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Nil.	171
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Minutes of the Ordinary Meeting of the Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 11 February 2003, commencing at 6.05pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania, JP declared the meeting open at 6.05pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Nil.

(b) Present:

Mayor Nick Catania, JP	Presiding Member (until 7.31pm)
Cr David Drewett, JP	Deputy Mayor - Mt Hawthorn Ward
Cr Simon Chester	Mt Hawthorn Ward
Cr Caroline Cohen	North Perth Ward
Cr Helen Doran-Wu	Mt Hawthorn Ward
Cr Basil Franchina	Mt Hawthorn Ward
Cr Kate Hall	North Perth Ward
Cr Ian Ker	North Perth Ward
Cr Marilyn Piper, JP	North Perth Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental & Development Services
Rick Lotznicher	Executive Manager, Technical Services
Mike Rootsey	Executive Manger Corporate Services
Debbie Winfield	Minutes Secretary
Mark Fletcher	Journalist – Voice News
Ryan Sturman	Journalist – Guardian Express

Approximately 55 Members of the Public

(c) Members on Leave of Absence:

Nil.

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

1. Mr Declan Hoare of 80 The Boulevard, Mount Hawthorn representing the Mount Hawthorn Precinct Group – Item 10.2.7. He congratulated the Town officers on the upgrade of Braithwaite Park, and asked the following questions:

Q1. Will the Council be consulting the community for their input before the upgrade, as the Mount Hawthorn Precinct would provide a submission?

Q2. Is this upgrade phase one of an upgrade of the park?

Responses

1. *Mayor Nick Catania responded yes.*
2. *Mr Rick Lotznicher responded that the budgeted funds were for the playground upgrade only.*
2. Melvyn Lintern of 24 Fairfield Street, Mount Hawthorn – representing signatories to two petitions to Council signed by residents of Fairfield Street, requesting resident only parking and an exit only one way vehicle restriction. He stated that over the past two years, residents had become concerned over the noisy and violent behaviour of patrons of the Paddington Alehouse, the frequent malicious damage to property and resident vehicles, and the litter of broken bottles. He also stated there was adequate parking for patrons at the Paddington Alehouse and the Mount Hawthorn Shopping Centre.
3. Lori Grech of 4 Camelia Street, North Perth – Item 10.1.13. Representing 26 signatories to a petition objecting to the demolition of 6 Camelia Street, North Perth. She stated that in their view, the streetscape and heritage uniqueness of Camelia Street should be preserved, and demolition would result in lower property values, fragmentation of the streetscape and set a precedent.
4. Colleen Noblet of 150 Claisebrook Road, Perth – Item 5.3 and 10.1.19. Representing 178 signatories to a petition opposing the proposed legislation of prostitution and inclusion of the clause in the Draft Prostitution Control Bill (2002) stating that all existing brothels could keep operating. She stated the residents also had concerns about current street walkers and kerb crawlers jeopardising the safety of residents, as both men and women residents had been propositioned and harassed on the street. Also thanked the Town of Vincent for conducting the recent Draft Prostitution Control Bill (2002) Forum.
5. Nick Geronimos of 16 Stuart Street, Northbridge representing New Northbridge Incorporated, regarding the Council's legal representation policy. He asked the following questions:
 - Q1. Is the Council in receipt of a claim from the Councils' insurer to pay any excess resulting from a court action between Cr Drewett and Mr Little, in which Cr Drewett agreed to accept judgement against him for a defamation action brought against him by Mr Little. Mr Little was awarded \$20,000 in damages and costs of approximately \$20,000?

- Q2. If yes, what was the amount and has the Council paid this amount?
- Q3. Did Cr Drewett or the insurer seek Council approval to act in this action as required in the Policy 4.1.2 Legal Representation?
- Q4. If yes, on what date was the decision discussed and minuted?
- Q5. If no, on what basis did the insurer accept the claim?
- Q6. Has this action resulted in an increase in the Council's insurance premiums, and how much was the increase?
- Q7. Under the Council policy the Council has the ability to claim repayment as stated in the Council's policy 4.1.2 (4) Repayment of Assistance, in sub clauses (iii) and (iv). As Cr Drewett has accepted liability will he be requested to repay the Council and/or the insurer?
- Q8. Is the Council aware of correspondence to the State Member for Perth and a directive from the Local Government Minister dated April 2002 which refers to Departmental Circular 32/2000, October 2000, which expressly excludes councillors from using council resources to defend private defamation actions? This is the same correspondence that Cr Drewett was displaying in this chamber during the Mayoral election debacle of last year.
- Q9. Is Council aware whether Cr Drewett informed the insurer that he was in possession of this correspondence?

A copy of the questions was passed to Mayor Catania.

Mayor Catania stated that these questions would be taken "on notice" and a reply will be sent by the Chief Executive Officer.

Cr Drewett departed the Chamber at 6.20pm.

6. Innes Sportelini (representing her parents) of 100 West Parade, Mount Lawley – Item 10.1.5. Stated that she was the neighbour on the southern side and that the justification for the roof height variation should be disregarded, and the roof height should comply to a maximum of 6 metres. This would reduce the slant, potential for solar reflection, visual impact, scale and bulk and overshadowing of the southern side. She also stated that the Town officer's calculation on the building height on the southern side may not have taken into account the infill of 0.3 metres. She requested Council to support her concerns and add a condition limiting building height to 6 metres.
7. Jeff Johnson of 153 Grosvenor Road, North Perth. Stated that he had resided at the address for 20 years, that the house was built at the turn of the century by Robert Gamble, and the purpose of the additions was to return the property as closely as possible to its original state. Requested Councillors to support the application.
8. Athena Eliades representing Oswald homes for client Mr and Mrs Vlachou – Item 10.1.4. Requested that Council reconsider clause (ii) as the block size was 20 metres by 18 metres, shallower than other blocks in the vicinity, and a 6 metre setback of the upper level bedroom from Highlands Road, would require the proposed house to be rotated on the site.

This would result in a closer proximity to the southern neighbour and therefore increase their overshadow. She also stated the eastern neighbour was one metre higher, and a full parapet wall on this side was under construction so privacy issues were addressed.

Also requested that Council consider the windows in the activity room upstairs to remain as clear windows, and not obscured as per clause (v).

Cr Drewett returned to the Chamber at 6.25pm.

9. Peter Nicholson of 9 Hobart Street, North Perth – Item 10.1.7. Stated that he had written to Council and he highlighted his objections that in his view, the development would adversely affect the streetscape and not maintain the character and style of the area, contrary to the aim of the R Codes which was to ensure the streetscape was maintained.
10. Steven Costa of 17 Broomhall Way, Noranda– Item 10.1.13, representing his mother. He stated that Council should have received his letter regarding this matter and that his parents had lived at 6 Camelia Street since 1963, and his mother now wished to build a house on the site suitable to her health and disability. In his view, as the house would be close to a replica of the original, the streetscape would not be adversely affected. He also stated that this would go to Appeal if necessary.
11. Jason Powerhouse of 42 Kirkshill Drive, Hocking, representing Perception – Item 10.1.6. He stated that he supported the Town’s Officer’s recommendation of approval, and that plans were originally approved on 8 October 2000, subject to four conditions, three of which had been met, and the forth relating to the setback of the southern boundary, with the recommendation to reduce the width of the building. He believes that this would not enhance the building.
12. John Paton of 54 Grosvenor Road, Mount Lawley – Item 10.1.14. He stated that he resided in the other strata lot of this 2 lot strata development, and that the vacant lot was becoming a rubbish tip. Also stated that the bulk and scale of the proposed development was excessive, and the height was a concern regarding privacy and overshadowing. Requested Councillors to refuse the application per the Town Officer’s recommendation as the development did not comply with the R Codes.
13. Lorraine Vicensoni of 73 Sydney Street, North Perth – Item 10.1.7. She requested Councillors to refuse the application as in her view the development does not comply to the Building and Planning policies or the Town Planning Scheme and will have a detrimental impact on the amenity of the area.
14. Artall Katavori of 50A Second Avenue Mount Lawley – Item 10.1.14. He stated he was the designer and that the block size of 13.1 metres by 16.72 metres would only allow a four metre deep development with minimal scope for innovation, if the minimum setbacks of 4 metres at the rear and 6 metres from the street were applied. Also stated that in 1993 a development with a front setback of 3 metres was accepted.

15. Frank Knezovic of 135 West Parade, Mount Lawley – Item 10.1.5. Stated that he had emailed all Councillors on whether approval by an Absolute Majority was required. Requested Councillors to assess the application on its merits and only approve if there is reasonable justification for non-compliance.

Stated that he would like the application refused unless there is an additional condition requiring that the maximum building height including the top pitch apex of the roof be limited to 6 metres.

16. Shirley Benton of Unit 34/46 Smith Street, Highgate, representing Forrest Precinct Group – Item 10.1.19. She commended the Town Officers on the recommendation and on the Draft Prostitution Control Bill (2000) Forum. She state that she was disappointed that there was no representation from residents amongst the speakers.

Mayor Catania advised that speakers were volunteers, and that the Town was unable to obtain a submission from ratepayers.

17. Cosi Schirripa of 66 Auckland Street, North Perth, representing the North Perth Precinct Group – Item 10.1.7. Stated that the development proposal does not comply with the Town's Planning and Building policies, the Eton Locality Policy Statement or the new R Codes

Cr Piper departed the Chamber at 6.44pm.

He also stated a letter had been sent from the Precinct group, and that he considered that the development will unreasonably adversely affect the amenity of the adjacent properties and existing streetscape, contrary to the Town Officer's report. He urged Councillors to refuse the application and to pursue the finalisation of Amendment No. 11, currently with the Western Australian Planning Commission.

Cr Piper returned to the Chamber at 6.46pm.

18. Phil Nolis of Unit 1/115 Smith Street, Highgate – Item 10.1.12. He stated that the Council should approve the application for reasons of privacy, traffic, soccer crowds, neighbouring tenants bins placed in front of this lot, provision of shade and visual appeal.
19. Maree Brown Petkovic of 15/20 East Street, Mount Lawley – Item 10.1.1. Stated she had originally sought approval for a visually permeable fence, however, did not proceed with this due to repeated vandalism, and subsequently built a solid fence of good quality material to provide a physical barrier and security. She also stated that in her view, the streetscape is not affected as Nova Lane streetscape consists of high fences and garage doors. She requested Councillors to support the application and to also allow a wall creeper in lieu of planter boxes as required in condition (i).

20. Dudley Maier of 51 Chatsworth Street, Highgate – Item 10.2.5. He stated that he considered the current size of the lots (at 1,250) too large and suggested reducing this to 800, and noted that the Town would need to commence preparations now, in order to have time to respond to the Office of Energy. He also referred to Council's in principal agreement to funding underground power jointly with EPRA in an area north of Newcastle Street, and that this may need to be considered in the proposal.
21. Clinton Matthews of 64 Coleman Crescent Melville, representing Matthews Architecture – Item 10.1.10 Stated the following views regarding the development application and the agenda report.
 - (1) Setbacks under the new R codes are three to four metres and not six metres.
 - (2) Putting the garage at the rear will not achieve the restoration of the property.
 - (3) 53 percent of garage doors being solid does not take into account the two lots in total.
 - (4) Sightlines regarding the height of wall and set back is not an issue on a secondary street setback within the R codes.
 - (5) The street amenity will be improved by the proposed garage, and not compromised as per the Town Officer's report.
 - (6) The two sites total 1,110 square metres.
 - (7) The client is considering reducing the bulk and scale of the proposal.
 - (8) The approval of the development will set a precedent to allow Town of Vincent to maintain its heritage.
22. Norton Flavel of 47 Malborough Street, East Perth and owner of 135 West Parade, Mount Lawley – Item 10.1.5. He stated that the roof type was unique and had not been addressed in the new R Codes, and that considerable concessions had been made in the development application to reduce visual impact. He provided the Council with an outline of the original plans that were approved when the property was purchased.
23. Mr Gavin Woodward from the Viking Property Group of Suite 3/192 Hampden Road, Nedlands – Item 10.1.7. He tabled a petition with 18 signatories, supporting the proposed development. He stated that the property was purchased as R30/40 and he was advised by Town Officers that retention of the house would result in a bonus of the R40 limit. He also stated that the Town Officers had assessed the proposal professionally and objectively and recommended approval, and that all of the units had been presold.
24. John Rolston of 3/7 Malcolm Street, Fremantle – Item 10.1.7. Stated that he was a purchaser of one of the presold houses of this proposed development, and in his view the style of the development fits inner suburban living.
25. Nigel Smith of 116 Murray Street, Perth, on behalf of N, M and B Flavel of 47 Malborough Street, East Perth – Item 10.1.5. Thanked Councillors for their time and attendance on site. Stated that the issues over the building height, setbacks, overlooking, roof glare and retaining walls had been resolved as reported in the Town officer's report.

Showed and tabled the elevations of the proposal and the elevations permitted under the R Codes, and the screening of the balcony and the pitch of the roof.

Requested Councillors support to approve the application as recommended. Also noted that he is a graduate architect, and not an architect as stated in the Town Officer's report.

Cr Hall departed the Chamber at 7.08pm.

26. Glen Ryan of 11 Knutsford Street North Perth – Item 10.1.7. Stated that the Town's Officer had recommended approval of the proposed development and requested Councillors to support the recommendation and approve the application.

27. Irene Barnett of 135 West Parade Mount Lawley – Item 10.1.5. Stated that in relation to the previous approval, the applicant should have proceeded then if interested, and that the roof should be considered to be non-compliant at 6.95 metres in height, as 6 metres is the height limit.

There being no further questions from the public, Public Question Time was closed at 7.12pm.

Cr Hall returned to the Chamber at 7.12pm.

Cr Doran-Wu departed the Chamber at 7.12pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Listed as IB03 in the Information Bulletin.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

5.1 Mr Richard Rzepczynski of 103 Chelmsford Road, Mount Lawley, with 9 signatories, regarding rubbish being dumped and a dust problem on the vacant block at 105 Chelmsford Road, Mount Lawley. It was recommended that this petition be referred to Executive Manager Environmental and Development Services for investigation and report.

Cr Doran-Wu returned to the Chamber at 7.13pm.

Cr Chester departed the Chamber at 7.13pm.

- 5.2 Miss L Di Vincenzo of 43A Anzac Road, Mount Hawthorn, with 75 signatories, regarding development at 193-195 Oxford Street, Leederville. It was recommended that this petition be referred to Executive Manager Environmental and Development Services for investigation and report.

