



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

27 MARCH 2007

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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 13 March 2007, commencing at 6.00pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania, JP, declared the meeting open at 6.02pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Izzi Messina - may be late due to work commitments
Cr Maddalena Torre - may be late due to work commitments

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward (from 6.37pm)
Cr Maddalena Torre	South Ward (from 6.22pm)
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Mike Rootsey	Executive Manager, Corporate Services
Rick Lotznicker	Executive Manager, Technical Services
Lindsay McPhee	Guardian Express (until 8.15pm)
Chris Thomson	The Perth Voice (until 8.15pm)

Approximately 25 Members of the Public

(c) Members on Leave of Absence:

Cr Steed Farrell - due to work commitments.

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

1. Mr Tim Wright of 85 Mary Street, Highgate - Item 10.1.5 - Stated that he has gone through a very extensive design consultation process with the planners to ensure that the development complies. Requested that clause (iii)(b) be deleted and that the Council support the application.
2. Mr Giovana Fiorre of 32/11Brentham Street, Leederville - Item 14.2 - Believes that the extra signage is needed as they are away from the hub of Leederville and that it does not affect the amenity of the area in any way. Stated that they do not have an eating house as such as the meals are not prepared on site. Requested that Council reconsider this matter.
3. Mr Keith Ross of 83 Mary Street, Highgate - Item 10.1.5 - Stated that he objects to the wall and the building setbacks.

4. Ms Stephanie Rush of 217 Brisbane Street, Perth - Item 10.1.3 - Thanked the staff for acting on their concerns. Stated that they are generally happy with the outcome but sought clarification on the use of the home entertainment system and floating timber floor and how the Town can police the use of the garage.
5. Mr Graham Norton of 307 Stirling Street, Perth - Item 10.1.1 - Stated that they have owned and occupied the land in the area for the past 80 years and strongly objects to the density, number of storeys, balcony setbacks, ongoing traffic to and from the property. Requested that the Council refuses the application.
6. Mr Mark Hare of 4 Hope Street, Perth - Item 10.1.3 - Referred to clause (iv) of the recommendation and asked how the Town intends to monitor the use of this facility. Believes that the home entertainment unit is still connected and being used.
7. Mr Laurie Scanlan of 20 Warnham Road, Cottesloe - Item 10.1.2 - Stated that the extra height was brought about by the developers desire to maintain a very high quality building and a 2.65 metre ceiling height. Requested Council support this matter.
8. Mr Lloyd Haskett of 8-10 Lawley Street, West Perth - Item 14.1 - Stated that his objections are that the initial plans suggest three rear parking bays which will require access over his property, and the land that will be accessed is not a right of way but privately owned land and that the traffic flow would be considerable also. Believes that the control of their private land would be compromised.

Cr Torre entered the meeting at 6.22pm.

9. Mr Craig Riley, RAD Architecture - Item 10.1.1 - Stated that the proposal is designed to be read and understood from a number of positions, including at speed from the road, or from a distance or as part of a backdrop to an intersection and has large artwork attached to the edges of the buildings either side of the easement. Believes that the material and scale of the buildings on the footpath along Beaufort Street appear softer with the undulating awning overhead. Requested Council approve the proposal.
10. Mr Mike Ristoski of 28 Pangbourne Street, Wembley - Item 14.1 - Stated that he disagrees with allowing a carriageway to be used as a general thoroughfare through his property as they would have little control, if any, as to who would use the land which impact on the occupants of the property. Believes it would also significantly impact on the heritage of such a residential community. Opposes the use of his land as a thoroughfare.
11. Mr Mark Duncan-Smith of 369 Bulwer Street, Perth - Item 14.1 - Stated that he is a solo practitioner and there are no plans for any additional doctors. Requested that this be brought back to Council and for consideration of approval as it would allow preservation of other resources for the Town. Believes it will preserve a character building within the area, will provide a buffer to the carpark and is a low impact use. Stated that the rear area is not for the use of patients and there is parking at the front.

12. Ms Laura Christian of 17 Burt Street, Mt Lawley - Item 10.1.4 - Believes the objection stating that there is less open space is not legitimate. Stated that the building is now actually smaller so there is no merit in the objection regarding bulk and scale. Advised that the amendment seeks to have the kitchen window opening with a restriction of it only being opened to 20°.

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

- 4.1 Cr Steed Farrell requested approved leave of absence for the period 28 to 31 March 2007 for work reasons.

Moved Cr Lake, Seconded Cr Ker

That Cr Farrell's request for leave of absence for the period 28 to 31 March 2007, for work commitments, be approved.

CARRIED (7-0)

(Cr Farrell on leave of absence. Cr Messina was absent from the meeting.)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved Cr Lake, Seconded Cr Torre

That the Minutes of the Ordinary Meeting of Council held on 13 March 2007 be confirmed as a true and correct record.

CARRIED (7-0)

(Cr Farrell on leave of absence. Cr Messina was absent from the meeting.)

Cr Messina entered the meeting at 6.37pm.

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

- 7.1 Acknowledgement from Melville Community Arts Centre - Harmony Day at Hyde Park

The Presiding Member advised that he had received a letter from the Melville Community Art Centre as follows:

“I wish to congratulate your office, the Town of Vincent and the compare from 6PR for an outstanding community event. Our organisation is struggling to raise funds for the restoration of our gallery and we were fortunate enough to be invited to hold a sausage sizzle on the day which proved very successful. The quality of the presentation of the event was outstanding, the dance groups were all good and there were two acts that stood out for me. Congratulations to the Town of Vincent.”

Mayor Catania advised that the event was enjoyed by a large crowd on what was a very hot day. He also congratulated the Town’s staff on organising such a successful event.

8. DECLARATION OF INTERESTS

- 8.1 Cr Doran-Wu declared a financial interest in Item 10.1.9 - Affordable Housing Strategy. The nature of her interest being that her employer will be submitting a quote to undertake work. Cr Doran-Wu requested that she be permitted to remain in the Chamber during debate on the Item but not to vote.

The Presiding Member advised that Cr Doran-Wu’s request would now be considered.

Cr Doran-Wu departed the Chamber at 6.39pm.

Moved Cr Ker, Seconded Cr Torre

That Cr Doran-Wu be permitted to remain in the Chamber during debate on Item 10.1.9 but not to vote.

CARRIED (7-0)

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

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 10.1.5, 10.1.3, 10.1.1, 10.1.2 and 10.1.4

- 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 10.1.1, 10.1.9 and 10.4.2

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

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

Cr Chester	Items 10.1.6, 10.1.7, 10.2.1 and 10.3.1
Cr Ker	Items 10.1.8 and 10.4.5
Cr Doran-Wu	Nil.
Cr Lake	Nil.
Cr Messina	Nil.
Cr Maier	Nil.
Mayor Catania	Nil.

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

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

Item 10.1.9

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

Items 10.2.2, 10.2.3, 10.4.1 and 10.4.4

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

Items 14.1 and 14.2

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

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

Items 10.2.2, 10.2.3, 10.4.1 and 10.4.4

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

Items 10.1.5, 10.1.3, 10.1.1, 10.1.2 and 10.1.4

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

Moved Cr Ker, Seconded Cr Lake

That the following unopposed items be moved en bloc;

Items 10.2.2, 10.2.3, 10.4.1 and 10.4.4.

Cr Messina departed the Chamber at 6.41pm.

CARRIED (7-0)

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

10.2.2 Further Report - Tree Pruning Operations

Ward:	Both	Date:	21 March 2007
Precinct:	All	File Ref:	TES0234
Attachments:	-		
Reporting Officer(s):	D Hoy; J van den Bok		
Checked/Endorsed by:	R Lotznicker	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the further report in relation to Street Tree Pruning Operations within the Town of Vincent;
- (ii) **NOTES** the savings (\$6,765.00) made as a result of identifying 205 trees that did not require pruning within the past twelve (12) month period; and
- (iii) **APPROVES** maintaining the current level of tree pruning, however, where identified (on a seasonal basis) certain streets and/or trees will be left and pruned over an 18/24 month cycle as required.

COUNCIL DECISION ITEM 10.2.2

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

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

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of any cost savings identified after reviewing the former “blanket” pruning undertaken of street verge trees within the Town of Vincent.

BACKGROUND:

At the Ordinary Meeting of Council held on 23 May 2006, a report was presented in relation to Tree Pruning Operations, where it was resolved:

That the Council;

- (i) **RECEIVES** the report in relation to Tree Pruning Operations within the Town of Vincent;

- (ii) *NOTES that;*
- (a) *during 2006/2007 the Town's officers will review the current process of general "blanket pruning" of street trees located under powerlines to determine whether cost savings can be achieved and will identify tree species in streets that may not necessarily require pruning every 12 months without compromising legislative requirements; and*
 - (b) *develop for future consideration appropriate pruning practices to ensure that, where possible, street trees are pruned to provide maximum shade and shelter, are not pruned overzealously and are pruned in a way that meets, but does not exceed, minimum Western Power requirements unless specifically requested by adjoining residents; and*
 - (c) *Western Power have the authority to prune street trees at any time within the Town where clearance profiles are not maintained or works are not actioned within thirty (30) days of notification;*
- (iii) *RECEIVES a further report in March 2007 to determine whether there have been any 'quantifiable' cost savings as a result of the review of the current process of general "blanket pruning"; and*
- (iv) *CONSIDERS maintaining the current level of funding for Tree Pruning Operations in 2006/2007 until the review has been completed.*

Parks Services staff met with the contract tree pruning personnel prior to the commencement of street tree pruning in August 2006, to discuss the program and outline the requirements in an effort to satisfy clause (ii) (a) of the above Council's decision.

DETAILS:

The following is a list of trees identified by Parks Services as not requiring pruning within the past twelve (12) month period

- Scarborough Beach Road 24 trees (Norfolk Island Hibiscus)
- East Street 20 trees (Jacaranda)
- Mabel Street 38 trees (Coral Trees)
- Knutsford Street 10 trees (Norfolk Island Hibiscus)
- Angove Street 12 trees (Brachychiton)
- Russell Avenue 4 trees (Bottlebrush)
- Fitzgerald Street 20 trees (Paperbark)
- Wasley Street 21 trees (Coral Trees)
- Carr Street 8 trees (Box Trees)
- William Street 6 trees (Paperbark)
- McCarthy Street 4. trees (Camphor Laurel)
- West Parade 4 trees (Bottlebrush)
- Gerald Street 2 trees (Camphor Laurel)
- East Parade 7 trees (Coral Trees)
- Bramall Street 8 trees (Mixed species)
- Summers Street 10 trees (Box Trees)
- Zebina Street 7 trees(Coral Trees)

Total: 205 trees @ \$33 00 per tree = \$ 6765.00 savings

As indicated in the previous report to the Council regarding this matter, it was envisaged that the above species would be the likely trees identified that could possibly be left and pruned every 18-24 months.

It should be noted, however, that although the Town's Tree Pruning contractors did not prune the 205 trees listed above, the crews still had to go into the street to under prune and cut back off the property line where requested.

In streets such as Egina Street, which has the Weeping Peppermint species, only four (4) out of 45 trees in total were pruned initially, however, the majority of the remaining trees will need to be under pruned shortly (Western Power's requirements) and they will require constant under-pruning and the basal growth removed for sight line and aesthetic reasons, therefore there will be very little if any cost saving in terms of these species.

In addition, some residents contacted the Town wanting to know why the trees were not flat-topped as in previous years and in some cases the contractor was required to return to the street and prune individual trees after Western Power's "spotters" identified trees that were encroaching within the 2 metre clearance profile.

The Town is usually charged an hourly rate \$132.00 per hour for this service.

CONSULTATION/ADVERTISING:

Owner/occupiers are advised of pending tree removals and streetscape replanting projects as required. The street tree pruning program commences in July/August each year and is not generally advertised as residents expect that the trees located under the power lines will be pruned on an annual basis.

LEGAL/POLICY:

Street trees located within the Town of Vincent are managed in accordance with the current policy: 2.1.2 *Street Tree - Planting, Pruning and Removal*.

The Town is required under Section 54 of the Energy Operators (Powers) Act 1979 to lop as much vegetation from street trees as required to prevent interference with Western Power's electricity supply system.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. "(a) *Implement infrastructure upgrade programs including streetscape enhancements, footpaths, Right of Ways and Roads.*"

FINANCIAL/BUDGET IMPLICATIONS:

A specific budget for the pruning, planting and removal of street trees is allocated each year and costs associated with each of the activities charged against it accordingly.

A breakdown of the total budget for 2006/07 is as follows:-

Contract Pruning Under Power lines		\$165,000
Tree Removals / Replacements		\$30,000
Tree Watering / Planting		\$180,000
Individual Pruning Requests (day labour force)		\$15,000
	Subtotal	\$390,000
Amenity Pruning (Parks)		\$40,000
Street Tree Enhancement Program		\$75,000
	TOTAL	\$505,000

COMMENTS:

The review of the former street tree pruning operations was a worthwhile exercise as it has identified a relatively small saving that is likely to be made on an annual basis. Staff will continue to closely monitor the street tree pruning program in an effort to cut costs where appropriate, however, it is obvious that the current level of street tree pruning must be maintained generally throughout the Town to comply with Western Power's requirements.

With the commencement of the State Underground Power Program in the Highgate East sector, it is envisaged that the annual street tree pruning budget will decrease slightly over the forthcoming years, however, there will still be a requirement for underpruning, pruning off property line and general maintenance pruning as and when required to these trees to minimise risk etc.

10.2.3 Events on Roads – Instrument of Authorisation

Ward:	Both	Date:	21 March 2007
Precinct:	All	File Ref:	TES0212
Attachments:	-		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicker	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the Events on Roads – Instrument of Authorisation issued by the Commissioner of Main Roads WA on 3 January 2007 under the Road Traffic Code 2000, Regulation 297(2), and*
- (ii) *AUTHORISES the Chief Executive Officer to sign the Instrument of Authorisation (and affix the Common Seal) to approve the use of traffic signs, traffic signals and other devices for Event on Roads in accordance with the Commissioner of Main Roads delegated authority (as laid on the table).*

COUNCIL DECISION ITEM 10.2.3

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

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

PURPOSE OF REPORT:

The purpose of this report is to seek Council's approval for the Town to be designated an *Authorised Body* under Regulation 297(2) of the Road Traffic Code 2000 so that the Chief Executive Officer is able to approve Events on Roads.

BACKGROUND:

The Town supports and sponsors numerous community events that require either partial or full road closures.

Currently an applicant has to lodge an Application for an Order for Road Closure (Reg 6(2)) under Road Traffic Act 1974, in triplicate, with the relevant local authority and the WA Police Service (incurring a processing fee), and Main Roads WA.

The WA Police Service has recently advised that legal advice has indicated that they, other than in emergency situations, are not empowered to authorise roads closures for events and that the power lies with the Commissioner of Main Roads.

Under Regulation 297(1) of the Road Traffic Code 2000, the Commissioner of Main Roads WA can delegate this authority to Authorised Bodies.

Given that a vast majority of Events on Roads occur on roads under the care and control of Local Government, in January 2007 the Commissioner wrote to all Local Authorities seeking to delegate this authority to the respective Local Government.

DETAILS:

When roads are closed for public events, such as Oxford Street for the Leederville Street Festival, it is carried out in accordance with the Road Traffic Act 1974 and requires the lodgement of an Application for an Order for Road Closure - Reg 6 (2).

However, the WA Police Service has recently advised that other than in emergency situations they do not have authority to close roads and that the authority resides with the Commissioner of Main Roads WA.

Therefore, in light of the fact that the vast majority of Events on Roads occur on roads that are under the care and control of Local Government, the Commissioner has sought to delegate this authority to the respective Local Government.

The legal process involves each Local Authority being designated, by the Commissioner, an Authorised Body under Regulation 297(2) of the Road Traffic Code 2000, enabling the Local Authority to approve the installation of traffic signs, traffic signals and other traffic devices, for the duration of the event.

To ensure that all road closures for Events on Roads are undertaken to the required standard, in July 2006, Main Roads WA issued the *Code of Practice for Traffic Management for Events*.

In future all Events of Roads are to be undertaken in accordance with the above document.

Essentially the new system places the onus on the accredited Traffic Management Contractor to ensure that the event is run in accordance with the *Code*, including a formal notification process.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Under Regulation 297(2) of the Road Traffic Code, the Commissioner of Main Roads WA can delegate the authority to erect road signs, traffic control signals and other devices for Events on Roads to Authorised Bodies such as Local Authorities.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2006-2011 – *1.1.6 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment and 3.1.2 Provide and develop a range of community programs and community safety initiatives*

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The current system for seeking approval to close a road, either partially or fully, for a community event is time consuming and costly and has on occasions lead to community groups not pursuing events requiring a road closure.

The new system, whereby the Commissioner of Main Roads delegates this authority to the Local Government, will simplify the procedure to the benefit of all involved.

10.4.1 Use of the Council's Common Seal

Ward:	-	Date:	21 March 2007
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

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

COUNCIL DECISION ITEM 10.4.1

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

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

BACKGROUND:

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

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

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

Date	Document	No of copies	Details
12/03/07	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services, Gate 7, Subiaco Oval, Subiaco Road, Subiaco re: Western Power Body Fit Information Session - 13 March 2007 (Gareth Naven Room)
12/03/07	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services, Gate 7, Subiaco Oval, Subiaco Road, Subiaco re: Western Power Body Fit Information Session - 15 March 2007 (Gareth Naven Room)

Date	Document	No of copies	Details
12/03/07	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services, Gate 7, Subiaco Oval, Subiaco Road, Subiaco re: Western Power Body Fit Information Session - 21 March 2007 (Gareth Naven Room)
12/03/07	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services, Gate 7, Subiaco Oval, Subiaco Road, Subiaco re: AMU Function - 2 April 2007 (Gareth Naven Room and Glory Lounge)
13/03/07	Notification Under Section 70A	1	Town of Vincent and Orchard Holdings Pty Ltd of 341 West Coast Highway, Trigg re: Nos. 337-343 (Lots 2, 3, 4 and 5) Lord Street, Highgate (<i>In order to satisfy condition (ix) of Planning Approval issued 29/09/06.</i>)
16/03/07	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services, Gate 7, Subiaco Oval, Subiaco Road, Subiaco re: Mustard Function - 18 March 2007 (Pitch and Pier Street parking)
16/03/07	Lease	3	Town of Vincent and Gymnastics Western Australia Incorporated of 22 Emmerson Street, North Perth 6006 re: Loftus Recreation Centre - Lot 10926 on Deposited Plan 216914, Certificate of Title Volume 3049, Folio 447 and Reserve 39009

10.4.4 Conference: Transport - the Next 50 Years

Ward:	-	Date:	21 March 2007
Precinct:	-	File Ref:	ADM0031
Attachments:	-		
Reporting Officer(s):	J Greenwood		
Checked/Endorsed by:	R Lotznicker, J Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council AUTHORISES the Executive Manager Technical Services and up to one (1) Elected Member....., to attend the Conference - "Transport - The Next 50 Years", to be held in Christchurch, New Zealand from 25 to 27 July 2007, at an estimated cost of \$3,586.00 each.

COUNCIL DECISION ITEM 10.4.4

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

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

Note: No nominations were received from Elected Members to attend this conference and the Item was carried *en bloc*.

Subsequently (at approximately 8.30pm), the Presiding Member requested any interested Elected Member to submit their nomination to the Chief Executive Officer no later than 30 March 2007.

Cr Torre submitted an interest to attend (subject to checking her availability/work commitments). The Chief Executive Officer advised the Council of Cr Torre's nomination.

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval for the Executive Manager Technical Services, R Lotznicker and up to one (1) Elected Member to attend the Conference - "Transport - The Next 50 Years", to be held in Christchurch New Zealand in July 2007.

BACKGROUND:

The Conference, "Transport - The Next 50 Years", will be held in Christchurch, New Zealand from 25 to 27 July 2007

DETAILS:

The Conference, "Transport - The Next 50 Years", is being conducted by the New Zealand Institute of Highway Technology.

The theme of the Conference is designed to promote the discussion of new ideas about multi-modal, integrated, sustainable transport directions. This Conference is about the future - the next 50 years and beyond. Suitable for everyone associated with the transport sector - road, rail, sea and air - transport policy makers, engineers, researchers, academics, technology providers, national and local elected representatives, transport operators, airlines, public passenger providers and road, rail, sea and air transport users.

