



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

24 MAY 2011

*This document is available in the following alternative formats
upon request for people with specific needs; large print, Braille
and computer disk*

INDEX
(24 MAY 2011)

ITEM	REPORT DESCRIPTION	PAGE
9.1 DEVELOPMENT SERVICES		
9.1.1	Amendment No. 72 to Planning and Building Policy Manual - Draft Amended Policy No. 3.4.8 Relating to Multiple Dwellings (PLA0213)	83
9.1.2	Amendment No. 78 to Planning and Building Policies – Draft Amended Policy No. 3.5.13 Relating to Percent for Public Art (PLA0198)	107
9.1.3	Further Report – Nos. 5 - 9 (Lot 40; D/P 41827) Britannia Road, corner Wavertree Place, Leederville – Proposed Demolition of Existing Single Storey Institutional Building (Aged Care Facility) and Construction of Three-Storey Institutional Building (Aged Care Facility) (PRO0791; 5.2010.596.2)	35
9.1.4	Nos. 132, 132A & 132B (Lots 2, 3 & 4; D/P: 68092) Chelmsford Road, North Perth - Proposed Construction of Three (3) Two Storey Single Houses (PRO5354; 5.2011.37.2)	90
9.1.5	No. 10 (Lot 30; D/P 672) Mary Street, Highgate - Demolition of Existing Single House and Construction of Two (2), Two-Storey Grouped Dwellings - Amended Planning Approval (PRO4594; 5.2011.136.1)	102
9.1.6	No. 32 (Lot 801; D/P 33355) Edward Street, Perth- Proposed Signage Addition (Billboard) to Existing Mixed-Use Building (PRO4026; 5.2011.146.1)	79
9.1.7	No. 38 (Lot 45; D/P 2454) Fairfield Street, Mount Hawthorn - Proposed Change of Use from Residential to Medical Consulting Rooms (Doctors Surgery) and Associated Car Parking (PRO3129; 5.2011.25.2)	115
9.2 TECHNICAL SERVICES		
9.2.1	Investigation of a Trial for Vehicle Charge Station for Electric Vehicles (TES0047)	119
9.2.2	Robertson Park – Created Wetland Progress Report No. 2 (RES0066)	13
9.2.3	Proposed 2 Hour Parking Restriction – Anzac Road, Mount Hawthorn (TES0508)	76
9.2.4	Right of Way Bounded by Raglan Road, Norfolk Street, Grosvenor Road and Hyde Street, Mount Lawley, Proposed Naming (TES0189)	17
9.2.5	Petition Concerning a Street Verge Tree – 6 Fleet Street, Leederville (TES0234)	19

9.3 CORPORATE SERVICES

9.3.1	Investment Report as at 30 April 2011 (FIN0033)	125
9.3.2	Authorisation of Expenditure for the Period 1 – 30 April 2011 (FIN0032)	22
9.3.3	Financial Statements as at 30 April 2011 (FIN0026)	25
9.3.4	No. 202 (Lot 7681) Scarborough Beach Road, Mount Hawthorn (Mount Hawthorn Pre-Primary Centre) - Transfer of Property to the Department of Education (CMS0009)	30

9.4 CHIEF EXECUTIVE OFFICER

9.4.1	Information Bulletin	34
-------	----------------------	----

10. COUNCIL MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.	127
------	-----

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (Without Discussion)

Nil.	127
------	-----

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.	127
------	-----

13. URGENT BUSINESS

Nil.	127
------	-----

14. CONFIDENTIAL ITEMS / MATTERS FOR WHICH THE MEETING MAY BE CLOSED ("*Behind Closed Doors*")

Nil.	127
------	-----

15. CLOSURE

127

Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 24 May 2011, commencing at 6.00pm.

1. (a) DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania, declared the meeting open at 6.08pm.

(b) ACKNOWLEDGEMENT OF COUNTRY STATEMENT

“We acknowledge that this land that we meet on today is part of the traditional land of the Nyoongar people. We acknowledge them as the traditional custodians of this land and pay our respects to the Elders; past, present and future”.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

John Giorgi JP, Chief Executive Officer – apology due to attendance at the LGMA National Congress 2011.

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Steed Farrell	North Ward
Cr Taryn Harvey	North Ward
Cr Sally Lake (<i>Deputy Mayor</i>)	South Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
Rob Boardman	A/Chief Executive Officer
Helen Smith	A/Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)
Lauren Peden	Journalist – “ <i>The Guardian Express</i> ”

Approximately 37 Members of the Public

(c) Members on Approved Leave of Absence:

Nil.

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

The following submissions were made by persons in the Public Gallery:

1. Faye Caldwell of 8 Wavertree Place, Leederville – Item 9.1.3. Stated the following:
 - For those that did not attend the meeting and chose to write to the 2 local papers demonising the opponents to the application, she advised that they have never said they do not want Rosewood upgraded, they have only objected to the size. She has lived across from Rosewood for 25 years and had a mother in a different care facility before her death therefore, it is not in her nature.
 - Does not believe there has been any change in the important non-complying issues of plot ratio, setbacks and numbers of storeys brought up at the meeting in the amended plans and disagrees with the report where it states that they have adequately and sufficiently addressed the concerns raised by the community.
 - Queried how the Town can afford to drop the fee for light commercial use of the Town's parks and reserves by such a large amount? (Page 30 of the Agenda).
 - Queried whether the ratepayers so badly affected by the many years of construction work would get any concession in their annual rates during that period?

2. Kristen Mardardy of 13A Britannia Road, Leederville – Item 9.1.3. Stated the following:
 - This proposal is a planning application, not a policy paper on the provision of aged care services within the Town although she believes that is what the public debate descended into.
 - The concerned residents are not suggesting that Rosewood is acceptable in its current state, as it is not.
 - They sought balance in the debate, consideration for some of the local residents within the vicinity, some respect and understanding of their situation, in addition to the needs of current and future residents of Rosewood.
 - Believes Rosewood's "sell" has always had an eye to the sympathy vote, that we must look after the elderly which they subject to in the developers 70 page application document, again at the public meeting and also when she and her neighbours were shown around the current facility by Rosewood's CEO.
 - Suspects that this was the path that had to be travelled to deflect their legitimate concerns about the development itself.
 - Believes there will be ramifications to the community during construction and subsequent permanent disruption to their lifestyle.
 - Believes the developer has never wanted to entertain any local residents substantive concerns regarding the size and bulk of the building, the increased traffic and parking and the negative effects on the amenity of the area.
 - Believes the building is an outrageous impost on them, the next door neighbours.
 - They discussed the prospects of a smaller building with the developer however, that fell on "deaf ears".
 - Understands Cr Buckels has discussed some possible options to alleviate the impact of the building on them and they would welcome the opportunity to explore these further with the Council and Rosewood, although any amendments will in no way eliminate or diminish their objection to the overall plan.
 - At the end of some months of supposed consultation/negotiation, the developers plans have not changed, they are simply left with "window dressing", window fins, planter boxes etc. thinking that they would satisfy them however, it has not.
 - If the debate was about looking after the elderly they would all be supportive however, it is not, it is about a business, charitable it maybe but a business.
 - Urged the Council to vote on the planning issue, the bulk of the 3 storey commercial building operating 7 days a week, 365 days a year in a residential area and a consequent negative impact it will have on the amenity of other local residents.

3. Verna Kingsbury of 22/37 Britannia Road, Leederville – Item 9.1.3. Stated the following:
- The standard of Nursing Homes is rising rapidly and it would be wonderful to have the proposed Rosewood facility in Leederville, both for residents in need of care and for their family and friends being able to visit them with ease.
 - Nursing and Allied Health Care Services have performed remarkably in recent years, and Nursing Homes with the best facilities attract the best staff and produce the best outcomes in patient care.
 - Every visitor raises the spirits of those confined to care; people trapped in bodies they cannot control are not less sensitive to love and understanding.
 - Many famous people have said that the measure of the civilisation of a society is the way it cares for its young, its elderly and its prisoners.
 - In 1923, the infant health service was established in WA ensuring better outcomes for children in this state and believes we are still doing quite well by our young.
 - Services for the elderly are well behind and gone are the days that they are cared for at home by unmarried daughters.
 - If there were adequate beds in Nursing Homes today, believes that you would not hear the health experts saying that the elderly are occupying acute hospital beds that should be available for acute care patients. People should remember who they are talking about, people who pioneered this State, built the infrastructure, survived the depression, fought in the wars and produced the children who now determine their affairs or, they may be migrants who come here seeking a better life for themselves and their children – they deserve respect.
 - With the Council’s approval we may have a first class nursing home where elderly and disabled residents have first class care.
4. Peter Marcakis of 13A Britannia Road, Leederville – Item 9.1.3. Stated the following:
- Referred to a letter he sent to Councillors last Friday 20 May 2011.
 - Reiterates and endorses the first speaker and also the previous speaker regarding the need for quality aged care.
 - They oppose the plan, not Rosewood. This proposal is simply too big and will create massive problems during construction and will leave a legacy of problems once completed.
 - This proposal demanded a process that was open, transparent and objective.
 - Whether this is approved, something of this size and scale demanded an exception response and he has not seen that.
 - Believes the report is “peppered” with words from Rosewood’s own information however, also with words like “reasonable”, “however” and “acknowledged” to explain away all the objections and comments.
 - Believes this has been a “tick the box” exercise i.e. the traffic and parking study – done, tick the box however, the next question should have been, was the study adequate – no as one day of data does not make a representative sample.
 - Good decisions require good information – the inadequate level of due diligence and thorough analysis in this case places the Council at risk of making a poor decision.
 - Yesterday he discovered that there is another report that was not on the Town’s website that should have been which is another failure of the information process. Queried what else is in this plan that you need to know?
 - Rosewood is a business that provides aged care.
 - The plans completely destroy the amenity of the area and particularly his home.
 - It is one thing to have a business in a residential area, but it is something else to have something of this magnitude. They fear their neighbourhood will be adversely changed forever.

- The construction period is unacceptable and unreasonable and the scale of the business once it is complete will absolutely degrade people's quite enjoyment of their homes. Urged the Council to put themselves in his position and they will also draw to a similar conclusion.
 - Perception is reality and he hopes he is wrong, but this plan is an accident waiting to happen; particularly with all the children and existing traffic and parking problems they already have. The problems will only get bigger and worse.
 - The Council is charged to make a decision based on information that is lacking integrity and validity, if the Council have any doubts they should not approve this plan.
5. James Fisher of 13 Britannia Road, Leederville – Item 9.1.3. Submitted a letter and documentation. Stated the following:
- At the Council Meeting on 22 February, the Council voted that the item be deferred for further consideration, information and a public meeting which, was held on 24 March to outline the applicant's response to concerns raised. Unfortunately the applicant did nothing at the meeting to address the substance of the issues raised by residents, chiefly regarding the size of the proposed building.
 - In this report, the applicant has only proposed minor changes and window dressings however, despite this lack of material changes in the application and the unwillingness to address the residents' concerns regarding the bulk of the proposed building, it has been recommended for approval – how is this so?
 - The applicant has refused point blank to address the concerns regarding the size of the proposal with the temerity to state that it is not considered that any changes to the scale of the development were necessary. He also suggested the building will fit with the future character of the area typified by large scale development and upgrade of housing stock in the area – he thought the Town and not Rosewood set the vision for the Town.
 - He asked an artist at short notice to prepare an impression to show what a large scale redevelopment upgrade of housing stock in this area may mean – tabled. Hopes the vision of the Councillors is somewhat different.
 - Suggested compromise – the proposal of 3 storey, 5,403m² building in a residential area is not in keeping with the strategic objectives for the natural and built environment of the Town as outline in the 2009-2014 Strategic Plan. A 2 storey facility occupying up to 70% of the land area would be far more appropriate and in keeping with the nature of the area.
6. Lee Rodda, Senior Planner with RPS Consultants on behalf of their client Rosewood – Item 9.1.3. Stated the following:
- They have been assisting Rosewood in conjunction with Morley Davis Architects for a little over 2 years with this development.
 - Requested the support of the Council to enable the provision of a state of the art aged care facility that will benefit the community now and into the future. Submitted a petition in support of the facility.
 - Expressed his thanks and appreciation to the Town's Planning and Technical Staff for their professionalism, responsiveness and courtesy in their dealings with the project team and the application; also to the Mayor, Councillors, community members and Aranmore Catholic Primary School who have taken interest in the proposal and appreciate their willingness to participate in the various formal and informal consultation forums.
 - There has been very extensive consultation with surrounding residents, School community and other concerned stakeholders.
 - After an extensive pre-lodgement consultation phase with the community and the Town, the application was lodged in November 2010 and subsequently advertised for a period of 21 days.

- As a result of concerns at the public meeting, Rosewood has undertaken further consultation with a number of surrounding landowners and institutions in addressing the concerns raised and recently attended a LATM meeting. Believes the outcomes have been positive and are confident that these discussions have allayed any lingering concerns about the proposal.
 - Commends the balance, objective and very thorough assessment of the application by the Town's Administration in the recommendation and their methodical and diligent approach in assessing the application against the Town's Planning and Policy framework. Confirms that their client endorses the recommendation as well as the intent of the recommended conditions including those relating to the proper management of the building construction for appropriate management plans.
 - Rosewood was established in 1954 and is one of WA's oldest and most renown residential aged care providers with a proven track record in the delivery of quality aged care of its residents and looks forward to being able to grow these services within the Town.
 - Rosewood remain committed to remaining positively engaged with the community and other stakeholders through the approval and construction process.
 - Urged the Council to support the recommendation.
7. Norelle O'Neill, Chair of the Mt Hawthorn Precinct Group of 1 Matlock Street, Mt Hawthorn – Items 9.1.3 and 9.2.3. Stated the following:
- Not personally affected by the Rosewood development but has objectively viewed this process of appalling betrayal, misrepresentation, inaccurate information, disregard, disinterest and contempt.
 - Residents, many of whom are seniors and fully understand the broader issue, simply want the redevelopment to be a 2 storey, 70 bed facility; nearly a 200% increase on its existing size and not the proposed 3 storey, 120 beds.
 - In trying to protect their community they have had to endure:
 - public attacks from misinformed non residents and interest groups;
 - betrayal by a CEO who very publicly informed them that the development would not proceed without significant changes;
 - a lack of access to relevant reports and other information;
 - lack of consultation to both the Town and developers;
 - denial of access to decision makers within the Rosewood Group;
 - conflicting information from the Town and developers; and
 - multiple unanswered questions etc.
 - Referred to the Town's comments on page 26 of the Agenda, point 11 which is a direct quote from page 28-developer's reasons to the Town to justify the building. The Director Development Services allowed the Town to copy and paste the developer's quote to justify why the Town is allowing the oversized building to proceed. If this were not so absurd and unprofessional it could be perceived as complicit or collusive.

The Presiding Member, Mayor Nick Catania advised that the Council allows constructive criticism however abuse will not be accepted.

Ms O'Neill stated that it was not abuse.

The Presiding Member, Mayor Nick Catania advised that there is a process and professionalism to be adhered to.

Ms O'Neill continued:

- Page 31 – the Town's CEO says that it is important to note that Rosewood has advised that by 2056, 25% of Australia's population will be 65 years and over which translates to 9 million people in that age group. However, this is highly emotive and misleading figure that comes from a website dedicated to predicting immigration trends; on this site, this figure is prefaced by stating that it is based on a series of assumptions and projections about Australia's future fertility, life expectancy and net overseas migration – in other words a model based on guess work. The CEO should have referred to credible Productivity Commission report on caring for older Australian's Draft Report of 2011 which states, over the next 40 years the number of Australia's aged 85 and over will be "the major users of aged care services".
 - Item 9.2.3 – the proposed 2 hour restricted parking is in the vicinity of Rosewood and, if approved, traffic will go into Britannia Road.
8. Peter Boam of Leederville Gardens Retirement Village (LGRV) – Item 9.1.3. Stated the following:
- Retirement Villages can be categorised into 3 categories:
 - "young old" – residents around 65 years old;
 - "medium old" – residents around 75 years old; and
 - "old old" – residents around 85 years old.
 - It is obvious from these figures that the requirements of the 3 groups are considerable and it is generally only the 3rd group which will have to consider an early move into care facilities.
 - The average age of LGRV residents would be between 80-90 years old; therefore, an "old old" retirement village. At this moment, a number of residents are seriously looking for places with care facilities, which unfortunately are found to be in very short supply in Perth and WA generally.
 - The proposal is very pleasing to all LGRV residents and those to follow.
 - Rosewood has assisted LGRV residents over many years by providing good affordable lunches for those who made the arrangements and they hope and trust that these arrangements will recommence when the new premises are complete.
 - Although he is not officially allowed to speak for all the residents, as this matter has not been discussed in an open general meeting; however, he ventures to say that most, if not all residents (all 75) will strongly support the construction of the new premises and they look forward to the earliest completion.
 - Expressed hope that Rosewood will see its way clear to favourably consider applications from the LGRV residents for accommodation in the care facilities.
9. Cliff Weener of 9 Robinson Street, Youth With a Mission Perth – Item 9.1.6. Stated the following:
- The application (billboard – 19m in length, 16m high) was denied last July as the signage was not consistent with the orderly and proper planning and preservation of the amenities of the locality.
 - Their accommodation will be looking right into the back of the billboard.
 - The signage was not compliant in July and still not compliant today – light pollution and obstruction of view.
 - Urged the Council to again reject the application.

The Presiding Member, Mayor Nick Catania advised that he has been advised that this Item may be withdrawn.

10. Anne Bate of 219 Loftus Street, Leederville – Item 9.1.1. Stated the following:
- Has spent several hours studying the summary of submissions to which they are very concerned that at least 20 responses supporting the Policy are from people who do not even live on the streets or properties affected – they have a right to state an opinion however, should not help to decide policies relating to others lives and land unless it directly impacts them.
 - The responses relating to Bulwer Street were very confused either supporting or objecting.
 - Car parking is already a problem in their area, entering and exiting Loftus Street via the side streets is often hazardous, due to on road parking in side streets by existing residents and their visitors.
 - Suspects the planners are “dreaming” if they think residents in multiple dwellings will not have at least one car because Perth’s public transport system is inadequate regarding its network and timetable beyond the City.
 - In 1978 they chose to live on Loftus Street as it was a main road and affordable and have lived there ever since, so she believes they are very well qualified to understand the challenges of living along a major traffic artery.
 - They applaud the decision to exclude Bulwer Street. It must be noted that it meets all the relevant criteria – access to Hyde Park, Birdwood Square, shops, cafes, hotels, schools etc. and it does have frequent bus routes.
 - Concerned that the quality of life of residents that might live in multi unit housing in close proximity to each other along noisy roads is not being considered or, for existing residents (like her) who will be overshadowed by 2/3 storey buildings.
 - Affordable family homes are desirable, maximum height 2 storeys, triplex, duplex she is happy with.
 - Urged the Council not to support the proposal for her street.
11. Lynn Oliver of 43 Lawler Street, North Perth – Item 9.1.1. Stated the following:
- Concerned about a number of aspects of the Policy.
 - Her property is located between Charles and Walcott Streets. If the Policy is accepted between these roads, she believes residents will be disadvantaged, which is highlighted by a number of residents who are so concerned they are considering selling due to this Policy (names and address can be supplied).
 - Believes a development of 3 storeys backing onto their precinct would have a large affect on the amenity, privacy and overshadowing.
 - In the outcomes for Walcott Street, it shows 10 out of 14 respondents (71%) do not support the Policy and for Charles Street, 12 out of 19 (63%) – perhaps areas such as these that show a high level of objections should be excluded from the Policy.
 - Understands the City of Stirling has a limit of 2 storeys along Walcott Street, why is the Town not consistent with that? They people in the City of Stirling have a lot more land to buffer them from developments that may affect them.
 - Problems noted are increased parking issues and traffic on top of an already existing problem. Officer comments that the Policy aims to encourage public transport use; however, it is not just the owners who have cars, they also have visitors.
 - Loss of property values has been noted but not considered. How does this give owners any certainty about the continuing value of large investments they have placed in choosing to live in the Town.
 - There are areas where 3 storeys on a main road would be acceptable e.g. around her area, the land near Charles Hotel which could be developed without impacting on individuals as much as other places.
 - Does not support the blanket adoption of the Policy, believes it should be more subjective.

12. Pierre Legeron of 134 Chelmsford Road, North Perth – Item 9.1.4. Stated the following:
 - Out of the many non compliances reported during consultation, all commented on by 19 objectors, apart from cosmetic and minor visual concession, only comments impacting on the heritage listed No. 130 were truly considered and resulted in change in the plans.
 - The wall of 16.5m high is non compliant and right on the boundary of No. 134 however, was supported on the basis that it does not have an undue impact. Referred to the comment on page 51 of the Agenda, which he finds outrageous and totally disagrees with it as, it goes against the Town’s Clause 7.4.1 *“any new development is to consider preserving the amenity of adjoining neighbours and surrounding area”*.
 - Requested that the western side of the development be treated the same as the eastern side with an articulation in the wall on the boundary so that it is at least 1.2m from the boundary.

13. Peter Wheatly of 130 Chelmsford Road, North Perth – Item 9.1.4. Stated the following:
 - He and his wife own a heritage house east of the proposal.
 - Thanked the Heritage Officers for reducing some of the impact of this development on their 104 year old house; however, they object to the proposal as it adversely affects their neighbours and the Chelmsford Road streetscape.
 - Streetscapes do not seem to be important to some but they are too many residents on Chelmsford Road.
 - No. 134 will have a 6.2m parapet wall on its eastern boundary which will make the house very cold in winter and dark at all times. On the opposite side of the road, they will be dominated by the proposal and the noise could be extremely aggravating in the future.
 - Understands that it is very difficult to fit a dwelling on these narrow blocks; however, the developer could, and has done on his adjoining block, extend the building into and on top of the garages which, will benefit the 2 blocks who will have the same problem. In doing so, another metre on the frontage may be able to be surrendered to allow a reasonable garden. Particularly for No. 134, the parapet wall could be articulated to the dimensions of the living room window.
 - Requested the Council consider those mostly affected.

14. Sam Jeleric of Greg Rowe & Associates – Item 9.1.4. Stated the following:
 - Supportive of the recommendation for approval.
 - The plans forming the favourable Agenda Item have been significantly modified from the original proposal to be in line with the R Code Requirements, the Town’s Design Guidelines and the Town’s Residential Design Elements Policy.
 - Understands there may still be concerns as a result of the submissions and an alternative recommendation is being considered by the Council.
 - Proposed that the Item be deferred to a later meeting rather than making a decision this evening; however, asked the Council to provide direction to the Officers to enable further discussion in this regard in order to avoid a SAT appeal and any subsequent costs associated with that.

15. Gigi Bisher of 46 Saunders Street, Mosman Park – Item 9.1.5. Stated the following:
 - She is a Barrister acting on behalf of Mr Gary Cobby, owner of 8 Mary Street and commends the Town of Vincent.
 - Submitted diagrams: Diagram 1 being a plan of 8 Mary Street and Diagram 2 being a copy of page 1 of 18 of the Town’s site plan.
 - Diagram 1 has an old fashioned alcove on the right hand side of No. 8 that was built in order to provide a window into a bedroom, which is the only form of natural light into this old residence. However, in Diagram 2 the alcove is not marked at all on that plan.

- Queried whether the alcove was taken into account when approval was granted? Approval would effectively allow a solid wall abutting and therefore reducing the natural light.
 - On page 2 of 18 of the Town's site plan, it can be seen that the natural plan for the street when the houses were built, was that they all seem on the right hand side with the houses abutting the boundary, with a passage way down the left hand side of the houses.
 - With the latest development, it is going to have a large impact.
 - Requested the matter be deferred.
16. Denise Swan of 392 Bulwer Street, West Perth – Item 9.1.1. Stated the following:
- Supports the amendment to have Bulwer Street be excluded.
 - Bulwer Street predominantly consists of workers cottages and is a streetscape relatively intact. To preserve that from future multi dwelling development would contribute to the integral character of the Town in the future.
 - Bulwer Street (unlike some other major roads listed) is a 2 lane road and to have multi dwellings would be visually overpower.
 - Urged the Councillors to accept that Bulwer Street be excluded.
17. Jane Jury of 396 Bulwer Street, West Perth – Item 9.1.1. Stated the following:
- Supports the amendment to have Bulwer Street be excluded.
 - Believes Bulwer Street has a lot of character, which should be preserved.
 - Urged the Councillors to consider this and to accept the amendment.
18. Debbie Saunders of 123 Oxford Street, Leederville. Stated the following:
- Referred to an Item from the Meeting of 19 April 2011.
 - Sought clarification on the Independent Design Review of the Leederville Masterplan, which seem to be in conflict with previous responses from the Council.
 - The main areas of concern in the review refers to The Avenue requiring the purchase and demolition of a specific building creating an unnecessary 4 way traffic intersection and demands that pedestrians remain in an external environment. Sought clarification on what that specific building is and to what reports or maps Mackay Urban Design refer for that specific building, as she is unable to locate it in any maps or documents.
 - Referred to the Peer Group Review Workshop Main Roads letter – guidelines appear to show an extension of Newcastle Street west of Oxford Street to Leederville Parade, approximately 50% of the length appears to be dedicated as a future potential pedestrian only link with a direct connection to the existing Oxford/Newcastle Street intersection. This will present a number of pedestrian and safety issues as all service vehicles access through the pedestrian link and should be going through the laneway.
 - Sought clarification on the 4 way intersection joining Newcastle to Leederville Parade (where there is currently no road). Understands that it is not the Council's wish to put a pedestrian access or road through that specific building (Greens).

The Presiding Member, Mayor Nick Catania advised that these questions will be taken “on notice” and a response provided.

Cr Harvey departed to the Chamber at 7.02pm.

19. Stuart Lofthouse of 123, 130, 132 and 136 Oxford Street, Leederville. Stated the following:
- Asked what is happening with the Masterplan? \$100,000 has been spent on something that may not happen.
 - It is quite a concern when you look at things that are not actually happening because in his opinion some are lying.
 - Photographs used in the Masterplan document depict Greens; however, indicative or not, the document shows that Greens is not there. He will lose his business if the Masterplan proceeds.
 - Referred to a report in the Sunday Times. Queried who screens the urban planners who state that Subiaco is an urban vibrant City that has grown over the last 30 years (although it has gone downhill)?
 - Could not understand the reason for changing from Town to City.

Cr Harvey returned to the Chamber at 7.05pm.

There being no further speakers, Public Question Time closed at approx. 7.05pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

- 4.1 Cr Anka Burns requested leave of absence from 17 June 2011 to 21 June 2011 (inclusive) due to personal commitments.

Moved Cr McGrath, Seconded Cr Topelberg

That Cr Anka Burns' request for leave of absence be approved.

CARRIED UNANIMOUSLY (9-0)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

- 5.1 Petition received from Lee Rodda of RPS Consultants on behalf of the Rosewood Care Group along with 170 signatures, supporting the Aged Care Facility at Britannia Road and Wavertree Place, Leederville.

The A/Chief Executive Officer recommended that this petition be received and considered during consideration of Item 9.1.3 on this Agenda.

Moved Cr Maier, Seconded Cr Harvey

That the petition be received as recommended.

CARRIED UNANIMOUSLY (9-0)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

- 6.1 Minutes of the Ordinary Meeting of Council held on 10 May 2011.

Moved Cr Maier, Seconded Cr Burns

That the Minutes of the Ordinary Meeting of Council held 10 May 2011 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY (9-0)

6.2 Minutes of the Special Meeting of Council held on 17 May 2011.

Moved Cr Topelberg, Seconded Cr Burns

That the Minutes of the Special Meeting of Council held 17 May 2011 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY (9-0)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil.

8. DECLARATIONS OF INTERESTS

8.1 Mayor Catania declared a Financial interest in Item 9.3.1 – Investment Report. The extent of his interest being that he is the Chairperson of the North Perth Community Bank, in which the Town has investment shares.

8.2 Cr Burns declared a Financial interest in Item 9.3.1 – Investment Report. The extent of her interest being that she is a shareholder and her father is a director in the North Perth Community Bank, in which the Town has investment shares.

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

Nil.

10. REPORTS

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

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

Items 9.1.3, 9.2.3, 9.1.6, 9.1.1, 9.1.4 and 9.1.5.

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

Nil.

10.3 Items which Council Members/Officers have declared a financial or proximity interest and the following was advised:

Item 9.3.1.

Presiding Member, Mayor Nick Catania, requested Council Members to indicate:

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

Cr Farrell	Nil.
Cr Topelberg	Item 9.1.2.
Cr Buckels	Nil.
Cr McGrath	Item 9.2.1.
Cr Harvey	Nil.
Cr Lake	Nil.
Cr Burns	Nil.
Cr Maier	Nil.
Mayor Catania	Item 9.1.7.

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

10.5 Unopposed items which will be moved “En Bloc” and the following was advised:

Items 9.2.2, 9.2.4, 9.2.5, 9.3.2, 9.3.3, 9.3.4 and 9.4.1.

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

Nil.

New Order of Business:

The A/Chief Executive Officer advised the meeting of the New Order of business, in which the items will be considered, as follows:

(a) Unopposed items moved *En Bloc*;

Items 9.2.2, 9.2.4, 9.2.5, 9.3.2, 9.3.3, 9.3.4 and 9.4.1.

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

Items 9.1.3, 9.2.3, 9.1.6, 9.1.1, 9.1.4 and 9.1.5.

(c) Those items identified for discussion by Council Members;

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

ITEMS APPROVED “EN BLOC”:

The following Items were approved unopposed and without discussion “*En Bloc*”, as recommended:

Moved Cr Farrell, Seconded Cr Lake

That the following unopposed items be approved “En Bloc”, as recommended;

Items 9.2.2, 9.2.4, 9.2.5, 9.3.2, 9.3.3, 9.3.4 and 9.4.1.

