

**INDEX
(15 MARCH 2005)**

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Minutes of the Special Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 15 March 2005, commencing at 7.38pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania JP, declared the meeting open at 7.38pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

| | | |
|--------------------|------------|--|
| Cr Maddalena Torre | South Ward | |
| Cr Steed Farrell | North Ward | <i>(advised he needed to depart at approximately 8.30pm)</i> |

(b) Present:

| | | |
|---------------------------|---|---|
| Mayor Nick Catania, JP | Presiding Member | |
| Cr Caroline Cohen | South Ward | |
| Cr Simon Chester | North Ward | |
| Cr Helen Doran-Wu | North Ward | |
| Cr Steed Farrell | North Ward | <i>(until 8.28pm - departed the meeting and did not return)</i> |
| Cr Basil Franchina | North Ward | |
| Cr Ian Ker (Deputy Mayor) | South Ward | |
| Cr Sally Lake | South Ward | |
| John Giorgi, JP | Chief Executive Officer | |
| Rob Boardman | Executive Manager, Environmental and Development Services | |
| Rick Lotznicher | Executive Manager Technical Services | |
| Mike Rootsey | Executive Manager, Corporate Services | |
| Des Abel | Manager, Planning, Building and Heritage Services | |
| Caroline Mooney | Acting Senior Planning Officer (until 9.02pm) | |
| Cindy Goodwin | Planning Officer (until 9.02pm) | |

Approximately 3 Members of the Public

(c) Members on Leave of Absence:

Nil.

3. PUBLIC QUESTION TIME & RECEIVING OF PUBLIC SUBMISSIONS

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. ANNOUNCEMENTS BY THE PRESIDING MEMBER (Without Discussion)

Mayor Catania advised that he had attended Harmony Day at the North Perth Town Hall and this was a most successful event. The Mt Hawthorn Junior Primary School choir and the "Joys of Women" Choir (Italian singers) were wonderful and demonstrated the diversity of the Town. An event enjoyed by all.

6. DECLARATION OF INTERESTS

6.1 Financial - Local Government Act 1995, s5.60A

Nil.

6.2 Proximity - Local Government Act 1995, s5.60B

Nil.

6.3 Impartiality - Local Government (Administration) Regulations, Reg 34

Cr Lake declared and impartiality interest in Item 7.5. The extent of her interest being that her partner made a submission on this matter on a previous occasion.

**The Council decision relating to this Item was amended at the
Ordinary Meeting of Council held on 22 February 2005
(Refer Item 10.1.21)**

7.1 Planning and Building Policies - Amendment No. 8 Relating to Residential Design Elements (RDE), Table of Contents; all Residential Locality Statement Plans from No.1 through to No.31, Appendix No. 10 - Glossary of Terminology and Parking and Access Policy

| | | | |
|------------------------------|---|--------------------|------------------|
| Ward: | Both Wards | Date: | 16 February 2005 |
| Precinct: | All Precincts | File Ref: | PLA0141 |
| Attachments: | 001 002 003 004 | | |
| Reporting Officer(s): | K Batina, C Godwin | | |
| Checked/Endorsed by: | R Rasiah, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That the Council;

(i) **RECEIVES** the:

(a) *Draft Policy relating to Residential Design Elements as 'Laid on the Table'; and*

(b) *amended Policies relating to Table of Contents; Menzies - Locality Plan 1, Lynton - Locality Plan 2, Bondi - Locality Plan 3, Anzac - Locality Plan 4, Ellesmere - Locality Plan 5, Highlands - Locality Plan 6, Eton - Locality Plan 7, Scarborough - Locality Plan 8, Brentham - Locality Plan 9, Oxford - Locality Plan 10, Richmond - Locality Plan 11, Leeder - Locality Plan 12, Fletcher - Locality Plan 13, Barnet - Locality Plan 14, Coronation - Locality Plan 15, Charles - Locality Plan 16, Kyilla - Locality Plan 17, Knutsford - Locality Plan 18, Monastery - Locality Plan 19, Alma - Locality Plan 20, Florence - Locality Plan 22, Robertson - Locality Plan 23, Newtown - Locality Plan 24, Lindsay - Locality Plan 25, St Albans - Locality Plan 26, Brigatti - Locality Plan 27, Norwood - Locality Plan 28, Loton - Locality Plan 29, Riverside - Locality Plan 30, Kadina - Locality Plan 31, Appendix No. 10 - Glossary of Terminology, Parking and Access and Minor Nature Development;*

as shown in Attachments 001 to 003;

(ii) **ADOPTS** the Draft Policy relating to Residential Design Elements and amended Policies relating to Table of Contents; Menzies - Locality Plan 1, Lynton - Locality Plan 2, Bondi - Locality Plan 3, Anzac - Locality Plan 4, Ellesmere - Locality Plan 5, Highlands - Locality Plan 6, Eton - Locality Plan 7, Scarborough - Locality Plan 8, Brentham - Locality Plan 9, Oxford - Locality Plan 10, Richmond - Locality Plan 11, Leeder - Locality Plan 12, Fletcher - Locality Plan 13, Barnet - Locality Plan 14, Coronation - Locality Plan 15, Charles - Locality Plan 16, Kyilla - Locality Plan 17, Knutsford - Locality Plan 18, Monastery - Locality Plan 19, Alma - Locality Plan 20, Florence - Locality Plan 22, Robertson - Locality Plan 23, Newtown - Locality Plan 24, Lindsay - Locality Plan 25, St Albans - Locality Plan 26, Brigatti - Locality Plan 27, Norwood - Locality Plan 28, Loton - Locality Plan 29, Riverside - Locality Plan 30, Kadina - Locality Plan 31; Appendix No. 10 - Glossary of Terminology, Minor Nature Development and Parking and Access to be applied in the interim;

- (iii) ***RESCINDS the Policies relating to Local Character, Environmental Design, Street Setbacks, Street Walls and Fences, Vehicular Access, Site Levels, Building Scale, Privacy, Vehicle Access to Dwellings via a Right-of-Way and Subdivisions Requiring Plate Height Development, to be applied immediately, as shown in Attachment 004;***
- (iv) ***ADVERTISES the:***
- (a) ***Draft Policy relating to Residential Design Elements;***
- (b) ***amended Policies relating to Table of Contents; Menzies - Locality Plan 1, Lynton - Locality Plan 2, Bondi - Locality Plan 3, Anzac - Locality Plan 4, Ellesmere - Locality Plan 5, Highlands - Locality Plan 6, Eton - Locality Plan 7, Scarborough - Locality Plan 8, Brentham - Locality Plan 9, Oxford - Locality Plan 10, Richmond - Locality Plan 11, Leeder - Locality Plan 12, Fletcher - Locality Plan 13, Barnet - Locality Plan 14, Coronation - Locality Plan 15, Charles - Locality Plan 16, Kyilla - Locality Plan 17, Knutsford - Locality Plan 18, Monastery - Locality Plan 19, Alma - Locality Plan 20, Florence - Locality Plan 22, Robertson - Locality Plan 23, Newtown - Locality Plan 24, Lindsay - Locality Plan 25, St Albans - Locality Plan 26, Brigatti - Locality Plan 27, Norwood - Locality Plan 28, Loton - Locality Plan 29, Riverside - Locality Plan 30, Kadina - Locality Plan 31; Appendix No. 10 - Glossary of Terminology, Minor Nature Development and Parking and Access; and***
- (c) ***the Policies proposed to be rescinded relating to Local Character, Environmental Design, Street Setbacks, Street Walls and Fences, Vehicular Access, Site Levels, Building Scale, Privacy, Vehicle Access to Dwellings via a Right-of-Way and Subdivisions Requiring Plate Height Development, to be applied immediately as shown in Attachments 001 to 004;***

for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:

- (d) ***advertising a summary of the subject Policies once a week for four consecutive weeks in a newspaper circulating in the locality;***
- (e) ***where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policies; and***
- (f) ***forwarding a copy of the subject Policies to the Western Australian Planning Commission;***
- (v) ***after the expiry of the period for submissions:***
- (a) ***reviews the Draft Policy relating to Residential Design Elements and amended Policies relating to Table of Contents; Menzies - Locality Plan 1, Lynton - Locality Plan 2, Bondi - Locality Plan 3, Anzac - Locality Plan 4, Ellesmere - Locality Plan 5, Highlands - Locality Plan 6, Eton - Locality Plan 7, Scarborough - Locality Plan 8, Brentham - Locality Plan 9, Oxford - Locality Plan 10, Richmond - Locality Plan 11, Leeder - Locality Plan 12, Fletcher - Locality Plan 13, Barnet - Locality Plan 14, Coronation - Locality Plan 15, Charles - Locality Plan 16, Kyilla - Locality Plan 17, Knutsford - Locality Plan 18, Monastery - Locality Plan 19, Alma - Locality Plan 20, Florence - Locality Plan 22, Robertson - Locality Plan 23, Newtown - Locality Plan 24, Lindsay - Locality Plan 25, St Albans - Locality Plan 26, Brigatti - Locality Plan 27, Norwood - Locality Plan 28, Loton - Locality Plan***

29, Riverside - Locality Plan 30, Kadina - Locality Plan 31, Appendix No. 10 - Glossary of Terminology, Minor Nature Development and Parking and Access, having regard to any written submissions; and

- (b) determines the Draft Policy relating to Residential Design Elements and amended Policies relating to Table of Contents; Menzies - Locality Plan 1, Lynton - Locality Plan 2, Bondi - Locality Plan 3, Anzac - Locality Plan 4, Ellesmere - Locality Plan 5, Highlands - Locality Plan 6, Eton - Locality Plan 7, Scarborough - Locality Plan 8, Brentham - Locality Plan 9, Oxford - Locality Plan 10, Richmond - Locality Plan 11, Leeder - Locality Plan 12, Fletcher - Locality Plan 13, Barnet - Locality Plan 14, Coronation - Locality Plan 15, Charles - Locality Plan 16, Kyilla - Locality Plan 17, Knutsford - Locality Plan 18, Monastery - Locality Plan 19, Alma - Locality Plan 20, Florence - Locality Plan 22, Robertson - Locality Plan 23, Newtown - Locality Plan 24, Lindsay - Locality Plan 25, St Albans - Locality Plan 26, Brigatti - Locality Plan 27, Norwood - Locality Plan 28, Loton - Locality Plan 29, Riverside - Locality Plan 30, Kadina - Locality Plan 31, Appendix No. 10 - Glossary of Terminology, Minor Nature Development and Parking and Access, with or without amendment, to or not to proceed with them;*
- (vi) ACKNOWLEDGES that the following Notice of Motions and resolutions of the Council relating to Residential Development and listed within this report, having been addressed and finalised in the Residential Design Elements;*

 - (a) Ordinary Meeting of Council held 22 July 2003 - Item 11.2 - Town of Vincent Planning and Building Policy Manual;*
 - (b) Ordinary Meeting of Council held 18 November 2003 - Item 11.1 - Definition of "Lofts";*
 - (c) Ordinary Meeting of Council held 24 August 2004 - Item 11.1 - Streetscapes in the Town;*
 - (d) Ordinary Meeting of Council held 27 April 2004 - Item 11.2 - Residential Design Codes Review;*
 - (e) Ordinary Meeting of Council held 8 July 2003 - Item 11.2 - Review of the Town of Vincent Street Walls and Fences Policy;*
 - (f) Ordinary Meeting of Council held 26 August 2003 - Item 11.2 - Residential Design Codes; and*
 - (g) Ordinary Meeting of Council held 2 December 2003 - Item 10.1.16 - Policy No. 3.1.14 – Subdivisions requiring Plate Height Development; and*
- (vii) NOTES that the Interim Practice relating to Car Parking, Carports and Garages Accessed from the Street rather than an Available Right of Way resolved at the Ordinary Meeting of Council held 27 April 2004 has been qualified by the Residential Design Elements and is therefore no longer required.*

Moved Cr Chester, Seconded Cr Ker

That the recommendation be adopted.

At 7.45pm:

Moved Cr Chester, Seconded Cr Ker

That the Standing Orders be suspended for a period of 15 minutes to allow free and open debate.

CARRIED (8-0)

(Cr Torre apology for the meeting)

Cr Lake departed the Chamber at 7.46pm.

Cr Lake returned to the Chamber 7.48pm.

Debate ensued.

At 8.00pm:

Moved Cr Ker, Seconded Cr Lake

That the suspension of Standing Orders be continued for a further five minutes.

CARRIED (8-0)

(Cr Torre apology for the meeting)

Debate ensued.

At 8.05pm:

Moved Cr Doran-Wu, Seconded Cr Ker

That Standing Orders be resumed.

CARRIED (8-0)

(Cr Torre apology for the meeting)

Debate ensued.

AMENDMENT

Moved Cr Ker, Seconded Cr Lake

That the following amendment be made;

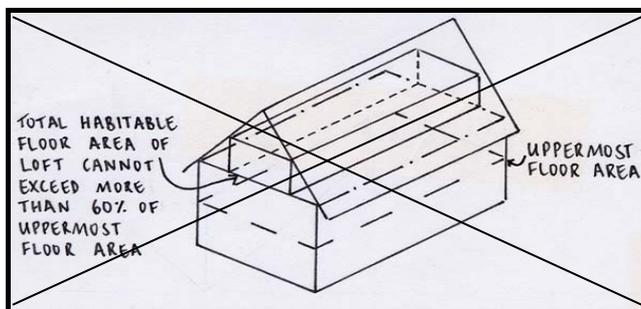
“(viii) AMENDS the Draft Policy relating to Residential Design Elements (RDE) as shown in the Attachment, by amending the Assessment Table of Element 5 – Building Height and Scale and Guidance Notes of Element 5 – Building Height and Scale G11 – G16; prior to clauses (i) (a), (ii), and (iv) (a) above, being actioned:

ASSESSMENT TABLE

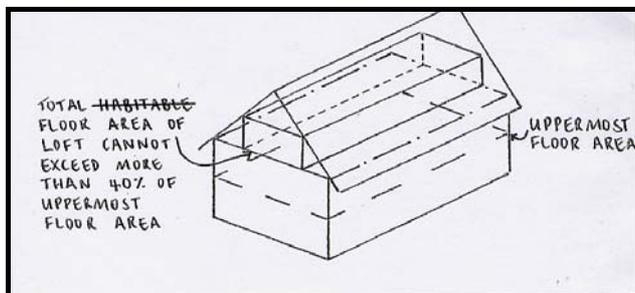
| <i>Performance Criteria</i> | <i>Acceptable Development</i> |
|--|---|
| <p>Lofts To not result in any additional building bulk or scale to that permitted, while still providing additional non-habitable/habitable space for residential buildings.</p> | <p>Lofts Lofts in proposed or existing dwellings may be permitted where:</p> <ul style="list-style-type: none"> • restricted to being located within a pitched roof that has a pitch no less than 35 degrees and no greater than 45 degrees. • the total habitable floor area of the loft does not exceed more than 60% <u>40%</u> of the total floor area of the uppermost floor of the dwelling. • minimum floor to ceiling height: <ul style="list-style-type: none"> - 2.1 metres in the case of non-habitable room - 2.4 metres in the case of a habitable room. <p>Lofts proposed within a proposed or existing roof space of an outbuilding or garage is permitted provided it is not used as habitable space (ie additional accommodation). No plumbing, sanitary facilities or fixtures are permitted for the loft space.</p> |

G11 The roof pitches of developments containing lofts is to be between 30 & 45 degrees may be no less than 35 degrees and no greater than 45 degrees.

G12 The total ~~habitable~~ floor area of the loft is not to exceed ~~more than 60%~~ 40% of the total floor area of the uppermost floor located immediately below the loft space.



(Diagram above to be deleted)



Total ~~habitable~~ floor area of loft

G13 There is to be no relaxation of other requirements (especially height and setbacks) to accommodate usable floor area for lofts.

G14 Development including loft additions should not introduce additional wall elements above the second storey.