It will give an opportunity to hear outstanding and thought-provoking presentations on critically important issues, to meet and network with colleagues from around the world and from across the whole transport spectrum.

Some of the following topics will be discussed in over 80 papers that will be presented at the Conference:

- History of transportation
- Future of transportation
- Funding opportunities/constraints
- Energy use
- Transport Modes
- Public Transport
- Land Use/Urban Design
- Travel Planning / Sustainability
- The use of Technology
- Project Case Studies

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Council's Policy 4.1.15 - *"Conferences & Training - Attendance, Representation, Travel & Accommodation Expenses and Related Matters" Clause 1.1 (i) states:*

"(i) When it is considered desirable that the Council be represented at an interstate conference, up to a maximum of one Elected Member and one Officer may attend;

The Town has not previously attended this Conference. Attendance at an international or overseas conference is at the discretion of the Council. Whilst this conference is to be held in Christchurch, New Zealand, the estimated costs are similar to those conferences held in the eastern states (e.g. Brisbane). Accordingly, it is supportable.

The Executive Manager Technical Services Contract of Employment entitles him to attend one inter - state conference per annum.

STRATEGIC IMPLICATIONS:

In keeping with the Town's Strategic Plan 2006-2011 – Objective 4.2 - *"Provide a positive and desirable workplace"*, in particular, 4.2.4(b) - *"Enhance employee empowerment, professional development and job satisfaction and create a workplace that encourages and rewards innovation, implements best practice, and positions the Town as an Employer of Choice"*.

FINANCIAL/BUDGET IMPLICATIONS:

Cost per person

Conference registration and Technical Tour:	\$ 985.00
Economy Airfare/transfers (Including taxes)#:	\$ 1,200.00
Accommodation (5 nights @ \$150):	\$ 750.00
Expense Allowance (6 days):	\$582.00

Total: \$3,517.00

subject to availability

COMMENTS:

It is recommended that approval be granted for the Executive Manager Technical Services and up to one (1) Elected Member to attend the Conference, *Transport - The Next 50 Years*, to be held in Christchurch New Zealand in July 2007.

10.1.5 No. 85 (Lot 70 D/P: 672) Mary Street, corner William Street, Highgate - Demolition of Existing Single House and Construction of Two Two-Storey Single Houses

Ward:	South	Date:	19 March 2007
Precinct:	Hyde Park; P12	File Ref:	PRO3821; 5.2006.577.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Wright Feldhusen Architects on behalf of the owner Wrightfam Pty Ltd for Demolition of Existing Single House and Construction of Two Two-Storey Single Houses, at No. 85 (Lot 70 D/P: 672) Mary Street, Corner William Street, Highgate, and as shown on plans stamp-dated 1 February 2007 (site plan, floor plans, overshadowing plan and elevations) and 30 November 2006 (existing house plan), subject to the following conditions:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Mary Street boundary and William Street boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
 - (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 William 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.*

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

- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the driveway crossover for Unit 1 being a maximum width of 6 metres;*
 - (b) *the solid/blank portion of the walls of the lounge room of northern/Unit 1 and the garage of southern/Unit 2, facing William Street having at least two (2) significant appropriate design features to reduce the visual impact of the solid/blank walls; and*
 - (c) *the 'privacy screen' of the upper floor balconies of both units on the eastern elevation, being constructed of a permanent obscure material to a minimum height of 1.6 metres above the finished upper floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed.*

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

- (iv) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Mary Street and William Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (vi) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence; and*
- (vii) *first obtaining the consent of the owners of No. 83 Mary Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 83 Mary Street in a good and clean condition.*

Cr Messina returned to the Chamber at 6.43pm.

Moved Cr Torre, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Torre

That clause (iii)(b) be deleted and the remaining subclause renumbered.

AMENDMENT CARRIED (5-3)

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

(Cr Farrell on leave of absence.)

Moved Cr Lake, Seconded Cr Ker

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

"(iii) (c) the kitchen on the upper floor of Unit 2 (southern unit) being setback a minimum of 2.1 metres from the eastern property boundary."

Debate ensued.

AMENDMENT LOST (1-7)

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

(Cr Farrell on leave of absence.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Farrell on leave of absence.)

COUNCIL DECISION ITEM 10.1.5

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 Wright Feldhusen Architects on behalf of the owner Wrightfam Pty Ltd for Demolition of Existing Single House and Construction of Two Two-Storey Single Houses, at No. 85 (Lot 70 D/P: 672) Mary Street, Corner William Street, Highgate, and as shown on plans stamp-dated 1 February 2007 (site plan, floor plans, overshadowing plan and elevations) and 30 November 2006 (existing house plan), subject to the following conditions:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Mary Street boundary and William Street boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*
- (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
 - (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 William 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.*

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

- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the driveway crossover for Unit 1 being a maximum width of 6 metres; and*
 - (b) *the 'privacy screen' of the upper floor balconies of both units on the eastern elevation, being constructed of a permanent obscure material to a minimum height of 1.6 metres above the finished upper floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed.*

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

- (iv) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Mary Street and William Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (vi) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence; and*
- (vii) *first obtaining the consent of the owners of No. 83 Mary Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 83 Mary Street in a good and clean condition.*

Landowner:	Wrightfam Pty Ltd
Applicant:	Wright Feldhusen Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	427 square metres
Access to Right of Way	South side, 3 metres wide, sealed, Town owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

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

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	2.37 dwellings R80	2 dwellings R47	Noted - no variation.
Plot Ratio: Unit 1 (Northern Unit)	0.65	0.65	Noted - no variation.
Unit 2 (Southern Unit)	0.65	0.65	Noted - no variation.

<p>Building Setbacks: Unit 1 (Northern Unit)- Upper Floor North (Mary Street -Balcony</p>	<p>6 metres</p>	<p>5 metres</p>	<p>Supported - not considered to have an undue impact on affected neighbour and streetscape.</p>
<p>Unit 2 (Southern Unit)- Upper Floor East -Kitchen West (William Street) West -Main Dwelling -Balcony</p>	<p>2.1 metres 6 metres 6 metres</p>	<p>1 metre 4 metres 3 metres</p>	<p>Supported - non-compliant portion of wall is 4 metres in length and is not considered to have an undue impact on the affected neighbour. Supported - given the site is the rear of a corner lot, 10.12 metres deep, and is not considered to have an undue impact on the streetscape or surrounding amenity. Supported - given the site is the rear of a corner lot, 10.12 metres deep, and is not considered to have an undue impact on the streetscape or surrounding amenity.</p>
<p>Street Walls and Fences: William Street</p>	<p>Not to exceed a maximum height of 1.8 metres above the adjacent footpath level. Decorative capping on piers not to exceed 2 metres.</p>	<p>Solid portion of wall is a maximum of 2 metres above the adjacent footpath level. Maximum height of piers is 2.4 metres.</p>	<p>Not supported - considered to have an undue impact on the streetscape and has been addressed in the Officer Recommendation. Not supported - as above.</p>

	The solid portion of the wall or fence to incorporate 2 design features.	No design features.	Not supported - as above.
Vehicular Access: Unit 1 Driveway Crossover	No single driveways wider than 6 metres.	7 metres.	Not supported - considered to have an undue impact on the streetscape and has been addressed in the Officer Recommendation.
Privacy Setbacks: Unit 2 Upper Floor South -Balcony	7.5 metres	2 metres to eastern property boundary 2.7 metres to southern property boundary	Supported - not considered to have an undue impact on affected neighbour as overlooking encroaches a 1 metre by 1 metre triangle in the south-west corner of the adjacent property and the affected neighbour has not specifically objected to the minor privacy encroachment. Supported - not considered to have an undue impact on affected neighbour as overlooks the adjacent properties roof and front setback and the affected neighbour has not specifically objected to the minor privacy encroachment.
Consultation Submissions			
Support	Nil		Noted
Objection (2)	<ul style="list-style-type: none"> Objection to the reduced side setback for Unit 2, upper floor east (kitchen) from 2.1 metres to 1 metre as it pushes the bulk and scale on the adjoining neighbour and impacts on the amenities of the neighbouring property. 		Not supported - non-compliant portion of wall is 4 metres in length and is not considered to have an undue impact on the affected neighbour.

	<ul style="list-style-type: none"> Concern that there is no form of recourse available to the adjoining neighbour. 	Not supported - there is no right of review for neighbours as outlined in Section 249 of the "Planning and Development Act 2005."
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

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

COMMENTS:

Heritage

The subject brick and tile dwelling at No. 85 Mary Street is located along the southern corner of the Mary Street and William Street intersection in Highgate. The place has a simple presentation to the street, which comprises a gable roof form, timber framed window arrangements and a flat portico awning, which is supported by brick piers adorned with columns. The Metropolitan Sewerage Map Plans indicate the dwelling was not extant in 1951 and at that time the lot was vacant.

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

Summary

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

10.1.3 No. 6 (Lot 28 D/P: 1598) Hope Street, Perth- Proposed Alterations and Additions to Outbuilding at Existing Single House (Application for Retrospective Approval) - Reconsideration of Conditions

Ward:	South	Date:	20 March 2007
Precinct:	Hyde Park; P12	File Ref:	PRO3478; 5.2007.93.1
Attachments:	001		
Reporting Officer(s):	L Mach; O Hammond		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner Vantora Investments Pty Ltd for proposed Alterations and Additions to Outbuilding at Existing Single House (Application for Retrospective Approval) at No .6 (Lot 28 D/P: 1598) Hope Street, Perth, and as shown on plans stamp-dated 19 March 2007, subject to the following conditions:

- (i) the outbuilding (garage) shall not be used for industrial, commercial or habitable purposes, and is for the sole personal use of the inhabitants of the main dwelling only;*
- (ii) the sink, fridge, cupboard, shower and toilet within the outbuilding (garage) shall be used in conjunction with the swimming pool only;*
- (iii) limited amount of storage is allowed to be kept in the outbuilding (garage), and adequate area for the parking of 2 motor vehicles (5.4 metres in width and 5.5 metres in length) shall be available at all times; and*
- (iv) all home entertainment equipment, beds/mattresses, and lounge furniture and the like shall be stored within the store area as shown on the approved plans, and not used at any time within the outbuilding (garage).*

COUNCIL DECISION ITEM 10.1.3

Moved Cr Doran-Wu, Seconded Cr Ker

That the recommendation be adopted.

Cr Torre departed the Chamber at 6.58pm.

Debate ensued.

Moved Cr Doran-Wu, Seconded Cr Lake

That the Item be DEFERRED to allow the officers to reconsider the conditions provided and to give further advice to Elected Members as to what can be done, given the further information that has been provided. Also, information to be provided on how the conditions can be monitored.

CARRIED (7-0)

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

ADDITIONAL INFORMATION:

In response to various enquiries of Councillor Dudley Maier and Councillor Helen Doran-Wu in relation to this matter, the following additional information is provided in relation to the subject dwelling and outbuilding particularly prior to the lodgement of the application for alterations and additions to outbuilding at existing single house lodged with the Town on 31 August 2006 and conditionally approved under delegated authority on 12 January 2007.

- 15 December 2005 The Town received complaint that No. 6 Hope Street, Perth was converting the existing garage to a "flat" and the "premises" to a "backpackers".
- The Town's Development Compliance Officer (DCO) attended the subject property. Access was not available and a contact card was left requesting access to the property for an internal inspection.
- 16 December 2005 The Town received a complaint of *"extreme noise pollution"* at the subject premises.
- 20 December 2005 Inspection of subject property to be performed by the Town's Officers as previously arranged; however, the owners' representative failed to attend, therefore, access was not pursued.
- 5 January 2006 Written request was made by the Town to the owner's lawyer as requested, to perform an inspection on the subject property with regard to alleged unauthorised use and works at premises.
- 17 January 2006 The Town received a (new) complaint alleging unauthorised construction works at the subject property and associated noise complaint.
- Complainant advised that the owner of the subject property had been informed of noise complaints.
- 19 January 2006 Inspection of the subject dwelling and outbuilding by the Town's Officers revealed the following:
- five bedrooms and nine beds in the main dwelling; however only 4 appeared to be in use. Owner advised the dwelling is never let to more than six tenants and for a minimum period of 3 months;
 - outbuilding contained timber floor, kitchen sink, kitchen cupboards, home theatre equipment. Owner also advised a locked room contained a shower; however, *"could not remember if it contained a toilet"*; and
 - unfenced swimming pool.
- 20 January 2006 Swimming pool inspection request sent to the Town's Contractor.
- The Town received a complaint alleging an unauthorised window in the outbuilding and that it has been converted to a "granny annexe".
- 24 January 2006 The Town received a complaint that loud drunken parties were occurring *"basically every night in the pool"*.
- 25 January 2006 Enquiry received by the Town with regard to action being taken on the garage conversion and alleged "backpacker" issue.

- 6 February 2006 Written complaint received with regard to noise issues and occupation of outbuilding.
- 8 February 2006 The Town received a complaint that the outbuilding is being used *"as a dwelling"*.
- 15 February 2006 The Town wrote to the owner's lawyers advising that the inspection undertaken by the Town's Officers on 19 January 2006 revealed that the garage at the rear of the property was being used for "habitable studio purposes" and that the necessary approval had not been granted by the Town. The owners were requested to cease the use of the "converted studio" as habitable accommodation with immediate effect and to remove unauthorised shower room and kitchen and to reinstate the studio conversion to a garage within fourteen days of notification.
- 16 February 2006 The Town received written complaint that there appeared to be 8-10 persons residing at the property, increase in the use of the right of way between Hope and Stuart Streets, installation of air-conditioning unit to garage and use of the garage for habitable purposes.
- 21 February 2006 The Town received written complaint that the outbuilding at the subject property has a working air-conditioning unit and venetian blinds installed and that it is occupied Monday to Friday and empty at weekends.
- 7 March 2006 The Town received a written request from the owner's lawyer requesting an extension of time to comply with the Town's letter dated 15 February 2006.
- 13 March 2006 Written complaint received by the Town with regard to the alleged "backpacker" short term accommodation, use of outbuilding for habitable purposes and parking difficulties in the street.
- 26 April 2006 An unannounced inspection of the subject property was performed by the Town's Officers. Inspection of main dwelling revealed four occupants who advised they were living at the property for periods of between two weeks and two months. Access to the outbuilding was denied.
- 28 April 2006 Written advice received from the owner's lawyer in response to noise allegations.
- Written advice received from the owner's lawyer alleging improper and unlawful conduct of the Town's Officers with respect to unannounced inspection.
- 28 April 2006 The Town received written correspondence from local resident as a result of recent publicity, in support of the Town's actions and advise loud parties and music, use of the property as a "boarding house", parking issues, anti-social behaviour and noise.

- 3 May 2006 The Town received written advice from the owner's lawyer advising that the shower room and kitchen to the garage were *"plumbed and fixed at the time of purchase and have simply been partitioned and refurbished by our client. Further we advise that the garage is not used for sleeping purposes but rather, is a non-habitable building which is utilised for the storage of different items and various other social activities. The garage is a Class 10 structure as defined in the Building Code of Australia 1996, and is not used and never has been used as habitable accommodation, and our client strongly refuses any allegation that it has made any change in the use of the building which would result in a change of classification....Our client strongly denies the Town's assertions with respect to alleged contraventions concerning internal improvements both to the existing dwelling and the garage on the Property... Further, our client is confident that the Property falls within the Residential Design Codes of Western Australia definition of "dwelling" as it is a permanent building which is used for the purpose of human habitation and no more than six persons who do not comprise a single family occupy the Property at any one time"*.
- 10 May 2006 The Town wrote to the owner's lawyer in response to their written correspondence to the Town.
- 12 May 2006 Meeting held at the Town's Administration and Civic Centre with the owner and their legal representative. Arrangements were made for internal inspection of the subject property by the Town's senior staff. The owner advised that the garage will not be used for sleeping purposes and will confirm this in writing.
- 18 May 2006 The owner's lawyer wrote to the Town summarising agreements reached at the meeting held on 12 May 2006 and confirmation of site inspection on 19 May 2006.
- 19 May 2006 Meeting held at the subject property on 19 May 2006 between Ms. Andrea Layt, Mr. Tom Lukich, the Town's Executive Manager Environmental and Development Services (EMEDS), Rob Boardman, the Town's (Former) Manager Health Services (MHS), Deon Brits, the Town's (Former) Development Compliance Officer (DCO), Andy Neilson and the Town's Acting Manager Planning, Building and Heritage Services, (A/MPBHS) Rasaratnam Rasiah.
- 9 June 2006 Letter from the Town to the owners Lawyers confirmed the following agreements:
- "*1. Your written agreement that the main house at the property will be occupied by "no more than six (6) tenants at any one time who will occupy the property on a permanent basis and that the property will be occupied at all times as a "dwelling" as defined by the Residential Design Codes of Western Australia" is accepted by the Town. On this basis, it is confirmed that the Town will take no further action with respect to this matter.*

2. *The Town has inspected the internal alterations within the dwelling that have been carried out to form bedrooms through the installation of internal partitions and found that this work, that was carried out without the prior approval of the Town, does not further contravene the provisions of the Building Code of Australia 2004. On this basis, it is confirmed that the Town will take no further action with respect to this matter.*

3. *Your client advised at the meeting that the garage is currently being used for "entertainment facilities associated with the external swimming pool" and it was agreed that the remainder of the converted garage would only be used in the future for garage and storage purposes. It was further agreed that your client would submit an application for retrospective Planning Approval for the change of use of part of the garage and for the alterations that have been carried out to the garage. The appropriate applications forms are enclosed for your convenience.*

Please ensure that all unauthorised internal alterations and installations of fittings which have been undertaken in the garage are shown on the submitted drawings. It is confirmed that the Town will deal with this application for the current extent of use under delegated authority.

4. *Your client also advised that he wishes to carry out minor alterations to the front veranda at the subject property and it is recommended that brief written details/sketches of these proposed alterations be submitted so that I can formally advise of any consents that may be required from the Town for the works to be undertaken."*

4 July 2006 The Town wrote to the owner's lawyer requesting the application for retrospective Planning Approval to be lodged within 30 days from the date of the letter.

31 August 2006 Application for alterations and additions to outbuilding at existing single house (application for retrospective approval) received by the Town.

12 September 2006 The Town received a written complaint alleging the continued use of the dwelling for "backpackers" and "short term accommodation", the use of the garage for "entertainment purposes", especially on weekends and not associated with the "external swimming pool" and casual overnight accommodation.

23 October 2006 Site inspection of subject premises revealed five persons in the dwelling at the time of inspection; however, eight beds existed. The owner verbally agreed to keep only six beds at the premises. The portion of the garage being used for recreational facilities (couches, home theatre, desk, etc) had not been removed and reverted back for garage purposes.

24 October 2006 Complainants alleging excessive noise issues were provided with a reference number for access to the Town's After Hours Emergency Service.

- 12 January 2007 Conditional approval for alterations and additions to outbuilding at existing single house (application for retrospective approval) was granted under Delegated Authority from the Council.
- 13 February 2007 Written request sent from the Town to the owner's lawyers to arrange for a site inspection of the subject outbuilding to ensure compliance with the above Approval, in particular, the following condition:
- "(v) all home entertainment equipment, stored beds/mattresses, lounge furniture and air-conditioning shall be removed from the outbuilding (garage), within 28 days of this Planning Approval."
- 20 February 2007 Written advice sent from the Town to the owner's lawyers exercising Section 3.32 of the Local Government Act 1995 to perform an inspection of the subject property.
- 21 February 2007 Inspection of the outbuilding by the Town's Officers revealed the following:
- Not all home entertainment equipment has been removed. Entertainment equipment remains in display unit, with associated wiring/cords. Projector unit and cords attached. Screen and speakers possibly removed.
 - Stored beds/mattresses remain.
 - Lounge furniture moved to one side.
 - Air-conditioning unit remains.
- 23 February 2007 The Town served a Written Direction on the owners of the subject property for the non-compliance with condition of Planning Approval.
- 28 February 2007 Mayor and EMEDS met with the owner of the subject property, where the conditions of Planning Approval dated 12 January 2007 were discussed. Arrangements were made for EMEDS and MPBHS to meet the owner on-site.
- 6 March 2007 EMEDS and MPBHS met with the owner of the subject property, where it was agreed an application for re-consideration of conditions could be submitted to the Town. EMEDS advised that action on the Written Direction will be stayed pending outcome of the new application.