Cr Chester returned to the Chamber at 7.14pm.

Cr Cohen departed the Chamber at 7.14pm.

- 5.3 Ms Colleen Noblet of 150 Claisebrook Road, Perth, with 178 signatories, opposing the proposed legislation of prostitution and inclusion of the clause in the Prostitution Control Bill (2002) stating that all existing brothels could keep operating. It was advised that this is listed as agenda Item 10.1.19 on tonight's Agenda.
- 5.4 Mr Melvyn Lintern of 24 Fairfield Street, Mount Hawthorn, with 35 signatories, requesting the top of Fairfield Street, between the private residences and commercial properties, be made into an exit-only (to Scarborough Beach Road) one-way vehicle restriction. It was recommended that this petition be referred to Executive Manager Technical Services and Executive Manager Environmental and Development Services for investigation and report.
- 5.5 Mr Melvyn Lintern of 24 Fairfield Street, Mount Hawthorn, with 36 signatories, requesting the current one hour parking restriction (between Scarborough Beach Road and Anzac Street) changed to resident only parking. It was recommended that this petition be referred to Executive Manager Technical Services and Executive Manager Environmental and Development Services for investigation and report.
- 5.6 Tracey Nguyen, care of Highgate Newsagency of 481 Beaufort Street, Highgate, with 77 signatories, objecting to the "residents only" parking zone established on the southern side of Mary Street, Highgate, and requesting the restriction be removed and replaced with similar time restrictions proposed for Chartsworth Road, Broome Street and other surrounding residential streets. It was recommended that this petition be referred to Executive Manager Technical Services for investigation and report.
- 5.7 Ms Lori Grech of 4 Camelia Street, North Perth, with 26 signatories, objecting to the demolition of 6 Camelia Street, North Perth. It was advised this is listed as agenda Item 10.1.13 on tonight's Agenda.
- 5.8 Mr Gavin Woodward of 3/192 Hampden Road, Nedlands, with 18 signatories, supporting the proposed development by the Viking Property Group of seven new dwellings (townhouses) and the retention of the existing house on the corner of Hobart Street and Sydney Street, North Perth, and urging Councillors to support the Town officers recommendation of approval. It was advised that this is listed as agenda Item 10.1.7 on tonight's Agenda.

Moved Cr Ker, Seconded Cr Piper

That the petitions be received and the reports be prepared as recommended.

CARRIED (8-0)

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

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Special Meeting of Council held on 16 December 2002.

Moved Cr Doran-Wu, Seconded Cr Franchina

That the Minutes of the Special Meeting of Council held on 16 December 2002 be confirmed as a true and correct record.

CARRIED (8-0)

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

Cr Cohen returned to the Chamber at 7.18pm.

6.2 Minutes of the Ordinary Meeting of Council held on 17 December 2002.

Moved Cr Franchina, Seconded Cr Piper

That the Minutes of the Ordinary Meeting of Council held on 17 December 2002 be confirmed as a true and correct record, subject to the following amendments.

- (i) *Item 10.1.26, on page 66 of the Minutes, in the recommendation, insert the words "hearings based", following the words "or other" and before the words "appeal process", as follows.
"That should the matter be taken to appeal to the Town Planning Appeal Tribunal or other hearings based appeal process, an Elected Member and a local resident be called as witnesses."*
- (ii) *Item 10.1.27, on page 122 of the Minutes, in the recommendation, insert the words "hearings based", following the words "or other" and before the words "appeal process", as follows.
"That should the matter be taken to appeal to the Town Planning Appeal Tribunal or other hearings based appeal process, an Elected Member and a local resident be called as witnesses."*
- (iii) *Under Council Decision, Item 10.1.24, on page 161 of the Minutes, insert the word "Cr" following the word "Seconded" and before the word "Drewett", as follows.
"Moved Cr Chester, Seconded Cr Drewett"*
- (vi) *Item 10.2.3, on page 208 of the Minutes, following the words "That the following new clause (iii) be added and the remaining clauses redesignated accordingly", add the words, "and that in the original clause (iii), redesignated as clause (iv) the word "recommendations" be deleted and replaced with the word "advice", as follows."
Also, insert the following after clause (iii)
"(iv) advertises the Local Traffic Management Advisory Groups advice for public comment for a period of twenty one (21) days, inviting written submissions;"
Also, under Council Decision 10.2.3, clause (iv) delete the word "recommendation" and replace with the word "advice".*

CARRIED (9-0)

6.3 Minutes of the Special Meeting of Council held on 28 January 2003.

Moved Cr Drewett, Seconded Cr Ker

That the Minutes of the Special Meeting of Council held on 28 January 2003 be confirmed as a true and correct record, subject to inserting the following words, under Item 7.2 page 7 of the minutes, after the words "CARRIED (9-0)" and before the words "debate ensued".

"The CEO requested permission to make a statement. This was granted and the CEO made a statement relating to the process of selection of a consultant from the tenders, for the Independent Organisation review."

CARRIED (9-0)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Summer Concerts in the Park

The Mayor announced that the Summer Concerts in the park had commenced on Sunday 19 January at Hyde Park, with the Latin Gypsy Experiment and this concert had been successful with very good attendance. The next concert will be held this weekend on Sunday 16 February at 4pm with the Magic Dream Band at Braithwaite Park, and the final Summer Concert for the year will be held on Sunday 16 March, with McCool, at the Banks Reserve. The Mayor urged people to attend these enjoyable and free community activities.

7.2 Leederville Oval Redevelopment

The Mayor announced that the Leederville Oval Redevelopment had commenced. The oval will house two teams, East Perth Football Club and Subiaco Football Club, and the first games of football should occur this year, with the finishing date for Stage 1 of the redevelopment scheduled for April 2003, and Stage 2 for October 2003.

7.3 Draft Prostitution Control Bill (2002) Forum

The Mayor announced that the Forum conducted by the Town of Vincent Officers and held on 29 January was well attended with approximately 100 people. There was a high level of participation from the attendants and the Town had received many compliments for conducting the forum, and from those that attended on the night. A very good outcome was community input obtained for the Town of Vincent Submission to be lodged shortly with the Minister for Police and Emergency Services.

8. DECLARATION OF INTERESTS

8.1 Mayor Catania declared a financial interest in Item 10.3.4 – Investment Report, and Item 10.3.5 - Investment Report. The extent of his interest being that he is the Chairman of the Board of Directors of the North Perth Bendigo Bank.

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

Nil.

10. REPORTS

Presiding Member, Mayor Nick Catania, requested the Chief Executive Officer to 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 10.2.7, 10.1.13, 10.1.19, 10.1.5, 10.1.10, 10.1.4, 10.1.7, 10.1.6, 10.1.14, 10.1.12, 10.1.1 and 10.2.5.

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

Items 10.1.16

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

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

Mayor Catania	Nil
Cr Drewett	10.4.2
Cr Cohen	10.1.2
Cr Franchina	Nil
Cr Piper	10.1.17
Cr Chester	Nil
Cr Hall	Nil
Cr Doran-Wu	Nil
Cr Ker	10.1.9 and 10.4.3

At 7.31pm, Mayor Catania requested the meeting adjourn, as he was feeling unwell.

Moved Cr Hall, Seconded Cr Chester

That the meeting be ADJOURNED for five minutes.

CARRIED (9-0)

At 7.38pm, the meeting resumed and Deputy Mayor Cr David Drewett assumed the Chair as Mayor Catania was unwell and had departed the meeting. The following were present:

Cr David Drewett, JP	Deputy Mayor - Mt Hawthorn Ward
Cr Simon Chester	Mt Hawthorn Ward
Cr Helen Doran-Wu	Mt Hawthorn Ward
Cr Ian Ker	North Perth Ward
Cr Marilyn Piper, JP	North Perth Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental & Development Services
Rick Lotznicher	Executive Manager, Technical Services
Mike Rootsey	Executive Manger Corporate Services
Debbie Winfield	Minutes Secretary
Mark Fletcher	Journalist – Voice News
Ryan Sturman	Journalist – Guardian Express

Approximately 55 Members of the Public

Crs Cohen and Franchina returned to the Chamber at 7.39pm.

Cr Hall returned to the Chamber at 7.40pm.

Presiding Member, Deputy Mayor David Drewett, requested the Chief Executive Officer to advise the Meeting of:

10.4 **Items which members/officers have declared a financial or proximity interest but which have not been subject to a public question/comment, require an absolute special majority or have been identified by elected members for discussion:**

Nil.

Items 10.3.4 and 10.3.5 declared by Mayor Nick Catania, were cancelled as Mayor Catania departed the meeting at 7.31pm and would not be present.

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

Items 10.1.3, 10.1.8, 10.1.11, 10.1.15, 10.1.18, 10.2.1, 10.2.2, 10.2.3, 10.2.4, 10.2.6, 10.3.1, 10.3.2, 10.3.3, 10.3.4, 10.3.5 and 10.4.1.

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

Nil.

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

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

Items 10.1.3, 10.1.8, 10.1.11, 10.1.15, 10.1.18, 10.2.1, 10.2.2, 10.2.3, 10.2.4, 10.2.6, 10.3.1, 10.3.2, 10.3.3, 10.3.4, 10.3.5 and 10.4.1.

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

Items 10.2.7, 10.1.13, 10.1.19, 10.1.5, 10.1.10, 10.1.4, 10.1.7, 10.1.6, 10.1.14, 10.1.12, 10.1.1 and 10.2.5.

(c) **Those requiring an Absolute Majority/Special Majority decision;**

Items 10.1.16

(d) **Those which were identified by Elected Members for discussion;**

Items 10.4.2, 10.1.2, 10.1.17, 10.1.9 and 10.4.3.

(e) **Items which members/officers have declared a financial or proximity interest but which have not been subject to a public question/comment, require an absolute special majority or have been identified by elected members for discussion;**

Nil.

- (f) **Confidential Reports which will be considered behind closed doors and the following was advised.**

Nil.

Moved Cr Ker, Seconded Cr Piper

That the following unopposed items be moved en bloc;

Items 10.1.3, 10.1.8, 10.1.11, 10.1.15, 10.1.18, 10.2.1, 10.2.2, 10.2.3, 10.2.4, 10.2.6, 10.3.1, 10.3.2, 10.3.3, 10.3.4, 10.3.5 and 10.4.1.

CARRIED (8-0)

(Mayor Nick Catania departed the meeting at 7.31pm and did not return).

10.1.3 No. 553 (Pt Lot 42) Fitzgerald Street, North Perth – Proposed Alterations and Two Storey Additions to Existing Single House

Ward:	Mount Hawthorn	Date:	5 February 2003
Precinct:	North Perth, P8	File Ref:	PRO2159 00/33/1459
Reporting Officer(s):	P Mastrodomenico		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner P A Smedley for proposed alterations and two storey additions to existing single house at No. 553 (Pt Lot 42) Fitzgerald Street, North Perth and as shown on the plans stamp dated 5 February 2003, subject to:

- (i) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (ii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Fitzgerald Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iii) a road and verge security deposit bond and/or bank guarantee of \$550.00 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (iv) a right of way security bond and/or bank guarantee for \$880.00 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (v) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (vi) detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*

- (vii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (viii) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (ix) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (x) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s); and*
- (xi) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.3

Moved Cr Ker, Seconded Cr Piper

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

LANDOWNER: P A Smedley
APPLICANT: P A Smedley
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No.1: Residential R30/40
EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Single House
Use Classification	"P"
Lot Area	521 square metres

Requirements	Required	Proposed
Building height of external wall	6.0 metres	6.5 metres
Building height to top of roof pitch	9.0 metres	9.390 metres

SITE HISTORY:

The proposed development was previously conditionally approved under delegated authority on 1 November 2002. The following condition was imposed;

"(iii) prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the total height of the external wall of this dwelling being a maximum height of 6 metres and to the top of the pitch of the roof being a maximum of 9 metres, above the natural ground level. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;"

CONSULTATION/ADVERTISING:

The current application was not advertised as a similar proposal was advertised within the past 12 months. There were no objections received during the previous advertising period.

DETAILS:

Approval is sought for proposed alterations and two storey additions to the existing single house.

COMMENTS:

The applicant has provided the following comments in relation to previous condition (iii):

"subject to the existing ground levels on site, it would be difficult to provide a maximum height of 9.0 metres. The natural ground level has a slope of 1.1 metres across the frontage of the site. In order to construct the alterations, by maintaining the existing design elements of the house, it will require to exceed the 9.0 metres height allowance... the overall height for the existing floor level to the top of the pitch is approx. 7.865m. The problem of maintaining the natural ground level, will require a retaining wall. The retaining wall overall height will be approx. 1.530m. The total overall wall height (including retaining wall) is 9.390 m. To provide a development in accordance to the design guidelines and retaining the existing house, will require to exceed the overall height by 0.390m approx."

The Building Code of Australia (BCA) requires a minimum ceiling height of 2.4 metres.

In light of the existing ground floor ceiling height of 3.343 metres, proposed first floor ceiling height of 2.45 metres, a reasonable roof pitch, slope of the site, the overheight portion being at the rear of the existing dwelling, and no objections received during the previous advertising period, the proposed building height (of external walls and to the top of roof pitch) is considered acceptable in this instance.

Accordingly, it is recommended that the proposal be approved, subject to standard and appropriate conditions.