G13 G15

G14 G16

G15 G17

G16 G18

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Torre apology for the meeting)

AMENDMENT

Moved Cr Chester, Seconded Cr Ker

That the following amendment be made;

“(viii) AMENDS the Draft Policy relating to Residential Design Elements (RDE) as shown in the Attachment, by amending the Assessment Table and Guidance Notes of Element 1 – Urban Design, Streetscape & Amenity, Assessment Table of Element 2 – Setbacks and Amenity of Adjoining Property, Assessment Table and Guidance Notes of Element 3 – Street Walls and Fences, Assessment Table and Guidance Notes of Element 5 – Building Height and Scale, Assessment Table of Element 9 – Subdivision; prior to clauses (i) (a), (ii), and (iv) (a) above, being actioned:

Element One – Urban Design, Streetscape & Amenity

| <i>Performance Criteria</i> | <i>Acceptable Development</i> |
|--|--|
| <i>New development to meet these criteria:</i> | <i>Development which complies with the following will generally be approved:</i> |
| | <i>Building Design and Streetscape New dwellings and development are to be compatible in bulk, scale and style with adjoining properties and the established streetscape pattern. <u>Elevations to the street should be activated through elements such as balconies, verandahs, terraces, windows, overlooking from living spaces and visually permeable fencing.</u></i> |
| | <i>Development of Corner Lots (continued)</i> <ul style="list-style-type: none"> <i>• Setbacks to newly created dwellings on a corner lot, facing the <u>former primary street shall be setback a minimum of:</u></i> |
| | <i>Roof Pitch</i> <ul style="list-style-type: none"> <i>– The pitch of primary roofing visible from the street is to be <u>between 30 degrees and 45 no less than 30 degrees and no greater than 40 degrees; and</u></i> |

G1 New development should be designed to blend with, rather than dominate, the streetscape and adjoining properties. ‘Oversize’ buildings which overwhelm existing houses and dominate the streetscape will be discouraged.

- G9** *Roof pitches between 30 degrees and ~~45~~ 40 degrees (inclusive) to reflect the traditional forms of roof forms in more established residential areas within the Town are encouraged.*

Element Two – Setbacks and Amenity of Adjoining Property

| Performance Criteria | Acceptable Development |
|--|--|
| <i>New development to meet these criteria:</i> | <i>Development which complies with the following will generally be approved:</i> |
| <i>Preservation of amenity on adjoining land</i> <i>The amenity of adjoining properties can be achieved through:</i> <ul style="list-style-type: none"> <u>Consideration of overshadowing on adjoining lots.</u> | |

Element Three – Street Walls and Fences

| Performance Criteria | Acceptable Development |
|--|---|
| <i>New development to meet these criteria:</i> | <i>Development which complies with the following will generally be approved:</i> |
| | Walls and Fences at Vehicle Access Points <i>Walls and fences truncated or reduced to no higher than 1.2 <u>1.0</u> metres within 2.0 metres of where walls and fences adjoin vehicle access points where a driveway meets a public street and where two streets intersect, as required by the Residential Design Codes.</i> |

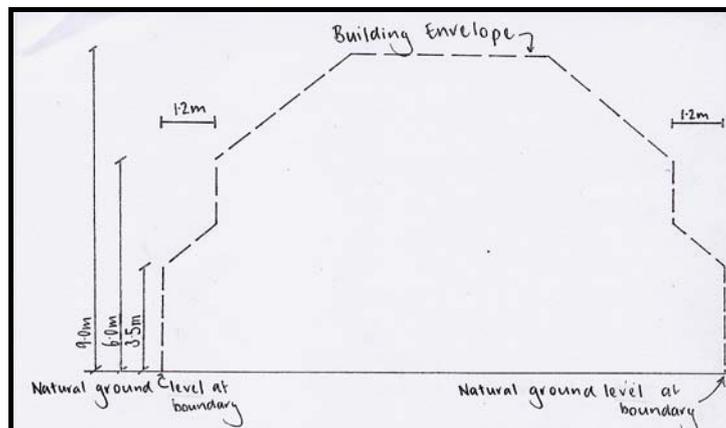
- G4** *Front fences and walls higher than ~~1.2~~ 1.0 metres within the setback area will not be constructed within 2 metres of any vehicle crossover.*

Element Five – Building Height and Scale

ASSESSMENT TABLE

| Performance Criteria | Acceptable Development |
|--|---|
| <i>New development to meet these criteria:</i> | <i>Development which complies with the following will generally be approved:</i> |
| Building Height | Building Height <i>Notes</i> (1) Gable walls above eaves height: - less than 9m : exempted - greater than 9m : on merits <u>Gable walls above eaves height less than 9 metres considered on merits</u> (3) <u>The absolute height limit for two storey dwellings is 9 metres regardless of the length of the highest ridge.</u> Building Envelopes <i>Any new dwellings or additions at no point extending outside the specified Building Envelopes “A” or “B”, as demonstrated below.</i> |

- G2** *Any single house or grouped dwelling development exceeding single storey development complying with ~~one~~ of the following building envelopes and the Residential Design Elements in relation to 'Building Height and Scale'*



Building Envelope Typical Cross Section of Lot

- G5** *The development must comply with clause 3.3.2 of the Residential Design Codes relating to Buildings on Boundary.*

Three Storey Development

G5 G6

- G7** *The great majority of traditional residential areas of Vincent consist of single storey houses with occasional variations. Three storey houses are generally not compatible in scale and dominate existing development in the Town. Therefore a two storey limit will be generally applied to the design of new infill houses and additions to existing dwellings.*

~~G6~~ G8

~~G7~~ G9

~~G8~~ G10

~~G9~~ G11

~~G10~~ G12

~~G11~~ G13

~~G12~~ G14

~~G13~~ G15

~~G14~~ G16

~~G15~~ G17

~~G16~~ G18

Element Nine - Subdivision

ASSESSMENT TABLE

| Performance Criteria | Acceptable Development |
|--|---|
| <i>New development to meet these criteria:</i> | <i>Development which complies with the following will generally be approved:</i> |
| | <p><i>Small Lot Subdivision</i> <i>Lots comprising less than 250 square metres <u>or where an encumbrance to a lot (eg sewer easement) reduces the effective lot area to 250 square metres or less available for building</u> require an application for development to be submitted prior to clearance of subdivision by the Town.</i></p> <p><i>Construction to plate height is required for resultant lots that are no less than 8 metres in width and/or comprise less than 250m² in area <u>or where an encumbrance to a lot (eg sewer easement) reduces the effective lot area to 250 square metres or less available for building.</u></i></p> |

Debate ensued.

Cr Franchina departed the Chamber at 8.25pm.

Cr Farrell departed the meeting at 8.26pm and did not return to the meeting.

Cr Franchina returned to the Chamber at 8.26pm.

Cr Ker requested that the Amendment be split to consider separately the matters of the roof pitch and the absolute height limit.

Mayor Catania ruled that he would consider the Amendment with the exception of the matter relating to the roof pitch and height of the building.

Debate ensued.

AMENDMENT CARRIED (7-0)

(Cr Torre apology for the meeting, Cr Farrell had departed the meeting)

Note:

Amendment carried with the exception of the matters relating to the roof pitch and the height of the building.

AMENDMENT

Moved Cr Lake, Seconded Cr Chester

That the roof pitch be amended to 40 degrees wherever it appears.

| Performance Criteria | Acceptable Development |
|--|---|
| <i>New development to meet these criteria:</i> | <i>Development which complies with the following will generally be approved:</i> |
| | <p><i>Roof Pitch</i></p> <ul style="list-style-type: none"> - <i>The pitch of primary roofing visible from the street is to be between 30 degrees and 45 <u>no less than 30 degrees and no greater than 40 degrees</u>; and</i> |

- G9 Roof pitches between 30 degrees and ~~45~~ 40 degrees (inclusive) to reflect the traditional forms of roof forms in more established residential areas within the Town are encouraged.*

Debate ensued.

AMENDMENT LOST (2-5)

| | |
|--|---|
| <u>For</u> Cr Chester Cr Lake | <u>Against</u> Mayor Catania Cr Cohen Cr Doran-Wu Cr Franchina Cr Ker |
|--|---|

(Cr Torre apology for the meeting, Cr Farrell had departed the meeting)

AMENDMENT

Moved Cr Ker, Seconded Cr Cohen

That the roof pitch be 45 degrees, wherever it appears, as follows:

| <i>Performance Criteria</i> | <i>Acceptable Development</i> |
|--|--|
| <i>New development to meet these criteria:</i> | <i>Development which complies with the following will generally be approved:</i> |
| | <i>Roof Pitch</i> – <i>The pitch of primary roofing visible from the street is to be between 30 degrees and 45 <u>no less than 30 degrees and no greater than 40 45 degrees</u>; and</i> |

- G9 Roof pitches between 30 degrees and ~~40~~ 45 degrees (inclusive) to reflect the traditional forms of roof forms in more established residential areas within the Town are encouraged.*

Debate ensued.

AMENDMENT CARRIED (5-2)

| | |
|---|--|
| <u>For</u> Mayor Catania Cr Cohen Cr Doran-Wu Cr Franchina Cr Ker | <u>Against</u> Cr Chester Cr Lake |
|---|--|

(Cr Torre apology for the meeting, Cr Farrell had departed the meeting)

AMENDMENT

Moved Cr Chester, Seconded Cr Ker

That the absolute height limit for a two story building be nine metres from the natural ground level as follows;

"Element Five – Building Height and Scale

ASSESSMENT TABLE

| <i>Performance Criteria</i> | <i>Acceptable Development</i> |
|--|---|
| <i>New development to meet these criteria:</i> | <i>Development which complies with the following will generally be approved:</i> |
| <i>Building Height</i> | <p><i>Building Height</i></p> <p><i>Notes</i></p> <p><i>(1) Gable walls above eaves height:</i> <i>- less than 9m : exempted</i> <i>- greater than 9m : on merits</i> <u><i>Gable walls above eaves height less than 9 metres considered on merits</i></u></p> <p><i>(3) <u>The absolute height limit for two storey dwellings is 9 metres from natural ground level regardless of the length of the highest ridge.</u></i></p> <p><i>Building Envelopes</i> <i>Any new dwellings or additions at no point extending outside the specified Building Envelopes “A” or “B”, as demonstrated below.</i></p> |

Debate ensued.

AMENDMENT CARRIED (6-1)

For
 Mayor Catania
 Cr Chester
 Cr Cohen
 Cr Franchina
 Cr Lake
 Cr Ker

Against
 Cr Doran-Wu

(Cr Torre apology for the meeting, Cr Farrell had departed the meeting)

AMENDMENT

Moved Cr Chester, Seconded Cr Ker

That the following amendment be made;

“(viii) AMENDS the Draft Policy relating to Residential Design Elements (RDE) as shown in the Attachment, by amending the Guidance Notes of Element 9 – Subdivision; prior to clauses (i) (a), (ii), and (iv) (a) above, being actioned:

G7 In larger subdivisions (6 or more) the provision of a single lot as open space particularly when in a restricted location is discouraged in favour of larger lots that provide greater open space to each lot.

~~G7~~ G8

~~G8~~ G9

~~G9~~ G10

~~G10~~ G11

~~G11~~ G12

~~G12~~ G13

~~G13~~ G14

~~G14~~ G15

~~G15~~ G16

~~G16~~ G17

~~G17~~ G18"

Debate ensued.

AMENDMENT CARRIED (7-0)

(Cr Torre apology for the meeting, Cr Farrell had departed the meeting)

AMENDMENT

Moved Cr Ker, Seconded Cr Chester

That the following amendment be made;

"(viii) AMENDS the Draft Policy relating to Residential Design Elements (RDE) as shown in the Attachment, by amending the Assessment Table and Guidance Notes of Element 1 – Urban Design, Streetscape & Amenity, Assessment Table and Guidance Notes of Element 2 – Setbacks and Amenity of Adjoining Property, Guidance Notes of Element 3 – Street Walls & Fences, Guidance Notes of Element 4 – Residential Parking and Vehicular Access, Assessment Table and Guidance Notes of Element 5 – Building Height & Scale, Guidance Notes – Element 7 – Privacy, Assessment Table and Guidance Notes of Element 8 – Open Space and Landscaping, prior to clauses (i) (a), (ii), and (iv) (a) above, being actioned:

Element One – Urban Design, Streetscape & Amenity

ASSESSMENT TABLE

| <i>Performance Criteria</i> | <i>Acceptable Development</i> |
|--|--|
| <i>New development to meet these criteria:</i> | <i>Development which complies with the following will generally be approved:</i> |
| <u><i>Rights of Way</i></u> <u><i>The setback is compatible and consistent with the established line and pattern of setbacks in the right of way.</i></u> | |
| | <i>Roof Pitch</i> <i>The pitch of primary roofing visible from the street is to be between 30 degrees and 45 degrees <u>no less than 30 degrees and no greater than 45 degrees</u>; and</i> |

G9 *Roof pitches between 30 degrees and 45 degrees (inclusive) to reflect the traditional forms of roof forms in more established residential areas within the Town are encouraged.*

Element Two – Setbacks and Amenity of Adjoining Property

ASSESSMENT TABLE

| <i>Performance Criteria</i> | <i>Acceptable Development</i> |
|---|--|
| <i>New development to meet these criteria:</i> | <i>Development which complies with the following will generally be approved:</i> |
| <i>Preservation of amenity on adjoining land</i> <i>- <u>Consideration of overshadowing on adjoining lots, particularly in relation to outdoor living areas and habitable rooms.</u></i> | <i>The proposed development only overshadows roof space, unusable open space and/or non-habitable room openings</i> |
| <i>Rear Setbacks</i> <i>Rear setbacks less than 6 metres may be supported, only in circumstances where it can be demonstrated that there is suitable justification for this variation.</i> | <i>Rear Setbacks</i> <i>Rear setbacks to be 6 metres.</i> |
| <i>Overshadowing</i> <i>- Development should respect the solar access requirements of the adjoining property by not <u>considering</u> overshadowing of the following areas:</i> | |

G2 *Calculation of overshadowing is guided by the ~~'Urban Design and Amenity'~~ 'Setbacks and Amenity of Adjoining Property' Assessment Table.*

Element 3 – Street Walls & Fences

G1 *Development which meets these standards of Element 3 – Street Walls & Fences, in addition to the requirements of the Codes but and does is not constitute defined as 'Minor Nature Development' as ~~defined in per~~ Policy No 3.5.1, will be approved by Council.*

Element 4 – Residential Parking and Vehicular Access

~~**G14** *Where no standard is prescribed by the Residential Design Elements, the Codes prevail.*~~

~~**G15** *G14*~~

~~**G16** *G15*~~

Element 5 – Building Height & Scale

ASSESSMENT TABLE

| <i>Performance Criteria</i> | <i>Acceptable Development</i> |
|---|---|
| <i>New development to meet these criteria:</i> | <i>Development which complies with the following will generally be approved:</i> |
| <i>Building Envelopes</i> <i>– <u>bulk and scale of the development on the adjoining property:</u></i> | <i>Building Envelopes</i> <i>Any new dwellings or additions at no point extending outside the specified Building Envelopes “A” or “B”, as demonstrated below.</i> <i>The proposed development only overshadows roof space, unusable open space and/or non-habitable room openings.</i> |

G2 Any single house or grouped dwelling development exceeding single storey development complying with ~~one~~ of the following building envelopes and the Residential Design Elements in relation to 'Building Height and Scale'

G11 The roof pitches of developments containing lofts is to be between 30 & 45 degrees may be no less than 35 degrees and no greater than 45 degrees.

Element 7 – Privacy

G1 In the case of proposed developments with major openings to active habitable spaces which have a floor level of more than 0.5 metres above natural ground level, a diagram or plan demonstrating compliance with the requirements ~~of the Residential Design Codes and the provisions of the Residential Design Elements~~ in relation to Privacy.

Element 8 – Open Space and Landscaping

ASSESSMENT TABLE (CONTINUED)

| <i>Performance Criteria</i> | <i>Acceptable Development</i> |
|--|---|
| <i>New development to meet these criteria:</i> | <i>Development which complies with the following will generally be approved:</i> |
| <i>Communal Open Space</i> | <i>Communal Open Space</i> <i>As a minimum, at least 20% of the site area is to be retained for communal open space.</i> <i>If the site is zoned 'Residential R80', the minimum area of communal open space to be provided per dwelling is 16 square metres.</i> <i><u>The minimal area of communal open space for multiple dwellings to be provided per dwelling as follows:</u></i> <ul style="list-style-type: none"> • <i><u>Densities R40 and lower: 20 square metres per dwelling</u></i> • <i><u>Densities R50 and higher: 16 square metres per dwelling</u></i> <i><u>Total aggregate of required communal open space to be provided in one area.</u></i> |

Communal Open Space

~~G4 — For multiple dwelling developments, at least 20% of the site area is to be retained for communal open space.~~

~~G5 G4~~

~~G6 G5~~

~~G7 G6~~

~~G8 G7~~

~~G9 G8~~

~~G10 G9~~

~~G11 G10~~

~~G12 G11~~

~~G13 G12”~~

Debate ensued.