CARRIED UNANIMOUSLY (9-0)

9.2.2 Robertson Park - Created Wetland Progress Report No. 2

Ward:	South	Date:	12 May 2011
Precinct:	Hyde Park P13	File Ref:	RES0066
Attachments:	-		
Tabled Items	-		
Reporting Officers:	C Chaudhry, Project Officer – Environment J van den Bok, Manager Parks and Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

(i) *NOTES that:*

(a) *the Edith Cowan University Natural Sciences Department has investigated the Robertson Park - Created Wetland site and have determined that there is no risk of any ill toxicological affects to the general public from materials contained in the top soil layer of the created wetland at Robertson Park;*

(b) *no further action is recommended with regard to further sampling given the high cost involved (\$22,000 - \$30,000) and the likelihood that further testing may not identify the possible cause/s of the yellowing or chlorotic of the foliage of one particular plant species;*

(ii) *ENDORSES undertaking the following ‘alternative’ actions as recommended by Edith Cowan University Natural Sciences Department (as outlined in detail in the report);*

(a) *sampling, plant replacement, supplementary summer watering and pest identification/monitoring of the affected plant species to determine or rule out causes of the chlorosis to be carried out ‘in house’; and*

(b) *the installation of appropriate signage around the Robertson Park - Created Wetland site in liaison with the Department of Environment and Conservation;*

(iii) *ADVISES the Department of Environment and Conservation, the Department of Health and the Claisebrook Catchment Group of its decision; and*

(iv) *RECEIVES a further progress report/s on the matter if required.*

COUNCIL DECISION ITEM 9.2.2

Moved Cr Farrell, Seconded Cr Lake

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of the report is to update Council on the outcome of approaching a tertiary institution on carrying out Research of Chlorosis occurrence on plant species at Robertson Park.

BACKGROUND:

Approximately one (1) year after the completion and planting of the Robertson Park created wetland, staff identified that several planted areas around the wetland were not looking healthy and significant yellowing or chlorotic of the foliage of one particular plant species (*Hypocalymma angustifolia*) was occurring.

A soil report was undertaken in late 2005 by Soil Management Consultants (SMC) and it was identified that there were high concentrations of lead, copper and zinc within the soil profile and the zinc levels in particular were very high and toxic for some plant species.

In January 2006 Syrinx Environmental recommended that a more comprehensive sampling program be undertaken in accordance with the Environmental Protection Authority (EPA), as per the Department of Environment (DOE) [as they were previously known] contaminated site assessment regulations. It was also suggested that the site be fully fenced.

The site was reported to DEC (as advised to the Ordinary Meeting of Council held on 8 May 2010) as a suspected contaminated site; however, to date no further testing has been undertaken.

At the Ordinary Meeting of Council held on 25 May 2010 a report was presented in relation to the Robertson Park created wetland where it was resolved:

“That the Council;

- (i) *NOTES that;*
 - (a) *there is an unlikely chance of the risk of ill toxicological affects to the general public from the current identified levels of lead and selenium in the top soil layer in the created wetland at Robertson Park, as current levels of lead and selenium are typical of almost 90% of wetland existing across the Swan Coastal Plain;*
 - (b) *it is considered that no further action is required with regard to further sampling by consultants, remediation works or the erection of public exclusion structures unless instructed to do so by the Department of Environment and Conservation and/or the Department of Health;*
 - (c) *top soil monitoring and water quality sampling will be carried out ‘in house’ by the Town’s Project Officer –Environment on a quarterly basis for the next twelve (12) months and the results will be compared against the ANZECC guidelines;*
 - (d) *as detailed in the report, the Department of Health has stated that there is an acceptable level of risk; and*
 - (e) *a communication strategy be developed before any cautionary sign is erected in the park;*

- (ii) *ADVISES the Department of Environment and Conservation and the Department of Health of the Town's proposed actions as outlined in clause (i) above; and*
- (iii) *AUTHORISES the Chief Executive Officer to approach a tertiary institution that has recognised site contamination and land restoration academic expertise to discuss opportunities and appropriate funding needs for an Honours or equivalent research project to confirm metal toxicity is the cause for plant yellowing/chlorosis and investigate opportunities for in-situ amelioration of soils to reduce toxicity."*

DETAILS:

Tertiary Institution Approached

In accordance with clause (iii) of the Council decision in August of 2010 the tertiary institution of Edith Cowan University (ECU) Natural Sciences Department was approached regarding the proposal of carrying out research to determine the overall cause of the chlorotic condition of the vegetation at Robertson Park.

Teaching staff and students from the ECU Natural Sciences Department conducted a site visit in October 2010 and provided a proposal for determining the above as well as hypothesising the causes of chlorosis. They observed that whilst the condition of the vegetation did show some chlorosis the overall health of the artificial wetland was not at risk.

Investigation

The ECU Natural Sciences Department indicated that there were a multitude of reasons why the select species of *Hypocalymma* were suffering a yellowing condition and they hypothesised the following (they are listed from most likely to least likely):

- The chlorotic condition may be a direct cause of water stress;
- The chlorotic condition of vegetation may be a genetic problem with the tube stock;
- The chlorotic condition of the vegetation may have been caused by heavy metal influence on the up take of nutrients; and
- The chlorotic condition may be a cause of disease or insect infestation.

Cost

ECU Natural Sciences Department also provided a quote on the potential cost of conducting a foliage and water test on the species affected on an annual basis to determine the actual cause.

It was made clear that to conduct research into the actual cause, would be in the magnitude of around \$22,000 - \$30,000 over a 12 month period. It was highlighted that whilst an investigative study could be conducted, it doesn't mean that an answer or a cause would be determined, as there are many variables to consider.

Alternatives to Carrying out Research

ECU Natural Sciences Department highlighted that the research was expensive and another option would be as follows:

Sampling

The site to be continued to be soil sampled to provide an overall picture of the lead and selenium continuation existing across the wetland and to establish if it is being migrated on site by the drainage network. (In house).

Plant Replacement

Where plants show signs of Chlorosis one or two plants could be removed and replaced with fresh tube stock and monitored over a 12 month period to determine if the cause may be a genetic problem with the tube stock previously planted. (In house).

Ecological Water Requirements

To determine if the vegetation was suffering water stress carry out summer supplementation watering and monitor the situation to see if the Chlorotic condition of the plant species improves (In house).

Pest Invasion

Collection of foliage affected to observe and identify the presence of a pest issue (In house).

CONSULTATION/ADVERTISING

It is recommended that appropriate signage be installed in liaison with DEC.

LEGAL/POLICY:

As part of the Contaminated Sites Act 2003, it is a requirement for the Town to report the site as a known contaminated site to the Department of Environment and Conservation (DEC).

In accordance with the Act if a site poses no immediate or long term risk to human life and any contamination can be contained in the immediate area, no clean up or further action is required.

It should also be noted that the lead levels are typical of almost 90% of wetlands existing across the South West and requirement for immediate action or even future action is not warranted.

RISK MANAGEMENT IMPLICATIONS:

Low: Whilst there may be elevated levels of lead and selenium in the Wetland there is no significant risk to the public given its current use and form.

STRATEGIC IMPLICATIONS:

The Town's Strategic Community Plan 2011- 2016 states:

"Natural and Built Environment

Objective 1.1: Improve and maintain the natural and built environment and infrastructure.

1.1.5 Enhance and maintain the Town's infrastructure, assets and community facilities to provide a safe sustainable and functional environment."

SUSTAINABILITY IMPLICATIONS:

Not applicable.

COMMENTS:

It is recommend that Council proceed with the "*Alternative to carrying out research*" rather than the Research option, which would cost the Town in the order of \$22,000-30,000, as the research may not be able to identify the actual cause of Chlorosis.

9.2.4 Right of Way Bounded by Raglan Road, Norfolk Street, Grosvenor Road and Hyde Street Mount Lawley Proposed Naming

Ward:	South	Date:	12 May, 20011
Precinct:	Norfolk (P10)	File Ref:	TES0189
Attachments:	001 – Plan No. 2789-RP-01		
Tabled Items:	-		
Reporting Officer:	G Bellingier, Technical Officer Development		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *NOTES that the;*
 - (a) *Geographic Names Committee has advised the name ‘DOLCE LANE’ meets with their criteria; and*
 - (b) *applicant has given an undertaking to pay the costs of manufacture and installation of the street nameplates estimated to cost \$300;*
- (ii) *APPROVES the application of the name “DOLCE LANE” to the right of way bounded by Raglan Road, Norfolk Street, Grosvenor Road and Hyde Street, Mount Lawley, as illustrated by the attached Plan No. 2789-RP-01; and*
- (ii) *ADVISES the applicant, the Geographic Names Committee and all residents adjoining the right of way of its decision.*

COUNCIL DECISION ITEM 9.2.4

Moved Cr Farrell, Seconded Cr Lake

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval for the naming of the Town owned right of way (ROW) bounded by Raglan Road, Norfolk Street, Grosvenor Road and Hyde Street Mount Lawley.

BACKGROUND:

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

Naming of ROWs has a number of positive outcomes for adjacent residents. Once approved by the Geographic Names Committee, ROW names are included in the Street smart guide, and are therefore identifiable to FESA, should their attendance be necessary, and to the public in general.

DETAILS:

The Town has received an application for the naming of the ROW bounded by Raglan Road, Norfolk Street, Grosvenor Road and Hyde Street Mount Lawley.

The applicant is currently in the progress of sub-division and developing the rear lot and has experienced difficulty in identifying the location of the rear lot to friends and service providers.

The applicant has proposed the name "Dolce Lane", Dolce meaning "sweet" in Italian and follows the trend of naming the adjacent ROW, bounded by Alma, Norfolk, Raglan and Hyde Street, "Amore Lane".

The Geographic Names Committee has advised the name "Dolce" meets with their criteria.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

There are no legal implications to naming the ROWs.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

The Town's *Strategic Plan 2011-2016* states:

"Natural and Built Environment"

Objective 1.1: Improve and maintain the natural and built environment and infrastructure.

1.1.5 Enhance and maintain the Town's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment".

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The cost to erect poles and signs in the ROW will be approximately \$300. The applicant has given an undertaking to pay the costs of manufacture and installation of the street nameplates.

COMMENTS:

It is recommended that the Council approve the application of the name "Dolce Lane" to the ROW subject to the conditions as outlined in the officer recommendation.

9.2.5 Petition Concerning a Street Verge Tree – 6 Fleet Street, Leederville

Ward:	South	Date:	12 May 2011
Precinct:	Leederville; P3	File Ref:	TES0234
Attachments:	001 – Photographs of <i>Melaleuca lanceolata</i>		
Tabled Items	-		
Reporting Officers:	K Godfrey, Parks Services Technical Officer; J van den Bok, Manager Parks & Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *NOTES that in response to a petition received on 6 April 2011, the street tree located on the verge at 6 Fleet Street Leederville was removed under Delegated Authority No. 9.2 in accordance with Council Policy No. 2.1.2 Street Trees – Clause 6(ii)(b) – “the tree has been assessed by the Town as structurally weak and/or dangerous, placing the public at risk or jeopardising safety; and*
- (ii) *ADVISES the petitioners of its resolution.*

COUNCIL DECISION ITEM 9.2.5

Moved Cr Farrell, Seconded Cr Lake

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to provide details regarding a petition from residents of Fleet Street Leederville to have a street verge tree removed and replaced with a more suitable species.

BACKGROUND:

On 6 April 2011 a petition was presented to the Town with fourteen (14) signatories from Fleet Street, Leederville, requesting that the Town remove a verge tree for the reasons outlined below.

- Exposed tree roots on the verge are a potential trip hazard;
- Seed/flowers and fruit are deposited into resident’s properties creating additional maintenance;
- Allergies that may be attributed to the tree (asthma);
- Seeds/debris blocking soak wells; and
- Air borne seed/flowers being deposited into a resident’s swimming pool.

DETAILS:

Street Verge tree species – Refer to photograph 9.2.5A

The tree in question was a Rottnest Island Tea Tree (*Melaleuca lanceolata*). It was estimated to be about forty (40) years old and is approximately twelve (12) metres in height with a canopy spread of around ten (10) metres. This species of street verge tree was planted in Fleet Street by the former City of Perth and there are only three (3) of these trees still remaining within the street.

Condition – Refer to photograph 9.2.5B

Visually the tree appeared to be in a sound and healthy state of growth displaying a multi stemmed trunk and spreading canopy. The trees canopy extended over part of the roadway and over the years it appears that some of these branches may have been hit by vehicular traffic. This damage was evident by an old existing wound on the upper part of the trunk, as shown in the photograph in Appendix 9.2.5B.

Parks Services staff has over the years target pruned some of the lower tree branches to ensure there is ample clearance for vehicular traffic.

A recent inspection of this tree has revealed that there is also a large crack within the lower part of the tree trunk. This inspection also revealed visible signs that can be viewed through this structural crack of internal decay. As this tree had a multi stemmed trunk with a large branch structure supporting its canopy, there was a high risk that the tree may be in danger of splitting and thereby “placing the public at risk or jeopardising safety”.

Other Rottnest Island Tea trees located within the Town with similar structural features have split in two or shed major limbs, thus resulting in the tree/s removal.

During the storm of 22 March 2010, another similar specimen in Fleet Street collapsed resulting in extensive damage to the roof of the adjacent property.

Conclusion

Given the above information and in addition to the roots currently lifting the footpath panels and potentially further damaging the adjacent property boundary wall, the tree was removed on Monday 16 May 2011. A replacement with a more suitable species will be carried out.

Over recent years Parks and Property Services have been replanting Fleet Street with the Coral Gum (*Eucalyptus torquata*). This species of tree is growing well and is now the predominant tree within Fleet Street. The Coral Gum is a far more suitable tree for this location, being of a suitable scale and growth habit for the verge width provided.

The remaining two (2) Rottnest Island Tea trees within Fleet Street appear to be in a sound and healthy state of growth with no visible signs of insect or pathogen decay evident and will be retained at this point in time.

CONSULTATION/ADVERTISING:

Owner/occupiers will be advised of the Council’s decision and prior to any future street tree removals being undertaken.

LEGAL/POLICY:

Delegated Authority 9.2 “Street Trees – Management, Planting, Pruning and Removal”.

Council Policy No. 2.1.2 “Street Trees” Clause 6(ii)(b):

6. *Street Tree Removal*

...(ii)(b) *The Town has been assessed by the Town as structurally weak and/or dangerous, placing the public at risk or jeopardising safety”.*

RISK MANAGEMENT IMPLICATIONS:

Medium/High: In its current condition the tree would have serious public liability implications for the Town, should it collapse and cause injury and/or property damage. In addition, the tree roots are damaging the footpath.

STRATEGIC IMPLICATIONS:

The Town’s Strategic Community Plan 2011- 2016 states:

“Natural and Built Environment

Objective 1.1: Improve and maintain the natural and built environment and infrastructure.

1.1.5 Enhance and maintain the Town’s infrastructure, assets and community facilities to provide a safe sustainable and functional environment.”

SUSTAINABILITY IMPLICATIONS:

The former tree species located in Fleet Street Leederville - Rottneest Island Tea Tree (*Melaleuca lanceolata*) and the replacement tree species Coral Gum (*Eucalyptus torquata*) are both Western Australian native tree species.

FINANCIAL/BUDGET IMPLICATIONS:

The cost for the removal of the tree including stump grinding and a replacement specimen is estimated at \$900. Funds for the removal/replacement can be sourced from the “Street Tree Upgrade” account.

COMMENTS:

It should be noted that Parks and Property Services Officers would generally not consider removing or approving the removal of a street verge tree solely for the reasons listed in the petition. The main issue is now the fact that the tree is spilt and from experience with these trees they are likely to split very soon after a crack is identified, thereby causing a serious safety risk.

Accordingly, the street tree was removed on Monday 16 May 2011 for safety reasons.

9.3.2 Authorisation of Expenditure for the Period 1 – 30 April 2011

Ward:	Both	Date:	3 May 2011
Precinct:	All	File Ref:	FIN0032
Attachments:	001 – Creditors Report		
Tabled Items:	Vouchers, supporting invoices and other relevant documentation		
Reporting Officers:	K Ball, Finance Officer – Accounts Payable; B Tan, Manager Financial Services		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

- (i) *Schedule of Accounts for the period 1 April – 30 April 2011 and the list of payments;*
- (ii) *direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors; and*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth superannuation plans;*

paid under Delegated Authority in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 as shown in Appendix 9.3.2.

COUNCIL DECISION ITEM 9.3.2

Moved Cr Farrell, Seconded Cr Lake

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

DECLARATION OF INTEREST

Members/Officers	Voucher	Extent of Interest
Nil.		

PURPOSE OF REPORT:

To present to the Council the expenditure and list of accounts approved by the Chief Executive Officer under Delegated Authority for the period 1 April to 30 April 2011.

BACKGROUND:

The Council has delegated to the Chief Executive Officer (Delegation No. 3.1 the exercise of its power to make payments from the Town's Municipal and Trust funds. In accordance with Regulation 13 of the Local Government (Financial Management) Regulations 1996 a list of accounts paid by the Chief Executive Officer is to be provided to the Council, where such delegation is made.

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Automatic Cheques	069851- 070026	\$328,408.34
Transfer of Creditors by EFT Batch	1214, 1215, 1217-1219, 1221-1225, 1227, 1228	\$2,116,157.27
Transfer of PAYG Tax by EFT	April 2011	\$212,298.70
Transfer of GST by EFT	April 2011	
Transfer of Child Support by EFT	April 2011	\$945.83
Transfer of Superannuation by EFT:		
• City of Perth	April 2011	
• Local Government	April 2011	
Total		\$3,096,648.77
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$8,219.81
Lease Fees		806.82
Corporate Master Cards		\$10,505.75
Loan Repayment		\$56,737.45
Rejection Fees		\$82.50
Total Bank Charges & Other Direct Debits		\$76,352.33
Less GST effect on Advance Account		0.00
Total Payments		\$3,173,001.10

LEGAL POLICY:

The Council has delegated to the Chief Executive Officer (Delegation No. 3.1) the power to make payments from the municipal and trust funds pursuant to the Local Government (Financial Management) Regulations 1996. Therefore, in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 a list of accounts paid by the Chief Executive Officer is prepared each month showing each account paid since the last list was prepared.

RISK MANAGEMENT IMPLICATIONS:

In accordance with Section 6.8 of the Local Government Act 1995, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by an absolute majority decision of the Council.

STRATEGIC IMPLICATIONS:

Strategic Plan 2011-2016:

- “4.1 Provide good strategic decision-making, governance, leadership and professional management:*
- 4.1.2 Manage the organisation in a responsible, efficient and accountable manner;*
- (a) Continue to adopt best practice to ensure the financial resources and assets of the Town are responsibly managed and the quality of services, performance procedures and processes is improved and enhanced.”*

SUSTAINABILITY IMPLICATIONS:

Expenditure has been incurred in accordance with the adopted Budget which has been structured on financial viability and sustainability principles.

ADVERTISING/CONSULTATION:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

All expenditure from the municipal fund was included in the Annual Budget adopted by the Council.

COMMENT:

All municipal fund expenditure included in the list of payments is in accordance with the Council's adopted Annual Budget or has been authorised in advance by the Council where applicable.

Vouchers, supporting invoices and other relevant documentation are available for inspection at any time following the date of payment and are tabled.

9.3.3 Financial Statements as at 30 April 2011

Ward:	Both	Date:	5 May 2011
Precinct:	All	File Ref:	FIN0026
Attachments:	001 – Financial Reports		
Tabled Items:	Nil		
Reporting Officers:	B Tan, Manager Financial Services; B Wong, Accountant		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Financial Statements for the month ended 30 April 2011 as shown in Appendix 9.3.3.

COUNCIL DECISION ITEM 9.3.3

Moved Cr Farrell, Seconded Cr Lake

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to present to the Council the Financial Statements for the period ended 30 April 2011.

BACKGROUND:

Regulation 34(1) of the Local Government (Financial Management) Regulations 1996 requires a local government to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the budget.

A financial activity statements report is to be in a form that sets out:

- the annual budget estimates;
- budget estimates to the end of the month to which the statement relates;
- actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- material variances between the year-to-date income and expenditure and totals and the relevant annual budget provisions for those totals from 1 July to the end of the period; and
- includes such other supporting notes and other information as the local government considers will assist in the interpretation of the report.

A statement of financial activity and any accompanying documents are to be presented to the Council at the next Ordinary Meeting of the Council following the end of the month to which the statement relates, or to the next Ordinary Meeting of Council after that meeting.

In addition to the above, under Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, each financial year a local government is to adopt a percentage of value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.

DETAILS:

The following documents represent the Statement of Financial Activity for the period ending 30 April 2011:

- Income Statement;
- Summary of Programmes/Activities (pages 1-17);
- Income Statement by Nature or Type Report (page 18);
- Capital Works Schedule (pages 19-25);
- Statement of Financial Position (page 26);
- Statement of Changes in Equity (page 27);
- Reserve Schedule (page 28);
- Debtor Report (page 29);
- Rate Report (page 30);
- Statement of Financial Activity (page 31);
- Net Current Asset Position (page 32);
- Beatty Park Report – Financial Position (page 33);
- Variance Comment Report (pages 34-39); and
- Monthly Financial Positions Graph (pages 40-42).

Comments on the financial performance are set out below:

Income Statement and Detailed Summary of Programmes/Activities**Net Result**

The net result is Operating Revenue less Operating Expenses plus Capital Revenue and Profit/(Loss) of Disposal of Assets.

YTD Actual	-	\$4.8 million
YTD Budget	-	\$5.8 million
Variance	-	-\$1.0 million
Full Year Budget	-	\$10.6 million

Summary Comments:

The current unfavourable variance is due to a timing difference on the receipt of revenue from Capital Grants and Contributions.

Operating Revenue

YTD Actual	-	\$36.0 million
YTD Budget	-	\$36.1 million
YTD Variance	-	-\$0.1 million
Full Year Budget	-	\$38.4 million

Summary Comments:

The total operating revenue is currently 99.63% of the year to date Budget estimate.

Major variances are to be found in the following programmes:

Governance – 30% over budget;

Law Order and Public Safety – 31% below budget;

Health – 14% below budget;

Education and Welfare – 16% below budget;

Economics Services – 11% over budget;

Other Property and Services – 11% over budget;

Administration General – 616% over budget.

More details variance comments are included on the page 34 – 39 of this report.

Operating Expenditure

YTD Actual	-	\$32.2 million
YTD Budget	-	\$34.2 million
YTD Variance	-	-\$2.0 million
Full Year Budget	-	\$40.3 million

Summary Comments:

The operating expenditure is currently 5.74% below budget.

The major variance for expenditure is located in the following programmes:

- Health – 14% below budget;
- Education and Welfare – 15% below budget;
- Community Amenities – 15% below budget;
- Economic Services – 14% over budget;
- Administration General – 55% below budget.

Detailed variance comments are included on the page 34 – 39 of this report.

Income Statement by Nature and Type Report

This income statement shows operating revenue and expenditure are classified by nature and type.

Capital Expenditure Summary

The Capital Expenditure summary details projects included in the 2010/11 budget and reports the original budget and compares actual expenditure to date against these.

Capital Works shows total expenditure including commitment for year to date at the 30 April 2011 of \$5,767,879 which represents 40% of the revised budget of \$14,575,113.

	Budget	Revised Budget	Actual to Date	%
			(Include commitment)	
Furniture & Equipment	\$214,900	\$218,800	\$141,362	65%
Plant & Equipment	\$2,662,600	\$1,908,250	\$1,829,220	96%
Land & Building	\$12,125,150	\$3,750,480	\$651,695	17%
Infrastructure	\$10,843,834	\$8,697,583	\$3,145,602	36%
Total	\$25,846,484	\$14,575,113	\$5,767,879	40%

Statement of Financial Position and Statement of Changes in Equity

The statement shows the current assets of \$20,099,410 and noncurrent assets of \$142,388,817 for total assets of \$162,488,227.

The current liabilities amount to \$8,142,468 and noncurrent liabilities of \$13,483,401 for the total liabilities of \$21,625,869. The net asset of the Town or Equity is \$140,862,358.

Restricted Cash Reserves

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

The balance as at 30 April 2011 is \$9.1m. The balance as at 30 June 2010 was \$9.1m.

General Debtors

Other Sundry Debtors are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts. Sundry Debtors of \$577,365.96 is outstanding at the end of April 2011.

Out of the total debt, \$168,084 (29.1%) relates to debts outstanding for over 60 days, which is related to Cash in Lieu Parking and \$181,003 (31.3%) relates to the storm damage claim from FESA which is yet to be finalised.

The Debtor Report identifies significant balances that are well overdue.

Finance has been following up outstanding items with debt recovery by issuing reminders when it is overdue and formal debt collection if reminders are ignored.

Rate Debtors

The notices for rates and charges levied for 2010/11 were issued on the 19 July 2010.

The Local Government Act 1995 provides for ratepayers to pay rates by four instalments.

The due dates for each instalment are:

First Instalment	23 August 2010
Second Instalment	25 October 2010
Third Instalment	5 January 2011
Fourth Instalment	9 March 2011

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

Instalment Administration Charge (to apply to second, third, and fourth instalment)	\$8.00
Instalment Interest Rate	5.5% per annum
Late Payment Penalty Interest	11% per annum

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

Rates outstanding as at 30 April 2011 including deferred rates was \$394,186 which represents 1.84% of the outstanding collectable income compared to 2.11% at the same time last year.

Statement of Financial Activity

The closing balance carry forward for the year to date 30 March 2011 was \$3,884,903.

Net Current Asset Position

The net current asset position as at 30 April 2011 is \$13,038,877.

Beatty Park – Financial Position Report

As at 30 April 2011 the operating deficit for the Centre was \$250,794 in comparison to the year to date budgeted deficit of \$315,010.

The cash position showed a current cash surplus of \$118,055 in comparison year to date budget estimate of a cash deficit of \$81,897. The cash position is calculated by adding back depreciation to the operating position.

Variance Comment Report

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

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Section 6.4 of the Local Government Act 1995 requires a local government to prepare an annual financial report for the preceding year and such other financial reports as are prescribed.

Regulation 34(1) of the Local Government (Financial Management) Regulations 1996 requires the local government to prepared, each month, a statement of financial activity reporting on the source and application of funds as set out in the adopted Annual Budget.

RISK MANAGEMENT IMPLICATIONS:

Low: In accordance with Section 6.8 of the Local Government Act 1995, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by an absolute majority decision of the Council.

STRATEGIC IMPLICATIONS:

Strategic Plan 2011-2016:

“4.1 Provide good strategic decision-making, governance, leadership and professional management:

4.1.2 Manage the organisation in a responsible, efficient and accountable manner;

(a) Continue to adopt best practice to ensure the financial resources and assets of the Town are responsibly managed and the quality of services, performance procedures and processes is improved and enhanced.”

SUSTAINABILITY IMPLICATIONS:

Expenditure has been incurred in accordance with the adopted Budget which has been structured on financial viability and sustainability principles.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENT:

All expenditure included in the Financial Statements are incurred in accordance with the Council’s adopted Annual Budget or has been authorised in advance by the Council where applicable.

9.3.4 No. 202 (Swan Location 7681) Scarborough Beach Road, Mount Hawthorn (Mount Hawthorn Pre-Primary Centre) - Transfer of Property to the Department of Education

Ward:	North Ward	Date:	13 May 2011
Precinct:	Mount Hawthorn	File Ref:	CMS0009
Attachments:	001 – Plan of Lot 7681; 002 – Plan of Swan Reserve 10948; 003 – Photograph of Swan Reserve 10948 (car park); 004 – Photograph of Swan Reserve 10948 (car park)		
Tabled Items:	-		
Reporting Officers:	M Rootsey, Director Corporate Services A Munyard, Technical Officer Land and Development		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

(i) *NOTES that;*

(a) *a portion of the existing pedestrian overpass on Scarborough Beach Road is located on land currently owned by the Department of Education and on a portion of the Town owned Swan Loc 7681; and*

(b) *it is intended that the land be subdivided to ensure the pedestrian overpass is contained within the dedicated road reservation;*

(ii) *APPROVES the surrender of Swan Location 7681 on deposited plan 169433 (portion of 202) Scarborough beach Road at the Mount Hawthorn Pre-primary Centre so that it can be transferred to the Department of Education (as shown in Appendix 9.3.4 (a) and (b)), and the inclusion of portion of Swan Reserve 10948 into the adjacent road reservation, subject to;*

(a) *the portions of land in question being subdivided in accordance with the requirements of State Land Services;*

(b) *Department of Education and the Town agreeing to the subject land transfers; and*

(c) *all costs associated with the land transfer shall be paid by the Department of Education; and*

(iii) *AUTHORISES the Chief Executive Officer to finalise the subject land transfer and subdivision to the satisfaction of the Town.*

COUNCIL DECISION ITEM 9.3.4

Moved Cr Farrell, Seconded Cr Lake

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of the report is to obtain the Council's approval of the proposed surrender of Swan Location 7681 to the State Government and the creation of a "road widening" which contains the Town's pedestrian overpass.

BACKGROUND:

At the Ordinary Meeting of Council held on 28 April 2009, Confidential Item 14.2 the following resolution was adopted:

"That the Council;

- (i) (a) *APPROVES BY AN ABSOLUTE MAJORITY the sale of Lot 1 on Plan 3845 being all of the land as contained within Certificate of Title Volume 1015 Folio 73, Lots 226 and 227 on Plan 3845 being all of the land as contained within Certificate of Title Volume 969 Folio 163 and known as the Mt Hawthorn Pre Primary Centre, as shown in Appendix 1, to the Department of Education and Training for an amount specified in this report (excl GST) as shown in Appendix 1; and*
- (b) *ADVERTISES the Major Land Transaction Business Plan as shown in Appendix 14.2 for six (6) weeks as required by Section 3.59 of the Local Government Act 1995;*
- (ii) *AUTHORISES the Chief Executive Officer to;*
 - (a) *progress and negotiate the sale of the property at 202 Scarborough Beach Road as detailed in this report; and*
 - (b) *upon settlement, place the funds in the Beatty Park Reserve Fund;*
- (iii) *ADVISES the Department of Education and Training of the Council's decision;*
- (iv) *NOTES that a further report is to be submitted to the Council at the end of the consultation period; and*
- (v) *DIRECTS this matter is to remain confidential until the negotiations with the Department of Education and Training are finalised and the Business Plan is advertised for public comment."*

The sale of the property was completed in the 30 June 2009.