10.1.8 Nos. 612 (Lot 91) Beaufort Street, Mount Lawley - Proposed Demolition of Existing Office and Construction of a Two-Storey Office and Associated Carparking

Ward:	North Perth	Date:	4 February 2003
Precinct:	Mount Lawley Centre, P11	File Ref:	PRO2199; 00/33/1401
Reporting Officer(s):	V Lee		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1, the Council APPROVES the application submitted by F Giaimo on behalf of the owners L and R Rodgers, for proposed demolition of existing office and construction of a two-storey office and associated car parking, at No. 612 (Lot 91) Beaufort Street, Mount Lawley, as shown on plans stamp-dated 25 November 2002, subject to:*
- (a) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
 - (b) *a road and verge security deposit bond and/or bank guarantee of \$1440 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the Town's assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
 - (c) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
 - (d) *compliance with all relevant Environmental Health, Engineering and Building requirements, including the provision of access for people with disabilities;*
 - (e) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (1) *the proposed awning complying with the Town's Policy relating to the Mount Lawley Centre Precinct, including the awning projecting to 0.5 metre of the road kerb and the depth of the fascia to be a maximum depth of 300 millimetres;*

- (2) *the provision of a bin storage area that is not visible from Beaufort Street capable of enclosing four 240 litre mobile bins;*
- (3) *the provision of one unisex disabled toilet on the ground floor;*
- (4) *the provision of end-of trip bicycle facilities, including a minimum of one unisex shower and change room facility and 2 storage lockers;*
- (5) *the provision of a minimum landscaped area of 10 per cent of the site and/or the installation of street furniture within the portion of the sidewalk contiguous with the subject allotment; and*
- (6) *the provision of one shade tree per every 4 car parking bays within the car parking area.*

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

- (f) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (g) *a detailed landscaping plan, including a schedule of plant species, shall be submitted and approved prior to the issue of a Building Licence, including the provision of one shade tree per 4 car parking bays within the car parking area. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (h) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (i) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (j) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (k) *prior to the first occupation of the development, two (2) bicycle parking rail(s) shall be provided, with at least one (1) of the rails at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facilities shall be submitted to and approved by the Town prior to the installation of such facilities;*
- (l) *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;*

- (m) *all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking". This shall include reducing the length of the island beds to 5.5 metres, increasing the entrance to 6 metres wide, and providing a disabled bay with a minimum width of 3.2 metres, disabled access and minimum headroom without warning device of 2.3 metres;*
- (n) *subject to first obtaining the consent of the owners of Lot 90 and Lot 92 Beaufort Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Lot 90 and Lot 92 Beaufort Street in a good and clean condition;*
- (o) *a visual truncation of 2 metres by 2 metres at the intersection of the driveway and the footpath shall be provided at the owner's cost;*
- (p) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (q) *ground floor doors and windows and adjacent floor areas fronting Beaufort Street shall maintain an active and interactive relationship to Beaufort Street; and*
- (r) *prior to the issue of a Building Licence, if required, the written approval of the Minister for Lands or the Western Australian Planning Commission, whichever is appropriate, for the encroachment of the structure(s) over the adjacent crown land, including roads, shall be obtained and submitted to and approved by the Town;*

to the satisfaction of the Chief Executive Officer; and

- (ii) *the Council advise the Western Australian Planning Commission that the Council strongly supports the application, subject to conditions as detailed in Clause (i) above, and requests the Western Australian Planning Commission to determine the application in accordance with the provisions of the Metropolitan Region Scheme.*

COUNCIL DECISION ITEM 10.1.8

Moved Cr Ker, Seconded Cr Piper

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

LANDOWNER:	L and R Rodgers
APPLICANT:	F Giaimo
ZONING:	Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 - District Centre
EXISTING LAND USE:	Real estate office

COMPLIANCE:

Requirements	Required	Proposed
Landscaping	10 per cent	Approximately 5 per cent when car parking modified to Technical Services requirements.
Awning over Beaufort Street	May project to within 0.5 metre of road kerb. Maximum depth of any fascia to a pedestrian awning to be 300 millimetres.	Awnings shown but not dimensioned.
Use Class	Office	
Use Classification	'P'	
Lot Area	474 square metres	

Car Parking:

Car parking requirement (nearest whole number)	9 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.80 (within 50 metres of one or more public carparks in excess of 50 spaces) ▪ 0.9 (within District Centre Zone) 	(0.612) 5.508 car bays
Minus the car parking provided on site.	7 car bays
Minus the most recently approved on site car parking shortfall.	N/A
Resultant surplus	1.50 car bays

Bicycle Parking Facilities:

Required	Provided
One class one or class two bicycle parking spaces per 200 square metres gross floor area for staff.	No bicycle parking shown on plans.

SITE HISTORY:

The subject site has a single storey house that has most recently been used as an real estate office.

DETAILS:

The proposal involves the demolition of the existing single storey office building on the lot.

The proposal involves the construction of a two-storey building with proposed office use on the ground floor and first floor. 7 car parking bays, including one disabled bay, are proposed at the rear of the building with access from a dedicated 3.02 metres wide sealed right of way (ROW) at the rear.

CONSULTATION/ADVERTISING:

No submissions were received during the consultation period.

The proposal was also referred to the Department for Planning and Infrastructure (DPI) for comment given that the lot abuts Beaufort Street, which is an Other Regional Road (ORR). The DPI advised that the proposal encroaches over a 1.4 metres wide section of the ORR Reserve. The DPI supports the proposal, subject to the proposed development being located entirely on land that is not reserved for Other Regional Road.

COMMENTS:

Other Regional Road

The proposal generally complies with the intent of the Town's Policy relating to the Mount Lawley Centre in terms of appropriate use, height, bulk and scale, and interaction with Beaufort Street.

The DPI comments are noted. However, the Town's Policy relating to the Mount Lawley Centre Precinct states:

"Any new buildings are to be of a scale consistent with existing buildings. The existing traditional ribbon form of development along Beaufort Street and Walcott Street is to be maintained and enhanced.

In particular, buildings along these streets are to have nil street setbacks, interactive fronts that are continuous and complementary to the design and small scale of existing traditional interactive fronts, frequent entrances, and weather protection over footpaths."

The intersection of Beaufort Street and Walcott Street retains an intact streetscape of traditional ribbon form of development with generally nil setbacks to both streets. This has created a strong sense of urban character with historical buildings including the Alexander Building, which is listed on the Town's Municipal Heritage Inventory and is classified by the National Heritage Trust, dominating this intersection. It is most unlikely that the Town would support demolition of these buildings to facilitate road widening at this intersection.

The adjoining buildings on the eastern side of Beaufort Street have a nil setback to Beaufort Street. Setting back the subject building 1.4 metres in isolation would be considered to result in an undesirable and adhoc streetscape.

This Policy has been adopted pursuant to the provisions of the Town of Vincent Town Planning Scheme No. 1. The Policy has been consistently applied since its promulgation on 27 March 2001.

The Town's Technical Services have advised that there is currently no plans to widen this section of Beaufort Street, primarily due to cost involved, including the provision of underground power. In addition, this section of Beaufort Street has recently been upgraded / resurfaced and further works are not anticipated to be required in the near future.

Demolition

A detailed heritage assessment of the place is contained in Appendix 10.1.8.

The place is a rendered brick and iron dwelling that was constructed c.1895 on Lot 91 of Perth Suburban Lot 145. The place was constructed at a time when residential accommodation expanded north of the original townsite of Perth, as a direct result of the population explosion that accompanied the Western Australian Gold Boom. The place itself plays only a minor role in demonstrating this phase of the Town's development and consequently, it is considered to have little value in this respect. Additionally, the place has been subject to a number of alterations, which have reduced the extent to which the place can provide an accurate historical record of late nineteenth century housing. Original ceilings have been removed and replaced, as have some windows, glazing, doors, skirtings and architraves. Of the four original fireplaces, only one has been retained in an altered state.

The place is not considered to meet the threshold for entry in the Town's Municipal Heritage Inventory. Moreover, applications for the demolition of existing buildings, like all other development applications, have to be considered in the wider planning context, taking into account all aspects of the amenity of an area. In this particular instance, it is not considered that the demolition of the place will have an unreasonable impact on the amenity of the Beaufort Street commercial precinct. In light of this, it is recommended that the proposal to demolish the existing building be approved, subject to standard conditions.

Parking and Access

When the adjustment factors are taken into account, there is a surplus of parking provided on site. Accordingly, the proposed parking provision is supported.

In accordance with the Town's Policy relating to Parking and Access, there is a requirement for the provision of bicycle parking and end-of-trip facilities such as a male and female shower and lockers. In this instance, the policy requires that (2) secure bicycle parking facilities are provided for staff.

The applicant requests a variation to the bicycle parking end of trip facilities requirements due to the relatively small size of the block and the development. In this instance, it may be considered acceptable that one unisex shower be provided in the disabled toilet rather than one male and one female. It is acknowledged that the site is relatively small and secure bicycle facilities for staff may take up a large proportion of car parking area. In this instance, it may be considered more appropriate for two (2) class 3 (low security) bicycle parking facilities to be provided.

Awnings

The proposed awnings over the Beaufort Street footpath does not strictly comply with the Town's Policy relating to the Mount Lawley Centre. It is recommended that approval be subject to revised plans being received and approved prior to the issue of a Building Licence showing the awning ending at least 0.5 metre before the road kerb, and the maximum depth of the fascia being 300 millimetres.

Landscaping

In accordance with the requirements of the Town's Policy relating to the Mount Lawley Centre, it is recommended that revised plans be submitted and approved demonstrating a minimum of 10 per cent of the lot being landscaped, or alternatively public art or street furniture being incorporated into the sidewalk contiguous with the subject allotment, at the discretion of the Town.

Currently, there is some landscaping proposed at the rear of the building around the car parking area. In accordance with the Town's Policy relating to Parking and Access, one shade tree is to be provided per four car bays. The applicant has advised that they will consider incorporating public art into the building to add visual interest to the streetscape.

Provision of Rubbish Bins

The plans submitted show a bin storage area at the rear of the building. The Town's Technical Services have advised that it is appropriate for 4 bins to be stored on site therefore the size of this area needs to increase.

Conclusion

Accordingly, it is recommended that the application be approved in accordance with the Town's Town Planning Scheme No. 1, subject to standard and appropriate conditions to address the above matters.

The Council should also advise the Western Australian Planning Commission (WAPC) that it strongly supports the application subject to conditions, and request the WAPC to determine the application in accordance with the Metropolitan Region Scheme.

10.1.11 No. 113 (Lot 207) Matlock Street, Corner Killarney Street, Mount Hawthorn - Proposed Two-Storey Single House and Carport and Store Additions to Existing Dwelling

Ward:	Mount Hawthorn	Date:	20 January 2003
Precinct:	Mount Hawthorn, P1	File Ref:	PRO 2049; 00/33/1367
Reporting Officer(s):	P Mastrodomenico		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme and having regard to the matters it is required to consider generally, and in particular:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) the non-compliance with the front setback and privacy requirements of the Residential Design Codes (R-Codes) and the Town's Policy relating to the 'Bondi' Locality;*

the Council REFUSES the application submitted by J-Corp Pty Ltd T/A Perceptions on behalf of the owner, E Ferrau, for the proposed two-storey single house and carport and store additions to existing dwelling at No. 113 (Lot 207) Matlock Street, corner Killarney Street, Mount Hawthorn as shown on the plans stamp dated 19 November 2002.

COUNCIL DECISION ITEM 10.1.11

Moved Cr Ker, Seconded Cr Piper

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

LANDOWNER: E Ferrau
APPLICANT: J-Corp Pty Ltd T/A Perceptions
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No.1 - Residential R 30
EXISTING LAND USE: Single House

COMPLIANCE:

Requirements	Required	Proposed
Density	Two green title lots (average lot size 300 square metres and minimum lot size 270 square metres).	2 green title lots, with one lot 257 square metres and the existing house on a 380 square metres lot.
Street Setback- -Killarney Street	4.0 metres to ground floor, and 6.0 metres to upper floor.	2.86 metres to ground floor and 2.86 - 4.76 metres to upper floor.

-Matlock Street (carport)	6.0 metres	3.9 metres
Side Setbacks - Eastern Side (ground)	1.5 metres	1.2 metres
Eastern Side (First Floor)	2.3 metres	1.2 metres
Northern Side (ground)	1.5 metres	1.0 metre
Northern Side (First Floor)	2.3 metres	1.0 metre
Car Parking	2 car parking bays per lot	No details of proposed carpark for existing dwelling shown.
Privacy East -Bedroom2 North -Bedroom 2	Bedroom windows within 4.5 metres of a property boundary more than 0.5 metre above natural ground level to be screened.	No screening shown

Use Class	Single House
Use Classification	'P'
Lot Area	637 square metres

SITE HISTORY:

The subject dwelling is not included on the Municipal Heritage Inventory or the Interim Heritage Data Base. The existing house is not considered to have characteristics worthy of granting a density bonus under Clause 20 of the Town's Town Planning Scheme No. 1.

The Council at its Ordinary Meeting held on 9 July 2002 resolved to refuse the application for a two storey single house to existing dwelling.

DETAILS:

The subject lot has adequate area to potentially be subdivided into two freehold/green title lots. Due to the location of the existing house, the proposed freehold lot at the rear of the existing house does not meet the minimum lot size required by the Residential Design Codes.

In support of the proposal, the applicant has provided the following statement:

"Clause 3.1.3 of the Residential Design Codes permits the proposed lot size of 257.36 metres squared as this is within 5 percent of the permitted lot size of 270 metres squared (257.36 metres squared) and two street frontages for the proposed grouped dwelling exist."

CONSULTATION/ADVERTISING:

No comments were received during the consultation period.

COMMENTS:

Density

The proposal generally complies with Clause 3.1.3 (Variation to Minimum Site Area Required) of the Residential Design Codes, which states;

"The Commission may approve the creation of a lot of a lesser area and the Commission or a Council may approve a minimum site area of a Grouped Dwelling on a site area less than that specified on Table 1 provided that the proposed variation would meet the following criteria:

- *facilitate the development of lots with separate and sufficient frontage to more than one public street."*

Side Setbacks

The eastern and northern side setbacks are considered acceptable, as no objections were received from neighbouring properties and will not unduly adversely affect the amenity of the neighbouring properties, provided the bedroom 2 windows are appropriately screened.

Car Parking

It is recommended that revised plans be received and approved showing the details/elevations of the car parking area should the application be approved.

Privacy

To protect neighbours privacy, it is recommended that the windows to bedroom 2 on the northern and eastern elevations be screened in accordance with the privacy requirements of the Residential Design Codes (R Codes), should the application be approved.

Street Setback

The Residential Design Codes (R-Codes) require a street setback of 4.0 metres in an area coded R30. The Bondi Locality Policy requires a setback of 6.0 metres to the upper floor. The street setback does not comply with requirements of the Residential Design Codes and the Town Policy relating to the Bondi Locality, as it is proposes a 2.86 metres setback to both the ground floor and upper floors.

The Killarney Street streetscape comprises predominately single storey dwellings with average street setbacks of 6.0 metres. The reduced front setback is not considered supportable, as it would set a precedent for further similar developments and is considered out of character with the traditional setbacks of the existing streetscape.

Accordingly it is recommended that the proposal be refused.