AMENDMENT CARRIED (7-0)

(Cr Torre apology for the meeting, Cr Farrell had departed the meeting)

AMENDMENT

Moved Cr Ker, Seconded Cr Chester

That the definitions and other relevant parts of the Residential Design Elements (as discussed at this meeting) be appropriately amended to reflect the carried amendments during tonight's discussion on the item, as follows:

“Element 5 – Building Height and Scale

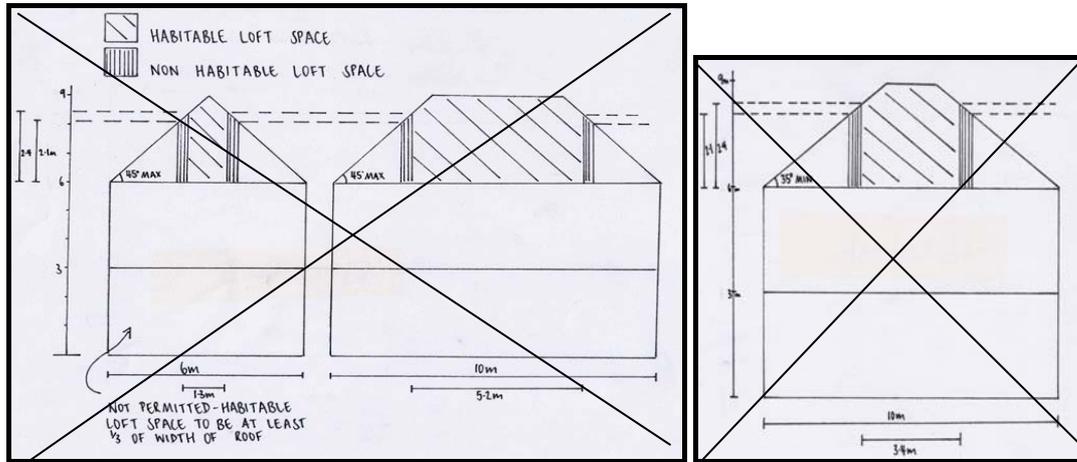
ASSESSMENT TABLE (CONTINUED)

| <i>Performance Criteria</i> | <i>Acceptable Development</i> |
|--|--|
| <i>New development to meet these criteria:</i> | <i>Development which complies with the following will generally be approved:</i> |
| <i>Lofts</i> <div style="text-align: right;">→</div> <i>(Space inserted here)</i> | <i>Lofts</i> <i>Lofts proposed within a proposed or existing roof space of an outbuilding or garage is permitted provided it is not used as habitable space (ie additional accommodation).</i> <i>No plumbing, sanitary facilities or fixtures are permitted for the loft space.</i> |

Lofts

G8 A 'loft' is defined as:
"That area located above the uppermost ceiling at the top of a dwelling and just below the roof (ie within the roofspace), ~~often~~ used only for non-habitable storage purposes (for example, for storage), but may also be used for habitable space, dependant on its compliance with the Building Code of Australia for habitable purposes."

- G10** *The minimum floor to ceiling height permitted for a habitable loft space is to be 2.4 metres for at least one third of the total width of the roof space. The minimum floor to ceiling height permitted for a loft is 2.1 metres."*



***Cross-section of dwelling showing the minimum heights of loft areas for 2 storey development
(Diagrams to be deleted)***

AMENDMENT CARRIED (7-0)

(Cr Torre apology for the meeting, Cr Farrell had departed the meeting)

MOTION AS AMENDED CARRIED (7-0)

(Cr Torre apology for the meeting, Cr Farrell had departed the meeting)

COUNCIL DECISION ITEM 7.1.

That the Council;

- (i) **RECEIVES** the:
- (a) *Draft Policy relating to Residential Design Elements as 'Laid on the Table'; and*
 - (b) *amended Policies relating to Table of Contents; Menzies - Locality Plan 1, Lynton - Locality Plan 2, Bondi - Locality Plan 3, Anzac - Locality Plan 4, Ellesmere - Locality Plan 5, Highlands - Locality Plan 6, Eton - Locality Plan 7, Scarborough - Locality Plan 8, Brentham - Locality Plan 9, Oxford - Locality Plan 10, Richmond - Locality Plan 11, Leeder - Locality Plan 12, Fletcher - Locality Plan 13, Barnet - Locality Plan 14, Coronation - Locality Plan 15, Charles - Locality Plan 16, Kyilla - Locality Plan 17, Knutsford - Locality Plan 18, Monastery - Locality Plan 19, Alma - Locality Plan 20, Florence - Locality Plan 22, Robertson - Locality Plan 23, Newtown - Locality Plan 24, Lindsay - Locality Plan 25, St Albans - Locality Plan 26, Brigatti - Locality Plan 27, Norwood - Locality Plan 28, Loton - Locality Plan 29, Riverside - Locality Plan 30, Kadina - Locality Plan 31, Appendix No. 10 - Glossary of Terminology, Parking and Access and Minor Nature Development;*

as shown in Attachments 001 to 003;

- (ii) ***ADOPTS the Draft Policy relating to Residential Design Elements and amended Policies relating to Table of Contents; Menzies - Locality Plan 1, Lynton - Locality Plan 2, Bondi - Locality Plan 3, Anzac - Locality Plan 4, Ellesmere - Locality Plan 5, Highlands - Locality Plan 6, Eton - Locality Plan 7, Scarborough - Locality Plan 8, Brentham - Locality Plan 9, Oxford - Locality Plan 10, Richmond - Locality Plan 11, Leeder - Locality Plan 12, Fletcher - Locality Plan 13, Barnet - Locality Plan 14, Coronation - Locality Plan 15, Charles - Locality Plan 16, Kyilla - Locality Plan 17, Knutsford - Locality Plan 18, Monastery - Locality Plan 19, Alma - Locality Plan 20, Florence - Locality Plan 22, Robertson - Locality Plan 23, Newtown - Locality Plan 24, Lindsay - Locality Plan 25, St Albans - Locality Plan 26, Brigatti - Locality Plan 27, Norwood - Locality Plan 28, Loton - Locality Plan 29, Riverside - Locality Plan 30, Kadina - Locality Plan 31; Appendix No. 10 - Glossary of Terminology, Minor Nature Development and Parking and Access to be applied in the interim;***
- (iii) ***RESCINDS the Policies relating to Local Character, Environmental Design, Street Setbacks, Street Walls and Fences, Vehicular Access, Site Levels, Building Scale, Privacy, Vehicle Access to Dwellings via a Right-of-Way and Subdivisions Requiring Plate Height Development, to be applied immediately, as shown in Attachment 004;***
- (iv) ***ADVERTISES the:***
- (a) ***Draft Policy relating to Residential Design Elements;***
- (b) ***amended Policies relating to Table of Contents; Menzies - Locality Plan 1, Lynton - Locality Plan 2, Bondi - Locality Plan 3, Anzac - Locality Plan 4, Ellesmere - Locality Plan 5, Highlands - Locality Plan 6, Eton - Locality Plan 7, Scarborough - Locality Plan 8, Brentham - Locality Plan 9, Oxford - Locality Plan 10, Richmond - Locality Plan 11, Leeder - Locality Plan 12, Fletcher - Locality Plan 13, Barnet - Locality Plan 14, Coronation - Locality Plan 15, Charles - Locality Plan 16, Kyilla - Locality Plan 17, Knutsford - Locality Plan 18, Monastery - Locality Plan 19, Alma - Locality Plan 20, Florence - Locality Plan 22, Robertson - Locality Plan 23, Newtown - Locality Plan 24, Lindsay - Locality Plan 25, St Albans - Locality Plan 26, Brigatti - Locality Plan 27, Norwood - Locality Plan 28, Loton - Locality Plan 29, Riverside - Locality Plan 30, Kadina - Locality Plan 31; Appendix No. 10 - Glossary of Terminology, Minor Nature Development and Parking and Access; and***
- (c) ***the Policies proposed to be rescinded relating to Local Character, Environmental Design, Street Setbacks, Street Walls and Fences, Vehicular Access, Site Levels, Building Scale, Privacy, Vehicle Access to Dwellings via a Right-of-Way and Subdivisions Requiring Plate Height Development, to be applied immediately as shown in Attachments 001 to 004;***
- for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:***
- (d) ***advertising a summary of the subject Policies once a week for four consecutive weeks in a newspaper circulating in the locality;***
- (e) ***where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policies; and***
- (f) ***forwarding a copy of the subject Policies to the Western Australian Planning Commission;***

- (v) *after the expiry of the period for submissions:*
- (a) *reviews the Draft Policy relating to Residential Design Elements and amended Policies relating to Table of Contents; Menzies - Locality Plan 1, Lynton - Locality Plan 2, Bondi - Locality Plan 3, Anzac - Locality Plan 4, Ellesmere - Locality Plan 5, Highlands - Locality Plan 6, Eton - Locality Plan 7, Scarborough - Locality Plan 8, Brentham - Locality Plan 9, Oxford - Locality Plan 10, Richmond - Locality Plan 11, Leeder - Locality Plan 12, Fletcher - Locality Plan 13, Barnet - Locality Plan 14, Coronation - Locality Plan 15, Charles - Locality Plan 16, Kyilla - Locality Plan 17, Knutsford - Locality Plan 18, Monastery - Locality Plan 19, Alma - Locality Plan 20, Florence - Locality Plan 22, Robertson - Locality Plan 23, Newtown - Locality Plan 24, Lindsay - Locality Plan 25, St Albans - Locality Plan 26, Brigatti - Locality Plan 27, Norwood - Locality Plan 28, Loton - Locality Plan 29, Riverside - Locality Plan 30, Kadina - Locality Plan 31, Appendix No. 10 - Glossary of Terminology, Minor Nature Development and Parking and Access, having regard to any written submissions; and*
 - (b) *determines the Draft Policy relating to Residential Design Elements and amended Policies relating to Table of Contents; Menzies - Locality Plan 1, Lynton - Locality Plan 2, Bondi - Locality Plan 3, Anzac - Locality Plan 4, Ellesmere - Locality Plan 5, Highlands - Locality Plan 6, Eton - Locality Plan 7, Scarborough - Locality Plan 8, Brentham - Locality Plan 9, Oxford - Locality Plan 10, Richmond - Locality Plan 11, Leeder - Locality Plan 12, Fletcher - Locality Plan 13, Barnet - Locality Plan 14, Coronation - Locality Plan 15, Charles - Locality Plan 16, Kyilla - Locality Plan 17, Knutsford - Locality Plan 18, Monastery - Locality Plan 19, Alma - Locality Plan 20, Florence - Locality Plan 22, Robertson - Locality Plan 23, Newtown - Locality Plan 24, Lindsay - Locality Plan 25, St Albans - Locality Plan 26, Brigatti - Locality Plan 27, Norwood - Locality Plan 28, Loton - Locality Plan 29, Riverside - Locality Plan 30, Kadina - Locality Plan 31, Appendix No. 10 - Glossary of Terminology, Minor Nature Development and Parking and Access, with or without amendment, to or not to proceed with them;*
- (vi) **ACKNOWLEDGES** *that the following Notice of Motions and resolutions of the Council relating to Residential Development and listed within this report, having been addressed and finalised in the Residential Design Elements;*
- (a) *Ordinary Meeting of Council held 22 July 2003 - Item 11.2 - Town of Vincent Planning and Building Policy Manual;*
 - (b) *Ordinary Meeting of Council held 18 November 2003 - Item 11.1 - Definition of "Lofts";*
 - (c) *Ordinary Meeting of Council held 24 August 2004 - Item 11.1 - Streetscapes in the Town;*
 - (d) *Ordinary Meeting of Council held 27 April 2004 - Item 11.2 - Residential Design Codes Review;*
 - (e) *Ordinary Meeting of Council held 8 July 2003 - Item 11.2 - Review of the Town of Vincent Street Walls and Fences Policy;*
 - (f) *Ordinary Meeting of Council held 26 August 2003 - Item 11.2 - Residential Design Codes; and*
 - (g) *Ordinary Meeting of Council held 2 December 2003 - Item 10.1.16 - Policy No. 3.1.14 - Subdivisions requiring Plate Height Development; and*

(vii) *NOTES that the Interim Practice relating to Car Parking, Carports and Garages Accessed from the Street rather than an Available Right of Way resolved at the Ordinary Meeting of Council held 27 April 2004 has been qualified by the Residential Design Elements and is therefore no longer required.*

"(viii) *AMENDS the Draft Policy relating to Residential Design Elements (RDE) as shown in the Attachment, by amending the Assessment Table and Guidance Notes of Element 1 – Urban Design, Streetscape & Amenity, Assessment Table and Guidance Notes of Element 2 – Setbacks and Amenity of Adjoining Property, Assessment Table and Guidance Notes of Element 3 – Street Walls & Fences, Guidance Notes of Element 4 – Residential Parking and Vehicular Access, Assessment Table and Guidance Notes of Element 5 – Building Height & Scale, Guidance Notes – Element 7 – Privacy, Assessment Table and Guidance Notes of Element 8 – Open Space and Landscaping, Assessment Table and Guidance Notes of Element 9 - Subdivision; prior to clauses (i)(a), (ii), and (iv)(a) above, being actioned;*

Element One – Urban Design, Streetscape & Amenity

| <i>Performance Criteria</i> | <i>Acceptable Development</i> |
|--|---|
| <i>New development to meet these criteria:</i> | <i>Development which complies with the following will generally be approved:</i> |
| | <i>Building Design and Streetscape New dwellings and development are to be compatible in bulk, scale and style with adjoining properties and the established streetscape pattern. Elevations to the street should be activated through elements such as balconies, verandahs, terraces, windows, overlooking from living spaces and visually permeable fencing.</i> |
| | <i>Development of Corner Lots (continued)</i> <ul style="list-style-type: none"> • <i>Setbacks to newly created dwellings on a corner lot, facing the former primary street shall be setback a minimum of:</i> |
| <i>Rights of Way The setback is compatible and consistent with the established line and pattern of setbacks in the right of way.</i> | |
| | <i>Roof Pitch</i> <ul style="list-style-type: none"> – <i>The pitch of primary roofing visible from the street is to be no less than 30 degrees and no greater than 45 degrees; and</i> |

G1 New development should be designed to blend with, rather than dominate, the streetscape and adjoining properties. ‘Oversize’ buildings which overwhelm existing houses and dominate the streetscape will be discouraged.

G9 Roof pitches between 30 degrees and 45 degrees (inclusive) to reflect the traditional forms of roof forms in more established residential areas within the Town are encouraged.

Element Two – Setbacks and Amenity of Adjoining Property

ASSESSMENT TABLE

| Performance Criteria | Acceptable Development |
|--|--|
| <i>New development to meet these criteria:</i> | <i>Development which complies with the following will generally be approved:</i> |
| <i>Preservation of amenity on adjoining land</i> - <i>Consideration of overshadowing on adjoining lots, particularly in relation to outdoor living areas and habitable rooms.</i> | |
| <i>Overshadowing</i> - <i>Development should respect the solar access requirements of the adjoining property by considering overshadowing of the following areas:</i> | |

G2 *Calculation of overshadowing is guided by the ‘Setbacks and Amenity of Adjoining Property’ Assessment Table.*

Element Three – Street Walls and Fences

| Performance Criteria | Acceptable Development |
|--|--|
| <i>New development to meet these criteria:</i> | <i>Development which complies with the following will generally be approved:</i> |
| | <i>Walls and Fences at Vehicle Access Points</i> <i>Walls and fences truncated or reduced to no higher than 1.0 metre within 2.0 metres of where walls and fences adjoin vehicle access points where a driveway meets a public street and where two streets intersect, as required by the Residential Design Codes.</i> |

G1 *Development which meets the standards of Element 3 – Street Walls & Fences, and is not defined as ‘Minor Nature Development’ as per Policy No 3.5.1, will be approved by Council.*

G4 *Front fences and walls higher than 1.0 metre within the setback area will not be constructed within 2 metres of any vehicle crossover.*

