 No. 519 (Lot 23 D/P: 672) Beaufort Street, Highgate - Proposed Alterations and Additions to Existing Tavern**

<b>Ward:</b>	North	<b>Date:</b>	19 September 2006
<b>Precinct:</b>	Mount Lawley Centre; P11	<b>File Ref:</b>	PRO1467; 5.2006.310.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	L Mach		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by MGA Town Planners on behalf of the owner Superlative Holdings Pty Ltd for proposed Alterations and Additions to Existing Tavern, at No. 519 (Lot 23 D/P: 672) Beaufort Street, Highgate and as shown on plans stamp-dated 29 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; and*
- (ii) the non-compliance with the Town's Policies relating to Parking and Access.*

**Moved Cr Torre, Seconded Cr Messina**

*That the recommendation be adopted.*

Debate ensued.

**LOST (4-5)**

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

**Reasons:**

- 1. It is located in a Town Centre.**
- 2. Minimal impact of additional persons for proposed floor area.**
- 3. Adds to the quality and diversity of the Beaufort Street commercial strip.**

**ALTERNATIVE RECOMMENDATION:**

**Moved Cr Messina, 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 MGA Town Planners on behalf of the owner Superlative Holdings Pty Ltd for proposed Alterations and Additions to Existing Tavern, at No.519 (Lot 23 D/P: 672) Beaufort Street, Highgate and as shown on plans stamp-dated 29 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) doors, windows and adjacent floor areas fronting Beaufort Street 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 maximum public floor area of the tavern shall be limited to 151 square metres and as shown on the approved plans. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
- (v) a maximum of 172 people are permitted to be at the premises at any one time;*
- (vi) the applicant/owner shall pay a cash-in-lieu contribution of \$13,156 for the equivalent value of 5.06 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) prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report.”*

**Moved Cr Ker, Seconded Cr Maier**

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

*“(viii) the applicant developing and implementing a Travel Management Plan for staff to encourage use of alternative means of transport to the car; to the satisfaction of the Town’s Chief Executive Officer.”*

Debate ensued.

**AMENDMENT CARRIED (9-0)**

**MOTION AS AMENDED CARRIED (6-3)**

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

**COUNCIL DECISION ITEM 10.1.10**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by MGA Town Planners on behalf of the owner Superlative Holdings Pty Ltd for proposed Alterations and Additions to Existing Tavern, at No. 519 (Lot 23 D/P: 672) Beaufort Street, Highgate and as shown on plans stamp-dated 29 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) doors, windows and adjacent floor areas fronting Beaufort Street 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 maximum public floor area of the tavern shall be limited to 151 square metres and as shown on the approved plans. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
- (v) a maximum of 172 people are permitted to be at the premises at any one time;*
- (vi) the applicant/owner shall pay a cash-in-lieu contribution of \$13,156 for the equivalent value of 5.06 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;*

- (vii) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report; and*
- (viii) *the applicant developing and implementing a Travel Management Plan for staff to encourage use of alternative means of transport to the car; to the satisfaction of the Town's Chief Executive Officer.*

<b>Landowner:</b>	Superlative Holdings Pty Ltd
<b>Applicant:</b>	MGA Town Planners
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
<b>Existing Land Use:</b>	Tavern
<b>Use Class:</b>	Tavern
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	379 square metres
<b>Access to Right of Way</b>	West side, 3.0 metres wide, partially sealed, privately-owned

**BACKGROUND:**

The Council at its Ordinary Meeting held on 23 May 2000 resolved to conditionally approve an application for change of use to tavern (wine bar) and associated alterations at the subject property.

**DETAILS:**

The proposal involves alterations and additions to existing tavern, namely the addition of an upstairs lounge area at the subject property. The applicant's submission is "*Laid on the Table*".

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	N/A
<b>Consultation Submissions</b>			
Support (2)	<ul style="list-style-type: none"> <li>• Concept is unique and would provide a product range and ambience that is not currently provided.</li> <li>• Development will enhance the Beaufort Street strip and entire precinct.</li> <li>• Other licensed venues in area are often to full capacity.</li> </ul>		Noted.
Objection	Nil		Noted.

<b>Other Implications</b>	
Legal/Policy	TPS 1 and associated Policies.
Strategic Implications	Nil
Financial/Budget Implications	Nil
<b>Car Parking</b>	
Car parking requirement (nearest whole number)	18 car bays
Tavern -1 space per 3.8 square metres of public floor area or 1 space per 4.5 persons of maximum number of persons approved for the site, whichever is the greater.	
Existing floor area - 124 square metres Existing maximum number of persons approved -140 Approved number of car bays for existing situation - 11 car bays	
Additional proposed floor area -27 square metres Maximum number of persons for additional proposed floor area - 32 people	
Car parking based on public floor area - $11 + (27/3.8) = 18.1$ car bays	
Car parking based on maximum number of persons approved - $11 + (32/4.5) = 18.1$ car bays	
Apply the adjustment factors (only applied to proposed additional area/car parking requirement; that is, 7 car bays as the other existing required 11 car bays have been deducted below <ul style="list-style-type: none"> <li>• 0.85 (within 400 metres of a bus stop)</li> <li>• 0.85 (within 400 metres of a car park in excess of a total of 75 car parking spaces)</li> </ul>	(0.7225)  16.06 car bays
Minus the car parking provided on-site	Nil
Minus the most recently approved on-site car parking shortfall	11 car bays (as per approval granted on 23 May 2000)
Resultant shortfall	5.06 car bays

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

**COMMENTS:**

The Town's Policy relating to Parking and Access states that as a guide, a minimum of 15 per cent of the required car bays should be provided on-site where the total requirement is between 11 and 40 car bays (after adjustment factors). In this instance, this requirement has not been met (2.4 bays required as a guide, nil bays provided) and support of the shortfall is considered to be contrary to the orderly and proper planning and the preservation of the amenities of the locality.

Accordingly, the proposal is recommended for refusal.

**10.1.4 No. 26 (Lot 1 D/P: 4759) Carr Street, West Perth - Proposed Demolition of Existing Single House and Construction of Eight (8) Two-Storey Single Bedroom Grouped Dwellings**

<b>Ward:</b>	South	<b>Date:</b>	19 September 2006
<b>Precinct:</b>	Hyde Park; P12	<b>File Ref:</b>	PRO3630; 5.2006.302.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Rasiah, S Kendall		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by J Condidorio on behalf of the owners D & N Condidorio, Esteem Pty Ltd & Boldchase Pty Ltd for proposed Demolition of Existing Single House and Construction of Eight (8) Two-Storey Single Bedroom Grouped Dwellings, at No. 26 (Lot 1 D/P: 4759) Carr Street, West Perth, and as shown on existing dwelling plan stamp-dated 22 June 2006 and revised plans stamp-dated 1 September 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) a detailed landscaping plan, including a list of plants, planting of mature trees, and the landscaping and reticulation of the Carr Street verge adjacent to and within the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iii) any new street/front wall, fence and gate between the Carr 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, or 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;*

- (iv) *first obtaining the consent of the owners of Nos. 22-24 (Lot 2) and 28 (Lot 3) Carr 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. 22-24 (Lot 2) and 28 (Lot 3) Carr Street in a good and clean condition;*
- (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating that the stores be a minimum of 4 square metres in area. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (vi) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that:*
- (a) *a maximum of one (1) bedroom and two (2) occupants are permitted in each single bedroom dwelling at any one time; and*
- (b) *the floor plan layout is to be maintained in accordance with the Planning Approval plans.*
- This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (vii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (viii) *an archival documented record of the places (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;*
- (ix) *any proposed vehicular security gate along the Carr Place frontage being a minimum 50 percent visually permeable when viewed from the street; and*
- (x) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that:*
- "the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development".*

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**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

**Cr Torre departed the Chamber at 7.15pm.**

**Debate ensued.**

**Moved Cr Ker, Seconded Cr Messina**

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

*“(xi) a Building Management Plan shall be submitted and approved, addressing the following in particular:*

- (a) adequate security measures being in place while any existing fencing is removed adjacent to the bound of the subject site and Nos. 22-24 (Lot 2) and No. 28 (Lot 3) Carr Street; and*
- (b) the protection and/or restoration of the landscaping on Nos. 22-24 (Lot 2) and No. 28 (Lot 3) Carr Street adjacent to the common property of the subject site;*

*during construction of the development.”*

**AMENDMENT CARRIED (8-0)**

(Cr Torre was absent from the Chamber and did not vote.)

**Moved Cr Maier, Seconded Cr Ker**

*That clause (x) be renumbered to clause (vi)(c).*

Debate ensued.

Cr Torre returned to the Chamber at 7.21pm.  
Cr Messina departed the Chamber at 7.23pm

**AMENDMENT CARRIED (5-3)**

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

(Cr Messina was absent from the Chamber and did not vote.)

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

(Cr Messina was absent from the Chamber and did not vote.)

**COUNCIL DECISION ITEM 10.1.4**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by J Condidorio on behalf of the owners D & N Condidorio, Esteem Pty Ltd & Boldchase Pty Ltd for proposed Demolition of Existing Single House and Construction of Eight (8) Two-Storey Single Bedroom Grouped Dwellings, at No. 26 (Lot 1 D/P: 4759) Carr Street, West Perth, and as shown on existing dwelling plan stamp-dated 22 June 2006 and revised plans stamp-dated 1 September 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) *a detailed landscaping plan, including a list of plants, planting of mature trees, and the landscaping and reticulation of the Carr Street verge adjacent to and within the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iii) *any new street/front wall, fence and gate between the Carr 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, or 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;*
- (iv) *first obtaining the consent of the owners of Nos. 22-24 (Lot 2) and 28 (Lot 3) Carr 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. 22-24 (Lot 2) and 28 (Lot 3) Carr Street in a good and clean condition;*
- (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating that the stores be a minimum of 4 square metres in area. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (vi) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that:*
  - (a) *a maximum of one (1) bedroom and two (2) occupants are permitted in each single bedroom dwelling at any one time; and*
  - (b) *the floor plan layout is to be maintained in accordance with the Planning Approval plans.*

(c) *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;*

(vii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*

(viii) *an archival documented record of the places (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;*

(ix) *any proposed vehicular security gate along the Carr Place frontage being a minimum 50 percent visually permeable when viewed from the street;*

(xi) *a Building Management Plan shall be submitted and approved, addressing the following in particular:*

(a) *adequate security measures being in place while any existing fencing is removed adjacent to the bound of the subject site and Nos. 22-24 (Lot 2) and No. 28 (Lot 3) Carr Street; and*

(b) *the protection and/or restoration of the landscaping on Nos. 22-24 (Lot 2) and No. 28 (Lot 3) Carr Street adjacent to the common property of the subject site;*

*during construction of the development.*

<b>Landowner:</b>	D J Condidorio & Esteem Pty Ltd & Boldchase Pty Ltd
<b>Applicant:</b>	J Condidorio
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R 80
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Grouped Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	1002 square metres
<b>Access to Right of Way</b>	Not applicable

#### **BACKGROUND:**

No specific background directly relates to the proposal.

#### **DETAILS:**

The proposal involves demolition of the existing single house and the construction of eight (8) two storey single bedroom dwellings.

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	8.35 single bedroom dwellings, R 80 based on two-third of the land area.	8 single bedroom dwellings R 80	Noted-No variation.
Plot Ratio	0.65 or 664.3 square metres.	0.554 or 566 square metres.	Noted-No variation.
<u>Building Setback:</u> <u>Ground Floor</u>  North-East - Unit 5  <u>Upper Floor</u> North-Units 4 and 5	1.0 metre    2.1 metres	Nil    1.5 to 4 metres	Supported- as the setback variation to the lower floor will not cause undue impact on the side neighbours, who have not commented on the variation.  Supported- as the setback variation will not cause undue impact on the adjoining neighbours, who have not commented on the variation.
North-West-Unit 3	1.5 metres	1.2 to 1.5 metres	Supported- as the variation is considered acceptable. The adjoining landowner has not commented on the variation.
Stores	4 square metres	1.2 square metres to 3 square metres	Not supported- as there is opportunity to comply with the above requirement, as the site is a vacant site, once the existing building is demolished.
Plot Ratio for Single Bedroom Dwelling	60 square metres	Units 1, 2, 3, 6, 7 and 8 - 70.3 square metres each; Units 4 and 5-72.32 square metres each.	Supported-on the basis that a condition is imposed that the internal construction be built as per the approved plans.

Minimum Lot/Site Area	107 square metres	Lot 1-85 square metres. Lot 2-87 square metres. Lot 3- 84 square metres. Lot 4- 94 square metres. Lot 5- 99 square metres. Lot 6- 97 square metres. Lot 7-100 square metres. Lot 8-99 square metres.	Supported-as the overall density complies, and the site requirements are smaller than required mainly due to the constraint of the requirement to accommodate a central access way.
<b>Consultation Submissions</b>			
Support	Nil.		Noted
Objection (1)	<ul style="list-style-type: none"> <li>Proposed boundary wall for Unit 4 adjacent to the dwelling to the west side. Primary concern is the potential fire risk.</li> <li>The aesthetic impact of a mix of boundary walls and fibre cement fencing along the western boundary of the subject site. A simple solution would be to render and paint the boundary wall the same colour of the existing fence.</li> </ul>		Noted-as any development on the boundary of a lot will require to comply with the relevant fire standards of the Building Code of Australia. Supported in part- as a condition has been recommended that the boundary walls be finished and maintained in a good and clean condition.
	<ul style="list-style-type: none"> <li>Any damages caused with the removal of the fence are made good by the adjoining landowner, including providing security, for the entire duration the fence is removed. A bond should be placed with the Town in this respect.</li> </ul>		Noted-as any damage caused as a result of the proposed development is a civil matter between the affected parties, and it is not the Town's responsibility to collect bonds for this purpose.
<b>Other Implications</b>			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

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

## COMMENTS:

### Heritage

A full heritage assessment is contained within the attachment to this report.

The rendered brick and iron dwelling at No. 26 Carr Street, West Perth was constructed circa 1917 in the Inter-war Bungalow style of architecture. Carr Street was one of the early residential areas established in Perth; however, it appears the subject dwelling was one of the last dwellings built along the section of Carr Street between Charles and Fitzgerald Streets.

The large dwelling has been subject to numerous alterations and additions over the years resulting in very little extant fabric dating from its original construction. The original front verandah has been replaced and there do not appear to be any original windows throughout the dwelling. Inside, most of the original fabric has been replaced with mostly c.1980 fabric with the exception of the skirtings and architraves in the front western room and the pressed tin ceilings of the hallway and the front western room.

The original housing stock along the portion of Carr Street, where the subject place is located has been severely eroded and today, new two-storey grouped dwellings dominate the streetscape. However, there are some late nineteenth and early twentieth century dwellings, with a concentration of semi-detached residences to the east of the subject place. The subject place is not considered to be integral to the understanding of the streetscape as it is an anomaly, which is well set back on a large lot.

The place is considered to have little historic, aesthetic, social or scientific value. Overall, it is considered that the place does not meet the minimum criteria of cultural heritage significance for entry into the Town of Vincent Municipal Heritage Inventory. As such, it is considered reasonable that the application for the demolition of the subject dwelling be approved, subject to a quality archival record and other standard conditions.

**Redevelopment**

The application is considered generally acceptable and would not result in any undue impact on the amenity of the surrounding area. The application is, therefore, supported subject to standard and appropriate conditions to address the above matters.

**10.1.9 No. 70 (Lot 52 D/P: 692) Clarence Street, Mount Lawley - Proposed Change of Use from Single House to Office (Accounting Consultancy) Building**

<b>Ward:</b>	South	<b>Date:</b>	18 September 2006
<b>Precinct:</b>	Forrest; P14	<b>File Ref:</b>	PRO1753; 5.2006.212.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	B McKean		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by the owner V Kha for proposed Change of Use From Single House to Office (Accounting Consultancy) Building at No. 70 (Lot 52 D/P: 692) Clarence Street, Mount Lawley, and as shown on plans stamp-dated 9 May 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 Town's Policy relating to Brigatti Locality and the objectives of the Town's Town Planning Scheme No. 1; and*
- (iii) approval of the proposed development would create an undesirable precedent for other similar commercial use developments encroaching into established residential areas.*

**COUNCIL DECISION ITEM 10.1.9**

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

*That the recommendation be adopted.*

Debate ensued.

**CARRIED (8-0)**

**(Cr Messina was absent from the Chamber and did not vote.)**

<b>Landowner:</b>	V Kha
<b>Applicant:</b>	V Kha
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R50
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Office
<b>Use Classification:</b>	"SA"
<b>Lot Area:</b>	468 square metres
<b>Access to Right of Way</b>	North side, 3 metres wide, sealed, dedicated road. West side, 3 metres wide, sealed, dedicated road.

**BACKGROUND:**

26 June 2001 The Council at its Ordinary Meeting granted conditional approval for proposed two-storey grouped dwelling and alterations to existing single house.

13 July 2006 Conditional approval was granted for alterations, additions and garage to existing single house under delegated authority from the Council.

**DETAILS:**

The proposal involves the change of use from single house to office (accounting consultancy) building. The office will provide tax, accounting and business services and would involve approximately five clients attending the premises per business day. The business will operate with one accountant and one receptionist/administrative staff member.

The proposed hours of operation are from 8.30 am to 5.30 pm Monday to Friday, inclusive.

**Council Determination**

The new Delegated Authority No. 110 recently adopted by the Council at its Ordinary Meeting held on 22 August 2006 allows for the subject application to be determined under delegated authority; however, in this particular instance, a previous commitment was made to the applicant that the application would be presented to the Council for determination.

**Petition/Submissions**

A petition supporting the proposal containing 45 signatures was received on 14 September 2006 stating no objection to the proposed change of use.

Three submissions stating no objection to the proposed change of use were also submitted on 14 September 2006.

The applicant's submission compares the proposal to the application for proposed permanent change of use to office (property developer, financial planning and architects) building at No. 69 Barlee Street, Mount Lawley that was refused by the Council at its Ordinary Meeting held on 12 September 2006, and the application for change of use from single house to office building (application for retrospective approval) at No. 34 View Street, North Perth that was conditionally approved by the Council at its Ordinary Meeting held on 27 July 2004.

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	Noted
Brigatti Locality Plan 27	Refer to 'Comments'.	Refer to 'Comments'.	Refer to 'Comments'.