The Town received correspondence on 27 March 2009 regarding the proposed acquisition which stated the following:

"It is noted Lot 7681 on Deposited Plan 169433 is held by the Town of Vincent as a Crown Grant in Trust and as such does not form part of this transaction."

DETAILS:

The Town received further correspondence from the Department of Education on 16 April 2010, which in-part stated the following:

"I refer to your letter dated 30 April 2009 in relation to the transfer of Lots 1, 226 and 227 from the Town of Vincent to the Minister of Education."

In that letter you noted this Departments' advice that Lot 7681 on Deposited Plan 169433 is held by the Town of Vincent as a Crown Grant in Trust and as such did not form part of the transaction.

Further investigation has revealed that it is, in fact possible for the Town of Vincent to transfer Lot 7681 to the Department of Education following Council compliance with section 75 of the Land Administration Act 1997 (LAA)."

The Director Corporate Services has been in dialogue with the Department of Education for some time to clarify this matter.

Swan Location 7681, which was transferred to the Town as a Crown Grant in trust, solely for "Kindergarten Purposes". Swan Location 7681 forms part of the Mount Hawthorn pre Primary School, the remainder of the grounds now owned by the Department of Education ("The Department").

Transfer of Swan Location to the Department of Education will simplify its administration over the entire pre-school site. As Swan Loc 7681 is no longer required by the Town, it has no objection to its surrender; however the Town's pedestrian overpass infrastructure is constructed over portion of the Location, at the eastern end (approximately 10m).

In return, the Department has agreed to the partitioning of a small portion of Swan Loc 7681 which is traversed by the pedestrian overpass which provides access between the west and east sides of Scarborough Beach Road. The overpass and associated small car parking area, also encroach into The Department's Lot 1, and Swan Reserve 10948, which is the site of Mt Hawthorn Primary School.

State Land Services, who are ultimately responsible for the management of Crown Land, (including Reserves, Road Reservations, and Crown Grants), have supported the proposal "in principal" for the creation of a road widening to Scarborough Beach Road, which will include all that land described above, and being the site of the overpass, on the east side of Scarborough beach Road.

The Town has written to State Land Services, to ask for a determination on how they will progress the Town's surrender of the Crown Grant in Trust, its transfer to the Department of Education, and the creation of the road widening.

An inspection of the site notes that Swan Location 7681 is fenced into the school site and has been for some time. It is gated where the school yard meets the car park under the overpass, (in order to prevent the pre schoolers having access to Scarborough Beach Road).

There is a car park under the overpass that is used by teachers at the school, please refer to Appendix 9.3.4 (c) and (d).

It is therefore recommended that the Town surrender Swan Location 7681 to the Crown with that portion occupied by the pedestrian overpass being excised and dedicated as a road widening of the Scarborough beach Road Reservation.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Compliance with Section 75(3) of the Land Administration Act.

RISK MANAGEMENT IMPLICATIONS:

Low: No financial implications and the land will be used for existing purposes.

STRATEGIC IMPLICATIONS:

Plan for the Future – Strategic Plan 2011-2016; Leadership, Governance and Management:

*“4.1.2 Manage the organisation in a responsible, efficient and accountable manner:
(a) Continue to adopt best practise to ensure the financial resources and assets of the Town are responsibly managed and the quality of services, performance procedures and processes is improved and enhanced.”*

SUSTAINABILITY IMPLICATIONS:

The land is to be maintained for its current usage.

FINANCIAL/BUDGET IMPLICATIONS:

No financial implications as the lot surrender of Crown land is at no cost to the Town.

COMMENTS:

The surrender of Lot 7681 to the Crown is supported as it is no longer required for its specified use (that is a kindergarten) by the Town of Vincent and that the overpass and the car park be dedicated a public road is also supported in this report.

Approval of the Officer Recommendation is therefore requested.

9.4.1 Information Bulletin

Ward:	-	Date:	13 May 2011
Precinct:	-	File Ref:	-
Attachments:	001 – Information Bulletin		
Tabled Items:	Nil		
Reporting Officer:	A Radici, Executive Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Information Bulletin dated 24 May 2011, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.4.1

Moved Cr Farrell, Seconded Cr Lake

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

DETAILS:

The items included in the Information Bulletin dated 24 May 2011 are as follows:

ITEM	DESCRIPTION
IB01	Letter from the Department of Local Government regarding the Town’s 2010/2011 Budget Review
IB02	Letter from the Minister for Planning; Culture & the Arts regarding Perth Parking Management Plan
IB03	Letter from the Office of Deputy Commissioner (Operations) regarding WA Policy Business Continuity During October 2011
IB04	Letter from the Heritage Council of Western Australia regarding a Review of the Heritage Act
IB05	Report on Certified Practicing Accountants (CPA) 2011 International Public Sector Convention – Melbourne, Victoria
IB06	Mindarie Regional Council Bulletin Issue 2.11
IB07	Minutes of the Parks People Project Working Group (PPPWG) Meeting held on 23 February 2011
IB08	Minutes of the Mindarie Regional Council Ordinary Council Meeting held on 28 April 2011
IB09	Email of Appreciation from Ms L Duffield for the Town's Waste Management Services Section
IB10	Letter from Leader of the Opposition congratulating the Town on receiving a High Commendation in the Western Australian Heritage Awards

9.1.3 Further Report – Nos. 5 - 9 (Lot 40; D/P 41827) Britannia Road, corner Wavertree Place, Leederville – Proposed Demolition of Existing Single Storey Institutional Building (Aged Care Facility) and Construction of Three-Storey Institutional Building (Aged Care Facility)

Ward:	North	Date:	16 May 2011
Precinct:	Leederville; P03	File Ref:	PRO0791; 5.2010.596.2
Attachments:	001 – Development Application Plans dated 18 April 2011 002 – Minutes of the Public Meeting held on 24 March 2011 003 – Plan of Brentham Street Reserve – Possible Builders Compound 004 – Plan of Wavertree Place – West Side – Possible Builders Compound 005 – Plan of Britannia Road and Oxford Street Intersection 006 – Letter from the Applicant to the Principal of Aranmore Primary School Addressing Concerns		
Tabled Items	Nil		
Reporting Officer:	D Mrdja, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

FURTHER OFFICER RECOMMENDATION:

That the Council;

1. ***RECEIVES the Minutes of the Public Meeting held on 24 March 2011 concerning this development application, as shown in Attachment 002;***

2. ***in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by RPS Group on behalf of the owner League Of Home Help For Sick and Aged for proposed Demolition of Existing Single Storey Institutional Building (Aged Care Facility) and Construction of Three-Storey Institutional Building (Aged Care Facility), at Nos. 5-9 (Lot 40; D/P 41827) Britannia Road, corner Wavertree Place, Leederville, and as shown on amended plans stamp-dated 18 April 2011, subject to the following conditions:***
 - (i) ***Demolition***
 - (a) ***prior to the issue of a Demolition Licence, a Demolition Management Plan shall be submitted to the Town, detailing how the demolition of the development will be managed, to minimise the impact on the surrounding area, to the satisfaction of the Town;***
 - (b) ***a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site; and***
 - (c) ***an archival documented record of the place(s) including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;***

(ii) **Building and Use of the Building**

- (a) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Britannia Road, Wavertree Place and the Brentham Street Reserve;*
- (b) *first obtaining the consent of the owners of Nos. 13 and 13A Britannia Road for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 13 and 13A Britannia Road in a good and clean condition. The walls should be finished in a material and colour to the satisfaction of the Chief Executive Officer in consultation with the owners of Nos. 13 and 13A Britannia Road;*
- (c) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (d) *the maximum number of beds provided shall be limited to 120 beds. Any increase in the number of beds or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
- (e) *the proposed medical consulting rooms and hairdressing salon shall be for the exclusive use of the residents of the Aged Care Facility;*
- (f) *the proposed café shall be for the exclusive use of the residents and the resident's visitors of the Aged Care Facility;*
- (g) *the visiting hours shall be restricted to 8am to 8pm inclusive, daily;*
- (h) *the delivery times to the Aged Care Facility shall be restricted to 7am to 7pm, inclusive, daily, and no deliveries (except in essential/emergency cases) shall occur on school days between the hours of 8:00am to 9:00am and 2:30pm to 3:30pm,;*
- (i) *all deliveries to the Aged Care Facility shall be via the basement car park or through the delivery entrance on Wavertree Place; and*
- (j) *it is preferable that no delivery vehicles associated with the Aged Care Facility shall be parked along the verge along the Wavertree Place and Britannia Road frontages;*

(iii) **Car Parking**

- (a) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (b) *the car park shall be used only by employees, residents, and visitors directly associated with the development; and*
- (c) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath and road levels;*

(iv) **Public Art**

The owner(s), or the applicant on behalf of the owner(s), shall comply with the Town of Vincent Percent for Public Art Policy No. 3.5.13 and the Percent for Public Art Guidelines for Developers, including:

(a) *within twenty – eight (28) days of the issue date of this ‘Approval to Commence Development’, elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash in Lieu Percent for Public Art Contribution, of \$270,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$27,000,000); and*

(b) *in conjunction with the above chosen option;*

(1) *Option 1 –
prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and*

prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work;

OR

(2) *Option 2 –
prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the Town for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;*

(v) **Signage**

The proposed signage shall:

(a) *not have flashing or intermittent lighting;*

(b) *be kept in a good state of repair, safe, non-climbable, and free from graffiti for the duration of its display on-site; and*

(c) *not extend beyond any lot boundary, therefore not protruding over Council property, including footpaths or a neighbour’s property;*

(vi) **Fencing**

The proposed boundary fencing fronting Britannia Road, Wavetree Place and the Brentham Street Reserve shall be in accordance with the subject plans, being:

(a) *a maximum height of 1.8 metres above the adjacent footpath/ground level;*

- (b) *the maximum height of piers with decorative capping being 2 metres above the adjacent footpath level;*
- (c) *the maximum height of the solid portion of the wall being 600 millimetres above the adjacent footpath/ground level, and a minimum of fifty percent visually permeable above 600 millimetres;*
- (d) *the piers having a maximum width of 355 millimetres by 355 millimetres; and*
- (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed.*

Any variations to the approved plans will require a further Planning Approval;

(vii) ***PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:***

(a) **Construction Management**

- (1) *A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the Town, in accordance with the requirements of the Town's Policy No. 3.5.23 relating to Construction Management Plans, and Construction Management Plan Guidelines and Construction Management Plan Application for Approval Proforma;*
- (2) *the use of Brentham Street Reserve and the western side of Wavertree Place for builders compound, site offices, storage facilities and car parking for tradespeople, staff and visitors of the development and the like, shall be detailed in the Construction Management Plan and approved by the Director Technical Services at the full cost of the owner(s)/applicant(s);*
- (3) *the applicant(s)/owner(s) shall advise nearby residents along Britannia Road, Wavertree Place and Brentham Street of a 24 hour telephone number and an email address for lodging complaints and enquiries and will ensure an efficient and prompt complaint handing process to consider same. The applicant(s)/owner(s) shall provide to the Town a weekly summary of any complaints and the actions taken to remedy issues;*

- (4) *the applicant(s)/owners(s) shall use their best endeavours to limit construction related vehicle movements arriving at the above construction site, so that there is no continuous queue of such vehicles awaiting delivery of materials being parked along Britannia Road and Wavertree Place and the surrounding streets within the vicinity of the above construction site; and*
- (5) *the applicant(s)/owners(s) shall ensure the basement car park, when completed, is to be used for the car parking of construction related vehicles, where physically possible;*

(b) **Operational Management Plan**

A detailed Operational Management Plan for the operation of the nursing home, which addresses loading and unloading operations (including delivery and service vehicle times), car park security, staff and visitors car parking, the control of noise and traffic, shall be submitted to and approved by the Town, and thereafter implemented and maintained by the owner(s);

(c) **Landscape and Reticulation Plan**

A detailed Landscape and Reticulation Plan for the development site and adjoining road verges shall be submitted to the Town's Parks and Property Services for assessment and approval, demonstrating a minimum 10 per cent of the site being allocated for landscaping.

To satisfy this condition, a detailed landscape and irrigation plan shall be drawn to a scale of 1:100 and show the following:

- (1) *the location and type of existing and proposed trees and plants;*
- (2) *all vegetation, including lawns;*
- (3) *areas to be irrigated or reticulated;*
- (4) *proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and*
- (5) *separate soft and hard landscaping plans (indicating details of plant species and materials to be used).*

The Council encourages landscaping methods and species selection which do not rely on reticulation.

All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);

(d) **Refuse and Recycling Management Plan**

A detailed Refuse and Recycling Management Plan shall be prepared and submitted by a duly qualified consultant, detailing such matters as number of bins (general waste and recycling), bin store size, wash down facility, frequency and manner of collection, size of collection vehicle etc, to ensure that the proposal is compatible with the Town's Waste Management Policy shall be submitted to and approved by the Town, and thereafter implemented and maintained by the owner(s); and

(e) **Acoustic Report**

An Acoustic Report in accordance with the Town's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted to and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report; and

(viii) **PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT**, the following shall be completed to the satisfaction of the Town:

(a) **Underground Power**

The power lines adjacent to the subject lot shall be placed underground for the complete length of the Britannia Road frontage of the development, at the full expense of the owner;

(b) **Entry Gates**

Any proposed vehicular entry gates adjacent to the commercial car parking area shall be a minimum 50 per cent visually permeable and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial uses at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;

(c) **Bicycle Parking Facilities**

Seventeen (17) class one or two bicycle facilities and six (6) class three bicycle facilities shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted to and approved by the Town prior to installation of such facilities; and

(d) **Verge and Verge Trees**

(a) *The existing street trees located on the Britannia Road and Wavertree Place verges are to be retained and shall not be removed without the prior written approval of the Town's Manager Parks and Property Services;*

(b) *The applicant shall landscape the verge to the satisfaction of the Town's Manager Parks and Property Services;*

(c) *The applicant shall plant a minimum of six (6) mature trees of not less than 2 metres height on the verge, of a species and location as approved by the Town's Manager Parks and Property Services; and*

(d) *The applicant shall provide a footpath on the western side of Wavertree Place to the satisfaction of the Town's Director Technical Services; and*

3. **Temporary Use of the Brentham Street Reserve and Western Side of Wavertree Place as a Temporary Builder's Compound:**

Subject to 2 above being approved, AUTHORISES the Town's Chief Executive Officer to negotiate the temporary use of a part of the Brentham Street Reserve and the western side of Wavertree Place as a builder's compound, as it is considered that the temporary use will assist in minimising the inconvenience and undue impact caused to the local residents during construction, as follows:

- (i) the Brentham Street Reserve and the western side of Wavertree Place may be used on a temporary basis, by the landowner/developer for the use of the builder's compound and to provide car parking for the tradespeople, and staff and visitors of the site during Stage 1 site offices and storage facilities;*
- (ii) the area permitted on Brentham Street Reserve is approximately a 18 metre by 40 metre area (720 square metres), as shown on the plan dated 16 May 2011 (attachment 003) and no other part of the reserve is to be used during the construction of the Aged Care Facility, unless approved by the Director Technical Services;*
- (iii) the area permitted for the use of the builder's compound on the western side of Wavertree Place is approximately 5 metres wide by 100 metres in length area (approximately 500 square metres), as shown on the plan stamp dated 16 May 2011 (attachment 004) as approved by the Director Technical Services;*
- (iv) the Applicant/Landowner/Builder shall comply with the following Conditions of Use:*
 - (a) the period of the use of the Brentham Street Reserve and the western side of Wavertree Place shall be for 12 months, effective from the date of the commencement of the construction, however may be extended with the approval of the Town's Chief Executive Officer;*
 - (b) the Town's Chief Executive Officer may withdraw the temporary use of the Brentham Street Reserve and the western side of Wavertree Place if there is a persistent breach of the Conditions of Use or a serious breach of the conditions;*
 - (c) a payment of \$1,000 per month, shall be paid monthly in advance;*
 - (d) a payment of a bond of \$5,000 to ensure compliance of "Conditions of Use" to be used at the absolute discretion of the Town's Chief Executive Officer to remedy any non-compliances, after giving the Applicant/Landowner/Builder reasonable time to remedy any non-compliances/complaints;*
 - (e) the installation of an in situ concrete footpath at the applicant's full cost on the eastern side of Wavertree Place as shown in attachment 004, to the satisfaction of the Town's Director Technical Services;*
 - (f) temporary fencing with screening is to be erected around the permitted area to the satisfaction of the Town. This is required to be approved by the Town's Technical Services Officers prior to the erection of the fence;*

- (g) *a temporary hard stand area is to be laid in the permitted area to the satisfaction of the Town. This is required to be approved by the Town's Technical Services Officers prior to the erection of the hard stand area;*
 - (h) *the existing reticulation sprinklers are required to be capped by the Town at the cost of the applicant(s)/owner(s), and any reticulation infrastructure within the permitted area be protected at all times;*
 - (i) *adequate dust suppression is undertaken on a regular basis;*
 - (j) *the streets and parkland adjoining the construction site shall be kept free of litter and rubbish, which shall be removed on a daily basis;*
 - (k) *at the completion of the construction of the Aged Care Facility, the permitted area shall be 'made good' and returned to and landscaped, to the satisfaction of the Town's Director Technical Services; and*
 - (l) *at the completion of the construction of the Aged Care Facility, the Landowner/Applicant is to provide two park benches within the Brentham Street Reserve. The design of these park benches is to be in accordance with the Town's specifications and the location is to be determined by the Town's Manager Parks and Property Services; and*
4. *NOTES the relocation of a IP car parking bay on the western side of Oxford Street, corner of Britannia Road and installation of a "no stopping" zone as shown Plan No. 2802-PP-01 was recently completed by the Town's Technical Services.*

Moved Cr Maier, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

AMENDMENT NO 1

Moved Cr Maier, Seconded Cr McGrath

That clause 1.(iv)(a) be amended to read as follows:

"(iv)(a) within twenty – eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash in Lieu Percent for Public Art Contribution, of \$100,000 ~~\$270,000~~ (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$27,000,000); and"

Debate ensued.

AMENDMENT NO 1 PUT AND LOST (1-8)

For: Cr Maier

Against: Mayor Catania, Cr Buckels, Cr Burns, Cr Farrell, Cr Harvey, Cr Lake, Cr McGrath, Cr Topelberg

Debate ensued.

AMENDMENT NO 2

Moved Cr Buckels, Seconded Cr Lake

That a new clause 2.(vii)(f) be inserted as follows:

“2(vii)(f) Boundary Wall

The proposed 1.8 metre high wall located behind the street setback area and between the subject site and Nos. 13 and 13A Britannia Road shall be increased to a height of 3 metres above the natural ground level, and finished in a material and colour to the satisfaction of the Chief Executive Officer in consultation with the owners of Nos. 13 and 13A Britannia Road;”

Debate ensued.

Cr Topelberg departed the Chamber at 7.29pm.

The Mover, Cr Buckels advised that he wished to change his amendment to delete No. 13 Britannia Road. The Seconder, Cr Lake agreed.

Debate ensued.

Cr Topelberg returned to the Chamber at 7.31pm.

Debate ensued.

The Presiding Member, Mayor Nick Catania asked the owner of No. 13A who was present in the Public Gallery whether he was in acceptance with the proposed boundary wall following his conversation with Cr Buckels early today.

The owner, Mr Peter Marcakis confirm he was happy with this amendment.

Debate ensued.

AMENDMENT NO 2 PUT AND CARRIED UNANIMOUSLY (9-0)

Debate ensued.

AMENDMENT NO 3

Moved Cr Buckels, Seconded Cr Burns

1. *clause 2.(vii)(a)(2) be amended to read as follows:*

“2.(vii)(a)(2) ~~the use of the Brentham Street Reserve and the western side of Wavertree Place for a builders compound, site offices, storage facilities and car parking for tradespeople, staff and visitors of the development and the like, shall be detailed in the Construction Management Plan and approved by the Director Technical Services at the full cost of the owner(s)/applicant(s);”~~

2. *clauses 3. and 3.(i) be amended to read as follows:*

“3. *Temporary Use of the ~~Brentham Street Reserve and Western Side of Wavertree Place as a Temporary Builder’s Compound:~~*

Subject to 2 above being approved, AUTHORISES the Town’s Chief Executive Officer to negotiate the temporary use of a part of the ~~Brentham Street Reserve and the western side of Wavertree Place as a builder’s compound, as it is considered that the temporary use will assist in minimising the inconvenience and undue impact caused to the local residents during construction, as follows:~~

(i) *~~the Brentham Street Reserve and the western side of Wavertree Place may be used on a temporary basis, by the landowner/developer for the use of the builder’s compound and to provide car parking for the tradespeople, and staff and visitors of the site during stage 1, site offices and storage facilities;~~*”

3. *clause 3.(ii) be deleted and the remaining clauses renumbered;*

4. *clauses 3.(iv)(a) and 3.(iv)(b) be amended to read as follows:*

“3.(iv) (a) *the period of the use of the ~~Brentham Street Reserve and the western side of Wavertree Place shall be for 12 months, effective from the date of the commencement of the construction, however may be extended with the approval of the Town’s Chief Executive Officer;~~*

(b) *the Town’s Chief Executive Officer may withdraw the temporary use of the ~~Brentham Street Reserve and the western side of Wavertree Place if there is a persistent breach of the Conditions of Use or a serious breach of the conditions;~~*”

5. *clause 3.(iv)(l) be deleted; and*

6. *a new clause 5. be inserted as follows:*

“5. *“INFORMS the landowner/applicant that the use of the Brentham Street Reserve for a builder’s compound, site office, storage facility and car parking is not supported.”*

Debate ensued.

AMENDMENT NO 3 PUT AND LOST (1-8)

For: Cr Buckels

Against: Mayor Catania, Cr Burns, Cr Farrell, Cr Harvey, Cr Lake, Cr McGrath, Cr Maier, Cr Topelberg

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (8-1)

For: Mayor Catania, Cr Burns, Cr Farrell, Cr Harvey, Cr Lake, Cr McGrath, Cr Maier, Cr Topelberg

Against: Cr Buckels

COUNCIL DECISION ITEM 9.1.3

That the Council;

1. *RECEIVES the Minutes of the Public Meeting held on 24 March 2011 concerning this development application, as shown in Attachment 002;*
2. *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by RPS Group on behalf of the owner League Of Home Help For Sick and Aged for proposed Demolition of Existing Single Storey Institutional Building (Aged Care Facility) and Construction of Three-Storey Institutional Building (Aged Care Facility), at Nos. 5-9 (Lot 40; D/P 41827) Britannia Road, corner Wavertree Place, Leederville, and as shown on amended plans stamp-dated 18 April 2011, subject to the following conditions:*
 - (i) **Demolition**
 - (a) *prior to the issue of a Demolition Licence, a Demolition Management Plan shall be submitted to the Town, detailing how the demolition of the development will be managed, to minimise the impact on the surrounding area, to the satisfaction of the Town;*
 - (b) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site; and*
 - (c) *an archival documented record of the place(s) including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
 - (ii) **Building and Use of the Building**
 - (a) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Britannia Road, Wavertree Place and the Brentham Street Reserve;*
 - (b) *first obtaining the consent of the owners of Nos. 13 and 13A Britannia Road for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 13 and 13A Britannia Road in a good and clean condition. The walls should be finished in a material and colour to the satisfaction of the Chief Executive Officer in consultation with the owners of Nos. 13 and 13A Britannia Road;*
 - (c) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
 - (d) *the maximum number of beds provided shall be limited to 120 beds. Any increase in the number of beds or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
 - (e) *the proposed medical consulting rooms and hairdressing salon shall be for the exclusive use of the residents of the Aged Care Facility;*

- (f) *the proposed café shall be for the exclusive use of the residents and the resident's visitors of the Aged Care Facility;*
 - (g) *the visiting hours shall be restricted to 8am to 8pm inclusive, daily;*
 - (h) *the delivery times to the Aged Care Facility shall be restricted to 7am to 7pm, inclusive, daily, and no deliveries (except in essential/emergency cases) shall occur on school days between the hours of 8:00am to 9:00am and 2:30pm to 3:30pm,;*
 - (i) *all deliveries to the Aged Care Facility shall be via the basement car park or through the delivery entrance on Wavertree Place; and*
 - (j) *it is preferable that no delivery vehicles associated with the Aged Care Facility shall be parked along the verge along the Wavertree Place and Britannia Road frontages;*
- (iii) **Car Parking**
- (a) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
 - (b) *the car park shall be used only by employees, residents, and visitors directly associated with the development; and*
 - (c) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath and road levels;*
- (iv) **Public Art**
- The owner(s), or the applicant on behalf of the owner(s), shall comply with the Town of Vincent Percent for Public Art Policy No. 3.5.13 and the Percent for Public Art Guidelines for Developers, including:*
- (a) *within twenty – eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash in Lieu Percent for Public Art Contribution, of \$270,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$27,000,000); and*
 - (b) *in conjunction with the above chosen option;*
 - (1) *Option 1 –*
prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and
prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work;
OR
 - (2) *Option 2 –*
prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the Town for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;

(v) Signage

The proposed signage shall:

- (a) *not have flashing or intermittent lighting;*
- (b) *be kept in a good state of repair, safe, non-climbable, and free from graffiti for the duration of its display on-site; and*
- (c) *not extend beyond any lot boundary, therefore not protruding over Council property, including footpaths or a neighbour's property;*

(vi) Fencing

The proposed boundary fencing fronting Britannia Road, Wavetree Place and the Brentham Street Reserve shall be in accordance with the subject plans, being:

- (a) *a maximum height of 1.8 metres above the adjacent footpath/ground level;*
- (b) *the maximum height of piers with decorative capping being 2 metres above the adjacent footpath level;*
- (c) *the maximum height of the solid portion of the wall being 600 millimetres above the adjacent footpath/ground level, and a minimum of fifty percent visually permeable above 600 millimetres;*
- (d) *the piers having a maximum width of 355 millimetres by 355 millimetres; and*
- (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed.*

Any variations to the approved plans will require a further Planning Approval;

(vii) **PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:**

(a) Construction Management

- (1) *A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the Town, in accordance with the requirements of the Town's Policy No. 3.5.23 relating to Construction Management Plans, and Construction Management Plan Guidelines and Construction Management Plan Application for Approval Proforma;*
- (2) *the use of Brentham Street Reserve and the western side of Wavertree Place for builders compound, site offices, storage facilities and car parking for tradespeople, staff and visitors of the development and the like, shall be detailed in the Construction Management Plan and approved by the Director Technical Services at the full cost of the owner(s)/applicant(s);*

- (3) *the applicant(s)/owner(s) shall advise nearby residents along Britannia Road, Wavertree Place and Brentham Street of a 24 hour telephone number and an email address for lodging complaints and enquiries and will ensure an efficient and prompt complaint handing process to consider same. The applicant(s)/owner(s) shall provide to the Town a weekly summary of any complaints and the actions taken to remedy issues;*
- (4) *the applicant(s)/owners(s) shall use their best endeavours to limit construction related vehicle movements arriving at the above construction site, so that there is no continuous queue of such vehicles awaiting delivery of materials being parked along Britannia Road and Wavertree Place and the surrounding streets within the vicinity of the above construction site; and*
- (5) *the applicant(s)/owners(s) shall ensure the basement car park, when completed, is to be used for the car parking of construction related vehicles, where physically possible;*

(b) **Operational Management Plan**

A detailed Operational Management Plan for the operation of the nursing home, which addresses loading and unloading operations (including delivery and service vehicle times), car park security, staff and visitors car parking, the control of noise and traffic, shall be submitted to and approved by the Town, and thereafter implemented and maintained by the owner(s);

(c) **Landscape and Reticulation Plan**

A detailed Landscape and Reticulation Plan for the development site and adjoining road verges shall be submitted to the Town's Parks and Property Services for assessment and approval, demonstrating a minimum 10 per cent of the site being allocated for landscaping.

To satisfy this condition, a detailed landscape and irrigation plan shall be drawn to a scale of 1:100 and show the following:

- (1) *the location and type of existing and proposed trees and plants;*
- (2) *all vegetation, including lawns;*
- (3) *areas to be irrigated or reticulated;*
- (4) *proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and*
- (5) *separate soft and hard landscaping plans (indicating details of plant species and materials to be used).*

The Council encourages landscaping methods and species selection which do not rely on reticulation.