Element 4 – Residential Parking and Vehicular Access

~~**G14**~~

~~**G15**~~ **G14**

~~**G16**~~ **G15**

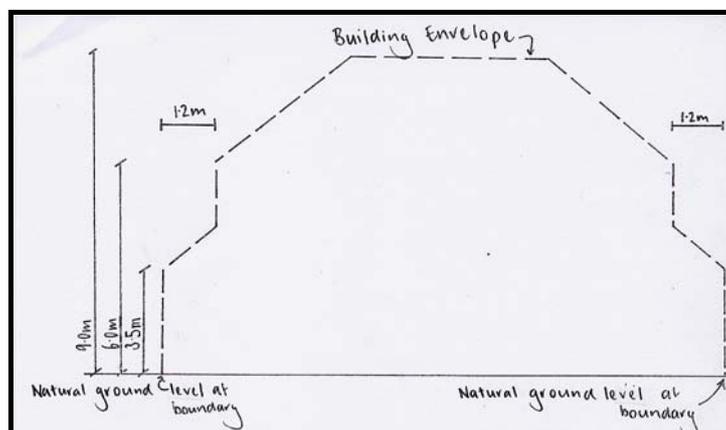
Element 5 – Building Height & Scale

ASSESSMENT TABLE

| Performance Criteria | Acceptable Development |
|---|--|
| <i>New development to meet these criteria:</i> | <i>Development which complies with the following will generally be approved:</i> |
| | <p>Building Height</p> <p>Notes</p> <p>(1) <i>Gable walls above eaves height less than 9 metres considered on merits</i></p> <p>(3) <i>The absolute height limit for two storey dwellings is 9 metres from natural ground level regardless of the length of the highest ridge.</i></p> |
| <p>Building Envelopes</p> <p>– <i>bulk and scale of the development on the adjoining property;</i></p> | <p>Building Envelopes</p> <p><i>Any new dwellings or additions at no point extending outside the specified Building Envelope, as demonstrated below.</i></p> |
| <p>Lofts</p> <p><i>To not result in any additional building bulk or scale to that permitted, while still providing additional non-habitable space for residential buildings.</i></p> | <p>Lofts</p> <p><i>Lofts in proposed or existing dwellings may be permitted where:</i></p> <ul style="list-style-type: none"> • <i>restricted to being located within a pitched roof that has a pitch no less than 35 degrees and no greater than 45 degrees.</i> • <i>the total floor area of the loft does not exceed 40% of the total floor area of the uppermost floor of the dwelling.</i> • <i>minimum floor to ceiling height:</i> <i>- 2.1 metres.</i> <p><i>Lofts proposed within a proposed or existing roof space of an outbuilding or garage is permitted provided it is not used as habitable space (ie additional accommodation).</i></p> <p><i>No plumbing, sanitary facilities or fixtures are permitted for the loft space.</i></p> |

Building Envelopes

G2 *Any single house or grouped dwelling development exceeding single storey development complying with the following building envelope and the Residential Design Elements in relation to 'Building Height and Scale'*



Typical Cross Section of Lot

G5 *The development must comply with clause 3.3.2 of the Residential Design Codes relating to Buildings on Boundary.*

Three Storey Development

~~G5~~ G6

G7 *The great majority of traditional residential areas of Vincent consist of single storey houses with occasional variations. Three storey houses are generally not compatible in scale and dominate existing development in the Town. Therefore a two storey limit will be generally applied to the design of new infill houses and additions to existing dwellings.*

Building Bulk

~~G6~~ G8

~~G7~~ G9

Lofts

~~G8~~ G10 A 'loft' is defined as:

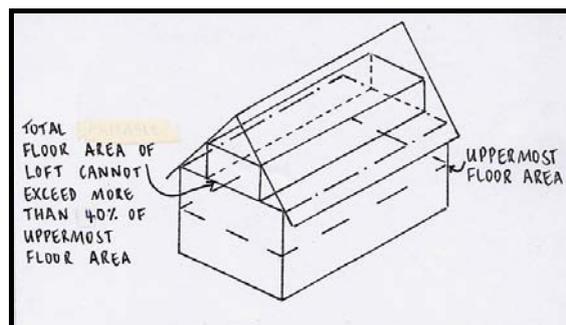
"That area located above the uppermost ceiling at the top of a dwelling and just below the roof (ie within the roofspace), used only for non-habitable purposes (for example, for storage)."

~~G9~~ G11

~~G10~~ G12 *The minimum floor to ceiling height permitted for a loft is 2.1 metres.*

~~G11~~ G13 *The roof pitches of developments containing lofts may be no less than 35 degrees and no greater than 45 degrees.*

~~G12~~ G14 *The total floor area of the loft is not to exceed 40% of the total floor area of the uppermost floor located immediately below the loft space.*



Total floor area of loft

G15 *There is to be no relaxation of other requirements (especially height and setbacks) to accommodate usable floor area for lofts.*

G16 *Development including loft additions should not introduce additional wall elements above the second storey.*

Building Height
~~G13~~ G17

Storey
~~G14~~ G18

~~G15~~ G19

~~G16~~ G20

Element 7 – Privacy

G1 *In the case of proposed developments with major openings to active habitable spaces which have a floor level of more than 0.5 metres above natural ground level, a diagram or plan demonstrating compliance with the requirements of the Residential Design Elements in relation to Privacy.*

Element 8 – Open Space and Landscaping

ASSESSMENT TABLE (CONTINUED)

| Performance Criteria | Acceptable Development |
|--|---|
| <i>New development to meet these criteria:</i> | <i>Development which complies with the following will generally be approved:</i> |
| Communal Open Space | <p>Communal Open Space <i>The minimal area of communal open space for multiple dwellings to be provided per dwelling as follows:</i></p> <ul style="list-style-type: none"> • <i>Densities R40 and lower: 20 square metres per dwelling</i> • <i>Densities R50 and higher: 16 square metres per dwelling</i> <p><i>Total aggregate of required communal open space to be provided in one area.</i></p> |

~~G4~~

~~G5~~ G4

~~G6~~ G5

~~G7~~ G6

~~G8~~ G7

~~G9~~ G8

~~G10~~ G9

~~G11~~ G10

~~G12~~ G11

~~G13~~ G12

Element Nine - Subdivision

ASSESSMENT TABLE

| Performance Criteria | Acceptable Development |
|--|---|
| <i>New development to meet these criteria:</i> | <i>Development which complies with the following will generally be approved:</i> |
| | <p><i>Small Lot Subdivision</i></p> <p><i>Lots comprising less than 250 square metres or where an encumbrance to a lot (eg sewer easement) reduces the effective lot area to 250 square metres or less available for building require an application for development to be submitted prior to clearance of subdivision by the Town.</i></p> <p><i>Construction to plate height is required for resultant lots that are no less than 8 metres in width and/or comprise less than 250m² in area or where an encumbrance to a lot (eg sewer easement) reduces the effective lot area to 250 square metres or less available for building.</i></p> |

G7 *In larger subdivisions (6 or more) the provision of a single lot as open space particularly when in a restricted location is discouraged in favour of larger lots that provide greater open space to each lot.*

~~G7~~ G8

~~G8~~ G9

~~G9~~ G10

~~G10~~ G11

~~G11~~ G12

~~G12~~ G13

~~G13~~ G14

~~G14~~ G15

~~G15~~ G16

~~G16~~ G17

~~G17~~ G18

ADDITIONAL INFORMATION:

Lofts

The requirements of the Residential Design Elements restrict the total habitable floor area of the loft to not exceed more than 60% of the total floor area of the uppermost floor of the dwelling. Given further restrictions apply for loft development relating to roof pitch and ceiling heights, applying further restrictions (that is, 40%) on maximum loft areas will significantly limit where loft development will be feasible, especially in areas where there are higher densities such as R60 and R80, which are generally characterized by narrow lot configurations. It is therefore suggested that the requirement for maximum loft areas remain at 60%.

A number of queries and comments were raised by Councillor Chester in relation to the Residential Design Elements. The response is as follows:

The Residential Design Elements, specifically the provisions relating to heights, lofts and building bulk and scale will provide greater support to and better defend Council's decisions in appeal situations. Specific consideration has been given to the appeals to the Town Planning Appeal Tribunal against the decisions of Council concerning 190 Grosvenor Road, North Perth and 91 Raglan Road, Mount Lawley as follows:

**190 Grosvenor Road, North Perth:
Comments Relating to Building Height and Lofts**

Lofts: Roof Pitch

The Assessment Table Element 5 – Building Height and Scale specify that lofts are restricted to being located within a pitched roof that has a pitch no less than 35 degrees and no greater than 45 degrees. The 'loft' proposed at 190 Grosvenor Road, North Perth is not located within a pitched roof and therefore does not apply with the provisions of the RDEs.

Loft Definition

Under the RDEs a loft is defined as *“That area located above the uppermost ceiling at the top of a dwelling and just below the roof, often used for storage purposes, but may also be used for habitable space, dependence on its compliance with the Building Code of Australia for habitable purposes.”*

Given that the proposed three storey dwelling at 190 Grosvenor Road included a flat roof, the uppermost ceiling in this particular case is the ceiling of the third storey (i.e. the ceiling of the second storey is not considered the uppermost ceiling). The proposed 'loft' therefore does not fall within the above definition as it is not located above the uppermost ceiling at the top of a dwelling and just below the roof and would therefore be considered a storey.

Three Storey Development

The Assessment Table of Element 5 only allows for three storey development where it is stated in the relevant Locality Statement or Precinct Plan. Given that the Monastery precinct limits development to two storeys including loft, a three storey development such as the dwelling proposed at 190 Grosvenor Road would not comply with the RDEs. The Guidance Notes further outline that a loft addition must not represent or resemble an additional storey but must be wholly contained within the roof space of the proposed or existing dwelling. The proposed 'loft' on Grosvenor Road is not considered a loft in accordance with the definition and it would therefore be considered a storey and would not comply with three storey development provisions.

Maximum Allowable Wall Height

The proposed wall height of the dwelling at 190 Grosvenor Road was 9.0 metres. The acceptable development standards of the RDEs specify a maximum allowable wall height (where roofs are concealed) of 7.0 metres. The proposed wall height of the dwelling significantly exceeds the required heights and does not comply with the requirements.

Building Envelope

The proposed development would significantly encroach the Building Envelope and would therefore not comply with this requirement of the RDEs.

The RDEs are intended to be read and applied as one complete document. For example where a proposal includes a loft addition, the loft component must comply with all the provisions of the RDEs including (and not limited to) Building Height, Building Envelopes, Three Storey Development, Building Bulk and Lofts – not just the provisions relating to

Lofts. As illustrated in the above example, when all the provisions are applied to assess and determine proposals, it is considered that they will enable Council to better defend and support decisions in appeal situations.

It is agreed that wet areas should not be permitted in lofts and provisions relating to this will be included in the assessment table for lofts as part of an amended recommendation.

91 Raglan Road, Mt Lawley
Comments relating to the above appeal

The loft development at 91 Raglan Road was completely retained within the roof of the dwelling. No floor plan was provided for the loft component of the development, however given the pitch of the roof and the minimal width of the second storey (5.5 metres), the area and usability of the loft would have been limited.

The loft development at 91 Raglan Road is compliant with the loft definition, however further controls over building bulk and scale have been incorporated into the Residential Design Elements to protect the amenity of adjoining properties. The proposal is therefore not considered to be 'fully compliant' with the requirements of the RDEs.

Building Envelope

The intention of introducing the Building Envelope requirements to the RDEs was to provide further provisions to restrict the bulk and scale of upper storey development to protect the amenity of adjoining properties. The Building Envelope was developed to support and compliment side setback requirements and guide and emphasise acceptable bulk and scale.

The proposed development would significantly encroach the Building Envelope and would therefore not comply with this requirement of the RDEs.

FURTHER ADDITIONAL INFORMATION:

A number of amendments were also requested relating to roof pitch, the building envelope diagram and subdivisions (shown in italics). The following information below is provided for further consideration.

Roof Pitch

"Replace "45 degrees" with 40 degrees."

The Draft Policy relating to the Residential Design Elements and the Locality Statements of the Town's Planning and Building Policy Manual encourage and promote the existing character of localities to be retained. Roof pitches between 30 and 45 degrees reflect the traditional roofscapes in many established residential areas within the Town. The provisions of the Residential Design Elements relating to roofscapes are considered to be more reflective of typical roof pitches within the town and also allow for higher ceilings. It is considered that limiting roof pitches to a maximum angle of 40 degrees may limit choice and flexibility in architectural design. To retain the traditional character and styles of established areas it is considered that a 45 degree roof pitch is appropriate.

Building Envelope

"In the diagram shown the height of the boundary wall should be Average of 3.0m rather than "3.5m" to be consistent with the RD-Codes."

Clause 3.3.2 of the Residential Design Codes specify in areas coded R30 and higher, walls not higher than 3.5 metres with an average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary are permitted in accordance with the Acceptable Development provisions. The building envelope diagram in the Residential

Design Elements reflects these provisions, by allowing a wall on the boundary to have a maximum height of 3.5 metres. All proposals will still have to comply with the provisions of the R-Codes (whereby the maximum average height of a wall on the boundary is 3.0 metres) however, it is important that the building envelope diagram reflected the maximum permitted height of 3.5 metres. A provision in the Guidance Notes has been added specifying that the development must comply with clause 3.3.2 of the Residential Design Codes relating to Buildings on Boundary.

Subdivisions

“Replace: The proposed development conserves or enhances an existing dwelling or existing dwelling worthy of retention.

With: The proposed development conserves or enhances a heritage listed dwelling.”

The requested amendment relating to subdivision has not been prepared as the amendment would contradict with Clause 20, 2, b of the provisions of the Town Planning Scheme No.1 as follows:

“Subject to compliance with the procedures set out in the Residential Planning Codes for notifying affected owners and occupiers, the Council may grant an increase in the permitted dwelling density by up to 50% if –

the proposed development conserves or enhances an existing dwelling or existing dwellings worthy of retention.”

As such it is recommended that the provision remain as is.

ADDITIONAL INFORMATION:

Add the following comments to the Table referring to the Notice of Motion resolved on 22 July 2003 relating to the Town of Vincent Planning and Building Policy Manual – Item 11.2:

| 22 July 2003 Item 11.2 Town of Vincent Planning and Building Policy Manual | |
|--|--|
| Comment | Response |
| <u>Examine the appeals to the Town Planning Appeal Tribunal against the decisions of Council concerning No. 190 Grosvenor Road, North Perth, and No. 91 Raglan Road, Mount Lawley, and the Charles Street/Oak Lane development, and provide recommendations as to how the Town's Policies regarding building height could be modified to provide greater support to and better defend Council's decision in those instances.</u> | <u>It is considered that the changes to, especially the diagrams in, the Residential Design Elements, will provide a more stringent and clear way of dealing with height, lofts and building bulk and scale within the Town, and is considered to provide the Town with stronger grounds in defending appeals such as those relating to the proposed developments at No. 190 Grosvenor Road, North Perth, No. 91 Raglan Road, Mount Lawley and Nos. 179 - 183 Charles Street/Oak Lane.</u> |

The Council at its Ordinary Meeting held on 27 March 2001 resolved to adopt the Planning and Building Policy Manual, which included the abovementioned Policies. The matters relating to the Residential Design Elements have been presented to Council at the Elected Members Forums held on 19 October 2004, 30 November 2004 and 14 December 2004.

DETAILS:

The review of existing policies and the preparation of the Draft Policy relating to the Residential Design Elements has been guided by the State Government's adoption of the Residential Design Codes in October 2002, Interim Practice of the Town and the various Notice of Motions that have been requested by Elected Members since July 2003, in relation to some of the Policies within the Town's Planning and Building Policy Manual.

The purpose of this report is to introduce and outline the contents of the Draft Policy relating to Residential Design Elements. In addition, the responses to the various Notice of Motions requested since July 2003 that relate to residential development within the Town have been collated into a Table in the 'Comment' section of this report to demonstrate how each has been addressed within the Draft Policy.

Draft Policy - Residential Design Elements

The Draft Policy has been prepared to encompass a number of the Town's existing Policies and to further augment the provisions contained within the Residential Design Codes to ensure local objectives are maintained and preserved. To maintain consistency in language with the existing section of the Planning and Building Policy, 'Residential Design Guidelines - Design Elements', the Draft Policy has been called 'Residential Design Elements'. The Residential Design Elements intend to replace a number of the existing 'Residential Design Guidelines - Design Elements' Policies, contained within the existing Planning and Building Policy Manual.

The principal aims of the Residential Design Elements are:

1. To consolidate a number of existing Policies relating to Residential Development (that is, a number of stand alone Policies within the Planning and Building Policy Manual relating to residential development that need to be integrated into the Residential Design Guidelines section of the Manual, in order for them to be read in context).
2. To integrate future and likely changes to the Residential Design Codes, and utilise the Codes as a basis of the Policy recommendations, so as to provide better consistency between the two operational documents - for example, the Assessment Tables.
3. To minimise the amount of wording and preamble in the existing policies and make the Residential Design Guidelines a collection of 'dot' points that are easily understood by the general public, practitioners and staff.

It should be emphasised that the Residential Design Elements do not intend to 'reinvent' existing Policy requirements for the Town of Vincent but rather aim to implement better and clearer policies, so to ensure a consistent approach and application of the Residential Design Elements and the related elements.

Principle Changes

Structure

With the intention of removing as much unnecessary 'wording' as possible from the Policies, the Residential Design Elements have been structured in a different manner to other Policies within the Town's Planning and Building Policy Manual, to provide a more concise and user friendly document.