<b>Consultation Submissions</b>	
No formal advertising was required as the subject application is a category three application, is recommended for refusal and is being referred to the Council for determination. If the Council is inclined to approve the proposal, the application should be advertised in accordance with the Town's Community Consultation Policy.	
<b>Other Implications</b>	
Legal/Policy	TPS 1 and associated Policies.
Strategic Implications	Nil
Financial/Budget Implications	Nil
<b>Car Parking</b>	
Car Parking Requirement (nearest whole number)	
<ul style="list-style-type: none"> <li>▪ Office: 1 car bay per 50 square metres gross floor area (128 square metres = 2.56 car bays)</li> </ul>	3 car bays
Apply the adjustment factors	(0.8075)
<ul style="list-style-type: none"> <li>▪ 0.95 (within 400 metres of one or more existing public car parking places with in excess of a total of 25 car parking spaces)</li> <li>▪ 0.85 (within 400 metres of a bus stop/station)</li> </ul>	2.42 car bays
Minus car parking on-site	2 car bays
Resultant shortfall	0.42 car bays**
<b>Bicycle Parking</b>	
Office	
<ul style="list-style-type: none"> <li>• 1 space per 200 square metres of gross floor area for employees (class 1 or 2)- 0.64 space</li> </ul>	Nil facilities indicated on plans and would be conditioned to comply in the event of approval.

\* 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.

\*\* If the resultant shortfall of parking is less than or equal to 0.5 bay, no parking bay or cash-in lieu of parking is required for the shortfall.

**COMMENTS:**

Whilst it is recognised that the proposal will not unduly impact on the physical amenity of the area, and adequate car parking has been provided as per the Town's Policy relating to Parking and Access, the proposed use is not considered to be supportable on the following grounds:

- the relevant Brigatti Locality Plan states that "*a limited number of non residential uses which serve the day to day needs of local residents (such as local shops and child care facilities) are also appropriate where they are not likely to cause any significant disturbance to adjacent residences.*" The future use as an office (accounting consultancy) is not considered to serve the day-to-day needs of the residents and, therefore, be more appropriate to be located in areas which have been appropriately zoned and developed for such uses, that is the District Centre and Commercial areas;
- the relevant Brigatti Locality Plan Policy does not stipulate non-residential uses as being part of the desired future character of the area;
- the proposal is likely to encourage further commercial intrusion within the residential area and hence, considered to unduly affect the economic viability of the Town's District Centres and Commercial areas; and

- the Town's Economic Development Strategy makes reference in its discussions on Beaufort Street regarding car parking and traffic *'to take the pressure off local Residents who can enjoy their own streets without competing with shoppers spilling over from the commercial zone.'* In this respect, it is considered that commercial uses, of a retail or office nature, will reduce the effectiveness of the Town's Strategy to consolidate and strengthen the Town Centre and protect residential areas.

In light of the above, and one of general objectives of the Town's Town Planning Scheme being *"to promote and safeguard the economic well-being and functions of the Town"*, it is recommended that the proposal be refused.

**10.3.3 Cultural Development Seeding Grant Application**

<b>Ward:</b>	Both	<b>Date:</b>	18 September 2006
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0155
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	J Bennett		
<b>Checked/Endorsed by:</b>	J Anthony M Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council APPROVES the application of North Perth Primary School P & C Association Inc for a Cultural Development Seeding Grant of \$500 to hold a community fete.*

Moved Cr Farrell, Seconded Cr Torre

*That the recommendation be adopted.*

Cr Messina returned to the Chamber at 7.27pm.

Debate ensued.

Moved Cr Farrell, Seconded Cr Doran-Wu

*That the amount of \$500 be increased to \$1,000.*

Debate ensued.

**AMENDMENT CARRIED (9-0)**

Moved Cr Maier, Seconded Cr

*That the recommendation be amended to read as follows:*

*That the Council APPROVES the application of North Perth Primary School P & C Association Inc for a Cultural Development Seeding Grant of \$500 to hold a community fete subject to the expenditure being for activities in accordance with the Town's Cultural Development Seeding Grant Policy.*

The Presiding Member advised that he would not accept the amendment as the applicant is required to complete an acquittal as part of the Grant process.

**MOTION AS AMENDED CARRIED (9-0)**

**COUNCIL DECISION ITEM 10.3.3**

*That the Council APPROVES the application of North Perth Primary School P & C Association Inc for a Cultural Development Seeding Grant of \$1,000 to hold a community fete.*

**PURPOSE OF REPORT:**

To seek approval for a Cultural Development Seeding Grant application for the North Perth Primary School P & C Association Inc.

**BACKGROUND/DETAILS:**

The North Perth Primary P & C Association plan to hold a community fete on Sunday 29 October 2006. The fete will incorporate a range of cultural activities including dance, displays, music as well as a number of stalls and rides.

In particular the P & C Association is requesting funding to go towards the promotion of the event and showcasing the history of the school and its impact on the Town of Vincent. The school is keen to celebrate the historical and cultural impact it has had throughout its long history. Past students and teachers will be contacted to return to the Town of Vincent to take part in this community event. The fete will be open to all people within the community and is designed to generate a sense of community and celebration.

Funding is supported for the provision of a range of non profit cultural activities on the day which will include performances from local entertainers.

It is noted that the North Perth Primary School, which was established in 1899, has played a significant role in the lives of a range of current and past Town of Vincent residents. This fete will encourage the interaction of young people with each other and residents and visitors within the Town for whom the North Perth Primary School holds a historical and cultural significance.

All activities and the planned layout for the fete are accessible to all members of the community including people with a disability.

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

Nil.

**STRATEGIC IMPLICATIONS:**

The Cultural Development Seeding Grants and the submitted application address the following section of the Town's Strategic Plan 2005-10:

**2.1 Celebrate and acknowledge the Town's cultural diversity.**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Of the \$6,000 budgeted for this item, \$5,000 remains unallocated.

**COMMENTS:**

This is the first fete that the North Perth Primary School has held in over a decade.

The North Perth Primary P & C Association will acknowledge the Town's support of the community fete with Town of Vincent signs or banners to be displayed and logos displayed on advertising flyers.

An acquittal form will be completed by the North Perth Primary P & C Association, after the event, detailing how the Cultural Development Seeding Grant was expended.

**10.1.2 No. 350 (Lot 33) Lord Street, Highgate - Proposed Demolition of Existing Single House and Construction of Two (2) Two (2) Storey Grouped Dwellings and One (1) Single Bedroom Dwelling**

<b>Ward:</b>	South	<b>Date:</b>	14 September 2006
<b>Precinct:</b>	Banks; P15	<b>File Ref:</b>	PRO2110; 5.2005.3337.1
<b>Attachments:</b>	<a href="#">001_002</a>		
<b>Reporting Officer(s):</b>	B Phillis, S Kendall		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

(i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by S Bolland on behalf of the owners S & P Bolland & G Taylor for proposed Demolition of Existing Single House and Construction of Two (2) Two (2) Storey Grouped Dwellings and One (1) Single Bedroom Dwelling, at No. 350 (Lot 33) Lord Street, Highgate, and as shown on amended plans stamp-dated 31 August 2006 subject to the following conditions: -*

- (a) *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;*
- (b) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (c) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the windows to the upper floor kitchen / stair well on the northern elevation of Unit 1 and the southern elevation of Unit 2, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished upper floor level of the upper floor. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002;*

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

(d) *any new street/front wall, fence and gate between the Lord Street boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*

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

- (2) *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;*
  - (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
  - (4) *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*
  - (5) *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;*
- (e) *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;*
- (f) *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;*
- (g) *prior to the issue of a Building Licence for the single bedroom dwelling, 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 single bedroom dwelling that:*
- (1) *a maximum of one (1) bedroom and two (2) occupants are permitted in the single bedroom dwelling at any one time; and*
  - (2) *the floor plan layout of the single bedroom dwelling shall be maintained in accordance with the Planning Approval plans.*

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

- (h) *prior to the first occupation of the single bedroom dwelling, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the single bedroom dwelling that:*

*"the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential unit/dwelling. 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"; and*

- (ii) *the Council ADVISES the applicant/owner that in the event that the owner / applicant wishes to proceed with a proposed boundary wall or other works within the 'Other Regional Road Reservation' area, that the owner / applicant is required to liaise with the Western Australian Planning Commission, being the determining Authority, in relation to such works.*

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**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

Debate ensued.

**Moved Cr Maier, Seconded Cr Ker**

*That clause (i)(h) be renumbered to clause (i)(g)(3).*

**AMENDMENT CARRIED (7-2)**

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

Debate ensued.

**Moved Cr Ker, Seconded Cr Chester**

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

- “(iii) *the Council NOTES that the plot ratio floor area variation for the single bedroom dwelling should not be taken as a precedent and is simply having regard to the circumstances of this development.*”

**AMENDMENT CARRIED (9-0)**

**MOTION AS AMENDED CARRIED (9-0)**

**COUNCIL DECISION ITEM 10.1.2**

*That;*

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by S Bolland on behalf of the owners S & P Bolland & G Taylor for proposed Demolition of Existing Single House and Construction of Two (2) Two (2) Storey Grouped Dwellings and One (1) Single Bedroom Dwelling, at No. 350 (Lot 33) Lord Street, Highgate, and as shown on amended plans stamped 31 August 2006 subject to the following conditions:*

- (a) *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;*

- (b) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (c) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the windows to the upper floor kitchen / stair well on the northern elevation of Unit 1 and the southern elevation of Unit 2, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished upper floor level of the upper floor. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002;*

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

- (d) *any new street/front wall, fence and gate between the Lord Street boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*
  - (1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
  - (2) *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;*
  - (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
  - (4) *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*
  - (5) *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;*
- (e) *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;*

- (f) *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;*
- (g) *prior to the issue of a Building Licence for the single bedroom dwelling, 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 single bedroom dwelling that:*
- (1) *a maximum of one (1) bedroom and two (2) occupants are permitted in the single bedroom dwelling at any one time;*
  - (2) *the floor plan layout of the single bedroom dwelling shall be maintained in accordance with the Planning Approval plans; and*
  - (3) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential unit/dwelling. 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 single bedroom dwelling; and*

- (ii) *the Council ADVISES the applicant/owner that in the event that the owner / applicant wishes to proceed with a proposed boundary wall or other works within the 'Other Regional Road Reservation' area, that the owner / applicant is required to liaise with the Western Australian Planning Commission, being the determining Authority, in relation to such works; and*
- (iii) *the Council NOTES that the plot ratio floor area variation for the single bedroom dwelling should not be taken as a precedent and is simply having regard to the circumstances of this development.*

<b>Landowner:</b>	S & P Bolland & G Taylor
<b>Applicant:</b>	S Bolland
<b>Zoning:</b>	Metropolitan Region Scheme: Urban and Other Regional Road Reservation Town Planning Scheme No.1 (TPS 1): Residential R60 and Other Regional Road Reservation
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Grouped Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	556 square metres
<b>Access to Right of Way</b>	East side, 3.5 metres wide, sealed, Town of Vincent owned

**BACKGROUND:**

No specific background directly relates to the proposal.

**DETAILS:**

The proposal involves demolition of existing single house and construction of two (2) two (2) storey grouped dwellings and one (1) single bedroom dwelling.

The Council at its Ordinary Meeting held on 12 September 2006 granted conditional approval to remove the obstructions in the right-of-way bounded by Chapman Street, Lord Street, Marlborough Street and West Parade located to the rear of the subject property. This allows the owners of the subject property access to the property from the right-of-way.

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

**Referral to Department for Planning and Infrastructure**

The application was referred to the Department for Planning and Infrastructure (DPI) as the property is affected by an "Other Regional Road Reservation", whereby the following correspondence was received on 31 January 2006: -

*"The subject land is currently affected by a 5-metre road widening requirement for Lord Street, which is reserved as an Other Regional Road (ORR) in the Metropolitan Region Scheme (MRS). The land requirements for this ORR are shown on the attached DPI Plan No. 1.1188/1.*

*The submitted plans indicate that whilst all proposed vehicle access would be obtained from the rear of the proposed development, this ORR will impact upon the entire areas marked as 'Lawn' and 'Balcony' connected with proposed Unit 1 and Unit 2.*

*On this basis DPI does not support the development in its current form and recommends that the applicant redesign their proposal to properly take account of the land requirements associated with this ORR."*

The Department of Planning and Infrastructure's comments are "*Laid on the Table*".

In response to the DPI's comments above, both of the front facing balconies and blade dividing wall for Unit 1 and Unit 2 were originally proposed within the ORR Reservation, however, amended plans submitted on 31 August 2006 depict that the balconies and the blade wall are now setback 5.21 metres and 5.37 metres respectively.

**ASSESSMENT:**

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

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	3 grouped dwellings	2 grouped dwellings and 1 single bedroom dwelling	Noted - No variation

Minimum Site Area:  Unit 3	160 square metres	110 square metres, (with an average site area of <del>125</del> <u>185</u> square metres)	Supported - as it meets the Performance Criteria requirements of the Residential Design Codes for 'Single Bedroom Dwellings' and, therefore, the minimum site area required is only 106 square metres.
Plot Ratio Floor Area:  Unit 3	60 square metres	80.97 square metres	Supported - as building bulk is contained and setback considerably from the right of way, reducing impact on surrounding abutting properties; and single bedroom nature is conditioned accordingly.
Boundary Setbacks:  Ground Floor: - south (Unit 3 <u>2 carport</u> )	1.5 metres	1.0 metre	Supported - as the variation relates to the open carport only which will have minimal impact on the adjoining property.
- north (Unit 3 and Unit 1 <u>carport</u> )	1.5 metres	1.2 metres <u>and 1 metre</u>	Supported - as the variation relates to a length of wall only 7.19 metres long, which have no undue impact to the adjoining northern property. <u>The variation also relates to the open carport which will have minimal impact on the adjoining property.</u>
First Floor - south (Unit 2)	2.8 metres for wall with major opening	1.5 metres - <del>2.1</del> <u>2.34</u> metres	Supported - as this relates to the balcony only which is screened appropriately and has no undue bulk impact. Note that the setbacks for the projecting walls comply.
- north (Unit 1)	2.5 metres for wall with major opening	<del>1.2 metres</del> 1.9 metres	Supported - as this relates to the balcony only and is screened appropriately.

<p>- west/Lord Street (Unit 1 and Unit 2 Front)</p>	<p>2.2 metres for full length of wall (no major opening)  6.0 metres</p>	<p>1.2 metres - 2.14 metres  5.37 metres to the balconies</p>	<p>Supported - as it represents a minor variation only, creating no undue impact to the northern side. Also, the wall is appropriately staggered, whereby the setbacks for the projecting walls comply.  Supported - as the main building is setback at 6.974 metres, and the open balconies will offer passive surveillance and positive interaction with Lord Street.</p>
<p>Building Wall Height: Upper - south (Unit 3) Upper - north (Unit 3)</p>	<p>6 metres  6 metres</p>	<p>5.8 metres - 7 metres  5.8 metres - 6.9 metres</p>	<p>Supported - as the walls are irregular in shape (with gabled ends), where the regular sections of the walls comply at 6 metres; and that the width of the dwelling is effectively 5.5 metres, having minimal bulk and scale impact on the adjoining property.</p>
<p>Open Space: Unit 3</p>	<p>45 per cent</p>	<p>42.8 per cent</p>	<p>Supported - as the overall open space for the site complies; Unit 3 complies with the minimum Outdoor Living Area requirement; the variation is considered to be minor and the building bulk of Unit 3 is setback 12.5 metres from the right of way, reducing impact on the immediate adjacent properties.</p>
<p>Open Space: Unit 3</p>	<p>45 per cent</p>	<p>42.8 per cent</p>	<p>Supported - as the overall open space for the site complies; Unit 3 complies with the minimum Outdoor Living Area requirement; the variation is considered to be minor and the building bulk of Unit 3 is setback 12.5 metres from the right of way, reducing impact on the immediate adjacent properties.</p>

<b>Consultation Submissions</b>	
Support (1)	<p>No objections subject to obscure glazing for the stairwell to Unit 1 (northern side).</p> <p>Supported - as potential overlooking could occur through the subject window from the kitchen.</p> <p>A visual privacy condition is recommended to be applied for both the northern and southern sides.</p>
Objection (1)	<ul style="list-style-type: none"> <li>• Over development - Variations are proposed in relation to plot ratio, building setbacks, pedestrian access way, building height and open space.</li> <li>• ROW car parking may affect current bollard location in right of way.</li> <li>• Vehicles egressing from the property may collide with the fence on the opposite side of the ROW - request that barrier be installed to protect this fence from damage.</li> </ul> <p>Not supported - refer to comments on the actual development variations in the above table.</p> <p>Not supported - addressed in 'Details'.</p> <p>Not supported – however, application may be made to the Town to install any structure, such as a barrier, within a right of way; however, the Town will not be partial to costs required for the installation or materials of that structure.</p> <p>Technical Services have assessed the proposal in terms of vehicle manoeuvring and support the proposal.</p>
<b>Other Implications</b>	
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications	Nil
Financial/Budget Implications	Nil

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

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

## **COMMENTS:**

### **Heritage**

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

The subject dwelling at No. 350 (Lot 33) Lord Street, Highgate is a brick and iron dwelling, which was constructed circa 1900 during the Gold Rush period of development in Perth. An example of the Late Colonial Georgian Style, the dwelling has a simple, symmetrical façade.

The symmetry is created by a central front entry that is flanked either side by identical bay windows which are headed by protruding gables. There has been very little interference with the original fabric of the place; however, alterations have been made to the façade, namely the removal of the original windows and the installation of brown aluminium replacements.

The overall form of the original building is intact with the plaster detailing, wooden floorboards, fireplaces, architraves and skirting boards remaining in situ in the front four rooms. The dwelling is an uncommon example of the Late Colonial Georgian style however, has little historic, scientific, aesthetic or social value.

The place is not considered to meet the threshold for consideration of entry to the Town's Municipal Heritage Inventory. As such, it is considered reasonable that the application for the demolition of the subject dwelling be approved subject to a quality archival record and other standard conditions.