Landowner:	Vantora Investments Pty Ltd
Applicant:	Vantora Investments Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	499 square metres
Access to Right of Way	North side, 3 metres wide, unsealed, privately owned

BACKGROUND:

The Town has received numerous complaints regarding alleged activities occurring at the subject property, and includes the following:

- 28 February 2007 - alleged use of outbuilding for habitable purposes.
- 23 February 2007 - alleged use of outbuilding for habitable purposes.
- 22 February 2007 - alleged use of outbuilding for habitable purposes. Alleged number of tenants of dwelling exceeding 6 persons.
- 21 February 2007 - alleged use of outbuilding for habitable purposes.
- 14 February 2007 - alleged use of outbuilding for weekend entertainment and habitation.
- 6 December 2006 - alleged use of outbuilding for habitable purposes.
- 23 November 2006 - alleged use of dwelling for short term accommodation.
- 2 November 2006 - objection to retrospective application including use of outbuilding and excessive number of vehicles being parked in the surrounding streets.
- 30 October 2006 - objection to retrospective application including excessive number of people residing in dwelling and associated problems relating to anti-social behaviour and excessive vehicles, use of outbuilding for habitable purposes and associated excessive noise.
- 30 October 2006 - objection to retrospective application including excessive number of people residing in dwelling, excessive noise and drunken behaviour and number of vehicles being parked on streets and verges.
- 23 October 2006 - objection to retrospective application including car parking issues, use of outbuilding for habitable purposes and operation of dwelling as "backpackers hostel".
- 22 October 2006 - alleged use of outbuilding for habitable purposes. Alleged use of dwelling for short term accommodation.

DETAILS:

The proposal involves a request for reconsideration of conditions for a previous approval granted for alterations and additions to outbuilding at existing single house (application for retrospective approval), at the subject property. The outbuilding floor plan has been altered since the approval to incorporate a specific store area dimensioned accordingly. The applicant's submission is "*Laid on the Table*".

In summary, the application requests the reconsideration of previous condition (i), (ii), (iv), and (v). Details of the reconsideration are summarised in the Assessment table below.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	0.65 - 320 square metres	Approx 0.57 – 279 square metres	Noted – no variation

Condition's Requested to be Reconsidered	Proposed	Officer Comments Pursuant to Clause 38(5) of TPS 1
<i>"(i)the outbuilding (garage) shall not be used for industrial, commercial, entertaining or habitable purposes, and is for the sole personal use of the inhabitants of the main dwelling only for the use of the facilities as stated in condition (ii) below;"</i>	To be amended to read : <i>"(i) the outbuilding (garage) shall not be used for industrial or commercial purposes of a non-private nature or, for habitable purposes and is for the personal use of the registered proprietor of the Property and the inhabitants of the main dwelling."</i>	Not supported – upon further assessment the condition has been reworded to reflect the Town's standard condition. Entertaining within the outbuilding is considered to be a habitable activity.
<i>"(ii) the sink, fridge, kitchen, shower and toilet within the outbuilding (garage) shall be used in conjunction with the swimming pool only and their use limited to the time period of 10 am to 8 pm daily, inclusive;"</i>	To be amended to read : <i>"(ii) the kitchen, shower and toilet facilities within the outbuilding shall be used in conjunction with the swimming pool".</i>	Supported in part – the previous time limit was imposed to address undue noise, and upon further assessment, noise will be regulated by 'Environmental Protection (Noise) Regulations 1997. Additionally, kitchen has been removed from the condition as it is not stated on the plans.
<i>"(iv) the dwelling shall not be occupied by no more than six (6) persons who do not comprise a single family, nor persons on a temporary basis, that is for a period less than six (6) months; and"</i>	To be deleted in entirety.	Supported – upon further assessment application refers to outbuilding only.
<i>"(v) all home entertainment equipment, stored beds/mattresses, lounge furniture and air-conditioning shall be removed from the outbuilding (garage), within 28 days of this Planning Approval."</i>	To be deleted in entirety.	Not supported – however upon further assessment it has been conditioned that these items can be stored in the area but not used as that would imply habitable activity. It has been concluded that air-conditioning does not contribute to a room being habitable.

Consultation Submissions		
Five (5) objection and nil support submissions were received during the previous advertising period 16 October 2006 – 7 November 2006 for the original application for alterations and additions to outbuilding at existing single house (application for retrospective approval).		
Support	Nil	Noted
Objection (5)	Objection to garage concrete floor being replaced with a wooden floor, additions of a sink, fridge, air conditioning, shower, furniture and home entertainment equipment which are to be used in association with the external swimming pool and are considered not associated with the garaging of motor vehicles. The garage is being used for habitable purposes.	Supported in part – the outbuilding (garage) is required to ensure that two motor vehicles can be parked at all times. A condition has been imposed for the home entertainment equipment, beds/mattresses, and
		lounge furniture and the like to be stored within the store area as shown on the approved plans, and not used at any time within the outbuilding (garage). The sink, fridge, cupboard, shower and toilet have been approved subject to it being used with the external swimming pool only and not for any other purposes.
	Parking is a problem along Hope Street, and the conversion of the garage into a living area results in more pressure for on-street car parking. In the last 6 months, abandoned 'backpacker' motor vehicles have been parked along Hope, Lake, Palmerston and Brisbane Streets. Garage for the above premises should be used for the sole purpose of housing motor vehicles.	Supported in part – the garage is required to be used for the parking of motor vehicles, associated with a single house. Abandoned vehicles should be brought to the attention of the Town's Rangers for appropriate action.
	Objection to the excessive numbers of people living at above mentioned property, which exceeds numbers allowed, which results in additional cars being parked along Hope Street.	Noted – due to the application relating specifically to the outbuilding and not to the main dwelling, the number of occupants cannot be addressed or monitored with this approval.

	Noise and disorderly drunken behavior, which is as a result of the entertainment facilities in the garage being used in association with the pool area.	Noted – as disorderly and drunken behavior is a police matter. Noise complaints should be forwarded to the Town’s Environmental Health Officer on telephone number 9273 6000. The after hours telephone number is 9273 6061, with the reference number being 061023.
Other Implications		
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications	Nil	
Financial/Budget Implications	Nil	

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

COMMENTS:

In light of the above, it is recommended that the Council approve the application, subject to standard and appropriate conditions to address the above matters.

10.1.1 Nos. 378-390 (Lots 1, 2, 15, 155, 51 and 1) Beaufort Street and McCarthy Street, Perth - Proposed Four (4) and Six (6) Storey Mixed Use Development Comprising Sixty Two (62) Multiple Dwellings and Shop

Ward:	South	Date:	21 March 2007
Precinct:	Forrest; P14	File Ref:	PRO0083; 5.2006.544.1
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

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

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

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

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

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

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

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

- (xi) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
- (xii) *doors, windows and adjacent floor areas of the shop fronting Beaufort Street shall maintain an active and interactive relationship with this street,*
- (xiii) *prior to the first occupation of the development, the car parking spaces provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (xiv) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (xv) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (xvi) *prior to the first occupation of the development, ~~all balconies as indicated and~~ the balconies to Units B3 and B7 as circled (S) on the site plans within 7.5 metres respectively, to the non-street boundaries, shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (xvii) *the maximum gross floor area of the shop (retail) shall be limited to 84 square metres;*
- (xviii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive.*
- (xix) *the car parking area shown for the shop/non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*

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

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

COUNCIL DECISION ITEM 10.1.1

Moved Cr Doran-Wu, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Doran-Wu, Seconded Cr Messina

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

Cr Torre returned to the Chamber at 7.00pm.

CARRIED BY AN ABSOLUTE MAJORITY (6-2)

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

(Cr Farrell on leave of absence.)

ADDITIONAL INFORMATION:

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

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

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

BACKGROUND:

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

DETAILS:

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

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

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

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

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

The applicant's comprehensive submission including the Traffic Statement is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	R 80 (26 multiple dwellings)	R167 (62 multiple dwellings) - 109 per cent density bonus.	Supported – proposal is considered to enhance the amenity of the area given the current state of the site, supported given the context of the site being along Beaufort Street, considered to promote housing affordability and diversity and caters for the changing demographics and housing needs/wants of the community and can be considered under Clause 40 of the Town's Town Planning Scheme No.1 with the absolute majority of the Council.
Plot Ratio	1.0 or 3269 square metres	1.69 or 5222 square metres	Supported-as the variation will not unduly affect the amenity of the area.
No. of Storeys- Commercial zoned land	3 storeys plus loft	6 storeys	Supported - as there are other similar high rise building in the area. The visual impact of the development when viewed from the street is also reduced due to the staggering of the heights of the four and six storey development and its context with other similar high rise development in the immediate area.
No of storeys- Residential zoned land	2 storeys plus loft	4 storeys	Supported - as above.
Stores	4 square metres and 1.5 metres dimension	15 of the 62 stores have internal area of 3.6 square metres and 21 stores are not accessible from outside.	Supported - as the variation to the depth and size of some the stores is considered acceptable as the proposed development forms part of a mixed use development where the needs of the residents would not be as great as

			compared to residents/occupiers within a solely residential development. The R Codes explanatory notes further state that provisions or standards for mixed developments should not seek to impose too "high" standard so as to discourage the concept of mixed use development. The reduction in the size of the stores is considered not to be detrimental to the amenity of the locality or the occupiers of the development.
Privacy Setbacks	Balconies- 7.5 metres setback to lot boundary	Less than 7.5 metres as marked (5) on plans	Not supported - undue impact on neighbouring properties and a condition has been recommended for those affected balconies to be adequately screened.
Pedestrian Footpath	1.2 metres wide	1.0 metre	Supported – as the access proposed is considered as safe and comfortable for the residents and would be visitors to the site. Furthermore there are alternative pedestrian footpath accesses provided to the subject site.
Plot Ratio for Single Bedroom Dwelling	60 square metres	Units B1 and 2 are 54.7 square metres each. Units C1, C2, C3, C4, C5, C6, C11, C12, C13, C14, C15, C16 are 68.2 square metres each. Units C7, C8, C9, C10, C17, C18, C19, C20 are 65.7 square metres each.	Supported-on the basis that a condition is imposed that the internal construction be built as per the approved plans.
Building Setbacks:			
Ground floor-Block A-North elevation	1.0 metre	Nil	Supported - as the setback variations requested are partly due to the height of the proposal. Most of the other high rise developments if they were to be built under current standards would also involve setback variations.

			The variation is not considered to have an undue impact on the affected neighbours.
Ground floor-Block A-East elevation (McCarthy Street)	4.0	Nil	Supported - as above
Ground floor-Block B- East elevation	1.5 metres	Nil	Supported - as above
Ground Floor-Block C - South elevation	1.5 metres	Nil	Supported - as above
Ground Floor-Block C-West elevation	Nil	1.375 metres	Supported - as above
First floor-Block A-South elevation	2.1 metres	1.565 metres	Supported - as above
First floor-Block A-East elevation	1.5 metres	0.485 metre	Supported - as above
First Floor-Block B-West elevation	4 metres	2.653 metres	Supported - as above
First Floor-Block C-South elevation	2.6 metres	Nil	Supported - as above
Second floor-Block A-south elevation	2.6 metres	1.508 metres	Supported - as above
Second floor-Block A-East elevation	1.5 metres	0.571 metres	Supported - as above
Second floor-Block B-North elevation	3 metres	2.8 metres	Supported - as above
Second floor-Block B-West elevation	4 metres	2.653 metres	Supported - as above
Second floor-Block C-South elevation	3.7 metres	Nil	Supported - as above
Third floor-Block C-South elevation	4.7 metres	Nil	Supported - as above
Fourth Floor-Block C	6 metres	Nil	Supported - as above

Consultation Submissions		
Support (Nil)	Noted	Noted.
Objection (4)	Density – the proposal density is double what is allowed, which will have a detrimental affect on the general amenity of the area.	Not supported - as the development as designed would benefit the area without undue adverse impact to the surrounding amenity, in terms of bulk and scale.
	Number of dwellings – An increase of 138 per cent over and above that permitted would have a detrimental affect on the general amenity of the area.	Not supported - as above.
	Plot Ratio – An increase from 1.0 to 1.69 is excessive and would have a detrimental affect on the general amenity of the area.	Not supported - as the Town has considered higher plot ratios provided that the "total development package" fits in with the surrounding development.
	Car Parking - concern that that the development will increase demand for on-street car parking, to the detriment of the existing residents.	Not supported - as the car parking for the above site is compliant with the Town's and the R Codes requirements.
	Traffic movements - suggest that additional road alignment works need to be undertaken to make traffic movements safe. Concern that the development increases traffic in the right of way and McCarthy Street which is currently very quiet.	Not supported – as the Town’s Technical Services is satisfied with the traffic and safety aspects as addressed in the Transport Statement dated 29 January 2007, prepared by “SHAWMAC”. The development traffic can be accommodated within the road network with no undue impact expected.
	Bin storage - concern that the proposed location of the bin stores along side the McCarthy Street boundary will have unreasonable smell and visual impact on the surrounding residences.	Supported – as revised plans have been submitted indicating the bin area along McCarthy Street being removed and relocated to other parts of the development site.
	Number of storeys – the proposed size and height will have a visual impact on the surrounding and adjacent residents and detrimental impact on the amenity of the area.	Not supported-as there are other similar high rise building in the area and also gives prominence to this strategically located site.

	Privacy – concern that the development will provide privacy problems between adjoining owners.	Supported - see Non-Compliance Table above for comments.
	Building Setbacks – concern that none of the setbacks comply to the detriment of the amenity of the surrounding residents and streetscape	Not supported- as the building setbacks are not considered to create an undue, adverse effect on the area. Moreover multi-storey development such as this would not be able to be built if the setbacks in the R Codes were applied strictly. The overall proposal is considered to comply with the performance standards of the R Codes.
	Excessive concessions sought – the architect's state in their covering letter that 62 units were required to make the project economically viable. If that this the case the developer has paid too much for the site and it is not the Council's responsibility to grant excessive concessions to help the numbers add up. The proposed development exceeds most requirements and the sheer size, bulk and boundary setback variations will have detrimental implications to all adjoining property owners. Recognise that some concessions have been granted in the past, however this application increases those previously approved and is excessive.	Not supported - as the Town has the ability through its Town Planning Scheme and Policies to vary requirements based on individual merit of the development proposal, as in this case.
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil
Commercial Car Parking		
Shop: 1 car bay per 15 square metres of gross floor area (proposed 84 square metres) = 5.6 car bays. Total =6 car bays To nearest whole number		6 car bays
Apply the parking adjustment factors. <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 400 metres of one or more public car parks in excess of 50 spaces) ▪ 080 (contains a mix of uses, with at least 45 per cent of gross floor area residential) ▪ 0.95 (provision of bicycle parking facilities) 		(0.5491) 3.29 car bays
Car parking provided on-site for commercial component		9 car bays
Resultant surplus		5.71 car bays

Bicycle Parking		
Requirements	Required	Provided
Shop		
<ul style="list-style-type: none"> • 1 space per 300 (proposed 84) square metres gross floor area (Class 1 or 2). • 1 space per 200 (proposed 84) square metres (Class 3) 	0.28 space	As above.
	0.42 space	As above.

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

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

Residential Car Parking

Car parking requirements for the residential component of the development have been calculated using the requirement for multiple dwellings from the Residential Design Codes (R Codes). In mixed use developments, the residential component requires the provision of 62 car bays, based on the standard of one (1) car bay for each of the 62 proposed multiple dwellings with 10 per cent of the required car bays being allocated as visitor car bays. The number of car bays provided for the residential component is 62 car bays plus another 6 visitor car bays.

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

COMMENTS:

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

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

10.1.2 Nos.337-343 (Lot 5 D/P: 4802, Lot 4 D/P: 4802, Lot 3 D/P: 4802, Lot 2 D/P: 4802) Lord Street, Highgate- Proposed Four (4) Storeys plus Basement Multiple Dwellings Comprising Twenty-Six (26) Multi-Bedroom Dwellings and Two (2) Single Bedroom Dwellings- Amended Plans to Planning Approval

Ward:	South	Date:	19 March 2006
Precinct:	Forrest; P14	File Ref:	PRO3586; 5.2006.276.1
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the amended plans stamp dated 16 March 2007 to Planning Approval (Serial No. 5.2006.276.1) granted by the Council on 12 September 2006 and issued on 29 September 2006 for proposed Four (4) Storeys plus Basement Multiple Dwellings Comprising Twenty-Six (26) Multi-Bedroom Dwellings and Two (2) Single Bedroom Dwellings, at Nos. 337-343 (Lot 5 D/P: 4802, Lot 4 D/P: 4802, Lot 3 D/P: 4802, Lot 2 D/P: 4802) Lord Street, Highgate, subject to the plans being further amended prior to issue of Building Licence to comply with the following requirements without resulting in any greater variation to the requirements of the Town's Policies and the Residential Design Codes:

- (i) the overall building height of block A and block B (excluding the lift overrun), shall be reduced to be consistent with the previous Planning Approval Plans granted by the Council at its Ordinary Meeting held on 12 September 2006 and issued on 29 September 2006; and*
- (ii) the conditions imposed on the previous Planning Approval granted by the Council at its Ordinary Meeting held on 12 September 2006 and issued on 29 September 2006 shall be relevant and applicable to the subject approved amended plans.*

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Messina, Seconded Cr Lake

That clause (i) be deleted and the remaining clause renumbered.

AMENDMENT CARRIED (8-0)

(Cr Farrell on leave of absence.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Farrell on leave of absence.)

COUNCIL DECISION ITEM 10.1.2

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the amended plans stamp dated 16 March 2007 to Planning Approval (Serial No. 5.2006.276.1) granted by the Council on 12 September 2006 and issued on 29 September 2006 for proposed Four (4) Storeys plus Basement Multiple Dwellings Comprising Twenty-Six (26) Multi-Bedroom Dwellings and Two (2) Single Bedroom Dwellings, at Nos. 337-343 (Lot 5 D/P: 4802, Lot 4 D/P: 4802, Lot 3 D/P: 4802, Lot 2 D/P: 4802) Lord Street, Highgate, subject to the plans being further amended prior to issue of Building Licence to comply with the following requirements without resulting in any greater variation to the requirements of the Town's Policies and the Residential Design Codes:

- (i) *the conditions imposed on the previous Planning Approval granted by the Council at its Ordinary Meeting held on 12 September 2006 and issued on 29 September 2006 shall be relevant and applicable to the subject approved amended plans.*

PURPOSE OF REPORT:

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

Landowner:	Orchard Holdings Pty Ltd
Applicant:	Lawrence J Scanlan Associates
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Vacant
Use Class:	Multiple Dwellings
Use Classification:	"P"
Lot Area:	3309 square metres
Access to Right of Way	N/A

BACKGROUND:

12 September 2006 The Council at its Ordinary Meeting granted conditional approval for proposed four (4) storeys plus basement multiple dwellings comprising twenty-six (26) multi-bedroom dwellings and two (2) single bedroom dwellings at the subject property.

DETAILS:

The main differences between the current Building Licence application plans and the previous Planning Approval plans are highlighted (squiggle circled) on the Building Licence plans and summarised by the applicant below:

- *"Building setbacks are now consistent with the Development Approval - drawing A01-G.*
- *Stone wall and electrical substation wall treatment now shown - drawings A01-G, A03-F and A20-F. No street fencing is proposed.*

- *Setbacks of level 4 balconies shown and are consistent with the Development Approval – drawing A01-G and A06-G.*
- *Fifth visitors (V5) car bay relocated and second crossover deleted – drawing A01-G. Access to this bay will be provide by the occupant being visited.*
- *Building height shown - drawings A10-F, A11-D, A12-D, A20-F, A21-F The additional height has been made necessary by structural requirements and a small increase in the ceiling height.*
- *The increased terraces to southern level 1 apartments is at a similar level to the ground level. Refer levels on site plan A01*
- *Level 4, windows W5, sill heights have been amended to 1,580mm to comply with the R-codes major opening definition – drawing A25-E.*
- *The relocation of the stores under centre facilities dose not constitute an extra storey."*

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Refer to 'Comments'.			
Consultation Submissions			
Refer to 'Comments'.			
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

COMMENTS:

With the exception of the increase in the overall height of the building, the amendments to the plans (as outlined in the "Details" section of this report):

- are not considered to propose any further variation to the Residential Design Codes or the Town's Policies;
- are not considered to have an undue impact on the amenity of the area;
- have addressed the planning conditions of the previous approval granted; and
- are generally supported by the Town's Officers.