10.1.15 Nos. 110, 112, 116 & 118 (Lots 3B, 2B, 1B and 54) Richmond Street, Dual Frontage with Raglen Alley, Leederville - Proposed Survey Strata Subdivisions, Department for Planning and Infrastructure Ref Nos. 1003-02, 1020-02 and 1347-02- Reconsideration of Condition Relating to Plate Height Development

Ward:	North Perth	Date:	5 February 2003
Precinct:	Leederville, P3	File Ref:	1003-02, 1020-02 & 1347-02
Reporting Officer(s):	Y Scheidegger		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

the Council advises the applicant that the condition relating to plate height development is considered reasonable and is still required to be complied with in relation to the Western Australian Planning Commission's conditional approval for the survey strata subdivision of Nos. 110, 112, 116 and 118 (Lots 3B, 2B, 1B and 54) Richmond Street, dual Frontage with Raglen Alley, Leederville - Western Australian Planning Commission Ref. Nos. 1003-02, 1020-02 and 1347-02.

COUNCIL DECISION ITEM 10.1.15

Moved Cr Ker, Seconded Cr Piper

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

BACKGROUND:

Amendment No. 3 relating to Subdivisions Requiring Plate Height Development was initiated by Council at its Special Meeting held on 12 December 2001.

The Council at its Ordinary Meeting held on 26 February 2002 considered the amended new Policy relating to Subdivisions Requiring Plate Height Development, and resolved to defer consideration of this matter mainly to further clarify issues relating to boundary parapet walls and lots with shallow depths and/or long frontages.

The Council at its Ordinary Meeting held on 12 March 2002 resolved the following:

"That the Council APPROVES BY AN ABSOLUTE MAJORITY to:

- (i) receive the draft amended new Policy relating to Subdivisions Requiring Plate Height Development, as shown in Appendix 10.4.3;*
- (ii) adopt the draft amended new Policy relating to Subdivisions Requiring Plate Height Development to be applied immediately;*

- (iii) *advertise the draft amended new Policy relating to Subdivisions Requiring Plate Height Development for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
 - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iv) *after the expiry of the period for submissions:*
 - (a) *review the draft amended new Policy relating to Subdivisions Requiring Plate Height Development, having regard to any written submissions; and*
 - (b) *determine the draft amended new Policy relating to Subdivisions Requiring Plate Height Development, with or without amendment to, or not to proceed with the Policies.*

That Appendix 10.4.3 to the Agenda Report be amended to generally delete the word "and/" from the words "and/or" wherever it appears."

The Council at its Ordinary Meeting held on 11 June 2002 resolved to finally adopt the draft amended new Policy relating to Subdivisions Requiring Plate Height Development.

DETAILS:

The Western Australian Planning Commission (WAPC) conditional approvals for the subject three (3) survey strata subdivisions, states as follows:

" prior to the clearance of the diagram of survey for the proposed lots which have an area less than 200 square metres, and/or have a frontage of less than 6 metres, the following criteria shall be met to the satisfaction of the Western Australian Planning Commission;

- a) *the Town of Vincent has approved a Planning Approval and/or Building Licence for the development of dwelling(s) on the lots; and*
- b) *the perimeter walls of the approved dwelling(s), including the garage walls and carport walls/pillars, are constructed to plate height;"*

This condition was requested by the Town in light of the Policy relating to Subdivisions Requiring Plate Height Development.

In correspondence dated 20 and 22 January 2003, "Plan It Town Planning and Development" requested the Council to re-consider the above condition on the subject three (3) survey strata subdivision applications.

The applicant's justification is summarised as follows:

"The above vacant strata lot subdivision was recently approved by the WAPC subject to Council's Plate Height Policy No. 3.5.14. The applicant has concerns with the Policy, as it will prevent his bank having security on titles as part of financing the construction of the development.

The Owner understands Council's concerns and reasons behind the Policy and has suggested an option that will allow the subdivision to be cleared while ensuring Council's objectives are protected. This would involve a legal agreement using the strata management by-laws with a caveat on the title of the land. This is a similar arrangement to an agreement formed for Lot 23 Fairfield Street by the same applicant and was also used with the City of Melville to satisfy a similar condition."

The WAPC's Planning Bulletin No. 50 relating to the Residential Design Codes (R-Codes) and subdivision issues states:

"A particular concern arises when lots are small and planning issues arise in arranging the siting and access to development on small, narrow lots...in approving subdivision of such lots on small, narrow or unusually shaped lots, the Commission has been concerned that future development may create problems for adjacent owners and occupiers where the development has not been planned comprehensively.

It is considered that because of the frequent complexity of designing development on small lots of less than 350sqm, development approval be required for all such development. This will address many of the concerns regarding small lot development under the Codes.

However, there are additional issues related to, although not directly part of, the Codes concerning subdivision policy and practice which require separate amendments to the Commission's policies to ensure that proposals for a number of small lots are designed to accommodate access and parking requirements. In addition, in certain cases it would still be appropriate to withhold titles until development has substantially commenced.

*The Commission proposes to replace the provisions of its policy relating to Attached Housing with a requirement that proposals to subdivide land to create two or more lots of less than 350sqm should be submitted with information regarding the arrangement of proposed buildings, fences, driveways and other development on the land to enable the relationship between the subdivision and the development to be assessed. **The Commission may require that the building be constructed to plate height prior to granting final approval.**"*

Further comments from the WAPC have supported the continued application of this standard condition to such subdivision approvals (including the subject subdivisions) that are affected by the subject Policy.

The Town has consistently applied the subject Policy and associated condition, where applicable, since the Council resolution of 12 March 2002.

Since 12 March 2002, the Town's records indicate that no other subdividers have formally requested variation to this Policy and condition, and several subdivisions have complied with such conditions and proceeded accordingly.

It is considered compliance with the condition is a more effective mechanism in achieving the intent of the Policy, rather than entering into expensive and protracted legal agreements regarding plate height development.

COMMENTS:

In light of the above and orderly and proper planning, it is recommended that the Council advises the applicant that the condition relating to plate height development is considered reasonable and is still required to be complied with in relation to the subject three (3) survey strata subdivisions.

10.1.18 Report on Draft Emergency Services Legislation in Western Australia

Ward:	Both	Date:	14 January 2003
Precinct:	All	File Ref:	ORG0036
Reporting Officer(s):	J MacLean		
Checked/Endorsed by:	R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) receives the information report on the proposed Emergency Services Legislation in Western Australia;*
- (ii) writes to the Minister for Police and Emergency Services, indicating the Town's support for the proposed legislation, on the understanding that the State Government will accept an on-going responsibility to provide adequate funding to the Town, to undertake the emergency management functions for which it will have a legislated responsibility; and*
- (ii) lists for consideration \$2,000 for emergency management in the Draft 2003/2004 Budget.*

COUNCIL DECISION ITEM 10.1.18

Moved Cr Ker, Seconded Cr Piper

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

BACKGROUND:

Because emergency response agencies, such as the Police and FESA, are primarily State Government bodies, it is generally accepted that Emergency Management and Emergency Risk Management is a State Government responsibility, with support from the Federal Government. Currently, Emergency Management Policies are formalised under a 1985 Cabinet Minute and documented in the State Emergency Management Committee (SEMC) Policy Statement No 7, "Western Australian Emergency Management Arrangements", which was last revised in November 2001.

The Community Development and Justice Standing Committee was asked to inquire into the need or otherwise of Emergency Services Legislation in Western Australia, in terms of the following:

- The means by which legislation puts in place effective measures to respond to emergencies and disasters;
- The effectiveness or otherwise of command structures in emergency services;
- The effectiveness or otherwise of the information flow in times of emergency;
- The effectiveness or otherwise of the system of reporting of emergency management; and
- The effectiveness or otherwise of the existing Western Australian legislation.

Stakeholders, including Local Government, have been asked to consider the report and Draft legislation and, if appropriate, to make comments and recommendations to the Minister for Police and Emergency Services, before March 2003. The report titled "Emergency Services Legislation in Western Australia, Report No. 2 - In the Thirty-Sixth Parliament, 2002" by the Community Development and Justice Standing Committee is "Laid on the Table".

DETAILS:

The proposed legislation is fairly similar to the responsibilities and processes, outlined in Policy Statement No 7, but it provides legislative authority for the Emergency Services to require persons and organisations to undertake an act or function, that it would not normally undertake. Since Western Australia is currently the only State with no Emergency Services Legislation, the Community Development and Justice Standing Committee has recommended the following:

"The Government give a high priority to an Emergency Management Act. The State's Emergency Management Act should be in accord with the drafting instructions contained at Appendix One of this report".

From a Local Government perspective, the proposed legislation will not only give legislative authority to Emergency Services but places responsibilities for attendance at Local Emergency Management Committee (LEMC) meetings and for participating in the development and implementation of strategies to deal with emergencies before, during and after they occur.

The State Government already recognises that Local Government is a critical partner in the preparation and introduction of Emergency Management Plans and that they play an integral role in assessing and addressing emergency risks. It is essential that Emergency Plans are developed with a PPRR focus as follows:

- to **P**repare a community to deal with potential events;
- to develop plans to **P**revent or minimise the effects of the occurrence of an emergency;
- to assist the **R**esponse agencies to respond to an event; and
- to put strategies in place to assist the community to **R**ecover from an emergency.

It is generally accepted that Local Government will be heavily involved in any emergency event, primarily because of their close associations with the local community, who will look to their Council to assist them in their time of need.

The proposed legislation formalises the need for adequate funding to be provided to Local Governments to enable Emergency Management Plans to be developed, implemented and updated. It also indicates a need for Local Government to make funds available for Emergency Management contingencies, although no suggested figure is suggested.

The proposed legislation, which is based on that already enacted in other States, does not appear to hold any surprises. There is already an acknowledgment that Emergency Management is a State Government responsibility, but that Local Government currently plays an integral part in the preparedness of the community to withstand an emergency so, provided adequate funding is made available to Local Government, the legislation will have limited impact, beyond the need to prepare plans and to maintain their currency.

The Town of Vincent is already a pro-active participant in Emergency Management Strategies, in the form of the Central Councils Local Emergency Management Committee, which covers the Local Governments of the Town of Vincent, the Town of Cambridge, the City of Nedlands and the City of Subiaco. The chairmanship of this committee rotates through the representatives of the 4 Local Governments on an annual basis and it is currently chaired by the City of Nedlands. The Town of Vincent representative on the Central Councils LEMC is the Manager Law and Order Services, who also represents the Town on the District Emergency Management Committee (DEMC) and represents WALGA on the Metropolitan Emergency Management Co-ordination Group (MEMCG).

The Town has applied for an AWARE Grant to undertake an emergency risk assessment of the whole of the local government area and to compile an Emergency Risk Register for the Town of Vincent. This Emergency Risk Register will identify potentially hazardous premises and properties and will identify persons, groups and properties that would be potentially "at risk", in the event of a major emergency. It is expected that this register will also provide some treatment strategies appropriate to the hazards.

Legislation has already been enacted, to require Local Governments to collect a "FESA Levy" from every rated property and to forward these funds to FESA, for distribution to Emergency Service Organisations. It is anticipated that this levy will be attached to the rates notices, due to be sent out in July/August 2003.

It is difficult to assess the likely expenditure necessary for Emergency Management in the Town, but it is considered that the suggested \$2,000 could be used, when the Town applies for Grant Funding, to meet the portion of the expense to be borne by Local Government. Because an allocation has not been made in previous years and there is therefore no gauge of the possible expenditure, the figure is a fairly arbitrary one

CONSULTATION/ADVERTISING:

The consultation process has been undertaken by the State Government and the Town, along with anyone else, has been asked to comment.

LEGAL/POLICY:

The proposed Emergency Services legislation will have legal implications for Local Government but, provided the State Government adequately funds the emergency management process, these implications are not likely to be onerous.

STRATEGIC IMPLICATIONS:

The above is in keeping with the Town's Draft Strategic Plan 2002 - 2007, at KRA 4.7 *"Create an environment for residents, businesses and visitors to our Town, where emergency risks are identified, addressed and managed."*

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications associated with the above recommendation, other than to consider the allocation of some funds, for use in emergency management strategies, in the 2003/2004 Budget.

COMMENTS:

The Town of Vincent is already an active participant in a number of emergency management committees and the proposed legislation will formalise this participation. The proposed legislation is based on similar legislation, which has been enacted in other States and, provided adequate funding is provided by the State Government, will place a limited burden, either financially or in terms of manpower, on the Town of Vincent.

To cover contingencies, it would be appropriate for the Council to consider the allocation of \$2,000 for use to implement emergency management strategies, in the 2003/2004 financial year.

10.2.1 Proposed Taking of Privately Owned Right of Way Bounded by Glendower, Lake, Bulwer and Irene Streets, North Perth

Ward:	North Perth Ward	Date:	16 January 2003
Precinct:	Hyde Park P12	File Ref:	TES0167
Reporting Officer(s):	A. Munyard		
Checked/Endorsed by:	R. Lotznicher		
Amended by:	-		

RECOMMENDATION:

That the Council;

- (i) *receives the report on the proposed taking of the right of way bounded by Glendower, Lake, Bulwer and Irene Streets, North Perth as illustrated on attached Plan 2134-RP-1; and*
- (ii) *APPROVES the commencement of the taking process in accordance with section 52 of the Land Administration Act 1997*

COUNCIL DECISION ITEM 10.2.1

Moved Cr Ker, Seconded Cr Piper

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

BACKGROUND:

The owners of 15 Glendower Street have been granted development approval for enhancements to their heritage listed 1930s apartment building. This approval is subject to a condition that the owners prove an existing right of access through the adjacent right of way (ROW) which is to provide access to proposed on-site parking. The owner's investigations have brought to light that they do not have this right of access, and they have approached the Town with a request that the ROW be acquired by it and an expressed right of access granted to them. The applicants are prepared to meet all costs to complete this action.

DETAILS:

The proposed improvements and additions, described by the reporting officer to be in harmony with the original building, unobtrusive and well designed, were approved by the Council by an absolute majority at its Ordinary Meeting held on 27 March 2001. Certain conditions were applied in accordance with the Town's policies and responsibilities, including the production of proof of right-of-access through the adjacent ROW.

Right of access:

Under section 167A of the Transfer of Land Act, only those registered proprietors of the original Lots or Lots subdivided from those original Lots, which were created on the Plan or Diagram of Survey on which the ROW was also created, along with their guests and invitees, have an implied right to upgrade, seal, drain and *use* the ROW for vehicular and pedestrian access.

In most cases, this will include those Lots on either side of the ROW, however this is not always so. The ROW in question was created on attached Plan 580 and marked "A", and only those Lots shown on that plan have a legal right of access. Lot 4 (No. 15 Glendower St) was created on Diagram 9992, and has no implied right to the use of the ROW. Neither is there an expressed right-of-access endorsement on the title for Lot 4, Volume 1713 Folio 704.