### **Summary**

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

**10.1.3 No. 525 (Lot Y4098 D/P: 205285) Charles Street, North Perth - Proposed Demolition of Existing Single House and Construction of Four (4) Two - Storey Grouped Dwellings (Application for Part Retrospective Approval-Demolition)**

<b>Ward:</b>	North	<b>Date:</b>	18 September 2006
<b>Precinct:</b>	North Perth; P8	<b>File Ref:</b>	PRO1471; 5.2006.180.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	B Phillis, L Mach		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission for the application submitted by Chessington Homes Pty Ltd on behalf of the owner P & D N Boskovic for proposed Demolition of Existing Single House and Construction of Four (4) Two- Storey Grouped Dwellings (Application for Part Retrospective Approval-Demolition), at No. 525 (Lot Y4098 D/P: 205285) Charles Street, North Perth, and as shown on plans stamp-dated 30 August 2006 (floor and elevation plans) and 18 September 2006 (site and overshadowing plans), subject to the following conditions:*

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

- (f) *the solid portion adjacent to the Charles Street boundary from the above truncation(s) boundary can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence; and*
  - (g) *not be located within the Planning Control Area No.54 unless support/approval of the Department for Planning and Infrastructure and/or Western Australian Planning Commission is obtained and compliance with its comments and conditions;*
  - (ii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
  - (iii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Charles Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
  - (iv) *the applicants/owners shall pay the outstanding fee, being \$420, for part application for retrospective Planning Approval, within 14 days of the date of notification of this approval or prior to the issue of a Building License, whichever occurs first;*
  - (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
    - (a) *the first floor of Unit 1 being setback a minimum of 6.0 metres from the Charles Street boundary; and*
    - (b) *the window to Bedroom 2 of Unit 1 on the northern elevation on the first floor being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level . A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees.*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (vi) *a Demolition Licence shall be obtained from the Town prior to commencement of any further demolition works on the site; and*
  - (vii) *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.*

**Moved Cr Farrell, Seconded Cr Chester**

*That the recommendation be adopted.*

Debate ensued.

**Moved Cr Maier, Seconded Cr Ker**

*That clause (v)(a) be deleted.*

Debate ensued.

**AMENDMENT CARRIED (9-0)**

**MOTION AS AMENDED CARRIED (9-0)**

**COUNCIL DECISION ITEM 10.1.3**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission for the application submitted by Chessington Homes Pty Ltd on behalf of the owner P & D N Boskovic for proposed Demolition of Existing Single House and Construction of Four (4) Two- Storey Grouped Dwellings (Application for Part Retrospective Approval-Demolition), at No. 525 (Lot Y4098 D/P: 205285) Charles Street, North Perth, and as shown on plans stamp-dated 30 August 2006 (floor and elevation plans) and 18 September 2006 (site and overshadowing plans), subject to the following conditions:*

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

- (f) *the solid portion adjacent to the Charles Street boundary from the above truncation(s) boundary can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence; and*
- (g) *not be located within the Planning Control Area No.54 unless support/approval of the Department for Planning and Infrastructure and/or Western Australian Planning Commission is obtained and compliance with its comments and conditions;*
- (ii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Charles Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iv) *the applicants/owners shall pay the outstanding fee, being \$420, for part application for retrospective Planning Approval, within 14 days of the date of notification of this approval or prior to the issue of a Building License, whichever occurs first;*
- (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the window to Bedroom 2 of Unit 1 on the northern elevation on the first floor being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level . A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees.*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (vi) *a Demolition Licence shall be obtained from the Town prior to commencement of any further demolition works on the site; and*
- (vii) *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.*
-

<b>Landowner:</b>	P & D N Boskovic
<b>Applicant:</b>	Chessington Homes Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Grouped Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	887 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

The Council at its Ordinary Meeting held on 27 June 2000 resolved to conditionally approve an application for demolition of the existing dwelling and construction of four two- storey grouped dwellings.

**DETAILS:**

The proposal involves demolition of the existing single house and construction of four (4) two- storey grouped dwellings. It has been brought to the Town's attention that partial demolition of the subject property has commenced without a Demolition Licence. Accordingly, it has been conditioned that outstanding application fees for retrospective approval should be paid.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	4.93 dwellings R 60	4 dwellings R 45.1	Noted- no variation.
Plot Ratio	Unit 1 0.65 - 176 square metres  Unit 2 0.65 - 139.5 square metres  Unit 3 0.65 - 139.5 square metres  Unit 4 0.65 - 178.4 square metres	Unit 1 0.52 - 140.9 square metres  Unit 2 0.65 (rounded) - 139.9 square metres  Unit 3 0.65 (rounded) - 139.9 square metres  Unit 4 0.59 - 162.5 square metres	Noted- no variation.
Setbacks First Floor - East (front)	6.0 metres	5.0 metres	Not supported- undue impact on streetscape and has been conditioned to comply.

Privacy Setbacks	Bedrooms- metres	4.5	Bedroom 2 of Unit 1 - 2.68 metres to northern boundary.	Not supported - undue impact and has been conditioned to comply.
<b>Consultation Submissions</b>				
The Department for Planning and Infrastructure (DPI) has advised that the proposal is subject to the sole determination of the Commission as part of the subject land is within the Planning Control Area No.54.				
Support (2)	<ul style="list-style-type: none"> <li>Details of support not provided.</li> </ul>			Noted.
Objection (1)	<ul style="list-style-type: none"> <li>Details of objection not provided.</li> </ul>			Not supported- refer to "Comments".
<b>Other Implications</b>				
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications			Nil	
Financial/Budget Implications			Nil	

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

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

#### COMMENTS:

##### Demolition

The dwelling was built circa 1960, however, it has undergone substantial alterations to both the internal and external fabric. In particular, the baroque-stye balusters and archway to the front verandah have permanently altered the building façade and have obscured the original architectural style of the dwelling.

Consequently, the place is of little aesthetic, historic, social and scientific value and clearly does not meet the minimum threshold for entry into the Town of Vincent Municipal Heritage Inventory. Thus, a full assessment of the cultural heritage significance of the place is not warranted and there are no reasonable grounds for refusing demolition.

##### Redevelopment

The proposal is not considered to have undue impact on the area and is generally compliant with the relevant requirements of the Town. In light of the above, the planning application is recommended for approval, subject to standard and appropriate conditions to address the matters raised in the report.

**10.1.7 No. 69 (Lot 26 D/P 1106) Chatsworth Road, Highgate - Two (2) Storey Single House with Undercroft Garage**

<b>Ward:</b>	South	<b>Date:</b>	19 September 2006
<b>Precinct:</b>	Hyde Park; P12	<b>File Ref:</b>	PRO3545; 5.2006.445.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	E Saraceni		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by L Castelanelli on behalf of the owners A & G Lombardi for proposed Two (2) Storey Single House with Undercroft Garage at, No. 69 (Lot 26 D/P 1106) Chatsworth Road, Highgate, and as shown on plans stamp-dated 18 September 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 plot ratio, building height, boundary setbacks, and buildings on boundary requirements of the Residential Design Codes; and*
- (iii) the plot ratio and building height requirements proposed to be varied is as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements.*

**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

Debate ensued.

**LOST (1-8)**

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

**Reasons:**

1. Two storey presentation to the street.
2. Car parking is accessed from the right of way.
3. The proposed single house is consistent with the pattern of development and the existing streetscape.

**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 L Castelanelli on behalf of the owners A & G Lombardi for proposed Two (2) Storey Single House with Undercroft Garage at No. 69 (Lot 26 D/P 1106) Chatsworth Road, Highgate, and as shown on plans stamp-dated 18 September 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 Chatsworth 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; and*
- (iii) prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating each car parking bay located within the front setback being a minimum 5.4 metres long and 2.4 metres wide. The revised plans shall not result in any greater variation to the Residential Design Codes and the Town's Policies.”*

**Debate ensued.**

**Moved Cr Lake, Seconded Cr Chester**

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

*“(iii) prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating each car parking bay located within the front setback and redundant crossover being ~~a minimum 5.4 metres long and 2.4 metres wide removed~~. The revised plans shall not result in any greater variation to the Residential Design Codes and the Town's Policies.”*

**AMENDMENT CARRIED (8-1)**

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

**MOTION AS AMENDED CARRIED (8-1)**

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

**COUNCIL DECISION ITEM 10.1.7**

*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 L Castelanelli on behalf of the owners A & G Lombardi for proposed Two (2) Storey Single House with Undercroft Garage at No. 69 (Lot 26 D/P 1106) Chatsworth Road, Highgate, and as shown on plans stamp-dated 18 September 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 Chatsworth 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; and*
- (iii) *prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating each car parking bay located within the front setback and redundant crossover being removed. The revised plans shall not result in any greater variation to the Residential Design Codes and the Town's Policies.*

<b>Landowner:</b>	A & G Lombardi
<b>Applicant:</b>	L Castelanelli
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	314 square metres
<b>Access to Right of Way</b>	Rear, 3.01 metres wide, unsealed, privately owned

**BACKGROUND:**

11 July 2006                      The Council at its Ordinary Meeting resolved to refuse the previous application for the construction of a two (2) storey dwelling with undercroft garage submitted in June 2006. The Council also resolved to conditionally approve the demolition of the existing single house.

18 September 2006              The applicant submitted a new planning application with the plans unchanged.

**DETAILS:**

The proposal involves an application for the construction of a two-storey house with an undercroft garage. The plans are the same as those refused by the Council on 11 July 2006. The applicant justified the decision to resubmit the same plans as those that were previously refused by the Council for the following reasons:

- The zoning is Residential R80, and the site (314 square metres) would be able to accommodate two multiple dwellings; therefore the proposal would be below the permitted density;
- The proposal for a single house is consistent with the existing streetscape in Chatsworth Road; and
- The locality has a high density code, regardless of the fact that a single house is required to be assessed in accordance with the R60 standards.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	0.65 - 204.1 square metres	0.75 - 235.5 square metres	Not supported- as the variation is considered to have an undue impact on the amenity of the area. Plot ratio is also an element of the Town's Non-Variation to Specific Development Requirements Policy.
Setbacks: Ground Floor- East	4.5 metres	1 metre -1.514 metres	Supported- as the variation is not considered to have an undue impact on the adjoining neighbour.
Upper Floor- West East	2.3 metres 5.2 metres	2.088 metres 1.504-3.4 metres	Supported- as above. Supported- as above.
Buildings on Boundary	In areas coded R30 and higher, walls not higher than 3.5 metres with an average of 3 metres for 2/3 the length the balance of the boundary behind the front setback, to one side boundary.	Average height of boundary wall is 3.63 metres.	Supported- as the subject site is sloping and to achieve the required height, whilst maintaining a consistent finished floor level is difficult.
Height	6 metres to the top of the eaves	Height ranges from 5.9 metres to 6.7 metres to the top of the eaves.	Supported- as above. Also, the ceiling heights for the upper floor are the minimum 2.4 metres.
Privacy	Setback outside the cone of vision - 4.5 metres in the case of bedrooms.	Window to bedroom 4 setback 3 metres within the cone of vision to eastern boundary.	Supported- cone of vision encroaches onto the adjoining neighbours roof and front garden.
<b>Consultation Submissions</b>			
The previous application was advertised from 16 June 2006 to 30 June 2006 and no submissions were received. This application is not required to be further advertised as it is not supported by the Town's Officers.			

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

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

**COMMENTS:**

The 15.38 per cent increase in the maximum plot ratio requirement, as stipulated in the Residential Design Codes, will create a built form that is excessive in bulk and scale that will consequently have an undue impact on the amenity of the area. In light of the above, the application is recommended for refusal.

**10.1.13 Further Report - Amendment No.25 - Planning and Building Policies - Policy - Appendix No. 16 - Design Guidelines for the Half Street Block Bounded by Fitzgerald, Newcastle (All Lots Between Palmerston and Fitzgerald Streets) and Stuart Streets and Pental Lane, Perth**

<b>Ward:</b>	South	<b>Date:</b>	19 September 2006
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	PLA0168
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	H Smith		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

***FURTHER OFFICER RECOMMENDATION:***

*That the Council;*

- (i) *RECEIVES the final amended version of the Policy - Appendix No.16 - Design Guidelines for the half street block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pental Lane, Perth, as shown in Attachment 10.1.13, resulting from the advertised version having been reviewed and regard to the nine (9) written submissions received during the formal advertising period, in accordance with Clauses 47 (4), and (5) (a) of the Town's Town Planning Scheme No. 1;*
- (ii) *ADOPTS the final amended version of the Policy - Appendix No. 16 - Design Guidelines for the half street block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pental Lane, Perth, as shown in Attachments 10.1.13; and*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the final amended version of the adopted Policy - Appendix No. 16 - Design Guidelines for the half street block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pental Lane, Perth, as shown in Attachment 10.1.13, in accordance with Clause 47 (6) of the Town's Town Planning Scheme No. 1.*

**COUNCIL DECISION ITEM 10.1.13**

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

*That the recommendation be adopted.*

**Journalists Giovanni Torre and Lindsay Mc Phee left the meeting at 8.00pm.**

**Debate ensued.**

**Moved Cr Maier, Seconded Cr**

*That clause 7(xiv) - Affordability of the Policy be deleted.*

**Cr Maier's motion did not get seconded as a motion for deferral was moved by Cr Chester.**

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

*That the Item be DEFERRED for consideration at an Elected Members Forum.*

**CARRIED (7-2)**

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

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**FURTHER REPORT:**

The Council at its Ordinary Meeting held on 12 September 2006 considered the proposed Policy Amendment and resolved that the Item be DEFERRED to allow for further investigation and consideration by the Town's Officers.

The Corrected Recommendation and Proposed Amendments requested by Elected Members, and considered by the Council at its Ordinary Meeting held on 12 September 2006, have been incorporated into the final amended version of the Policy as shown in the attachment to the report, and as such, the Officer Recommendation has not changed.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 12 September 2006:

***“OFFICER RECOMMENDATION:***

*That the Council;*

(i) *RECEIVES the final amended version of the Policy - Appendix No.16 - Design Guidelines for the half street block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth, as shown in Attachment 10.1.15, resulting from the advertised version having been reviewed and regard to the nine (9) written submissions received during the formal advertising period, in accordance with Clauses 47 (4), and (5) (a) of the Town's Town Planning Scheme No. 1;*

"(ii) *ADOPTS the final amended version of the Policy - Appendix No.16 - Design Guidelines for the half street block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth, as shown in Attachment 10.1.15-2; ~~and~~, subject to the Policy being amended as follows:*

(a) *clause 7) be renumbered to read as follows:*

'7) *DESIGN GUIDELINES*

*These Guidelines will achieve the above objectives by considering the following design features:*

*⇨ SITE PLANNING*

*⇨ i) Subdivision - ...*

*⇨ ii) Density and Mix - ...*

*⇨ iii) Height and Massing - ...*

*⇨ iv) Plot Ratio - ...*

*⇨ v) Connectivity and Legibility - ...*

*⇨ vi) Facade and Interface - ...*

*⇨ vii) Vehicle and Pedestrian Access - ...*

*⇨ viii) Car Parking - ...*

*⇨ ix) High Quality Design and Function - ...*

*⇨ x) Total Open and Personal Outdoor Space and External Amenities - ...*

*⇨ xi) Landscaping and Public Art - ...*

*⇨ xii) Sound Attenuation and Proximity to Commercial and Entertainment Uses - ...*

*⇨ xiii) Location of General Plant - ..."*

- (iii) *AUTHORISES the Chief Executive Officer to advertise the final amended version of the adopted Policy - Appendix No.16 - Design Guidelines for the half street block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth, as shown in Attachment 10.1.15, in accordance with Clause 47 (6) of the Town's Town Planning Scheme No. 1.*

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

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*Moved Cr Farrell, Seconded Cr Torre*

*That the recommendation be adopted.*

*Debate ensued.*

*COUNCIL DECISION ITEM 10.1.12*

*Moved Cr Chester, Seconded Cr Farrell*

*That this item be DEFERRED for further consideration.*

*CARRIED (8-0)*

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

*PURPOSE OF REPORT:*

*The purpose of this report is to provide the Council with an overview of the submissions received during the advertising period for this Policy and to present to the Council the final version of the Policy - Appendix No.16 - Design Guidelines for the half street block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pandal Lane, Perth, and to seek final adoption.*

*BACKGROUND:*

*The Council at its Ordinary Meeting held on 6 December 2005 resolved the following:*

*"That the Council;*

- (i) RECEIVES the Draft Policy Relating to Appendix No.16 Design Guidelines for the Area bounded by Newcastle, Fitzgerald and Stuart Streets and Pandal Lane, Perth, as shown in Attachment 10.1.16;*
- (ii) ADVERTISES the Draft Policy Relating to Appendix 16 Design Guidelines for the Area bounded by Newcastle, Fitzgerald and Stuart Streets and Pandal Lane, Perth, 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 Appendix 16 Design Guidelines for the Area bounded by Newcastle, Fitzgerald and Stuart Streets and Pandal Lane, Perth, having regard to any written submissions; and*
  - (b) determines the draft Policy Relating to Appendix 16 Design Guidelines for the Area bounded by Newcastle, Fitzgerald and Stuart Streets and Pandal Lane, Perth, with or without amendment, to or not to proceed with them.*
- (iv) AMENDS the Draft Policy relating to Appendix No.16 Design Guidelines for the Area bounded by Newcastle, Fitzgerald and Stuart Streets and Pandal Lane, Perth as shown in Attachment 10.1.16, prior to clauses (i), (ii) and (iii) above being actioned by:*
  - (a) amending the heading of the Policy as follows:*

*“DESIGN GUIDELINES FOR THE HALF STREET BLOCK AREA BOUNDED BY FITZGERALD, NEWCASTLE (ALL LOTS BETWEEN PALMERSTON AND FITZGERALD STREETS) AND STUART STREETS AND PANDAL LANE, PERTH”*

(b) amending heading 3 as follows:

3) ~~CHARCATERISTICS~~ CHARACTERISTICS

(c) amending clause 5 as follows:

5) i) SITE PLANNING

d) Plot Ratio - Plot ratio provisions for residential development are to be in accordance with ~~the Residential Design Codes R160~~ pertaining to the Residential Design Codes however, the Town of Vincent may consider variations. ~~Non-residential floorspace is silent in this respect.~~

f) Façade and Interface - Buildings are to have nil setbacks to the front, side and rear boundaries and the Fitzgerald Street road widening line to create an urban edge.....

h) Car Parking - Car parking bays are to be provided in accordance with the Town Planning Scheme, the Town's Policy relating to Parking and Access ~~Policy..~~

j) Total Open and Personal Outdoor Space and External Amenities - Open space provision is to be generally in accordance with Residential R160 pertaining to the Residential Design Codes however, the Town of Vincent may consider variations in the context of the development's proximity to Robertson Park. The provision of private open space for all residential dwellings is to be highly functional, well-designed and where possible, located to capture views and sunlight. ~~The provision of total open space is to be considered in the context of the development's proximity to Robertson Park and the Town of Vincent will consider variations in this respect."~~

(d) amending clause 1 as follows:

"1) INTRODUCTION

*These Guidelines apply to all land within the development area bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pental Lane, Perth."*

(e) amending clause 2 as follows:

"2) CONTEXT

*The half street block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Street and Pental Lane covers an area just over 2 hectares. It is characterised by a variety of semi-industrial and commercial uses fronting Newcastle Street and ~~Miss Maud's head office and bakehouse, warehouses and a large recently vacated piece of land fronting~~ Fitzgerald Street and backing onto Pental Lane."*

”

(f) amending clause 5 as follows:

“5) DESIGN FEATURES

i) b) *Density and Mix - The street block is located within a transitional area characterised by a wide variety of uses. The remaining semi-industrial and commercial service uses are expected to relocate and be replaced by appropriate inner-city uses. These will be characterised by:*

- *Mixed use, minimum 50 per cent residential (commensurate with R160 density) and compatible commercial and non-residential uses;*
- *Contemporary robust buildings, containing a variety of housing types to meet differing household types; and*
- ~~*Opportunity for an eating house fronting Stuart Street and overlooking Robertson Park; and*~~
- *Opportunity for affordable housing.*

f) *Façade and Interface Buildings are to have nil setbacks to the front, side and rear boundaries, and the Fitzgerald Street road widening ~~to create an urban edge line, with the exception of Stuart Street, where a setback requirement of at least 1.5 metres from Stuart Street on the ground floor is required.~~*

k) *Landscaping and Public Art - High quality landscaping is to be provided to all hard and soft areas. ~~In this respect, landscaping to the Stuart Street properties is to recognise and carry through the known layers of history relevant to this area, in particular, the seasonal wetland, former Chinese market gardens and the Aboriginal heritage trail. The Town's Community Development and Parks and Heritage Services will be able to provide information in this respect. Likewise, there are a myriad of focus for public art interpretation. The Town's Policy Relating to Public Art should be referred to.~~*

l) ~~*Sound Attenuation and Proximity to Commercial and Entertainment Uses - Noise attenuation in inner city and urban areas is critical to ensure the harmonious co-existence of a mix of land uses. The East Perth Redevelopment Authority, in New Northbridge, have prepared comprehensive measures addressing noise intrusion, for developments that receive noise, and noise emissions, for developments that emit noise. Similarly, new developments within the Guidelines area will be required to prove sound attenuation at the planning stage with a view to the following aspects:*~~

- ~~*Identifying and addressing existing noise sources;*~~

- ~~Designing building layout taking into consideration identified noise emitters; and~~
- ~~The incorporation of appropriate noise attenuation measures at the time of construction to minimise the intrusion and emission of noise, whatever the case may be.~~

~~The Town may require that acoustic reporting and noise management plans demonstrating the level of acoustic measures, are taken into account in the design of the building to reduce and/or minimise noise intrusion and/or emissions prior to the issue of a Building Licence for the development and that any management plans and measures be maintained and on-going.~~

l) Sound Attenuation - A development objective is to facilitate good quality and well-designed buildings for residential, commercial and mixed-use purposes. In doing so, it is acknowledged that certain measures may need to be taken to minimise any adverse effect on amenity, particularly residential. In addition to land uses, the impact caused by other associated noise sources such as machinery/infrastructure, needs to be taken into account. In this regard, the Town may, where appropriate, seek alterations to plans to limit the impact of noise on a development, or impose conditions to reduce the level of noise emitted and/or received by a development. Any new or refurbished development or any conversion of part or all of an existing building that will accommodate new residential or other noise sensitive uses must:

- Be designed, orientated and constructed to include noise attenuation measures such as appropriate glazing of windows, position balconies having regard for noise sources, minimise window areas facing a noise source and designating certain areas within the building layout for less noise sensitive uses or activities.
- Consider the incorporation of ducted air conditioning and/or ventilation systems in consultation with an acoustic consultant.
- Have walls, roofs, external glazing and doors and the air conditioning or ventilation systems designed by a qualified acoustic consultant, who must certify that the incorporation of the design features recommended by the consultant will achieve a satisfactory level of sound attenuation. Any application for residential or other noise sensitive uses, as determined by the Town, will need to be accompanied by an acoustic report prepared by a qualified acoustic (noise) consultant.

*For further information regarding sound attenuation, it is recommended that applicants refer to Australian Standard AS-NZS2107:2000 - Acoustics -Recommended Design Sound Levels and Reverberation Times for Building Interiors."*

*DETAILS:*

*The Policy/Design Guidelines aim to achieve the following objectives:*

- i) To facilitate good quality and well-designed buildings for residential, commercial and mixed-use purposes.*
- ii) To maximise the use and enjoyment of the excellent public open space afforded in the area.*
- iii) To maximise the opportunities afforded by the area's proximity to the central business district, major public transport routes, road networks and gateway to the Town of Vincent.*
- iv) To create a premier example of robust building forms catering to a variety of uses within a pleasant inner-urban environment.*
- v) To create a mixed-use environment where the amenity of all users is respected and considered.*
- vi) To build on the sense of place evidenced by the area's history and cultural diversity.*
- vii) To provide incentive for the use of 'green building' techniques and the provision of 'affordable housing'.*

*CONSULTATION/ADVERTISING:*

*Advertising commenced on 10 January 2006 and concluded on 14 February 2006, pursuant to Clause 47 of the Town of Vincent Town Planning Scheme No.1.*

*The advertising included:*

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

*At the completion of the advertising period, a total of 9 submissions were received, including three (3) submissions (stating no objection) from referral agencies.*

*The remaining 6 submissions were not necessarily objecting to the Draft Guidelines but rather, making comment on aspects of the Guidelines. A summary of the salient points of these submissions and recommended outcome are as follows:*

Name/Address	Summary of Submission	Officers Comment
<p>Heritage Council of Western Australia</p>	<p>"...the following comments are provided for consideration at the review stage of the proposed amendment:</p> <p><u>Height and Massing</u> New development should respond sympathetically in terms of scale to the adjacent State Registered places. The scale of new development should not dominate a heritage place and should not have an adverse impact on the cultural heritage significance of the place.</p> <p><u>Facade and Interface</u> It is noted that new buildings are to have a nil setback to boundaries except for Stuart Street, where a setback of 1.5 metres is required. Appropriate boundary and street setbacks should be required for development adjacent to the former Maltings Plant (ie Stuart and Palmerston Street frontages and Newcastle and Fitzgerald Street rears)."</p>	<p>Noted, and duly reflected in the policy.</p> <p>Noted, however, it is not considered necessary that additional setback of buildings from Pandal Lane be provided. It is noted that only those lots adjacent to Pandal Lane and the Maltings (new buildings) have the potential for re-development.</p>
<p>Mr J Connor, Maltings unit owner</p>	<p>"That any structures located on the north side of Newcastle Street, between Pandal Lane and Palmerston Street, be restricted to a maximum height of three storeys.</p> <p>a) be in keeping with the height and presence of buildings located on the south side of Newcastle Street, and will therefore result in a balanced streetscape; and</p> <p>b) minimise the interruption of views and lines of sight from existing residences within the Maltings development."</p>	<p>Noted, and the Policy states: ". a maximum of three storeys to the primary streets...A minimum height of two storeys to the primary streets is considered appropriate."</p>
<p>George Sheldon, Architect for owner of Lot 2, corner of Fitzgerald and Stuart Streets, Perth</p>	<p>"...the stated aims of the Town, as expressed in the documents provided are fully and enthusiastically supported.</p> <p>On the assumption that the aims and objectives of the Town will be supported..., this submission addresses the anticipated potential problems that are likely to arise when ...developing his property further... It would be impossible to develop the site with open space at ground or upper levels...The setback</p>	<p>Noted, however, the aspects of concern would be considered as part of a development application, determination of which would be based on the individual merit of the proposal.</p>

	<p>requirements of at least 1.5 metres from Stuart Street on ground floor would not be able to be implemented and, in our opinion, would not be justified given the narrowness of the site and the newly established existing conversion of the building for use as an art gallery ...</p> <p>Given the circumstances, there really is no scope or capacity for increasing the parking provisions for use by residents within the property."</p>	
Alinta Network Services	Standard conditions relating to construction	Noted.
Main Roads, Western Australia	"The proposal does not affect roads under Main Roads control and as such no comment is made."	Noted.
Roy Gardner (co-owner of two units within the Maltings complex)	<p>"...I have some reservations regarding the 8 storey height guidelines for the development. ....As such, I am hopeful that at this time of economic prosperity, it may be possible to see constructed a significant landmark building that will be regarded by future generations with a degree of approval....I would be disappointed though if such an opportunity was missed on this occasion and a boring, drab building was constructed that maximised developer profits and left the area blighted with an ordinary eight storey high office/residential block that contributed nothing to the ambiance of the local area. ...Conversely an imaginative and impressive development (such as the Maltings and Rialto development nearby) would endure well into the future and support the areas progress, and reflect positively on the wisdom of the Council for their contribution to the process."</p>	<p>Noted. Clause i) 'High Quality Design and Function' of the Draft Design Guidelines states the following in this respect:</p> <p>"The use of highly qualified practitioners for architectural and urban design is strongly encouraged given the expectation for architectural diversity in innovative, contemporary development in this area. The resultant development should be robust, with well-designed buildings facilitating flexible spaces adaptive to a range of uses and housing types. Buildings should have a rich visual character with reference made to the local character, heritage and features by complementary or contrasting design."</p>
East Perth Redevelopment Authority	<ul style="list-style-type: none"> <li><u>"Development Objectives:</u> An objective of the guidelines is to provide incentives for the use of green building techniques and the provision of affordable housing, yet there appears to be nothing in the guidelines to support this. .... the Town should be prepared with a comprehensive strategy and incentives in place.</li> </ul>	Supported, with wording modified to reflect encouragement.

	<ul style="list-style-type: none"> <li>• <u>Site Planning – Subdivision:</u> that the existing subdivision pattern is irregular and reflective of its past industrial uses. It is therefore apparent that the site will need to be re-subdivided and the design guidelines should provide some guidance to the developer on what form the future subdivision pattern should take, dependent on the future built form that is desired. ....</li> <li>• <u>Site Planning – Density and Mix:</u> <ul style="list-style-type: none"> <li>– It is considered that this section should be more specific about what type of non-residential uses should be developed (i.e. retail, commercial, entertainment etc) and that the development of active ground floor uses should be made a requirement;</li> <li>– This section states that the existing semi-industrial uses are to be replaced by “appropriate inner city uses”. It is considered that the term “appropriate inner city uses” may not be the most appropriate choice of words, as this is a subjective statement that suggests that light industrial uses have no place in the inner city, which is not entirely true. It is suggested that the desired new uses should be stated in lieu of this term.</li> </ul> </li> <li>• <u>Site Planning – Height and Massing:</u> We refer you to our earlier comments about height and massing. It is also considered that special corner treatments to reinforce and emphasise street corners should be made a requirement, rather than simply encouraged. This should also be supported with guidance on how corner elements should be treated (e.g. taller parapet on the corner, prominent, cantilevered canopy higher than flanking canopies etc).</li> <li>• <u>Site Planning – Connectivity and Legibility:</u> <ul style="list-style-type: none"> <li>– The requirement for active frontages is supported, and it is considered that this should be further clarified by stating what the Town</li> </ul> </li> </ul>	<p><i>Noted, however it is not considered that a reconfiguration of the lots is necessary given that development on the lots fronting Newcastle and Fitzgerald Streets are encouraged to be robust.</i></p> <p><i>Supported, with amendments made to the respective section of the Policy.</i></p> <p><i>Supported, as above.</i></p> <p><i>Supported, with amendments made to the respective section of the Policy.</i></p>
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	<p><i>setback area, given that nil street setbacks are a requirement (with the exception of Stuart Street). Notwithstanding this, if the potential for parking in front setback areas does exist, it is considered that the Town should take a stronger stance on this matter and not permit any parking in the front setback area, rather than simply discouraging it as per the current draft guidelines.</i></p> <ul style="list-style-type: none"> <li>• <u>Site Planning – High Quality Design and Function:</u> <i>rted as it is considered important that innovative and high quality buildings are developed in this location. However, it is suggested that this section could benefit from the inclusion of more specific guidance as to what the Town considers to be a “well designed building”. Design is a subjective matter, so the provision of greater clarity on the characteristics of good design should minimise the risk of leaving this open to interpretation by developers or in an appeal situation.</i></li> <li>• <u>Total Open and Personal Outdoor Space and External Amenities:</u> <i>This section is supported, however it is further suggested that minimum balcony dimensions should be specified to ensure that the objective of providing functional private outdoor spaces is met. EPRA generally requires a minimum balcony dimension of 2.4 metres in its own guidelines;</i></li> <li>• <u>Site Planning – Landscaping and Public Art:</u> <i>mentioned in the title of this section, there is no further mention of it in the ensuing guidelines. It is considered that the Town’s percent for art scheme should be referenced in this section.</i></li> <li>• <u>Safe Design (CPTED) Principles:</u> <i>hat some specific requirements about how buildings should be designed to minimise crime and improve public perceptions of safety should be</i></li> </ul>	<p><i>Supported, with amendments made to the respective section of the Policy.</i></p> <p><i>Supported, with amendments made to the respective section of the Policy.</i></p> <p><i>Supported, with amendments made to the respective section of the Policy.</i></p> <p><i>Noted.</i></p>
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	<p><i>included in the guidelines.</i></p> <ul style="list-style-type: none"> <li>• <u>Site Planning - Sound Attenuation and Proximity to Commercial and Entertainment Uses:</u></li> </ul> <p><i>...important consideration in Northbridge and it is suggested that this section could be improved by referencing EPRA's policy on sound attenuation and our previous experiences in this area."</i></p>	
<i>City of Perth</i>	<i>"The City has no comment to make on this proposed amendment."</i>	<i>Noted.</i>
<i>Water Corporation</i>	<i>"...the Water Corporation has no objection in principle to the proposal but would like to make the following comment. This existing area is served by the Water Corporation wastewater system; some sewer pipes are located within private with and without the protection of easements. ...it is important that the location of these sewer pipes be investigated to ensure they don't conflict or are located to facilitate the proposed development."</i>	<i>Noted.</i>

**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:**

*There is provision of \$88,760 in the 2006/2007 Budget for Town Planning Scheme Amendments and Policies.*

**COMMENTS:**

*The comments received during the consultation process are acknowledged as above. With regard to the comprehensive comments received from the East Perth Redevelopment Authority, its experience in the nearby area is acknowledged and aspects of the Policy duly reflect those comments; however, matters regarding re-subdivision of the land and the Town's intervention in the development of the street block, have not resulted in amendments to the Policy. The Town's approach to the Draft Guidelines was not to be over-prescriptive, but rather to encourage and provide guidance to landowners in this area.*

*In light of the above, it is recommended that the Council receives, adopts and advertises the final amended version of the draft new Policy as outlined in the Officer Recommendation."*

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.

**10.1.14 Town of Vincent Enforcement of Parking Local Law in The Mezz and North Perth Plaza Private Car Parks**

<b>Ward:</b>	North	<b>Date:</b>	15 September 2006
<b>Precinct:</b>	Mount Hawthorn Centre P2; North Perth Centre P9	<b>File Ref:</b>	
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	J MacLean		
<b>Checked/Endorsed by:</b>	R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council:*

- (i) *APPROVES, "in principle", the enforcement of parking restrictions within "The Mezz Car Park", Nos. 148 - 158 Scarborough Beach Road, Mount Hawthorn and "North Perth Plaza Car Park", No. 391 Fitzgerald Street, North Perth;*
- (ii) *if (i) above is approved, APPROVES BY AN ABSOLUTE MAJORITY an amendment to the Second Schedule of the Town of Vincent Local Law Relating to Parking Facilities, to include The Mezz Car Park and North Perth Plaza Car Park, as designated parking stations within the Town of Vincent;*
- (iii) *in accordance with the provisions of Section 3.12 of the Local Government Act 1995 as amended, the Council gives a Statewide advertisement, indicating where the proposed amendment may be viewed and seeking public comment on the following amendments to the Town of Vincent Parking Facilities Local Law.*

**"LOCAL GOVERNMENT ACT 1995 (as amended)  
TOWN OF VINCENT PARKING FACILITIES LOCAL LAW  
AMENDMENT NO 2, 2006**

*In pursuance of the powers conferred by the Local Government Act 1995 as amended from time to time, and under all other powers enabling it, the Town of Vincent resolved on .....2006 to make the Local Law Relating to Parking Facilities, Amendment No 2, 2006.*

*The Town of Vincent Local Law Relating to Parking Facilities as published in the Government Gazette on 23 May 2000 and amended as published in the Government Gazette on 19 August, 2005, 14 January 2005, 24 August 2004, 2 December 2003, 20 June 2003, 4 January 2002, 24 August 2001 and 5 December 2000, is amended as follows:*

*the existing Second Schedule relating to Parking Stations – Description and hours of operation, be amended as follows:*

- (a) *by inserting in column 1 "The Mezz Car Park situated at Nos. 148 - 158 Scarborough Beach Road, Mount Hawthorn";*
- (b) *by inserting in column 2 "Monday to Sunday 8.00am to 8.00pm";*
- (c) *by inserting in column 3 "Not applicable";*
- (d) *by inserting in column 4 "Not applicable";*

- (e) *by inserting in column 1 "North Perth Plaza Car Park situated at No. 391 Fitzgerald Street, North Perth";*
  - (f) *by inserting in column 2 "Monday to Sunday 8.00am to 8.00pm";*
  - (g) *by inserting in column 3 "Not applicable"; and*
  - (h) *by inserting in column 4 "Not applicable";*
- (iv) *AUTHORISES the Chief Executive Officer to enter into a formal agreement with Hawaiian Management, representing "The Mezz" and Ron Farris Real Estate, representing North Perth Plaza Shopping Centre, to enable the Town's Rangers to undertake parking control and enforcement action in The Mezz Car Park and North Perth Plaza Car Park; and*
- (v) *REQUESTS the Chief Executive Officer, after the expiry of the statutory consultation period, again to report to the Council listing any comments from the public and providing any further recommendations considered appropriate.*

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**COUNCIL DECISION ITEM 10.1.14**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

The Presiding Member requested Cr Messina to depart the Chamber as he had permission to participate in debate but not to vote. Cr Messina departed the Chamber at 8.11pm.

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

**(Cr Messina was absent from the Chamber and did not vote.)**

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**PURPOSE OF REPORT:**

The purpose of the report is to amend the Town's Parking Local Law to enable the Ranger Services and Community Safety Section staff to enforce parking restrictions in "The Mezz" and North Perth Plaza Car Parks.