Whilst the height of the lift overrun (, which has a relative height of up to 34.2) is supported as it is considered to be a minor projection, is located central to the site and not considered to have an undue impact on the surrounding area, the proposed increase in overall height from a relative level of 33.3, from the previous Planning Approval to 33.88 is considered to have an undue impact on the adjoining neighbours and area in general.

In light of this and previous objections relating to the height and scale of the building, it is recommended that the Council approves the amended plans to the previous Planning Approval, subject to the height of the overall building being reduced to be consistent with the previous Planning Approval Plans.

10.1.4 No. 15 (Lot 11, Strata Lot 4 Strata Plan 26430) Hutt Street, Mount Lawley – Alterations and Additions to Approved Two-Storey with Loft Single House (Application for Retrospective Approval)

Ward:	North	Date:	19 March 2007
Precinct:	Norfolk; P10	File Ref:	PRO1499; 5.2007.3.1
Attachments:	001		
Reporting Officer(s):	V Lee		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner L E Christian for proposed Alterations and Additions to Approved Two-Storey with Loft Single House (Application for Retrospective Approval), at No. 15 (Lot 11, Strata Lot 4 Strata Plan 26430) Hutt Street Mount Lawley, and as shown on plans stamp-dated 5 January 2007 (site plan, floor plans, elevations) and 8 March 2007 (overshadowing diagram), subject to the following conditions:*
- (a) *any new street/front wall, fence and gate between the Hutt Street boundary and the main building, including along the side boundaries within this front setback area, shall comply 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 0.75 metre above the adjacent footpath level;*
- (b) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*

- (c) *prior to the first occupation of the dwelling, the window to kitchen on the western elevation of the first floor, shall be screened with a permanent obscure material. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Any openable part of the window shall be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the first occupation of the dwelling, revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. Alternatively prior to the first occupation of the dwelling, the subject kitchen window is not required to be screened if the Town receives written consent from the owners of No. 56 Grosvenor Road stating no objection to the respective proposed privacy encroachment;*
- (ii) *the Council NOTIFIES in writing the Builders Registration Board of this Registered Builder's actions regarding the subject unauthorised works at this property; and*
- (iii) *the Council ADVISES the owner to obtain the approval of the Water Corporation of Western Australia for the proximity of the subject development to the existing sewer line adjacent to the northern boundary, and ensure compliance with any of the Water Corporation's requirements regarding this sewer line.*

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Torre, Seconded Cr

That clause (i)(c) be deleted.

LAPSED FOR WANT OF A SECONDER

Moved Cr Lake, Seconded Cr Ker

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

- “(i) (c) *prior to the first occupation of the dwelling, the window to kitchen on the western elevation of the first floor, shall be screened with a permanent obscure material or an intervening screening outside the kitchen window. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. ~~Any openable part of the window shall be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the first occupation of the dwelling, revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002.~~ Alternatively prior to the first occupation of the dwelling, the subject kitchen window is not required to be screened if the Town receives written consent from the owners of No. 56 Grosvenor Road stating no objection to the respective proposed privacy encroachment;”*

AMENDMENT CARRIED (8-0)

(Cr Farrell on leave of absence.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Farrell on leave of absence.)

COUNCIL DECISION ITEM 10.1.4

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 the owner L E Christian for proposed Alterations and Additions to Approved Two-Storey with Loft Single House (Application for Retrospective Approval), at No. 15 (Lot 11, Strata Lot 4 Strata Plan 26430) Hutt Street Mount Lawley, and as shown on plans stamp-dated 5 January 2007 (site plan, floor plans, elevations) and 8 March 2007 (overshadowing diagram), subject to the following conditions:*
- (a) *any new street/front wall, fence and gate between the Hutt Street boundary and the main building, including along the side boundaries within this front setback area, shall comply 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 0.75 metre above the adjacent footpath level;*
- (b) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*

- (c) *prior to the first occupation of the dwelling, the window to kitchen on the western elevation of the first floor, shall be screened with a permanent obscure material or an intervening screening outside the kitchen window. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively prior to the first occupation of the dwelling, the subject kitchen window is not required to be screened if the Town receives written consent from the owners of No. 56 Grosvenor Road stating no objection to the respective proposed privacy encroachment;*
- (ii) *the Council NOTIFIES in writing the Builders Registration Board of this Registered Builder's actions regarding the subject unauthorised works at this property; and*
- (iii) *the Council ADVISES the owner to obtain the approval of the Water Corporation of Western Australia for the proximity of the subject development to the existing sewer line adjacent to the northern boundary, and ensure compliance with any of the Water Corporation's requirements regarding this sewer line.*

Landowner:	L E Christian
Applicant:	L E Christian
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Single House (under construction)
Use Class:	Single House
Use Classification:	"P"
Lot Area:	Lot 11 = 527 square metres, Strata Lot 4 = 219 square metres
Access to Right of Way	N/A

BACKGROUND:

- 11 February 2003 The Council at its Ordinary Meeting refused an application for a two-storey with loft single house at the subject property.
- 8 February 2005 The Council at its Ordinary Meeting refused an application for a two-storey with loft single house at the subject property.
- 18 March 2005 The Town received notice that the applicant had lodged a review application to the State Administrative Tribunal.
- 25 August 2005 The State Administrative Tribunal ordered that planning approval be granted for the two storey single house incorporating a loft, subject to conditions.
- 15 March 2006 The Town approved amended plans for the proposed two storey single house with loft under delegated authority.
- 17 March 2006 The Town issued a Building Licence for the two storey single dwelling with loft.
- 15 September 2006 The Town received a complaint that construction on site was not in accordance with the approved plans.
- 18 October 2006 Notice and Written Direction served on the owner of the property for unauthorised building works and non compliance with the Town of Vincent Town Planning Scheme.

DETAILS:

The application for retrospective approval involves a two-storey with loft single house. This application for retrospective Planning Approval was submitted in response to a complaint received by the Town alleging that construction of the dwelling had commenced and was not in accordance with the approved plans.

Variations to the Building Licence approved plans stamp dated 17 March 2006 include:

- the ground floor setback of the dwelling from the northern property boundary changing from 1.054 metres (built in robe to bedroom 2) and 1.523 metres (bedroom 2 and sitting room), to 1.43 metres (bedroom 2 and sitting room); and
- the window to the kitchen on the first floor elevation increasing in size from a non-openable frosted glass window 1.5 metres by 0.8 metre in size, to an openable obscure glass top hinged window 1.45 metres by 0.516 metre in size.

This application would normally be determined by the Town under Delegation No. 110; however, following requests by several Elected Members, this application is being referred to Council for its consideration and determination.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	R40 or 2.39 dwellings	R40 or 2 dwellings	Noted – no variation.
Plot Ratio	N/A	N/A	Noted.
Building Setbacks: Northern Boundary	1.5 metres	1.43 metres	Supported - Refer to "Comments".
Privacy	Window to kitchen on the first floor to be setback 6.0 metres from boundary or provided with permanent vertical screening to restrict views within the cone of vision from any major opening of an active habitable space or ground level of the adjoining property.	Kitchen window 1.546 metres from western property boundary. Sill height 1 metre above first floor finished floor level, and 0.7 square metre in area, with obscure glazing, openable in an 'awning opening' style.	Not supported – Refer to "Comments".
Consultation Submissions			
Support	Nil.		Noted.
Objection (3)	Minimum Open Space Requirements – request clarification that application complies with open space requirements as the development is now larger than the previously approved plans.		Not supported - application complies with open space requirements as 45 per cent provided.

	Water Corporation Sewer – comment that there is a sewer running underneath the northern boundary and that a 1.5 metre setback is required by the Water Corporation; Concern that the building is too close to the sewer and will prevent safe access in the future	Noted - the applicant is advised to contact the Water Corporation regarding these matters.
	Builder Credibility – Concern that this is the second attempt by the builder to build non-approved variations.	Noted - refer to “Comments”.
	State Administrative Tribunal – comment that the development application was refused by the Council in 2005 and subsequently approved by the State Administrative Tribunal. Request that Council refuse the retrospective application.	Not supported - the application will be assessed on its merits.
	Overlooking – Concern that the window on the first level on the western wall was built in non-compliance with the approval and over looks neighbours outdoor living area and habitable room. Concern that being 20 percent openable at the base of the window would still breach the privacy, suggest compromise that the window be wound out from the top rather than the bottom to reduce over looking.	Not supported - refer to “Comments”.
	Building setback northern wall – concern that this variation adds to the bulk and scale of the building.	Not supported – refer to “Comments”.
	Request that the matter be determined by Council rather than at Delegated Authority level.	Noted - application to be determined by Council as requested by Elected Members.
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

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

COMMENTS:

Privacy

The applicant is seeking to have a top hinged, openable, ‘awning opening’ obscure glazed window in the kitchen to allow for better ventilation. The affected neighbour has requested that the obscure glazed window be hinged at the bottom, rather than the top, making the opening smallest at the bottom of the window, to protect privacy. This was suggested to the applicant, however, applicant would prefer to retain the unauthorised top hinged window, as a bottom hinged window would be impractical during rain, and a bottom hinged window would require a new frame to be installed.

A photograph of the unauthorised top hinged obscure glazed window open to 20 degrees was taken by the Town's Development Compliance Officer and is attached to this report. Once the dwelling is completed, the window will be in front of kitchen benches, making it more difficult to directly look down into the neighbour's yard through the opening. Subject to the window remaining obscure and the window being openable to a maximum of 20 degrees, it is considered that there is not unreasonable overlooking from this window.

Building Setbacks

The approved building setbacks to the northern boundary at 1.054 metres for a built in robe to a length of 1.91 metres, with the rest of the wall setback at 1.523 metres for a length of 4.92 metres. During construction, the built in robe was removed and the whole wall has been setback 1.43 metres from the northern boundary, without the submission of a revised Planning Approval or Building Licence. The applicant stated that this was done to meet Water Corporation setback requirements from the sewer line. The Town's records confirm the location of a sewer line along the northern property boundary. This reduces the length of the western wall from 13.8 metres to 13.3 metres and this reduces the bulk of the wall visible to the western neighbour who has raised concerns regarding bulk and scale of the revised plans.

The applicant also cites complications with lot boundaries due to existing boundary discrepancies and neighbouring developments encroaching into the subject property.

The variation to the northern setback is considered to be minor and over all the bulk and scale of the building is not considered to be notably increased, therefore this variation is supported.

Notwithstanding the above, the registered builder has taken unlawful action, and are considered to have a 'duty of care' to ensure that the buildings are built lawfully. Therefore it recommended that the Council formally notify the Builders Registration Board of this registered builder's actions.

Conclusion

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

10.1.6 No. 300 (Lot 7 D/P: 2411) Fitzgerald Street, Perth - Proposed Demolition of Existing Commercial Building and Construction of a Three Storey Mixed Use Development Comprising Offices and Two (2) Single Bedroom Grouped Dwellings with Basement Car Parking

Ward:	South	Date:	21 March 2007
Precinct:	Hyde Park; P12	File Ref:	PRO0944; 5.2006.601.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Greg Rowe & Associates on behalf of the owner Regalstone Pty Ltd for proposed Demolition of Existing Commercial Building and Construction of a Three-Storey Mixed Use Development Comprising Offices and Two (2) Single Bedroom Grouped Dwellings with Basement Car Parking, at No. 300 (Lot 7 D/P: 2411) Fitzgerald Street, Perth, and as shown on plans stamp-dated 16 March 2007, subject to the following conditions:

- (i) first obtaining the consent of the owners of No. 296 Fitzgerald Street and No. 304 Fitzgerald Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 296 Fitzgerald Street and No. 304 Fitzgerald Street in a good and clean condition;*
- (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) doors, windows and adjacent floor areas fronting Fitzgerald Street shall maintain an active and interactive relationship with this street;*
- (iv) 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;*
- (v) the total gross floor area of the office component shall be limited to 768 square metres, as shown on the plans;*
- (vi) prior to the first occupation of the development, four (4) class 1 or 2 bicycle parking facilities shall be provided at a location convenient to the entrances of the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities;*
- (vii) any new street/front wall, fence and gate between the Fitzgerald Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*

- (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (viii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *further articulation and appropriate design features being incorporated into the blank wall of the front façade (western elevation) of the building;*
 - (b) *the laundry of the residential dwellings being located in a separate room and not located in a room in which food is prepared, stored, served or consumed. The opening between a laundry and kitchen/dining area shall not extend for more than half the width of the room in the residential dwellings. It shall be not less than 760 millimetres, and not more than 1.2 metres. The wall separating the laundry facilities from the kitchen is to be at least 1.8 metres high;*
 - (c) *end of trip bicycle facilities being provided in accordance with the Town's Policy relating to Parking and Access;*
 - (d) *a bin compound being provided in accordance with the Town's Health Services Section's Specifications, divided into commercial and residential areas and sized to contain:-*
 - *Residential*
 - 1 x Mobile Garbage Bin per Unit;*
 - 1 x General Recycle Bin per 2 Units;*
 - *Commercial/Office*
 - 1 x Mobile Garbage Bin per Unit; and*
 - 1 x Paper Recycle Bin per Unit, or per 200 square metres of floor space;*
 - (e) *bins and bin placement area being provided and located on site adjacent to the rear right of way, marked on site and not placed on the right of way or the right of way widening area, to the satisfaction of the Town's Technical Services Division.*

- (f) *standard visual truncations being provided, in accordance with the Town's Policy and/or to the satisfaction to the Town's Technical Services Division, at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised. Details of all required visual truncations shall be included on final drawings submitted for Building Licence requirements; and*
- (g) *car parking space No. 3, being allocated and clearly marked and signposted for the use of small cars only.*

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

- (ix) *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;*
- (x) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (xi) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (xii) *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;*
- (xiii) *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 the following:*
 - (a) *proprietors and/or (prospective) purchasers of the residential units/dwellings that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*
 - (b) *proprietors and/or (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.*

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

- (xiv) *a construction management plan addressing noise, hours of construction, traffic, footpath and vehicle access, parking of trade person vehicles, use of right of way (ROW), collection of rubbish, loading/unloading processes, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of commencement of construction works), shall be submitted to and approved by the Town prior to the issue of a Building Licence, and thereafter implemented and maintained by the owner(s)/occupier(s);*
- (xv) *prior to the first occupation of the development, each apartment shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;*
- (xvi) *any proposed vehicular entry gates adjacent to the car parking area shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial and residential tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
- (xvii) *the on-site car parking for the offices/non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
- (xviii) *the car parking area shown for the offices/new residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xix) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (xx) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$11,550) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$11,550, subject to the Town agreeing to this arrangement . The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xxi) *the developer engages a suitably qualified aboricultural consultant to inspect the trees in the adjacent property likely to be affected by the development, make recommendations in view that any potential impact on the trees is minimised and oversee any tree surgery works required. Details of the recommendations shall be submitted to and approved by the Town prior to the issue of a Building Licence; and*
- (xxii) *prior to the first occupation of the development, two (2) car parking spaces, provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development.*

COUNCIL DECISION ITEM 10.1.6

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Messina

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

“(viii) (h) access, parking and toilet facilities for people with disabilities being provided on-site in accordance with the Building Code of Australia and Australian Standard 1428.1.”

AMENDMENT CARRIED (8-0)

(Cr Farrell on leave of absence.)

Debate ensued.

Moved Cr Messina, Seconded Cr Torre

That the Item be DEFERRED to allow for alternative plans be submitted that show articulation of the frontage, disability access and parking.

CARRIED (8-0)

(Cr Farrell on leave of absence.)

Landowner:	Regalstone Pty Ltd
Applicant:	Greg Rowe & Associates
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Shop and Office
Use Class:	Office Building and Grouped Dwelling
Use Classification:	"P" and "AA"
Lot Area:	496 square metres
Access to Right of Way	East side, 5.03 metres wide, sealed, privately owned.

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves demolition of existing commercial building and construction of a three-storey mixed use development comprising offices and two (2) single bedroom grouped dwellings with basement car parking at the subject property.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	2.7 multi-bedroom grouped dwellings Or 4.1 single bedroom grouped dwellings R80	2 single bedroom grouped dwellings R26.9	Noted - no variation. Noted - no variation.
Plot Ratio: Unit 1	60 square metres and 0.65	60 square metres and 0.12	Noted - no variation.
Unit 2	60 square metres and 0.65	60 square metres and 0.12	Noted - no variation.
Total Plot Ratio for Residential Component	0.65	0.24	Noted - no variation.
Building Height: Hyde Park Precinct	Buildings with two storeys (including loft) are strongly encouraged. A third storey (including loft) can be considered, provided that the amenity of the adjacent residential area is protected in terms of privacy, scale and bulk. Three storey height requirement is 10 metres.	3.5 storeys West - 11.1 metres - 11.6 metres North - 9.3 metres - 11.3 metres South - 9.8 metres - 11.9 metres East - 9.3 metres - 9.8 metres	Supported - refer to 'Comments'. Supported - refer to 'Comments'. Supported - refer to 'Comments'. Supported - refer to 'Comments'.

Front Facade	Front facades to non-residential buildings with ground-level street frontages must contribute to the appearance of the area. The solid portion of the front façade measured vertically from the adjacent footpath is to be no greater than 700 millimetres.	Solid to 1.4 to 2 metres above adjacent footpath level.	Supported in part - this solid portion is required due to the basement car parking, however it is considered that the front façade could be more interactive with Fitzgerald Street by incorporating greater articulation of the façade and appropriate design features. This has been addressed in the Officer Recommendation.
Consultation Submissions			
The proposal was referred to the Department for Planning and Infrastructure (DPI) for comment and recommendation for a period of 30 days in which it advised on 14 February 2007 that it has no objections to the proposed development on regional transport planning grounds.			
Support	Nil		Noted.
Objection	Nil		Noted.
Concern (1)	<p>One submission was received requesting that the following concerns be considered:</p> <ul style="list-style-type: none"> • Noise - concern about the noise of construction on the adjoining property as it operates as psychiatric practice and requires a peaceful environment. • Existing trees - when excavating for the basement car park, the existing trees on the adjacent property may be detrimentally affected. Request that measures be undertaken to ensure minimum impact to these existing trees. • The glare factor of the wall on the southern elevation - request that the colour of the external wall be of a more calming and non-glaring tone to minimise glare and heat generation. 		<p>Noted - addressed at the Building Licence stage and is required to comply with the Environmental Protection (Noise) Regulations 1997.</p> <p>Supported - addressed in the Officer Recommendation.</p> <p>Not supported - the proposed colour of the development is 'sandy' and is considered to not have an undue impact on surrounding properties in terms of glare and heat generation.</p>
Other Implications			
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications		Nil	
Financial/Budget Implications		Nil	

Commercial Car Parking Component		
Car parking requirement (nearest whole number) Office -1 space per 50 square metres of gross floor area (768 square metres) = 15.36 car bays	15 car bays	
Apply the parking adjustment factors. <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 400 metres of one or more public car parks in excess of 75 spaces) ▪ 0.90 (the proposed development provides 'end of trip' facilities for bicycle users, in addition to the facilities specified in the Bicycle Parking Requirements. 	(0.65025)	9.75 car bays
Minus the car parking provided on-site.	10	
Minus the most recently approved on-site car parking shortfall	Nil	
Resultant surplus	0.25 car bay	
Bicycle Parking		
Requirements	Required	Provided
Office 1 space per 200 square metres of gross floor area (class 1 or 2)	3.84 spaces Total = 4 spaces	Not indicated on plans - addressed in the Officer Recommendation.

* 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 former dwelling, now travel agent at No.300 Fitzgerald Street, Perth was constructed in the Federation Bungalow style of architecture. The place has had numerous alterations undertaken to its original façade, which include the replacement of the original verandah; the introduction of large Doric columns, the removal of the original roof sheeting and chimneys and the introduction of a poured concrete verandah floor.

The former dwelling is first listed in the Wise Post Office Directories in 1906 with Charles Fisher as the inhabitant of the place up until 1920. The occupants of the place changed numerous times after this up until 1940 with John Lee listed in 1924, M Connor a nurse listed in 1930 and Zulman Kurrek listed in 1949. The dwelling is one of three remaining original dwellings, from seven that fronted the portion of Fitzgerald Street between, Glendower and Vincent Streets. Today this streetscape is dominated by multi-storey commercial premises.