All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);

(d) **Refuse and Recycling Management Plan**

A detailed Refuse and Recycling Management Plan shall be prepared and submitted by a duly qualified consultant, detailing such matters as number of bins (general waste and recycling), bin store size, wash down facility, frequency and manner of collection, size of collection vehicle etc, to ensure that the proposal is compatible with the Town's Waste Management Policy shall be submitted to and approved by the Town, and thereafter implemented and maintained by the owner(s);

(e) **Acoustic Report**

An Acoustic Report in accordance with the Town's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted to and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report; and

(f) **Boundary Wall**

The proposed 1.8 metre high wall located behind the street setback area and between the subject site and No. 13A Britannia Road shall be increased to a height of 3 metres above the natural ground level, and finished in a material and colour to the satisfaction of the Chief Executive Officer in consultation with the owners of No. 13A Britannia Road;

(viii) ***PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the Town:***

(a) **Underground Power**

The power lines adjacent to the subject lot shall be placed underground for the complete length of the Britannia Road frontage of the development, at the full expense of the owner;

(b) **Entry Gates**

Any proposed vehicular entry gates adjacent to the commercial car parking area shall be a minimum 50 per cent visually permeable and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial uses at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;

(c) **Bicycle Parking Facilities**

Seventeen (17) class one or two bicycle facilities and six (6) class three bicycle facilities shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted to and approved by the Town prior to installation of such facilities; and

(d) Verge and Verge Trees

- (a) *The existing street trees located on the Britannia Road and Wavertree Place verges are to be retained and shall not be removed without the prior written approval of the Town's Manager Parks and Property Services;*
- (b) *The applicant shall landscape the verge to the satisfaction of the Town's Manager Parks and Property Services;*
- (c) *The applicant shall plant a minimum of six (6) mature trees of not less than 2 metres height on the verge, of a species and location as approved by the Town's Manager Parks and Property Services; and*
- (d) *The applicant shall provide a footpath on the western side of Wavertree Place to the satisfaction of the Town's Director Technical Services; and*

3. Temporary Use of the Brentham Street Reserve and Western Side of Wavertree Place as a Temporary Builder's Compound:

Subject to 2 above being approved, AUTHORISES the Town's Chief Executive Officer to negotiate the temporary use of a part of the Brentham Street Reserve and the western side of Wavertree Place as a builder's compound, as it is considered that the temporary use will assist in minimising the inconvenience and undue impact caused to the local residents during construction, as follows:

- (i) *the Brentham Street Reserve and the western side of Wavertree Place may be used on a temporary basis, by the landowner/developer for the use of the builder's compound and to provide car parking for the tradespeople, and staff and visitors of the site during Stage 1 site offices and storage facilities;*
- (ii) *the area permitted on Brentham Street Reserve is approximately a 18 metre by 40 metre area (720 square metres), as shown on the plan dated 16 May 2011 (attachment 003) and no other part of the reserve is to be used during the construction of the Aged Care Facility, unless approved by the Director Technical Services;*
- (iii) *the area permitted for the use of the builder's compound on the western side of Wavertree Place is approximately 5 metres wide by 100 metres in length area (approximately 500 square metres), as shown on the plan stamp dated 16 May 2011 (attachment 004) as approved by the Director Technical Services;*
- (iv) *the Applicant/Landowner/Builder shall comply with the following Conditions of Use:*
 - (a) *the period of the use of the Brentham Street Reserve and the western side of Wavertree Place shall be for 12 months, effective from the date of the commencement of the construction, however may be extended with the approval of the Town's Chief Executive Officer;*

- (b) *the Town's Chief Executive Officer may withdraw the temporary use of the Brentham Street Reserve and the western side of Wavertree Place if there is a persistent breach of the Conditions of Use or a serious breach of the conditions;*
 - (c) *a payment of \$1,000 per month, shall be paid monthly in advance;*
 - (d) *a payment of a bond of \$5,000 to ensure compliance of "Conditions of Use" to be used at the absolute discretion of the Town's Chief Executive Officer to remedy any non-compliances, after giving the Applicant/Landowner/Builder reasonable time to remedy any non-compliances/complaints;*
 - (e) *the installation of an in situ concrete footpath at the applicant's full cost on the eastern side of Wavertree Place as shown in attachment 004, to the satisfaction of the Town's Director Technical Services;*
 - (f) *temporary fencing with screening is to be erected around the permitted area to the satisfaction of the Town. This is required to be approved by the Town's Technical Services Officers prior to the erection of the fence;*
 - (g) *a temporary hard stand area is to be laid in the permitted area to the satisfaction of the Town. This is required to be approved by the Town's Technical Services Officers prior to the erection of the hard stand area;*
 - (h) *the existing reticulation sprinklers are required to be capped by the Town at the cost of the applicant(s)/owner(s), and any reticulation infrastructure within the permitted area be protected at all times;*
 - (i) *adequate dust suppression is undertaken on a regular basis;*
 - (j) *the streets and parkland adjoining the construction site shall be kept free of litter and rubbish, which shall be removed on a daily basis;*
 - (k) *at the completion of the construction of the Aged Care Facility, the permitted area shall be 'made good' and returned to and landscaped, to the satisfaction of the Town's Director Technical Services; and*
 - (l) *at the completion of the construction of the Aged Care Facility, the Landowner/Applicant is to provide two park benches within the Brentham Street Reserve. The design of these park benches is to be in accordance with the Town's specifications and the location is to be determined by the Town's Manager Parks and Property Services; and*
4. **NOTES** *the relocation of a IP car parking bay on the western side of Oxford Street, corner of Britannia Road and installation of a "no stopping" zone as shown Plan No. 2802-PP-01 was recently completed by the Town's Technical Services.*

FURTHER REPORT:

The Council considered the subject application at its Ordinary Meeting held on 22 February 2011, and resolved as follows:

“That the item be DEFERRED for further consideration, information and a public meeting.”

Public Speaking Time – Concerns

Five (5) members of the public spoke during public speaking time and voiced their concerns about the development. A summary of the matters raised during Public Speaking Time are as follows:

- The development is “bulky” and does not comply with the required plot ratio for this area;
- The three storey development does not fit with the streetscape as most houses along Britannia Road are single storey;
- The height of the building, 11.1 meters which is against the Precinct Policy;
- The proposal does not comply with the Towns Interface Policy;
- The rear side of the proposed building will overlook sensitive areas of Aranmore School – like the playground and some classrooms where young kids play. Given the people who live in the proposed development there can be a safety risk to the children;
- The developer should provide a street wall and street fencing so the privacy of the school children is maintained;
- Truck Deliveries at around 4am. The proposed time of the operation is between 7am to 7pm. How the developer will ensure that all the trucks will follow the time of operation?;
- Wavertree is a narrow access road and the loading bay will be located along this access; therefore this may result in traffic impact;
- The water table is high on that site and the site was used as a rubbish tip which may impact on the stability of the proposed development.

In light of the community objections to the proposed development, the Council resolved to amend the Town’s Community Consultation Policy to provide for Public Meetings where a development application is considered in the opinion of the Chief Executive Officer that the proposal may be of a complex nature, or may affect a broader area or be of considerable interest to the community. Therefore, a Public Meeting for the subject development was held on Thursday 24 March 2011.

Public Meeting held on 24 March 2011

The meeting was attended by several Council Members, Town of Vincent staff, applicants for the development and associated Consultants, as well as 21 members of the public.

The meeting included the following:

- A presentation by Mario Zulberti, Chief Executive Officer, Rosewood Care Group, who explained what ‘Rosewood’ is and does;
- A presentation by Anne-Marie Archer, Chief Executive Officer, Aged Care Association Australia (WA), who explained the need for aged care in WA;
- A presentation by Timothy Morley, Director, Morley Davis Architects, who explained the proposed development and attempted to address concerns that were raised at the Council Meeting held on 22 February 2011; and
- A presentation by Peter Marcakis, resident of No. 13A Britannia Road (adjoining land owner).

These presentations were then followed by questions facilitated by the Deputy Mayor Councillor Sally Lake. The minutes of the Public Meeting are attached to this report (002).

Summary of Concerns Raised at Public Meeting held on 24 March 2011

In addition to the concerns raised during Public Speaking Time (as outlined above) the following concerns were raised. These matters are followed by responding comments from the Town's Officers.

1. Increased traffic particularly in the mornings and afternoons when parents drop off and collect their children from Aranmore School;

Technical Services Comments:

There is a view held that traffic in the local area is heavy and needs to be better controlled.

The Traffic Impact and Parking Assessment (TI&PA) prepared by consultants Cardno Eppell Olsen, indicates that the additional traffic generated by the redevelopment of the Rosewood Aged Care facility will not have a significant impact upon school traffic or the surrounding road network. However, the TI&PA indicates the impact of construction traffic during the construction phase which, if approved, will have to be carefully managed. This is acknowledged by the Town's Officers, who have recommended a number of conditions.

2. Increased parking problems particularly in the mornings and afternoons when parents drop off and collect their children from Aranmore School;

Technical Services Comments:

The on-site parking requirements are assessed by Planning Services in accordance with the relevant guidelines and standards and is intended to cater for residents and staff parking and visiting medical practitioners. In respect of visitor parking, if, at the conclusion of the development, on-road parking in either Britannia Road or Wavertree Place becomes an issue, the Town can consider the introduction of timed parking restrictions with residents eligible for Parking Permits in accordance with the Town's policy.

3. Traffic and parking problems exacerbated during construction period;

Technical Services Comments:

While the Construction Management Plan and Associated Traffic Management Plan are intended to mitigate the impact of both construction traffic and site workers parking, it is acknowledged that there will be a significant impact upon the amenity of the surrounding residents during construction. This occurs as part of the construction process with all developments. However, generally speaking, the larger the development, the bigger the impact. Therefore, the Town's Administration recommends temporary use of a part of the Brentham Street Reserve for use as a Builder's Compound Area and temporary parking for tradespersons in this circumstance.

4. A lack of parking for tradespeople working on the development during construction;

Technical Services Comments:

The applicant has acknowledged that construction traffic and parking will be an issue and has indicated their desire to use a portion of the adjacent reserve (approximately 2,400 square metres) for parking, site sheds and for possibly storing materials during construction. The Town's Technical Services Officers have reviewed this request from the applicants and provide further comments below. An area of 2,400 square metres cannot be supported by the Town's Officers. An area of 720 square metres is available, as this land is degraded.

Concept – Parking in Britannia Reserve Car Park – Shuttle Bus Service:

In order to minimise the impact on the local residents, it has been suggested that the Council consider imposing a condition on the Applicant to encourage their trades people to park in Britannia Reserve car park and provide a shuttle service to and from the site.

The distance as shown on the plan below is about 550 metres.

It is considered that this may work for some of the workers who start in the morning, park there all day and leave at night at the same time, however it would be impractical for trades persons who need to come and go and have access to their equipment in their vehicles etc. The enforcement of such a proposal would be very difficult.



5. A long construction period;

Technical Services Comments:

The length of the construction period is outside the control of the Town. However, it is in the applicant's best interests to complete the redevelopment as quickly as possible. However, a staged redevelopment on a constrained site, while maintaining operations, is always difficult.

6. Loss of parking spaces in Wavertree Place and Britannia Road;

Technical Services Comments:

There will be a reduction of approximately four parallel road-side car parking spaces on Wavertree Place, on the Rosewood side, to accommodate the ambulance entry/exit point and associated standard setback from the corner. However, there will also be increased demand for on-road parking spaces when the four townhouses on the eastern side of Wavertree Place (Nos. 2-6B Wavertree Place) are completed. In respect of Britannia Road, there will a loss of two bays to accommodate the underground parking access on the western boundary, while be an additional parking space will created with the closure of the existing crossover. Therefore there will be a net loss of 1 one on-road space.

7. Increased traffic in Wavertree Place;

Technical Services Comments:

Other than morning and afternoon school peak period (7.00am to 9.00am and 2.30pm to 4.00pm), there is very little traffic currently using Wavertree Place. When last assessed in 2005 it was in the order of 95 vehicles per average weekday, the vast majority of which was school related, so that it is coming off a very low base. The majority of the additional traffic generated when the redevelopment is completed will use Britannia Road however there will obviously be additional traffic on Wavertree Place. The TI&PA assessed the likely magnitude will be an additional 16 turning movements into and out of Wavertree Place in the morning peak period and 18 movements in the afternoon peak period. This is considered reasonable.

8. The proposed fence between the Brentham Street Reserve and the development should be a 1.8m high solid front fence;

Planning Services Comments:

Concerns were raised by the local residents and the school regarding the proposed 'open style' fencing that the fronts onto the parkland. The applicant's were prepared to provide solid fencing to the parkland, however it was suggested to them by the Town's Officers to leave the fence open. The open fence is in accordance with CPTED principles. A condition (clause (vi) has therefore been imposed.

9. A 1.8 metre solid fence is required for No. 18 Britannia Road, to reduce noise and headlight glare from vehicles entering and exiting the basement car park of the development;

Planning Services Comments:

The planning report that was submitted with the application indicates that the applicants have discussed with the owners of No. 18 Britannia Road, the possibility of the erecting a 1.8 metre high solid front fence on their property. It is noted that a fence of this nature is subject to a separate application being lodged at the Town and consideration will be on its own merit.

10. The intersection of Britannia Road and Oxford Street – which is already considered dangerous will experience increased traffic; and

Technical Services Comments:

The intersection of Britannia Road and Oxford Street does not appear on the Town's Black Spot list (released April 2011). It is more of a perception that it is dangerous because when approaching Oxford Street it is a relatively steep incline so that drivers feel they are craning their neck to see on-coming traffic. For this reason the Town had a give-way control installed and the line brought forward to improve sight distances when upgrading Oxford Street in 2010.

Furthermore, this intersection was recently upgraded as part of the Oxford Street improvement works. A nib on Oxford Street (south side of Britannia Road) was installed as part of the works. A 15 minute parking bay has now been installed on the west side of Oxford Street immediately south of Britannia Road to improve safety.

The 'no stopping restriction has been extended on the south side of Britannia Road and the west side of Oxford Street and the 15 minute bay moved further south. This will improve the sight lines at the intersection and should address the residents' concerns. The adjoining business proprietors have been consulted and raised no objections to the modifications.

11. The proposed plot ratio will have the undesired effect of making the boundary of the proposed building in close proximity to the School boundary – in particular to the outside play area used by the Kindy and Pre Primary Students.

Planning Services Comments:

The applicants have acknowledged in the submission, that due to the size of the site, the fact that it has two street frontages and that it is adjacent to a parkland, it will result in the building being visually prominent. It is considered that the proposed development has been designed to ameliorate any perceived visual bulk as a result of the size of the development with articulated elevations, with varying colours and materials, which create visual interest in the streetscape. The number of major openings and extensive balcony areas that overlook both Wavertree Place and Britannia Road assist in successfully articulating the building and reducing its overall bulk and scale.

Amended Plans

As a result of the Public Meeting held on 24 March 2011 and the concerns raised at the Ordinary Meeting of Council held on 22 February 2011, the applicants submitted a set of amended plans and a written submission which they believe address the concerns raised. A detailed summary of the amendments is provided.

The amended plans include the following modifications and have been made subsequent to the Public Meeting and separate consultation with surrounding affected neighbours:

- *Overlooking concerns into southern courtyard of existing residence at 13a Britannia Road from western bedrooms*

Applicant's Comments:

The cones of vision associated with all bedrooms comply with the Residential Design Codes (R Codes) and was supported by Town of Vincent planning officers in their report to Council on the 10th February 2011. However, in response to overlooking concerns expressed by the adjacent neighbours at 13a Britannia Road, privacy fins have been placed on six bedroom windows to the western elevation.

- *Adjacent neighbour (13 Britannia Road) southern courtyard outlook against the proposed wall on the western boundary*

Applicant's Comments:

The proposed wall on the boundary concealing the acoustic roof structure to the basement ramp access has been re-designed to soften the impact from the adjacent neighbour's courtyard. The wall has been setback from the boundary and existing neighbour's masonry solid boundary fence by 800mm to allow for a raised garden bed. At the cost of Rosewood Care Group and during building licence documentation stage, the landscape architect and project architect will engage with the neighbours on plant species selection and review existing reticulation.

- *Concerns over the smoking area to the southern boundary nearing parkland and Aranmore Primary School*

Applicant's Comments:

The smoking area has been removed and management will review all aspects of smoking on the site in line with community expectation.

- *Safety issues and delivery times were raised regarding the loading area from Wavertree Place*

Applicant's Comments:

Rosewood Care Group have spoken to all contractors operating at the existing facility and arranged delivery times to be between the hours of 7am and 7pm. They have also advised contractors delivering or picking up to be aware of the neighbouring school and to avoid the hours of 8:00am – 9:00am and 2:30pm – 3:30pm. In addition to aid this concern, an automated time lock gate has been added to the proposed loading zone area and will only be opened between the hours of 7am and 7pm.

- *13a Britannia Road expressed concerns over the extent of the acoustic roofed area that covers the lower basement car park ramp and that it did not extend full length*

Applicant's Comments:

An extended roof structure has been included over the lower area of the basement car park ramp with the addition of acoustic louvers to help reduce noise from the lower section of the ramp. During building licence documentation stage the project architects will liaise with the acoustic engineers and mechanical engineers to determine the exact method of construction to achieve the desired outcome to comply with relevant Australian Standards and Building Codes.

As the amended plans do not significantly vary the proposed development and address many of the concerns, the Chief Executive Officer determined that they not be advertised.

Addressing the Concerns

It is noted that the proposed amendments do address most of the concerns raised; however no changes were made to the overall height of the building and the bulk and scale of the development. The applicant has provided comments as to why these changes were not made:

“In submitting the amended plans for the proposed redevelopment of Rosewood Leederville, it was not considered that any changes to the scale of the development were necessary, given that the building has been designed to ameliorate any perceived visual bulk. The number of major openings and balcony areas that overlook both Wavertree Place and Britannia Road assist in is successfully articulating the building, and with the inclusion of varying colours and materials, the bulk and scale is reduced. It is considered that the proposed development complies with the objectives of the:

- *Town of Vincent Leederville Precinct – Scheme Map 3 Policy 3.1.3*
- *Town of Vincent Residential Design Elements Policy 3.2.1*
- *Town of Vincent Non-Residential/Residential Development Interface Policy 3.4.3*
- *Town of Vincent Parking and Access Policy 3.7.1*
- *Town of Vincent Loading and Unloading Policy 3.7.2*

The supporting development application report lodged with the original submission clearly outlines the compliance of the proposal with the abovementioned policies. The overall design reflects the existing character and scale of the surrounding area, which the Town of Vincent have acknowledged and supported. Additionally, the Town of Vincent have supported the design of the third storey being largely concealed within the roof form, effectively forming a loft. This upper floor is not visible from either Wavertree Place or Britannia Road, with the only three-storey elevation being visible from the public open space to the south. The design of this upper floor complies with Clause 7.4.6 of the Town of Vincent Residential Design Elements Policy 3.2.1, relating to lofts.

As supported by the Residential Design Codes of Western Australia (R-Codes), to achieve good planning outcomes, the future desired character of an area should primarily guide decision-making and policy formulation for new development. It is recognised that the future desired character of an area can represent significant change to the existing development pattern where the prevailing development intensity is relatively low. This is particularly relevant to the neighbourhood context of the Rosewood Leederville site, which is an inner city established location close to major activity corridors and employment centres, however is predominately characterised by one and two storey single residential development. The Town of Vincent's strategic planning initiatives, including the draft Local Planning Strategy, acknowledge that the Leederville area is well situated and well serviced to accommodate higher density living, catering for a wide variety of lifestyle choices and community needs. It is envisaged that the area will be gradually redeveloped at a higher density consistent with the need to support the proposed Oxford Street Activity Corridor and the opportunities for large scale redevelopment and upgrade of the housing stock in this area. The proposed redevelopment of Rosewood is considered to be consistent with the future desired character and vision for this area of Leederville, and as required by the R-Codes and Town of Vincent policy, responds to the need to protect the level of amenity for existing development.

Notwithstanding whether the development is occurring in a manner consistent with the future desired character of the area, it must be recognised first and foremost, that the proposed development complies with the objectives of the Town of Vincent's Planning policies and has been designed harmoniously with the existing built form and character of the area."

Temporary Use of the Brentham Street Reserve and Wavertree Place Verge

In regards to the use of the Brentham Street Reserve for the use of site offices, temporary parking and storage sheds, the Town's Technical Services and Parks Services Officers have advised that in the event the development application is approved by the Council, it is considered that the use of a portion of the Brentham Street Reserve and the western side of Wavertree Place (as shown on the attached plans) will have the following benefits:

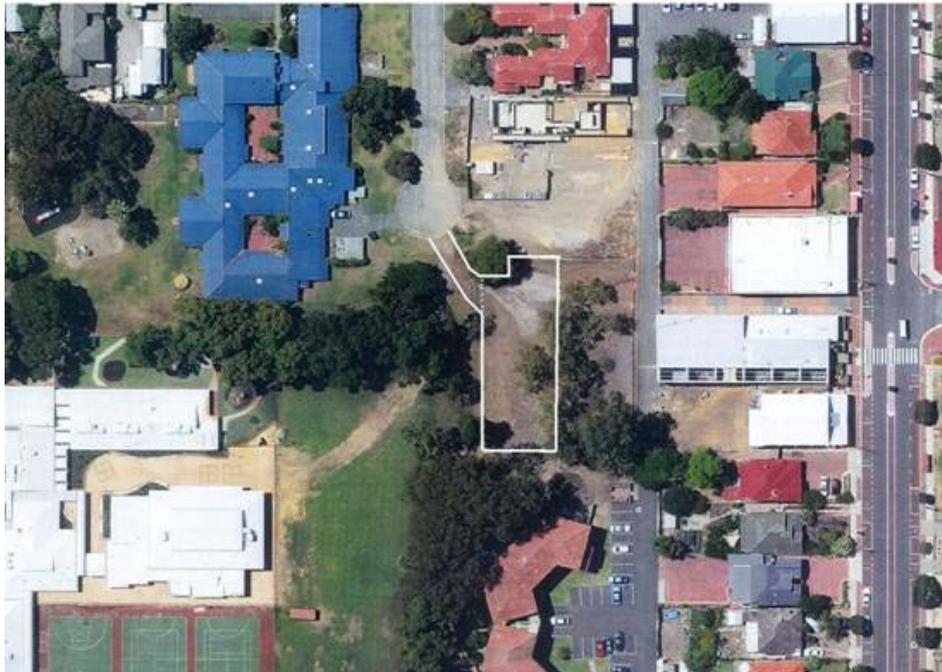
- Reduced congestion in Wavertree Place;
- Less impact with school (pick up/drop off) and resident traffic; and
- A dedicated location for builders parking/compound/material storage.

It is considered that an area of approximately 18 metres by 40 metres can be considered as shown on the attached photos for the following reasons:

- There is no thick vegetation in this area;
- No trees will be affected;
- The area is level;
- Access to the reserve would not be compromised; and
- The dimensions of 18 metres by 40 metres would allow for at least 30 vehicles to park with adequate manoeuvring or fewer vehicles should some site shed and or storage of the area be considered.

Proposed Temp Use of Brentham Street Reserve as a Builder's Compound:

The Town determined an area of about 18 x 40 metres due to the lack of vegetation in this area. Any greater area would have an adverse impact on the vegetation (approx 720m²).



Proposed Use of Wavertree Place Verge

As shown in hachured, this verge area, which is 5 metres wide could be used. (approx 500m²). If this were to be used as a compound/construction site the Applicant could install a footpath on the east side of the street. The estimated cost of an in-situ cast concrete path would be approximately \$6,500.



The current charge for Light Commercial use of the Town's parks and reserves is a maximum of \$640 per day. If this was imposed on Rosewood over one year it would equate to over \$230,000. The Town's Officers also considered a reduced fee of \$640 per week instead of per day, which, this would equate to a little over \$33,000 (for one year). However, this fee is also excessive. In light of the above, it is considered more than reasonable that an annual fee of \$12,000 for the use of a portion of the reserve be charged and paid monthly in advance. In addition to this, a \$5,000 bond would be required to ensure that the conditions of use are complied with and that the area is reinstated to an acceptable condition at the end of construction.

In the event that the Council approves the development along with the use of a portion of the Brentham Street Reserve and the western side of Wavertree Place, appropriate conditions should be imposed, as detailed in the Officer Recommendation – refer Clause 3:

At the conclusion of the works and once the park has been 'made good' and returned to a state approved by the Director Technical Services and, the developer is to supply and install two park benches in the Brentham Street Reserve in locations identified by the Town, which is to the satisfaction of the Town.

Chief Executive Officer Comments:

The Need for Aged Care Facilities

The Town is well aware that there is a need for additional aged care facilities in the Town of Vincent, and throughout Australia as a whole. The provision of modern and up-to-date quality facilities will significantly assist in meeting the needs of Australia's aging population.

It is important to note that:

Rosewood has previously advised:

"Currently 15.8% of Aust population is 65 years and over and by 2056, 25% of Australia's population will be 65 years and over. The 2006 Census showed that Town of Vincent had 26,880 people with 12.5% over 65 (3,356 persons). Currently within the Town of Vincent there are 144 residents who receive Meals on Wheels on a daily basis. This gives an indication of the number of people who could at some stage need more care of some form or another and may include residential care.

Once completed the Rosewood facility will accommodate:

- *62 Low Care Places*
- *30 Dementia Specific Places*
- *28 High Care Places*
- *Italian cluster wing*
- *Wellness Centre – Physiotherapy, Dental services, Occupational Therapy services, aged care specific gymnasium, IT centre, Podiatry and hairdressing services*
- *Café*

Once completed the intention is to make application to have the facility become a teaching Nursing Home."

Standard of Current Facilities

The standard and quality of the current facility is in urgent need of upgrade. The facility is over 30 years old and is struggling to meet the National Licence conditions to retain their Licence Accreditation.

Whilst not strictly a planning consideration per se, the benefit to the Vincent community (and overall community as a whole) of the proposed aged care facility is acknowledged.

In view of the above, the Town's Officers consider that the amended plans have adequately and sufficiently addressed the concerns raised by the Council and the general community and after much review, recommend that the Council approve the application subject to the standard and appropriate conditions.

Previous Council Report

The following is a verbatim copy of the Minutes of the Item (shaded) placed before the Council at its Ordinary Meeting held on 22 February 2011.

“OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by RPS Group on behalf of the owner League Of Home Help For Sick and Aged for proposed Demolition of Existing Single Storey Aged Care Facility and Construction of Three-Storey Aged Care Facility, at Nos. 5-9 (Lot 40; D/P 41827) Britannia Road, corner Wavertree Place, Leederville, and as shown on amended plans stamp-dated 8 February 2011, subject to the following conditions:

(i) Demolition

- (a) prior to the issue of a Demolition Licence, a Demolition Management Plan be submitted to the Town, detailing how the demolition of the development will be managed, to minimise the impact on the surrounding area, to the satisfaction of the Town;*
- (b) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site; and*
- (c) an archival documented record of the place(s) including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*

(ii) Building and Use of the Building

- (a) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Britannia Road, Wavertree Place and the Brentham Street Reserve;*

- (b) *first obtaining the consent of the owners of Nos. 13 and 13A Britannia Road for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 13 and 13A Britannia Road in a good and clean condition. The walls should be painted in a colour that minimises reflection of heat and glare;*
- (c) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (d) *the maximum number of beds provided shall be limited to 120 beds. Any increase in the number of beds or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
- (e) *the proposed medical consulting rooms and hairdressing salon shall be for the exclusive use of the residents of the Aged Care Facility;*
- (f) *the proposed café shall be for the exclusive use of the residents and the resident's visitors of the Aged Care Facility;*
- (g) *visiting hours shall be restricted to 8am to 8pm inclusive, daily;*
- (h) *delivery times to the nursing home shall be restricted to 7am to 7pm, inclusive, daily, unless in cases of an emergency;*
- (i) *all deliveries to the site shall be via the basement car park or through the delivery entrance on Wavertree Place; and*
- (j) *it is preferable that no delivery vehicles associated with the nursing home shall be parked along the verge along the Wavertree Place and Britannia Road frontages;*

(iii) Car Parking

- (a) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (b) *the car park shall be used only by employees, residents, and visitors directly associated with the development; and*
- (c) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath and road levels;*

(iv) Public Art

The owner(s), or the applicant on behalf of the owner(s), shall comply with the Town of Vincent Percent for Public Art Policy No. 3.5.13 and the Percent for Public Art Guidelines for Developers, including:

- (a) *within twenty – eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash in Lieu Percent for Public Art Contribution, of \$270,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$27,000,000); and*

(b) *in conjunction with the above chosen option;*

(1) *Option 1 –*

prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and

prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work;

OR

(2) *Option 2 –*

prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the Town for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;

(v) Signage

The proposed signage shall:

(a) *not have flashing or intermittent lighting;*

(b) *be kept in a good state of repair, safe, non-climbable, and free from graffiti for the duration of its display on-site; and*

(c) *not extend beyond any lot boundary, therefore not protruding over Council property, including footpaths or a neighbour's property;*

(vi) *PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:*

(a) Construction Management

(1) *a Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the Town, addressing the following issues:*

(A) *public safety, amenity and site security;*

(B) *contact details of essential site personnel;*

(C) *construction operating hours;*

(D) *noise control and vibration management;*

(E) *Dilapidation Reports of nearby properties;*

(F) *air and dust management;*

(G) *stormwater and sediment control;*

(H) *soil excavation method (if applicable);*

(I) *waste management and materials re-use;*

(J) *traffic and access management;*

(K) *parking arrangements for contractors and subcontractors;*

(L) *Consultation Plan with nearby properties; and*

(M) *any other matters deemed appropriate by the Town;*

- (2) *the proposed temporary car parking area and site offices in the adjacent parkland, shall be subject to a separate application to the Town and referral to an Ordinary Meeting of Council for determination, and shall be constructed in accordance with the Town's specification and at the cost of the owners;*
- (3) *the proposed temporary car parking bays located on the Wavertree Place verge shall be the exclusive use of the visitors of the residents during the construction of stage 1 of the development;*
- (4) *within 14 days of the date of notification of this approval, the applicant(s)/owner(s) shall advise nearby residents along Britannia Road, Wavertree Place and Brentham Street of a 24 hour telephone number and an email address for lodging complaints and inquiries and will ensure an efficient and prompt complaint handing process to consider same. The applicant(s)/owner(s) shall provide to the Town a quarterly summary of any complaints and the actions taken to remedy issues;*
- (5) *the applicant(s)/owners(s) shall endeavour to limit construction related vehicle movements arriving at the above construction site, so that there is no continuous queue of such vehicles awaiting delivery of materials being parked along Britannia Road and Wavertree Place and the surrounding streets within the vicinity of the above construction site; and*
- (6) *the applicant(s)/owners(s) shall ensure the basement car park when completed to be used for the car parking of construction related vehicles, where physically possible;*

(b) Operation Management Plan

A detailed management plan for the operation of the nursing home, which addresses loading and unloading operations (including delivery and service vehicle times), car park security, staff and visitors car parking, the control of noise (including sirens from ambulances) and traffic, shall be submitted to and approved by the Town, and thereafter implemented and maintained by the owner(s);

(c) Landscape and Reticulation Plan

A detailed landscape and reticulation plan for the development site and adjoining road verges shall be submitted to the Town's Parks and Property Services for assessment and approval, demonstrating a minimum 10 per cent of the site being allocated for landscaping.