**BACKGROUND:**

An approach was received from Hawaiian Management, the managing agents for "The Mezz" shopping centre, asking the Town to undertake enforcement duties in the as yet uncompleted private car park, below the new shopping complex (formerly Mount Hawthorn Plaza Shopping Centre). Shortly thereafter, a further approach was received from Ron Farris Real Estate Pty Ltd, the managing agents for North Perth Plaza Shopping Centre, asking the Town to undertake enforcement duties in the North Perth Plaza Car Park.

The Town has previously entered into similar agreements with Silverleaf Holdings Pty Ltd, with regard to Raglan Road Car Park, Mount Lawley, with Colliers Jardine and Knights Frank, in relation to the Village Square Shopping Centre, Kadina Street, North Perth and recently with Babacus Holdings Pty Ltd and VIR Holding Pty Ltd, with respect to Wasley Street Car Park. These agreements have been in operation since 1998, 2001 and 2006 respectively and appear to operate well.

**DETAILS:**

As a result of the approaches for the Rangers to enforce parking restrictions in The Mezz Car Park and North Perth Plaza Car Park, Officers of the Rangers Service and Community Safety Section undertook some checks to establish if it was appropriate for the Council to give an approval for the enforcement of parking restrictions in the private shopping centre car parks, situated at Nos. 148 - 158 Scarborough Beach Road, Mount Hawthorn and No. 391 Fitzgerald Street, North Perth to be undertaken by Rangers. It is suggested that, if both Car Parks meet the signage and layout requirements that are used in Town of Vincent owned Car Parks, there would be no impediment to this being actioned. Rangers would police these two car parks in the same manner as they currently enforce restrictions in the other car parks in the Town.

Following this "in-principle" agreement, in accordance with the Town's Parking Facilities Local Law and the Local Government Act 1995, the Second Schedule of the Parking Facilities Local Law will need to be amended to reflect the fact that the The Mezz Car Park and North Perth Plaza Car Park are to be treated as Town of Vincent Parking Stations. Further, the Town will need to enter into a formal agreement with the Managing Agents, for the two locations, to enable enforcement action to be undertaken.

Following the amendment to the Parking Facilities Local Law, in conjunction with the Town's Engineering Design Section, both car parks will need to have standard signage erected, in accordance with Australian Standards. The costs associated with this signage will be borne by the respective property owners, for the two shopping centres. Since the Town will be amending its own Local Law, the advertising costs for this amendment will be borne by the Town.

It should be noted that, if the above agreements are entered into, the Town will have absolute discretion in how the Car Parks are operated, and the management of the Shopping Centres will have no jurisdiction over authorisation for parking, or the issuing of infringement notices. There is provision in the agreement document, for the managing agents to be issued with a number of parking permits, at no cost, to enable senior management and service/repair contractors to make use of the Car Parks.

All costs, other than advertising the amendment to the Local Law, associated with the establishment of the Car Park will be met by The Mezz and North Perth Plaza Shopping Centres, including line-marking and signage. All revenue, generated from enforcement action will be the property of the Town of Vincent.

**CONSULTATION/ADVERTISING:**

After approval is given by the Council, there will be a need to advertise the amendment to the Parking Facilities Local Law, to include The Mezz Car Park and North Perth Plaza Car Park into the Second Schedule. It may also be appropriate to for Hawaiian Management and Ron Farris Real Estate to advertise the proposal, at least locally, to ensure that the public are given an opportunity to comment on the likely implications.

**LEGAL/POLICY:**

There is no legal impediment to The Mezz and North Perth Plaza Car Parks being controlled by Town of Vincent Rangers. All that is required is for the Council to approve the designation of the areas as Parking Stations. The formalisation of the agreements between the Town and the Shopping Centres will enable this to happen.

**STRATEGIC IMPLICATIONS:**

This proposal meets the criteria in the Town's Strategic Plan 2005-2010 Key Result Area 1.4(i) "*Develop a strategy for parking management in business, residential and mixed use precincts.*" The above proposal would be in keeping with this strategy and could be implemented with minimal cost and with minor re-structuring of the current shift duties of Rangers.

**FINANCIAL/BUDGET IMPLICATIONS:**

There will be a limited cost for advertising of the Local Law amendment, associated with this proposal, but there will be no other expenses.

**COMMENTS:**

It is considered appropriate for the Town to assist The Mezz and North Perth Plaza Shopping Centre, in ensuring that drivers do not abuse their private car parking area. From a long-term viewpoint, there will be a fairly minimal impact on the current duties of Rangers and the proposal is therefore recommended for approval.

Cr Messina returned to the Chamber at 8.12pm.

**10.2.3 Stuart Street Reserve – Wetlands Heritage Trail/ Greenway Link**

<b>Ward:</b>	South	<b>Date:</b>	19 September 2006
<b>Precinct:</b>	Hyde Park	<b>File Ref:</b>	CMS0071
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	J. van den Bok		
<b>Checked/Endorsed by:</b>	R. Lotznicker	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report in relation to the proposal to complete the Wetlands Heritage Trail link through Stuart Street Reserve;*
- (ii) *NOTES that the Town's application to the Department for Planning and Infrastructure for funding of \$15,838.00 to construct a Dual Use Path through ~~Smith's Lake~~ Stuart Street Reserve as part of the Wetlands Heritage Trail / Greenway was successful;*
- (iii) *APPROVES the design concept as shown on attached Plan No. 2469-CP-1A;*
- (iv) *CONSULTS with residents in Stuart Street (between Lake and Palmerston Streets) and the Precinct Group regarding the proposal, providing them with 21 days to provide comments; and*
- (v) *RECEIVES a further report should any adverse comments in regard to the project be received.*

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

**Moved Cr Ker, Seconded Cr Farrell**

*That the recommendation be adopted.*

**CARRIED (9-0)**

**COUNCIL DECISION ITEM 10.2.3**

*That the Council;*

- (i) *RECEIVES the report in relation to the proposal to complete the Wetlands Heritage Trail link through Stuart Street Reserve;*
- (ii) *NOTES that the Town's application to the Department for Planning and Infrastructure for funding of \$15,838.00 to construct a Dual Use Path through Stuart Street Reserve as part of the Wetlands Heritage Trail / Greenway was successful;*
- (iii) *APPROVES the design concept as shown on attached Plan No. 2469-CP-1A;*
- (iv) *CONSULTS with residents in Stuart Street (between Lake and Palmerston Streets) and the Precinct Group regarding the proposal, providing them with 21 days to provide comments; and*

- (v) *RECEIVES a further report should any adverse comments in regard to the project be received.*
- 

**PURPOSE OF REPORT:**

The purpose of this report is advise the Council of the recent successful grant application and implement the works subject to the results of the community consultation.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 23 May 2006, a report was presented on the Proposed Implementation Program for the Wetlands Heritage Trail / Greenway Project, where it was resolved:

*That the Council;*

- (i) *RECEIVES the report in relation to the implementation of the Wetlands Heritage Trail / Greenway works program;*
- (ii) *NOTES that the Wetlands Heritage Trail / Greenway Working Group has determined the proposal (refer appendix 10.2.1 - copy of PowerPoint presentation is Laid on the Table) and has developed an implementation program;*
- (iii) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to Section 5.25(e) of the Local Government Act 1995, Councillor Messina MOVES a motion to REVOKE the decision adopted by the Council at its Ordinary Meeting held on 22 November 2005 (Item 10.1.7); by deleting the following:*

*"That the Council;*

*APPROVES the implementation of sections of dual use path and lighting for sections 2 and 8 of the Wetlands Heritage Trail through Beatty Park Reserve and Stuart Street Reserve estimated to cost \$80,000"*

- (iv) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three (3) Elected Members, namely Councillors Lake, Maier and Chester being one third of the number of officers of members of the Council, SUPPORTS this motion; and*
- (v) *APPROVES BY AN ABSOLUTE MAJORITY of the following:*
- "APPROVES the implementation of sections of dual use path for sections of the Wetlands Heritage Trail along Palmerston Street between Robertson Park and Hyde Park (Hyde Park Spur) as shown on attached plan No 2441-CP-01 and along Victoria Street (from the ROW to the Dorrien Gardens Link) estimated to cost \$80,000";*
- (vi) *APPROVES IN PRINCIPLE the program of works and annual cost estimates for years 2006/2007 to 2012/2013, as indicated in the report, to be implemented over a six year (6) year period subject to the officers considering a stage implementation of the Smith's Lake Link in 2006/07;*
- (vii) *NOTES the expected outcomes of the Greenway / Wetlands Heritage Trail including, but not limited to, the creation of:*

- (a) *an 11 kilometre spine of recreational, cultural and ecological features and facilities linking seven (7) suburbs from the Town's east with its west, which will be predominantly car free for 80% of its length; and*
- (b) *significant and improved public infrastructure providing the Town's residents with greater access to over 160 hectares of parkland to the Swan River and lake systems;*
- (viii) *LISTS for consideration in the 2006/2007 draft budget an amount of \$190,000 for the implementation of year 2 (2006/2007) of the project;*
- (ix) *CONSULTS with the various stakeholders prior to implementing the various sections of the Wetland Heritage Trail / Greenway and associated works in accordance with the Town's consultation policy; and*
- (x) *RECEIVES a further report/s on the project/s following consultation prior to implementation proceeding.*

The completion of the Stuart Street Reserve Wetlands Heritage Trail /Greenway link was listed in the program of works presented and approved in principle by the Council in May 2006 and, subsequently, funding was listed in the 2006/07 budget.

#### **DETAILS:**

The Town's officers submitted a grant application for funding assistance from the Perth Bicycle Network to the Department for Planning and Infrastructure in January 2006 to complete the section of the Wetlands Heritage Trail / Greenway through Stuart Street Reserve.

On 28 June 2006 a letter was received from the Department that the Town's application for a total amount of \$15,838.00 was successful.

The Stuart Street Reserve Wetlands Heritage Trail /Greenway link consists of 181 metres of pathway weaving along the northern edge of the reserve adjacent to the existing light poles. The path will be constructed using red asphalt and have a flush concrete kerb similar to the path network through Robertson Park.

It is also proposed to remove the existing pine bollard fencing in Stuart Street reserve as this will serve no real useful purpose, with the path having to meander through the existing fence line and around the root mass of the existing significant trees.

The cost to retro fit the existing lighting to the 'Urbi' type is estimated to be \$6,500, however, no allowance has been made in the current budget for this work.

It is considered the existing lighting will suffice in the short term, however, it is intended that funds be allocated in the 2006/2007 draft budget for the light fittings to be upgraded to the "Urbi" type (currently used throughout the Town's parks and reserves).

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

All works associated with the Wetlands Heritage Trail / Greenway, including artworks and signage, that may impact on adjoining residents or stakeholders, will be advertised in accordance with the Town's consultation policy.

**LEGAL/POLICY:**

Nil.

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Areas One & Two of Strategic Plan 2005-2010

- 1.1 Protect and enhance the environment and biodiversity; (c) *“Enhance and protect our natural environment, improve natural habitats, increase biodiversity in parks, reserves, wetlands and river foreshore areas, link Greenways of vegetation, enhance the Significant Trees Inventory to encourage their protection and increase and promote the use of local native vegetation, by Council and residents”*.
- 1.4 Maintain and enhance the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment; (f) *“Ensure the current and future efficient use of the Town’s parks, reserves and facilities and continue to design and implement infrastructure improvements for public open space. Develop Greenways to link together parks with ecology, arts, recreation and culture”*.
- 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”*.
- 2.3 Develop and implement initiatives for universal access. (c) *“Develop creative solutions to access and equity issues, relevant to the Town’s diverse community”*.

**FINANCIAL/BUDGET IMPLICATIONS:**

An amount of \$39,000 has been included in the 2006/07 budget to undertake the above works. This amount includes the total grant received from the Department for Planning and Infrastructure of \$15,838.00.

**COMMENTS:**

As indicated in the previous report presented to the Council in July 2005, the completed projects have contributed greatly to highlighting the cultural and environmental richness within the Town and, in particular, the land pertaining to the former wetlands system. The sections of the trail previously completed, in particular the path network through Robertson Park, are very popular and have attracted many more patrons to these areas.

The completion of this section of the path through Stuart Street Reserve will provide an additional accessible link through the Town and be a step further to completing this project, which is gaining interest and momentum.

**10.3.1 Meals on Wheels Delivery Options**

<b>Ward:</b>	Both	<b>Date:</b>	15 September 2006
<b>Precinct:</b>	All	<b>File Ref:</b>	CMS0016
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	J Anthony		
<b>Checked/Endorsed by:</b>	M Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on the service provision options for the Meals on Wheels service to Town of Vincent residents; and*
- (ii) *APPROVES payment to Rosewood Care Group subject to:*
  - (a) *payment being made in two (2) instalments in the first (September) and third (March) quarters of the financial year 2006/07 without the need for a further report to Council; and*
  - (b) *the additional \$6,000 being subject to the Town receiving and accepting a project proposal which demonstrates clear benefits to the Town.*

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**COUNCIL DECISION ITEM 10.3.1**

**Moved Cr Farrell, Seconded Cr Torre**

*That the recommendation be adopted.*

**Debate ensued.**

**CARRIED (9-0)**

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**PURPOSE OF REPORT:**

To report on the alternative meals on wheels service options available to the Town.

**BACKGROUND:**

At the Ordinary Council meeting on 22 August 2006, the following recommendation was adopted;

*"That Council;*

- (i) *RECEIVES the report on the provision of Meals on Wheels to Town of Vincent residents as provided by Rosewood Care Group;*

- (ii) *NOTES that subject to clause (iv) it ADVISES:*
- (a) *that the payment to Rosewood Care Group is to be made in two (2) instalments for the financial year first (September) and third (March) quarters; and*
  - (b) *that the additional \$6,000 will be subject to the Town receiving and accepting a project proposal which demonstrates clear benefits to the Town;*
- (iii) *NOTES that:*
- (a) *Rosewood's industrial issue is not a matter for the Town to be involved in, however, they be advised that they should take all appropriate measures to address the "perceived unfair" treatment of their employees (which resulted in adverse publicity); and*
  - (b) *the Meals on Wheels service will be monitored and, if necessary, a further report will be provided in late 2006/early 2007; and*
- (iv) (a) *REQUESTS the Chief Executive Officer to immediately investigate alternative meals on wheels services available to the Town, including details of the costs of the other services, employee/management history, current contract of employment practices, food preparation practices and standards and report back to the Council in September 2006; and*
- (b) *upon receiving the further report from the Chief Executive Officer, that the proposed payment of the third quarter instalment to Rosewood Care Group be referred to the Council for reconsideration."*

The Meals on Wheels service is for residents who are unable to prepare their own meals. A referral to the agency is generally made by the person themselves, relatives, hospitals, doctors or even a caring friend. All meal recipients are assessed for eligibility by the agency using the Home and Community Care (HACC) criteria.

Rosewood Care has received funding from the Town of Vincent through applying for the annual Community and Welfare Grants scheme since 1995.

#### **DETAILS:**

Meals on Wheels services that are available to the Town's residents are primarily funded by the Home and Community Care (HACC) Program, which is a cost-shared program between the Commonwealth and State/Territory governments. It provides funding for services that support people who live at home and whose capacity for independent living is at risk of premature or inappropriate admission to long term residential care.

The HACC Program is a key provider of community care services to frail aged people and younger people with disabilities, and their carers. The target population is persons living in the community who, in the absence of basic maintenance and support services provided or to be provided within the scope of the Program, are at risk of premature or inappropriate long term residential care, including older and frail persons, with moderate, severe or profound disabilities and younger persons with moderate, severe or profound disabilities.

The process for securing a contract for HACC services is a complex and rigorous process requiring an agency to firstly apply to be an approved service provider prior to applying for funding contracts with HACC. Services that are funded need to demonstrate that they are in line with identified regional priorities as determined by HACC. This includes service models and operational procedures for service delivery being approved by HACC.

Rosewood Care group are a HACC contracted service provider for meals on wheels, meals at centre and assessments for HACC eligible residents in the Town of Vincent. They also service other areas in the western suburbs with the exception of the areas in the City of Subiaco. Meals cost \$5.00 per person per day. Meals are delivered to 97 residents of the Town per day. A nutritionally balanced, chilled two course meal is delivered by volunteers Monday to Friday and frozen meals are available if required for weekends and public holidays.

Other service providers in close proximity include the following:

*City of Stirling*

The City of Stirling are an approved HACC service provider and have been providing Meals on Wheels for approximately 26 years, building a state of art kitchen in 2001. They deliver over 600 meals per day for residents in the City of Stirling plus provide support to two other local government areas for such services. The service is HACCP accredited, providing a two course meal plus juice at the cost of \$5.50 to the client. The kitchen is utilised at a 65 percent level with opportunities to increase capacity.

*City of Subiaco*

City of Subiaco are in a similar position of providing meals for residents in their City and having kitchens which are under utilised. A three course meal is delivered at a cost of \$5.80 to the client.

Discussions with representatives from the City of Subiaco revealed that whilst they would be happy to undertake the cooking of the meals for the Town of Vincent, they would not be able to coordinate the delivery of the meals to the residents. Under such an arrangement, the Town would be responsible for recruiting and coordinating volunteers plus coordinate the delivery of the meals to residents in the Town.

*City of Perth*

The Rod Evans Community Centre delivers meals at a cost of \$6.50 to the resident which comprises of a 3 course meal. They are a registered HACC provider. However, they have also indicated that whilst their kitchen has the capacity to increase the number of meals to cater for Town of Vincent clients, the issue of additional volunteers and delivery of meals would need to be further investigated.

The decision to contract service providers for Meals of Wheels services rests solely with the HACC programme and not with the Town of Vincent. Discussions with the HACC representative indicate that if the Town withdraws funding from a HACC service provider, HACC would not top up the funding of that agency to make up the shortfall. Similarly, HACC would not withdraw funding from the agency if it continues to meet with the targets and objectives of the service contract. Given the hypothetical that the Town wants to partner with another agency to provide meals on wheels for the Town's residents, HACC would not withdraw funding from an agency and re distribute to the Town's preferred agency, if the current agency continues to meet its service obligations. Given the service history of Rosewood and its commitment to providing HACC services, it is also unlikely that HACC would withdraw funding if it continues to meet its contractual obligations with HACC.

The Rosewood Care Group wrote a letter to the Mayor and Elected members dated 8 September 2006 following the report to Council on 22 August 2006.

In summary the letter stated that the Rosewood Care Group had concerns with some of the details contained in the report, in particular the reference to the 'perceived unfair treatment' to Rosewood employees.