The subject property is not listed on the Town's Municipal Heritage Inventory and it is not considered to have any specific cultural heritage value that would make it eligible for consideration for inclusion onto the Inventory. The dwelling is considered to require no further investigation and that a full Heritage Assessment is not warranted. Images and an extract from the Metropolitan Sewerage Map Plans are included as an attachment to this report. Therefore it is recommended that the application to demolish the place be approved, subject to a quality archival record and other standard conditions.

Building Height

The building height is considered acceptable in this instance for the following reasons:

- The building height is consistent with the existing development at Nos. 308 - 312 Fitzgerald Street and is therefore in keeping with the existing Fitzgerald Street streetscape;
- The proposed building height will not unduly impact on the residential area as the right of way forms a barrier between the proposed development and the residential area and the development height is reduced to 2.5 storeys adjacent to the right of way so the residential area is protected in terms of privacy, scale and bulk;
- The subject site is sloping; and
- No objections to height received.

Grouped Dwellings vs. Multiple Dwellings

Clause 20 (4) (e) does not permit multiple dwellings within the Hyde Park Precinct.

For mixed use developments within areas where multiple dwellings are not allowed, where residential development are proposed above ground floor commercial development, these developments can be considered as either grouped or multiple dwellings. To facilitate development of these sites, which would otherwise not be able to be developed as mixed use developments, the Residential Component, such as the subject proposal, should be treated as grouped dwellings, on the basis that the residential dwellings are self-contained and do not involve further self-contained residential above or below them.

Summary

In general, the proposal is considered to enhance and improve the streetscape and surrounding area through the redevelopment of an under-utilised site and to have adequately address the Town's requirements and objectives for the area.

The planning application is therefore recommended for approval, subject to standard and appropriate conditions to address the above matters.

10.1.7 No. 324 (Lot 2 D/P: 3538) Fitzgerald Street, North Perth - Proposed Change of Use from Offices to Non-Medical Consulting Rooms (Beauty Salon) and Associated Alterations

Ward:	South	Date:	19 March 2007
Precinct:	North Perth Centre; P9	File Ref:	PRO0967; 5.2007.18.1
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Q Le on behalf of the owner D J & M Mitsikas for proposed Change of Use from Offices to Non-Medical Consulting Rooms (Beauty Salon) and Associated Alterations, at No. 324 (Lot 2 D/P: 3538) Fitzgerald Street, North Perth, and as shown on plans stamp-dated 18 January 2007, subject to the following conditions:

- (i) *this approval is for Non-Medical Consulting Rooms (beauty salon) use only, and any change of use from shop (beauty salon) shall require Planning Approval to be applied for and obtained from the Town prior to commencement of such use;*
- (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) *doors, windows and adjacent floor areas fronting Fitzgerald Street shall maintain an active and interactive relationship with this street;*
- (iv) *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;*
- (v) *the maximum gross floor area of the Non-Medical Consulting Rooms (beauty salon) shall be limited to 228 square metres, and a maximum of 5 consulting rooms/consultants operating at any one time, 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;*
- (vi) *the subject property is not to be used for massage activity of a sexual nature, prostitution, as a brothel business, as an agency business associated with prostitution, as an escort agency business, or the like;*
- (vii) *the hours of operation for the proposed Non-Medical Consulting Rooms (beauty salon) shall be restricted to 9am to 7pm ~~Sunday~~ Saturday to Wednesday and 9am to 9pm Thursday and Friday, inclusive;*
- (viii) *this approval for Non-Medical Consulting Rooms (beauty salon), is for a period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use; and*

- (ix) *prior to the first occupation of the development, one (1) class 2 and one (1) class 3 bicycle parking facilities shall be provided at a location convenient to the entrances of the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities.*

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

Moved Cr Lake, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Lake

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

- “(x) *the parking at the rear shall be clearly sign posted and available at all times the business is operating to clients.*”

AMENDMENT CARRIED (8-0)

(Cr Farrell on leave of absence.)

Debate ensued.

Moved Cr Chester, Seconded Cr Messina

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

- “(xi) *no car parking shall occur within the front setback area, and a detailed car parking configuration and access plan 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).*”

AMENDMENT CARRIED (7-1)

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

(Cr Farrell on leave of absence.)

Debate ensued.

Moved Cr Ker, Seconded Cr Lake

That a new clause (xii) be added to read as follows:

“(xii) access for clients, including for people with disabilities, parking at the rear carpark shall be obtained from an appropriate entrance at the rear of the building.”

AMENDMENT CARRIED (8-0)

(Cr Farrell on leave of absence.)

MOTION AS AMENDED CARRIED (6-2)

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

(Cr Farrell on leave of absence.)

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 Q Le on behalf of the owner D J & M Mitsikas for proposed Change of Use from Offices to Non-Medical Consulting Rooms (Beauty Salon) and Associated Alterations, at No. 324 (Lot 2 D/P: 3538) Fitzgerald Street, North Perth, and as shown on plans stamp-dated 18 January 2007, subject to the following conditions:

- (i) this approval is for Non-Medical Consulting Rooms (beauty salon) use only, and any change of use from shop (beauty salon) shall require Planning Approval to be applied for and obtained from the Town prior to commencement of such use;*
- (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) doors, windows and adjacent floor areas fronting Fitzgerald Street shall maintain an active and interactive relationship with this street;*
- (iv) 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;*
- (v) the maximum gross floor area of the Non-Medical Consulting Rooms (beauty salon) shall be limited to 228 square metres, and a maximum of 5 consulting rooms/consultants operating at any one time, 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;*

- (vi) *the subject property is not to be used for massage activity of a sexual nature, prostitution, as a brothel business, as an agency business associated with prostitution, as an escort agency business, or the like;*
- (vii) *the hours of operation for the proposed Non-Medical Consulting Rooms (beauty salon) shall be restricted to 9am to 7pm Saturday to Wednesday and 9am to 9pm Thursday and Friday, inclusive;*
- (viii) *this approval for Non-Medical Consulting Rooms (beauty salon), is for a period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use;*
- (ix) *prior to the first occupation of the development, one (1) class 2 and one (1) class 3 bicycle parking facilities shall be provided at a location convenient to the entrances of the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities;*
- (x) *the parking at the rear shall be clearly sign posted and available at all times the business is operating to clients;*
- (xi) *no car parking shall occur within the front setback area, and a detailed car parking configuration and access plan shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (xii) *access for clients, including for people with disabilities, parking at the rear carpark shall be obtained from an appropriate entrance at the rear of the building.*

Landowner:	D J & M Mitsikas
Applicant:	Q Le
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Office Building
Use Class:	Consulting Rooms
Use Classification:	"AA"
Lot Area:	925 square metres
Access to Right of Way	East side, 5.0 metres wide, sealed, Town-owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves change of use from offices to Non-Medical Consulting Rooms (beauty salon). The applicant's submission is "*Laid on the Table*". Given that illegal uses have been disguised as beauty salons in the past within the Town, the Town's Executive Manager Environmental and Development Services has requested that the subject planning application be referred to an Ordinary Meeting of Council for determination.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
Consultation Submissions			
The proposal is a "AA" (permitted) use under the Town's Town Planning Scheme No. 1 (TPS 1) and is not considered seeking any variations from the Town's TPS 1 and associated Policies. As such, the proposal was considered not to require advertising.			
Other Implications			
Legal/Policy			TPS 1 and associated Policies
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking			
Car parking requirement (nearest whole number)			15 car bays
<ul style="list-style-type: none"> • 5 consulting rooms at 3 car bays per consulting room – 15 car bays 			
Apply the adjustment factors.			(0.8075)
<ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.95 (within 400 metres of one or more existing public car parks with an excess of 25 car bays) 			12.11 car bays
Minus the car parking provided on-site			18 car bays
Resultant surplus			5.89 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 planning application is considered to generally be compliant with Town's TPS 1 and associated Policies and not to have an undue impact on the amenity and streetscape of the area.

With the above in mind, the planning application is recommended for approval, subject to standard and appropriate conditions to address the nature of the development.

10.1.8 No. 401 (Lot 256 D/P: 2672) Walcott Street, Coolbinia - Proposed Carport Addition to Existing Single House

Ward:	North	Date:	19 March 2007
Precinct:	North Perth; P8	File Ref:	PRO3786; 5.2007.11.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by C Lockwood for proposed Carport Addition to Existing Single House, at No. 401 (Lot 256 D/P: 2672) Walcott Street, Coolbinia, and as shown on plans stamp-dated 8 February 2007, for the following reasons:

- (i) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) *the non-compliance with the Town's Policies relating to Vehicular Access and Street Setbacks as the proposed carport is required to be accessible from the rear/western right of way, which is 5 metres wide, Town owned and sealed.*

COUNCIL DECISION ITEM 10.1.8

Moved Cr Ker, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

LOST (3-5)

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

(Cr Farrell on leave of absence.)

Reasons:

1. Front setback area already used for parking.
2. Structure would be partially screened by an existing 1.6 metre high front solid wall.
3. No undue impact on the streetscape of a major road.

Moved Cr Maier, Seconded Cr Ker

ALTERNATIVE RECOMMENDATION:

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 C Lockwood for proposed Carport Addition to Existing Single House, at No. 401 (Lot 256 D/P: 2672) Walcott Street, Coolbinia, and as shown on plans stamp-dated 8 February 2007, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) any new street/front wall, fence and gate between the Walcott Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) not being located within the Western Australian Planning Commission's Other Regional Road Reservation in relation to Walcott Street;*
 - (b) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (c) 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;*
 - (d) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (e) 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;*
 - (f) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
 - (g) the solid portion adjacent to the Walcott Street boundary (setback so not to be located within the Western Australian Planning Commission's Other Regional Road Reservation) 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*

- (iii) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted)."*

CARRIED (5-3)

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

Landowner:	C and R Lockwood
Applicant:	C Lockwood
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	455 square metres
Access to Right of Way	South-west side, 5 metres wide, sealed, Town owned.

BACKGROUND:

5 December 2006

A planning application for a carport addition to the subject dwelling was refused under delegated authority from the Council 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 Policies relating to Vehicular Access and Street Setbacks as the proposed carport is required to be accessible from the rear/western right of way, which is 5 metres wide, Town owned and sealed; and*
- (iii) *the Department for Planning and Infrastructure advised in its letter to the Town of Vincent dated 21 November 2006, that the subject lot is affected by a 1.5 metre road widening requirement for Walcott Street, which is reserved as an Other Regional Road in the Metropolitan Region Scheme and it does not support the proposed carport as it is partially located within the land reserved in the Metropolitan Region Scheme as an Other Regional Road."*

DETAILS:

The proposal involves the construction of a carport within the front setback area of the place at No. 401 Walcott Street, Coolbinia. This report is being presented to the Council, as opposed to being determined under delegated authority from the Council at the request of the Executive Manager Environmental and Development Services.

The application for the carport addition to the subject place was referred to the Department for Planning and Infrastructure (DPI) as the subject property abuts Walcott Street, which is part of the Other Regional Roads (ORR) reservation under the Metropolitan Region Scheme (MRS). The DPI advised in a letter dated 23 February 2007 (received by the Town on 8 March 2007) that the boundary of the subject lot is affected by the land requirement of the ORR reservation-widening requirement. The land requirement being 1.5 metres wide from the eastern boundary of the subject site.

In relation to the revised proposal the DPI stated *'the land requirement appears to have been accounted in the proposal and coincides with the proposed car-port building line. Given the above the Department has no objection to the proposed development on regional transport planning grounds.'*

As described in the background section an application for a carport addition to the subject dwelling was refused under delegated authority from the Council on 5 December 2006. To address the DPI comments in relation to the road widening requirement, as outlined in the Planning Refusal dated 5 December 2006, the applicant has setback the proposed carport 1.5 metres from the eastern boundary. In addition to this the applicant has provided a written submission regarding the proposal. This submission dated 17 January 2007 is *"Laid on the Table"*, and the key points are outlined below:

- Traffic volumes along Walcott Street have been substantially reduced since the creation of the Graham Farmer Freeway as a result the existing ORR reservation-widening requirement is a redundant requirement;
- There is already a garage to the subject place from the rear right of way (ROW) and any additional carport/garage structures would restrict the available external entertainment area;
- A substantial number of carports are extant in the vicinity of the subject place. Some with a zero setback to Walcott Street; and
- A number of new houses along Walcott Street have been constructed in a manner that is not in keeping with the existing character of the street. The proposed carport will not be noticeable from the street as is concealed behind a 1.6 metre high brick wall and its design and colour will blend with the existing home and others in the vicinity.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
R Codes - Carport Eastern (Front) Setback	Minium Setback from Primary Street - 4 metres	1.5 metres	Supported - the proposal is utilising an existing driveway and no objections have been received from southern neighbour.
Driveway	No closer than 0.5 metre to a side boundary or street pole.	Nil setback to southern boundary.	Supported - the proposal is utilising an existing driveway and no objections have been received from southern neighbour.

Town of Vincent - Vehicular Access Policy No. 3.2.6 and Street Setbacks Policy No. 3.2.4	Access to on-site parking provided, where available, solely from a right of way, or from a secondary street where a right of way (ROW) does not exist.	Access from Walcott Street via existing crossover and utilising existing brick-paved area.	Not supported – as it is non-compliant with the Town’s Policies relating to Vehicular Access and Street Setbacks.
Consultation Submissions			
Support (2)	No comments 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 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:

An investigation was undertaken to ascertain whether a precedent had been set, for the construction of carports, along the portion of Walcott Street between Hilda and Bedford Streets, within which the subject place is located. Along this section there are five carports, with vehicular access from Walcott Street, which also have access to a ROW. However, a search of the Town's records indicates that these were erected prior to the promulgation of the Town.

It is noted that there is already a garage, which is accessed via the ROW. However, there is room to accommodate a carport in a manner that still satisfies the minimum outdoor living area requirement as prescribed in the Residential Design Codes. The rear ROW is sealed and Town owned, and the owners have access rights over the ROW.

In light of the above, it is recommended that the proposed development be refused.

The Presiding Member advised that Cr Doran-Wu had declared a financial interest in this Item. Cr Doran-Wu had been granted permission by the Council to remain in the Chamber during debate on the Item but not to vote.

10.1.9 Affordable Housing Strategy

Ward:	Both Wards	Date:	20 March 2007
Precinct:	All Precincts	File Ref:	PLA178
Attachments:	001		
Reporting Officer(s):	K Batina		
Checked/Endorsed by:	D Abel, J Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council:

- (i) *APPROVES the Project Brief relating to the Affordable Housing Strategy for the Town of Vincent as shown in Attachment 10.1.9;*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to re-allocate an amount of \$12,000 from Budget item "Research Programme for Places of Historical Significance Project" to carry out the Affordable Housing Strategy Project; and*
- (iii) *AUTHORISES the Chief Executive Officer to proceed with the project.*

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Messina, Seconded Cr Chester

That clause (i) be amended and a new subclause (a) added as follows:

"(i) APPROVES the Project Brief relating to the Affordable Housing Strategy for the Town of Vincent as shown in Attachment 10.1.9; subject to the Project Brief being amended as follows:

"(a) Clause 8.0 being amended to read as follows:

8.0 AFFORDABLE HOUSING: ROLE OF LOCAL GOVERNMENT AND KEY STAKEHOLDERS

The Town of Vincent recognises it has an important role and duty to both the community and wider Perth population to facilitate the provision of adequate and affordable housing that is attractive and affordable to wider demographic and socio-economic groups than presently exists. To facilitate the success in providing affordable housing within the Town, partnerships with key agencies need to be identified and fostered, and through its day to day operational activities, the Town being proactive through its policies in promoting affordable housing. Those agencies identified for potential partnerships should include but not be limited to banks, government departments or agencies...."

Debate ensued.

Cr Doran-Wu departed the Chamber at 7.42pm.

AMENDMENT CARRIED (7-0)

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

Cr Doran-Wu returned to the Chamber at 7.43pm.

Moved Cr Chester, Seconded Cr Maier

That a new clause (i)(b) be added as follows:

“(i) (b) *clause 10.0 being amended to read as follows:*

10.0 SCOPE AND OUTCOME

...

10.1 Define ‘Affordable Housing’, ‘Social Housing’, and ‘Special Needs Housing’

- *Develop a clear and concise definitions of what constitutes as ‘Affordable Housing’, ‘Social Housing’ and ‘Special Needs Housing’. In addition, through consultation with other relevant key agencies, provide definitions for ‘rent’, ‘ownership’, ‘occupier’ and ‘eligibility criteria’ and the like.*
- *Outline the value/benefit to the community in having affordable housing within the Town of Vincent.*

...

10.7 Prepare an Implementation Plan (including financial implications feasibility for the Town).

- *To complement the Affordable Housing Strategy, an implementation plan is to be prepared, to enable the roll out of the Strategy, guided by milestones. In addition, the Implementation Plan will consider and outline the financial implications feasibility for the Town.”*

Cr Doran-Wu departed the Chamber at 9.44pm.

AMENDMENT CARRIED (7-0)

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

Cr Doran-Wu returned to the Chamber at 7.45pm.

Moved Cr Lake, Seconded Cr Maier

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

“(i) (c) clause 4.0 being amended to read as follows:

4.0 NATIONAL HOUSING STRATEGY (1992)

The National Housing Strategy (1992) ...

The Housing Industry of Australia (HIA) considers that the problem of affordable housing needs to be seen in the overall context of housing affordability and that the key drivers for price escalations, particularly in recent years, have been the lack of developable land and the high costs imposed by regulation and up-front development taxes and charges.

Inclusionary zoning policies and affordable housing quotas cause serious concern to an already over-taxed and over-regulated housing industry. Even where some nexus can be demonstrated, the application of these concepts is inequitable, particularly for the purchasers of new dwellings.

Governments need to examine the reason for the price escalations, particularly in recent years, which have been the lack of developable land and the high costs imposed by regulation and governments up-front development taxes and charges.

For the private sector to play its part in the supply of affordable housing, it is necessary for governments to focus on the creation of market opportunities. This can be achieved through development incentives or bonuses, cooperative partnerships, seed funding initiatives, innovative planning mechanisms that encourage product diversity in a local context and by encouraging greater institutional investment in affordable housing projects.

HIA's policy position with respect to affordable housing quotas and other inclusionary zoning measures is that:

- Affordable housing quotas do not address the underlying root causes of the affordability problem — local planning controls are a large factor in ramping up prices and limiting housing style and choice.*
- The quota provides only minuscule and random relief to what is a much larger community issue that requires a whole of community solution. A more comprehensive cross-agency suite of policies is necessary to address affordability in a meaningful manner.*
- The quota system is in effect a tax on new home purchasers, who ultimately will bear the cost of any developer subsidy that the quota requires. The quota is inflationary and will only add to the affordability problem. It is not sustainable, particularly at a time when housing affordability for all Australians under threat.*

- ~~• The quota unfairly places the burden of providing affordable housing on new home purchasers. At the same time State Governments' own public housing stocks have decreased substantially over the past decade and waiting lists have grown.~~
- ~~• The drivers of the affordability problem cannot be addressed solely through planning controls if Government's are serious, affordability is an issue that State Treasuries must address.~~
- ~~• Planning initiatives should focus on development incentives such as density bonuses or others that stimulate change amongst administrators. Where inclusionary zoning is used, its measures should be matched with development incentives in the form of floor space or density bonuses, provided of course that such incentives are applied in an open and transparent manner so as not to attract community distrust."~~

Debate ensued.

Cr Doran-Wu departed the Chamber at 9.46pm.

AMENDMENT CARRIED (7-0)

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

Cr Doran-Wu returned to the Chamber at 7.47pm.

Moved Cr Lake, **Seconded** Cr Maier

That a new clause (i)(d) be added as follows:

“(i) (d) clause 10.0 - Scope and Outcome - a new subclause 10.3 being added as follows and the remaining subclauses being renumbered accordingly:

‘10.3 Identify current provision of affordable, social and special needs housing within the Town and recommend appropriate levels for affordable, social and special needs housing.’”

Debate ensued.

Cr Doran-Wu departed the Chamber at 9.48pm.

AMENDMENT CARRIED (7-0)

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

**MOTION AS AMENDED CARRIED
BY AN ABSOLUTE MAJORITY (7-0)**

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

Cr Doran-Wu returned to the Chamber at 7.49pm.