There is some argument that where proprietors of Lots have historically used the ROW, though not in possession of an implied or expressed right, they may after many years acquire a common law right of access. Each claim to a right of this nature needs to be tried by the court, and is frequently prohibitively expensive for the applicant to prove.

Taking:

"TAKING" is the term used under the Land Administration Act 1997 in lieu of "resumption" or "compulsory acquisition". When a ROW is "taken", it reverts from private land with an access easement conferred on certain parties (those with an implied or expressed right), to Crown Land, vested in the Local Authority for the purposes of accessway. The ROW is then available to be used by the public for this purpose, however it differs from being a minor public road in that it is not dedicated. Therefore, there is no requirement on the Town to pave, drain, name or provide lighting in the ROW prior to its resumption.

DOLA's records indicate that this ROW is divided between three titles, the most eastern portion in the name of Henry Stirling Trigg in Volume 41 Folio 256, and the central portion in the same name, in Volume 42 Folio 343. The western portion of ROW is held in the name of Susan and Robert McArdle as executors of the Will of Anne McArdle, in Volume 12 Folio 215. The recent changes to the Land Administration Act now permit taking of a private road by providing written advice to the Minister for Lands that all reasonable steps have been taken to contact the owners. In this case, no dealings have taken place in relation to the ROWs since 1895, and it is considered reasonable to assume the property now lies in deceased estates.

"Taking" the ROW rather than instigating its dedication as a public road, alleviates the requirement to immediately seal, drain and install lighting. Once in the care and control of the Town, however, it will become necessary to list the ROW for upgrade as soon as possible. Approximately 50 other ROWs were transferred into the Town's ownership last year, and together with these, Primrose Lane would need to be given a priority in the Upgrade Program. It is anticipated that the upgrade of these ROWs can be completed within the next five (5) years.

CONSULTATION/ADVERTISING:

Should the Council approve the taking of the ROW, the process will be carried out in accordance with the Land Administration Act 1997. Section 52(3) requires the Town to give 30 days notice to all suppliers of public utilities, all adjacent property owners and, if possible, the owner of the freehold of the ROW. Any comments or objections received within that period must be presented to the Minister together with the application to resume.

STRATEGIC IMPLICATIONS:

N/A

FINANCIAL/BUDGET IMPLICATIONS:

The applicant has agreed to meet the costs of the resumption process, which will be limited to Department of Land Administration costs, the requirement to place an advertisement in the *West Australian* having been lifted by the Land Administration Amendment Act 2000.

COMMENTS:

As the applicant has agreed to cover all expenses associated with the resumption of the ROW, and such action is advantageous to all those property owners abutting the north side of the ROW, without causing any reduction of amenity to those on the south, it is recommended that the resumption of the ROW be approved by the Council. Once the ROW is in the care and control of the Town, an expressed right of carriageway can be conferred to 15 Glendower Street, enabling the proposed additions and improvements to proceed.

10.2.2 Proposed Streetscape Improvements - Church Street, Perth

Ward:	North Perth	Date:	13 November 2002
Precinct:	Beaufort P13	File Ref:	TES0489
Reporting Officer(s):	R Lotznicer		
Checked/Endorsed by:	-		
Amended by:	-		

RECOMMENDATION:

That the Council;

- (i) *receives the report on the proposed Streetscape Improvements for Church Street, Perth;*
- (ii) *APPROVES the amended Streetscape Improvements proposal for Church Street as shown on Plan No 2118-CP-1A;*
- (iii) *implements the proposal, estimated to cost \$65,000; and*
- (iv) *advises the respondents of its resolution*

COUNCIL DECISION ITEM 10.2.2

Moved Cr Ker, Seconded Cr Piper

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

BACKGROUND:

At the ordinary meeting of Council held on 19 November 2002 a report on the proposed Streetscape Improvements for Church Street was considered and the following resolution was adopted:

"That the Council;

- (i) *receives the report on the proposed Streetscape Improvements for Church Street, Perth;*
- (ii) *adopts in principle the proposed Streetscape Improvements for Church Street as shown on Plan No 2118-CP-1;*

- (iii) *advertises the proposal in accordance with Council Policy No. 4.1.21 "Community Consultation" to all owners and occupiers in Church Street for a period of not less than twenty one (21) days and invite written submissions on the proposal;*
- (iv) *notes that funds totalling \$68,500 have been allocated in the 2002/2003 budget for the Improvement works; and*
- (v) *receives a further report on this matter at the conclusion of the community consultation period."*

As previously reported to Council, the Church Street road infrastructure is degraded and in need of an asphalt overlay and kerb and footpath replacement. The existing narrow road reserve widths in Church Street dictated the improvement proposal.

The proposal included the creation of embayed parking on the north side of the street for the first 90 or so metres with the creation of 11 parking bays with *No Stopping* proposed for the south side of the street.

The proposal also included brick paved footpath, low profile speed humps and entry statements, including the planing of street trees in the created nibs, possibly Jacarandas.

It was also proposed that the current half hour (½P) on-road parking restriction on the south side be changed to a 1P restriction on the new parking bays on the north side of the street.

DETAILS:

On 5 December 2002, thirty (30) letters were distributed to owner/occupiers in Church Street.

Assessment of Comments:

At the close of submissions on 27 December 2002, nine (9) responses had been received, with four (4) in favour of the proposal as recommended, four (4) generally in favour with additional suggestions, and one (1) against (refer attached).

In assessing the respondents' comments, it is difficult to incorporate all the various requests/suggestions due to the following reasons:

- Underground power - budgetary constraints
- Additional on-road parking - existing power poles, road width, existing/future crossovers
- One-way system - impact on residential portion of street by commercial vehicles

Officers discussed some issues raised by the respondents "against" the proposal and modifications have been made to the plan, i.e. car bay No. 11 (Plan 2110-CP.1) has been deleted to provide additional verge planting/screening, and speed humps deleted.

Also, allowance for future crossovers on the north side has necessitated changes to the parking layout with additional parking allowed on the south side, including additional trees.

One respondent suggested a one-way road system. This would have some merit in terms of "traffic movement", however, commercial traffic (from the western end of the street) would be forced to use the narrow section (eastern end) of Church Street regardless of the direction of the traffic flow and no additional on-road parking bays could be accommodated.

With regard to *Resident Only* parking and time restrictions, the following comments are provided:

Parking Restriction

It is considered the existing half hour (½) parking restriction should remain as per the residents' wishes.

Residential Only Parking

As some commercial premises exist in Church Street, it is considered that this is not appropriate without further consultation with all stake holders.

CONSULTATION/ADVERTISING:

It is recommended that the Council advises the respondents of its resolution.

STRATEGIC IMPLICATIONS:

In line with Key Result Area One: 1.4 *Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment* and b) *Develop and implement streetscape enhancements and wider street initiatives* within the Draft Strategic Plan 2002-2007.

FINANCIAL/BUDGET IMPLICATIONS:

Sufficient funds have been allocated in the 2002/2003 budget for streetscape improvements, road resurfacing and footpath upgrading in Church Street.

COMMENTS:

As previously reported to the Council, at the time Palmerston Street was upgraded it was also intended that the western portion of Church Street be upgraded as part of the works. However, the high cost for the Palmerston Street works, which included the undergrounding of power, precluded the Church Street works from proceeding.

Since that time, residents and businesses in Church Street have been anticipating the works to be implemented.

The amended proposal as outlined in Plan No. 2118-CP.1A has been prepared to incorporate the residents' comments where possible.

It is therefore recommended that the Council approves the amended Streetscape Improvements proposed for Church Street as shown on Plan No. 2118-CP.1A and advises the respondents of its resolution.

**PROPOSED STREETScape IMPROVEMENTS
CHURCH STREET, PERTH**

SUMMARY OF COMMENTS

In Favour as proposed

Street Address		Comments
Church Street	13	<ul style="list-style-type: none">Strongly support the vastly improved street scape.Strongly support Jacaranda Trees as proposed.
	1/5	<ul style="list-style-type: none">Concur with proposal. Attach parking restriction signage to walls and remove poles.
	3/5	<ul style="list-style-type: none">Concur with proposal
	22	<ul style="list-style-type: none">Concur with proposal

In Favour with suggested Changes

Street Address		Comments
Church Street	20	<ul style="list-style-type: none"> • Wants resident only parking for bays in front of Terrace Houses (bays 8 to 11). • Not in favour of proposed one hour limit. • Wants additional on road parking. • Lack of parking enforcement in area.
	14	<ul style="list-style-type: none"> • Wants screening in front of house to block out light glare from vehicles exiting from adjoining under croft car park. • Make road one way. • Leave parking restrictions as is i.e. half hour. • Additional lighting required.
	24	<ul style="list-style-type: none"> • Wants underground power. • If not possible wants all power poles relocated to the south side of Church Street to create additional parking. • Definitely would like Jacarandas. • Please confirm that 2 car bays at 24 Church Street (Art Place) will not be affected.
	4/5	<ul style="list-style-type: none"> • Concerns there will not be enough room for residents to manoeuvre. • Please advise whether required turning circles will be maintained?

Against

Street Address		Comments
Church Street	16	<ul style="list-style-type: none"> • Does not want speed humps. • Does not want parking Bay outside house. • Does not want half hour restrictions.

10.2.3 Security of Tenure for Tamala Park - Mindarie Regional Council

Ward:	Both	Date:	5 February 2002
Precinct:	All	File Ref:	PRO0739
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	J Giorgi		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the Progress Report No. 1 on the Tamala Park Land, Lot 118 Mindarie;*
- (ii) *advises the Mindarie Regional Council that its strategy, as outlined in (a), (b) and (c) below, to establish long term security of land tenure at Tamala Park, is supported in the following order;*
 - (a) *Option 1 (Buy) - being the submission of a proposal to land owners, for commencement of negotiations on the purchase of 159 ha of land at Tamala Park, for response by 30 June 2003; and*
 - (b) *Option 2 (New Lease) - in the event of a rejection of the Option 1 (BUY) proposal by landowners, the negotiation of a new lease and buffer agreement, with key characteristics as follows:*
 - *Required land (159 ha)*
 - *Buffer area (34 ha)*
 - *Lease expiry (2040)*
 - *Commercial rental only whilst business operations in progress*
 - *Rehabilitation period (30 years) and*
 - (c) *Option 3, (Existing Lease) in the event of a rejection of Option 2 (Lease), the confirmation of the workability of the existing lease extension, i.e. for 21 years.*

Moved Cr Ker, Seconded Cr Piper

That the Amended Recommendation be adopted with the following amendments to clauses (i) and (ii) and an additional clause (iii) as follows.

- (i) *receives ~~the Progress Report No. 1~~ the report on the Security of Tenure for Tamala Park Land, Lot 118 Mindarie;*
- (ii) *~~advises~~ supports the Mindarie Regional Council ~~that its~~ strategy, as outlined in (a), (b) and (c) below, to establish long term security of land tenure at Tamala Park, ~~is supported~~ in the following order;*
- (iii) *Authorises the Chief Executive Officer to present the position as outlined in (i) above to the Lot 118 owners group in order to allow the owners and the Mindarie Regional Council to progress the lease or purchase negotiations.*

CARRIED (8-0)

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

COUNCIL DECISION ITEM 10.2.3

That the Council;

- (i) *receives the report on the Security of Tenure for Tamala Park;*
 - (ii) *supports the Mindarie Regional Council strategy, as outlined in (a), (b) and (c) below, to establish long term security of land tenure at Tamala Park, in the following order;*
 - (a) *Option 1 (Buy) - being the submission of a proposal to land owners, for commencement of negotiations on the purchase of 159 ha of land at Tamala Park, for response by 30 June 2003; and*
 - (b) *Option 2 (New Lease) - in the event of a rejection of the Option 1 (BUY) proposal by landowners, the negotiation of a new lease and buffer agreement, with key characteristics as follows:*
 - *Required land (159 ha)*
 - *Buffer area (34 ha)*
 - *Lease expiry (2040)*
 - *Commercial rental only whilst business operations in progress*
 - *Rehabilitation period (30 years);*
 - (c) *Option 3, (Existing Lease) in the event of a rejection of Option 2 (Lease), the confirmation of the workability of the existing lease extension, i.e. for 21 years; and*
 - (iii) *Authorises the Chief Executive Officer to present the position as outlined in (i) above to the Lot 118 owners group in order to allow the owners and the Mindarie Regional Council to progress the lease or purchase negotiations.*
-

EXECUTIVE MANAGER TECHNICAL SERVICES COMMENTS:

The Executive Manager Technical services attended the Technical Officers Working Group on Friday, 7 February 2003. At the meeting, the Chief Executive Officer of the Mindarie Regional Council advised that there appeared to be some confusion amongst members over his request regarding the above matter. His intention was that the matter be supported by member Councils, however, the owners needed to jointly determine their position on the matter.

BACKGROUND:

In January 1988 the Cities of Perth, Stirling and Wanneroo formed the Mindarie Regional Council (MRC) under the Local Government Act (1960) and purchased Lot 118 at Tamala Park, a total of 432 ha, primarily for the purpose of waste disposal.

The owners leased 251 ha to the MRC until 2011 with an option to extend the lease for a further 21 years (from 2011). A portion (22ha) of the 251 ha lease area, was designated for landfill.

There is an ongoing requirement to provide landfill in the region. The introduction of a Secondary Waste Treatment Facility (SWTF) will mean a significant reduction in tonnages being disposed to landfill, however, there will still be a requirement to dispose of the residue from the SWTF and for contingencies, such as breakdowns etc, at the SWTF.

The approval for development of Stage 2 landfill at Tamala Park is conditional on the MRC introducing a SWTF. Failure to do so would mean that Stage 2 would not proceed and, at the current tipping rates, Stage 1 will be completely filled by early in 2004.

Therefore, for the above reason, the MRC requires security of tenure at Tamala Park in order to develop business opportunities, in particular landfill gas harvesting over the next 30 years or so and for the orderly planning of waste management for the whole region. If security of tenure cannot be achieved, through the land owners, the MRC would have to urgently secure an alternative landfill site.

The existing lease is specific and allows the lessor to extend the term for a further 21 years from the first day of July 2011, subject to the lessee (MRC) duly performing and observing the covenants and obligations contained in the lease. The lessee's covenants and the conditions in the lease are very straight forward, therefore, there should be no reason why the existing lease would not to be extended.