The letter explained that the Board and Management of Rosewood held fairness displaced employees at the forefront of its thinking and actions. The following outlines the major points raised in the Rosewood letter:

- Rosewood ensured that every employee entitlement was satisfied including statutory redundancy and full term employment notice.
- To maximise opportunity for its employees, Rosewood negotiated a provision with the successful contract caterer under which applications for employment from displaced rosewood employees would be welcome.
- Rosewood offered re-employment and counselling benefits for displaced employees.
- Rosewood avoided specific comment in the media as it believes to do so may disadvantage certain past employees.
- One of the areas of particular concern was that Rosewood's conduct emanated from reported comments that the employees were displaced with little notice for food security reasons. This may well be normal practice in food related industries.

Rosewood believes that the possibility of this occurring was low. The letter advises that Rosewood regrets any implication that catering employees were in some way untrustworthy and has offered to make a reasonable public apology to redress this matter. The wording of a reasonable public apology is still under consideration.

Rosewood advise that the ongoing 'perceived unfairness' and ongoing media attention issues is having an impact on the confidence of the Meals on Wheels recipients, with some contacting Rosewood regarding the continuance of the services.

In summary, Rosewood generally agreed with the accuracy of the report, however they wished to discuss some of the facts with the Town's officers and would be pleased to participate in any service review.

Subsequent to the receipt of this letter, in regard to the reasonable public apology, it is advised that it is understood that agreement has almost been reached on the wording of the public apology to the satisfaction of the past employees.

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

Nil.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2005 – 2010 Key Result Area 2.2

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

**FINANCIAL/BUDGET IMPLICATIONS:**

The Town of Vincent has increased the contribution to Rosewood Care from \$12,000 to \$18,000 as listed in the 2006/2007 Financial Budget.

**COMMENTS:**

As reported to Council previously, the most significant effect for the organisation as a result of negative exposure and publicity was the loss of volunteers at the Cleaver Street kitchen. The organisation has been actively trying to recruit volunteers who are critical for the success of the service being delivered to the Town's residents. Officers who have met with staff managing the service believe that there is a genuine concern for the welfare of the customers who are essentially frail aged seniors living in the community who need such an important community service.

It is important for the continuity of the service that the issue of funding be resolved promptly to ensure that staff and clients are not exposed to rumours about the future of the organisation and the service. Any disruption to the service through negative publicity has the unfortunate consequence of having a negative impact on the service's vulnerable clientele, i.e. people with disabilities and frail aged seniors.

As previously advised, to date, there have been no major complaints received by officers regarding the service.

It is pleasing to note that it is understood that agreement has almost been reached between Rosewood and certain past employees on the wording of a public apology, which had been requested by the Mayor and Deputy Mayor in a meeting with the Deputy President of the Board.

The review of other service providers in the proximity suggests that there would be no benefit to the Town in changing the current provider as HACC is the determining funding body and the Rosewood service would continue. There would be additional organisational requirements for the Town to organise and coordinate volunteers for the delivery of meals, if one of the other service providers was preferred.

It is therefore recommended that the recommendation be supported to allow the current service to continue and alleviate any concerns for the continuation of the service by the recipients.

**10.2.6 Proposed Mounts Bay Main Drain Diversion Project - Progress Report**

<b>Ward:</b>	South	<b>Date:</b>	19 September 2006
<b>Precinct:</b>	Oxford Centre P4	<b>File Ref:</b>	ORG0050
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	C Wilson; R Lotznicker		
<b>Checked/Endorsed by:</b>		<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the progress report on the proposed Avenue Carpark Mounts Bay Main Drain Diversion Project;
- (ii) **NOTES** that;
  - (a) an amount of \$495,000 has been allocated in the 2006/2007 budget for the Main Drain Diversion through The Avenue Car Park;
  - (b) the projected cost increase of the Main Drain Diversion is now estimated to cost in the order of \$512,000; and
  - (c) if required, sufficient funds have been included in the overall Leederville Masterplan budget allocation to fund the shortfall of the Main Drain diversion project;
- (iii) **ADVISES** the Water Corporation of Western Australia that it would like the works for the Main Drain diversion to proceed as scheduled, i.e. commence in October 2006, subject to;
  - (a) ensuring that disruption to adjoining businesses is kept to an 'absolute' minimum for the duration of the project;
  - (b) ensuring that access in The Avenue Car Park is maintained as best as practicable during the works and that the works be completed/reinstated at the conclusion of each day's operation;
  - (c) immediately advising the Town of any potential cost escalations associated with the project ;
  - (d) keeping the Town's representative, the Executive Manager Technical Services, and ALL affected businesses, fully informed on the project progress "on a daily basis"; and
  - (e) arranges a 'start up' meeting with the Town, and other stakeholders as soon as practical prior to the commencement of the works; and
- (iv) **RECEIVES** a further 'progress report' as required on the project and final financial implications.

**Moved Cr Farrell, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (9-0)**

**At 8.15pm** **Moved Cr Chester, Seconded Cr Ker**

*That Item 10.2.6 - Proposed Mounts Bay Main Drain Diversion Project - Progress Report which was moved "en bloc" be recommitted.*

**CARRIED (9-0)**

**Moved Cr Chester, Seconded Cr Torre**

*That the recommendation be adopted.*

Debate ensued.

**Moved Cr Chester, Seconded Cr Ker**

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

*"(iv) RECEIVES a further 'progress report' as required on the project and final financial implications, including:*

*"(a) Confirmation by a qualified professional experienced in redevelopment that the backfilling of the redundant Sewers and Drain will not impose a significant restriction on the Town's options to redevelop the site;*

*(b) Identification of the cost of remediation of the land including the removal of the redundant Sewers and Drains after they have been backfilled."*

**AMENDMENT CARRIED (9-0)**

**MOTION AS AMENDED CARRIED (9-0)**

**COUNCIL DECISION ITEM 10.2.6**

*That the Council;*

*(i) RECEIVES the progress report on the proposed Avenue Carpark Mounts Bay Main Drain Diversion Project;*

*(ii) NOTES that;*

*(a) an amount of \$495,000 has been allocated in the 2006/2007 budget for the Main Drain Diversion through The Avenue Car Park;*

*(b) the projected cost increase of the Main Drain Diversion is now estimated to cost in the order of \$512,000; and*

- (c) *if required, sufficient funds have been included in the overall Leederville Masterplan budget allocation to fund the shortfall of the Main Drain diversion project;*
- (iii) *ADVISES the Water Corporation of Western Australia that it would like the works for the Main Drain diversion to proceed as scheduled, i.e. commence in October 2006, subject to;*
  - (a) *ensuring that disruption to adjoining businesses is kept to an 'absolute' minimum for the duration of the project;*
  - (b) *ensuring that access in The Avenue Car Park is maintained as best as practicable during the works and that the works be completed/reinstated at the conclusion of each day's operation;*
  - (c) *immediately advising the Town of any potential cost escalations associated with the project ;*
  - (d) *keeping the Town's representative, the Executive Manager Technical Services, and ALL affected businesses, fully informed on the project progress "on a daily basis"; and*
  - (e) *arranges a 'start up' meeting with the Town, and other stakeholders as soon as practical prior to the commencement of the works; and*
- (iv) *RECEIVES a further 'progress report' as required on the project and final financial implications, including:*
  - (a) *Confirmation by a qualified professional experienced in redevelopment that the backfilling of the redundant Sewers and Drain will not impose a significant restriction on the Town's options to redevelop the site; and*
  - (b) *Identification of the cost of remediation of the land including the removal of the redundant Sewers and Drains after they have been backfilled.*

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

The purpose of this report is to advise Council of the impending commencement of work on the diversion of the Mounts Bay Main Drain that currently traverses the Avenue Carpark in Leederville and associated cost implications.

#### **BACKGROUND:**

At its Ordinary Meeting of 24 May 2005, Council received a report on the proposal of the Water Corporation of Western Australia to commence preliminary design for the proposed Stage 5 of the Perth Main Sewer Upgrade Project through the Oxford Centre Precinct.

The report advised that a portion of the Perth Main Sewer, located within the Water Corporation's reserve bisecting the Oxford Centre Precinct in general, and 'The Avenue' Car Park specifically, was to be replaced. The original sewer was constructed in stages in the late 1800s and early 1900s and was reaching the end of its serviceable life.

However, in order to ensure that the existing sewer remained operational during the construction phase, the new sewer was to be laid on another alignment via Leederville Parade.

As a result of the report, Council saw an opportunity to rationalise the land holdings comprising 'The Avenue' Car Park. It was considered that if the Main Sewer and the Water Corporation Reserve within which it is located, were removed, it would leave an unencumbered site (The Avenue Car Park land) enabling feasible redevelopment options to be further progressed.

To achieve the above aim, the Mounts Bay Main Drain (which is currently co-located within the reserve and laid parallel to the Main Sewer) would also need to be relocated, however, given its good condition the Water Corporation had no intention of relocating it as part of the Sewer works.

As a consequence, the Town entered into negotiations with the Water Corporation to realign the portion of the Main Drain through 'The Avenue' Car Park to facilitate the aforementioned rationalisation of the land parcels comprising the car park area.

#### **DETAILS:**

##### **Perth Main Sewer Upgrade Project**

A significant portion of the Stage 5 of the Perth Main Sewer Upgrade Project has now been completed. The new 1800mm diameter reinforced concrete sewer has been laid, using directional drilling along the length of Leederville Parade. The remaining work involves the construction of the reticulation sewers to connect the existing network to the new main sewer. As a consequence, there will be further disruption within the Oxford Centre Precinct over the coming months.

At its Ordinary Meeting of 13 September 2005 the Council received a report titled "*Leederville Masterplan Project – Progress Report No. 2 and Approval to Call for a Tender for Consultants*".

As the title suggests, the report mainly dealt with the proposal to call a *Tender for Consultants* (specific to the Masterplan), however, it also outlined the proposal for the Town to fund the re-alignment of the Mounts Bays Main Drain through the Avenue Carpark.

The report advised, in part, that:

*'The Town's officers have been liaising with officers from the Water Corporation regarding various aspects including the relocation of the main drain and the transfer of the Water Corporation land to the Town.*

- *Water Corporation land comprising the Main Drain and Main Sewer*

*With regards the proposed land transfer, the Water Corporation were requested to provide advice regarding whether there were any impediments to the sale (transfer) of part of their land to the Town resulting from it having been acquired by resumption. Also as part of the land still had the designation "Drain Reserve", on the title Vol 1659 Fol 262. Water Corporation were requested whether there was a requirement for this designation to be lifted prior to the sale (transfer).*

...

- Proposed relocation of Main Drain and Sewer Works

...

*The Water Corporation has prepared preliminary design plans for the relocation of the main drain on the Town's behalf and these have been incorporated with the proposed sewer design so that the entire project can be carried out as one job.*

*The Water Corporation has requested that the Town formally advise them that it agrees to fund the relocation of the main drain in exchange for the land owned by the Water Corporation which currently traverses The Avenue Car Park being transferred to them. (The Council previously approved of the matter "in principle")'*

At the conclusion of the discussion the Council made, in part, the following decision:

- (v) *ADVISES the Water Corporation that it approves of the:*
  - (a) *relocation of the existing 1,050 diameter main drain contained within The Avenue Carpark reserve to a new alignment which would run at the rear of the Oxford Street properties subject to detailed plans and costings of the proposed works up to a maximum \$450,000 being submitted to the Town for approval; and*
  - (b) *offer from the Water Corporation to cede to the Town, at \$1.00 (plus GST), the redundant portion of the reserve land (comprising up to 784m<sup>2</sup>) located within The Avenue Carpark land on Certificate of Titles 1659/262 and 1054/163, once the main sewer has been decommissioned and the main drain has been realigned;*
- (vi) *LISTS for consideration an amount of \$450,000 in the 2006/2007 Budget for reimbursement to the Water Corporation for carrying out drainage relocation in The Avenue Carpark;*

### **Revised Costs**

Since the Water Corporation's mid 2005 preliminary project cost estimate of \$450,000, prices for civil engineering projects have risen rapidly. Therefore, as part of the 2006/07 budget preparation process, the Water Corporation was requested to provide a revised estimate. As a consequence, and on the advice received at the time, an additional \$45,000 was allocated in the 2006/07 budget, increasing the project budget to \$495,000.

However, as of 9 September 2006, the Water Corporation has advised of further price increases. The revised lump sum contract price is now \$511,664.00 (GST exclusive).

Note While the issue of decommissioning the redundant portion of the Main Sewer has been raised with the Water Corporation on several occasions, they are insistent, as will be the case with the Main Drain, that they are required to stabilise/make safe the structure by back filling it with a suitable material. Further, the Town cannot completely absolve or assume the Water Corporation's future public liability if either the sewer or drain were to collapse as result of not having undertaken this work.

### **Works Schedule.**

The Water Corporation's contractor, DJ & MB MacCormick, has advised they are now poised to commence the Mounts Bay Main Drain Diversion section of the project.

It is anticipated that works will commence in early October and should take three to four weeks to completion. Unlike the Main Sewer works, the drain cannot be installed by directional drilling methods and will require an 'open trench'. This is primarily because of the constraints of the site, the shorter sections involved and the extremely flat grades, requiring greater precision in the laying of the pipes.

However, in order to minimise the disruption within the carpark, the trench will be excavated segmentally, several pipe sections laid, and the trench backfilled.

The critical point will be the proposed inspection chamber adjacent to the entrances to the IGA Supermarket and the Tip Top Mall (leading to Oxford Street), as shown on the attached plan, AH98-002-011.

DJ & MB MacCormick's Project Supervisor is currently finalising the works schedule.

#### **Minimising the impact upon the carpark and surrounding businesses**

Once the works schedule is presented to the Town, it is proposed to contact the individual business proprietors to advise them of the impending works. It will be impressed upon the contractor that all reasonable measures are to be taken to minimise the disruption to the businesses and that access is to be maintained at all times.

Further, the Manager of the Town's Ranger Services and Community Safety section has been advised of the works and a meeting has been arranged to develop a management plan.

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

To be advertised in the local newspapers.

#### **LEGAL/POLICY**

Nil.

#### **FINANCIAL/BUDGET IMPLICATIONS:**

The Town has allocated \$495,000 in the 2006/2006 Budget for the main Drain Diversion. The current estimated cost of the project is in the order of \$512,000 (approximately \$17,000 more than what is currently allocated on budget for this specific project).

Given the construction cost escalations in recent times, cost increase of over 3% (over the budgeted amount) is considered reasonable.

The final cost will not be known until the conclusion of the project, once the contractor has submitted the final invoices, however, the Water Corporation are confident that no significant cost escalation will occur.

#### **STRATEGIC IMPLICATIONS:**

This proposal is in keeping with the Town's Strategic Plan 2005-2010, Key Result Areas 1.4, 3.2, 3.3 and 3.3(a) and (c) as follows;

- 1.4 *Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment - Infrastructure Improvements "g) Work with Stakeholders to develop strategies for improved drainage, stormwater conveyance and improved water quality."*

3.2 *"Develop business strategies that provide a positive triple bottom line return for the Town",*

**COMMENTS:**

The Town previously made a commitment to proceed with the Main Drain diversion project which will have long term benefits for the Oxford Centre Precinct. The Main Drain diversion would not have been feasible if the Main Sewer upgrade had not required to be upgraded.

The Council has used this opportunity to achieve a largely unencumbered site for The Avenue Car Park and the economies of scale were available to achieve this outcome.

It is recommended that the Council advises the Water Corporation that it acknowledges the project cost escalations and requests that the Main Drain diversion proceeds as recommended.

**10.4.3 Proposed Amendment to Policy No. 1.2.3 Contracts for the Supply of Goods and/or Services**

Ward:	-	Date:	20 September 2006
Precinct:	-	File Ref:	ADM0023
Attachments:	<a href="#">001</a>		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:		Amended by:	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **APPROVES BY AN ABSOLUTE MAJORITY** the following amendments to Policy No. 1.2.3 - “Contracts for the Supply of Goods and/or Services”;
  - 1(ii) *Increase from \$2,000 to \$5,000 as the minimum level required to obtain three (3) written quotes;*
  - 1(iii) *Change the range from \$500 to ~~\$5,000~~ \$4,999 as the minimum required for three (3) oral quotations; and*
- (ii) *NOT advertise the policy amendments for community consultation as they relate to the Town’s administration work practices and have no impact on the community.*

**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 Ker

*That the recommendation be adopted.*

Debate ensued.

Moved Cr Ker, Seconded Cr Farrell

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

- “(i) **APPROVES BY AN ABSOLUTE MAJORITY** the following amendments to Policy No. 1.2.3 - “Contracts for the Supply of Goods and/or Services”;
  - 1(ii) *Increase from \$2,000 to \$5,000 as the minimum level required to obtain three (3) written quotes;*
  - 1(iii) *Change the range from \$500 to \$4,999 as the ~~minimum required~~ range for three (3) oral quotations; and”*

**AMENDMENT CARRIED (9-0)**

**MOTION AS AMENDED**  
**CARRIED BY AN ABSOLUTE MAJORITY (9-0)**

**COUNCIL DECISION ITEM 10.4.3**

*That the Council;*

- (i) ***APPROVES BY AN ABSOLUTE MAJORITY the following amendments to Policy No. 1.2.3 - "Contracts for the Supply of Goods and/or Services";***
- 1(ii) ***Increase from \$2,000 to \$5,000 as the minimum level required to obtain three (3) written quotes;***
- 1(iii) ***Change the range from \$500 to \$4,999 as the range for three (3) oral quotations; and***
- (ii) ***NOT advertise the policy amendments for community consultation as they relate to the Town's administration work practices and have no impact on the community.***
- 

**PURPOSE OF REPORT:**

To obtain the Council approval for proposed amendments to Policy No. 1.2.3 "Contracts for the Supply of Goods and/or Services".

**BACKGROUND:**

The minimum level of \$2,000 for the requirement to obtain three written quotes has been the generally accepted level in the Local Government industry for a significant period of time. At the Town of Vincent it has been the minimum level since 1997, when this policy was first adopted.

In recent times, the minimum level of \$2,000 has been questioned, as prices have increased and the economic environment has become buoyant. A number of Local Government's have now increased this minimal level to improve efficiency.

**DETAILS:**

It has become increasingly difficult for the administration to obtain the required number of quoted from contractors and service providers for good and services when the value is between \$2,000 and \$5,000.

Standard orders for commonly used items are now less than \$2,000 (for example a pallet of A4 size white paper is \$2,500 a full restock of standard envelopes is less than \$2,000).