To satisfy this condition, a detailed landscape and irrigation plan shall be drawn to a scale of 1:100 and show the following:

- (1) *the location and type of existing and proposed trees and plants;*
- (2) *all vegetation including lawns;*
- (3) *areas to be irrigated or reticulated;*
- (4) *proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and*
- (5) *separate soft and hard landscaping plans (indicating details of plant species and materials to be used).*

The Council encourages landscaping methods and species selection which do not rely on reticulation.

All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);

(d) Refuse and Recycling Management Plan

A comprehensive Refuse and Recycling Management Plan shall be prepared and submitted by a duly qualified consultant, detailing such matters as number of bins (general waste and recycling), bin store size, wash down facility, frequency and manner of collection, size of collection vehicle etc, to ensure that the proposal is compatible with the Town's Waste Management Policy; and

(e) Acoustic Report

Prepare and Acoustic Report in accordance with the Town's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report; and

(f) Verge Trees

The existing trees located on the Britannia Road and Wavertree Place verges are to be retained and shall not be removed without the written approval of the Town's Parks Services Department; and

(vii) *PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the Town:*

(a) Underground Power

The power lines adjacent to the subject lot shall be placed underground for the complete length of the Britannia Road frontage of the development, at the full expense of the owner;

(b) Entry Gates

Any proposed vehicular entry gates adjacent to the commercial car parking area shall a minimum 50 per cent visually permeable and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial uses at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development; and

(c) Bicycle Parking Facilities

Seventeen (17) class one or two bicycle facilities and six (6) class three bicycle facilities shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities.

COUNCIL DECISION ITEM 9.1.6

Moved Cr Lake, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Lake, Seconded Cr Farrell

That the item be DEFERRED for further consideration, information and a public meeting.

Debate ensued.

PROCEDURAL MOTION PUT AND CARRIED (7-1)

For: Mayor Catania, Cr Buckels, Cr Burns, Cr Farrell, Cr Harvey, Cr Lake, Cr McGrath

Against: Cr Maier

(Cr Topelberg was on approved leave of absence.)

<i>Landowner:</i>	<i>League Of Home Help For Sick and Aged</i>
<i>Applicant:</i>	<i>RPS Group</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60</i>
<i>Existing Land Use:</i>	<i>Aged Care Facility</i>
<i>Use Class:</i>	<i>Aged Care Facility</i>
<i>Use Classification:</i>	<i>"SA"</i>
<i>Lot Area:</i>	<i>4940 square metres</i>
<i>Access to Right of Way</i>	<i>West side, 5 metres wide, sealed, Town owned</i>

PURPOSE OF REPORT:

The subject proposal requires referral to the Council for determination given the proposed variations and the significant number of objections.

BACKGROUND:

In 1972 a caveat was lodged on the subject property, in which the current owner and the City of Perth were both parties to, which states that the land must only ever be developed for an Aged Care Facility. This caveat was subsequently transferred to the Town of Vincent.

DETAILS:

The subject site is located at the corner of Britannia Road and Wavertree Place having a total land area of 4,940 square metres. The site presently contains an existing aged care facility, which provides care for approximately 25 aged persons, with vehicular access off Wavertree Place and Britannia Road.

The locality is characterised by a mix of land uses and residential densities. The site adjoins Aranmore Primary School and an area of public parkland to the south (Brentham Street Reserve). The immediate adjoining and adjacent land use to the site's eastern, northern and western boundaries is residential. The site is located in a low point of Britannia Road, with the topography rising in an upwards direction when moving away from the site along Britannia Road, meaning the visual prominence of the proposed building will be minimised. Approximately 200 metres to the east is Oxford Street, which contains a mix of residential, commercial and retail uses, served by a frequent public transport (bus) system.

The proposal involves the demolition of the existing single storey aged care facility and the construction of a three-storey aged care facility with a 120 bed capacity. The residential aged care facility will include a 'Wellness Centre', which will provide various medical consulting services and amenities to residents, as well as a small café open to residents and registered visitors.

To facilitate the transition from the existing facilities to the ultimate redevelopment, it is proposed to construct the development in two stages. Stage 1 provides for the construction of accommodation to allow relocation of the existing residents, whilst retaining the southern portion of the building. Stage 2 would complete the development process and would provide all the requirements for staff, visitors and residents suitable for a 120 bed residential care facility.

The applicant's submission is tabled.

Furthermore the applicant has provided the following response to the submissions received during community consultation:

Bulk and Scale

- "The Building has been designed to, and does present as a 2 storey Building from Britannia Road and Wavertree Place with the 3 storey component being concealed within the roof space. There are many 2 storey buildings in this area and the artists impressions indicate how well the building sits within the existing landscape. There is in fact an existing residential 3 storey building that sits across the park approximately 300m to the south.*
- Minimal overshadowing will occur because of the blocks northern orientation and the building is mainly surrounded by streets and public reserve. The setbacks adjoining the only residential neighbour are greater than the minimum required by the Residential Design Codes (R Codes). Neighbouring residential buildings abutting the western boundary will only be affected by early morning shadows because their courtyards and living areas are predominantly orientated to the southern side.*
- The plot ratio complies with the Residential Design Codes.*
- Finish to the wall will be of an earthy tone painted finish on rendered wall. A matt finish will be applied to limit reflection."*

Parking and Traffic

- "Noise resulting from vehicular movements has been assessed by an Acoustic Engineering Consultant. The findings of this investigation reveal that noise level emissions will comply with the Environmental Protection (Noise) Regulations 1997. The driveway to the basement is positioned to enter and exit onto Britannia Road to ensure the safest environment for the vehicular and pedestrian traffic in the area by removing it from near the corner and away from the cul-de-sac.*

- *A Traffic Impact and Parking Assessment has been undertaken in support of the proposed redevelopment. The investigations reveal that the additional traffic will have a minimal impact on existing traffic operations in the area and on vehicular delays and queuing. Furthermore, the investigations conclude that the existing boundary roads can comfortably accommodate the existing site-generated traffic. All parking is proposed on site (basement) and will not conflict with school drop-off points.*
- *Access to the underground carpark will be via a security operated gate.*
- *It is not proposed to place restrictions on visiting hours, however it should be recognised that Rosewood do manage visitation to ensure smooth management of their facilities. Rosewood request relatives and friends to visit between 9am and 12noon, 1pm to 5pm and 6pm to 8pm. The new facility will go into lockdown at 8pm and general visiting will be discouraged after the time.*
- *There will be isolated cases where due to failing health, a relative will visit after normal visiting times and this occurrence is an exception rather than a norm. A random search of Rosewood's Cleaver Street facility visitation register shows the following trends out of 210 visitor movements during the period 22/11/10 – 8/2/11 (4.3 visitors per day):*
 - *6pm-7pm = 5 movements*
 - *7pm-8pm = 5 movements*
 - *8pm-9pm = 1 movement*

Additionally, visitor parking will be wholly contained within the building and will not impact on vehicular movement or the surrounding amenity.

- *Deliveries will be primarily received via an access point from Wavertree Place, which is situated near the end of the cul-de-sac, limiting exposure of this area to the surrounding neighbourhood. Receiving of goods is proposed between the hours of 7am and 7pm.”*

Privacy

- *“All windows and openings comply with the Residential Design Codes and in all cases it actually exceeds the minimum setback required.”*

Construction

- *“All relevant consultants have been engaged to address this matter as part of the engineering investigations to be undertaken as part of the Building Licence application.*
- *Dilapidation Reports will be required to be undertaken by the Builder on the two neighbouring residences.”*

COMPLIANCE:

<i>NON-COMPLIANT REQUIREMENTS</i>		
<i>REQUIREMENTS</i>	<i>REQUIRED</i>	<i>PROPOSED</i>
<i>Plot Ratio:</i>	<i>0.7 or 3458 square metres</i>	<i>1.09 or 5403 square metres</i>
<i>Officer Comments:</i>		
<i>Supported – See comments below.</i>		

<i>NON-COMPLIANT REQUIREMENTS</i>		
<i>REQUIREMENTS</i>	<i>REQUIRED</i>	<i>PROPOSED</i>
<i>Street Setbacks: -North (Britannia Road) Ground Floor</i>	<i>5.3 metres</i>	<i>4 metres – 6 metres</i>
<i>First Floor</i>	<i>Balcony – 1 metre behind the ground floor main building line.</i>	<i>1.8 metres in front of the ground floor main building line.</i>
	<i>Upper Floor – 2 metres behind the ground floor main building line.</i>	<i>In line with the ground floor main building line.</i>
<i>Second Floor</i>	<i>Upper Floor – 2 metres behind the ground floor main building line.</i>	<i>In line to 2 metres behind the ground floor main building line.</i>
<i>Officer Comments:</i>		
<i>Supported – See comments below.</i>		
<i>Side and Rear Setbacks: -West (Wall 3 – Dementia Ward) First Floor</i>	<i>7 metres</i>	<i>4 metres</i>
<i>-South First Floor</i>	<i>7 metres</i>	<i>2.2 metres – 4 metres</i>
<i>Second Floor</i>	<i>8.3 metres</i>	<i>2.2 metres – 4 metres</i>
<i>Officer Comments:</i>		
<i>Supported – See comments below.</i>		
<i>Number of Storeys:</i>	<i>Maximum of 2 storeys</i>	<i>3 storeys proposed</i>
<i>Officer Comments:</i>		
<i>Supported – See comments below.</i>		
<i>Street Walls and Fences:</i>	<i>Maximum height of solid portion of wall being 1.2 metres, with 50 percent visually permeable to 1.8 metres.</i>	<i>Rosewood signage wall located at the corner of the Britannia Road and Wavertree Place is solid to a height of 1.8 metres – 2.2 metres, for a length of 4 metres.</i>
<i>Officer Comments:</i>		
<i>Supported – See comments below.</i>		
<i>Vehicular Access:</i>	<i>The total aggregate width of the crossovers is not to occupy more than 40 percent of the width of the frontage, or 6 metres, whichever is the lesser.</i>	<i>Britannia Road: 1 crossover = 5.8 metres Wavertree Place: 3 crossovers = 10.6 metres</i>
<i>Officer Comments:</i>		
<i>Supported – The Town’s Technical Services have no objections to the layout and number of crossovers proposed in the development.</i>		
<i>The above Officer Comments are provided pursuant to Clause 38(5) of Town Planning Scheme No. 1</i>		

<i>Consultation</i>	
<i>In Support:</i>	<i>1 support received.</i>
<i>Comments Received</i>	<i>Officer Comments</i>
<i>N/A</i>	<i>Noted.</i>
<i>Objections:</i>	<i>17 objections received.</i>
<i>Comments Received</i>	<i>Officer Comments</i>
<p><i>Bulk and Scale:</i></p> <ul style="list-style-type: none"> <i>The building height is out of character with the residential area and would dominate the local streetscape and should be reduced to 2 storeys.</i> <i>The building will cause overshadowing onto neighbouring properties.</i> 	<ul style="list-style-type: none"> <i>Not supported – refer to comments below.</i>
<ul style="list-style-type: none"> <i>The plot ratio is in excess of the guidelines.</i> 	<ul style="list-style-type: none"> <i>Not supported – The proposed development complies with the overshadowing requirements of the R Codes.</i>
<ul style="list-style-type: none"> <i>The finish of the western wall must of substance and colour that reflects heat and reduces glare.</i> 	<ul style="list-style-type: none"> <i>Not supported – refer to comments below.</i> <i>Supported – A condition has been applied to ensure this.</i>
<p><i>Parking and Traffic:</i></p> <ul style="list-style-type: none"> <i>The entrance to the basement car parking is directly adjacent to a residential dwelling.</i> 	<ul style="list-style-type: none"> <i>Not supported – This is not considered to have an undue impact on the neighbouring property.</i>
<ul style="list-style-type: none"> <i>There will be a vast increase in traffic and the area is already at a premium due to the parents of Aranmore Primary School parking on Wavertree Place and Britannia Road.</i> 	<ul style="list-style-type: none"> <i>Noted.</i>
<ul style="list-style-type: none"> <i>Access to the underground car park should be via a security system to prevent access by unauthorised persons.</i> 	<ul style="list-style-type: none"> <i>Supported in part – The access gate to the basement will open during visiting hours; however, all staff and doctors that arrive outside of visiting hours will have a key to the basement.</i>
<ul style="list-style-type: none"> <i>Visitors should be restricted to 7am to 5pm.</i> 	<ul style="list-style-type: none"> <i>Supported in part – A condition has been applied to restrict the visitors from 8am to 8pm.</i>
<ul style="list-style-type: none"> <i>Delivery trucks should be restricted to 7am to 5pm.</i> 	<ul style="list-style-type: none"> <i>Supported in part – A condition has been applied to restrict the deliveries from 7am to 7pm, except in the case of an emergency.</i>
<p><i>Privacy:</i></p> <ul style="list-style-type: none"> <i>There are a number of windows that overlook the neighbouring properties, including the Aranmore Primary School.</i> 	<ul style="list-style-type: none"> <i>Not supported – The proposal is compliant with the privacy requirements of the R Codes.</i>
<p><i>Construction:</i></p> <ul style="list-style-type: none"> <i>Parking arrangements need to be made for the builders, staff, residents and visitors.</i> 	<ul style="list-style-type: none"> <i>Supported – The applicant’s have provided a Parking Management Plan which is supported by the Town’s Officers; however, will be addressed in more detail at the Building Licence stage.</i>

<i>Consultation</i>	
<ul style="list-style-type: none"> • <i>Construction shall not occur outside of the normal building hours.</i> • <i>The shallow depth to the water table needs to be considered in the construction and potential negative impacts on adjacent neighbours.</i> 	<ul style="list-style-type: none"> • <i>Supported – This is a requirement by the Town’s Health Services.</i> • <i>Supported – The applicant’s have provided a Stormwater Drainage Plan which is supported by the Town’s Officers; however, will be addressed in more detail at the Building Licence stage.</i>
<ul style="list-style-type: none"> • <i>The excavation will cause damage to the surrounding properties.</i> 	<ul style="list-style-type: none"> • <i>Supported – This will be addressed at the Building Licence stage within the Construction Management Plan</i> • <i>Supported – This will be addressed at the Building Licence stage within the Construction Management Plan</i>
<ul style="list-style-type: none"> • <i>Dust monitoring equipment should be installed and regularly monitored by the Town against relevant health and safety standards.</i> • <i>Noise monitoring equipment should be installed and regularly monitored by the Town against relevant health and safety standards.</i> 	<ul style="list-style-type: none"> • <i>Supported – A condition has been applied for the applicants to provide an Acoustic Report prior to obtaining their Building Licence.</i>
<p><i>General Questions:</i></p> <ul style="list-style-type: none"> • <i>What is the expected duration of the entire construction?</i> • <i>What arrangements will be made to reduce the impacts on adjacent and surrounding neighbours during the construction stage?</i> 	<ul style="list-style-type: none"> • <i>The applicant’s have advised that the projected Project time frame is 3 years.</i> • <i>By complying with all normal Council construction requirements. The Construction Management Plan will address these matters to the satisfaction of the Town of Vincent.</i>
<p><i>Advertising</i></p>	<p><i>Advertising for 21 days in accordance with the Town’s Community Consultation Policy.</i></p>
<i>Car Parking</i>	
<p><i>Car parking requirement (nearest whole number)</i></p> <ul style="list-style-type: none"> • <i>Nursing Home – 1 bay per 3 beds provided</i> <p><i>Number of beds = 120 (requires 40 car bays)</i></p> <p><i>Total car bays required = 40 car bays</i></p>	<p><i>= 40 car bays</i></p>
<p><i>Apply the adjustment factors.</i></p> <ul style="list-style-type: none"> • <i>0.85 (within 800 metres of a bus stop/station)</i> 	<p><i>(0.85)</i></p> <p><i>= 34 car bays</i></p>
<p><i>Minus the car parking provided on-site</i></p>	<p><i>40 car bays</i></p>
<p><i>Minus the approved on-site car parking shortfall.</i></p>	<p><i>N/A</i></p>
<p><i>Resultant surplus</i></p>	<p><i>6 car bays</i></p>
<i>Bicycle Parking</i>	
<p><i>Nursing Home (120 beds and 9394 square metres of GFA)</i></p> <ul style="list-style-type: none"> • <i>1 space per 7 beds (class 1 or 2) = 17.14 spaces</i> • <i>1 space per 1500 square metres of gross floor area (class 3) = 6.26 spaces</i> <p><i>Total class one or two bicycle spaces = 17.14 spaces = 17 spaces</i></p> <p><i>Total class three bicycle spaces = 6.26 spaces = 6 spaces</i></p>	
<i>Other Implications</i>	
<p><i>Legal/Policy</i></p>	<p><i>Town Planning Scheme No. 1 and associated Policies, and Residential Design Codes (R Codes).</i></p>
<p><i>Strategic</i></p>	<p><i>Nil</i></p>
<p><i>Sustainability</i></p>	<p><i>Nil</i></p>
<p><i>Financial/Budget</i></p>	<p><i>Nil</i></p>

COMMENTS:

Demolition

The subject place at Nos. 5- 9 Britannia Road comprises a large brick and iron aged care facility which was constructed circa 1971.

A full Heritage Assessment was undertaken for No. 5-9 Britannia Road which is included in the attachment to this report. The Assessment indicates that the place has little aesthetic, historic, scientific or social heritage significance. Overall, the place does not meet the minimum threshold for entry into the Town's Municipal Heritage Inventory and thus it is recommended that the proposal to demolish the subject building be approved, subject to standard conditions.

Plot Ratio and Building Height

The applicants have acknowledged in the submission, that due to the size of the site, the fact that it has two street frontages and that it is adjacent to a parkland, it will result in the building being visually prominent. It is considered that the proposed development has been designed to ameliorate any perceived visual bulk as a result of the size of the development with articulated elevations, with varying colours and materials, which create visual interest in the streetscape. The number of major openings and extensive balcony areas that overlook both Wavertree Place and Britannia Road assist in successfully articulating the building and reducing its overall bulk and scale.

The second floor (third storey) is supported by the Town's Officers as a large majority of the third storey is concealed within the roof form and is placed towards the centre of the site so it is not so visible to the street. There is a visible portion of the third storey that is located on the north-east corner of the site (where Britannia Road and Wavertree Place meet); however, this is considered acceptable as it acts as a corner feature to the building. Nevertheless, the elevation presented to Britannia Road and Wavertree Place is predominately two-storeys.

Furthermore, it is noted that the maximum building heights for two-storey development with pitch roofs, as prescribed by the R Codes is 6 metres to the top of the external wall and 9 metres to the top of pitch. The building has been designed in consideration of the provisions relating to Building Height and thus the development proposes the following heights:

Britannia Road elevation:

- *Verandahs (top) = 5.9 metres*
- *Eaves (underside) = 6.7 metres*
- *Ridge (top) = 9.3 metres*

Wavertree Place elevation:

- *Verandahs (top) = 5.9 metres*
- *Eaves (underside) = 6.7 metres*
- *Ridge (top) = 9.3 metres - 11.1 metres (varies due to the slope of the natural ground level).*

Whilst it is acknowledged by the Town's Officers that due consideration has been applied in terms of building height, the Town's Officers have also recognised that this development is not a typical residential development, in that it is a highly specialised building and land use. In comparison to a conventional residential 'multiple dwelling' development, the residential care facility must comply with a number of additional stringent Building Codes and Australian Standards, including compliance with the Aged Care Accreditation and Standards Agency. It is in the opinion of the Town's Officers that the overall design has attempted to reflect the existing character and scale of the surrounding residential area, which is characterised by a mix of single storey and two-storey residential development.

Building Setbacks

The proposed building has a minimum front setback of 4 metres from the verandah to Britannia Road, with the main façade of the building being setback 6 metres. The Town's Residential Design Elements Policy seeks to ensure that new development reflects the predominant streetscape pattern. There is a large mix of different street setbacks on Britannia Road; however, the average of 5 adjoining properties is 5.3 metres. The Town's Officers do not consider the proposed setback to have an undue impact on the surrounding area due to the existing inconsistent streetscape.

With regards to the western boundary setback, the proposed residential care facility has been positioned away from the existing two-storey residential dwellings to the west, in accordance with the boundary setback requirements of the R Codes. The variation on the western elevation (Wall 3 – Dementia Ward) is alongside the parkland and will not have an undue impact on any residential properties. The treatment along the western boundary is considered to be sensitive and respectful of the existing two-storey residential development. This elevation has been staggered ensuring that there are no long expansive sections of building mass. Additionally, the western elevation includes a range of material and glazing treatments, creating a visually attractive elevation when viewed from the western neighbouring properties and parkland area.

The site adjoins an area of parkland to the south (Brentham Street Reserve) and shares a common boundary with the reserve. The proposed building is setback a minimum of 3 metres from the southern boundary. It is considered that the building will provide an increased level of surveillance over this area, with the façade and fencing treatments being well designed to ensure an attractive and articulated elevation when viewed from this public area.

Deliveries to the Site

The applicant has advised that the loading and unloading areas proposed as part of the development are in two locations, with one off Wavertree Place and the other within the basement area. Deliveries will primarily be received via an access point from Wavertree Place, which is situated near the end of the cul-de-sac, limiting exposure of this area to the surrounding residential neighbourhood. It is proposed that delivery of goods only be received between the hours of 7am and 7pm, to reduce any related noise issues for both future residents of the nursing home and those situated on the opposite site of Wavertree Place. The associated bin store will be gated and screened.

Percent for Public Art

The applicant's have advised that Rosewood Care Group is a not-for-profit organisation and community service provider, and they request that they should not be subject to a contribution for public art under the Town's Percent for Public Art Policy. However, the Town's Officers have applied this condition as it is a standard condition for commercial development over \$1,000,000.

Landscaping

In terms of landscaping of the site and verge, the applicants have advised the following:

"The proposed landscape design philosophy for the proposed Residential Care Facility is based on creating a strong landscape setting for the development within the context of the locality. It is intended that the landscape is fully integrated with the buildings by adopting a complementary materials palette of coloured concrete paths, rendered and painted perimeter walling with open steel picket type fencing, Jacarandas as the main signature tree and a formalised pattern of hardy exotic vegetation, that together, form the basis for the overall landscape design expression for this project. A key feature of the design allows for the strong definition of the main entry and corner site utilising feature planting, stylised logo paving and water feature, whilst the internal courtyard spaces are designed with their own distinct character.

The overall planting Scheme utilises a predominantly hardy exotic species mix around the development with a strong preference for plantings that provide structure, shade and flower at all times of the year. Jacarandas are located around the site as street trees and will be the signature tree for the development, whilst various other species of deciduous shade trees such as Flowering Pears, Frangipanis and other are located within the courtyards to define the character of these spaces. Trees and shrubs are planted within raised gardens where landscapes are created over the car park structure, as well as allowing for residents to easily access these plantings, if they so desire.

Paving materials will reflect colours, textures and forms of the architectural styles adopted for the development and reflect the character of the various spaces.”

The Town’s Parks Services Officers have assessed the proposed landscaping plans and the applicant’s intentions and are supportive of the extensive landscaping within the site. The Officers have advised however, that the existing Weeping Peppermint trees on the Britannia Road verge are to remain and not be replaced with Jacaranda Trees. The landscaping plans will be dealt with in further detail at the Building Licence stage.

Construction Management

As indicated in the planning report prepared by RPS, the construction of the proposed Residential Aged Care Facility will be managed across two (2) stages. An on-site meeting with the Town’s Technical Services staff and the Project Managers on 28 January 2011 confirmed the ability for a portion of the Brentham Street Recreation Reserve to be used for the purposes of construction management.

Rosewood Care Group has investigated the ability to use other areas for construction vehicle car parking and site offices; however, there are not sufficiently sized areas in the nearby vicinity. They support their application to locate workers' parking and materials storage within a compound to be fenced within the Brentham Street Recreation Reserve for the following reasons:

- (a) Located in close proximity to the development site;*
- (b) Minimise disruption to the use of Wavertree Place, which given the location of the nearby Primary School will minimise potential conflict with school children walking to school or at pickup/drop-off times;*
- (c) Construction parking will not occupy existing on-street parking;*
- (d) Construction parking and storage of materials will be managed through a controlled environment;*
- (e) Area will be secured, fenced and treated to mitigate potential vandalism and nuisance (that is, dust); and*
- (f) Upon completion of construction, the area of Brentham Street Recreation Reserve will be rehabilitated and upgraded to the satisfaction of the Town of Vincent (NOTE: Area of parkland proposed to be used is currently degraded and not suitable for either active or passive recreational pursuits).*

A full Construction Management Plan will be prepared in accordance with the requirements of the Town of Vincent prior to the issue of Building Licence.

Technical Services acknowledges that, during the term of construction, the existing on-site visitor parking for the aged care facility must be relocated. It is proposed that the verge area adjacent to the development site be given up to visitor parking for the duration of the works, and therefore not available for workers' parking or delivery of materials. Coupled with the fact that construction is also under-way directly opposite the subject site, it is anticipated that it will be difficult to accommodate parking for all workers, kerb-side in the surrounding streets.

The area within the Reserve has been nominated for "Ecozoning", which was approved by the Council at its Ordinary Meeting held on 8 February 2011, and therefore the existing turf is to be removed and replaced with native vegetation. The applicants will be required to rehabilitate the area, post construction, to meet the specifications of the "Ecozoning". Should the Council approve the proposal, in principal; a further report will be prepared for the Council to consider, with recommendations as to the detail and scheduling of the "Ecozoning" remediation.

Prior to the commencement of construction, the temporary visitor parking bays within the Wavertree Place verge, are required to be sealed and kerbed, at the full cost of the developer, and to the satisfaction of the Town. At the end of the construction period, the verge is required to be rehabilitated to the satisfaction of the Town, at the full cost of the developer.

A water feature is proposed to be incorporated into the boundary wall of the development at the intersection of Britannia Road and Wavertree Place. Final details have not been submitted. Approval of the water feature is subject to the Town establishing that it will not be subject to any risks as a result of the placement of the water feature.

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

9.2.3 Proposed 2 Hour Parking Restriction – Anzac Road, Mount Hawthorn

Ward:	North	Date:	11 May 2011
Precinct:	Mount Hawthorn (P1)	File Ref:	TES0508
Attachments:	001 – Plan No. 2784-PP-01 002 – Summary of Comments		
Tabled Items:	-		
Reporting Officer:	R Ostle, Technical Officer Assets and Fleet		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the introduction of parking restrictions in Anzac Road, Mt Hawthorn, between Oxford and Flinders Streets;*
- (ii) *APPROVES the introduction of the proposed parking restrictions as illustrated on attached Plan No. 2784-PP-01;*
- (iii) *PLACES a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs; and*
- (iv) *INFORMS the residents of the Council's decision.*

COUNCIL DECISION ITEM 9.2.3

Moved Cr Lake, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Moved Cr Lake, Seconded Cr Farrell

That the item be DEFERRED for further consideration.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the outcome of consultation with residents of Anzac Road, between Oxford and Flinders Streets, to determine their support for the introduction of a two (2) hour parking restriction in the unrestricted portion of Anzac Road.

BACKGROUND:

In late 2010 the Town received a request to consider installing parking restrictions in the aforementioned section of Anzac Road. Residents have complained that it is often difficult to find a parking space during business hours as it is taken up by employees of nearby businesses.

In the immediate area there are time restrictions in Oxford Street and Anzac Road east. Approximately the first 25m of Anzac Road west of Oxford Street is restricted while the full length of Fairfield Street to Scarborough Beach Road is restricted, being a combination of time and residential only restrictions.

DETAILS:

Following receipt of the request a number of site inspections were undertaken by the Towns officers to verify the level of usage. On each occasion the majority of the street, particularly the Oxford Street end, had no free parking spaces. A consultation letter was subsequently delivered to all residents and business abutting Anzac Road, including those on the corner of Oxford Street.

The consultation letter also included details of the Town's policy on eligibility for exemption from the time restrictions through residential and visitor parking permits.

Consultation:

In February 2011 thirty six (36) letters were distributed to residents and businesses on Anzac Road between Oxford St and Flinders Street.

The consultation letter comprised (in part) the following;

...the Town is seeking your comments on the introduction of a two (2) hour time restriction between the hours of 8.00am and 5.00pm Monday to Friday on the unrestricted portion of Anzac Road, between Oxford and Flinders Streets.

At the close of the consultation period, six (6) responses were received (a 16.7% response rate) with two (2) in favour, two (2) in favour while offering other suggestions and comments, and two (2) were against. A summary of comments received is attached at appendix 9.2.3.

Officer Comments:

While the response rate was relatively low the majority of the respondents were either in favour or partially in favour of the proposal.

CONSULTATION/ADVERTISING:

Affected residents were consulted in accordance with the Council's Consultation Policy.

LEGAL/POLICY:

There is no legal consequence of the recommendation.

The Town's Rangers will place a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

The Town's *Strategic Plan 2011-2016* states:

"Natural and Built Environment

Objective 1.1: Improve and maintain the natural and built environment and infrastructure.

1.1.5 Enhance and maintain the Town's infrastructure, assets and community facilities to provide a safe sustainable and functional environment."

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Implementing the new restrictions will require the purchase and installation of seven (7) new signs and poles costing approximately \$800.

COMMENTS:

The current situation in Anzac Road would suggest that some motorists are taking advantage of the lack of parking restrictions to the detriment of the adjacent residents. The problem is easily rectified by imposing a 2P restriction as shown on Plan No. 2784-PP-01. Further, given the street's proximity to a high activity area the proposed restrictions are consistent with the Town's parking management practices and affords the residents some surety of being able to park within a reasonable distance from their house.