An outline and description of the Residential Design Elements and the general aims and objectives of the Policy, form as an introduction to the Policy. The Policy is then structured into a number of Design Elements, which are essentially a compilation of existing Policies and the introduction of some new Policy provisions and requirements.

| | |
|-------------------------|--|
| Aim | Identifying the objective(s) in relation to the relevant design element |
| Assessment Table | <p>Similar to those Performance Criteria Tables of existing Policies, but with slight modification and adaptation of the provisions to enable:</p> <ul style="list-style-type: none"> a) clearer direction and understanding; b) some possible solutions to satisfying the Performance Criteria by providing Acceptable Development standards; and c) to better reflect the provisions and intentions of the Codes and Policies. <p>The <i>Performance Criteria</i> sets out the performance based criteria by which developments are assessed. The <i>Acceptable Development</i> standards, set out <i>some</i> possible design solutions to achieve the performance criteria. It should be noted however, that the acceptable solutions are some of many possible design solutions that may address and satisfy the performance criteria.</p> |
| Guidance Notes | <p>Provides the reader/user with contextual understanding of the design element, and what the Town of Vincent's preferred outcomes are.</p> <p>The Guidance Notes will also provide definitions relating to that particular design element and practice notes on how measurement of height (for example) is undertaken by the Town.</p> |

It is anticipated that by simplifying the structure of the Policy format, it will reduce the chances of misinterpretation and differing application and implementation of the provisions relating to each design element by the general public, practitioners and staff.

Residential Design Elements

Following is a summary of the more notable changes proposed to be part of the Residential Design Elements, which is divided into the nine Design Elements:

Element One - Urban Design, Streetscape & Amenity

- More specific requirements with regard to primary street setbacks and building design to ensure new development is compatible with the established streetscape and sympathetic to existing dwellings.
- Introduction of specific setback distance requirements for development on corner lots and facing secondary streets in relation to both ground floor and upper floor components of residential development.
- Clarification with respect to proposed development fronting rights of way, including the provision of a diagrammatic representation of the Policy provisions.

Element Two - Setbacks & Amenity of Adjoining Property

- Clearer direction with respect to preservation of amenity on adjoining properties.
- Quantifiable measures being provided to assess the impact of overshadowing on adjoining properties.
- Side setback requirements for additions where the original or heritage dwelling has been retained.

Element Three - Front/Side and Rear Fences

- Clarification with respect to how fence height is measured in different circumstances.
- Identification, through diagrams, what type of fencing requires / does not require development approval.

Element Four - Residential Parking and Vehicular Access

- The provision of minimum setback requirements for garages and carports, with supporting diagrams.
- A clear definition of 'carports' and 'garages' is now provided.
- Outline of preferred locations for on site car parking with supporting diagrams.
- Greater emphasis has been placed on encouraging the reduction in the number of crossovers onto streets where possible.

Element Five - Building Height and Scale

- Diagrams and a clear definition of 'Loft' have now been provided. Given that lofts are required to be contained within the roof space of a dwelling, it is appropriate that they are permitted in both single and two storey dwellings.
- The total habitable floor area for lofts permissible is not to exceed 60 percent of the total floor area of the uppermost floor located immediately below the loft space.
- More stringent setback requirements have been introduced for upper storey elements of residential development, in an effort to emphasise the preservation of single storey streetscapes, where appropriate and applicable.
- The provision of definitions relating to Maximum Allowable Building and Wall Heights to provide better distinction between the two terms.
- The introduction of a building envelope to control the bulk and scale of development.
- The definition of a 'storey' with associated diagrams has been provided.
- Unless otherwise specified in the relevant Residential Locality Statement or Precinct Plan, the maximum number of storeys supported within the Town is now limited to two storeys.

Element Six - Site Levels

- Further clarification has been provided with respect to cut and fill in relation to proposed developments.
- Generally the same provisions apply as stated in the Policy relating to Site Levels, but it is proposed to increase the maximum fill level permitted within the front setback area from 300 millimetres to 500 millimetres, in line with the Codes.

Element Seven - Privacy

- The 'Cone of Vision' principle has been replaced with the Horizontal Plane of Vision, which is regarded as being more practical and applicable for determining the extent of overlooking resulting from a major opening on an upper level. Diagrams showing this have been provided.
- Identification and listing of various acceptable forms of visual screening.

Element Eight – Open Space and Landscaping

- In light of the anticipated adoption of the Significant Trees Inventory for the Town, more emphasis has been placed on the retention of significant trees and vegetation on site.
- Landscape plans will now need to be submitted for developments comprising two or more dwellings and for any new car parks proposed where the number of bays exceeds six bays.
- Introduction of specific open space and minimum outdoor living area requirements for different residential densities.
- Definitions provided for 'Open Space', 'Outdoor Living Areas', and 'Communal Open Space'.

Element Nine - Subdivision

- Previously not provided as a separate Policy, the need for this design element to be included as part of the Residential Design Elements is inherent, particularly given the pressure of infill development within the Town.
- Further explanation of the purpose and intent of 'split coding' has been provided, so applicants can better understand the premise for the split coding and its intent.
- The 'Subdivision requiring Plate Height Development' has now been incorporated into the Residential Design Elements. In addition, the Policy further defines and identifies the circumstances under which the requirement for construction to plate height is applicable and when it is not.
- Construction to plate height is required for resultant lots that are no less than 8 metres in width and/or comprise less than 250 metres square in area.
- The provision of standards for subdivisions involving the allocation of common property.

Policies relating to Building Scale and Appendix No. 10 - Glossary of Terminology

A number of the Notice of Motions which have been addressed within the Residential Design Elements Policy have related to lack of clarity and ambiguity in relation to certain aspects of residential development within the Town. In response, the following terms have been included within the Residential Design Elements Policy and within the Glossary of Terminology:

Acoustic Privacy

"The absence or the minimisation of noise intrusion into the private internal or private outdoor areas of both the subject and neighbouring dwellings".

Amenity

"All those factors which combine to form the character of the area to the residents and passers by and shall include the present and likely future amenity".

Building Height

"The vertical distance at any point from natural ground level to the uppermost part of the building above that point (roof ridge, parapet or wall), excluding minor projections above this point".

Carport

"A roofed structure designed to accommodate one or more motor vehicles unenclosed except to the extent that it abuts a dwelling or a property boundary on one side, and being without a door unless that door is visually permeable".

Communal open space

"Open space set aside for the recreation use of the occupants of the dwellings in a common development and does not include driveways or car parking areas."

Front Fence

'That portion of fencing/wall situated within the defined front setback area, forward of the building line, which also includes any fencing located between adjacent properties and forward of the building line. Where two adjacent properties are set back by different amounts, the building line, for the purpose of this element only, shall be defined as the lesser setback of the two'.

Garage

"Any roofed structure, other than a carport, designed to accommodate one or more motor vehicles."

Habitable room

"A room used for normal domestic activities that includes:

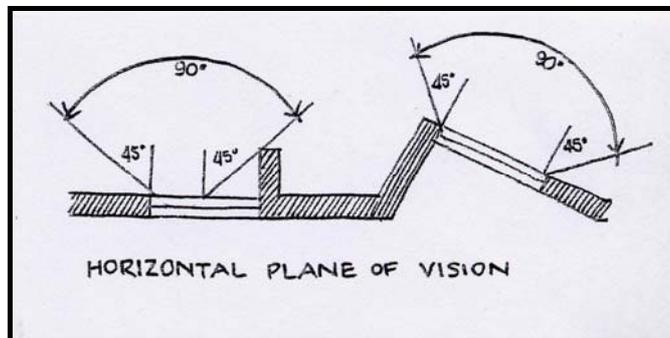
- A bedroom, living room, lounge room, music room, sitting room, television room, kitchen, dining room, sewing room, study, playroom, sunroom, gymnasium, fully enclosed swimming pool or patio;

But excludes:

- A bathroom, laundry, water closer, food storage, pantry, walk-in robe, corridor, hallway, lobby, photographic darkroom, clothes drying room, verandah and unenclosed swimming pool or patio and other spaces of a specialised nature occupied neither frequently nor for extended periods."

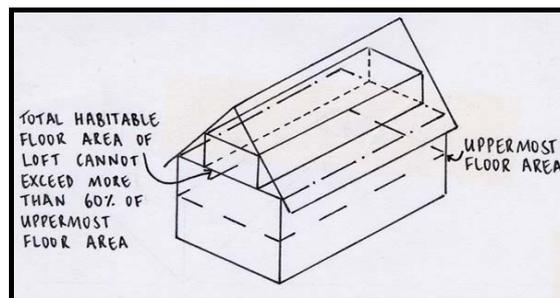
Horizontal plane of vision

"The limits of horizontal outlook from any given viewpoint for the purposes of assessing the extent of overlooking from that point as illustrated below:



Loft

"That area located above the uppermost ceiling at the top of a dwelling and just below the roof, often used for storage purposes, but may also be used for habitable space, dependant on its compliance with the Building Code of Australia for habitable purposes."



Major Opening

"A window, door or other opening in the wall of a habitable room that provides substantial external means of light or view for that room or spaces, but does not include an opening that:

- In aggregate do not exceed one square metre in any such wall (provided that adjoining or contiguous windows at the junction of two walls forming an internal angle of 90 degrees or less shall be aggregated); or
- Are glazed in an obscure material and not openable; or

Have a sill height not less than 1.6 metres above finished floor level."

Maximum Allowable Building Height

'The height measured between the natural ground level at the boundary and the highest point of the building, usually the roof ridge'.

Maximum Allowable Wall Height

'That height between the natural ground level at the boundary and the highest point immediately above the wall.'

Natural Ground Level

"The levels on a site which precede the proposed development, excluding any site works unless approved by the Council or established as part of subdivision of the land preceding development."

Open Space

"That area of a lot which is not occupied by any building and includes:

- Open areas of accessible and useable flat roofs and outdoor living areas above natural ground level.*
- Areas beneath eaves overhangs, verandas or patios not more than 0.5 metre above natural ground level, unenclosed on at least two sides and covering no more than 10 per cent of the site area or 50 square metres whichever is the lesser;*
- Pergolas;*
- Uncovered driveways (including access aisles in parking areas) and uncovered car bays;*

But excludes:

- Non-accessible roofs, verandahs and balconies over 0.5 metre above natural ground level;*
- Covered car parking bays and walkways, areas of rubbish disposal, stores, outbuildings or plant rooms."*

Outdoor Living Area

"The area external to the single house or grouped dwelling to be used in conjunction with that dwelling such that it is capable of active or passive use but excludes any area with a dimension of less than one metres minimum or which, by reason of its development or topography, is not readily accessible from the dwelling."

Plate Height

"The height of the wall between the natural ground level and the wall plate".

Primary Street

"The sole or principal public road that provides access to the principal entry to the dwelling".

Secondary Street

"In the case of a site that has access from more than one public road, a road that is not the primary street but which intersects with or adjoins that road".

Setback

"The horizontal distance between a wall at any point and any adjacent lot boundary, measured at right angles (90 degrees) to the boundary".

Site Area

"The area of land required for the construction of a dwelling to satisfy the requirements of the Codes."

Small Lot

"A lot comprising less than 250 square metres in land area".

Visually Permeable

'In reference to a wall, gate, door or fence that the vertical surface has:

- *Continuous vertical gaps occupying 50% or more of its face as viewed directly from the street; and*
- *A surface offering equal or lesser obstruction to view.'*

Wall Plate

"A horizontal structure on a wall to distribute the pressure from the roof frame structure".

Policies relating to Local Character, Environmental Design, Street Setbacks, Street Walls and Fences, Vehicular Access, Site Levels, Building Scale, Privacy, Vehicle Access to Dwellings via a Right-of-Way and Subdivisions Requiring Plate Height Development

The Residential Design Elements, in conjunction with the provisions of the Residential Design Codes, provide more comprehensive and specific guidance than the previous R-Codes and a number of the Town's Policies have been summarised and incorporated to form part of the Residential Design Elements Policy. It is therefore recommended that the following Policies be rescinded from the Town's Planning and Building Policy Manual due to matters raised in former Policies being adequately incorporated into the new Residential Design Elements and the Residential Design Codes:

- Local Character;
- Environmental Design;
- Street Setbacks;
- Street Walls and Fences;
- Vehicular Access;
- Site Levels;
- Building Scale;
- Privacy;
- Vehicle Access to Dwellings via a Right of Way; and
- Subdivisions Requiring Plate Height Development.

Policy Relating to Parking and Access

The residential component of the Town's Policy Relating to Parking and Access is proposed to be deleted as this information is now covered in the new RDEs.

Policy Relating to Minor Nature Development

The Policy relating to Minor Nature Development is proposed to be amended so as to reflect the change in the maximum permissible filling or excavation permitted without an application for development being submitted from 300 millimetres to 500 millimetres.

Policies relating to the Locality Statements

In undertaking this comparison and review of the above Policies, consideration has also been given to street and second storey setbacks. The Locality Statements, with the exception of the Carr Locality Plan 21 determines that all second storey street setbacks be 6 metres. In practice, the majority of development applications for two-storey development include justification for waiving of this requirement.

As such, it is recommended that the clause requiring the second storey front setback to be 6 metres in all the Locality Statements (with the exception of the Carr - Locality Plan 21) be deleted as provision for setbacks has been included in the Town's proposed new Streetscape Policy. Notwithstanding the above, Clause 40 of the TPS No. 1, allows the Council to determine variations to the Residential Design Codes for non-complying Planning Applications.

In addition, although not related to the Residential Design Elements Policy, a further amendment is proposed, which involves the deletion of any reference to the By-Law No.62 - Building Line and its replacement with the wording 'Planning Control Area No.54' to reflect the recent rescinding of By-Law No.62.

The Draft amended Policies are shown as Attachments to this Report.

Notice of Motions

As mentioned in the earlier part of this report, the Draft Residential Design Elements Policy has been influenced and guided by previous Notice of Motions that have been resolved at various Ordinary Meetings of Council since July 2003. The Notice of Motions and resolutions of the Council and the manner in which they have been addressed within the Residential Design Elements Policy are presented in the Tables below:

| 22 July 2003 Item 11.2 Town of Vincent Planning and Building Policy Manual | |
|--|--|
| Comment | Response |
| Remove any contradictions or ambiguity on 'building height' and specifically the wording in the provision of lofts | <p>Refer to 'Element Five - Building Height and Scale'</p> <ul style="list-style-type: none"> • Practice note and accompanying diagram is provided to show how building height is measured; • A clearer definition and explanation of the function of 'Lofts' has now been provided; • The Guidance Notes clearly outline that lofts must be wholly contained within the roof space of the proposed or existing dwelling and that the loft must not represent or resemble an additional storey. |
| Provide better distinction between allowable building height and allowable wall height | <p>Refer to 'Element Five - Building Height and Scale';</p> <ul style="list-style-type: none"> • Definitions are now provided for 'Maximum allowable Building Height' and 'Maximum allowable Wall Height' to provide better distinction between the two terms. |
| Provide better clarity in the Town's policies as to the appropriate heights in the Town's Localities | <p>Refer to 'Element Five - Building Height and Scale'</p> <ul style="list-style-type: none"> • Three storey developments are actively discouraged in any locality unless otherwise permitted within the Locality Statement or Precinct Plan; • Where three storey development is permitted, it must be demonstrated that the development satisfies the specified performance criteria; • Locality Statements will eventually be reviewed. |
| Examine an alternative mechanism of governing the maximum scale of development by reference to a maximum number of storeys to a maximum overall height, and where the number of storeys take place | <p>Refer to 'Element Five - Building Height and Scale'</p> <ul style="list-style-type: none"> • The concept of Building Envelopes has been introduced to provide a better diagrammatic representation of the vertical form of dwellings encouraged within the Town; |

| Comment | Response |
|---------|---|
| | <ul style="list-style-type: none"> • 'Maximum allowable height' is considered to precede 'Maximum number of storeys'; • A table has been provided indicating specific maximum allowable wall and building heights for 1-3 storey development. |

| 18 November 2003 Item 11.1 Definition of "Lofts" | |
|---|---|
| Comment | Response |
| Define the word 'loft' and incorporation into Planning and Building Policy Manual | Refer to 'Element 5 - Building Height and Scale'; <ul style="list-style-type: none"> • Definition is now provided for 'Loft'; and • In order to limit the extent of loft space used for habitable purposes, the total habitable floor area of a loft is restricted to a maximum of 60 percent of the total floor area of the uppermost floor area located immediately below the loft space. |