At its meeting on 14 February 2002, the MRC adopted a Land Requirements Plan which was endorsed by the member Councils as follows:

“That the Council:

- (i) Note the information from the Land Requirements Workshop held on 30 January 2002.*
- (ii) Adopt a plan for future land requirements as follows:*
 - (a) The continued use of Tamala Park for landfill up to and beyond 2011, for that waste not treatable via SWTF and residue from SWTF processes.*
 - (b) The development of plant for SWTF processing at one or more locations, other than Tamala Park, as previously proposed, ie in three stages with milestones 2005, 2010, 2015.*
- (iii) Advise participant Councils of this plan and seek their adoption of this plan.*
- (iv) Authorise further investigation of potential sites other than Tamala Park for establishment of a SWTF plant with a subsequent report to Council in April 2002, noting the previously recommended preferred site of Wangara.*
- (v) Authorise an investigation into improved security of tenure for the Council at Tamala Park, including a revised lease of land, or purchase of some land.*
- (vi) Advise land owner Councils of this investigation to improve security of tenure.*

- (vii) *Initiate investigations into potential landfill sites for use following closure of Tamala Park.*"

The Town of Vincent Council endorsed the above MRC resolution at its ordinary Meeting held on 14 May 2002.

DETAILS:

On 30 December 2002, a letter was received from the Chief Executive Officer of the MRC requesting that the Town, as part owner of Tamala Park land, approves a strategy to establish long term security of land tenure at Tamala Park. An extract from the letter is as follows:

"The purpose of this correspondence is to place a formal proposal to your Council, from the Mindarie Regional Council, to commence negotiation for the purchase of an agreed portion of the leased land (pat Lot 118) and the establishment of an agreement of additional land for the purposes of a landfill buffer.

I would be grateful if this matter could be considered by early February 2003, with a response to me by 7 March 2003, so that a progress report can be provided to the Mindarie Regional Council at its April meeting."

A workshop to discuss options to improve MRC's security of tenure at Tamala Park was held on 21 November 2002.

The workshop was attended by seven (7) MRC Councillors, two (2) visiting Councillors, ten (10) officers and three (3) consultants and the attendees agreed that improved security of land tenure, i.e. beyond lease expiry of 2011, was necessary to ensure MRC could optimise long term benefits of potential business opportunities.

The following key options for security of tenure of land at Tamala Park were identified :

- The purchase of required land (159 ha) and confirmation of an agreement over buffer area (34 ha). (BUY)
- The negotiation of a new lease, as replacement to the existing, which contains characteristics and conditions more appropriately addressing Council's needs. (LEASE)
- The continuation of the existing lease, with reliance on the extension clause within for long term tenure. (EXISTING LEASE)
- The purchase of all Lot 118 and subsequent expansion of the Council's business to include land development, with a subsequent revenue stream provided to the current landowners. (BUSINESS EXPANSION)

The attendees at the workshop agreed a strategy as follows:

Option 1 (BUY)

The submission of a proposal to landowners for commencement of negotiations on the purchase of 159 ha of land at Tamala Park for a response by 30 June 2003.

Option 2 (NEW LEASE)

In the event of a rejection of Option 1 (BUY) above proposal by landowners, the submission of a proposal to negotiate a new lease and buffer agreement with the key characteristics as follows:

- Required land (159 ha)
- Buffer area (34 ha)
- Lease expiry (2040)
- Commercial rental only whilst business operations in progress
- Rehabilitation period (30 years)

Option 3 (EXISTING LEASE)

In the event of a rejection of Option 2 (NEW LEASE), the confirmation of the workability of the existing lease extension of 21 years.

CONSULTATION/ADVERTISING:

N/A

STRATEGIC IMPLICATIONS:

In line with Key Result Area One: 1.1 *Protect and enhance environmental sustainability and biodiversity* of the Draft Plan 2002-2007.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable at this stage.

COMMENTS:

It is essential that the MRC secure long term tenure at Tamala Park for landfill in order to maximise the Council's ability to exploit long term business opportunities, as the State Government has directed no new landfill will be located on the Swan Coastal Plain.

Tamala Park is located approximately 35 kms from the Town and, as part owner, and it is considered the Town is in favour of the continued use of the site as a landfill facility for disposing waste.

At least one of the part owners however (the Local Government in whose area the facility is situated) has expressed some concerns and appears to prefer that the site be closed from 2011 (expiration of the current lease).

It is therefore considered that Security of Tenure is crucial, particularly for the long-term management of the waste, and at the least, the timeframe could be extended by the MRC invoking the 21-year option clause in the lease until 2032.

A strategy has been developed and adopted by MRC and it has been requested that all the owner Councils, which includes the Town, support the way forward.

10.2.4 Mindarie Regional Council Landfill Gas and Power Contract

Ward:	Both	Date:	5 February 2002
Precinct:	All	File Ref:	PRO0739
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	J Giorgi		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *endorses the Mindarie Regional Council's action to enter into a contract with Landfill Gas and Power to extract gas from the Tamala Park landfill at the location as shown on the attached plan 'A'; and*
- (ii) *advises the Mindarie Regional Council of its resolution.*

COUNCIL DECISION ITEM 10.2.4

Moved Cr Ker, Seconded Cr Piper

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

BACKGROUND:

At the ordinary meeting of the Mindarie Regional Council (MRC) held on 29 August 2002, the Council adopted the following resolution:

"That the Council endorse the draft Business Plan for management of landfill gas"

A copy of the Minutes from the MRC meeting relating to this item is attached.

DETAILS:

On 7 January 2003, a letter was received from the Chief Executive Officer of the MRC requesting that the Town, as part owner of Tamala Park land, endorses the Landfill Gas and Power proposal. An extract from the letter is as follows:

"The MRC is entering into a contract with Landfill Gas and Power to extract gas from the landfill in order to comply with its operating approvals. The extracted gas will be used to generate green electricity for distribution by Western Power Corporation's assets. This will generate income for both Landfill Gas and Power and Council.

This matter was considered by the owners at its meeting held on 9 December 2002. The outcome was that each member Council would ratify the decision to endorse the MRC's action to enter into the contract. With the pending completion of Stage One south landfill within the next two weeks, it is important that this matter be dealt with by your Council at its earliest meeting in 2003.

The MRC is wanting to sign a contract with Landfill Gas and Power by mid February 2003 and written endorsement from your Council by then would be appreciated."

CONSULTATION/ADVERTISING:

N/A

STRATEGIC IMPLICATIONS:

In line with Key Result Area One: 1.1 *Protect and enhance environmental sustainability and biodiversity* of the Draft Plan 2002-2007.

FINANCIAL/BUDGET IMPLICATIONS:

This proposal will result in an additional revenue stream for the MRC via royalties from the sale of electricity produced, using landfill gas and lease fees for the land based on 3% of electricity sales revenue and 50% of renewable Energy Certificate sales.

COMMENTS:

As requested by the MRC, it is recommended that the Council endorses the Mindarie Regional Council's action to enter into a contract with Landfill Gas and Power to extract gas from the Tamala Park landfill at the location as shown on the attached Plan 'A' and advises the Mindarie Regional Council of its resolution.

10.2.6 Parks and Reserves – Pump/Motor and Bore Maintenance Program

Ward:	Both	Date:	28 January 2003
Precinct:	All	File Ref:	RES0039
Reporting Officer(s):	J van den Bok		
Checked/Endorsed by:	R Lotznicher		
Amended by:			

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the report on the pump/motor and bore maintenance program;*
- (ii) *ADOPTS the revised and updated eight (8) year pump/motor and bore maintenance program as attached; and*
- (iii) *lists \$40,000 to implement Year 1 of the revised and updated pump/bore maintenance program for consideration in the 2003/2004 draft budget.*

COUNCIL DECISION ITEM 10.2.6

Moved Cr Ker, Seconded Cr Piper

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

BACKGROUND:

At the Ordinary Meeting of Council held on 23 February 1998, it was resolved: -

“That the amended Pump/Bore/Motor Maintenance Program 1998/2006 be approved as shown in Appendix 11.2.1.”

The program was initially set up in 1996 and was based on bore logs and service history of pumps/bores within the Town of Vincent and provided by the former City of Perth.

Note: This program is contained in attachment 1

DETAILS:

It is now prudent to update/amend the pump/motor and bore maintenance program due to the following reasons: -

- Installation of additional pump/motors and bores

- Unexpected replacement of pumps/motors and bores due to failure, thus existing program requires updating.
- Whilst exact costs cannot be determined, more accurate estimates can be calculated from the history of maintenance works undertaken by the Town.
- New pump/motors being purchased are of lighter construction, easier to service and therefore more cost effective.

Note: Refer attachment 2 for revised program.

Bore Development

Bore development is the process whereby an approved chemical is poured down the bore hole and left for 24 hours to remove iron bacteria, scale and other build ups from around the stainless steel screen.

Air is then pumped down the bore hole and the surging created cleans the bore casing, stainless steel screen (6-9 metres) and surrounding gravel packing of fine materials.

The above process can take anywhere from 5–10 hours depending on the surrounding soil profile/water quality and increases the bore yield and overall life of the bore.

Cost estimates for undertaking this work are as follows: -

Bore diameter	200mm or over	\$3,000
Bore diameter	150mm	\$2,000
Bore diameter	100mm	\$1,000
Bore diameter	80mm	\$500

Prior to 2001, the Town only had 200mm or over sized bores and costs for development were estimated at \$4,500 per bore. This cost was dropped to \$4,000 when the program was amended and approved by Council in 1998.

Costs have now been more accurately determined, taking into account the bore history, diameter and depth of the bore and hence further cost savings have been achieved.

Pump/Motor Servicing

All pump/motors located within the Town for irrigation purposes are of a submersible type. Upon being surfaced, an inspection of the unit is undertaken to determine what works are required.

Prior to the year 2000, the Town's pump supplier was Turbomaster. This Company supplied many Local Governments with irrigation pumps which were of heavy cast iron or bronze construction.

These units, whilst adequate and reliable, were very labour intensive to service and replace which in turn proved costly.

In the year 2000, the successful tenderer for pump supply/installation (K S Black) provided a pump of much lighter stainless steel construction.

The benefits of these models are that being stainless steel, they do not deteriorate as quickly as the cast iron/brass models and replacement parts come in a kit form and are simply replaced.

Very little, if no, machining is required, labour costs are drastically reduced and therefore further cost savings are achieved.

Cost estimates for undertaking this work are as follows: -

Turbomaster pumps (cast iron/brass)	\$5,000
Grundfos Pumps (stainless steel)	\$1,000 - \$4,000 depending on size of pumps

CONSULTATION/ADVERTISING:

Nil

STRATEGIC IMPLICATIONS:

Key Result Area One: 1.4 *“Maintain and Enhance the Town’s Infrastructure to Provide a Safe, Healthy, Sustainable and Functional Environment”* of the Draft Plan 2002-2007.

FINANCIAL/BUDGET IMPLICATIONS:

The program, upon approval, will form part of the annual operating budget for each respective Park/Reserve.

The amounts indicated on the attached program are therefore included in the operating budget for the financial year indicated.

COMMENTS:

There is an enormous capital investment in the installation of pump/bore and reticulation systems for watering of Parks and Reserves.

Regular servicing will ensure they are maintained in good working order and working to maximum efficiency.

Approval of the attached plan will enable works listed for the 2003/2004 year to be included in the budgets currently being prepared.

10.3.1 Financial Statements as at 30th November 2002

Ward:		Date:	17th December 2002
Precinct:		File Ref:	
Reporting Officer(s):	Natasha Forsyth		
Checked/Endorsed by:	Mike Rootsey		
Amended by:			

OFFICER RECOMMENDATION:

That the Financial Reports for the month ended 30 November 2002 be received.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Ker, Seconded Cr Piper

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

BACKGROUND:

The Local Government Act and Local Government (Financial Management) Regulations 1996 require monthly reports and quarterly financial reports to be submitted to Council. The Financial Statements attached are for the month ended 30 November 2002.

DETAILS:

The Financial Statements comprise:

- Operating Statement
- Summary of Programmes/Activities
- Capital Works Schedule
- Statement of Financial Position and Changes in Equity
- Reserve Schedule
- Debtor Report
- Rate Report

Operating Statement and Detailed Summary of Programmes/Activities

The Operating Statement shows revenue and expenditure by Programme whereas the Summary of Programmes/Activities provides detail to Programme/Sub Programme level. Both reports compare actual results for the period with the Budget.

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

Operating Revenue

Operating revenue is currently showing 77% of the Budget received to date.

General Purpose Funding (Page 2)

General Purpose Funding is showing 93% of the budget received to date, this is due to rates being levied.

Health (Page 4)

Health is showing 89% of the budget received to date. This is due to Health Licences being issued.

Community Amenities (Page 6)

Community Amenities is showing 78% of the budget received to date. This is due to bin charges being invoiced.

Transport (Page 11)

Transport is showing 51% of the budget received to date.

Economic Services (Page 12)

Economic Services is showing 38% of the budget received to date.

Other Property and Services (Page 13)

Other Property and Services in this report is 24% of budget.

Operating Expenditure

Operating expenditure for the month is favourable to Budget (32%).

Law, Order & Public Safety (Page 3)

The second quarterly instalment of the Fire Services contribution has been paid

Education & Welfare (Page 5)

Water rates have been paid on the properties in the Town.

Recreation & Culture (Page 7)

Water rates have been paid on properties, parks and reserves in the Town.

Capital Expenditure Summary (Pages 15 to 25)

The Capital Expenditure summary details projects included in the 2002/03 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure for the year to date of \$2,337,117, which is 17% of the budget.

Statement of Financial Position and Changes in Equity (Pages 26 and 27)

This statement is in essence the Balance Sheet of the Town as at 30 November 2002 and shows current assets of \$19,613,610 less current liabilities of \$1,821,013, for a current position of \$17,792,598. Total non-current assets amount to \$97,360,772 for total net assets of \$114,874,580.

Restricted Cash Reserves (Page 28)

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

Transfers of interest occurs as it is earned and investments mature. The amounts funded for the Municipal Fund are transferred on a monthly basis. Contributions received, which are transferred to Reserves occur at the end of month during which the cash contribution is received. To the 30th November 2002, interest of \$103,542 was transferred. Transfers to Reserves totalled \$253,667 and transfers from Reserves amounted to \$224,000. Restricted cash reserves total \$6,663,701 at the end of November 2002.

Debtors and Rates Financial Summary

General Debtors (Page 29)

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

Sundry Debtors of \$176,966 are outstanding at the end of November. Of this \$47,648 (27%) relates to debts outstanding for over 60 days. The Debtor Report identifies significant balances that are well overdue.

The balance of the significant Debtors are either current or 1- 30 Days.