As a result, many companies consider the level of \$2,000 too low an amount to allocate resources to prepare quotes for this value and decline the offer.

The current buoyant economic climate is not assisting in this regard with many goods and service providers having significant work on hand and therefore can select what work they are prepared to quote on.

The relevant officers are therefore spending more time attempting to source companies interested in submitting quotes for the work.

The following statistical information illustrates the number of orders that required three written quotes to be obtained at the Town since 1 September 2005 in the dollar value ranges up to \$49,999 (after which a tender is required);

<i>Dollar value range</i>	<i>Number of Quotations</i>
\$2,000 to \$5,000	385
\$5,000 to \$10,000	53
\$10,000 to \$20,000	42
<u>\$20,000 to \$49,999</u>	<u>48</u>
Total	528

The Town's Purchasing Officer contacted WALGA for information on the minimum level that other Councils used for obtaining three written quotes. They were interested in this information although they did have the information themselves. The Purchasing Officer emailed all the Councils in Western Australia and, to date, eight responses have been received from the following Councils;

- Bassendean
- Bridgetown
- Bunbury
- Cambridge
- Cockburn
- Nedlands
- Perth
- Stirling

From the eight responses, the following information was received.

Five (5) Councils had the minimum level for three written quotes at \$5,000  
Two (2) Councils had the minimum, level for three written quotes at \$10,000  
One (1) Council had the minimum level for three written quotes at \$3,000

The Tender and Purchasing Guidelines as provided by the West Australian Local Government Association (WALGA) have the following levels:

Less than \$1,000 – one verbal quotation is required.

Between \$1,000 and \$9,999 – at least two verbal or written quotations are required

Between \$10,000 and \$49,999 – at least three written quotations.

It is therefore proposed that the minimum level for obtaining three (3) written quotes be increased from \$2,000 to \$5,000 and also that as result of this change that the range for the values for the requirement for obtaining three oral quotes is increased from \$500 to \$2,000, to \$500 to \$4,999.

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

It is recommended in this instance that as the amendments involve the Town's administration work practice and have no impact on the community that they not be advertised in accordance with the Community Consultation Policy.

**LEGAL/POLICY:**

Local Government Act 1999 Functions and General Regulations Policy No. 1.2.3 - Contracts for the Supply of Goods and/or Services.

**STRATEGIC IMPLICATIONS:**

N/A.

**FINANCIAL/BUDGET IMPLICATIONS:**

N/A.

**COMMENTS:**

The increase in the dollar value level from \$2,000-\$5,000 should enable the Town to be able to obtain three (3) competitive written quotes for the provision of goods and services. This will bring the Town into line with the industry benchmarks. It is therefore recommended that this recommendation be supported.

**10.4.5 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	20 September 2006
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	A Smith		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Information Bulletin dated 26 September 2006, as distributed with the Agenda, be received.*

**COUNCIL DECISION ITEM 10.4.5**

**Moved Cr Farrell, Seconded Cr Torre**

*That the recommendation be adopted.*

**Cr Chester departed the Chamber at 8.20pm.**

**Moved Cr Maier, Seconded Cr**

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

*“(ii) the Council REQUESTS that the Chief Executive Officer provide a report to Council dealing with the findings of the State Administrative Tribunal relating to 412-414 Fitzgerald Street, North Perth (Matter Nos DR123/2006 and DR124/2006) and the report should include, but not be limited to, the actions taken by the Town’s staff in relation to this matter, the Town’s cost for defending the Appeal as well as the costs awarded against the Town and the steps that can be taken to ensure that a similar situation does not occur in the future.*

**The Presiding Member ruled that this should be submitted as Notice of Motion to a future meeting.**

**MOTION CARRIED (8-0)**

**(Cr Chester was absent from the Chamber and did not vote.)**

**DETAILS:**

The items included in the Information Bulletin dated 26 September 2006 are as follows:

ITEM	DESCRIPTION
IB01	Operational Guidelines on Roles and Responsibilities between participating Metropolitan Local Government Authorities and the Department of Environment and Conservation with respect to Pollution Incidents, Noise and Complaints (12 month trial) ENS0084
IB02	Letter from State Administrative Tribunal – Morea Architects v Town of Vincent. Copy of reasons for decision and orders made. DR 123 of 2006 and DR 124 of 2006
IB03	Letter from State Administrative Tribunal – Jones v Town of Vincent. Attaching orders made on 1 September 2006. DR 265 of 2006

**11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES**

**12.1 Western Australian Planning Commission - North-West District Planning Committee**

<b>Ward:</b>	-	<b>Date:</b>	19 September 2006
<b>Precinct:</b>	-	<b>File Ref:</b>	ORG0045
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	M McKahey		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That \_\_\_\_\_ be nominated as the Council's representative on the Western Australian Planning Commission's (WAPC) North-West District Planning Committee.*

Cr Chester returned to the Chamber at 8.22pm.

The Presiding Member advised that he had received a nomination from Cr Ker.

**COUNCIL DECISION ITEM 12.1**

**Moved Cr Farrell, Seconded Cr Chester**

*That Cr Ker be nominated as the Council's representative and Cr Farrell as the Deputy on the Western Australian Planning Commission's (WAPC) North-West District Planning Committee.*

The Presiding Member thanked Cr Chester on behalf of the Council for his services in representing the Town on this Committee.

Received with acclamation.

**CARRIED (9-0)**

**PURPOSE OF THE REPORT:**

To seek a nomination from an Elected Member to the Western Australian Planning Commission's (WAPC) North West District Planning Committee, due to the resignation of Councillor Simon Chester.

**BACKGROUND:**

Councillor Simon Chester has advised that due to work and family commitments, he cannot continue to adequately represent the Town of Vincent on the Western Australian Planning Commission's North-West District Planning Committee and resigns from the position effective from Friday 22 September 2006.

The WAPC has created a number of regional and special purpose committees to assist with its land use planning activities across the State. The power to create a committee is provided under schedule 2 of the *Planning and Development Act 2005*. The WAPC sets the membership and terms of reference for these committees. The district planning committees of the Perth Metropolitan Region are created under the Act. The committees have members from local governments in the districts and provide a forum for discussion and recommendations on regional planning issues.

The North West District Planning Committee (NWDPC) comprises Elected Members (voting rights) and Officers (non-voting rights) from the Town of Vincent and the Cities of Stirling, Wanneroo and Joondalup.

The Town's representatives on the NWDPC are Councillor Simon Chester who has been on this Committee since 2003, who is also the chairperson of the Committee and the Executive Manager Environmental and Development Services; while Councillor Ian Ker and the Manager Planning, Building & Heritage Services are the respective Deputies.

### 13. URGENT BUSINESS

The Presiding Member advised that there was a matter to be considered as Urgent Business relating to Cr Maier's Apology.

At 8.23pm Moved Cr Ker, Seconded Cr Torre

*That the meeting proceed "behind closed doors" to discuss the matter relating to Cr Maier's Apology.*

Cr Lake, Executive Managers and Minutes Secretary departed the Chamber.

**CARRIED (7-1)**

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

Moved Cr Torre, Seconded Cr Farrell

*That the Council:*

- (i) *Reiterate its Censure of Cr Maier as resolved at the Ordinary Meeting of Council held on 12 September 2006;*
- (ii) *REQUESTS Cr Maier to apologise as required by the Council decision of 12 September 2006; and*
- (iii) *WITHDRAWS all Council privileges (other than those prescribed by law) from Cr Maier until the requested apology is made at an Ordinary Meeting of Council.*

**CARRIED (7-0)**

(Crs Lake and Maier were absent from the Chamber and did not vote.)

Crs Lake and Maier, Executive Managers and Minutes Secretary returned to the Chamber at 8.56pm.

The Presiding Member advised Cr Maier of the Council's decision.

**14. CONFIDENTIAL REPORTS (*Behind Closed Doors*)**

**14.1 CONFIDENTIAL REPORT - Nos. 364-366 (Lot 61 D/P: 1197) Lord Street, Highgate - Proposed Demolition of Existing Semi-Detached Dwellings**

<b>Ward:</b>	South	<b>Date:</b>	18 September 2006
<b>Precinct:</b>	Banks; P15	<b>File Ref:</b>	PRO1360; 5.2006.383.1
<b>Attachments:</b>			
<b>Reporting Officer(s):</b>	S Kendall		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 demolition and/or redevelopment of property/place as the matter contains sensitive personal and/or financial information.*

**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it relates to the Town's position concerning the possible heritage value of the property and sensitive information relating to property ownership.

**COUNCIL DECISION ITEM 14.1**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission of the application submitted by the Western Australian Planning Commission for proposed Demolition of Existing Semi-Detached Dwellings, at Nos. 364-366 (Lot 61 D/P: 1197) Lord Street, Highgate, and as shown on plans stamp-dated 8 August 2006, subject to the following conditions:*

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

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

**Moved Cr Farrell, Seconded Cr Torre**

*That the recommendation be adopted.*

Debate ensued.

Cr Torre departed the Chamber at 9.05pm.

**LOST (0-8)**

(Cr Torre was absent from the Chamber and did not vote.)

**Reasons:**

1. **The Council believes the place warrants heritage listing and consideration for inclusion on the Town's Municipal Heritage Inventory.**
2. **The Town is prepared to offer incentives for the retention of the place and further development of the site.**
3. **The form of the existing houses is more appropriate than the proposed alternative and forms part of a relatively intact portion of Lord Street and contributes to the streetscape.**
4. **The proposed single storey single house is an underdevelopment of the site, which would support higher density and affordable housing residential development.**

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<b>Landowner:</b>	Western Australian Planning Commission
<b>Applicant:</b>	Western Australian Planning Commission
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
<b>Existing Land Use:</b>	Semi-Detached Dwellings
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	556 square metres
<b>Access to Right of Way</b>	Eastern side, 4 metres wide, sealed and Town owned.

**BACKGROUND:**

13 September 1999

The Council at its Ordinary Meeting carried the recommendation to list the subject property at Nos. 364-366 Lord Street, Highgate on the Town of Vincent Municipal Heritage Inventory (MHI).

6 December 1999

The Council refused an application, submitted by the Western Australian Planning Commission (WAPC), for the demolition of the subject dwellings on the basis that the place was included on the Town's MHI and that the place had rarity value, aesthetic contribution to the streetscape and contribution to the community's sense of place.

25 March 2003

The Council recommended refusal of an application, submitted by the WAPC, for the demolition of the subject dwellings on the basis that the places had local heritage and were listed on the Town's MHI. The Council authorised the Chief Executive Officer to write to the Minister for Housing and Works, the Minister for Planning and Infrastructure, Minister for Heritage and the Local Member of State Parliament to inform them of the Council's support for the retention of the place and to request their support for and action in the retention of the place.

**DETAILS:**

The proposal, which was submitted on 8 August 2006 by the WAPC, involves the demolition of the semi-detached pair of dwellings at Nos. 364-366 Lord Street, Highgate. The application also included a hypothetical building plan for a new single storey single house, at the above site, to show the area of the lot that is surplus to the road widening can support future development. The proposed single house fully complies with the relevant development requirements. This building plan is included as an attachment for the Council's information.

Prior to the receipt of the above application, the Town received a letter dated 22 June 2006, from the Minister for Planning and Infrastructure, Hon Alannah MacTiernan MLA, which requested the Council to look favourably on a pending planning application for demolition of the subject place. Whilst Minister MacTiernan advised that the unnecessary demolition of heritage places is not favoured, the retention of the subject property could not be justified, in this instance. The main points of Minister MacTiernan's letter are listed below and a copy is included with the attachment to this report:

- The WAPC purchased the property with the intention to demolish the semi-detached pair, to dedicate the future road widening and to dispose of the land for future urban renewal.
- The property has been offered to two community groups on a 'pepper-corn' rental subject to the groups being responsible for the renovations. Neither of the community groups nor the WAPC could justify the renovation costs of the building, which is impacted by the long term Lord Street road widening requirement.
- The property has the potential to create three residential dwellings with direct access to public transport.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	Noted
<b>Consultation Submissions</b>			
Support (1)	• The subject place is subject to a five metre road widening requirement.		Noted
Objection (2)	• No reason provided.		Noted
<b>Other Implications</b>			
Legal/Policy			TPS 1 and associated Policies and Residential Design Codes (R Code)
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

## COMMENTS:

### Health

The place at Nos. 364-366 Lord Street, Highgate has been the subject of a number of complaints concerning use of the place by squatters and vermin infestation. The place is listed on the Health Services internal substandard building register and is inspected on a monthly basis to ensure the condition of the property remains acceptable. The Town's Health Services subsequently encourage the demolition or refurbishment of the dwellings at Nos. 364-366 Lord Street, Highgate, to eliminate future concerns.

### Heritage

The (former) Department of Contract and Management Services previously commissioned a Heritage Assessment for the subject dwellings. This Heritage Assessment is included as an attachment to this report. A copy of the Town's Place Record Form for the place is also included as an attachment to this report.

The Statement of Significance, as commissioned by the (former) Department of Contract and Management Services found the semi-detached pair to have local cultural heritage significance for the following reasons:

- " • *the minimal adaptation to kitchens and bathrooms and retention of laundry and toilet outbuildings, represent the principal characteristics of a way of life common to many of Perth's residents early this century and are a rare example of former living standards;*
- *the place is part of a streetscape and precinct which contains a number of Federation era single residential buildings, semi-detached and terrace residential buildings which have aesthetic characteristics that contribute to the sense of place of the local community ;and*
- *the place is an early example of the typical modest Federation residential buildings which were constructed in the area north-east of the city and has local significance as part of the diversity which characterised the expansion of the metropolitan area following the gold rush era."*

Directly beneath the Statement of Significance, the Heritage Assessment states that "*should the building be retained for residential use, it is likely that adaptation to meet the current acceptable standards of living with regard to bathrooms and kitchens would significantly reduce the assessed significance.*" The place has been left vacant for a number of years resulting in the significant deterioration of the original fabric. As seen from a recent external site inspection, the original front verandah has been removed, the timber board verandah floor of No. 364 Lord Street is unstable and weathered, the iron roof is significantly rusted and large portions of mortar from the brickwork has eroded away. The place would require significant conservation works and adaptation to enable it to be fit for human inhabitation.

The place, whilst being representative of a Federation Georgian dwelling, is no longer considered to be an outstanding example of its type, as neglect and the removal of important elements of the facade have reduced its value in this respect. Whilst the place does form part of a relatively intact portion of Lord Street, streetscape value no longer forms part of the criteria of the Town's Heritage Management Assessment Policy No. 3.6.2.

The threshold for the consideration of places onto the Town's MHI has increased, with the restructuring of the MHI Management Categories and the development and refinement of the Heritage Management Policies, as part of the current MHI Review. After evaluating the place in context with the Town's Heritage Management Assessment Policy No. 3.6.2, it is considered that it no longer meets the threshold for inclusion on the Town's MHI and it is recommended that the place be approved for demolition.

It is considered appropriate that the standard redevelopment proposal condition be removed from this Planning Approval, as reflected in the Officer Recommendation given that the application included a 'hypothetical' redevelopment plan, which demonstrates a compliant residential development on the subject property.

**14.2 CONFIDENTIAL REPORT - No. 9 Bruce Street (Lot 16 D/P: 953),  
Leederville - Proposed Demolition of Existing Single House**

<b>Ward:</b>	South	<b>Date:</b>	18 September 2006
<b>Precinct:</b>	Leederville; P03	<b>File Ref:</b>	PRO1160; 5.2006.306.1
<b>Attachments:</b>			
<b>Reporting Officer(s):</b>	S Kendall		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 demolition and/or redevelopment of property/place as the matter contains sensitive personal and/or financial information.*

**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it relates to the Town's position concerning the possible heritage value of the property and sensitive information relating to property ownership.

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

*That the recommendation be adopted.*

**Cr Torre returned to the Chamber at 9.10pm.**

**Debate ensued.**

**Moved Cr Lake, Seconded Cr Ker**

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

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

**AMENDMENT CARRIED (6-3)**

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

**MOTION AS AMENDED CARRIED (6-3)**

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

#### COUNCIL DECISION ITEM 14.2

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by owners Y C & E Y Wong for proposed Demolition of Existing Single House, at No. 9 (Lot 16 D/P: 953) Bruce Street, Leederville, and as shown on plans stamp-dated 28 June 2006, subject to the following conditions:*

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) a redevelopment proposal for the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
- (iv) support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
- (v) demolition of the existing dwelling will make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community;*
- (vi) any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies;*
- (vii) any future redevelopment of the subject site shall incorporate recognition such as the installation of interpretive signage of the aesthetic and historic values of the place at No. 9 Bruce Street, Leederville, and details shall be submitted to and approved by the Town prior to the issue of a Demolition Licence and/or Building Licence, whichever occurs first; and*
- (viii) the street verge tree, Jacaranda mimosaeifolia, on Bruce Street adjacent to the subject land shall be retained and measures shall be taken to ensure its identification and protection to the satisfaction of the Town prior to commencement of site works.*

**ADDITIONAL INFORMATION:**

After receiving a copy of the Confidential Agenda Report for the demolition of No.9 (Lot 16 D/P: 953) Bruce Street, Leederville, one of the part owners of the property expressed some concern that the following information, as documented in the 'Background' section of the Agenda Report, may be misconstrued:

*"12 September 2006 The Council at its Ordinary Meeting adopted places onto the Municipal Heritage Inventory (MHI), which received no objections during the period of community and owner consultation for the MHI Review and/or are included on the State Register of Heritage Places."*

The above information was provided as contextual background regarding the current status of the MHI. There is concern that the Council may construe, from the above information, that the owners have no objection to the MHI listing. The owners do object to the listing of No.9 (Lot 16 D/P: 953) Bruce Street, Leederville on the MHI. As outlined further in the report, the applicants have requested that the demolition of the subject place be considered prior to any consideration of its listing on the MHI and that should demolition not be approved that they be given an extended period to comment on the draft listing.

**SUBSEQUENT MOTION:**

**Moved Cr Chester, Seconded Cr Ker**

*That the Town's Officers advise the applicant of the development potential, as well as the requirements/constraints on any redevelopment proposals on the subject site in light of clause (v) of Item 14.2.*

**CARRIED (9-0)**

<b>Landowner:</b>	Y C & E Y Wong
<b>Applicant:</b>	E Y Wong
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): R60
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	329 square metres
<b>Access to Right of Way</b>	South side, 10 metres wide, sealed, and privately owned.