| 24 August 2004 Item 11.1 Streetscapes in the Town | |
|--|--|
| Comment | Response |
| Recognition being given to the community value of certain single storey streetscapes in the Town | Refer to 'Element One - Urban Design, Streetscape & Amenity'; <ul style="list-style-type: none"> • Within Assessment Table and Guidance Notes, it is clearly stated that the Town will not support any new development and/or additions that will result in a significant departure from an established single storey streetscape. |
| How their retention (either existing buildings or new buildings where demolition of the existing dwelling is approved) might be best achieved, including (but not restricted to) inclusion of suitable provisions in the Town Planning Scheme and the Town's Locality Statements | Refer to 'Element One - Urban Design, Streetscape & Amenity' and 'Element Five - Building Height and Scale'; <ul style="list-style-type: none"> • The Guidance Notes state that in the instance where the streetscape is predominantly single storey, then any upper storey additions or two storey developments should reinforce the streetscape patterns by maintaining a single storey presentation to the street. • The Assessment Table and Guidance Notes of Element Five have further requirements for second storey additions or new two storey development to encourage a single storey presentation to the street. |

| 27 April 2004 Item 11.2 Residential Design Codes Review | |
|---|---|
| Comment | Response |
| <p>Review the Codes and their performance and operation in the Town, specifically identifying and reporting any problems with the Codes and the accompanying explanatory text and suggesting amendments to remedy these problems.</p> | <p>One of the main intensions of the RDEs was to implement better and clearer practice methods to ensure a consistent approach and to integrate future and likely changes in the Codes. The RDEs also aim to provide guidelines that accommodate and enhance the local characteristics of the Town specifically where the Codes are deficient. By developing the RDE Policy, problems and inconsistencies of the Codes have been remedied.</p> |
| 26 August 2003 Item 11.2 Residential Design Codes | |
| Comment | Response |
| <p>Review the appropriateness and effectiveness of the Town's current Policy No 3.2.9 – Privacy specifically regarding:</p> <ul style="list-style-type: none"> • Overlooking of a property from <ul style="list-style-type: none"> - multiple windows - more than 1 dwelling - windows above the 2nd storey • Implications of reduced setbacks where windows have a sill height of 1.6m (ie no major openings) • Application of current policy. | <p>The Town's Policy relating to Privacy was superseded with the adoption of the Residential Design Codes, the appropriateness and effectiveness of the Policy is therefore not applicable. The RDEs outline further privacy provisions applicable to the Town in 'Element Seven – Privacy'; as follows:</p> <ul style="list-style-type: none"> • Introduction of horizontal plane of vision which is considered more practical when determining the extent of overlooking. • Given the inner city nature of the Town, the privacy provisions require all screening to be obscure – no perforations are permitted. • Acceptable forms of screening are outlined. <p>With regard to the Notice of Motion, all windows must comply with privacy requirements despite the characteristics of the development (ie where there are multiple windows or windows above 2nd storey). Given the above, potential overlooking in all circumstances is assessed and addressed by the Policy.</p> |
| 8 July 2003 Item 11.2 Review of the Town of Vincent Street Walls and Fences Policy | |
| Comment | Response |
| <p>To consider but not limit itself to; open style fences with a minimum 75% of the surface area being permeable, with any solid component of the wall, excepting piers, being restricted in height to 0.5 metres.</p> | <p>Consideration was given to restricting the height of front fences to 0.5m with the surface area being 75% permeable as per the Notice of Motion. However, these provisions were considered too prescriptive and not appropriate to the requirements of properties in the Town as they would:</p> |

| Comment | Response |
|---|--|
| <p>Consideration on any implications the proposed changes in Fencing Policy may have for safety, security, privacy, noise and control.</p> <p>Requests the Policy Review to include compliance to the policy.</p> | <ul style="list-style-type: none"> • Reduce the variety of fencing design style; • Result in a disproportionate design scale (ie a maximum wall height of 0.5m in relation to maximum pier height of 2.0m); • Restrict the use of materials (to wrought iron for example) therefore limiting traditional style fences (for example picket style fencing); and • Reduce the level of privacy a dwelling can obtain. <p>Element Three – Street Walls and Fences promotes and encourages:</p> <ul style="list-style-type: none"> • Diversity in fencing style design; • Active street interaction between built form and the public domain; and • Promotes a ‘sense of security’ by allowing for a certain degree of privacy for the dwelling. |
| <p>Review the Town’s Street Walls and Fences Policy in light of neighbouring local governments’ greater encouragement of open fences and passive surveillance for improved property security.</p> | <p>The Town has its own individual character to retain and other Local Government Policies are not considered appropriate for the Town for the reasons outlined above.</p> |

2 December 2003 Item 10.1.16 Policy No. 3.1.14 – Subdivisions requiring Plate Height Development

| Comment | Response |
|--|--|
| <p>Defers consideration of the existing Town of Vincent Policy No. 3.1.14 – Subdivisions Requiring Plate Height Development, until further clarification of the Town’s threshold for “small lots” is examined and information is provided on how surrounding local government areas manage the issue of appropriate development on small lots.</p> | <p>Refer to Element Nine – Subdivision. The Policy defines and identifies circumstances under which the requirement for construction to plate height is applicable.</p> <p>The Policy defines a “small lot” as ‘a lot comprising less than 250 square metres in land area’; this definition will bring small lot requirements more in line with the Codes however still appropriate to the characteristics of the Town. (Given the inner City nature of the Town where a high proportion of the lots have a density of R40 (and higher), an area of 250 square metres was considered appropriate for small lot subdivision).</p> |

| Comment | Response |
|----------------|--|
| | <p>Research of Locality Statements show that majority of lots have lot frontages of 11m - 13m with the exception of the Brentham Locality Statement where lot frontages are significantly greater. The minimum lot frontage expected is 5.5m but this would require a minimum depth of 45m which is not feasible. Given the above, lot frontage of 8m for small lot subdivision was considered appropriate.</p> <p>Officers from the Department of Planning and Infrastructure (DPI) previously advised that they support the application of the Town's Policy and associated standard condition on subdivision applications (ie when a small lot comprised a land area of 200 square metres or less). The provision for small lot development in the RDEs is therefore considered both appropriate and effective of addressing suitable development on small, narrow and /or irregular shaped lots.</p> |

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies, and the R-Codes.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 - Key Result Areas One: Environment and Infrastructure - 1.3
"Develop, implement and promote sustainable urban design."

FINANCIAL/BUDGET IMPLICATIONS:

There is provision of \$62,000 in the 2004/2005 Budget for Town Planning Scheme Amendments and Policies.

COMMENTS:

In light of the above, it is recommended that the Council receives, amends, rescinds and adopts in the interim, the Policies mentioned above and advertises them in accordance with Clause 47 of the TPS No. 1.

7.2 Planning and Building Policies - Amendment No. 13 Relating to Non-Residential/Residential Development Interface

| | | | |
|------------------------------|---|--------------------|------------------|
| Ward: | Both Wards | Date: | 16 February 2005 |
| Precinct: | All Precincts | File Ref: | PLA0022 |
| Attachments: | 001 002 003 | | |
| Reporting Officer(s): | K Batina, C Godwin | | |
| Checked/Endorsed by: | R Rasiah, R Boardman | Amended by: | - |

OFFICER RECOMMENDATION:

That the Council;

(i) **RECEIVES** the:

- (a) *Draft Policy relating to Non-Residential/Residential Development Interface; and*
- (b) *amended Policies relating to Mount Hawthorn Precinct – Scheme Map 1, Mount Hawthorn Centre Precinct – Scheme Map 2, Leederville Precinct – Scheme Map 3, Cleaver Precinct – Scheme Map 5, Smith’s Lake Precinct – Scheme Map 6, Charles Centre Precinct – Scheme Map 7, North Perth Precinct – Scheme Map 8, North Perth Centre Precinct – Scheme Map 9, Norfolk Precinct – Scheme Map 10, Mount Lawley Centre Precinct – Scheme Map 11, Hyde Park Precinct – Scheme Map 12, Beaufort Precinct – Scheme Map 13, Forrest Precinct – Scheme Map 14, Banks Precinct – Scheme Map 15;*

as shown in Attachments 001 and 002;

(ii) **ADOPTS** the:

- (a) *Draft Policy relating to Non-Residential/Residential Development Interface to be applied in the interim; and*
- (b) *amended Policies relating to Mount Hawthorn Precinct – Scheme Map 1, Mount Hawthorn Centre Precinct – Scheme Map 2, Leederville Precinct – Scheme Map 3, Cleaver Precinct – Scheme Map 5, Smith’s Lake Precinct – Scheme Map 6, Charles Centre Precinct – Scheme Map 7, North Perth Precinct – Scheme Map 8, North Perth Centre Precinct – Scheme Map 9, Norfolk Precinct – Scheme Map 10, Mount Lawley Centre Precinct – Scheme Map 11, Hyde Park Precinct – Scheme Map 12, Beaufort Precinct – Scheme Map 13, Forrest Precinct – Scheme Map 14, Banks Precinct – Scheme Map 15;*

(iii) **RESCINDS** the Policies relating to Non-Residential Uses In/Or Adjacent To Residential Areas, Residential Uses in Non-Residential Areas and Mixed Residential/Commercial Development, as shown in Attachment 003;

(iv) **ADVERTISES** the:

- (a) *Draft Policy relating to Non-Residential/Residential Development Interface;*

- (b) *amended Policies relating to Mount Hawthorn Precinct – Scheme Map 1, Mount Hawthorn Centre Precinct – Scheme Map 2, Leederville Precinct – Scheme Map 3, Cleaver Precinct – Scheme Map 5, Smith’s Lake Precinct – Scheme Map 6, Charles Centre Precinct – Scheme Map 7, North Perth Precinct – Scheme Map 8, North Perth Centre Precinct – Scheme Map 9, Norfolk Precinct – Scheme Map 10, Mount Lawley Centre Precinct – Scheme Map 11, Hyde Park Precinct – Scheme Map 12, Beaufort Precinct – Scheme Map 13, Forrest Precinct – Scheme Map 14, Banks Precinct – Scheme Map 1; and*
- (c) *the Policies proposed to be rescinded relating to Non-Residential Uses In/Or Adjacent To Residential Areas, Residential Uses in Non-Residential Areas and Mixed Residential/Commercial Development;*

for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:

- (d) *advertising a summary of the subject Draft Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (e) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Draft Policy; and*
 - (f) *forwarding a copy of the subject Draft Policy to the Western Australian Planning Commission;*
- (v) *after the expiry of the period for submissions:*
- (a) *REVIEWS the Draft Policy relating to Non-Residential/Residential Development Interface, amended Policies relating to Mount Hawthorn Precinct – Scheme Map 1, Mount Hawthorn Centre Precinct – Scheme Map 2, Leederville Precinct – Scheme Map 3, Cleaver Precinct – Scheme Map 5, Smith’s Lake Precinct – Scheme Map 6, Charles Centre Precinct – Scheme Map 7, North Perth Precinct – Scheme Map 8, North Perth Centre Precinct – Scheme Map 9, Norfolk Precinct – Scheme Map 10, Mount Lawley Centre Precinct – Scheme Map 11, Hyde Park Precinct – Scheme Map 12, Beaufort Precinct – Scheme Map 13, Forrest Precinct – Scheme Map 14, Banks Precinct – Scheme Map 15 having regard for any written submissions; and*
 - (b) *DETERMINES the Draft Policy relating to Non-Residential/Residential Development Interface and amended Policies relating to Mount Hawthorn Precinct – Scheme Map 1, Mount Hawthorn Centre Precinct – Scheme Map 2, Leederville Precinct – Scheme Map 3, Cleaver Precinct – Scheme Map 5, Smith’s Lake Precinct – Scheme Map 6, Charles Centre Precinct – Scheme Map 7, North Perth Precinct – Scheme Map 8, North Perth Centre Precinct – Scheme Map 9, Norfolk Precinct – Scheme Map 10, Mount Lawley Centre Precinct – Scheme Map 11, Hyde Park Precinct – Scheme Map 12, Beaufort Precinct – Scheme Map 13, Forrest Precinct – Scheme Map 14, Banks Precinct – Scheme Map 15 with or without amendment, to or not to proceed; and*
- (vi) *ACKNOWLEDGES that the Notice of Motion resolved at the Ordinary Meeting of Council on 8 July 2003 relating to commercial and mixed-use developments abutting residential areas, as listed in this report, has been addressed and finalised in the Non-Residential/Residential Development Interface Draft Policy.*

Moved Cr Cohen, Seconded Cr Ker

That the recommendation be adopted, subject to a new clause (vii) being added as follows:

"(vii) AMENDS the Draft Policy relating to Non-Residential/Residential Development Interface as shown in the Attachment, by amending the objectives; clause 1) i), ii), iv); clause 2) i); clause 4) i), ii); and clause 8) ii); prior to clauses (i) (a), (ii) (a), and (iv) (a) above, being actioned:

OBJECTIVES

The Town generally does not encourage the use of properties zoned residential being used for non residential uses as non-residential uses outside of District and Local Centres detract from the commercial amenity, vitality and viability of those Centres.

POLICY STATEMENT

1) GENERAL

- i) The Town may consider an application for a non-residential or mixed use (i.e. residential and commercial) development on land ~~in or~~ immediately adjacent to residential areas where it is demonstrated that the following matters have been taken into consideration, to minimise the impact of the development on adjoining and nearby land uses;*
- ii) For example, a buffer site may be a ~~non~~-residential development in a non-residential area, which forms the barrier or separator to adjoining non-residential uses in Commercial, Local Centre and District Centre Areas.*
- iv) For any non-residential development proposed in a residential zone, the applicant should demonstrate that there is no suitable site within the non-residential or residential/commercial zones within close proximity for the proposed non-residential use.*

2) SITING, DESIGN AND STREETSCAPE

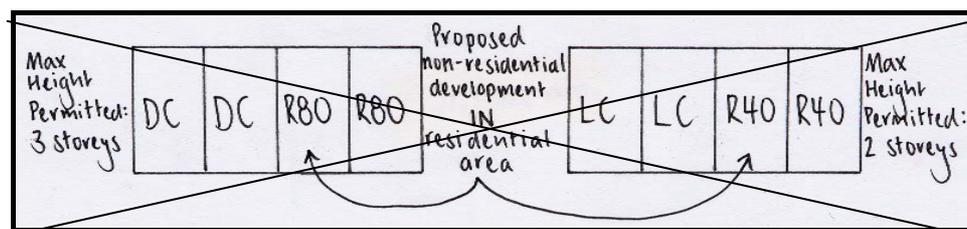
- i) Existing dwelling stock is to be retained in preference to purpose built non-residential facilities in residential buffer areas. Extensions or alterations to a former dwelling are to be designed to maintain or enhance its residential character.*

4) HEIGHT FOR RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT (INCLUDING MIXED USE)

- i) Given the above, the height requirements for non-residential development ~~in and~~ abutting residential areas should account for the varying height standards. For example the height requirement where a non-residential development abuts a R80 lot should be more flexible to where it abuts a R30 lot.*

ii)

| Non-residential development IN residential areas the following maximum storeys are permitted: | | |
|--|---|-----------------------------|
| Zoning of lot adjacent to residential lot where non-residential development is proposed | Density of residential lot where non-residential development is proposed | |
| | R50 & lower | R60 & higher |
| Local Centre, Commercial | 2 storeys | 2 storeys |
| District Centre, Central Area & Residential / Commercial | 2 storeys | 3 storeys |



Non-residential development IN residential areas

8) **OPEN SPACE AND LANDSCAPING**

ii) *Ten percent of the site area for non-residential development ~~in or~~ adjacent to residential areas is to be landscaped, where possible this is to include front setback areas."*

"(vii) **AMENDS** the Draft Policy relating to Non-Residential/Residential Development Interface as shown in the Attachment, by amending the objectives; clause 1) i) b); and clause 6) i); prior to clauses (i) (a), (ii) (a), and (iv) (a) above, being actioned:

OBJECTIVES

To encourage small to medium scale mixed use development of a type and character appropriate to the location and existing character of the area, that enhances and encourages a pedestrian friendly environment and preserves the residential character and amenity of abutting areas.

1) **GENERAL**

i) b) *where there is an identified heritage significance, the heritage character of the area is to be retained by the reinforcement of original development patterns and the ~~recycling~~ re-use of existing building stock;*

6) **PRIVACY AND OVERSHADOWING**

i) *~~Where these provisions cannot be met, written justification must be accompanied by a site analysis plan that demonstrates consideration of privacy and / or overshadowing and the impact they will have on adjoining residential properties. Where the Acceptable Development Provisions of the Residential Design Codes cannot be met,~~*

written justification, accompanied by a site analysis plan, demonstrating that the development meets the Performance Criteria provisions of the Residential Design Codes must be provided.”

Discussion ensued.