Rate Debtors

The notices for rates and charges levied for 2002/03 were issued on the 12 August 2002.

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

First Instalment	16 September 2002
Second Instalment	18 November 2002
Third Instalment	15 January 2003
Fourth Instalment	19 March 2003

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

Instalment Administration Charge	\$4.00
(to apply to second, third, and fourth instalment)	
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.

10.3.2 Financial Statements as at 31st December 2002

Ward:		Date:	17th January 2003
Precinct:		File Ref:	
Reporting Officer(s):	Natasha Forsyth		
Checked/Endorsed by:	Mike Rootsey		
Amended by:			

OFFICER RECOMMENDATION:

That the Financial Reports for the month ended 31 December 2002 be received.

COUNCIL DECISION ITEM 10.3.2

Moved Cr Ker, Seconded Cr Piper

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

BACKGROUND:

The Local Government Act and Local Government (Financial Management) Regulations 1996 require monthly reports and quarterly financial reports to be submitted to Council. The Financial Statements attached are for the month ended 31 December 2002.

DETAILS:

The Financial Statements comprise:

- Operating Statement
- Summary of Programmes/Activities
- Capital Works Schedule
- Statement of Financial Position and Changes in Equity
- Reserve Schedule
- Debtor Report
- Rate Report

Operating Statement and Detailed Summary of Programmes/Activities

The Operating Statement shows revenue and expenditure by Programme whereas the Summary of Programmes/Activities provides detail to Programme/Sub Programme level. Both reports compare actual results for the period with the Budget.

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

Operating Revenue

Operating revenue is currently showing 81% of the Budget received to date.

General Purpose Funding (Page 2)

General Purpose Funding is showing 93% of the budget received to date, this is due to rates being levied.

Health (Page 4)

Health is showing 90% of the budget received to date. This is due to Health Licences being issued.

Community Amenities (Page 6)

Community Amenities is showing 82% of the budget received to date. This is due to bin charges being invoiced.

Transport (Page 11)

Transport is showing 62% of the budget received to date.

Economic Services (Page 12)

Economic Services is showing 48% of the budget received to date.

Other Property and Services (Page 13)

Other Property and Services in this report is 53% of budget.

Operating Expenditure

Operating expenditure for the month is level with Budget (52%).

Law, Order & Public Safety (Page 3)

The third quarterly instalment of the Fire Services contribution has been paid

Education & Welfare (Page 5)

Water rates have been paid on the properties in the Town.

Recreation & Culture (Page 7)

Water rates have been paid on properties, parks and reserves in the Town.

Capital Expenditure Summary (Pages 15 to 25)

The Capital Expenditure summary details projects included in the 2002/03 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure for the year to date of \$2,887,337, which is 21% of the budget.

Statement of Financial Position and Changes in Equity (Pages 26 and 27)

This statement is in essence the Balance Sheet of the Town as at 31 December 2002 and shows current assets of \$18,066,331 less current liabilities of \$2,130,340, for a current position of \$15,935,992. Total non-current assets amount to \$95,733,142 for total net assets of \$111,390,344.

Restricted Cash Reserves (Page 28)

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

Transfers of interest occurs as it is earned and investments mature. The amounts funded for the Municipal Fund are transferred on a monthly basis. Contributions received, which are transferred to Reserves occur at the end of month during which the cash contribution is received. To the 31st December 2002, interest of \$160,286 was transferred. Transfers to Reserves totalled \$380,500 and transfers from Reserves amounted to \$224,000. Restricted cash reserves total \$6,847,278 at the end of December 2002.

Debtors and Rates Financial Summary

General Debtors (Page 29)

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

Sundry Debtors of \$277,591 are outstanding at the end of December. Of this \$43,025 (15%) relates to debts outstanding for over 60 days. The Debtor Report identifies significant balances that are well overdue.

The balance of the significant Debtors are either current or 1- 30 Days.

Rate Debtors

The notices for rates and charges levied for 2002/03 were issued on the 12 August 2002.

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

First Instalment	16 September 2002
Second Instalment	18 November 2002
Third Instalment	15 January 2003
Fourth Instalment	19 March 2003

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

Instalment Administration Charge	\$4.00
(to apply to second, third, and fourth instalment)	
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.

10.3.3 Authorisation of Expenditure for the Period 01 December - 31 December 2002

Ward:		Date:	8 January 2003
Precinct:		File Ref:	FIN0033
Reporting Officer(s):	P Forte		
Checked/Endorsed by:	N Forsyth		
Amended by:			

OFFICER RECOMMENDATION:

That;

- (i) *the Schedule of Accounts for the period 1 December – 31 December 2002 be confirmed and the list of payments as laid on the table be included in the Minutes;*
- (ii) *direct lodgement of payroll payments to the personal bank account of employees be confirmed and be included in the Minutes;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office be confirmed and be included in the Minutes;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office be confirmed and included in the Minutes;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors be confirmed and included in the Minutes; and*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth superannuation plans be confirmed and included in the Minutes.*

COUNCIL DECISION ITEM 10.3.3

Moved Cr Ker, Seconded Cr Piper

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

DECLARATION OF INTEREST

Members/ Officers	Voucher	Extent of Interest
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Nil.

BACKGROUND:

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Town of Vincent Advance Account	EFT	\$791,935.40
Town of Vincent Advance Account	EFT	\$1,500,000.00
Total Municipal Account		\$2,291,935.40
Advance Account		
Automatic Cheques	41180 – 41496	\$728,957.84
Manual Cheques		\$0.00
Transfer of Creditors by EFT Batch 44 - 53		\$734,639.83
Australia Post Lease Equipment	December 2002	\$311.77
Transfer of Payroll by EFT	December 2002	\$653,700.11
Transfer of PAYG Tax by EFT	December 2002	\$67,286.25
Transfer of Child Support by EFT	December 2002	\$301.74
Transfer of Superannuation by EFT City of Perth	December 2002	\$31,333.23
Local Government	December 2002	\$75,404.63
Total Advance Account		\$2,291,935.40
Bank Charges & Other Minor Debits		
Bank Charges – CBA		\$6,616.22
Lease Fees		\$1,170.41
Corporate MasterCards		\$5,374.50
Total Bank Charges & Other Minor Debits		\$13,161.13
Less GST effect on Advance Account		-\$0.00
Total Payments		\$4,597,031.93

COMMENT:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2000-2002 – Key Result Area 4.5(a)

“Develop short term (5 year) and medium term (10 year) financial plans, linked to the strategic plan and principal activities plan (include the investment portfolio, current assets, and debt free status).”

ADVERTISING/CONSULTATION:

Nil.

Mayor Catania declared a financial interest in this Item, however, he departed at 7.31pm (unwell) and this Item was therefore carried en bloc.

10.3.4 Investment Report

Ward:		Date:	02 January 2003
Precinct:		File Ref:	FIN0033
Reporting Officer(s):	C Liddelow		
Checked/Endorsed by:	N Forsyth		
Amended by:			

OFFICER RECOMMENDATION:

That the Investment Report for the month ended 31 December 2002 be received.

COUNCIL DECISION ITEM 10.3.4

Moved Cr Ker, Seconded Cr Piper

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

BACKGROUND:

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

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

DETAILS:

Total Investments for the period ended 31 December 2002 were \$13,748,318 compared with \$14,248,318 at 30 November 2002. At 31 December 2001 \$12,412,127 was invested.

Total accrued interest earned on Investments as at 31 December 2002:

	Budget	Actual	%
	\$	\$	
Municipal	300,000	153,835	51.28
Reserve	355,100	160,286	45.14

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.

Mayor Catania declared a financial interest in this Item, however, he departed at 7.31pm (unwell) and this Item was therefore carried en bloc.

10.3.5 Investment Report

Ward:		Date:	04 February 2003
Precinct:		File Ref:	FIN0033
Reporting Officer(s):	C Liddelow		
Checked/Endorsed by:	M Rootsey		
Amended by:			

OFFICER RECOMMENDATION:

That the Investment Report for the month ended 31 January 2003 be received.

COUNCIL DECISION ITEM 10.3.5

Moved Cr Ker, Seconded Cr Piper

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

BACKGROUND:

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

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

DETAILS:

Total Investments for the period ended 31 January 2003 were \$13,159,734 compared with \$13,748,318 at 31 December 2002. At 31 January 2002 \$12,412,437 was invested.

Total accrued interest earned on Investments as at 31 January 2003:

	Budget	Actual	%
	\$	\$	
Municipal	300,000	182,572	60.86
Reserve	355,100	188,891	53.19

COMMENT:

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

10.4.1 Use of Common Seal

Ward:	-	Date:	4 February 2003
Precinct:	-	File Ref:	ADM0042
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi		
Amended by:	-		

RECOMMENDATION:

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

COUNCIL DECISION ITEM 10.4.1

Moved Cr Ker, Seconded Cr Piper

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

DETAILS:

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

Date	Document	No of copies	Details
18/12/02	Contract	2	Town of Vincent and Lakis Constructions Pty Ltd of 72B Irvine Drive, Malaga re: Tender for Redevelopment of Leederville Oval
18/12/02	Application for Approval of Development	1	Town of Vincent and WAPC, Albert Facey House, 469 Wellington Street, Perth re: Construction of a Dual Paty on the Swan River Foreshore from Banks Reserves to Mercy Hospital
27/12/02	Deed of Covenant	4	Town of Vincent and J.G. Spiteri re: No. 207-209 (Lot 10 and 11) Scarborough Beach Road, Cnr Buxton Street, Mt Hawthorn
15/01/03	Town Planning Scheme No. 1 – Amendment No. 11	4	Town Planning Scheme No. 1 – Amendment No. 11 – Scheme Amendment Documents - Rezoning the land contained in the “Eton Locality Plan 7” from “Residential R30” and Residential R30/40” to “Residential R20”

15/01/03	Town Planning Scheme No. 1 – Amendment No. 15	4	Town Planning Scheme No. 1 – Amendment No. 15 – Scheme Amendment Documents – Rezoning of Part of the Riverside Locality from “R20/40” to “Residential R20”
15/01/03	Town Planning Scheme No. 1 – Amendment No. 17	4	Town Planning Scheme No. 1 – Amendment No. 17 – Scheme Amendment Documents – Rezoning to reflect the outcomes of the Metropolitan Region Scheme Amendment No. 1031/33 Regional Roads (Part 5) – Loftus Street, Leederville and West Perth
28/01/03	Deed of Novation	3	Town of Vincent and CSR Limited of Level 1, 9 Help Street, Chatswood, NSW and Readymix Holdings Pty Ltd, Level 3, 9 Help Street, Chatswood, NSW – Supply of Drainage and Associated Products
31/01/03	Lease	3	Town of Vincent and Association for Services to Torture and Trauma Survivors Inc, C/o 286 Beaufort Street, Perth WA 6000 re: 286 Beaufort Street, Perth WA 6000
04/02/03	Lease	2	Town of Vincent and North Perth Playgroup (Inc), 15 Haynes Street, North Perth WA 6006 re: 15 Haynes Street, North Perth 6006

10.2.7 Braithwaite Park Proposed Playground Upgrade

Ward:	Mt Hawthorn	Date:	3 February 2003
Precinct:	Mt Hawthorn, P1	File Ref:	RES0028
Reporting Officer(s):	J van den Bok		
Checked/Endorsed by:	R Lotznicher		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the report on the proposed playground upgrade for Braithwaite Park, Mt Hawthorn;*
- (ii) *ADOPTS the amended Annual Playground Upgrade Program to include the playground upgrade works at Braithwaite Park in 2003/2004 as outlined in attachment 2;*
- (iii) *lists an amount of \$93,000 for consideration in the 2003/2004 draft budget to implement Year 3 of the program; and*
- (iv) *consults with interested groups in relation to the final playground design upon adoption of the 2003/2004 budget.*

COUNCIL DECISION ITEM 10.2.7

Moved Cr Ker, Seconded Cr Hall

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

BACKGROUND:

At the Ordinary Meeting of Council held on 27 March 2001, it was resolved: -

"That the Council;

- (i) *receives the report on the proposed Playground Upgrade Program and ADOPTS the ten (10) year Program with the inclusion of a softfall area for the Shakespeare Street Playground as outlined in attachment 10.2.2(b);*
- (ii) *lists year one (1) of the Program for consideration in the 2001/2002 draft capital works budget; and*

- (iii) *considers providing funding in subsequent budgets for the future upgrade of playgrounds as outlined in the program.*"

Refer attachment 1 for adopted program.

The program involved an initial assessment and subsequent recommendations for each playground site, including its location, existing equipment, softfall area and surrounds. New equipment and rubber softfall areas are being installed in the majority of locations and, where necessary, shade sails and fencing are being erected. The upgrade program was approved to be implemented over a 10-year period.

To date, eight (8) of the Towns thirty (30) playground sites have been upgraded as part of the program and, prior to the program being implemented in 2001, an additional nine (9) playground sites had been upgraded or created since the Town's inception.

As part of a general playground maintenance program, a series of comprehensive routine inspections of the equipment, softfall and surrounding areas are undertaken in compliance with the Australian/New Zealand Standards AS/NZS 4486.1.1197. A detailed written assessment of each playground site, which notes and makes recommendations to determine any changes to the following year's program due to deterioration of equipment through age or level of use.

DETAILS:

On 14 December 2002, the "Voice Newspaper" published an article titled "Playgrounds in Precinct Spotlight".

The article particularly focused on the condition and deterioration of the existing playground equipment at Braithwaite Park. Other issues such as provision of fencing and shade-sails were also raised.

As previously mentioned, Parks Services officers, who are responsible for inspecting the playgrounds regularly, have attended accredited training courses.

A comprehensive quarterly written safety assessment previously undertaken on 10 December 2002, noted the condition of the playground at Braithwaite Park. The assessment also indicated that the playground should be brought forward in the upgrade program.

In relation to the various issues raised by the Precinct Group pertaining to the playground at Braithwaite Park, the following comments are made.

New Playground Equipment and Softfall Area

The new playground equipment can be designed and installed to meet various criteria, dependant on age, ability, access, etc. Therefore, Officers are confident that the final design will satisfy all parties involved in the selection/assessment of design options submitted.

All playground areas at Braithwaite Park have been listed for installation of rubber softfall.

It should be noted however, that currently there are three (3) separate playground sand pits. Only two (2) are proposed to be retained and resurfaced as part of the program's initial assessment undertaken in 2001.

Fencing

The park is currently fenced on three sides with pine bollard fencing. The Scarborough Beach Road frontage was re-fenced several years ago with a continuous pine log fence to stop children running directly onto the road.