9.1.6 No. 32 (Lot 801; D/P 33355) Edward Street, Perth- Proposed Signage Addition (Billboard) to Existing Mixed-Use Building

Ward:	South	Date:	12 May 2011
Precinct:	East Perth Redevelopment Authority	File Ref:	PRO4026; 5.2011.146.1
Attachments:	001 - Property Information Report, Development Application and Plans		
Tabled Items:	Applicant submission		
Reporting Officers:	R Narroo, Senior Planning Officer (Statutory)		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions and powers of both the Local Government (Change of Districts Boundaries) Order 2007 and the Local Government (Constitution) Regulations 1998, allowing the Town of Vincent to, in effect, administer the East Perth Redevelopment Authority Scheme No. 1 as if it were its own Scheme, and the Metropolitan Region Scheme, REFUSES the application submitted by Greg Rowe & Associates on behalf of the owner Lisajoe Investments Pty Ltd for proposed Signage Addition (Billboard) to Existing Mixed Use Building, at No. 32 (Lot 801; D/P 33355) Edward Street, Perth, and as shown on plans stamp-dated 22 March 2011, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the requirements of East Perth Redevelopment Authority Scheme No .1-Planning Policy 1.13-Advertising Signs; and*
- (iii) consideration of the objections received.*

COUNCIL DECISION ITEM 9.1.6

Moved Cr Topelberg, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

Landowner:	Lisajoe Investments Pty Ltd
Applicant:	Greg Rowe & Associates
Zoning:	Metropolitan Region Scheme: Urban East Perth Redevelopment Authority Scheme No. 1: Residential R80:
Existing Land Use:	Multiple Dwellings and Showrooms
Use Class:	Multiple Dwellings and Showrooms
Use Classification:	Preferred Uses
Lot Area:	335 square metres
Access to Right of Way	Not applicable

PURPOSE OF REPORT:

The application is referred to the Council as the Town's Officers do not have the delegation to approve or refuse billboards.

BACKGROUND:

- 6 June 2006 The Perth City Council refused a development application for a four level mixed-use building containing two multiple dwellings, two showrooms and provision for five car parking bays.
- 12 December 2006 The Perth City Council conditionally approved a revised development application for a four level mixed-use building containing two multiple dwellings, two showrooms and provision for five car parking bays.
- 1 July 2007 Under the provisions and powers of both the Local Government (Change of District Boundaries) Order 2007 and the Local Government (Constitution) Regulations 1998, this area of East Perth came under the administration of Town of Vincent.
- 11 February 2009 The Town received an application for change of use from residential to office (retrospective application).
- 10 March 2009 The application for change of use from residential to office (retrospective application) was withdrawn as the applicant advised the Town that the existing office was being relocated.
- 13 July 2010 The Council at its Ordinary Meeting refused the application for proposed signage addition (billboard) to existing mixed-use building for the following reasons:
- “(i) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (ii) *the non-compliance with the requirements of East Perth Redevelopment Authority Scheme No. 1-Planning Policy 1.13-Advertising Signs; and*
 - (iii) *consideration of the objections received”.*

DETAILS:

The proposal involves a signage addition to the existing building. The signage is proposed to be erected on the roof of the existing building. The dimensions of the signage are 18.99 metres in length and 6 metres in height (inclusive of the supports).

An identical application was refused by the Council at its Ordinary Meeting held on 13 July 2010.

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

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Signage	Hoarding sign is not permitted.	Hoarding sign (billboard)
	Signage to describe the business or activity carried out on the site.	Signage is not related to the business or activity carried out on the site.
Officer Comments:		
Not supported- Refer to "Comments" below.		

The above Officer Comments are provided pursuant to Clause 38(5) of Town Planning Scheme No. 1

Consultation Submissions		
Item	Comments Received	Officer Comments
Support (Nil)	Noted.	Noted.
Objection (8)	<p><u>Light</u></p> <p>The light emanating from the signage will impact on the amenity of the area.</p> <p><u>Obstruct view</u></p> <p>The scale of the signage will obstruct views of the adjoining properties.</p> <p><u>Sign Display</u></p> <p>There will be no restriction on the sign display.</p> <p><u>Bulk and Scale</u></p> <p>The proposal would significantly exacerbate the existing problems of bulk and scale caused by this building, which is already out of symmetry with the normal single storey streetscape of Edward Street.</p> <p><u>Sign relating to the existing use</u></p> <p>The proposed sign does not relate to the business or activity carried out on site.</p> <p><u>East Perth Redevelopment Scheme No. 1</u></p> <p>Hoardings or Billboards are plainly prohibited under the East Perth Redevelopment Scheme No. 1</p>	<p>Supported- The applicant has confirmed that the signage will contain static illumination with no parts of the sign flashing or pulsating. However, given the scale of the proposed signage, it is likely there will be an impact on the adjoining properties in terms of light pollution.</p> <p>Supported in Part- Obstruction of views is not a planning issue. However, the scale of the signage will have a visual impact on the amenity of the area.</p> <p>Supported- Refer to "Comments".</p>

Consultation Submissions		
Item	Comments Received	Officer Comments
	<p><u>Application</u></p> <p><i>“I am aware that the application has been denied previously and my understanding is that it does not comply? Why has Council allowed for it to be resubmitted when the proposal isn’t altered?”</i></p>	<p>Not supported- An applicant has a right to submit an application though it has been refused previously and the Town has the obligation to accept and consider the application.</p>
Main Roads Western Australia	No comments.	Noted.

Car Parking
Not applicable

Bicycle Parking
Not applicable

Other Implications	
Legal/Policy	East Perth Redevelopment Authority Scheme No. 1 and associated Policies.
Strategic	<p>The Town’s <i>Strategic Plan 2011-2021</i> - Objective 1 states:</p> <p><i>“Natural and Built Environment</i></p> <p><i>1.1 Improve and maintain the natural and built environment and infrastructure</i></p> <p><i>1.1.2 Enhance and maintain the character and heritage of the Town.”</i></p>
Sustainability	Nil.
Financial/Budget	Nil.

COMMENTS:

The East Perth Redevelopment Authority Planning Policy No. 1.13 relating to Advertising Signs, specifies that: *“hoarding signs will not be permitted and signs carrying messages unrelated to the site or occupancy of the site will generally not be allowed”*. The Town considers the proposed signage as a hoarding (billboard) and any display on the signage would not relate to the use of the site.

The signage is considered to impact on the skyline in terms of bulk and scale and does not enhance and reinforce the character of the locality and any approval, limited or otherwise, would be inconsistent with the orderly and proper planning of the area.

The building to which the sign is proposed to be affixed is located on prominent land which is considered to be a gateway to the City of Perth and the Town of Vincent. The signage would be clearly visible from the Graham Farmer Freeway and adjacent residential/commercial properties. As a gateway to the City of Perth and the Town of Vincent, such a sign, 18.99 metres in length and 6 metres in height (inclusive of the supports), would create a disjointed and aesthetically displeasing image of the area. Moreover, this area is zoned residential (though there are commercial properties) and, as such, the signage is not considered appropriate in this location as it will have a visual impact on the surrounding area.

In light of the above, the proposed signage is recommended for refusal.

9.1.1 Amendment No. 72 to Planning and Building Policy Manual - Draft Amended Policy No. 3.4.8 Relating to Multiple Dwellings

Ward:	Both	Date:	12 May 2011
Precinct:	All Precincts	File Ref:	PLA0213
Attachments:	001 – Amended Policy 002 – Summary of Submissions 003 – Major Road Analysis		
Tabled Items:	Nil		
Reporting Officers:	R Marie, Planning Officer (Strategic)		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the final amended version of the Policy No .3.4.8 relating to Multiple Dwellings as shown in Appendix 9.1.1(a), resulting from the advertised version having been reviewed and with regard to 162 written submissions received during the formal advertising period, as shown in Appendix 9.1.1(b), in accordance with Clauses 47 (4) and (5) (a) of the Town's Town Planning Scheme No. 1;*
- (ii) *ADOPTS the final amended version of the Policy No .3.4.8 relating to Multiple Dwellings, as shown in Appendix 9.1.1(a) in accordance with Clause 47(5)(b) of the Town's Town Planning Scheme No. 1;*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the final amended version of the adopted Policy No. 3.4.8 relating to Multiple Dwellings as shown in Appendix 9.1.1(a), in accordance with Clause 47 (6) of the Town's Town Planning Scheme No. 1; and*
- (iv) *NOTES the major road analysis as show in Appendix 9.1.1(c).*

COUNCIL DECISION ITEM 9.1.1

Moved Cr McGrath, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

Cr Farrell departed the Chamber at 8.00pm.

Debate ensued.

Cr Farrell returned to the Chamber at 8.01pm.

Debate ensued.

PROCEDURAL MOTION

Moved Cr McGrath, Seconded Cr Farrell

That the item be DEFERRED to the Council Forum to be held on 21 June 2011.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with feedback on the submissions received during the advertising period of the draft amended Policy No. 3.4.8 relating to Multiple Dwellings and to present to the Council the final amended version of the Policy.

BACKGROUND:

- | | |
|------------------|--|
| 28 October 2008 | The Council adopted Policy No. 3.4.8 relating to Multiple Dwellings. |
| 8 June 2010 | The Council at its Ordinary Meeting considered a report relating to the proposed amendments to the Town's Policy relating to Multiple Dwellings and resolved that the meeting be deferred to a Council Member Forum. |
| 15 June 2010 | The Draft Amended Multiple Dwellings Policy was considered at a Council Member Forum. |
| 22 June 2010 | Following the Council Member Forum held on 15 June 2010, the Council considered a further report outlining the amendments to the Policy and resolved to adopt the Officer Recommendation and to advertise the Draft Policy for final adoption. |
| 10 August 2010 | The Council at its Ordinary Meeting considered a rescission motion relating to their decision at the 22 June 2010 meeting and adopted to make modifications to the Amended Policy and advertise the Policy for public comment. |
| 31 August 2010 | Scheme Amendment No. 25 relating to the removal of restrictions to multiple dwellings was finalised and published in the Government Gazette. |
| 22 November 2010 | Amendments to State Planning Policy 3.1 - Residential Design Codes (R Codes) were gazetted, which saw the introduction of the Multi Unit Housing Code. This change has implications for all multiple dwellings development for zonings of R30 and above. |

DETAILS:

Following the initial adoption of the Multiple Dwellings Policy on 28 October 2008, a number of issues have been raised by the Town's residents, Council Members and the Town's Planning Officers in relation to the Multiple Dwellings Policy. The main issues included;

- Listing Bulwer Street in the Policy as a 'major road'; and
- Concern over the allowable heights in the Policy.

Accordingly, the Policy was amended and advertised for public comment in 2010. As a result of the outcomes of the community consultation, recently gazetted changes to the Residential Design Codes (R Codes) and the revision and endorsement of the Town's Draft Local Planning Strategy for the purpose of a Peer Review, there were many changes to Policy No. 3.4.8 relating to Multiple Dwellings. The changes aim to ensure the Town's Policy is relevant, easy to use and does not unnecessarily replicate the new Multi Unit Housing Code provisions of the R Codes. The changes are as follows:

1. Building Height Provisions

The intent of the Town's Policy No. 3.4.8 relating to Multiple Dwellings (adopted 11 August 2009) was to increase incentive and opportunity for development of greater height along Major Roads where there are good levels of public transport to support the principles of Transit Orientated Development (TOD). Prior to the adoption of Policy No. 3.4.8, the height limit for residential development was two-storeys.

Since the adoption and subsequent amendments to the Policy, there have been significant changes to the Residential Design Codes (R Codes). These changes were gazetted on 22 November 2010 as part of State Planning Policy 3.1 and established a separate set of performance criteria and acceptable development provisions for multiple dwellings (coded R30 and higher). Of particular note, the height provisions of the R Codes, which were previously set at two-storeys, have been amended to correlate with development intensity and locational considerations. In the amended R Codes, a height of 2-3 storeys is considered appropriate for medium density areas (such as areas zoned Residential R50 and R60) and 4 storeys in higher density areas (such as areas zoned Residential R80 and R100).

In addition, since the adoption and subsequent amendments to the Policy, the Town has revised and endorsed, at the Ordinary Meeting of Council held on 21 December 2010, for the purpose of a Peer Review, its Draft Local Planning Strategy (LPS). The LPS looks in detail at the Town's Major Roads in context with Directions 2031 and Beyond and the Draft Central Metropolitan Perth Sub-regional Strategy. The LPS explores the planning for the Town's roads to ensure their land use and transport functions are mutually compatible and it identifies those corridors, which should be protected from incompatible urban encroachment and increases in intensity of development.

To assist in further progressing the Town's Policy No. 3.4.8, Appendix 9.1.1(c) provides the following detail on a street-by-street basis:

- An aerial photograph of the residential zoned areas of each street subject to greater height provisions. (It is noted that the Policy does not impact on Mixed Use, Commercial, Local Centre and District Centre zones, hence these are not highlighted).
- Provides a breakdown of the submissions received in relation to the Draft Policy.
- Considers the recommendations of the Draft LPS.
- Highlights the height provisions of the recently introduced Multi Unit Housing Code provisions in the R Codes.
- Makes a Recommendation on an appropriate maximum Building Height.

The following Table illustrates the differences in building height between the Town's Policy No. 3.4.8 and the newly amended Multi Unit Housing Code provisions in the R Codes. Based on the analysis in Appendix 9.1.1(c), the Table also makes a recommendation on the appropriate Major Road Building Heights as recommended in the Draft Policy:

Table 1: Building Height Table

Street	Maximum Permissible Height Under the Town's Draft Policy No. 3.4.8 (As Advertised)	Prescribed Height under R Codes	Proposed Amended Maximum Height for the Town's Draft Policy No. 3.4.8
Beaufort Street	R80 - 5 storeys	R80 - 4 storeys	• R80 - 5 storeys
Bulwer Street	Advertised to be removed	N/A	To be removed.
Charles Street	R60 - 4 storeys R80 - 5 storeys	R60 - 3 storeys R80 - 4 storeys	• R60 - 4 storeys • R80 - 5 storeys

Street	Maximum Permissible Height Under the Town's Draft Policy No. 3.4.8 (As Advertised)	Prescribed Height under R Codes	Proposed Amended Maximum Height for the Town's Draft Policy No. 3.4.8
East Parade	R60 - 3 storeys	R60 - 3 storeys	• R60 - 3 storeys
Fitzgerald Street	R60 - 4 storeys R80 - 5 storeys	R60 - 3 storeys R80 - 4 storeys	• R60 - 4 storeys • R80 - 5 storeys
Guildford Road	R60 - 4 storeys	R60- 3 storeys	• R60 - 4 storeys
Loftus Street	R60 - 4 storeys R80 - 5 storeys	R60 - 3 storeys R80 - 4 storeys	• R60 - 4 storeys • R80 - 5 storeys
London Street	R20 - 2 storeys R30 - 2 storeys (3 where justified.) R30/40 - 2 storeys (3 where justified)	R20 - Not stated R30 - 2 stories R40 - 2 stories	To be removed.
Lord Street	R60 - 4 storeys R80 - 5 storeys	R60 - 3 storeys R80 - 4 storeys	• R60 - 4 storeys • R80 - 5 storeys
Newcastle Street	R80 - 5 storeys	R80 - 4 storeys	• 5 storeys
Oxford Street	R60 - 4 storeys	R60 - 3 storeys	• 4 storeys
Scarborough Beach Road	R60 - 4 storeys	R60 - 3 storeys	• 4 storeys
Vincent Street	R40 - 3 storeys R60 - 3 storeys R80 - 5 storeys	R40 - 2 storeys R60 - 3 storeys R80 - 4 storeys	• R40 - 3 storeys • R60 - 3 storeys • R80 - 5 storeys
Walcott Street	R60 - 4 storeys	R60 - 3 storeys	• R60 - 4 storeys
William Street	R60 - 4 storeys R80 - 5 storeys	R60 - 3 storeys R80 - 4 storeys	• R60 - 4 storeys • R80 area - multiple dwellings not permitted

Further to this, as per the Council's recommendation following consideration of Scheme Amendment No. 25, Bulwer Street has been removed as a major road in the Policy. It is considered that the character of Bulwer Street would be impacted should greater heights be permitted. In addition, as a result of the major road analysis, shown in Appendix 9.1.1(c), it was considered appropriate that heights along London Street, be restricted to two (2) storeys. As a result, it is considered unnecessary for London Street to be listed as a major road and has therefore, been removed from the Policy.

It is also noted that heights along these major roads should not be considered as a right and this has been outlined in the Policy. This is because many of the lots along the major roads are small in size and achieving such heights may result in other impacts, such as car parking shortfalls and inappropriate bulk and scale.

2. Building Design Provisions

In an attempt to control building bulk, the Draft Policy prescribes differing building heights within a block, those being Maximum Building Height: along major road, within the site and adjoining residential to the rear. By being overly prescriptive and detailed on the matter of the location of varying building heights, the importance of other design considerations are diminished. Upon application, it has become evident that these heights prescribed to achieve a staggering affect are not always practical, particularly where lots are smaller.

In addition, it was considered that the Policy in its previous form was difficult to read as it was too repetitive, particularly with regard to original clauses 3 to 9 and 12 to 13.

It is considered that such provisions are no longer necessary and that it should no longer be the objective of the Town's Policy No. 3.4.8 to prescribe ways in which the developers should design multiple dwelling developments, as this has been addressed in great depth in the newly amended R Codes, both Part Seven relating to Design Elements and the Explanatory Guidelines. Therefore, it was not considered necessary to include this information in the amended Multiple Dwellings Policy with clauses 3 to 9 and 12 to 13 being deleted.

3. Neighbourhood Context Report

It is considered that the Neighbourhood Context Report is vital, particularly for larger developments, to ensure that the developer and land owner has considered the area in which they are developing. The draft amended Policy required that a Neighbourhood Context Report was required for developments with 3 or more multiple dwellings and/or a height of greater than 2 storeys. The Policy has been amended to require only developments equal to or above three (3) storeys to undertake a Neighbourhood Context Report.

The current clauses relating to the Neighbourhood Context Report has been consolidated to ensure that this section is clear and concise and easy to use by applicants.

4. Variations to the Requirements

The Town recognises that there are developments of an exceptional nature that may propose greater heights to those permitted in the Policy. Often these developments are within close proximity to town centres or high frequency public transport. As a result, a new section 7 relating to Variations to Requirements has been included to provide a framework for the Council to consider and approve applications of greater height and plot ratio.

CONSULTATION/ADVERTISING:

The draft amended Policy was advertised between 28 September 2010 and 28 October 2010, in accordance with Clause 47 of the Town Planning Scheme No. 1.

A total of 162 submissions were received. A breakdown of the submissions is shown below, followed by a summary of the main issues/comments raised. A full summary of the submissions received can be viewed in Appendix 9.1.1(b), and a street by street analysis can be viewed in Appendix 9.1.1(c).

Submission Breakdown

	Number of Submissions	Percentage (%)
No Position/Not Stated	20	12.35%
Not Supported	77	47.53%
Supported	65	40.12%
Total	162	100%

Major Issues/Comments Raised During the Consultation

Comments Received	Officer Comments
Loss of Views.	As per the Town's Community Consultation Policy, comments received which are based on civil or non-planning matters will not be considered, including loss of views.

Comments Received	Officer Comments
Issues relating to overlooking and loss of privacy.	The R Codes provide minimum standards to ensure that privacy of the adjacent properties is protected.
Issues relating to overshadowing and loss of sunlight.	The R Codes address overshadowing. Staggering may be required if overshadowing occurs.
Increased traffic and parking issues on top of an already existing problem.	The Policy aims to promote higher multiple dwellings where there is sufficient public transport available to promote public transport use, rather than the private car.
Loss of character.	<p><i>Directions 2031</i> sets out that the Town is to accommodate an additional 5000 dwellings by 2031. The Town is cognisant of its historic character and recognises that a blanket approach in increased density is not an appropriate means to achieve the target set out by <i>Directions 2031</i>.</p> <p>The Town's approach to increased density is to facilitate increases in density in targeted areas, such as along major roads many of which have been subject to change.</p>
Loss of property values.	Noted. As per the Town's Community Consultation Policy, comments received which are based on civil or non-planning matters will not be considered, including property values.
Saves space, more economical, saves resources.	Noted. It is considered sustainable to allow for increased inner city development in appropriate areas, particularly where there is access to public transport facilities.
The inner City should be redeveloped rather than clearing bushland.	Noted. Inner city infill in appropriate areas should be encouraged to minimise the removal of existing bushland in outer metropolitan areas.
Assist with additional housing required by 2031.	Noted. For the Town to meet the housing target prescribed in <i>Directions 2031</i> , the Town will need to allow for increased development in appropriate areas, which includes major roads.

LEGAL/POLICY:

- Town Planning Scheme No. 1 and associated Policies; and
- Residential Design Codes of Western Australia.

RISK MANAGEMENT IMPLICATIONS:

Not Applicable.

STRATEGIC IMPLICATIONS:

In keeping with the Town's Strategic Plan 2011-2016:

*“Objective 1.1 Improve and maintain the natural and built environment and infrastructure
1.1.1 Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision”.*

SUSTAINABILITY IMPLICATIONS:

Allowing for multiple dwelling developments is considered to be sustainable in appropriate areas where there are sufficient facilities and services available, such as along the Town's major roads. The Town has prescribed heights that are considered appropriate for the road based on the road function and access to public transport facilities.

FINANCIAL/BUDGET IMPLICATIONS:

The Town of Vincent 2010/2011 Budget allocates \$58,200 to Town Planning Scheme and Policy Amendments.

COMMENTS:

The implementation of the Multi Unit Housing Code has had a number of implications on the Town's Multiple Dwellings Policy. The Multi Unit Housing Code prescribes appropriate heights based on zonings and provides detailed design recommendations. Given the detail and information now available in the R Codes in relation to multiple dwelling developments, it was considered that it was no longer required in the Town's Policy.

As a result of the outcomes of the community consultation, recently gazetted changes to the Residential Design Codes (R Codes) and the revision and endorsement of the Town's Draft Local Planning Strategy for the purpose of a Peer Review, a number of changes have been made to the Town's Policy No. 3.4.8 relating to Multiple Dwellings.

Essentially, the changes remove the provisions relating to building design to enable such matters to be governed by the R Codes. The purpose of the Policy is to clearly set out which residential zoned areas are able to have greater building height.

In light of the above, it is recommended that the Council adopt the amended Policy relating to Multiple Dwellings in accordance with the Officer Recommendation.

9.1.4 Nos. 132, 132A & 132B (Lots 2, 3 & 4; D/P: 68092) Chelmsford Road, North Perth - Proposed Construction of Three (3) Two Storey Single Houses

Ward:	South	Date:	12 May 2011
Precinct:	Norfolk; P10	File Ref:	PRO5354; 5.2011.37.2
Attachments:	001 – Property Information Report, Development Application and Plans 002 – Heritage Impact Statement for Nos. 132, 132A & 132B Chelmsford Road, North Perth		
Tabled Items	Applicants submission and associated documentation		
Reporting Officers:	T Cappellucci, Planning Officer (Statutory) H Au, Heritage Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

1. *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Zen Creative on behalf of the owner F Ranieri & P J & R Sgro for proposed Construction of Three (3), Two Storey Single Houses, at Nos. 132, 132A & 132B (Lots 2, 3 & 4; D/P: 68092) Chelmsford Road, North Perth, and as shown on the amended plans stamp-dated 9 May 2011, subject to the following conditions:*
 - (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners and the like, shall not be visible from the street(s), are designed integrally with the building and be located so as not to be visually obtrusive from Chelmsford Road;*
 - (ii) *any new street/front wall, fence and gate within the Chelmsford Road setback area, including along the side boundaries within these street setback areas, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
 - (iii) *first obtaining the consent of the owners of Nos. 130 & 134 Chelmsford Road for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 130 & 134 Chelmsford Road in a good and clean condition;*
 - (iv) *no street verge tree(s) shall be removed. The street verge tree(s) shall be retained and protected from any damage including unauthorized pruning;*
 - (v) *PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:*
 - (a) *Construction Management Plan*

A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the Town, in accordance with the requirements of the Town's Policy No. 3.5.23 relating to Construction Management Plans, and Construction Management Plan Guidelines and Construction Management Plan Application for approval Proforma;

(b) Landscaping and Reticulation Plan

A detailed landscape and irrigation plan for the development site and adjoining road verge shall be submitted to the Town's Parks and Property Services for assessment and approval.

For the purpose of this condition, a detailed landscape and irrigation plan shall be drawn to a scale of 1:100 and show the following:

- (1) the location and type of existing and proposed trees and plants;*
- (2) all vegetation including lawns;*
- (3) areas to be irrigated or reticulated and such method;*
- (4) proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and*
- (5) separate soft and hard landscaping plants (indicating details of materials to be used).*

The Council encourages landscaping methods and species selection which do not rely on reticulation.

All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);

(c) Garage Door – Unit 3

The garage door for unit 3 being setback 750 millimetres from the side boundary of No. 130 Chelmsford Road, North Perth; and

(d) Screening – Unit 1 and Unit 3 Balcony

The upper floor front balconies on the western and eastern elevations of Unit 1 and Unit 3 respectively, within the 7.5 metre cone of vision to the western and eastern boundaries respectively, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 130 & 134 Chelmsford Road, North Perth, stating no objection to the respective proposed privacy encroachment;

All screens provided shall comply with the definition of the Residential Design Codes 2010.

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

2. *AUTHORISES the Chief Executive Officer to WRITE to the Western Australian Planning Commission and/or the Department of Planning and Infrastructure to highlight the difficulties that its approval of the subject three lot subdivision in a north south orientation has resulted in for both the applicant and the Town. Specifically, as the subdivision has resulted in a lot configuration that has no regard for the original and established streetscape pattern evident in and valued by the Town; making it difficult for the design a development that sits well within and complements the existing character of the Chelmsford Road.*

The Acting Chief Executive Officer advised that during Public Question Time a representative from Greg Rowe & Associates requested a deferral of Item 9.1.4, and subsequently tabled a letter on behalf of the Applicant confirming this request.

Discussion ensued regarding whether Item 9.1.4 should be deferred or withdrawn.

COUNCIL DECISION ITEM 9.1.4

Moved Cr Lake, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Lake, Seconded Cr Maier

That the item be DEFERRED for further consideration.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

Landowner:	F Ranieri & P J & R Sgro
Applicant:	Zen Creative
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R40
Existing Land Use:	Vacant Land
Use Class:	Single Houses
Use Classification:	"P"
Lot Area:	650 square metres
Access to Right of Way	North side, 4 metres wide, sealed, dedicated road

PURPOSE OF REPORT:

The application is presented to a meeting of Council due to nineteen (19) objections being received during the Community Consultation period.

BACKGROUND:

30 April 2010 The Western Australian Planning Commission conditionally approved the freehold (green title) subdivision of Nos. 132 & 134 (Lots 1, 2, 3 & 4) Chelmsford Road, North Perth against a recommendation for refusal by the Town's Officers.

19 October 2010 Subdivision Clearance issued for conditions 1 – 6 of the Western Australian Planning Commission's approval dated 30 April 2010 being fulfilled, including the demolition of all buildings, outbuildings and structures from the proposed lots.

DETAILS:

The proposal involves the construction of three (3) two-storey grouped dwellings at the subject property.