CARRIED (7-0)

(Cr Torre apology for the meeting, Cr Farrell had departed the meeting)

COUNCIL DECISION ITEM 7.2

That the Council;

(i) **RECEIVES** the:

- (a) *Draft Policy relating to Non-Residential/Residential Development Interface; and*
- (b) *amended Policies relating to Mount Hawthorn Precinct – Scheme Map 1, Mount Hawthorn Centre Precinct – Scheme Map 2, Leederville Precinct – Scheme Map 3, Cleaver Precinct – Scheme Map 5, Smith’s Lake Precinct – Scheme Map 6, Charles Centre Precinct – Scheme Map 7, North Perth Precinct – Scheme Map 8, North Perth Centre Precinct – Scheme Map 9, Norfolk Precinct – Scheme Map 10, Mount Lawley Centre Precinct – Scheme Map 11, Hyde Park Precinct – Scheme Map 12, Beaufort Precinct – Scheme Map 13, Forrest Precinct – Scheme Map 14, Banks Precinct – Scheme Map 15;*

as shown in Attachments 001 and 002;

(ii) **ADOPTS** the:

- (a) *Draft Policy relating to Non-Residential/Residential Development Interface to be applied in the interim; and*
- (b) *amended Policies relating to Mount Hawthorn Precinct – Scheme Map 1, Mount Hawthorn Centre Precinct – Scheme Map 2, Leederville Precinct – Scheme Map 3, Cleaver Precinct – Scheme Map 5, Smith’s Lake Precinct – Scheme Map 6, Charles Centre Precinct – Scheme Map 7, North Perth Precinct – Scheme Map 8, North Perth Centre Precinct – Scheme Map 9, Norfolk Precinct – Scheme Map 10, Mount Lawley Centre Precinct – Scheme Map 11, Hyde Park Precinct – Scheme Map 12, Beaufort Precinct – Scheme Map 13, Forrest Precinct – Scheme Map 14, Banks Precinct – Scheme Map 15;*

(iii) **RESCINDS** the Policies relating to Non-Residential Uses In/Or Adjacent To Residential Areas, Residential Uses in Non-Residential Areas and Mixed Residential/Commercial Development, as shown in Attachment 003;

(iv) **ADVERTISES** the:

- (a) *Draft Policy relating to Non-Residential/Residential Development Interface;*

- (b) *amended Policies relating to Mount Hawthorn Precinct – Scheme Map 1, Mount Hawthorn Centre Precinct – Scheme Map 2, Leederville Precinct – Scheme Map 3, Cleaver Precinct – Scheme Map 5, Smith’s Lake Precinct – Scheme Map 6, Charles Centre Precinct – Scheme Map 7, North Perth Precinct – Scheme Map 8, North Perth Centre Precinct – Scheme Map 9, Norfolk Precinct – Scheme Map 10, Mount Lawley Centre Precinct – Scheme Map 11, Hyde Park Precinct – Scheme Map 12, Beaufort Precinct – Scheme Map 13, Forrest Precinct – Scheme Map 14, Banks Precinct – Scheme Map 1; and*
- (c) *the Policies proposed to be rescinded relating to Non-Residential Uses In/Or Adjacent To Residential Areas, Residential Uses in Non-Residential Areas and Mixed Residential/Commercial Development;*

for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:

- (d) *advertising a summary of the subject Draft Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (e) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Draft Policy; and*
 - (f) *forwarding a copy of the subject Draft Policy to the Western Australian Planning Commission;*
- (v) *after the expiry of the period for submissions:*
- (a) *REVIEWS the Draft Policy relating to Non-Residential/Residential Development Interface, amended Policies relating to Mount Hawthorn Precinct – Scheme Map 1, Mount Hawthorn Centre Precinct – Scheme Map 2, Leederville Precinct – Scheme Map 3, Cleaver Precinct – Scheme Map 5, Smith’s Lake Precinct – Scheme Map 6, Charles Centre Precinct – Scheme Map 7, North Perth Precinct – Scheme Map 8, North Perth Centre Precinct – Scheme Map 9, Norfolk Precinct – Scheme Map 10, Mount Lawley Centre Precinct – Scheme Map 11, Hyde Park Precinct – Scheme Map 12, Beaufort Precinct – Scheme Map 13, Forrest Precinct – Scheme Map 14, Banks Precinct – Scheme Map 15 having regard for any written submissions; and*
 - (b) *DETERMINES the Draft Policy relating to Non-Residential/Residential Development Interface and amended Policies relating to Mount Hawthorn Precinct – Scheme Map 1, Mount Hawthorn Centre Precinct – Scheme Map 2, Leederville Precinct – Scheme Map 3, Cleaver Precinct – Scheme Map 5, Smith’s Lake Precinct – Scheme Map 6, Charles Centre Precinct – Scheme Map 7, North Perth Precinct – Scheme Map 8, North Perth Centre Precinct – Scheme Map 9, Norfolk Precinct – Scheme Map 10, Mount Lawley Centre Precinct – Scheme Map 11, Hyde Park Precinct – Scheme Map 12, Beaufort Precinct – Scheme Map 13, Forrest Precinct – Scheme Map 14, Banks Precinct – Scheme Map 15 with or without amendment, to or not to proceed; and*
- (vi) *ACKNOWLEDGES that the Notice of Motion resolved at the Ordinary Meeting of Council on 8 July 2003 relating to commercial and mixed-use developments abutting residential areas, as listed in this report, has been addressed and finalised in the Non-Residential/Residential Development Interface Draft Policy.*

- (vii) *AMENDS the Draft Policy relating to Non-Residential/Residential Development Interface as shown in the Attachment, by amending the objectives; clause 1) i), i) b) ii), iv); clause 2) i); clause 4) i), ii); clause 6) i); and clause 8) ii); prior to clauses (i) (a), (ii) (a), and (iv) (a) above, being actioned:*

OBJECTIVES

To encourage small to medium scale mixed use development of a type and character appropriate to the location and existing character of the area, that enhances and encourages a pedestrian friendly environment and preserves the residential character and amenity of abutting areas.

The Town generally does not encourage the use of properties zoned residential being used for non residential uses as non-residential uses outside of District and Local Centres detract from the commercial amenity, vitality and viability of those Centres.

POLICY STATEMENT

1) GENERAL

- i) *The Town may consider an application for a non-residential or mixed use (i.e. residential and commercial) development on land immediately adjacent to residential areas where it is demonstrated that the following matters have been taken into consideration, to minimise the impact of the development on adjoining and nearby land uses;*

b) where there is an identified heritage significance, the heritage character of the area is to be retained by the reinforcement of original development patterns and the re-use of existing building stock;

- ii) *For example, a buffer site may be a residential development in a non-residential area, which forms the barrier or separator to adjoining non-residential uses in Commercial, Local Centre and District Centre Areas.*

- iv) *For any non-residential development proposed in a residential zone, the applicant should demonstrate that there is no suitable site within the non-residential or residential/commercial zones within close proximity for the proposed non-residential use.*

2) SITING, DESIGN AND STREETScape

- i) *Existing dwelling stock is to be retained in preference to purpose built non-residential facilities in buffer areas. Extensions or alterations to a former dwelling are to be designed to maintain or enhance its residential character.*

- 4) **HEIGHT FOR RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT (INCLUDING MIXED USE)**
- i) *Given the above, the height requirements for non-residential development abutting residential areas should account for the varying height standards. For example the height requirement where a non-residential development abuts a R80 lot should be more flexible to where it abuts a R30 lot.*
- 6) **PRIVACY AND OVERSHADOWING**
- i) *Where the Acceptable Development Provisions of the Residential Design Codes cannot be met, written justification, accompanied by a site analysis plan, demonstrating that the development meets the Performance Criteria provisions of the Residential Design Codes must be provided.*
- 8) **OPEN SPACE AND LANDSCAPING**
- ii) *Ten percent of the site area for non-residential development adjacent to residential areas is to be landscaped, where possible this is to include front setback areas."*

BACKGROUND:

The Council at its Ordinary Meeting held on 8 July 2003 resolved:

"That the Council;

- (i) *requests the Chief Executive Officer to prepare a report in respect of commercial and mixed-use developments abutting residential areas, which specifically addresses aspects such as setbacks, height, bulk, scale, amenity and streetscape, and the use of the car parking allocated for the commercial component and adjoining commercial district by occupiers/visitors of the residential component;*
- (ii) *REQUESTS the Chief Executive Officer to investigate and/or prepare a new policy or amend the Town's current Planning and Building Policies to include reference to commercial and mixed-use developments abutting residential areas; and*
- (iii) *RECEIVES the report no later than September 2003."*

DETAILS:

Background

The Notice of Motion was initiated as a result of an application for development for the 'Proposed Demolition of the Existing Lodging House and Construction of a Three Storey Mixed Development Comprising Two (2) Offices, Four (4) Multiple Dwellings and Ten (10) Two Storey Grouped Dwellings, and Associated Undercroft Carparking' at Nos.193-195 (Lot 17) Oxford Street, Leederville which was approved subject to conditions at the Ordinary Council Meeting held on 14 May 2002.

A similar development that was approved subject to conditions at the Ordinary Meeting of Council held on 4 November 2003 on the corner of Matlock Street and Scarborough Beach Road (No.190 Scarborough Beach Road), reinforced the need to provide a more comprehensive policy that provided better guidance for the type and scale of development envisaged for mixed use sites, and measures to protect the residential amenity of abutting properties.

Review of Policies

In preparing the Draft Policy, a review of Policies relating to non-residential, mixed use and commercial development in or abutting residential areas within the Town's Planning and Building Policy Manual has also been undertaken. At the Elected Members Forum held on 14 December 2004, it was resolved that the following policies be collated into one policy:

- | | |
|-----------------|---|
| Policy No 3.4.3 | Non-Residential Uses in/or adjacent to Residential Areas. |
| Policy No 3.4.4 | Residential Uses in Non-Residential Areas. |
| Policy No 3.4.5 | Mixed Residential/Commercial Development. |

The abovementioned Policies are interrelated in many ways, and consequently there is an overlapping of information between the three Policies. It is therefore considered necessary that the three Policies be consolidated into one policy to clearly and effectively control non-residential development in residential areas. The name given to the Draft Policy is 'Non-Residential/ Residential Development Interface'.

The Policy relating to Oxford Centre Precinct – Scheme Map 4 was not required to be amended as no reference is made within the Oxford Centre Precinct Policy to any current existing policies relating to Non-Residential development in or adjacent to Residential Areas (Policies 3.4.3, 3.4.4 and 3.4.5).

Draft Policy relating to 'Non-residential/ Residential Development Interface'

The Draft Policy relating to 'Non-residential/ Residential Development Interface' endeavours to provide clearer guidance for assessment of large scale developments within the Town adjacent to or within residential areas.

The Draft Policy aims to protect and encourage residential amenity where larger scale developments (that is, mixed use and/or commercial) are proposed. In designing a new development and/or an addition to an existing building, the Draft Policy outlines a number of factors that the applicant must demonstrate as having been taken into consideration, which are listed below:

- the new development or redevelopment of existing buildings being of a type and character appropriate to the immediate area;
- where there is an identified heritage significance, the heritage character of the area is to be retained by the reinforcement of original development patterns and the recycling of existing building stock;
- the new development or redevelopment will not create undue conflict through the generation of traffic and parking or the emission of noise or any other form of pollution;
- the proposed land uses, in mixed use developments, being compatible with existing and nearby uses, and take into consideration any impact on residential amenity that the proposed land uses may have;
- the development must be designed to prevent overshadowing and or loss of privacy to adjoining residential properties; and
- the bulk and scale (including height) of the new development or redevelopment being reflective of the established building heights in the immediate area and consistent with the requirements in the relevant Precinct Area and / or Locality Statement.

In preparing the Draft Policy, design elements such as setbacks, height, bulk, scale, amenity and streetscape have all been given due consideration and have been incorporated into the Draft Policy provisions.

Setbacks

The existing Policy stipulates setback requirements for non-residential development in residential areas; however it is silent where non-residential development is proposed adjacent to residential areas. The Draft Policy specifies standards for non-residential development both in and adjacent to residential areas. To ensure that development is compatible with the streetscape of the residential areas, the Draft Policy requires developments to be sympathetic to the predominant streetscape pattern. Where applicable, the relevant Precinct Policy, Residential Design Codes and Residential Design Guidelines can be used as a guide.

The Draft Policy specifies a rear setback requirement of 6 metres where a non-residential development abuts a residential area to the rear to ensure that the amenity of residential properties is retained. The requirements of side setbacks are similar to those of the existing Policy.

Where discretion is sought for a height variation, the Policy has introduced 'staggered' front setbacks for additional storeys, this will ensure preservation of streetscape amenity and pedestrian environment.

Height

The Town recognises that different land use areas within the Town's Precincts and Locality Plans have varying height requirements. Generally, the height requirements of District Centre and Central Areas are to be a maximum of 3 storeys (where 4 storey developments can be considered), and Local Centre and Commercial Areas encourage 2 storeys (where 3 storey developments can be considered). Residential Areas generally impose a height limit of 2 storeys plus loft but they may vary depending on their density, as such residential lots with high densities (ie R80) can potentially have greater heights than residential lots with low densities (ie R30).

Given the above, the height requirements for non-residential development in and abutting residential areas should account for the varying height standards. For example, the height requirement where a non-residential development abuts a R80 lot should be more flexible to where it abuts a R30 lot. Accordingly, different standards have been provided in a table format taking the above into consideration.

The Draft Policy outlines the Town may consider height variations where it can be satisfactorily demonstrated that the development is compatible with the streetscape and that no unreasonable loss of amenity will result to the pedestrian environment at street level and neighbouring properties. Where proposals include an additional storey, it is encouraged the storey is to be setback 4 or 6 metres accordingly, from the building line to reduce the impact of bulk and scale on the pedestrian environment.

Generally, the height limit proposed for non-residential development in or abutting residential areas is 2 storeys (where 3 storeys may be considered) however, in certain circumstances, 3 storeys is permitted (where 4 storeys may be considered). The rationale behind allowing 3 (and potentially 4) storeys is that the probability of a Mixed Use and Commercial development is greater in appropriately zoned areas with a density of R60 or R80. To limit the height of development on such development sites to two storeys plus loft is considered to contradict the development potential that is implied by the assigned densities for some sites. Given that 3 (and potentially 4) storey development is only permitted in certain circumstances (for example, when a District Centre zone abuts a R80 lot), the amenity of residential areas, particularly low density areas, is protected.

Bulk & Scale

Often interrelated, these two elements have also been considered in preparing the Draft Policy. The same basic principles have been transferred from the existing Policies, stated above. In addition, the Draft Policy provisions now include a requirement for designs to include such features as awnings, landscaping and seating where appropriate at street level to ensure building elevations provide interest and richness.

Guidance has also been provided for any development located on corner sites, encouraging similar scaled street facades to both the primary and secondary streets.

Car Parking, Access and Traffic

Stricter provisions now apply to car parking requirements for the mixed use and commercial developments, with reference made to the Policy relating to Parking and Access for car parking requirement calculations. In addition, the Draft Policy limits the number of crossovers permitted per site to one, unless the subject property is situated on a corner lot, where two crossovers are permitted (one off each abutting street). Where a development abuts a 'blue road', the application will be referred to the relevant authority for comments.

Where applicable, via the provisions of the Draft Policy, the Town can now request traffic impact studies be undertaken where it is anticipated that the impact of the development on traffic movement onto abutting streets and within the development itself will be significant.

To encourage activated streetscapes and a higher level of pedestrian amenity, where possible, vehicle access to on-site parking is to be provided from a right of way.

Urban Design

A concerted effort has been made to introduce more prescriptive urban design measures to guide developers and ensure that the pedestrian environment, streetscape and the amenity of adjoining properties is preserved as much as possible. Such measures include the following:

Façade Height

Where non-residential developments in or abutting residential areas are seeking discretion for an additional storey, the Draft Policy imposes maximum façade heights. These guidelines have been provided to limit the impact of the building height on the pedestrian environment and the amenity of adjoining properties.

Buffer Sites

In addition to the above, the important function of 'buffer sites' as transitional filters between active commercial and non-residential areas and adjoining residential areas has been recognised within the Draft Policy. For this reason, certain variations can be supported for development on 'buffer sites' that would not otherwise be supported for other development sites within the Town, in the interest of preserving the amenity of adjoining properties as much as possible.

Separation of Uses

For Mixed Use developments, the Draft Policy requires that the various uses have separate and distinct entrances and 'use areas', in particular for the residential uses. The 'use areas' include separate bin collection points, letterboxes and drying areas.

Privacy and Overshadowing

To ensure that the amenity of residential properties is retained specifically relating to overlooking and overshadowing, the Draft Policy requires that non-residential development must comply with the privacy and overshadowing requirements of the Residential Design Codes to prevent loss of privacy or overshadowing on the adjoining residential properties.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

Town Planning Scheme No.1 and associated Policies.