COUNCIL DECISION ITEM 10.1.9

That the Council:

(i) *APPROVES the Project Brief relating to the Affordable Housing Strategy for the Town of Vincent as shown in Attachment 10.1.9 subject to the Project Brief being amended as follows:*

(a) *clause 8.0 being amended to read as follows:*

“8.0 AFFORDABLE HOUSING: ROLE OF LOCAL GOVERNMENT AND KEY STAKEHOLDERS

The Town of Vincent recognises it has an important role and duty to both the community and wider Perth population to facilitate the provision of adequate and affordable housing that is attractive and affordable to wider demographic and socio-economic groups than presently exists. To facilitate the success in providing affordable housing within the Town, partnerships with key agencies need to be identified and fostered, and through its day to day operational activities, the Town being proactive through its policies in promoting affordable housing. Those agencies identified for potential partnerships should include but not be limited to banks, government departments or agencies....”

(b) *clause 10.0 being amended to read as follows:*

“10.0 SCOPE AND OUTCOME

...

10.1 Define ‘Affordable Housing’, ‘Social Housing’, and ‘Special Needs Housing’

- *Develop a clear and concise definitions of what constitutes as ‘Affordable Housing’, ‘Social Housing’ and ‘Special Needs Housing’. In addition, through consultation with other relevant key agencies, provide definitions for ‘rent’, ‘ownership’, ‘occupier’ and ‘eligibility criteria’ and the like.*
- *Outline the value/benefit to the community in having affordable housing within the Town of Vincent.*

...

10.7 Prepare an Implementation Plan (including financial ~~implications~~ feasibility for the Town).

- *To complement the Affordable Housing Strategy, an implementation plan is to be prepared, to enable the roll out of the Strategy, guided by milestones. In addition, the Implementation Plan will consider and outline the financial ~~implications~~ feasibility for the Town.”*

(c) *clause 4.0 being amended to read as follows:*

“4.0 NATIONAL HOUSING STRATEGY (1992)

The National Housing Strategy (1992) ...

~~*The Housing Industry of Australia (HIA) considers that the problem of affordable housing needs to be seen in the overall context of housing affordability and that the key drivers for price escalations, particularly in recent years, have been the lack of developable land and the high costs imposed by regulation and up-front development taxes and charges.*~~

~~*Inclusionary zoning policies and affordable housing quotas cause serious concern to an already over-taxed and over-regulated housing industry. Even where some nexus can be demonstrated, the application of these concepts is inequitable, particularly for the purchasers of new dwellings.*~~

~~*Governments need to examine the reason for the price escalations, particularly in recent years, which have been the lack of developable land and the high costs imposed by regulation and governments up-front development taxes and charges.*~~

~~*For the private sector to play its part in the supply of affordable housing, it is necessary for governments to focus on the creation of market opportunities. This can be achieved through development incentives or bonuses, cooperative partnerships, seed funding initiatives, innovative planning mechanisms that encourage product diversity in a local context and by encouraging greater institutional investment in affordable housing projects.*~~

~~*HIA's policy position with respect to affordable housing quotas and other inclusionary zoning measures is that:*~~

- ~~• *Affordable housing quotas do not address the underlying root causes of the affordability problem — local planning controls are a large factor in ramping up prices and limiting housing style and choice.*~~
- ~~• *The quota provides only minuscule and random relief to what is a much larger community issue that requires a whole of community solution. A more comprehensive cross-agency suite of policies is necessary to address affordability in a meaningful manner.*~~
- ~~• *The quota system is in effect a tax on new home purchasers, who ultimately will bear the cost of any developer subsidy that the quota requires. The quota is inflationary and will only add to the affordability problem. It is not sustainable, particularly at a time when housing affordability for all Australians under threat.*~~

- ~~• The quota unfairly places the burden of providing affordable housing on new home purchasers. At the same time State Governments' own public housing stocks have decreased substantially over the past decade and waiting lists have grown.~~
- ~~• The drivers of the affordability problem cannot be addressed solely through planning controls – if Government's are serious, affordability is an issue that State Treasuries must address.~~
- ~~• Planning initiatives should focus on development incentives such as density bonuses or others that stimulate change amongst administrators. Where inclusionary zoning is used, its measures should be matched with development incentives in the form of floor space or density bonuses, provided of course that such incentives are applied in an open and transparent manner so as not to attract community distrust.”; and~~

(d) *clause 10.0 - Scope and Outcome - a new subclause 10.3 being added as follows and the remaining subclauses being renumbered accordingly:*

“10.3 Identify current provision of affordable, social and special needs housing within the Town and recommend appropriate levels for affordable, social and special needs housing.”;

- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to re-allocate an amount of \$12,000 from Budget item “Research Programme for Places of Historical Significance Project” to carry out the Affordable Housing Strategy Project; and*
- (iii) *AUTHORISES the Chief Executive Officer to proceed with the project.*

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval of the Project Brief for the preparation of an Affordable Housing Strategy, re-allocate funds and authorise the Chief Executive Officer to proceed with the project.

BACKGROUND:

The Council at its Ordinary Meeting of Council held on 21 November 2006, resolved the following:

“That the Council REQUESTS the Chief Executive Officer to;

- (i) *prepare a Project Brief and the Terms of Reference for Council's approval for the preparation of an "Affordable Housing Strategy" and such Strategy to include the following:*
 - (a) *the role of local government and various key stakeholders;*
 - (b) *definition of "affordable housing", "social housing", "special needs housing", "rent", "ownership" and "occupier" "eligibility criteria";*
 - (c) *identification of potential partnerships including Banks and their roles;*
 - (d) *"triple bottom line" objectives and sustainability principles;*

- (e) *relationship with the Town's planning and building policies and other legislation (including application, bonuses or concessions based on density, zoning, car parking provisions);*
- (f) *identification and assessment of the various affordable housing models including examples; and*
- (g) *an Implementation Plan for the proposed Strategy and including the financial implications for the Town;*
- (ii) *identify a source of funds to carry out the proposed Affordable Housing Strategy; and*
- (iii) *submit a report on the Draft Project Brief and Terms of Reference for the Council's consideration no later than April 2007."*

DETAILS:

The Town has programmed to undertake the preparation of an Affordable Housing Strategy for the Town of Vincent.

The broad objectives in preparing the Affordable Housing Strategy for the Town of Vincent are:

- To ensure that adequate provision is made for current and future needs for affordable housing within the Town of Vincent;
- To bring vitality and activity back into the five (5) town centres of the Town, by providing places to live as well as work;
- To provide choice in a range of housing types;
- To encourage the provision of affordable housing through incentives being offered to developers; and
- To incorporate the principles of the Town's Vision as detailed in the *Vincent Vision 2024* Project Report and *Strategic Plan 2006 - 2011*.

The purpose of the Brief is to enable the Town of Vincent to appoint a suitably qualified consultant(s) with the expertise and experience to carry out the abovementioned research and review of the relevant Town Planning Scheme provisions, the *draft Local Housing Strategy* and relevant planning policies and to devise ways in which the availability and provision of affordable housing can be encouraged.

The Project Brief is shown in Attachment 10.1.9.

It is anticipated that the project will commence in May 2007 and be completed by October 2007.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

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

"Objective 1.1 Improve and maintain environment and infrastructure

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

- (d) *implement and promote a policy to encourage a proportion of affordable housing, in partnership with the State Government."*

FINANCIAL/BUDGET IMPLICATIONS:

It is expected that an amount of \$12,000 will be required for a consultant(s) to carry out the preparation of the Affordable Housing Strategy. It is proposed to re-allocate funds from other Planning, Building and Heritage Projects, namely; "Research Programme for Places of Historical Significance". The amount of \$30,000 is included in the Budget 2006-07 for this project. A re-allocation of \$12,000 will not significantly affect this project. A report on the progress of several heritage management projects is programmed to be presented to a Meeting of Council to be held in April 2007. It is anticipated that within this report, certain projects that were programmed for this financial year are proposed to be postponed mainly due to Heritage Services' resources being focused on finalising the Municipal Heritage Inventory review. This should release sufficient funds for the Affordable Housing Strategy.

COMMENTS:

An Affordable Housing Strategy for the Town will provide the fundamental strategic direction for the Town to take in regard to affordability housing options to cater for a range of income levels, and offering diversity in housing options to attract a range of household types. With the housing prices having risen by nearly 40 per cent since June 2005, the need for and the demand for the provision of affordable housing has never been greater.

Through an investigation of demographic trends across the inner city areas of Perth, as well as reviewing the nature of existing residential accommodation already provided, and researching the household composition and age groups this attracts, the Affordable Housing Strategy will perform as a vital tool for the Town in ensuring that the adequate affordable housing will continue to be provided within the Town, and not to the exclusion of low income earners.

The Affordable Housing Strategy should explore opportunities to increase the effectiveness of the Town's existing development policies and controls to ensure that each development, particularly those of a larger scale, provides for a variety of housing types resulting in not only diversified housing stock, but a diversified socio-economic demographic also.

Some of the principle considerations that the appointed consultant will need to take into consideration are as follows:

- A mix of dwelling types is necessary to ensure that the population diversity within the Town is maintained. While higher density developments are encouraged in certain parts of the Town, it is inherent that consideration be given to other dwelling types, other than apartments.
- A market analysis of the community needs should not be solely relied upon as the litmus test to justify a high proportion of a certain dwelling type.
- Consideration being given to combining high density and medium density in the same development, which will inadvertently attract a wider demographic than if the dwelling type was just of one kind.
- Devising ways in which medium and higher density housing can be made to look attractive to owners/occupiers whose traditional preference is for single residential allotments. Considerations may include proximity to entertainment and shopping districts, accessibility to public transport, outlook/views, internal floor layout.
- Research tends to indicate that where there is a variety of dwelling types provided, the occupancy rate is higher, as it caters to a wider range of the demographic profile.
- Incentives being provided to developers and architects to provide affordable housing as part of the larger scale residential and residential/commercial developments.

- Investigate and report on what limitation the cost of construction of apartments is versus the floor area provided and how to create affordability of housing within a mixed density residential development.
- Current Department of Housing and Works packages to facilitate owner/occupier housing, shared equity schemes and the like.

It is recommended that the Council endorses the Project Brief for the Affordable Housing Strategy and authorises the Chief Executive Officer to proceed with the project.

10.2.1 Further Report - Proposed Redevelopment Options - Axford Park, Mount Hawthorn

Ward:	North	Date:	20 March 2007
Precinct:	Mt Hawthorn P1	File Ref:	RES0049
Attachments:	001		
Reporting Officer(s):	R Lotznicker		
Checked/Endorsed by:	J Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the further report on the proposed redevelopment options for Axford Park, Mount Hawthorn;
- (ii) **NOTES;**
 - (a) the comments received regarding the four (4) possible redevelopment Options for Axford Park as outlined on attached Plans Nos 2448-CP-1 to 4;
 - (b) that a number of Respondents, including the Mt Hawthorn branch of the Returned and Services League of Australia WA Branch Inc. (RSL), indicated a preference for a self cleaning toilet to be installed on the site should the existing building be demolished;
- (iii) **ACKNOWLEDGES** that while the residents' views were varied, the majority of respondents were in favour of one or other of the redevelopment options, all of which included the demolition of the existing building on the site;
- (iv) **APPROVES** the implementation of Option 4 as shown on attached Plan No 2448-CP-4, estimated to cost in the order of \$40,000 (together with a self cleaning toilet), given that the majority of respondents 'in favour' of the redevelopment of the park indicated this as their preferred option;
- (v) **LISTS** for consideration \$105,000 in the 2007/2008 draft budget for the installation of a self cleaning toilet in Axford Park; and
- (vi) **ADVISES** all respondents of its decision and thanks them for their feedback regarding the proposal.

Moved Cr Messina, **Seconded** Cr Torre

That the recommendation be adopted.

Debate ensued.

Moved Cr Lake, **Seconded** Cr Messina

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

- “(vii) **REFERS** the proposed roundabout at the junction of Oxford Street and Scarborough Beach Road to the Local Area Traffic Management Advisory Group for discussion.”

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Farrell on leave of absence.)

Moved Cr Chester, **Seconded** Cr

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

“(iv) APPROVES the implementation of Option 4~~2~~ as shown on attached Plan No 2448-CP-4 2, estimated to cost in the order of \$40,000 (together with a self cleaning toilet), given that the majority of respondents 'in favour' of the redevelopment of the park indicated this as their preferred option;”

LAPSED FOR WANT OF A SECONDER

Moved Cr Lake, **Seconded** Cr Messina

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

“(iv) APPROVES the implementation of Option 4 as shown on attached Plan No 2448-CP-4, estimated to cost in the order of \$40,000 (together with a self cleaning toilet), given that the majority of respondents 'in favour' of the redevelopment of the park indicated this as their preferred option subject to replacing the proposed pencil pines with waterwise shade trees appropriate to the era of this park under-planted with waterwise landscaping including bird attracting native plants;”

Debate ensued.

Cr Torre departed the Chamber at 7.52pm.

AMENDMENT CARRIED (7-0)

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

Debate ensued.

Cr Torre returned to the Chamber at 7.57pm.

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

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

“(iv) APPROVES the implementation of Option 4 as shown on attached Plan No 2448-CP-4, estimated to cost in the order of \$40,000 (together with a self cleaning toilet), given that the majority of respondents 'in favour' of the redevelopment of the park indicated this as their preferred option subject to replacing the proposed pencil pines with waterwise shade trees appropriate to the era of this park under-planted with waterwise landscaping including bird attracting native plants and the War Memorial being relocated to the centre of Axford Park where it is in a prominent position;”

Debate ensued.

AMENDMENT CARRIED (5-3)

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

(Cr Farrell on leave of absence.)

Moved Cr Maier, Seconded Cr Ker

That a new clause (v) be added as follows and the remaining clauses renumbered accordingly:

“(v) delays demolition of the existing toilet block until a self-cleaning toilet is installed in the Park;”

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Farrell on leave of absence.)

Moved Cr Chester, Seconded Cr Ker

“(iv) APPROVES the implementation of Option 42 as shown on attached Plan No 2448-CP-4 2, subject to revised layout and costings being submitted and approved by Council and considers estimated to cost in the order of \$40,000 (together with a self cleaning toilet), given that the majority of respondents 'in favour' of the redevelopment of the park indicated this as their preferred option subject to replacing the proposed pencil pines with waterwise shade trees appropriate to the era of this park under-planted with waterwise landscaping including bird attracting native plants;”

AMENDMENT CARRIED (5-3)

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

(Cr Farrell on leave of absence.)

**MOTION AS AMENDED CARRIED
BY AN ABSOLUTE MAJORITY (5-3)**

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

(Cr Farrell on leave of absence.)

COUNCIL DECISION ITEM 10.2.1

That the Council;

- (i) *RECEIVES the further report on the proposed redevelopment options for Axford Park, Mount Hawthorn;*
- (ii) *NOTES;*
 - (a) *the comments received regarding the four (4) possible redevelopment Options for Axford Park as outlined on attached Plans Nos 2448-CP-1 to 4;*
 - (b) *that a number of Respondents, including the Mt Hawthorn branch of the Returned and Services League of Australia WA Branch Inc. (RSL), indicated a preference for a self cleaning toilet to be installed on the site should the existing building be demolished;*
- (iii) *ACKNOWLEDGES that while the residents' views were varied, the majority of respondents were in favour of one or other of the redevelopment options, all of which included the demolition of the existing building on the site;*
- (iv) *APPROVES the implementation of Option 2 as shown on attached Plan No 2448-CP-2, subject to revised layout and costings being submitted and approved by Council and considers replacing the proposed pencil pines with waterwise shade trees appropriate to the era of this park under-planted with waterwise landscaping including bird attracting native plants;*
- (v) *delays demolition of the existing toilet block until a self-cleaning toilet is installed in the Park;*
- (vi) *LISTS for consideration \$105,000 in the 2007/2008 draft budget for the installation of a self cleaning toilet in Axford Park;*
- (vii) *ADVISES all respondents of its decision and thanks them for their feedback regarding the proposal; and*
- (viii) *REFERS the proposed roundabout at the junction of Oxford Street and Scarborough Beach Road to the Local Area Traffic Management Advisory Group for discussion.*

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the results of the recent community consultation regarding the redevelopment options for Axford Park in Mt Hawthorn and approve of Option 4.

BACKGROUND:

As previously reported to Council on 9 December 2006, Axford Park in Mount Hawthorn was upgraded in March/April 2001 to facilitate ANZAC day commemorations. The report outlined a chronological order of decisions made and actions undertaken from May 1998 up to and beyond the current upgrade.

At the meeting the Council considered various options for the further redevelopment of the parks and made the following decision:

That the Council;

- (i) *RECEIVES the report on the proposed redevelopment options for Axford Park, Mount Hawthorn;*
- (ii) *CONSIDERS the four (4) possible redevelopment Options for Axford Park as outlined on Plan Nos 2448-CP-1 to 4 as attached;*
- (iii) *CONSULTS about all four (4) options, subject to plans for Options 1 and 2 being amended to indicate the proposed Canary Island Date Palm in centre of the round-a-bout as being optional, commencing in late January/February 2007 with residents and ratepayers, the Mount Hawthorn Precinct Group and the Mt Hawthorn branch of the Returned and Services League of Australia WA Branch Inc. (RSL), requesting their comments on the options presented and allowing them 21 days in which to provide a response; and*
- (iv) *NOTES that a further report will be submitted at the conclusion of the consultation period.*

DETAILS

Community Consultation:

In accordance with clause (iii) of the Council decision, on 1 February 2007 a total of 435 letters with comments sheet were distributed to all residents living within a 300m radius of Axford Park.

At the close of consultation on Friday 23 February 2007, seventy five (75) responses (which represents a 17.25% response) were received as follows: (*refer appendix 10.2.1 for summary of all comments received*)

In Favour – Option 1 (9 out of 75 or 12%)

Option 1 Proposal - refer Plan No 2448-CP-1

- *Demolish existing building*
- *Relocate memorial to site of previous building*
- *Landscape new memorial site*
- *Canary Island Palm and seating to be located at previous memorial site*
- *Estimated Cost: \$72,000*

In Favour – Option 2 (11 out of 75 or 14.7%)

Option 2 (Plan No 2448-CP-2)

- *Demolish existing building*
- *Relocate memorial to site of previous building*
- *Landscape new memorial site*
- *Canary Island palm and seating to be located at previous memorial site*
- *Install self cleaning toilet*
- *Estimated Cost: \$162,000*

Officer's Comments

While the eleven (11) respondents supported this option, two (2) out of the eleven (11) did not support the removal of the toilet and one suggested there was no need to relocate the memorial.

The Mt Hawthorn RSL indicated they fully supported proposed redevelopment of Axford Park and congratulated Council on this initiative. They indicated they would prefer Option 2 only because of the provision of a toilet and believed this was warranted when functions were held such as ANZAC Day. However, they did not strenuously pursue the point. (Approved by full committee meeting on 12/2/07)

In Favour – Option 3 (14 out of 75 or 18.7%)

OPTION 3 (Plan No 2448-CP-3)

- *Demolish existing building*
- *Construct gazebo on site of former building*
- *Landscape around new gazebo*
- *Estimated Cost: \$55,000*

Officer's Comments

One respondent considered the proposed roundabout would cause great difficulties for mothers with children and prams and opposed the proposed roundabout. Another considered that the costs for each of the options were excessive. Another preferred Option 3 but considered a self cleaning toilet should be installed because as a business owner they were often asked by the public if they could use their toilet.

In Favour – Option 4 (18 out of 75 or 24%)

Option 4 (Plan No 2448-CP-4)

- *Demolish existing building*
- *Landscape site of former building*
- *Estimated Cost: \$40,000*

Officer's Comments

One respondent in favour of this option suggested that whatever option is chosen, PLEASE use Australian native trees. Please use shade trees. Yet another wanted a new self cleaning toilet included in this option. Another respondent wanted a Canary palm and seating at old toilet site in addition to a new self cleaning toilet.