**BACKGROUND:**

4 November 2003 The Council recommended refusal to the Western Australian Planning Commission (WAPC) for a survey strata subdivision of No.9 Bruce Street, Leederville. The proposal sought to subdivide the property to create two vacant lots both with gazetted road frontages.

12 April 2005 The Council reviewed an application to create two survey strata vacant lots on the subject site; one lot with gazetted road access to Bruce Street and the other with frontages to Ragen Alley, which is a 10 metre wide private right of way. The Council determined that the item be deferred to enable the applicant an opportunity to amend the plans lodged with the WAPC.

- 28 June 2005 The Council recommended conditional approval to the WAPC for a revised survey strata subdivision of the subject site, which involved one lot with frontage to Bruce Street and the other a frontage to Ragen Alley. The subdivision required the demolition of the existing dwelling fronting Bruce Street.
- The revised plan included a 1.5 metres wide pedestrian access way/service corridor from the proposed strata lot fronting Ragen Alley to the Bruce Street frontage to enable pedestrian access and the utility agencies to provide services to the strata lot.
- 7 February 2006 The Town of Vincent received a letter from the WAPC advising that the above survey strata subdivision application, as reviewed at the Ordinary Meeting of Council held on 28 June 2005 had been refused.
- 21 June 2006 The Town's Draft Municipal Heritage Inventory (MHI) was released for owner and public consultation. The subject place has been identified as having cultural heritage significance and has been included on the Draft MHI. However, no determination regarding this has been made.
- 12 September 2006 The Council at its Ordinary Meeting adopted places onto the Municipal Heritage Inventory (MHI), which received no objections during the period of community and owner consultation for the MHI Review and/or are included on the State Register of Heritage Places.

**DETAILS:**

The proposal involves the demolition of the existing single storey house and associated outbuildings.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	Noted
<b>Consultation Submissions</b>			
Support	Nil		Noted
Objection	Nil		Noted
<b>Response to Draft Heritage Assessment</b>			
Response (1)	The owners prepared comments in response to the Town's Heritage Officer's Draft Heritage Assessment supporting the demolition of the dwelling of the place (attached).		
<b>Other Implications</b>			
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).		
Strategic Implications	Nil		
Financial/Budget Implications	Nil		

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

**COMMENT:**

**Individual Context**

The subject weatherboard and iron house at No.9 Bruce Street, Leederville was constructed circa 1914 in the Federation Georgian style of architecture. There are thirty dwellings along Bruce Street, of these there are eleven weatherboard cottages, which were built between the years of 1914 and 1926. This clustering of weatherboard cottages on the same street from the same era is considered rare and uncommon within the Town of Vincent.

During the review of the Town's MHI, undertaken by consultants Hocking Planning and Architecture Collaboration, the subject place was identified as having cultural heritage value and categorised as Management Category B - Conservation Recommended. The Place Record Form drafted by the Heritage Consultant, on behalf of the Town, is shown as an attachment to this report. The Draft MHI was released for owner and public consultation on 21 June 2006. The period of public consultation closed on 31 August 2006. At its Ordinary Meeting held on 12 September 2006, the Council considered and adopted a number of places onto the MHI, which did not receive any written objections and/or are included on the State Register of Heritage Places. The applicants have requested that the demolition of the subject place be considered prior to its listing on the MHI and that should demolition not be approved that they be given an extended period to comment on the draft listing. The Town's Officers have indicated, if needed, that the applicants will be able to provide comment on the proposed Draft MHI listing after the Council's consideration of the demolition.

In response to the demolition application, the Town's Heritage Officers prepared a Heritage Assessment, in accordance with the Town's Policy 3.6.2: Heritage Management - Assessment for the place. A copy of the Heritage Assessment is included in the attachment to this report. Based on the findings of the Heritage Assessment, the place has been found to have local cultural significance for the following reasons:

The place has *some aesthetic value* as a good example of a workers cottage in the Federation Georgian style of architecture.

The place has *some aesthetic value* in terms of its contribution to a small precinct of Federation weatherboard cottages along Bruce Street.

The place has *some historic value* as it makes a contribution to the evolution and pattern of the history of the Town of Vincent, with particular reference to the early part of the twentieth century following the Gold Rush period.

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

The place is representative of the timber housing stock that was common to the Leederville locality during its development in the early twentieth century.

Whilst the street is recognised as being a significant precinct of weatherboard cottages, there are some late twentieth century brick and tile dwellings and modern townhouse intermittently positioned along the street that do not contribute to the significant cultural setting created by the timber dwellings. An argument has been made in the past that the intrusion of these new dwellings in conjunction with the varied setbacks and the non-authentic fencing treatments of dwellings along the street have compromised the integrity of the area's setting.

As documented in the Heritage Assessment, the place has undergone a series of changes to the original layout and detailing and a number of improvements have been made to meet the needs of the its 21st century occupants. Whilst externally the place, in conjunction with its western neighbour at No.11 Bruce Street are presented as good examples of workers cottage in the Federation Georgian style of architecture, it may be argued that internally the alterations and subsequent additions have erased the original modest intent of the dwelling and in turn reduced the level of cultural heritage significance attributed to the place.

### **Immediate Context**

The dwelling adjacent to the subject place at No.11 (Lot 17) Bruce Street, Leederville is almost identical to No.9 Bruce Street. It is to be noted that an application for the demolition and redevelopment of No.11 Bruce Street, Leederville is included as a separate report on this Agenda. An assessment of No.11 Bruce Street, Leederville has been undertaken and has found the place to be comparable in terms of cultural heritage significance to the subject place. However, No.11 (Lot 17) Bruce Street is in a very poor condition as it has not been maintained and has been left vacant for a number of years. As the place at No.11 Bruce Street has deteriorated to the point where it cannot be rectified without the removal of a majority of its significant fabric and/or prohibitive costs, it is the Officer Recommendation to the Council, that the demolition be approved.

The applicant has questioned why No.11 Bruce Street has not been included on the Draft MHI and has expressed concern that should No.11 Bruce Street be granted demolition approval it would not be fair or proper for No.9 Bruce Street to be required to be retained. The applicant has advised of the intention to construct and inhabit two dwellings on the subject site and that the retention of the subject place would financially prejudice and ultimately restrict these future plans. Although the applications are considered on an individual basis, this context is considered prudent in the Council's determination, as the Heritage Officers acknowledge that should one of the dwellings be removed, the immediate significant context would be reduced.

### **Development History of Bruce Street**

Collectively Bruce Street is considered to be a significant and rare street within the locality due its high proportion of Federation and Interwar Georgian weatherboard dwellings. In the past, the Council has considered and initially refused planning applications for the demolition of three separate weatherboard dwellings along Bruce Street. All three applications were subsequently approved by the Council after much debate and Ministerial intervention. As the circumstances surrounding these three applications are very similar to the subject application, a summary of the three previous cases is provided below for the Council's reference:

13 September 1999      The Council refused the demolition of the weatherboard and concrete tile dwelling at No.16 Bruce Street, Leederville. A planning appeal was lodged against this decision by the Council. In March 2000, Graham Kierath, the Minister for Planning, overturned the Council's decision for the following reasons: there was lack of action by the Town to identify the site or area as having local heritage significance; the relativity poor condition of the dwelling; the cost of restoration; and the ability for any redevelopment to be sympathetic and preserve the local housing character.

21 November 2000      The Council refused the demolition of the weatherboard and iron dwelling at No.10 Bruce Street, Leederville. A planning appeal was lodged in December 2000 against the Council's decision. On 25 April 2001, Hon Alannah MacTiernan MLA, Minister for Planning and Infrastructure dismissed the appeal stating *'it can be argued that, while there are examples of weatherboard housing throughout the Town, a grouping such as that found in Bruce Street can now be considered as becoming a rarity. I accept that the Town's argument that such groupings of building are becoming increasingly vulnerable to redevelopment and this provides a reason for placing a certain importance on their retention.'*

Whilst this appeal was being determined, the owner of the subject site lodged an application for the demolition of the neighbouring weatherboard dwelling at No.8 Bruce Street, Leederville. The Council resolved that the application be *'Laid on the Table'* until such time that the appeal pertaining to a nearby property of similar condition is determined by the Minister for Planning and Infrastructure. Following the Minister's determination to dismiss the appeal for No.10 Bruce Street, the subject landowner requested, on 29 May 2001, that the application to demolish the dwelling at No.8 Bruce Street, be withdrawn.

At the Ordinary Meeting of Council held on 25 September 2001, approval was sought and attained for the demolition of two existing dwellings at Nos.8 and 10 Bruce Street and for the construction of four (4) two-storey grouped dwellings. The Council provided five reasons for its decision, which included: the proposed development is consistent with the orderly and proper planning of the area; the premises are considered to have little heritage significance; the R Codes requirements are met; the Council believes that this proposed development is good for the area and that the asbestos in one of the properties is considered a health risk.

#### **Procedure and Process – Owner's View**

As specified in the Town's letter to owners of properties being considered for inclusion onto the Town's MHI, they have been advised of the Officer's Recommendation.

The owners do not want the property listed on the MHI and concur with the Officer Recommendation for demolition.

#### **Conclusion and Officer Recommendation**

The Town's Heritage Services have engaged in much internal discussion regarding the future management of the subject place on the premise that the place has been identified as having cultural heritage, which is strongly linked to its association with the remaining weatherboard cottages along the street. Complexities have arisen, as the place has been included on the Draft MHI, whilst the identical place at No.11 Bruce Street, which is in very poor condition has not been included on the Draft MHI and as a number weatherboards dwellings along the street have previously been approved for demolition. On the basis of the above, it is recommended that the Council approve the demolition of the subject place as per the Officer Recommendation.

**14.3 CONFIDENTIAL REPORT - No. 11 (Lot 17 D/P: 953) Bruce Street, Leederville - Proposed Demolition of Existing Single House and Construction of a Two (2) Storey Single House**

<b>Ward:</b>	South	<b>Date:</b>	19 September 2006
<b>Precinct:</b>	Leederville; P03	<b>File Ref:</b>	PRO3543; 5.2006.182.1
<b>Attachments:</b>	<a href="#">001 002</a>		
<b>Reporting Officer(s):</b>	E Saraceni; S Kendall		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by S Momen on behalf of the owner F & S Momen for proposed Two (2) Storey Single House, at No. 11(Lot 17 D/P: 953) Bruce Street ,Leederville, and as shown on plans stamp-dated 20 July 2006, for the following reasons:*
  - (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
  - (b) *the non-compliance with the plot ratio requirements of the Residential Design Codes which is specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements, and the non-compliance with the upper floor front/street setback requirements as specified in the Richmond Locality Statement Policy; and*
  - (c) *consideration of the objections received; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by S Momen on behalf of the owner F & S Momen for proposed Demolition of Existing Single House, at No. 11 (Lot 17 D/P: 953) Bruce Street Leederville, and as shown on plans stamp-dated 21 April 2006,subject to the following conditions:*
  - (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
  - (b) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
  - (c) *a redevelopment proposal for the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
  - (d) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
  - (e) *demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community;*

- (f) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies; and*
- (g) *any future redevelopment of the subject site shall incorporate recognition such as the installation of interpretive signage of the aesthetic and historic values of the place at No. 11 Bruce Street, Leederville, and details shall be submitted to and approved by the Town prior to the issue of a Demolition Licence and/or Building Licence, whichever occurs first.*

**COUNCIL DECISION ITEM 14.3**

**Moved Cr Torre, Seconded Cr Messina**

*That the recommendation be adopted.*

**Moved Cr Torre, Seconded Cr Messina**

*That the Item be DEFERRED as requested by the applicant.*

**CARRIED (9-0)**

**Note: The Chief Executive Officer advised that this report is now released to the public as the Council has determined the matter.**

<b>Landowner:</b>	F & S Momen
<b>Applicant:</b>	S Momen
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	331 square metres
<b>Access to Right of Way</b>	South Side, 10 metres wide, sealed, and privately owned.

**BACKGROUND:**

No specific background directly relates to the proposal.

**DETAILS:**

The proposal involves an application to demolish an existing single storey single house and the construction of a two-storey single house.

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	0.65	0.75	Not supported- as plot ratio is a development requirement not to be varied, as per the Town's Non Variation to Specific Development Requirements Policy.

Setbacks: Upper Floor- West East	2.0 metres 2.0 metres	1.52 metres 1.52 metres	Supported- as the variation is not considered to have an undue impact on adjoining land owners.
Bruce Street	6 metres	4 metres	Not supported- as the variation will have an undue impact on the amenity of the existing streetscape in terms of scale and bulk.

**Consultation Submissions**

Support (1)	Nil comments	Noted.
Objection (1)	<ul style="list-style-type: none"> <li>• concern with regard to the style and bulk of the proposed development in relation to the heritage value of the area.</li> <li>• overlooking and overshadowing.</li> <li>• impact of a 5 bedroom house on parking in the adjacent area.</li> <li>• size of proposed backyard will impede on birds sheltering in backyard.</li> </ul>	<p>Supported- the proposed development is over the maximum plot ratio requirement as stipulated in the Residential Design Codes.</p> <p>Not supported- the development is compliant with the privacy and overshadowing requirements of the R Codes and is, therefore, not considered to have an undue impact on affected neighbour.</p> <p>Not supported- the development is compliant with the car parking requirements of the R Codes.</p> <p>Not supported- not a planning issue.</p>

**Other Implications**

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

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

**COMMENTS:**

The timber and iron dwelling at No. 11 Bruce Street, Leederville was constructed circa 1914 in the Federation Georgian style of architecture. There are thirty dwellings along Bruce Street, of which eleven are weatherboard cottages, which were built between the years of 1914 and 1926. A clustering of this many weatherboard cottages on the same street from the same area is considered rare and uncommon within the Town of Vincent. However, there are some late twentieth century brick and tile dwellings along the street that do not contribute to the group of inter-war weatherboard dwellings.

Based on the results of the Heritage Assessment, the place has been found to have local cultural significance for the following reasons:

- The place has *some aesthetic value* as a good example of a workers cottage in the Federation Georgian style of architecture.
- The place has *some aesthetic value* in terms of its contribution to a small precinct of Federation and Inter-war weatherboard cottages along Bruce Street.
- The place has *some historic value* as it makes a contribution to the evolution and pattern of the history of the Town of Vincent, with particular reference to the early part of the twentieth century following the Gold Rush period.
- As a weatherboard dwelling, the place has *some rarity value* as it represents a building material that is no longer widely used in the construction of residential buildings in Perth.
- The place is representative of the timber housing stock that was common to the Leederville locality during its development in the early twentieth century.

As seen from the above stated cultural heritage values, the place is considered to be significant to the locality. However, the place is in a poor condition and considered uninhabitable. The dwelling appears to have problems associated with its iron roof, timber supports, external walls and ancillary room at the rear. Although, it is to be noted that professional advice on the structural integrity of the dwelling has not been submitted by the applicant for consideration and the place is not listed on the Town's Health Services internal substandard building register. Whilst it is generally not accepted as good conservation practise to justify the poor state of a building as a reason in itself for demolition approval, it is considered, in this instance, that the condition of the place has deteriorated to the point where it cannot be rectified without the removal of a majority of its significant fabric and/or prohibitive costs.

Whilst the Town's Heritage Officers consider Bruce Street and the subject place to have cultural heritage significance and worthy of retention it should be noted that the Council has previously approved the demolition of three weatherboards along the street. A brief background of these three cases is provided below:

13 September 1999      The Council refused the demolition of the weatherboard and concrete tile dwelling at No.16 Bruce Street, Leederville. A planning appeal was lodged against this decision by the Council. In March 2000, Graham Kierath, the Minister for Planning, overturned the Council's decision for the following reasons: there was lack of action by the Town to identify the site or area as having local heritage significance; the relatively poor condition of the dwelling; the cost of restoration and; the ability for any redevelopment to be sympathetic and preserve the local housing character.

21 November 2000      The Council refused the demolition of the weatherboard and iron dwelling at No.10 Bruce Street, Leederville. A planning appeal was lodged in December 2000 against the Council's decision. On 25 April 2001, Hon Alannah MacTiernan the Minister for Planning and Infrastructure dismissed the appeal stating '*it can be argued that, while there are examples of weatherboard housing throughout the Town, a grouping such as that found in Bruce Street can now be considered as becoming a rarity. I accept that the Town's argument that such groupings of building are becoming increasingly vulnerable to redevelopment and this provides a reason for placing a certain importance on their retention.*'

Whilst this appeal was being determined, the owner of the subject site lodged an application for the demolition of the neighbouring weatherboard dwelling at No.8 Bruce Street, Leederville. The Council resolved that the application be '*Laid on the Table*' until such time that the appeal pertaining to a nearby property of similar condition is determined by the Minister for Planning and Infrastructure. Following the Minister's determination to dismiss the appeal for No.10 Bruce Street, the subject landowner requested, on 29 May 2001, that the application to demolish the dwelling at No.8 Bruce Street, be withdrawn.

At the Ordinary Meeting of Council held on 25 September 2001, approval was sought and attained for the demolition of two existing dwellings at Nos.8 and 10 Bruce Street and for the construction of four (4) two-storey grouped dwellings. The Council provided five reasons for its decision, which included: the proposed development is consistent with the orderly and proper planning of the area; the premises are considered to have little heritage significance; the R Codes requirements are met; the Council believes that this proposed development is good for the area and that the asbestos in one of the properties is considered a health risk.

In light of the above, it is considered that whilst the place has heritage significance to the locality, its retention is not prudent or feasible due to its deteriorated condition. To recognise the place's aesthetic, historic and rarity value, it is recommended that a plaque or an alternative form of interpretation be created and be displayed on the site of the existing building. However, to maintain the rhythm and character of the southern side of Bruce Street it may be prudent to request that any new redevelopment on the site retain a single storey frontage with a two storey section at the rear.

The proposed dwelling exceeds the maximum plot ratio requirement as specified in the Residential Design Codes. The bulk and scale of the proposed development is not consistent with the existing streetscape and will have an undue impact on the amenity of the surrounding area.

In light of the above, and the objections received, the demolition is recommended for approval, subject to standard and appropriate conditions; however, the proposed two-storey single house is recommended for refusal.

At 9.15pm Moved Cr Torre, Seconded Cr Ker

*That an "open" meeting be resumed.*

**CARRIED (9-0)**

**15. CLOSURE**

**The Presiding Member, Mayor Catania JP, declared the meeting closed at 9.15pm with the following persons present:**

Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Maddalena Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicker	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 26 September 2006.

Signed: .....Presiding Member  
Mayor Nick Catania, JP

Dated this ..... day of ..... 2006