STRATEGIC IMPLICATIONS:

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

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

Action Plans to implement this strategy include:

- c) *Review and release within an agreed time frame, the Town Planning Scheme, in accordance with the community vision, to:*
- *encourage hubs or centres of community within the Town;*
 - *review residential densities;*
 - *review zoning."*

FINANCIAL/BUDGET IMPLICATIONS:

The current 2004/2005 Budget allocates \$130,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

The Draft Policy has been prepared to address applications for non-residential developments in and abutting residential areas. It is proposed that this Draft Policy will negate the need for existing Policies relating to Non-Residential Uses In/Or Adjacent to Residential Areas, Residential Uses in Non-Residential Areas and Mixed Residential/Commercial Development. In light of the above, it is recommended that the Council rescinds the Policies relating to Non-Residential Uses in/or Adjacent to Residential Areas, Residential Uses in Non-Residential Areas and Mixed Residential/Commercial Development, approves and advertises the Draft Policy relating to Non-Residential/Residential Interface, and acknowledges the Notice of Motion resolved at the Ordinary Meeting of Council on 8 July 2003 relating to commercial and mixed use development abutting residential areas has been addressed by the Draft Policy and can now be finalised.

7.3 Amendment No. 20 to Planning and Building Policies - Non-Variation of Specific Development Standards and Requirements, and Associated Delegation of Authority

| | | | |
|------------------------------|-------------------------|--------------------|------------------|
| Ward: | Both Wards | Date: | 10 February 2005 |
| Precinct: | All Precincts | File Ref: | PLA0022 |
| Attachments: | 001 | | |
| Reporting Officer(s): | D Abel | | |
| Checked/Endorsed by: | R Boardman, John Giorgi | Amended by: | - |

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES this report and the draft Policy relating to Non-Variation of Specific Development Standards and Requirements, as shown in the Attachment;*
- (ii) *ADOPTS the draft Policy relating to Non-Variation of Specific Development Standards and Requirements, to be applied in the interim;*
- (iii) *ADVERTISES the draft Policy relating to Non-Variation of Specific Development Standards and Requirements for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
 - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission;*
- (iv) *after the expiry of the period for submissions:*
 - (a) *reviews the draft Policy relating to Non-Variation of Specific Development Standards and Requirements, having regard to any written submissions; and*
 - (b) *determines the draft Policy relating to Non-Variation of Specific Development Standards and Requirements, with or without amendment, to or not to proceed with them; and*
- (v) *pursuant to Section 5.42 of Division 4 of Part 5 of the Local Government Act 1995, APPROVES BY AN ABSOLUTE MAJORITY, the following delegation of the exercise of its powers and duties to the Chief Executive Officer:*

| No. | Area | Description of Council Function Delegated to the Chief Executive Officer from Council | Assignee(s) | Conditions |
|------------|--|--|--------------------|--|
| 105 | Planning, Building and Heritage Services | <p><i>Authority to exercise discretion and to refuse planning applications for development that involves an 'X' use (a use that is not permitted), pursuant to clauses 13 and 38 and the Zone Table of the Town of Vincent Town Planning Scheme No. 1.</i></p> <p><i>(An 'X' use is not a 'non-conforming' use if it is not contained in the Town of Vincent's adopted Non-Conforming Use Register.)</i></p> | EMEDS MPBHS | <p><i>(i) The 'X' use is a use that is not permitted as classified pursuant to clause 13(2) Use of Land in a Scheme Area and Zone Table of TPS No.1.</i></p> <p><i>(ii) The 'X' use is not a 'non-conforming' use contained in the Town of Vincent's adopted Non-Conforming Use Register.</i></p> <p><i>(iii) Report to the Council on a quarterly basis.</i></p> |
| 106 | Planning, Building and Heritage Services | <p><i>Authority to exercise discretion and to refuse planning applications for development that involves a variation to a development standard or requirement specified in the Town of Vincent's Policy - Non-Variation of Specific Development Standards and Requirements, pursuant to clause 38 of the Town of Vincent Town Planning Scheme No. 1.</i></p> | EMEDS MPBHS | <p><i>(i) The development standard or requirement proposed to be varied is as specified in the Town of Vincent's Policy - Non-Variation of Specific Development Standards and Requirements.</i></p> <p><i>(ii) The development will unduly adversely affect the orderly and proper planning and conservation of the amenities of the locality, as determined by the CEO, EMEDS or MPBHS.</i></p> <p><i>(iii) Report to the Council on a quarterly basis.</i></p> |

Moved Cr Doran-Wu, Seconded Cr Ker

That the recommendation be adopted.

COUNCIL DECISION ITEM 7.3

Moved Cr Chester, Seconded Cr Cohen

That the item be DEFERRED as the draft policy referred to in clause (ii) had been omitted.

CARRIED (7-0)

(Cr Torre apology for the meeting, Cr Farrell had departed the meeting)

Senior Planning Officer Caroline Mooney and Planning Officer Cindy Goodwin departed the meeting at 9.02pm.

BACKGROUND:

Recommendations 6 and 41 of the *Town of Vincent - Report of the Independent Organisational Review*, dated April 2003, states as follows:

'Council request a report from the Chief Executive Officer recommending delegated authority to the Manager Planning and Building Services to approve specified development applications wherever practicable and legally acceptable to competent staff with accompanying draft guidelines for Council's consideration.'

The Town's Manager Planning, Building and Heritage Services has undertaken a comprehensive review of the existing delegations and the discretionary provisions of the Town's Town Planning Scheme No. 1 and associated Policies and the Residential Design Codes, while striving to achieve the above recommendations of the Report of the Independent Organisational Review.

The outcome of the review has been the subject of items discussed at the Elected Members Forums held on 2 November 2004 and 30 November 2004.

DETAILS:

The draft new Policy relating to Non-Variation of Specific Development Standards and Requirements was developed as part of the above review of the existing delegations and the discretionary provisions. The draft new Policy define the development standards and requirements of the Town's Town Planning Scheme No. 1 and associated Policies and the Residential Design Codes, which the Town will not vary, in order to achieve a reasonable level of amenity, whilst providing for consistency in the application of such standards and requirements and minimising delay in processing, preparing, assessing and determining development applications. The draft new Policy is included as an attachment to this Agenda report.

An outcome of the Elected Members Forum held on 30 November 2004, was that Elected Members were prepared to consider delegating authority to the Chief Executive Officer, Executive Manager Environmental and Development Services and/or Manager Planning, Building and Heritage Services to refuse planning applications for inappropriate development. In this context, inappropriate development is considered to be development that involves an 'X' use (a use that is not permitted), or involves a variation to a development requirement specified in the draft new Policy relating to Non-Variation of Specific Development Standards and Requirements.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

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

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

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

FINANCIAL/BUDGET IMPLICATIONS:

The current 2004/2005 Budget allocates \$62,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

In light of the above, it is recommended that Council receives and adopts the draft new Policy relating to Non-Variation of Specific Development Standards and Requirements to be applied in the interim, and advertises the draft Policy in accordance with clause 47 of the Town of Vincent Town Planning Scheme No. 1.

It is further recommended that Council approves the delegation of authority to refuse planning applications for development that involves an 'X' use (a use that is not permitted), or involves a variation to a development requirement specified in draft new Policy relating to Non-Variation of Specific Development Standards and Requirements.

The review of the remaining existing delegations and the discretionary provisions of the Town's Town Planning Scheme No. 1 and associated Policies and the Residential Design Codes require further addressing as a result of the above Elected Members Forums. The outcome of this further review will be presented to an Ordinary Meeting of Council for formal consideration by the Council.

7.4 Further Report - Proposed Streetscape Upgrade in Brisbane Street Between William and Beaufort Streets, Perth

| | | | |
|------------------------------|----------------------|--------------------|------------------|
| Ward: | South | Date: | 14 February 2005 |
| Precinct: | Hyde Park P12 | File Ref: | TES0027 |
| Attachments: | 001; | | |
| Reporting Officer(s): | R Lotznicher | | |
| Checked/Endorsed by: | - | Amended by: | - |

RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the further report on the proposed Streetscape Upgrade in Brisbane Street between William and Beaufort Streets, Perth;
- (ii) **APPROVES** the implementation of the proposed works, as shown on the amended Plan No. 2323-CP-2, estimated to cost \$205,000;
- (iii) **NOTES** the funding sources identified to fund the additional works, as outlined in the report, have been included in the midyear budget review; and
- (iv) **ADVISES** the residents and businesses of Brisbane Street of its resolution.

COUNCIL DECISION ITEM 7.4

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

Discussion ensued.

CARRIED (7-0)

(Cr Torre apology for the meeting, Cr Farrell had departed the meeting)

BACKGROUND:

The Council has allocated \$150,000 in the 2004/2005 budget to upgrade the streetscape in Brisbane Street between William and Beaufort Streets. The scope of the proposed works includes new kerbing, upgrading the existing slab footpaths to a brick paved standard, new street trees, street furniture and, where required, new parking signage and line-marking.

A report on the proposal was considered by the Council at its Ordinary Meeting held on 8 February 2005, where the following decision was adopted:

"That the Council;

- (i) **RECEIVES** the report on the proposed Streetscape Upgrade in Brisbane Street between William and Beaufort Streets; Perth;
- (ii) **APPROVES** the implementation of the proposed works, as shown on attached Concept Plan No. 2323-CP-1, estimated to cost \$150,000;

- (iii) *ADVISES the residents and businesses of Brisbane Street of its resolution; and*
- (iv) *APPROVES BY AN ABSOLUTE MAJORITY to reallocate \$60,000 to this project and the Chief Executive Officer to identify a suitable source of funds."*

DETAILS:

The report presented to Council indicated *there is also little scope to install garden beds in the verges as the funds allocated by the Council do not allow for inground reticulation.*

The cost to connect to the Birdwood Square bore and install reticulation, including additional planting and reinstatements, is in the order of \$60,000.

In accordance with clause (iv) of the Council's decision, the officers have carried out a detailed assessment of the requirement to provide inground reticulation as part of the streetscape upgrade proposal.

The estimated cost of the streetscape upgrade proposal, including the inground reticulation, is as follows:

| | |
|--|------------------|
| Kerbing and footpath upgrade | \$135,000 |
| Line marking/signage | \$2,500 |
| Reticulation | \$33,000 |
| Trees (Eucalyptus ficifolia) Red Flowering Gum | \$6,000 |
| Shrubs (Grevillea thelmainiana) Spider net | |
| Grevillea | \$3,000 |
| Street Furniture | \$13,500 |
| Traffic Control / Services / Supervision | \$12,000 |
| Total: | \$205,000 |

CONSULTATION/ADVERTISING:

Residents and businesses will be advised of the proposed works by way of Information Bulletin prior to commencement.

LEGAL/POLICY

N/A

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

As previously reported to the Council, the 2004/2005 budget includes an amount of \$150,000 for the proposed works. To provide inground reticulation, street furniture, shrubs, additional traffic control, allowance for services etc., the estimated cost is \$205,000.

Therefore an additional \$55,000 will be required to complete the project. It is suggested this amount can be sourced from:

- Contribution to ROW upgrades - \$15,000 - none required (2004/2005) to date
- Naming and Lighting of dedicated ROWs - \$20,000 - current program nearing completion. Unspent funds remaining
- Drainage Study - \$20,000 - MOU with Water Corporation on hold.

COMMENTS:

The officers have reassessed the project to include the inground reticulation as requested by the Council.

It is therefore recommended that the Council approves the implementation of the proposed works, as shown on the amended plan No. 2323-CP-2, estimated to cost \$205,000, notes the funding sources identified to fund the additional works, as outlined in the report, have been included in the midyear budget review and advises the residents and businesses of Brisbane Street of its resolution.

7.5 Hyde Park Stage Upgrade - Progress Report

| | | | |
|------------------------------|---------------------|--------------------|------------------|
| Ward: | South | Date: | 11 February 2005 |
| Precinct: | Hyde Park-P12 | File Ref: | RES0016 |
| Attachments: | 001 | | |
| Reporting Officer(s): | M Rootsey | | |
| Checked/Endorsed by: | | Amended by: | |

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the progress report on the Hyde Park Stage upgrade;*
- (ii) *RECEIVES a further report on the Hyde Park Stage with an amended design and revised cost estimates by April 2005; and*
- (iii) *AUTHORISES the Chief Executive Officer to investigate external sources of funding for this project.*

Moved Cr Ker, Seconded Cr Cohen

That the recommendation be adopted.

Discussion ensued.

Moved Cr Ker , Seconded Cr Cohen

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

"(ii) RECEIVES a further report on the Hyde Park Stage with a simplified, less obtrusive and more visually permeable design, revised capital cost and operational maintenance cost estimates and report to Council by May 2005."

Discussion ensued.

CARRIED (7-0)

(Cr Torre apology for the meeting, Cr Farrell had departed the meeting)

Discussion ensued.

MOTION AS AMENDED CARRIED (7-0)

(Cr Torre apology for the meeting, Cr Farrell had departed the meeting)

COUNCIL DECISION ITEM 7.5

That the Council;

- (i) *RECEIVES the progress report on the Hyde Park Stage upgrade;*
 - (ii) *RECEIVES a further report on the Hyde Park Stage with a simplified, less obtrusive and more visually permeable design, revised capital cost and operational maintenance cost estimates and report to Council by May 2005; and*
 - (iii) *AUTHORISES the Chief Executive Officer to investigate external sources of funding for this project.*
-

BACKGROUND:

At the Ordinary Meeting of Council on 8 June 2004 the following resolution was adopted.

"That the Council;

- (i) *RECEIVES the report on the community consultation on the design concepts for the Hyde Park Stage upgrade;*
- (ii) *AUTHORISES the Chief Executive Officer to engage an appropriately qualified professional to prepare a detailed design on the stage upgrade based on the design concepts prepared and utilising the criteria listed; and*
- (iii) *RECEIVES a further report on the design for the Hyde Park stage upgrade."*

Furthermore, at the Ordinary Meeting of Council on 23 March 2004 the following resolution was adopted.

"That the Council;

- (i) *RECEIVES the concept designs as selected by the Hyde Park Working Group;*
- (ii) *ADVERTISES the concept designs for community comments for six (6) weeks; consulting on but not limited to:*
 - (a) *suitability for community needs;*
 - (b) *extent of facilities proposed; and*
 - (c) *general design;*
- (iii) *ARRANGES a Community Briefing for interested parties on the Hyde Park Stage Concepts; and*
- (iv) *ALLOCATES an amount of \$50,000 for the upgrade of Hyde Park Stage for consideration in the Draft 2004/05 Budget."*

DETAILS:

The Executive Manager Corporate Services met with Peter Hunt Architects to outline the brief and the criteria for the upgrade. At the meeting the architects were shown the selected work from the TAFE students. The students plan, concepts and models were taken by the architect to use in formatting the design. In taking the criteria into account, the architect has prepared the design as illustrated in Attachment 1.

The cost of this design as presented has been estimated by Rawlinsons Quantity Surveyors as being \$450,000. The amount of \$370,000 being the construction with the rest comprising consultant fees, contingencies and artwork.

The roof structure is estimated to cost \$150,000. This concept design has included changerooms and stores in the design, which also has a significant impact on the overall costs. These changerooms and stores may be removed from the design and this would have an impact on the costings. Even if these were removed from the current design the cost would still remain significantly over budget. The shortfall could be sought from external funding agencies that support community facilities, these would include Lotterywest, Healthway, etc. The architect will be contacted to amend the design and submit new costings

CONSULTATION/ADVERTISING:

This concept has not been advertised.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

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

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

“h) Continue to design and implement infrastructure improvements for public open space.”

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$50,000 has been allocated for this project in the 2004/05 budget.

COMMENTS:

The design concept submitted is of high quality and has included the use of good expensive materials, however this exceeds the allocated budgeted funds for this project.

External funding sources can be sought to provide funds once a final design is agreed.

It is recommended that the architect submit an amended design more in line with the budgeted funds.

8. CLOSURE

The Presiding Member, Mayor Catania JP, declared the meeting closed at 9.25 pm with the following persons present:

| | |
|---------------------------|---|
| Mayor Nick Catania, JP | Presiding Member |
| Cr Simon Chester | North Ward |
| Cr Caroline Cohen | South Ward |
| Cr Doran-Wu | North Ward |
| Cr Basil Franchina | North Ward |
| Cr Ian Ker (Deputy Mayor) | South Ward |
| Cr Sally Lake | South Ward |
| | |
| John Giorgi, JP | Chief Executive Officer |
| Rob Boardman | Executive Manager, Environmental & Development Services |
| | |
| Mike Rootsey | Executive Manager, Corporate Services |
| Rick Lotznicher | Executive Manager, Technical Services |

One Member of the public

These Minutes were confirmed by the Council as a true and accurate record of the Special Meeting of the Council held on 15 March 2005.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2005