Partially in favour - various comments – Proposal/s (6 out of 75 or 8%)

Officer's Comments

These comments varied and related to various facets of the 4 Options. One respondent agreed the toilets should be demolished and relocated and built in a form similar to that of the public facilities in Mueller Park in Subiaco. They supported Option 2 however did not believe a gazebo was necessary. Further, they were strongly opposed to a roundabout at the junction of Scarborough Beach Rd and Oxford St. Another respondent suggested the existing building be demolished and the site landscaped with Canary Palms and seating at old toilet site including a new self cleaning toilet. Another 2 did not feel a toilet was necessary at Axford Park while others suggested demolition of the existing building and installation of a self cleaning toilet, no need for a gazebo

Against – Proposal/s (17 out of 75 or 23%)

Officer's Comments

Most of these respondents did not want the toilet block demolished and no other changes. Several suggested the matter would be a waste of taxpayers money and that the money would be better spent elsewhere

Summary /Conclusions

The following statistics summarises the responses:

- | - In Favour | <u>Option 1</u> | <u>Option 2</u> | <u>Option 3</u> | <u>Option 4</u> |
|-------------|-----------------|-----------------|-----------------|-----------------|
| | Nine (9) | Eleven (11) | Fourteen (14) | Eighteen (18) |
- Partially in favour - various comments – Proposal/s Six (6)
- Against – Proposal/s Seventeen (17)

The majority of respondents were in favour of 'one' of the 'four' park redevelopment options as presented, i.e. 52 respondents, however, there were mixed views from some of the respondents in favour of specific options on what should and should not be included in the redevelopment proposal.

While the majority of respondents, i.e. 18 out of 75, preferred Option 4, i.e. the least expensive option, several of these still wanted some form of toilet facility on the site (self cleaning toilet).

The respondents against the proposal, i.e. 17 out of 75, indicated that they would definitely not want the toilet demolished, wanted the park left as is and some considered the proposal to be a waste of money. In addition two (2), option 2 supporters did not want the toilets demolished, making the total number of respondents not wanting the toilets demolished to 19 out of 75.

However 52 out of the 75 respondents supported a redevelopment of some type and therefore as each of the four (4) options presented included the demolition of the toilet block, it can be concluded that the majority of respondents are in favour of the demolition of the toilet.

Proposed Roundabout Scarborough Beach Road / Oxford Street

Several respondents did not support the above project. The Town was unsuccessful with its Blackspot funding submission for this project and therefore the works will not be proceeding in 2007/2008.

Self Cleaning Toilet

Option 2 included the self cleaning toilet option. Eleven (11) of the 75 respondents supported the installation of this facility. In addition two (2) other respondents suggested this facility would be a good idea.

In addition the Mt Hawthorn RSL indicated they fully supported proposed redevelopment of Axford Park and congratulated Council on this initiative. They indicated their preference would be Option 2 only because of the provision of a toilet and believed this was warranted when functions were held such as ANZAC Day. However, they did not strenuously pursue the point. (Approved by full committee meeting on 12/2/07)

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.5 Enhance and maintain parks and community facilities. "(b) *Implement infrastructure improvements for public open space, including the Wetlands Heritage Trail and the Greenway*".

FINANCIAL/BUDGET IMPLICATIONS:

The Council has allocated \$50,000 in the current (2006/2007) budget for Axford Park - Toilet Demolition and replacement landscaping.

COMMENTS:

Axford Park forms the eastern and northern gateway to Mt Hawthorn and it should reflect the suburb's unique flavour of community, family, heritage, beautiful gardens, and shopping village.

In 2001 the park was upgraded and a memorial was located at the eastern end of the park to commemorate ANZAC Day.

Whether the existing building should be retained or demolished has been the subject of debate, on and off, for the last eight years and various reports on the matter have been considered by the Council.

The recent consultation has shown mixed views, however, 52 out of the 75 respondents supported a redevelopment of some type and therefore, as each of the four (4) options presented included the demolition of the toilet block, it can be concluded that the majority of respondents are in favour of the demolition of the toilet and that Option 4 be adopted as the preferred redevelopment option as the majority of respondents 'in favour' of redevelopment preferred this option.

It is further suggested that a self cleaning toilet facility also be considered for the site and that an amount of \$105,000 be listed for consideration in the 2007/08 Draft Budget.

10.3.1 Financial Statements as at 28 February 2007

Ward:	Both	Date:	13 March 2007
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officer(s):	Bee Choo Tan		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Financial Reports for the month ended 28 February 2007 as shown in Appendix 10.3.1.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Ker, Seconded Cr Maier

That the recommendation be adopted.

CARRIED (8-0)

PURPOSE OF REPORT:

The purpose of this report is to present the financial statements for the month ended 28 February 2007.

BACKGROUND:

The Local Government Act and Local Government (Financial Management) Regulations 1996 require monthly reports and quarterly financial reports to be submitted to Council. The Financial Statements attached are for the month ended 28 February 2007.

DETAILS:

The Financial Statements comprise:

- Operating Statement
- Summary of Programmes/Activities
- Capital Works Schedule
- Balance Sheet (Statement of Financial position) and Statement of Changes in Equity
- Reserve Schedule
- Debtor Report
- Rate Report
- Beatty Park Report – Financial Position
- Statement of Financial Activity
- Net Current Asset Position
- Variance Comment Report

Operating Statement and Detailed Summary of Programmes/Activities

The Operating Statement shows revenue and expenditure by Programme whereas the Summary of Programmes/Activities provides detail to Programme/Sub Programme level. Both reports compare actual results for the period with the Budget. The Operating Statement and the Summary of the Programmes Activities reports are in a new format providing a comparison between the year to date actual revenue and expenditure with the year to date budget.

The statements place emphasis on results from operating activity rather than construction of infrastructure or purchase of capital items and principally aim to report the change in net assets resulting from operations.

Operating Revenue

Operating revenue is currently 106% of the month of February Budget estimate.

General Purpose Funding (Page 1)

General Purpose Funding is showing 102 % of the budget levied to date. This is due to rates being levied for the financial year; the rates revenue represents 100% of the budgeted amount for the rates income.

Governance (Page 2)

Governance is showing 289 % of the budget received to date; this is due the sale of electoral rolls.

Law Order & Public Safety (Page 3)

Revenue is showing a variance of 56 % of the budget to date. \$15,000 grant expected has not been received.

Health (Page 4)

Health is showing 104 %, this is due to 312 Health Licences being issued for Lodging Houses, Eating Houses and Alfresco dining.

Education & Welfare (Page 5)

Education and Welfare is showing 208 % of the budget, the Town received the \$173,663 in operating surplus budget expected from Leederville Garden Retirement Village.

Community Amenities (Page 6)

Community Amenities is 127 % of the year to date budget, this is the result of 440 planning applications being processed to date and the issue of non rateable and commercial properties for their refuse charges.

Recreation & Culture (Page 9)

The total revenue for Recreation and Culture is on target at 107 % of their revenue budget. Beatty Park Leisure Centre revenue is 50 % of the total Recreation and Culture revenue budget and performing favourably with the centre year to date budget of 107%.

Economic Services (Page 12)

Economic Services is 137 % over budget which is the 380 building licences issued to the month of February.

Other Property & Services (Page 13)

The total revenue for Other Property & Services is 329% over the budget which is due the higher insurance claims for the last 8 months and lease on Tamala Park exceeded budget.

Operating Expenditure

Operating expenditure for the month of February is under budget at 98 %

Capital Expenditure Summary (Pages 18 to 24)

The Capital Expenditure summary details projects included in the 2006/07 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure including commitment for February amount of \$4,155,782 which is 8% of the budget of \$54,475,888.

	Budget	Actual to Date	%
Furniture & Equipment	101,800	32,492	32%
Plant & Equipment	905,925	462,940	51%
Land & Building	43,623,350	324,093	1%
Infrastructure	9,844,813	3,336,257	34%
Total	54,475,888	4,155,782	8%

Balance Sheet (Statement of Financial Position) and Statement of Changes in Equity (Pages 25 & 26)

The statement shows the current assets of \$22,051,914 and non current assets of \$116,176,732 for total assets of \$138,228,646.

The current liabilities amount to \$3,594,939 and non current liabilities of \$13,782,485 for the total liabilities of \$17,377,425. The net asset of the Town or Equity is \$120,851,221.

Restricted Cash Reserves (Page 27)

The Restricted Cash Reserves schedule details movements in the reserves including transfers, interest earned and funds used, comparing actual results with the annual budget.

Debtors and Rates Financial Summary

General Debtors (Page 28)

Other Sundry Debtors are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts.

Sundry Debtors of \$348,565 are outstanding at the end of February. Of the total debt \$19,261 (6%) relates to debts outstanding for over 60 days. The Debtor Report identifies significant balances that are well overdue.

Finance has been following up with debt recovery by issuing reminder when it is overdue.

Rate Debtors (Page 29)

The notices for rates and charges levied for 2006/07 were issued on the 1 August 2006.

The Local Government Act 1995 provides for ratepayers to pay rates by four instalments. The due dates for each instalment are:

First Instalment	5 September 2006
Second Instalment	6 November 2006
Third Instalment	4 January 2007
Fourth Instalment	6 March 2007

To cover the costs involved in providing the instalment programme the following charge and interest rates apply:

Instalment Administration Charge (to apply to second, third, and fourth instalment)	\$4.00
Instalment Interest Rate	5.5% per annum
Late Payment Penalty Interest	11% per annum

Pensioners registered with the Town for rate concessions do not incur the above interest or charge.

Rates outstanding are \$1,276,823 which represents 8 % of the outstanding collectable income.

Beatty Park – Financial Position Report (Page 30)

As at 28 February 2007 the operating deficit for the Centre was \$131,892 in comparison to the budgeted year to date deficit of \$437,966 and annual deficit of \$639,155.

The cash position showed a current cash surplus of \$178,917 in comparison to the year to date budget of cash deficit of \$54,064 and an annual budget estimate of a cash deficit of \$81,056. The cash position is calculated by adding back depreciation to the operating position.

Statement of Financial Activity (Page 31)

The closing surplus carry forward for the year to date 28 February 2007 was \$8,371,533.

Net Current Asset Position (Page 32)

The net current asset position is \$8,371,533.

Variance comment Report (Pages 33 to 37)

The comments will be for the favourable or unfavourable variance of greater than 10% of the year to date budgeted.

10.4.2 Town of Vincent Elections - 2007

Ward:	Both Wards	Date:	20 March 2007
Precinct:	All Precincts	File Ref:	ADM0030
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RESOLVES BY AN ABSOLUTE MAJORITY to;

- (i) *DECLARE in accordance with Section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner be responsible for the conduct of the October 2007 Ordinary Elections, together with any other elections or polls which may also be required;*
- (ii) *DECIDE, in accordance with Section 4.61(2) of the Local Government Act 1995, the method of conducting the 2007 Elections be as a postal election; and*
- (iii) *NOTE the 2007 Election timetable.*

COUNCIL DECISION ITEM 10.4.2

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

(Cr Farrell on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval to appoint the Electoral Commissioner to be responsible for the 2007 Ordinary Election and to advise Elected Members of the proposed timetable of events and significant dates in relation to the 2007 Local Government Ordinary Election to be held on Saturday 20 October 2007.

BACKGROUND:

The Western Australian Electoral Commission recently wrote to all local governments advising of the election timetable and seeking the Council's intention regarding the conduct of the election. Members will be aware that the next Ordinary Local Government Elections will be held in October 2007.

Since the inception of the Town in 1995, the Western Australian Electoral Commissioner has conducted all elections as postal elections except the extraordinary election of the Mount Hawthorn Ward in December 1997.

The Western Australian Electoral Commission (WAEC) has advised of the Election timetable, as shown at the end of this report.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The Council needs to approve by an absolute majority to;

1. declare in accordance with section 4.20(4) of the Local Government Act, 1995 the Electoral Commissioner to be responsible for the conduct of the October 2007 elections; and
2. decide, in accordance with section 4.61(2) of the Local Government Act, 1995 the method of conducting the election will be as a postal election.

STRATEGIC IMPLICATIONS:

The Town has a philosophy of community consultation and encouraging its residents to participate in elections. Postal voting has a much higher participation rate than "in person" voting.

FINANCIAL/BUDGET IMPLICATIONS:

The estimated cost to conduct the postal election has not been provided by the WA Electoral Commission at this stage.

An amount of \$65,000 has been provided in the 2007/2008 Draft Budget and this will be reviewed, once an estimate has been received.

COMMENTS:

Local Government is required to consult more with the community, encourage community participation and be more open and accountable for their actions. The Town of Vincent has actively supported these requirements. From an election view point, the conduct of the previous ordinary elections by the postal vote method, has ensured that the highest consultation and participation rates possible would be achieved.

Having the local government election process managed by the Western Australian Electoral Commission, whose principle activity is to conduct elections, is most appropriate for the following reasons;

1. The election is conducted by professionally trained staff appointed for that sole purpose;
2. The election is overseen by an independent person with the experience and resources to perform the task;
3. The appointment of the Electoral Commission to manage Local Government Election removes any conflict of interest that may exist between Elected Members and the Chief Executive Officer as the Returning Officer and other local government officers appointed for the election.

Appointing the Western Australian Electoral Commission to manage the Town's 2007 Election, would continue the strong commitment to consult with the community and achieve high voter participation rates, as established with previous elections. It is therefore recommended that the 2007 Ordinary Elections for the Town be conducted using the postal vote method.

ELECTION TIMETABLE

Days to Polling Day	Event	Reference to Act/Regs	Day	Date
80	Last day for agreement of Electoral Commissioner to conduct postal election	LGA 4.20 (2)(3)(4)	Wed	1 August 2007
80	A decision made to conduct the election as a postal election cannot be rescinded after the 80th day.	LGA 4.61(5)	Wed	1 August 2007
70	Electoral Commissioner to appoint a person to be the Returning Officer of the Local Government for the election	LGA 4.20(4)	Sat	11 August 2007
70 to 56	Between the 70th/56th day the CEO is to give State wide public notice of the time and date of close of enrolments.	LGA 4.39(2)	Sat to Sat	11 August 2007 to 25 August 2007
56	Advertising may begin for nominations from 56 days and no later than 45 days before election day. Deadline for advice to WAEC regarding resignation of sitting Members requiring extraordinary election.	LGA 4.47(1)	Sat Fri	25 August 2007 25 August 2007
50	Close roll 5.00pm	LGA 4.39(1)	Fri	31 August 2007
45	Last day for advertisement to be placed calling for nominations.	LGA 4.47(1)	Wed	5 Sept 2007
44	Nominations Open First day for candidates to lodge completed nomination paper, in the prescribed form, with the Returning Officer. Nominations period is open for 8 days.	LGA 4.49(a)	Thu	6 Sept 2007
38	If a candidate's nomination is withdrawn not later than 4.00pm on the 38th day before election day, the candidate's deposit is to be refunded.	Reg. 27(5)	Wed	12 Sept 2007
37	Close of Nominations 4.00pm on the 37th day before election day.	LGA 4.49(a)	Thu	13 Sept 2007
36	CEO to prepare an owners and occupiers role for the election. Electoral Commissioner to prepare residents roll.	LGA 4.41(1) LGA 4.40(2)	Fri	14 Sept 2007
22	The preparation of any consolidated roll under sub-regulation (1) be completed on or before 22nd day before election day.	Reg. 18(2)	Fri	28 Sept 2007
19	Last day for the Returning Officer to give State wide public notice of the Election.	LGA 4.64(1)	Mon	1 October 2007
18	Commence processing returned election packages.	Approx	Tues	2 October 2007
0	Election Day Close of poll 6.00pm	LGA 4.7	Sat	20 October 2007

Post Election Day	Post Declaration	Reference to Act/Regs	Day	Date
2	Election result advertisement.	LGA 4.77	Mon	22 Oct 2007
14	Report to Minister. The report relating to an election under section 4.79 is to be provided to the Minister within 14 days after the declaration of the result of the election.	Reg.81	Sat	3 Nov 2007
28	An invalidity complaint is to be made to a Court of Disputed Returns, constituted by a magistrate, but can only be made within 28 days after notice is given of the result of the election.	LGA 4.81(1)	Sat	17 Nov 2007

10.4.3 Establishment of a Town Planning Scheme Review Advisory Group

Ward:	Both Wards	Date:	20 March 2007
Precinct:	All Precincts	File Ref:	PLA0166
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council APPROVES;

- (i) *the formation of a Town Planning Scheme Review Advisory Group to perform the functions in accordance with the Terms of Reference, as shown in Appendix 10.4.3;*
- (ii) *the Terms of Reference, as shown in Appendix 10.4.3(a);*
- (iii) *the membership of the Advisory Group to be as follows;*
 - 1. *The Mayor (Chair);*
 - 2. *All Councillors;*
 - 3. *Chief Executive Officer;*
 - 4. *Executive Manager Environmental and Development Services;*
 - 5. *Manager Planning, Building and Heritage Services; and*
 - 6. *Planning Officer (Strategic);*
- until 20 October 2007;*
- (iv) *the Deputy Chair of the Advisory Group to be Councillor until 20 October 2007; and*
- (v) *of the Advisory Group being open to the public.*

Moved Cr Doran-Wu, Seconded Cr Ker

That the recommendation be adopted.

The Presiding Member called for nominations in accordance with clause (iv).

Cr Doran-Wu nominated herself.

Moved Cr Doran-Wu, Seconded Cr Ker

That Cr Doran-Wu be appointed as Deputy Chair of the Advisory Group.

CARRIED (8-0)

(Cr Farrell on leave of absence.)

Debate ensued.

Journalists Lindsay McPhee and Chris Thomson left the meeting at 8.15pm.

Cr Torre departed the Chamber at 8.17pm.

Cr Torre returned to the Chamber at 8.26pm.

Moved Cr Chester, Seconded Cr Doran-Wu

That the Item be DEFERRED to allow meetings to be arranged with the Elected Members and administration on two (2) separate days (ie in late April/early May and June/July). These sessions are to be open to the public. Information for discussion to be prepared and distributed two (2) weeks prior to each meeting. Any questions and comments from Elected Members to be submitted at least one week prior to the meeting date.

Debate ensued.

CARRIED (8-0)

(Cr Farrell on leave of absence.)

Moved Cr Chester, Seconded Cr Doran-Wu

That in addition the above, the Chief Executive Officer be requested to provide a revised timeline and Agenda for the meetings.

CARRIED (8-0)

(Cr Farrell on leave of absence.)

COUNCIL DECISION ITEM 10.4.3

That;

- (i) *the Item be DEFERRED to allow meetings to be arranged with the Elected Members and administration on two (2) separate days (ie in late April/early May and June/July). These sessions are to be open to the public. Information for discussion to be prepared and distributed two (2) weeks prior to each meeting. Any questions and comments from Elected Members to be submitted at least one week prior to the meeting date; and*
- (ii) *in addition the above, the Chief Executive Officer be REQUESTED to provide a revised timeline and Agenda for the meetings.*

PURPOSE OF REPORT:

The purpose of the report is for the Council to approve of a Town Planning Scheme Review Advisory Group (in lieu of the Town Planning Scheme Review Committee).

BACKGROUND:

At the Ordinary Meeting of Council held on 5 December 2006, this matter was considered by the Council and a Town Planning Scheme Review Committee was formed, comprising all Elected Members, Executive Manager Environmental & Development Services, Manager Planning Building & Heritage Services, Planning Officer (Strategic) and Chief Executive Officer. The Committee was approved until 30 March 2007.

DETAILS:

The Town Planning Review Scheme Committee met on the following dates;

Meeting	Attendees	Apologies
Meeting 1 - 14/12/06	Mayor Nick Catania Cr Simon Chester Cr Helen Doran-Wu Cr Ian Ker Cr Dudley Maier (<i>from 6.42pm</i>) Cr Izzi Messina	Cr Steed Farrell Cr Sally Lake Cr Maddalena Torre
Meeting 2 - 1/02/07	Mayor Nick Catania Cr Simon Chester Cr Sally Lake Cr Ian Ker Cr Dudley Maier Cr Steed Farrell (<i>from 7.08 pm</i>)	Cr Helen Doran-Wu Cr Izzi Messina Cr Maddalena Torre
Meeting 3 - 15/02/07	Cr Simon Chester (<i>until 6.41pm</i>) Cr Helen Doran-Wu (<i>until 6.40pm</i>) Cr Ian Ker Cr Sally Lake Cr Dudley Maier	Mayor Nick Catania Cr Steed Farrell Cr Izzi Messina Cr Maddalena Torre
Meeting 4 - 1/03/07	Cr Helen Doran-Wu Cr Steed Farrell Cr Simon Chester Cr Sally Lake Cr Dudley Maier	Mayor Nick Catania Cr Ian Ker Cr Izzi Messina Cr Maddalena Torre
Meeting 5 - 15/03/07	Cr Helen Doran-Wu Cr Ian Ker Cr Simon Chester Cr Sally Lake Cr Dudley Maier	Mayor Nick Catania Cr Steed Farrell Cr Izzi Messina Cr Maddalena Torre

As can be seen from the above, the Committee failed to achieve a quorum on one occasion and as a result, the Minutes could not be confirmed at the meeting. A number of Elected Members have suggested that an Advisory Group be formed to continue the work required, without the formality of a Committee. Should an Advisory Group be approved, decisions cannot be made and all recommendations will need to be reported to the Council for a decision.