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Ground Floor Front Setbacks – Chelmsford Road:	To be consistent with existing streetscape. Average of 6.5 metres.	Unit 1 = 4.8 metres Unit 2 = 5.445 metres Unit 3 = 9.6 metres Average proposed front setback is 6.615 metres.
<i>Officer Comments:</i>		
Supported – Amended plans received showing the ground floor setback for Unit 3, directly adjoining the Heritage Listed property at No. 130 Chelmsford Road, North Perth, being increased from 6.14 metres to 9.6 metres. See ‘Comments’ section.		
Upper Floor Front Setbacks – Chelmsford Road:	Balcony 1 metre behind ground floor.	Unit 1 = 2.05 metres in front Unit 2 = 2 metres in front Unit 3 = 4.7 metres in front
<i>Officer Comments:</i>		
Supported – Amended plans received showing upper floor setback of Unit 3 Balcony being increased from 3.4 metres in front of the ground floor setback to 4.7 metres in front to accommodate the increased ground floor front setback proposed to Chelmsford Road. See ‘Comments’ section.		
Boundary Setbacks:		
<i>Upper Floor</i>		
<u>Unit 1</u>		
Side (West) – Dining	1.5 metres	Nil
Side (West) – Lounge/Balcony	3 metres	1.2 metres
<u>Unit 3</u>		
Side (East) – Dining	1.5 metres	1 metre
Side (East) – Lounge/Balcony	3 metres	1 metre
Side (East) – Bed 1	1.2 metres	1 metre
<i>Officer Comments:</i>		
Supported – Not considered to have an undue impact on the amenity of the adjoining properties at Nos. 130 & 134 Chelmsford Road and the street. In addition, on the eastern and western elevations, the lounge/balcony walls will be required to provide screening 1.6 metres from finished floor level and compliant with the R-Codes requirements, for the portions of the balcony which overlook any part of the adjoining residential properties behind their street setback line.		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Buildings on Boundary:	<p>Walls not higher than 3.5 metres with average of 3 metres for 2/3 of the length of the balance of the boundary behind the front setback, to one side boundary.</p> <p>To the eastern and western boundaries, maximum length of building on boundary allowed is 20.5 metres.</p>	<p>Four (4) boundary walls proposed on two (2) side boundaries.</p> <p style="text-align: center;"><u>Unit 1</u></p> <p>Two Parapet Walls on Western Boundary: (Store) Wall Height – 2.5 metres to 3.7 metres (average = 3.1 metres) (Other) Wall Height – 6.1 metres to 6.5 metres (average = 6.3 metres)</p> <p>Total Wall Length – Required: 2/3 = 20.5 metres Proposed length = 12 metres</p> <p style="text-align: center;"><u>Unit 3</u></p> <p>Two Parapet Walls on Eastern Boundary: (Garage) Wall Height – 2.5 metres to 3.7 metres (average = 3.1 metres) (Retreat/Laundry) Wall Height – 2.8 metres to 3.5 metres (average = 3.15 metres)</p> <p>Total Wall Length – Required: 2/3 = 20.5 metres Proposed length = 15.3386 metres</p>
<i>Officer Comments:</i>		
<p>Supported – The two (2) parapet walls on both the western and eastern boundaries abutting Nos. 130 & 134 Chelmsford Road, comply with the maximum length allowed but do not comply with the average height allowed. The store wall for Unit 1 directly abuts two (2) uncovered carbays that were recently approved by the Town under delegated authority at No. 134A Chelmsford Road, while the garage wall for Unit 3 directly abuts the existing rear garage at No. 130 Chelmsford Road.</p> <p>In regards to the two-storey parapet walls, the applicant has amended the plans to only provide a two-storey parapet wall adjoining the western property at No. 134 Chelmsford Road for Unit 1. Towards No. 130 Chelmsford Road from Unit 3, the upper floor has now been setback 1 metre from the side boundary, therefore resulting in a single storey parapet wall for the retreat/laundry wall, which is not in compliance in regards to the average height allowed (3.15 metre average height proposed; 3 metre average height allowed).</p>		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<p>Notwithstanding, these parapet walls are not considered to have an undue impact on the neighbouring property as it does not create excessive building bulk and scale, not alter direct sun to major openings of habitable rooms and outdoor living areas as the overshadowing of the proposed development is within the subject property. In addition, with the parapet wall adjoining the heritage listed property to the east, as the parapet wall is setback approximately 14 metres from the front boundary and 4.1 metres behind the main building line of No. 130 Chelmsford Road, it is considered not to have a significant visual impact on the adjacent heritage building.</p> <p>In addition, there is an existing parapet wall at the rear of No. 130 Chelmsford Road, which the rear parapet wall for the garage of proposed unit 3 directly abuts.</p>		
Sightlines:	<p>Walls and fences truncated or no higher than 0.75 metre within 1.5 metres of where walls and fences adjoin vehicle access points.</p> <p>Garage door for Unit 3 to be setback 750 millimetres from the side boundary.</p>	Garage door for unit 3 proposed with nil setback from side boundary.
Officer Comments:		
Not Supported – A condition has been proposed for the garage door for Unit 3 to be setback 750 millimetres from the side boundary.		
Outdoor Living Area:	Behind the street setback area.	All units have their outdoor living areas within the front setback area to Chelmsford Road.
Officer Comments:		
<p>Supported – See ‘Comments’ section. Under the ‘Acceptable Development’ criteria of the R-Codes for ‘Outdoor Living Areas’, the areas are only non-compliant in regards to not being behind the street setback area.</p> <p>However, as the outdoor living areas are capable of being used in conjunction with a habitable room (lounge room) as well as being open to winter sun through taking advantage of the northern aspect of the site, the proposed outdoor living areas comply with the Performance Criteria of the R-Codes.</p>		
Site Works:	Retaining walls do not exceed 500 millimetres in height above natural ground level.	For garage/store on east and west elevations, retaining wall is a maximum of 900 millimetres in height.
Officer Comments:		
Supported – The site works have a minimal impact on the amenity of the adjoining properties to the east at No. 130 Chelmsford Road given it directly abuts the adjacent property’s garage. Whereas towards No. 134 Chelmsford Road, the subject retaining wall of Unit 1 directly abuts the vehicular access for the adjoining property, similarly not considered to have an undue impact on the amenity of the property.		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Visual Privacy:		
<u>Unit 1</u>		
Side (West) – Balcony	7.5 metres	1.2 metres to western boundary of No. 134 Chelmsford Road.
<u>Unit 3</u>		
Side (East) - Balcony	7.5 metres	1 metre to eastern boundary of No. 130 Chelmsford Road.
<i>Officer Comments:</i>		
Not Supported – A condition has been proposed that prior to the issue of a Building Licence, revised plans shall be submitted showing screening being provided in compliance with the R-Codes or a letter of support is received from the directly affected neighbours at Nos. 130 & 134 Chelmsford Road.		

The above Officer Comments are provided pursuant to Clause 38(5) of Town Planning Scheme No. 1

Consultation Submissions		
Item	Comments Received	Officer Comments
Support (0)	Nil.	Noted.
Objections (18)	Unreasonably high parapet walls of 6.5 metres in this case will have a catastrophic effect on neighbours east and west.	<p>Not Supported – Applicant has amended the plans to the eastern boundary abutting No. 130 Chelmsford Road, to have the two storey parapet wall reduced to a single storey parapet wall.</p> <p>The amended parapet wall now proposed to abut No. 130 Chelmsford Road is deemed acceptable as while it does not comply with the average height allowed of 3 metres (proposed 3.15 metres), it does not result in any undue amenity impacts on the adjoining property.</p> <p>Furthermore, the two-storey parapet wall adjoining No. 134 Chelmsford Road to the west is not considered to have an undue impact on the neighbouring property as it does not create excessive building bulk and scale nor does it alter direct sun to major openings of habitable rooms and outdoor living areas; overshadowing of the proposed development falls within the subject property.</p>

Consultation Submissions		
Item	Comments Received	Officer Comments
	<p>Neighbours must suffer in order to allow the over development of 3 narrow blocks rather than have 2 reasonable developments.</p> <p>Heritage area and this type of development should be resisted.</p> <p>Development in no way is consistent with streetscape that is trying to be preserved by way of Guidelines.</p> <p>There is an opportunity to build a home in keeping with the historic street and area.</p> <p>Minimum setback far too close to street.</p>	<p>Noted – The density required for the site, which is R40, is 2.95 grouped dwellings. The application proposes three (3) grouped dwellings. The density does not comply with the Town of Vincent’s Policy No. 3.4.6 relating to Residential Subdivisions.</p> <p>Not Supported – The new amended plans have sought to minimise any adverse impact on the adjacent heritage listed property at No. 130 Chelmsford Road, North Perth, in accordance with the Town’s Heritage Management – Development Guidelines for Heritage and Adjacent Properties Policy No. 3.6.1.</p> <p>Not Supported – Refer to ‘Comments’ section.</p> <p>Not Supported – Given the subdivision approved by the Western Australian Planning Commission, three (3) dwellings can be constructed. The dwellings proposed, in particular that for Unit 3, has been amended to ameliorate the visual impact on the adjacent heritage listed place at No. 130 Chelmsford Road. The proposed 9.57 metre ground floor setback for Unit 3 is consistent and equivalent to the front setback of the adjacent heritage listed place and the overall development is compliant with other aspects of the Town’s Heritage Management – Development Guidelines for Heritage and Adjacent Properties Policy No. 3.6.1 P1 A.1.1 policy.</p> <p>In addition, the applicants have modified the balcony of unit 3 to be further behind the balconies proposed for the other two (2) dwellings. The visual impact of the balcony is mitigated by the balcony being open in nature with a high ceiling to enable views through it.</p> <p>Not Supported – See ‘Comments’ section.</p>

Consultation Submissions		
Item	Comments Received	Officer Comments
	<p>Outdoor living should be at rear, not front.</p> <p>Overlooking from neighbouring properties through front balcony.</p> <p>Proximity to the boundary as there will be noise factors and overlooking.</p> <p>Not visually sympathetic with the Chelmsford Road streetscape, which has an almost-intact historical variety of grand 'character' homes and workers cottages.</p> <p>Natural ground levels much lower than top of existing retaining wall, 1.3 metres in height.</p>	<p>Not Supported - Under the 'Acceptable Development' criteria of the R-Codes for 'Outdoor Living Areas', the areas are only non-compliant in regards to not being behind the street setback area.</p> <p>However, as the outdoor living areas are capable of being used in conjunction with a habitable room (lounge room), as well as being open to winter sun through taking advantage of the northern aspect of the site, the proposed outdoor living areas comply with the Performance Criteria of the R-Codes.</p> <p>Supported - A condition has been proposed that prior to the issue of a Building Licence, revised plans shall be submitted showing screening being provided in compliance with the R-Codes or a letter of support is received from the directly affected neighbours at Nos. 130 & 134 Chelmsford Road.</p> <p>Not Supported - The Town's Health section is able to action complaints under the Environmental Protection (Noise) Regulations 1997. In respect of overlooking, this has been addressed as a condition.</p> <p>Not Supported – See 'Comments' section.</p> <p>Not Supported – The retaining wall variations have been deemed acceptable as garage/store on east and west elevations; have retaining walls to a maximum of 900 millimetres in height above natural ground level, in lieu of the required 500 millimetre maximum.</p>

Consultation Submissions		
Item	Comments Received	Officer Comments
	<p>Proposal requires Council to change bylaws and Heritage guide lines to enable the buildings to fit on these lots.</p>	<p>Not Supported – The subject contemporary development is consistent with the principles of good conservation practice as it provides an appropriate differentiation between the existing heritage listed Federation Queen Anne dwelling at No. 130 Chelmsford Road. The contemporary nature of the proposed development is simple in design and does not mimic the traditional detail of the adjacent heritage place and is considered acceptable.</p>
	<p>Impact on neighbouring environment, by dominating adjacent properties on their boundaries, creating shade and blocking sunlight to large areas of adjacent houses.</p>	<p>Not Supported – Clause 7.4.1 of the Residential Design Elements Policy states that any new development is to consider preserving the amenity of adjoining neighbours and the surrounding areas. Such impacts include overlooking, overshadowing, loss of views and building design in relation to the existing streetscape and rhythm. The proposal is considered by the Town’s Officers to be compliant with these requirements and, therefore, the proposal will not impact on the amenity of the adjoining landowners.</p>
	<p>Impact on the privacy of neighbours, by instating windows and balconies high on the second floor that would create plunging views into courtyards and other rooms.</p>	<p>Not Supported – The variation to the required Visual Privacy requirements of the Residential Design Codes is in regards to the front upper floor balconies of units 1 and 3 as they overlook the properties of Nos. 130 & 134 Chelmsford Road behind their street setback lines. This variation has been addressed with a condition being placed ensuring permanent vertical screening is provided in order to comply with the R-Code requirements.</p>
	<p>If Council continues to approve developments of this nature, in this area, where the majority of homes are in the Federation style, the historical nature of the area will be lost forever.</p>	<p>Not Supported – See ‘Comments’ section.</p>
	<p>Will be detrimental to the aesthetics of the area and have an adverse effect on value of surrounding properties.</p>	<p>Not Supported – See ‘Comments’ section.</p>

Consultation Submissions		
Item	Comments Received	Officer Comments
Advertising	Advertising for a period of 14 days was carried out as per the Town's Policy No. 4.1.5 – relating to Community Consultation for the initial application submitted. No additional advertising was required.	

Other Implications	
Legal/Policy	TPS 1, R-Codes and associated Policies.
Strategic	The Town's <i>Strategic Plan 2011-2021</i> - Objective 1 states: <i>"1. Natural and Built Environment</i> <i>1.1 Improve and maintain the natural and built environment and infrastructure.</i> <i>1.1.2 Enhance and maintain the character and heritage of the Town."</i>
Sustainability	Nil.
Financial/Budget	Nil.

COMMENTS:

Heritage

The subject place is located to the immediate west of No. 130 Chelmsford Road, North Perth, which is listed on the Town's Municipal Heritage Inventory with a Management Category B – Conservation recommended.

A Heritage Impact Statement was undertaken to assess the impact of the proposed development on the cultural heritage value of the adjoining heritage listed building. In the first instance, it is considered important to acknowledge that the approval of the narrow three lot subdivision in a north south orientation at Nos. 132, 132A & 132B Chelmsford Road, by the Western Australian Planning Commission against the Town's recommendation, has resulted in difficulties for both the applicant and the Town.

Specially, as the subdivision has resulted in a lot configuration that has no regard for the original and established Chelmsford Road streetscape pattern evident in and valued by the Town; making it difficult for the design of development that sits well within and complements the existing character of the Town's streetscapes. Given the above circumstances, the Heritage Impact Statement has concluded that the new development has sought to minimise the impact on the adjacent heritage listed property by virtue of side and ground floor front setbacks and its contemporary nature.

It is considered that the subject proposal has aimed to address the criteria stated in Town's Policy No. 3.6.1 relating to Heritage Management – Development Guidelines for Heritage and Adjacent Properties, and therefore, there is no objection to the development.

Streetscape and Character

The Residential Design Elements Policy under clause 6.4.1 states that residential development should complement the existing streetscape and should be designed to harmonise with the streetscape and adjoining properties. Dwellings along Chelmsford Road are inconsistent in architectural style and contain a mix of developments in regards to style and building materials.

The three (3) proposed dwellings allow for high levels of passive surveillance of the street due to the use of balconies within the front setback area facing Chelmsford Road, while achieving highly interactive front elevations. Chelmsford Road is not considered a recognised streetscape.

The major modifications made to the subject dwelling (unit 3) proposed to adjoin the heritage listed place at No. 130 Chelmsford Road, are as follows:

- Increased the ground floor front setback consistent and equivalent to the front setback of the adjacent heritage listed place;
- Reduced two-storey parapet wall to single storey for the laundry/retreat wall; and
- Increased upper floor setback to the balcony further behind the balconies proposed for units 1 and 2.

The result of these amendments is considered to significantly improve any unreasonable undue amenity issues to the Chelmsford Road streetscape. Notwithstanding, the size and nature of the lots at hand, the amendments attempt to complement the established pattern of residential dwellings in the streetscape.

Street Setbacks

The ground and upper floor street setbacks for the three (3) grouped dwellings are non-compliant with SADC. 5 (Street Setbacks). The applicant proposes ground floor setbacks to Chelmsford Road of 4.8 metres, 5.445 metres and 9.6 metres, in lieu of the average within the streetscape of 6.5 metres, in order to facilitate the effective use of the site. By amending the ground floor setback of Unit 3 from 6.14 metres to 9.6 metres, this has increased the average setback of the three (3) dwellings to 6.6 metres.

While in terms of the upper floor setbacks, each of the proposed dwellings incorporate upper floor balconies that do not comply with the requirement of being a minimum of 1 metre behind the ground floor. The applicant has proposed to mitigate the visual impact of the balconies, in particular to the heritage listed property, by ensuring the balcony is open in nature with steel balustrades and a high ceiling to enable views through it. Given this design approach and that the street setback area of the western boundary of the heritage list place is heavily landscaped, which results in an obscured view to the heritage listed place, it is considered that the setting of the adjoining property at No. 130 Chelmsford Road, along with the remainder of the dwellings in the streetscape, are not significantly compromised by the new development.

In addition, the proposed dwellings, given the size and nature of the lots, have been designed to preserve the amenity of adjoining neighbours and the surrounding areas, with the upper floor balconies providing a feature of the façade.

The application proposes variations to the acceptable development standards of the Residential Design Elements Policy; however, it is considered the proposal clearly satisfies the Performance Criteria for each of these variations and should therefore be supported. The development is not considered to compromise the streetscape but rather contribute to the range of styles and built form, as well as potentially set a precedent for new development, which may be similar in nature and size, given the Residential R40 zoning of the street. It is therefore recommended that the Council approve the subject application, subject to standard and appropriate conditions to address the above matters.

9.1.5 No. 10 (Lot 30; D/P 672) Mary Street, Highgate - Demolition of Existing Single House and Construction of Two (2), Two-Storey Grouped Dwellings - Amended Planning Approval

Ward:	South	Date:	12 May 2011
Precinct:	Hyde Park; P12	File Ref:	PRO4594; 5.2011.136.1
Attachments:	001 – Property Information Report and Development Plans		
Tabled Items	Applicant's Submission		
Reporting Officer:	D Mrdja, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by the owners A and T Comito for proposed Demolition of Existing Single House and Construction of Two (2), Two-Storey Grouped Dwellings - Amended Planning Approval, and as shown on plans stamp-dated 15 March 2011, subject to the following conditions:

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) an archival documented record of the place(s) including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Mary Street;*
- (iv) first obtaining the consent of the owners of Nos. 8 and 14 Mary Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 8 and 14 Mary Street in a good and clean condition;*
- (v) no street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorized pruning;*
- (vi) the owner/occupier of proposed unit 2 may apply for and obtain a maximum of one residential car parking permit and a maximum of one visitor car parking permit for the exclusive use of proposed unit 2;*
- (vii) the proposed spa does not form part of this approval and is subject to a separate Swimming Pool Licence being applied to and obtained from the Town;*
- (viii) the proposed pergolas with shade cloth do not form part of this approval; and*

(ix) ***PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:***

(a) **Construction Management Plan**

A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to and approved by the Town, in accordance with the requirements of the Town's Policy No. 3.5.23 relating to Construction Management Plans, and Construction Management Plan Guidelines and Construction Management Plan Application for approval Proforma;

(b) **Landscaping and Reticulation Plan**

A detailed landscape and irrigation plan for the development site and adjoining road verge shall be submitted to the Town's Parks and Property Services for assessment and approval.

For the purpose of this condition, a detailed landscape and irrigation plan shall be drawn to a scale of 1:100 and show the following:

- A. the location and type of existing and proposed trees and plants;*
- B. all vegetation including lawns;*
- C. areas to be irrigated or reticulated and such method;*
- D. proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and*
- E. separate soft and hard landscaping plants (indicating details of materials to be used).*

The Council encourages landscaping methods and species selection which do not rely on reticulation.

All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);

(c) **Privacy Screening**

The balcony to the family room of unit 1 on the north-eastern and north-western elevations and the balcony to the family room of unit 2 on the north-eastern and south-eastern elevations, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 8 and 14 Mary Street stating no objection to the respective proposed privacy encroachments;

(d) **Street Walls and Fences**

- (1) The proposed centre pier containing the mailboxes shall be reduced to a maximum width of 710 millimetres;*
- (2) The proposed solid portion of wall between unit 1 and unit 2, within the street setback area, shall be reduced to a maximum height of 1.2 metres, with a maximum of 50 percent visually permeable infill to a maximum height of 1.8 metres;*

- (3) *The proposed automatic sliding gates proposed for the development are required to open to the full width of the driveway and to comply with Australian Standard 2890.1; and*
- (4) *The proposed front fence for unit 1 shall be include a 1.5 metre by 1.5 metre visual truncation for vehicles; and*
- (e) **Garage to Unit 1**

The proposed internal width of the garage is to be increased to a minimum width of 3 metres.

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

ADVISORY NOTE:

No on-site car parking is available for unit 2 (the eastern most dwelling). A vehicular crossover from Mary Street cannot be approved due to the existence of a significant verge tree.

COUNCIL DECISION ITEM 9.1.5

Moved Cr Farrell, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Cr Burns departed the Chamber at 8.24pm.

Debate ensued.

Cr Burns returned to the Chamber at 8.25pm.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Topelberg, Seconded Cr McGrath

That the item be DEFERRED to the Ordinary Meeting of Council to be held on 14 June 2011.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

Landowner:	A & T Comito
Applicant:	A & T Comito
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	408 square metres
Access to Right of Way	Not Applicable

PURPOSE OF REPORT:

The proposal requires referral to Council as the previous application was approved by the Council under Section 31 of the State Administrative Tribunal Act.

BACKGROUND:

16 December 2008 The Council at its Ordinary Meeting refused an application for demolition of existing single house and construction of two (2) three-storey single houses for the following reasons:

- “(i) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) *the non-compliance with the Building Setbacks, Buildings on Boundary, Carports and Garages, Street Walls and Fences, Building Bulk, Building Height, Number of Storeys and Privacy Setback requirements of the Residential Design Codes, and the Town's Policy relating to Residential Design Elements, respectively; and*
- (iii) *consideration of the objections received.”*

28 January 2009 The applicant lodged a review application with the SAT in relation to the planning application, which was refused by the Council at its Ordinary Meeting held on 16 December 2008.

6 February 2009 Directions Hearing at the SAT.

6 March 2009 As a result of the Directions Hearing, the applicant lodged a new planning application for demolition of existing single house and construction of two (2) two-storey plus loft single houses.

11 August 2009 The Council at its Ordinary Meeting conditionally approved the proposed demolition of existing single house and construction of two (2) two-storey plus loft single houses under section 31 of the State Administrative Tribunal Act.

DETAILS:

The proposal involves the following amendments to the plans that were approved by the Council at its Ordinary Meeting held on 11 August 2009:

- A minor amendment to the roof pitch is proposed which results in the loft roof leaning away from the centre dividing wall rather than into the wall;
- An additional BBQ area adjoining the rear storeroom is proposed in addition to an open gazebo over the spa;
- The roof of the first floor is to be extended to cover the balcony;
- An ensuite is proposed within the guest bedroom of unit 2;
- An open style pergola is proposed within the front setback areas of both units 1 and 2. The roof frame is curved and this is proposed to be covered with shade cloth;
- The width of the garage to Unit 1 has reduced from 3 metres to 2.925 metres;
- Sky light windows have been incorporated into the roof for light and ventilation access to the second floor; and
- Changes to the style of the doors and windows on the Mary Street and rear elevations.

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Minor Incursions into the Street Setback Area:	A porch, verandah, chimney or the equivalent may not project more than 1 metre into the street setback area.	A pergola is proposed within the street setback area and is setback 0.5 metre from the street boundary.
<i>Officer Comments:</i>		
Not supported – The proposed pergola structure does not comply with the acceptable development and performance criteria of the Town’s Residential Design Elements Policy in that it is considered that the structure will detract from the character of the streetscape.		
Street Walls and Fences:	<ul style="list-style-type: none"> • Maximum height of solid portion of wall to be 1.2 metres above adjacent footpath level and a minimum of fifty percent visually permeable above 1.2 metres; and • Posts and piers are to have a maximum width 355 millimetres. 	<ul style="list-style-type: none"> • The pier containing the mail boxes has a width of 950 millimetres. • The wall between the two proposed dwellings is solid to a height of 1.8 metres.
<i>Officer Comments:</i>		
Not supported – The Town does not support solid fences in the street setback area.		

The above Officer Comments are provided pursuant to Clause 38(5) of Town Planning Scheme No. 1

Consultation Submissions		
Item	Comments Received	Officer Comments
Support	Nil	Noted.
Objection (1)	<ul style="list-style-type: none"> • The proposed development will block the main source of natural light to the neighbouring property. 	<ul style="list-style-type: none"> • Not Supported – The proposed development is compliant with the overshadowing requirements of the R Codes, and the height and setbacks have not been changed from the original planning approval.
Advertising	Advertising for a period of 14 days was carried out as per the Town’s Policy No. 4.1.5 – relating to Community Consultation.	

Other Implications	
Legal/Policy	TPS 1 and associated Policies.
Strategic	The Town’s <i>Strategic Plan 2011-2021</i> - Objective 1 states: <i>“1. Natural and Built Environment 1.1 Improve and maintain the natural and built environment and infrastructure 1.1.2 Enhance and maintain the character and heritage of the Town.”</i>
Sustainability	Nil.
Financial/Budget	Nil.
Risk Management	Nil.

COMMENTS:

The proposed amendments that are supported by the Town’s Officers are not considered to result in any further variations or impacts on the existing streetscape and neighbouring properties. The Town’s Officers are not prepared to recommend support for the proposed pergola with shade cloth structure as it is considered that the structure does not fit in with the existing character of the streetscape.

In light of the above, it is recommended that the Council approve the application, subject to standard and appropriate conditions listed in the Officer Recommendation.

9.1.2 Amendment No. 78 to Planning and Building Policies – Draft Amended Policy No. 3.5.13 Relating to Percent for Public Art

Ward:	Both Wards	Date:	12 May 2011
Precinct:	All Precincts	File Ref:	PLA0198
Attachments:	001 – Draft Amended Planning and Building Policy No. 3.5.13, relating to Percent for Public Art 002 – Draft Amended Percent for Public Art Guidelines		
Tabled Items:	Nil		
Reporting Officers:	A Gordon, Project Officer – Sustainability R Gunning, Arts Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

(i) ADVERTISES:

- (a) the Draft Amended Policy No. 3.5.13 relating to Percent for Public Art, as shown in Appendix 9.1.2(a); and*
- (b) the Draft Amended Percent for Public Art Guidelines, as shown in Appendix 9.1.2(b);*

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

(ii) after the expiry of the period for submissions:

- (a) REVIEWS the Draft Amended Policy No. 3.5.13 relating to Percent for Public Art, and the Draft Amended Guidelines, having regard to any written submissions; and*
- (b) DETERMINES whether or not to proceed with the Draft Amended Policy No. 3.5.13 relating to Percent for Public Art and the Draft Amended Guidelines, with or without further amendment.*

Moved Cr Topelberg, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT NO 1

Moved Cr Topelberg, Seconded Cr Lake

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

“(i) ADVERTISES:

- (a) the Draft Amended Policy No. 3.5.13 relating to Percent for Public Art, as shown in Appendix 9.1.2(a), subject to:*

(1) clause 1) of the Policy Statement be amended to delete the amount of \$1,500,000 and to retain the value of \$1,000,000; and”

Debate ensued.

AMENDMENT NO 1 PUT AND CARRIED (9-0)

Debate ensued.

Cr Buckels departed the Chamber at 8.31pm.

Debate ensued.

AMENDMENT NO 2

Moved Cr Maier, Seconded Cr McGrath

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

“(i)(b) the Draft Amended Percent for Public Art Guidelines, as shown in Appendix 9.1.2(b), subject to:

(1) Clause 2(ii)(b) (on page 2 of 14) being amended to read as follows:

*“(b) Option 2 –
prior to the approval and subsequent issue of a Building Licence for the development ~~or prior to the due date specified in the invoice issued by the Town for the payment (whichever occurs first),~~ pay the above cash-in-lieu contribution amount.’; and”*”

Debate ensued.

Cr Buckels returned to the Chamber at 8.34pm.

Debate ensued.

AMENDMENT NO 2 PUT AND CARRIED UNANIMOUSLY (9-0)

Debate ensued.

AMENDMENT NO 3

Moved Cr Maier, Seconded Cr Buckels

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

“(i)(b) the Draft Amended Percent for Public Art Guidelines, as shown in Appendix 9.1.2(b), subject to:

(2) The following paragraph on page 4 of 14 being deleted:

‘While the primary purpose of the Percent for Public Art Policy is to encourage long-lasting physical works, other ways of contributing to the arts in the Town of ~~Vineent~~ may be considered as applicable for approval. Non-physical Public Art ~~works~~ could include a program of music workshops or performances for the public, a performance of theatre, or a program of writing or publishing.’

Debate ensued.

AMENDMENT NO 3 PUT AND LOST (3-6)

For: Cr Buckels, Cr Farrell, Cr Maier

Against: Mayor Catania, Cr Burns, Cr Harvey, Cr Lake, Cr McGrath, Cr Topelberg

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (9-0)

COUNCIL DECISION ITEM 9.1.2

That the Council;

(i) **ADVERTISES:**

(a) *the Draft Amended Policy No. 3.5.13 relating to Percent for Public Art, as shown in Appendix 9.1.2(a), subject to:*

(1) *clause 1) of the Policy Statement be amended to delete the amount of \$1,500,000 and to retain the value of \$1,000,000; and*

(b) *the Draft Amended Percent for Public Art Guidelines, as shown in Appendix 9.1.2(b), subject to:*

(1) *Clause 2(ii)(b) (on page 2 of 14) being amended to read as follows:*

“(b) *Option 2 –
prior to the approval and subsequent issue of a Building
Licence for the development ~~or prior to the due date
specified in the invoice issued by the Town for the payment
(whichever occurs first),~~ pay the above cash-in-lieu
contribution amount.’; and”*

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

(ii) *after the expiry of the period for submissions:*

(a) **REVIEWS** *the Draft Amended Policy No. 3.5.13 relating to Percent for Public Art, and the Draft Amended Guidelines, having regard to any written submissions; and*

(b) **DETERMINES** *whether or not to proceed with the Draft Amended Policy No. 3.5.13 relating to Percent for Public Art and the Draft Amended Guidelines, with or without further amendment.*

PURPOSE OF REPORT:

To present to the Council, for endorsement to advertise, the draft amended Policy No. 3.5.13 relating to Percent for Public Art, and the accompanying Guidelines.

BACKGROUND:

The Town of Vincent was the first local government in Western Australia to adopt a Percent for Public Art Policy, in 1998. The stated purpose of the current Policy is *“to develop and promote community identity within the Town by requiring commissioned Public Art as part of public and private development projects within the Town.”*

The current Policy requires that proposals for commercial, non-residential, and mixed residential/commercial developments over the value of \$1,000,000 are required to set aside a minimum of one per cent (1%) of the development cost for public art works that reflect the place, locality and community.

Amendments were made to the Percent for Public Art Policy in June 2008, to introduce a requirement, at clause 4, that the owner of a development subject to the Policy must enter into a legal agreement with the Town prior to the Town issuing a Building Licence. Clause 4 of the Policy specifies that the legal agreement will include a provision that the developer, and subsequent owners of the development, must maintain the artwork at their cost. As the clause reads, this applies regardless of whether the artwork is located on private property or on public land.

The Town’s Officers sought legal advice for the purpose of preparing a template legal agreement, which the Town could use to enter into legal agreements with owners of developments to which the Policy applies.

In light of the legal advice received, the Town’s Officers consider that clause 4 of the Policy, requiring a developer to enter into a legal agreement with the Town, should be deleted. Further review of the Policy has led the Town’s Officers to propose additional changes to improve the clarity and application of the Policy. All of the proposed changes are indicated in strikethrough and underline in the draft amended Percent for Art Policy attached at Appendix 9.1.2(a), and the draft amended Guidelines at Appendix 9.1.2(b).

DETAILS:

The proposed changes to the Percent for Public Art Policy are detailed below.

Removal of the requirement to enter a legal agreement

It is proposed to delete clause 4 of the Policy, which requires that the owner of a development must enter into a legal agreement with the Town where they are installing public art. Instead, it is proposed to amend the Policy to clarify that where the art is situated on private property, it will be owned and maintained by the development owner, and where it is situated on public land, the Town will own and maintain it. The reasoning for this approach is explained below.