Public Participation

Additionally, it has been suggested that members of the public who attend the meeting should be given an opportunity to address the Advisory Group. This is considered beneficial, as it allows for community feedback. Accordingly, it is recommended that members of the public be allowed to address the Group for 3 minutes per person and this occur at the beginning of the meeting and also at the end of the meeting (if time permits), at the discretion of the Chair.

Quorum

To ensure that the Advisory Group is representative of the Council, it is recommended that the quorum be four Elected Members, plus a Senior Officer (e.g. Chief Executive Officer, or Executive Manager Environmental & Development Services or Manager Planning, Building and Heritage Services). This will allow the Advisory Group to meet with an appropriate number of members being present.

Meeting Dates

It is recommended that the Advisory Group meet on a monthly basis (e.g. the first Tuesday of the month). This will allow the Officers sufficient time to progress matters without causing undue pressure and also not having meetings too frequently without significant information to consider. At present, a shortage of Planning Officers has depleted resources and it is important to be realistic about the progression of the various matters, taking cognisance of the resources available.

CONSULTATION/ADVERTISING:

The Advisory Group meeting dates will need to be advertised to the Community.

LEGAL/POLICY:

There is a legal requirement for the Town to commence a review of its Town Planning Scheme No.1 every five years, and to bring this to completion as soon as practicable.

An Advisory Group does not have the legal status of a Committee and decisions cannot be made. However, it does have informality, which allows free and open discussion. Furthermore, instructions cannot be issued to the Town's Administration, however the broad direction of the review can be pursued by the Officers. All Advisory Group recommendations must be reported to Council for a decision.

STRATEGIC IMPLICATIONS:

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

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

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

FINANCIAL/BUDGET IMPLICATIONS:

An advertisement will cost approximately \$200. Catering for the meetings will be approximately \$30 per meeting and will be met from the existing budget.

COMMENTS:

It is recommended that the Council approve the matter as outlined in this report.

10.4.5 Information Bulletin

Ward:	-	Date:	21 March 2007
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	C Arnasiewicz		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 27 March 2007, as distributed with the Agenda, be received.

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Cr Messina departed the Chamber at 8.35pm.

Moved Cr Ker, Seconded Cr Torre

That the existing recommendation be numbered clause (i) and a new clause (ii) be added as follows:

- “(ii) *in relation to the letter from the State Administrative Tribunal (SAT) attaching decision and orders made on 7 December 2006 - Kellett v Town of Vincent (Matter No DR/283 of 2006), No. 396 Charles Street, North Perth - the Town WRITES to the SAT:*
- (a) *seeking clarification on condition (i) that the hours of operation do not permit trading on Thursdays; and*
 - (b) *expressing the Council’s concern and disappointment with the SAT decision to allow the development given its undue impact on the amenity of the surrounding area and the nearby residents.”*

AMENDMENT CARRIED (6-1)

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

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

MOTION AS AMENDED CARRIED (7-0)

COUNCIL DECISION ITEM 10.4.5

That;

- (i) *the Information Bulletin dated 27 March 2007, as distributed with the Agenda, be received; and*
- (ii) *in relation to the letter from the State Administrative Tribunal (SAT) attaching decision and orders made on 7 December 2006 - Kellett v Town of Vincent (Matter No DR/283 of 2006), No. 396 Charles Street, North Perth - the Town WRITES to the SAT:*
 - (a) *seeking clarification on condition (i) that the hours of operation do not permit trading on Thursdays; and*
 - (b) *expressing the Council's concern and disappointment with the SAT decision to allow the development given its undue impact on the amenity of the surrounding area and the nearby residents.*

DETAILS:

The items included in the Information Bulletin dated 27 March 2007 are as follows:

ITEM	DESCRIPTION
IB01	Letter from the State Administrative Tribunal attaching orders made on 12 March 2007. Firestar Enterprises Pty Ltd v Town of Vincent. CC 3208 of 2006. (226 Oxford Street, Leederville).
IB02	Letter from the State Administrative Tribunal attaching decision and orders made on 7 December 2006. Kellett v Town of Vincent. DR283 of 2006. (396 Charles Street, North Perth).
IB03	Email from Margaret Ker congratulating the Town on the successful celebration of Harmony Week.
IB04	Letter from Minister for Sport and Recreation, Hon John Kobelke regarding Community Sporting and Recreation Facilities Fund Outcomes of Applications for Funding 2007/08.
IB05	Letter from Macri Partners advising that Barrett & Partners – DFK has undergone a name change to Macri Partners.
IB06	Note of Appreciation regarding Harmony Week Event.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

14. CONFIDENTIAL REPORTS (Behind Closed Doors)

At 8.37pm Moved Cr Ker, Seconded Cr Torre

That the meeting proceed behind closed doors to consider Confidential Items 14.1 and 14.2 as they contain legal advice obtained, or which may be obtained by the Town.

CARRIED (7-0)

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

Cr Messina returned to the Chamber at 8.37pm.

Cr Chester departed the Chamber at 8.37pm.

Cr Chester returned to the Chamber at 8.40pm.

14.1 CONFIDENTIAL REPORT - No. 369 (Lot 2 D/P: 4602) Bulwer Street, West Perth – Change of Use from Single House to Consulting Rooms (Specialist Doctor) - State Administrative Tribunal Review Matter No. DR 57 of 2007

Ward:	South	Date:	16 March 2007
Precinct:	Hyde Park; P12	File Ref:	PRO2470; 5.2006.518.1
Attachments:	-		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to No. 369 (Lot 2 D/P: 4602) Bulwer Street, West Perth – Change of Use from Single House to Consulting Rooms (Specialist Doctor) - State Administrative Tribunal Review Matter No. DR 57 of 2007;*
- (ii) *FILES and SERVES the following draft "without prejudice" conditions to the SAT in response to the SAT Orders dated 8 March 2007:*
 - (a) *this approval is for Consulting Rooms (Specialist Doctor) use only, and any change of use from Consulting Rooms (Specialist Doctor) shall require Planning Approval to be applied for and obtained from the Town prior to commencement of such use;*
 - (b) *the hours of operation shall be limited to the following times: 9:00am to 6:00pm Monday to Friday, 9:00 am to 1:00 pm Saturday, inclusive;*
 - (c) *the subject property is not to be used for massage activity of a sexual nature, prostitution, as a brothel business, as an agency business associated with prostitution, as an escort agency business, or the like;*
 - (d) *a maximum of one (1) qualified practitioner/consultant shall operate at the premises at any one time;*
 - (e) *a maximum of one (1) room shall be used as a consulting room at any one time;*

- (f) *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;*
- (g) *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;*
- (h) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (i) *the provision of a minimum of three on-site car bays with access from Lawley Street, which comply with the Town's Policy Relating to Parking and Access and Australian Standards AS2890.1 - "Off Street Parking";*
- (j) *no car parking area shall be located within the front setback so to preserve the traditional front garden; and*
- (k) *prior to the first occupation of the development, 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;*
- (iii) *INVITES COUNCILLOR..... to submit a written submission (witness statement) on behalf of the Council on the Review (appeal), which is to be determined by way of "Documents" (written submissions); and*
- (iv) *INVITES the three (3) residents who objected to the proposal to submit a written submission (witness statement) on behalf of the Council on the Review (appeal), which is to be determined by way of "Documents" (written submissions).*

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

Cr Messina returned to the Chamber at 8.37pm.

Cr Chester departed the Chamber at 8.37pm.

Moved Cr Ker, Seconded Cr Lake

That clause (iii) be deleted and the remaining clause renumbered.

AMENDMENT CARRIED (7-0)

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

Moved Cr Ker, Seconded Cr Doran-Wu

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

- (ii) (l) *prior to the first occupancy of the development, where vehicular access to the property is via a right of carriageway to Lawley Street and the right of carriageway is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of 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 legal right to use the right of carriageway, to the satisfaction of the Town;"*

AMENDMENT CARRIED (7-0)

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

Cr Chester returned to the Chamber at 8.40pm.

Debate ensued.

MOTION AS AMENDED CARRIED (8-0)

(Cr Farrell on leave of absence.)

COUNCIL DECISION ITEM 14.1

That the Council;

- (i) *RECEIVES the report relating to No. 369 (Lot 2 D/P: 4602) Bulwer Street, West Perth – Change of Use from Single House to Consulting Rooms (Specialist Doctor) - State Administrative Tribunal Review Matter No. DR 57 of 2007;*
- (ii) *FILES and SERVES the following draft "without prejudice" conditions to the SAT in response to the SAT Orders dated 8 March 2007:*
- (a) *this approval is for Consulting Rooms (Specialist Doctor) use only, and any change of use from Consulting Rooms (Specialist Doctor) shall require Planning Approval to be applied for and obtained from the Town prior to commencement of such use;*
- (b) *the hours of operation shall be limited to the following times: 9:00am to 6:00pm Monday to Friday, 9:00 am to 1:00 pm Saturday, inclusive;*
- (c) *the subject property is not to be used for massage activity of a sexual nature, prostitution, as a brothel business, as an agency business associated with prostitution, as an escort agency business, or the like;*
- (d) *a maximum of one (1) qualified practitioner/consultant shall operate at the premises at any one time;*
- (e) *a maximum of one (1) room shall be used as a consulting room at any one time;*

- (f) *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;*
- (g) *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;*
- (h) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (i) *the provision of a minimum of three on-site car bays with access from Lawley Street, which comply with the Town's Policy Relating to Parking and Access and Australian Standards AS2890.1 - "Off Street Parking";*
- (j) *no car parking area shall be located within the front setback so to preserve the traditional front garden;*
- (k) *prior to the first occupation of the development, 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*
- (l) *prior to the first occupancy of the development, where vehicular access to the property is via a right of carriageway to Lawley Street and the right of carriageway is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of 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 legal right to use the right of carriageway, to the satisfaction of the Town; and*
- (iii) *INVITES the three (3) residents who objected to the proposal to submit a written submission (witness statement) on behalf of the Council on the Review (appeal), which is to be determined by way of "Documents" (written submissions).*

Note: *The Chief Executive Officer advised that this report is now released to the public as the Council has determined the matter.*

PURPOSE OF REPORT:

- To update the Council of the above review application.
- To comply with the requirements of the Town's Policy/Procedure for State Administrative Tribunal (SAT).
- To consider the draft "without prejudice" conditions to the SAT.
- To consider an Elected Member (s) and a local member (s) of the community to submit a written submission on behalf of the Council.

Landowner:	M. Duncan-Smith
Applicant:	TPG – Town Planning and Urban Design
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Residential
Use Class:	Consulting Room
Use Classification:	"SA"
Lot Area:	498 square metres
Access to Right of Way	N/A

BACKGROUND:

21 October 2003 The Council at its Ordinary Meeting granted conditional approval for demolition of the existing dwelling at the subject property.

13 February 2007 The application for change of use from single house to consulting rooms (specialist doctor) was refused by the Town under delegated authority from the Council 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 Policies relating to Robertson Locality, Consulting Rooms and Non-Residential/Residential Development Interface and the objectives of the Town's Town Planning Scheme No.1;*

(iii) *approval of the proposed development would create an undesirable precedent for other similar commercial use developments encroaching into established residential areas; and*

(iv) *consideration of the objections received.”*

19 February 2007 Application lodged with the State Administrative Tribunal to review the Town's decision.

7 March 2007 Directions hearing at the State Administrative Tribunal (SAT).

26 April 2007 The Town's written submissions due at SAT and the applicant.

DETAILS:

The Town is required to submit draft "*without prejudice*" conditions to SAT by 26 April 2007, as per the SAT Orders dated 8 March 2007. Mr. Simon Bain (planning consultant) has been engaged to represent the Town in the above review process. The applicant is being represented by TPG – Town Planning and Urban Design. The review process is to be determined entirely on the documents pursuant to s 60(2) of the State Administrative Tribunal Act 2004 (WA).

CONSULTATION/ADVERTISING:

Not required.

LEGAL/POLICY:

Planning and Development Act 2005 (WA), State Administrative Tribunal Act 2004 (WA) and Town's Policy No. 4.1.25 - Procedure for State Administrative Tribunal.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Cost associated with the services of a qualified professional (agent), Mr. Simon Bain.

COMMENTS:

On the above basis, the following is recommended:

- The Council receives the report.
- The Council applies draft "*without prejudice*" conditions as required in the SAT Orders dated 8 March 2007.

14.2 CONFIDENTIAL REPORT - Nos. 201-203 (Lot 1 D/P: 1239) Oxford Street, corner Melrose Street, Leederville - Signage Addition to Existing Shop and Change of Use from Shop to Shop and Eating House (Application for Retrospective Approval)- State Administrative Tribunal (SAT) -Review Matter No. DR 475 of 2006 - Hearing

Ward:	South	Date:	19 March 2007
Precinct:	Oxford Centre; P4	File Ref:	PRO2011; 5.2006.504.1
Attachments:	-		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to Nos. 201-203 (Lot 1 D/P: 1239) Oxford Street, corner Melrose Street, Leederville - Signage Addition to Existing Shop and Change of Use from Shop to Shop and Eating House (Application for Retrospective Approval)- State Administrative Tribunal (SAT) -Review Matter No. DR 475 of 2006 - Hearing;*
- (ii) *FILES and SERVES the following draft "without prejudice" conditions in response to the SAT Orders dated 7 March 2007:*
 - (a) *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;*
 - (b) *doors, windows and adjacent floor areas fronting Oxford and Melrose Street shall maintain an active and interactive relationship with these streets;*
 - (c) *all further 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;*
 - (d) *the maximum gross floor area of the shop and the public floor area of the eating house shall be limited to 347 square metres and 35 square metres, respectively, 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;*
 - (e) *prior to the first occupation of the development, the applicant/owner shall pay a cash-in-lieu contribution of \$13,130 for the equivalent value of 5.05 car parking spaces, based on the cost of \$2,600 per bay as set out in the Town's 2006/2007 Budget;*
 - (f) *access, parking and toilet facilities for people with disabilities shall be provided on-site in accordance with the Building Code of Australia and AS 1428.1; and*

- (g) *prior to the first occupation of the development one (1) class 1 or 2 and , three (3) class 3 bicycle parking facilities shall be provided at a location convenient to the entrances of the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities; and*
- (iii) *NOMINATES Councillor to represent the Town as a witness in the full SAT hearing to be held on 4 May 2007.*

Moved Cr Ker, Seconded Cr Maier

That the recommendation be adopted.

Moved Cr Ker, Seconded Cr Lake

That clause (iii) be deleted.

AMENDMENT CARRIED (8-0)

(Cr Farrell on leave of absence.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Farrell on leave of absence.)

COUNCIL DECISION ITEM 14.2

That the Council;

- (i) *RECEIVES the report relating to Nos. 201-203 (Lot 1 D/P: 1239) Oxford Street, corner Melrose Street, Leederville - Signage Addition to Existing Shop and Change of Use from Shop to Shop and Eating House (Application for Retrospective Approval)- State Administrative Tribunal (SAT) -Review Matter No. DR 475 of 2006 - Hearing; and*
- (ii) *FILES and SERVES the following draft "without prejudice" conditions in response to the SAT Orders dated 7 March 2007:*
- (a) *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;*
 - (b) *doors, windows and adjacent floor areas fronting Oxford and Melrose Street shall maintain an active and interactive relationship with these streets;*
 - (c) *all further 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;*
 - (d) *the maximum gross floor area of the shop and the public floor area of the eating house shall be limited to 347 square metres and 35 square metres, respectively, 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;*

- (e) *prior to the first occupation of the development, the applicant/owner shall pay a cash-in-lieu contribution of \$13,130 for the equivalent value of 5.05 car parking spaces, based on the cost of \$2,600 per bay as set out in the Town's 2006/2007 Budget;*
- (f) *access, parking and toilet facilities for people with disabilities shall be provided on-site in accordance with the Building Code of Australia and AS 1428.1; and*
- (g) *prior to the first occupation of the development one (1) class 1 or 2 and , three (3) class 3 bicycle parking facilities shall be provided at a location convenient to the entrances of the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities.*

At 8.52pm **Moved Cr Ker, Seconded Cr Messina**

That an "open" meeting be resumed.

CARRIED (8-0)

(Cr Farrell on leave of absence.)

Note: The Chief Executive Officer advised that this report is now released to the public as the Council has determined the matter.

PURPOSE OF REPORT:

- To update the Council on the above review application.
- To comply with the requirements of the Town's Policy/Procedure for SAT.
- To consider an Elected Member(s) to appear as witnesses on behalf of the Town.
- To file draft "without prejudice" conditions of approval in advance of the hearing concerning the Town's refusal of the above application.

Landowner:	Camera Land WA Pty Ltd
Applicant:	U Fiore
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Shop
Use Class:	Shop, Eating House
Use Classification:	"P", "P"
Lot Area:	412 square metres
Access to Right of Way	Western Side, 3 metres wide, paved and sealed, and privately owned

BACKGROUND:

8 December 2006 The Town under delegated authority from the Council resolved to refuse an application for signage addition to existing shop and change of use from shop to shop and eating house (application for retrospective approval) at the subject property for the following reasons:

- "(i) *the development will unduly adversely affect the orderly and proper planning and the preservation of the amenities of the locality; and*

- (ii) *the non-compliance with the requirements of the:*
- (a) *Building Code of Australia and the Australian Standard (AS) 1428.1- Design for Access and Mobility;*
 - (b) *standards common to all signs, wall sign and above roof sign of the Town's Policy relating to Signs and Advertising; and*
 - (c) *the carparking requirements of the Town's Policy relating to Parking and Access. "*

- 18 December 2006 Application lodged with the State Administrative Tribunal to review the Town's decision.
- 12 January 2007 Directions Hearing held at the State Administrative Tribunal (SAT).
- 29 January 2007 Mediation held at the subject site.
- 6 March 2007 Directions Hearing held at the State Administrative Tribunal (SAT).
- 4 May 2007 Full Hearing to be held at SAT.

DETAILS:

The proposal involves an application for signage addition to existing shop and change of use from shop to shop and eating house (application for retrospective approval) at the subject property.

CONSULTATION/ADVERTISING:

Not required.

LEGAL/POLICY:

Planning and Development Act 2005 (WA), State Administrative Tribunal Act 2004 (WA) and Town's Policy No. 4.1.25 - Procedure For State Administrative Tribunal.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Cost associated with the services of Mr. Simon Bain of SJB Town Planning and Urban Design to represent the Town.

COMMENTS:

The SAT has advised that the draft conditions would be "*without prejudice*" and "*is not a concession by the decision-maker that approval of the application is appropriate*". The SAT has introduced the above practice for the following two reasons:

- (1) Under Section 9 of the State Administrative Tribunal Act 2004 (WA), the objectives include "*to act as speedily and with as little formality and technicality as practicable, and minimise the costs to the parties*".

- (2) The SAT needs to have a full appreciation of all conditions applicable prior to making a reliable decision.

In accordance with the Policy/Procedure for State Administrative Tribunal, the following is recommended:

- The Council "Files" and "Serves" the draft "without prejudice" conditions applicable to the above development if the above review is allowed by the SAT; and
- The Council nominates an Elected Member(s) to represent the Town as a witness in the full SAT hearing.

At 8.52pm **Moved Cr Ker, Seconded Cr Messina**

That an "open" meeting be resumed.

CARRIED (8-0)

(Cr Farrell on leave of absence.)

15. CLOSURE

The Presiding Member, Mayor Nick Catania, JP, declared the meeting closed at 8.52pm with the following persons present:

Mayor Nick Catania, JP	Presiding Member
Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Maddalena Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Mike Rootsey	Executive Manager, Corporate Services
Rick Lotznicker	Executive Manager, Technical Services

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 27 March 2007.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2007