Clause 4 of the current Policy reads as follows:

“4) Legal Agreement

The owners of a development, where public art works are required, are to enter into a legal agreement with the Town of Vincent prior to the approval and issue of the associated Building Licence. Such agreement is to address the following:

- i) The developer (and any subsequent owners) of the subject development is required to fully maintain the art work in a safe and aesthetic condition, at their cost, to the total satisfaction of the Town of Vincent, for the life of the artwork and to comply with any reasonable request by the Town of Vincent.*
- ii) The owner of the art work is to temporarily remove the art work and to reinstate it (thereafter) should it be necessary to allow a public utility or service authority to carry out necessary/essential works.*

- iii) *The owner of the art work is to provide a notice sign or plaque stating the artist's name and title of the art work which is to be permanently and publicly displayed and identified with the art work. The location and form of the sign is to be agreed upon by both the artist and the Town of Vincent.*
- iv) a) *Failure to comply with the agreement by the developer/owner, the Town of Vincent, in its absolute discretion, after giving the owner of the artwork twenty-eight (28) days notice in writing of the Town of Vincent's intention to do so, and the owner failing to comply with the requirements of the notice, may carry out the requirements of the notice, including the removal the art work from the site:*
- *for the purposes of either relocating (permanently or temporarily), cleaning, repairing, storing, selling or otherwise disposing of the art work.*
- b) *The Town of Vincent may also take action as specified in clause 4)iv)a) in the event of:*
- *it becoming unsafe, damaged, "tagged" with graffiti or vandalised or irreparable;*
 - *to allow future works in the public place; or*
 - *where the artwork is not being maintained to the satisfaction of the Town of Vincent.*
- c) *The Town of Vincent to recover any costs associated with such works from the developer/owner.*
- v) *The Town of Vincent to be indemnified from any liability whatsoever in the event of any claim being lodged against the developer/owner or the Town of Vincent.*
- vi) *Any other relevant matters which may arise, as determined by the Town of Vincent's Chief Executive Officer (i.e. copyright, insurance)."*

This clause was inserted into the Policy in 2007, in response to the concern that artworks installed on public land would, over time, require maintenance and repairs as a result of age and damage or vandalism. At this time, there were three (3) artworks within the Town that developers had installed on public land pursuant to the Policy, with the Town's consent.

While it appears that it was intended that a legal agreement would only be required where the artwork was installed on public land, clause 4 of the Policy reads as though a legal agreement must be entered into in all circumstances where the Policy applies.

The Town's Officers sought advice from the Town's Lawyers, seeking to obtain a standard 'template' legal agreement for consistency. However, upon reviewing the template provided by the Lawyers, and considering the associated legal advice, a number of issues became evident that make it impractical to require a legal agreement (Deed):

- **Inconvenience and use of resources:** in order to be able to enforce a Deed easily, and to ensure that future owners of the development are made aware of the obligation to maintain the artwork, the Town would need to lodge a caveat on the Certificate of Title associated with the development. This would have the result that the owner of the development would not be able to enter into a lease, mortgage, or sell the property, without the Town first withdrawing the caveat. The Town would then have to re-lodge the caveat after the property transaction.

In addition, to be able to require any subsequent owners of the development to maintain the artwork, the Town would have to enter into a new Deed with the subsequent owner.

- **Expense:** a fee must be paid to Landgate to register a Deed. Fees would also be payable each time a caveat was lodged against a Certificate of Title, or withdrawn. While the initial fees could be covered in the budget for the artwork, it would be difficult to anticipate fees in the future, such as where the development is purchased by a new owner.
- **Deterrent to coordinating projects:** the added inconvenience associated with locating art work on public land may result in more owners/applicants choosing the easier cash-in-lieu option, which would result in a greater workload for the Town's Arts Officer to coordinate public art projects. As cash-in-lieu projects are located on public land, this would not reduce the Town's maintenance obligations.
- **Inconsistency:** where an owner/applicant chooses the cash-in-lieu option, and the Town undertakes the public art project (as it has done in several instances), the art is installed on public land. In this situation, the Town owns the art and is responsible for ensuring that it is properly maintained. There does not appear to be any reason why this should not be the case where the Town agrees to an owner/applicant situating art work on public land. Where the art work is situated on public land within the Town, any potential liability relating to the art work would be covered by the Town's public liability insurance.

Clause 4(2) has been added to the amended Policy to note that the Town encourages owners/applicants to situate the art on private property, although the Town may also consider proposals to install the art on public land next to the site.

The Policy requires the owner/applicant to consult with the Town's Community Development Officers in developing a public art proposal, and must obtain full approval from the Town before proceeding to install the art work. This provides a good screening process to ensure that owners/applicants do not install art work that is potentially unsafe or may deteriorate quickly. In addition, the Town's Officers would provide a report to the Council regarding any art work that was proposed to be installed on public land.

In addition, where the Town has responsibility for maintaining art work on public land, the decision as to deaccessioning the art work (that is, the decision to remove the art work at the end of its life) would rest with the Town, whereas if the owner/applicant has responsibility for maintaining the art work, it is unclear as to the period for which they are responsible for such maintenance, and under what circumstances they could choose to remove it.

Other changes to the Policy

In brief, the following additional changes are proposed in the draft amended Policy.

Reorganisation of the Policy

The Policy has been slightly re-arranged, for the purpose of clarity, and to more clearly define the two options available to owners/applicants – to provide a cash-in-lieu contribution to the Town, or to coordinate a public art project themselves. The proposed amendments clarify the provisions that apply regardless of which option is selected, and those that apply only when a particular option is selected.

Additional objectives

Additional objectives are proposed to be added to the Policy, in recognition that the Policy aim is broader than “to develop and promote community identity within the Town”.

Definitions

A short definitions section has been added, to clarify important terms used in the Policy.

Increase threshold from \$1 million to \$1.5 million

The Town's Officers consider that it is appropriate to increase the threshold value for the Policy, so that it will apply where a commercial, non-residential or mixed residential/commercial development over the value of \$1.5 million is proposed.

This increase reflects the increase in construction costs over recent years, as well as the increase in the cost of commissioning art. The experience of the Town's Arts Officer is that it is difficult to obtain quality and worthwhile public art for a cost of less than \$15,000.

It is noted that the East Perth Redevelopment Authority has a Percent for Public Art Policy which it applies for developments with a construction value in excess of \$1 million. The WA State Government also has a Percent for Public Art Policy that it applies where public building projects have an estimated construction cost greater than \$2 million.

Addition of clauses relating to ownership, copyright and moral rights legislation

A new Clause 5 is proposed to recognise and address the copyright and moral rights of artists in relation to their artwork, and to clarify that ownership of the art work will be determined by the location of the art – that is, the art will be owned by the entity that owns the land that it is situated on.

Amendments to the Guidelines

The Town's Officers have also reviewed the Percent for Public Art Guidelines, and have made some minor layout and wording changes for clarity, as well as changes flowing from the proposed amendments to the Policy. These changes are indicated in strikethrough and underline in Appendix 9.1.2(b).

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

The Town's *Strategic Plan 2011-2016* states:

"Natural and Built Environment

Objective 1.1: Improve and maintain the natural and built environment and infrastructure

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

Objective 3.1: Enhance and promote community development and wellbeing

3.1.1 Celebrate, acknowledge and promote the Town's cultural and social diversity."

SUSTAINABILITY IMPLICATIONS:

The draft amended Policy is primarily aimed at further developing social and economic aspects of sustainability within the Town. Objectives of the draft amended Policy include developing and promoting community identity within the Town, improving the quality of the Town's built environment, and increasing the social, cultural and economic value of the Town.

FINANCIAL/BUDGET IMPLICATIONS:

Advertising of the amended Percent for Public Art Policy will be funded from the "Town Planning Scheme Amendments and Policies" account, which is allocated \$58,200 in the current 2010/2011 Budget.

COMMENTS:

In light of the costs and complications associated with requiring developers to enter into a legal agreement with the Town, the Town's Officers consider that it is prudent to remove from the Policy the clause requiring an owner/applicant to enter a legal agreement with the Town. The Town's Officers consider that the additional proposed changes result in a clearer and more easily understood Percent for Public Art Policy.

9.1.7 No. 38 (Lot 45; D/P 2454) Fairfield Street, Mount Hawthorn - Proposed Change of Use from Residential to Medical Consulting Rooms (Doctors Surgery) and Associated Car Parking

Ward:	North	Date:	12 May 2011
Precinct:	Mount Hawthorn; P01	File Ref:	PRO3129; 5.2011.25.2
Attachments:	001 – Property Information Report and Development Application Plans		
Tabled Items:	Applicant's submission		
Reporting Officer:	D Mrdja, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by A Lombardo on behalf of the owner Linpark Holdings Pty Ltd, Rangewide Pty Ltd and V Ilarda for proposed Change of Use from Residential to Medical Consulting Rooms (Doctors Surgery) and Associated Car Parking, at No. 38 (Lot 45; D/P 2454) Fairfield Street, Mount Hawthorn, and as shown on plans stamp-dated 6 April 2011, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the Town's Policies relating to Parking and Access, Consulting Rooms and Non-Residential/Residential Interface, and the objectives of the Town's Town Planning Scheme No. 1 and Town of Vincent Economic Development Strategy;*
- (iii) the approval of the proposed development would create an undesirable precedent for other similar commercial use developments encroaching into established residential areas; and*
- (iv) consideration of the objections received.*

COUNCIL DECISION ITEM 9.1.7

Moved Cr Topelberg, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (6-3)

For: Cr Buckels, Cr Burns, Cr Lake, Cr McGrath, Cr Maier, Cr Topelberg

Against: Mayor Catania, Cr Farrell, Cr Harvey

Landowner:	V Ilarda & Rangewide Pty Ltd & Linpark Holdings Pty Ltd
Applicant:	A Lombardo
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Consulting Rooms
Use Classification:	"SA"
Lot Area:	582 square metres
Access to Right of Way	North side, 5 metres wide, sealed, Town owned East side, 5 metres wide, sealed, Town owned

PURPOSE OF REPORT:

The proposal requires referral to the Council as the application is for an ‘SA’ use and objections were received to the proposal.

BACKGROUND:

28 June 2005 The Council at its Ordinary Meeting refused an application for the change of use from single house to office and associated alterations for the following reasons:

- “1. The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;
2. Approval of the proposed development would create an undesirable precedent for other similar commercial use developments encroaching into established residential areas; and
3. Consideration of objections received in relation to the planning application for change of use from single house to office building proposed for the above site.”

DETAILS:

The proposal involves the change of use from single house to medical consulting rooms (doctor’s surgery). The applicant’s submission proposes two consultants (doctors) and two support staff. The proposed operating hours are Monday to Friday 9am to 5pm and Saturday 9am to 12pm.

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Consulting Rooms Policy:	Applications for Consulting Rooms in a Residential zone where the lot is within 200 metres of a Local Centre or District Zone is not favourable. A minimum of 80 per cent of the total building area is to be dedicated for residential use.	The subject lot is abutting a District Centre zone. One hundred (100) percent of the building is for consulting rooms.
<i>Officer Comments:</i>		
Not supported – refer to comments below.		
Bicycle Parking:	1 class 3 bicycle parking facility.	Nil
<i>Officer Comments:</i>		
Not supported – refer to comments below.		
Objective of Town Planning Scheme No. 1:	<i>‘To promote and safeguard the economic well-being and functions of the Town’.</i>	Non-residential use encroaching into a residential area.
<i>Officer Comments:</i>		
Not supported – refer to comments below.		
Town of Vincent Economic Development Strategy 2011-2016:	Minimise the sprawl of commercial developments outside designated activity centres to encourage precinct-based growth whilst protecting residential areas from ‘commercialisation’.	Commercial use in a residential zone.
<i>Officer Comments:</i>		
Not supported – refer to comments below.		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Non-Residential/ Residential Development Interface Policy:	Non-residential developments shall be restricted to District Centre, Commercial and Local Centre zones only.	Commercial use in a residential zone.
<i>Officer Comments:</i>		
Not supported – refer to comments below.		

The above Officer Comments are provided pursuant to Clause 38(5) of Town Planning Scheme No. 1

Consultation Submissions		
Item	Comments Received	Officer Comments
Support	Nil	Noted.
Objection (6)	<ul style="list-style-type: none"> • The proposal is non-compliant with the provisions of the Consulting Rooms Policy and commercial uses should not encroach into residential areas. • The car parking area does not comply with the Australian Standards. • There is not enough car parking on the property. • <i>“Commercial uses should not be moving into a residential area when there is ample land zoned commercial”.</i> • <i>“Commercial land uses within existing residential zoned land are not supported along Fairfield Street. If approved, will set a precedent for other residential properties along Fairfield Street.”</i> 	<ul style="list-style-type: none"> • Supported. • Supported – In the event of an approval, the applicant would be required to provide a minimum of 4 cars bays and comply with the Australian Standards 2890.1. • Not supported – There is a large open area at the rear of the property that can accommodate the required number of car bays. • Supported. • Supported.
Advertising	Advertising for a period of 21 days was carried out as per the Town’s Policy No. 4.1.5 – relating to Community Consultation.	

Car Parking	
Car parking requirement (nearest whole number) • Consulting Rooms – 3 spaces per Consulting Room/Consultant Number of Consulting Rooms/Consultants = 2 (requires 6 car bays)	= 6 car bays
Apply the adjustment factors. • 0.85 (within 400 metres of a bus stop) • 0.85 (within 400 metres of a public car parking place with in excess of 75 car parking spaces)	(0.7225) = 4.34 car bays
Minus the car parking provided on-site	6 car bays
Minus the most recently approved on-site car parking shortfall.	Nil
Resultant surplus	1.66 car bays

Bicycle Parking
Consulting Rooms (proposed 3 consultants) <ul style="list-style-type: none"> • 1 space per 8 consultants (class 1 or 2) = 0.25 spaces • 1 space per 4 consultants (class 3) = 0.50 spaces Total class one or two bicycle spaces = 0.25 spaces = Nil Total class three bicycle spaces = 0.50 spaces = 1 space

Other Implications	
Legal/Policy	TPS 1 and associated Policies.
Strategic	The Town's <i>Strategic Plan 2011-2021</i> - Objective 1 states: <i>"1. Natural and Built Environment</i> <i>1.1 Improve and maintain the natural and built environment and infrastructure</i> <i>1.1.2 Enhance and maintain the character and heritage of the Town."</i>
Sustainability	Nil.
Financial/Budget	Nil.
Risk Management	Nil.

COMMENTS:

The current use of the building is residential and is therefore a permitted use. Due to the nature of the proposed activities, the proposed consulting rooms use ("SA" use) is not considered to be a part of the general fabric of the residential area, regardless of the scale and intensity of its operations and that it abuts a District Centre zone. Approval of the proposed development would create an undesirable precedent for further encroachment of commercial uses into residential areas. The proposed consulting rooms use is not considered to serve the day-to-day needs of local residents and is considered more appropriate in areas which have been appropriately zoned and developed for such uses, namely the Town's commercial centres. Furthermore, the proposal is inconsistent with the objectives of the Town's Economic Development Strategy, which aims to condense commercial type activities within Local Centres, District Centres or Commercial zoned areas in order to capitalise upon co-locational benefits and increase the viability of the Town's commercial centres.

There is a right of way that runs along the northern and eastern boundaries of the subject property and in between the District Centre and Commercial zoned properties fronting Scarborough Beach Road. This right of way acts as an effective barrier and buffer between the commercial and residential uses. It is noted that other residential zoned properties have been granted approval for commercial uses; however, these properties are generally directly abutting a commercial use (no right of way in between) or is located on a major road, where a majority of the urban fabric is commercial. This particular property fits into neither of these descriptions.

Furthermore, the Town's Technical Services Officers have advised that the proposed on-site car parking is non-compliant with the Australian Standards and in the event of an approval, the applicant will be required to provide a car bay for persons with disabilities and other compliant car bays. It has been advised, that it appears, 6 compliant car bays (which includes one disabled car bay) will be able to be provided on-site. The plans also do not indicate a bin storage area, which will also be required in the event of a Planning Approval being granted.

For the abovementioned reasons, the proposal is therefore considered unacceptable and it is recommended that the Council refuse the application.

9.2.1 Investigation of a Trial for Vehicle Charge Station for Electric Vehicles

Ward:	Both	Date:	12 May 2011
Precinct:	All	File Ref:	TES0047
Attachments:	-		
Tabled Items:	-		
Reporting Officers:	C Chaudhry, Project Officer Environment R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *NOTES that the:*
- (a) *two (2) electric vehicle ‘charge station’ suppliers, who are capable of supplying the required infrastructure, have indicated they will provide a ‘charge station’ at no cost to enable a 12 month trial to be undertaken;*
 - (b) *two (2) suppliers have further indicated that the electricity used during a 12 month trial will be at ‘no charge’;*
 - (c) *only cost that will be attributed to the Town will be the installation cost/s estimated to be in the order of \$1,000 per ‘charge station’ and these costs could be sourced from the 2011/2012 Sustainable Environment Plan Implementation budget allocation;*
 - (d) *prospective users of the ‘charge stations’ may need to be issued with ‘RIDF’ cards (with an upper limit) however the logistic of this would need to be determined, in liaison with the chosen suppliers, should the proposal be adopted;*
- (ii) *APPROVES the installation of two (2) vehicle ‘charge stations’ (one from each of the two suppliers) for a 12 month trial period commencing in July/August 2011 at the following locations;*
- (a) *Barlee Street carpark; and*
 - (b) *Loftus Community Centre carpark;*
- (iii) *ADVISES the two (2) suppliers that approval of the 12 month ‘charge station’ trial, using their respective products does not place any obligation on the Town to purchase the ‘charge stations’ at the conclusion of the trial period;*
- (iv) *PREPARES a Communications Plan as previously requested by the Council at its Ordinary Meeting held on 8 February 2011; and*
- (v) *RECEIVES a further report in June 2011, following further discussions with the two suppliers, which will outline the following;*
- (a) *the draft ‘Communications Plan’;*
 - (b) *the proposed charge station locations within each respective carpark as outlined in clause (ii); and*
 - (c) *the proposed logistics of how users will be able to access/use the charge stations during the trial period.*

Moved Cr McGrath, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

AMENDMENT

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

“(ii)(b) The Avenue carpark or Frame Court carpark; ~~Loftus Community Centre carpark;~~”

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (9-0)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (9-0)

COUNCIL DECISION ITEM 9.2.1

That the Council;

(i) *NOTES that the:*

- (a) *two (2) electric vehicle ‘charge station’ suppliers, who are capable of supplying the required infrastructure, have indicated they will provide a ‘charge station’ at no cost to enable a 12 month trial to be undertaken;*
- (b) *two (2) suppliers have further indicated that the electricity used during a 12 month trial will be at ‘no charge’;*
- (c) *only cost that will be attributed to the Town will be the installation cost/s estimated to be in the order of \$1,000 per ‘charge station’ and these costs could be sourced from the 2011/2012 Sustainable Environment Plan Implementation budget allocation;*
- (d) *prospective users of the ‘charge stations’ may need to be issued with ‘RIDF’ cards (with an upper limit) however the logistic of this would need to be determined, in liaison with the chosen suppliers, should the proposal be adopted;*

(ii) *APPROVES the installation of two (2) vehicle ‘charge stations’ (one from each of the two suppliers) for a 12 month trial period commencing in July/August 2011 at the following locations;*

- (a) *Barlee Street carpark; and*
- (b) *The Avenue carpark or Frame Court carpark;*

- (iii) *ADVISES the two (2) suppliers that approval of the 12 month 'charge station' trial, using their respective products does not place any obligation on the Town to purchase the 'charge stations' at the conclusion of the trial period;*
- (iv) *PREPARES a Communications Plan as previously requested by the Council at its Ordinary Meeting held on 8 February 2011; and*
- (v) *RECEIVES a further report in June 2011, following further discussions with the two suppliers, which will outline the following;*
 - (a) *the draft 'Communications Plan';*
 - (b) *the proposed charge station locations within each respective carpark as outlined in clause (ii); and*
 - (c) *the proposed logistics of how users will be able to access/use the charge stations during the trial period.*

PURPOSE OF REPORT:

The purpose of this report is to provide information pertaining to the establishment of Trial Charge Station (Points) for Electric Vehicles within the Town.

BACKGROUND:

Ordinary Meeting of Council – 23 November 2010

At its Ordinary Meeting held on 23 November 2010 the Council considered a Notice of Motion prepared by Crs McGrath and Lake where the following decision was made:

"That the Council REQUESTS the Chief Executive Officer to investigate the opportunity to trial a "charge point" for the recharging of electric vehicles to be located in a publicly accessible location, with a report to be submitted to the Council by March 2011 to include;

- (a) *a preferred location/s (such as a Town of Vincent public car-park which is easily accessible, with space available for vehicles to park while charging, highly visible location for maximum exposure to raise public awareness of this initiative and be located within a Town Centre);*
- (b) *possible suppliers of "charge points";*
- (c) *indicative budget implications of conducting a trial;*
- (d) *a draft "Communications Plan" for promoting use and benefits to the environment in using electric vehicles (including scooters) over conventional (petrol/gas/diesel) powered vehicles; and*
- (e) *the "Communications Plan" to highlight that the Town would be trialling the installation of a "charge point" to assess and promote the uptake of use of electric vehicles (particularly scooters) for local travel, as a more environmentally sustainable transport option, compared with the use of conventional vehicles."*

Ordinary Meeting of Council – 8 February 2011

A further report on the matter (Item 9.2.4) was prepared for the Ordinary Meeting of Council held on 8 February 2011 where the following was announced:

“It is announced that Item 9.2.4 relating to the Investigation of a Trial for a Vehicle Charge Point for Electric Vehicles has been WITHDRAWN from tonight's Agenda at the request of the Chief Executive Officer - who has advised that new information has been received after the writing of the report, concerning costings for this service, including one from a company who was involved in the previous trial.

This new information significantly alters the findings of the report. In addition, due process will need to be followed to allow all other companies to also submit their costings on a fair and equitable basis, as required by the Local Government Act.

The item will be re-submitted when the new information has been evaluated.”

Note: A vehicle charge station can comprise one or a number of ‘charge points’.

DETAILS:

Possible Electrical Vehicle Charge Station Locations:

The following locations may be suitable for the establishment of one or more Electrical Vehicle Charge Station:

- Loftus Community Centre car park;
- Chelmsford/Raglan Road car parks;
- Barlee Street car park;
- Town of Vincent Administration Centre Carpark;
- Beatty Park Car Park;
- Richmond Street, Leederville Street Parking;
- The Avenue/Frame Court carpark; and
- Joel Terrace Car Park – Opposite Banks Pavilion.

The above locations have been based on the following criteria:

- Available power supply;
- Vehicle usage;
- Traffic;
- Parking availability;
- Public access; and
- Vandalism statistics.

Note: Other sites may be considered if they are able to meet some or all of the above criteria.

Suppliers:

It has been determined that there are ‘currently’ only two (2) suppliers who would be the most suitable to supply the Town with the required service.

Both suppliers have ‘now’ indicated that they are willing to provide a 12 month trial at ‘no cost’ to the Town including ‘no charge’ for electricity during the trial period.

The only cost to the Town would be the cost of installation estimated in the order of \$1,000.

During the trial period, prospective users would most probably need to be issued with a 'one off' RIDF card by the provider (*with an upper limit*).

At the conclusion of the trial, there is no obligation on the Town to keep the charge station however the cost of de-installing, would have to be borne by the Town. Also if the Council decided to retain the charge stations they would be required to purchase the infrastructure at an estimated cost of between \$4,000 and \$8,000 depending on the supplier chosen and the type of equipment retained i.e. with one or more actual 'charge points'.

In addition, should the charge stations become permanent the annual operating costs would only be in the order of \$300 per annum (excluding the cost of electricity). The cost of electricity would depend on usage and whether the Council would provide this at 'no charge', or this would be on a 'user charge' basis where prospective users applied for a RIDF card from the provider which would need to be further determined after the trial.

Some Possible Risks Involved:

There are some possible risks associated with the installation of the charge stations e.g. possible vandalism and anti social behaviour.

In addition the length of time to recharge a vehicle at the charge station would be lengthy compared with fuelling up a conventional vehicle. This may discourage their use as the charge stations are not rapid chargers as is currently used in other countries.

In addition, while remote, the energy provider has indicated that it cannot be held responsible for damage to a vehicle due to uncontrollable fluctuations in the power grids that could lead to an over charge.

Another issue could be the owner or operator getting entangled in the cord or public users of the carpark crossing its path. This could lead to injury to the person or another motor vehicle becoming entangled in the cable.

CONSULTING/ADVERTISING:

Should the matter be adopted by the Council a Communications Plan will be prepared.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: Risks are considered to be medium to low however if the proposal were to proceed it would be prudent for a risk assessment to be conducted of the proposed location/s etc to ensure public safety is maintained.

STRATEGIC IMPLICATIONS:

The Town's Strategic Community Plan 2011- 2016 states:

"Natural and Built Environment

Objective 1.1: Improve and maintain the natural and built environment and infrastructure.

1.1.5 Enhance and maintain the Town's infrastructure, assets and community facilities to provide a safe sustainable and functional environment."

SUSTAINABILITY IMPLICATIONS:

The reduction of electricity consumption through the Town's community use as per the actions under the sustainable environment plan.

FINANCIAL/BUDGET IMPLICATIONS:

Cost in the first year would be \$1,000 per station to cover cost of installation. This could be funded from the 2011/2012 Sustainable Environment Plan Implementation budget.

Total cost for the second year to purchase one or more stations, would be in the order of \$4,000 to \$8,000 depending on the supplier chosen and the number and type of charge stations.

COMMENTS:

The Electrical Vehicle Charge Station establishment initiative is a dynamic and proactive idea to help transition Western Australian drivers to more sustainable forms of transport.

During the trial, charging of electric vehicles will be at no cost to promote sustainable transport however should these become permanent as more electric vehicles come on stream it may not be prudent for the Town to provide free electricity in the longer term.

It is therefore recommended that the Council notes the information in the report and consider this matter in the context of the 2011/2012 draft budget deliberations.

The Acting Chief Executive Officer advised that Mayor Catania and Cr Burns had declared a financial interest in Item 9.3.1. They departed the Chamber at 9.24pm. They did not speak or vote on this matter.

Deputy Mayor, Cr Sally Lake assumed the Chair at 9.24pm.

9.3.1 Investment Report as at 30 April 2011

Ward:	Both	Date:	3 May 2011
Precinct:	All	File Ref:	FIN0033
Attachments:	001 – Investment Report		
Tabled Items:	Nil		
Reporting Officers:	B Tan, Manager Financial Services; B Wong, Accountant		
Responsible Officer:	M Rootsey, Director Corporate Services		

Disclosure of Financial Interest:

Mayor Nick Catania and Cr Anka Burns have disclosed a financial interest in this item.

OFFICER RECOMMENDATION:

That the Council NOTES the Investment Report for the month ended 30 April 2011 as detailed in Appendix 9.3.1.

COUNCIL DECISION ITEM 9.3.1

Moved Cr McGrath, Seconded Cr Harvey

That the recommendation be adopted.

MOTION PUT AND CARRIED UNANIMOUSLY (7-0)

(Mayor Catania and Cr Burns were absent from the Chamber and did not vote on this matter.)

Mayor Catania and Cr Burns returned to the Chamber at 9.25pm. Mayor Catania, assumed the Chair. The Acting Chief Executive Officer advised that the item was carried.

PURPOSE OF REPORT:

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

BACKGROUND:

Interest from investments is a significant source of funds for the Town, where surplus funds are deposited in the short term money market for various terms. Details are attached in Appendix 9.3.1.

Council's Investment Portfolio is spread across several Financial Institutions in accordance with Policy Number 1.2.4.

DETAILS:

Total Investments for the period ended 30 April 2011 were \$15,535,743 compared with \$17,635,510 at 31 March 2011. At 30 April 2010, \$14,234,304 was invested.

Investment comparison table:

	2009-2010	2010-2011
July	\$12,782,999	\$11,109,646
August	\$21,773,889	\$22,184,829
September	\$21,773,889	\$20,084,829
October	\$21,273,889	\$20,084,829
November	\$20,274,076	\$21,086,506
December	\$18,774,076	\$19,585,155
January	\$17,274,076	\$19,335,155
February	\$15,774,304	\$18,335,510
March	\$15,774,304	\$17,635,510
April	\$14,234,304	\$15,535,743

Total accrued interest earned on Investments as at 30 April 2011:

	Annual Budget	Budget Year to Date	Actual Year to Date	%
Municipal	\$454,000	\$421,360	\$512,041	112.78
Reserve	\$403,000	\$335,830	\$384,789	95.48

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Funds are invested in accordance with the Town's Investment Policy 1.2.4.

RISK MANAGEMENT IMPLICATIONS:

High: Section 6.14 of the Local Government Act 1995, section 1, states:

“(1) Subject to the regulations, money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested in accordance with Part III of the Trustees Act 1962.”

COMMENT:

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

Investment funds have been required to be drawn down during this month for the payment of suppliers and payroll. First instalment of the parking ticket machines is paid in April. The investment interest income received is over budget due to a few investments were invested for longer term at a better interest rates.

The report comprises of:

- Investment Report;
- Investment Fund Summary;
- Investment Earnings Performance;
- Percentage of Funds Invested; and
- Graphs.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

14. CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED (“BEHIND CLOSED DOORS”)

Nil.

15. CLOSURE

There being no further business, the Presiding Member, Mayor Nick Catania, declared the meeting closed at 9.25pm with the following persons present:

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Steed Farrell	North Ward
Cr Taryn Harvey	North Ward
Cr Sally Lake (<i>Deputy Mayor</i>)	South Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
Rob Boardman	A/Chief Executive Officer
Helen Smith	A/Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)
Lauren Peden	Journalist – “ <i>The Guardian Express</i> ”

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 24 May 2011.

Signed:Presiding Member
Mayor Nick Catania

Dated this day of 2011