It should be noted that Scarborough Beach Road is approximately 100 metres from the playground and due to the positioning of the playground area and relatively low traffic volumes around this area of the park it is considered that fencing is not necessary.

If fencing was erected, it would be necessary to completely redesign the playground area and this section of the park to accommodate clearance requirements. This was therefore not recommended or budgeted for as part of the initial assessment undertaken in 2001.

Shade-sails

Shade-sails are expensive and in the majority of cases the target of acts of vandalism. Recently shade-sails erected at Menzies Park attracted youths who climbed the poles and undertook various gymnastic manoeuvres on top of the sail some 5 metres above the ground. Silicon grease was applied to the poles which has curtailed this activity.

Generally the majority of playground areas within the Town, have been strategically placed and make the most of the natural shade provided by trees.

Braithwaite Park is extremely well catered for with natural shade being provided by trees around playground areas. The playground pit currently located in the open lawn area is proposed to be deleted as part of the assessment and hence shade cover is considered not to be required.

The upgrading of the playground area at Braithwaite Park can be undertaken in 2003/2004 by simply postponing Forrest Park, listed for Year 3, of the program and replacing with Braithwaite Park which was listed in Year 10 of the program. (Refer attachment 2).

The playground area and equipment at Forrest Park is still in good condition and is not attracting the high level of use that Braithwaite Park is subject to.

CONSULTATION/ADVERTISING:

Nil

STRATEGIC IMPLICATIONS:

Strategic Plan 2002-2007 Key Result Area One Environment and Infrastructure 1.4 *"Maintain and Enhance the Towns Infrastructure to Provide a Safe, Healthy, Sustainable and Functional Environment"* of the Draft Plan 2002-2007.

FINANCIAL/BUDGET IMPLICATIONS:

A total budget amount for Year 3 of (2003/2004) of the ten (10) year Playground Upgrade Program was \$79,000, with \$31,000 being allocated for Forrest Park. With the amended program transferring Forrest Park to Year 10 and listing Braithwaite Park in Year 3 of the program, the total budget required will be \$93,000.

Year 3		Year 10	
Hyde St Reserve	\$48,000	Forrest Park	\$31,000
Braithwaite Park	\$45,000	Hyde Park (south)	\$25,500
		Jack Marks Reserve	\$20,000
Amended Total	\$93,000	Amended Total	\$76,500
<i>Previously</i>	<i>\$79,000</i>	<i>Previously</i>	<i>\$90,500</i>

COMMENTS:

Historical records indicate that Braithwaite Park was re-developed by the former City of Perth in 1992.

Various minor improvements, such as addition of park furniture and garden areas, have been undertaken by the Town over recent years.

With the proposed playground improvements and addition of the visible walls public sculpture approved by the Council at the Ordinary Meeting of Council on 24 September 2002, the park will provide the local community with a safe, quality area to recreate.

10.1.13 No.6 (Lot 21) Camelia Street, North Perth - Proposed Demolition of Existing Single House and Construction of a Single House

Ward:	North Perth	Date:	31 January 2003
Precinct:	Smith's Lake, P6	File Ref:	PRO2208 00/33/1409
Reporting Officer(s):	A Nancarrow, M Bonini		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme and having regard to the matters it is required to consider generally, and in particular:

- (i) is not consistent with the orderly and proper planning and the preservation of the amenities of the locality by virtue of the demolition of the existing dwelling; and*
- (ii) the existing place has cultural heritage significance in terms of its aesthetic value;*

the Council REFUSES the application submitted by Webb and Brown-Neaves on behalf of the landowner G Costa for the proposed demolition of the existing single house and construction of a single house, as shown on the plans stamp-dated 29 November 2002.

Moved Cr Ker, Seconded Cr Hall

That the recommendation be adopted.

Debate ensued.

LOST (2-6)

For

**Cr Chester
Cr Hall**

Against

**Cr Cohen
Cr Doran-Wu
Cr Drewett
Cr Franchina
Cr Ker
Cr Piper**

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

Reasons:

- 1. Existing dwelling is not significant in heritage terms.**
- 2. Streetscape is not adversely affected by proposed development.**
- 3. Does not appear on Municipal Heritage Inventory.**

ALTERNATIVE RECOMMENDATION:

Moved Cr Ker, Seconded Cr Piper

That the following alternative recommendation be adopted.

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council APPROVES the application submitted by the applicant Webb and Brown-Neaves on behalf of the landowner G Costa for the proposed demolition of the existing single house and construction of a single house, as shown on the plans stamp-dated 29 November 2002, subject to:

- (i) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the proposed garage being setback a minimum of 1.0 metre from the eastern rear boundary to ensure that a 6.0 metres deep manoeuvring distance is achieved;*
- (ii) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (iii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services;*
- (iv) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (v) an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
- (vi) subject to first obtaining the consent of the owners of No. 8 Camelia Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 8 Camelia Street in a good and clean condition;*
- (vii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Camelia Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (viii) prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*

- (ix) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for a standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services;*
- (x) *a visual truncation of 2 metres by 2 metres at the intersection of the driveway and right of way, shall be provided at the owner's cost;*
- (xi) *a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services. An application for the refund of the security deposit must be made in writing;*
- (xii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (xiii) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services, at the applicant's/owner(s)' full expense; and*
- (xiv) *street trees will only be removed with the written consent of the Town's Parks Services. All removal and replacement costs shall be borne by the applicant/owner(s);*

to the satisfaction to the Chief Executive Officer.

Moved Cr Ker, Seconded Cr Piper

That clause (x) of the alternative recommendation be deleted, and the subsequent clauses be renumbered accordingly.

Debate ensued.

AMENDMENT CARRIED (7-1)

For
Cr Chester
Cr Cohen
Cr Doran-Wu
Cr Drewett
Cr Franchina
Cr Ker
Cr Piper

Against
Cr Hall

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

MOTION AS AMENDED CARRIED (6-2)

For

Cr Cohen
Cr Doran-Wu
Cr Drewett
Cr Franchina
Cr Ker
Cr Piper

Against

Cr Chester
Cr Hall

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

COUNCIL DECISION ITEM 10.1.13

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council APPROVES the application submitted by the applicant Webb and Brown-Neaves on behalf of the landowner G Costa for the proposed demolition of the existing single house and construction of a single house, as shown on the plans stamp-dated 29 November 2002, subject to:

- (i) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the proposed garage being setback a minimum of 1.0 metre from the eastern rear boundary to ensure that a 6.0 metres deep maneuvering distance is achieved;*
- (ii) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (iii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services;*
- (iv) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (v) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
- (vi) *subject to first obtaining the consent of the owners of No. 8 Camelia Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 8 Camelia Street in a good and clean condition;*
- (vii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Camelia Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*

- (viii) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (ix) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for a standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services;*
- (x) *a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services. An application for the refund of the security deposit must be made in writing;*
- (xi) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (xii) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services, at the applicant's/owner(s)' full expense; and*
- (xiii) *street trees will only be removed with the written consent of the Town's Parks Services. All removal and replacement costs shall be borne by the applicant/owner(s);*

to the satisfaction to the Chief Executive Officer.

LANDOWNER: G Costa
APPLICANT: Webb and Brown-Neaves
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No.1: Residential R40
EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Single House
Use Classification	"P"
Lot Area	526 square metres

Requirements	Required	Proposed
Side setback from north boundary to garage.	1 metre	Nil

SITE HISTORY:

The site is occupied by a single storey dwelling that was constructed in 1915 in the Federation Bungalow style. The site abuts a rear right of way 5 metres wide, which is Town owned and sealed.

DETAILS:

Approval is sought for the demolition of the existing single house and the construction of a single house and garage.

During the processing of this application, the applicant informed the Town that a minor change was to take place to the garage, which was to be represented in amended plans. The application was suspended pending the submission of the amended plans. Contact was made with the applicant to follow up on the progress of the amended plans. The Town's Officer was informed that as a result of the Heritage Assessment precluding demolition, no amended plans will be provided until after the application is determined by Council.

CONSULTATION/ADVERTISING:

The application was advertised only to No.8 Camelia Street due to the nil setback for the garage wall on the northern boundary. No objection was received by the Town.

COMMENTS:

Demolition

A detailed heritage assessment is contained in Appendix 10.1.13.

The subject place is a Federation Bungalow style residence that was constructed in 1915 by local builder, Charles Jarrett. The site on which it was constructed was part of the 'Monastery Grounds Estate', a residential subdivision that was offered for sale by the Congregation of the Most Holy Redeemer in 1910. By 1915, houses had been constructed on all twelve lots along Camelia Street in the Monastery Grounds Estate. The subject place is presently in fair condition and retains a moderate to high degree of authenticity.

In accordance with the Town's Policies relating to heritage assessment and management, the place is considered to have some aesthetic value as it forms part of an extant streetscape of residences, constructed between 1910 and 1915, as part of the Monastery Grounds Estate. The place and the street provide a good record of architecture of the late Federation period, enhanced by the visual setting of greenery and trees provided by the grounds of the Redemptorist Monastery on the western side of Camelia Street.

In a planning context, it is considered that the extant Federation style residences along Camelia Street form an important part of the amenity of the street. In this respect, it is considered that the demolition of the subject place will have an unreasonable impact on the amenity of the area. In light of this, it is recommended that the proposal to demolish the place be refused.

Development

The application for a single storey house and garage essentially complies with the requirements of the Residential Design Codes, Town Planning Scheme No.1 and Town's Policies with the exception of the setback of the garage to the rear boundary and the parapet wall on the northern boundary.

The garage requires a setback of 1 metre from the rear boundary to allow for a 6 metres deep vehicle turning circle. The plans indicate a 700 millimetres distance from the rear boundary. As the parapet wall on the northern boundary represents a variation, the matter has been advertised to the adjoining affected owner with no objections received. The side setback variation is considered acceptable due to the non-objection and it will not unduly adversely affect the amenity of the northern neighbour.

Summary

In light of the above, it is recommended that the proposal be refused due to the heritage significance of the existing place.

10.1.19 Town of Vincent Submission on the Draft Prostitution Control Bill 2002

Ward:	Both Wards	Date:	6 February 2003
Precinct:	All Precincts	File Ref:	ENS0060
Reporting Officer(s):	J MacLean, D Brits, D Abel		
Checked/Endorsed by:	R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) receives the report relating to the Town of Vincent Submission on the Draft Prostitution Control Bill 2002;*
- (ii) endorses the comments and recommendations contained in the attached Town of Vincent Submission Report relating to the Draft Prostitution Control Bill 2002, as shown in Appendix 10.1.19;*
- (iii) authorises the attached Town of Vincent Submission Report relating to the Draft Prostitution Control Bill 2002, as shown in Appendix 10.1.19, being lodged with the Minister for Police and Emergency Services; and*
- (iv) acknowledges that the Town's Officers are legally ill-equipped to effectively prevent, control and prosecute alleged nuisance brothels and prostitution until appropriate legislative provisions are promulgated by the Western Australian Government.*

Moved Cr Ker, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Piper

That the Town of Vincent Submission Report relating to the Draft Prostitution Control Bill 2002, as referred to in Clause (ii) (of the Officer Recommendation) and as shown in Appendix 10.1.19, be amended as follows;

Planning Issues No. 14 to read as follows;

Where it can be shown that a brothel was in operation on the day the Bill was introduced, its continuation as such will be formalised and permitted, subject to its meeting criteria other than the 300 metre distance from specified land uses, until either it closes down or is sold. These brothels can continue even if the brothel is in a totally inappropriate location or it existed due to:

- the Council/Police not being able to obtain sufficient evidence to close it down; or*
- the Council/Police not being aware of its existence.*

Introduction to read as follows;

The Town of Vincent makes the following recommendations, for the Minister for Police and Emergency Services to consider and address in the legislation. In doing so, we note that the approach embodied in the Green Bill has not been successful in Victoria or Queensland and our recommendations should not be seen as support for the Government's proposed approach. However, if the Government does pursue this approach, we believe our recommendations would improve the effectiveness of the legislation.

Recommendations to read as follows;

3. *Local Government, because of their existing experience and expertise, should be a partner in the process of licensing and reporting, including the licensing of premises, as required in the Queensland legislation, which is not currently in the green Bill.*
4. *Any licensing of existing brothels should, in addition to the criteria already specified, be subject to either:*
 - a) *meeting the 300-metre distance from specified land uses criterion; or*
 - b) *demonstrating that the brothel has operated without detrimental impact on specified land uses within 300 metres, over a period of at least two years.*
45. *A process should be put in place ~~whereby~~ to ensure that the renewal of licences is assessed on the same basis as new applications, so that the suitability of a licence can be effectively reviewed at appropriate intervals.*
6. *The Prostitution Control Board should not be exempt from the rules of natural justice, especially the duty of procedural fairness. Sections 205 to 208 of the Green Bill should be removed from any legislation.*

and existing clauses (v) to (xi), to be renumbered (vii) to (xiii) accordingly.

Debate ensued.

AMENDMENT CARRIED (8-0)

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

Moved Cr Ker, Seconded Cr Piper

That the Town of Vincent Submission Report relating to the Draft Prostitution Control Bill 2002, as referred to in Clause (ii) (of the Officer Recommendation) and as shown in Appendix 10.1.19, be amended as follows;

"Street Prostitution

- *~~"Blanket Prohibition" has not worked in the past and is unlikely to do so in this case;~~*
- *~~The reality of street prostitution is that it is going to occur, irrespective of the legalities; ..."~~*

and

Recommendation No. 2 to read as follows;

- "2. *Streetworkers should be addressed in the legislation. ~~to enable their conduct, hygiene and methods of soliciting and locations of their "beats" to be controlled.~~ The Police Service should enforce a total prohibition of street worker prostitution."*"

Debate ensued.

AMENDMENT CARRIED (6-2)

For

Cr Chester
Cr Cohen
Cr Drewett
Cr Franchina
Cr Ker
Cr Piper

Against

Cr Doran-Wu
Cr Hall

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

MOTION AS AMENDED CARRIED (8-0)

COUNCIL DECISION ITEM 10.1.19

That the Council;

- (i) *receives the report relating to the Town of Vincent Submission on the Draft Prostitution Control Bill 2002;*
- (ii) *endorses the comments and recommendations contained in the attached Town of Vincent Submission Report relating to the Draft Prostitution Control Bill 2002, as shown in Appendix 10.1.19;*
- (iii) *authorises the attached Town of Vincent Submission Report relating to the Draft Prostitution Control Bill 2002, as shown in Appendix 10.1.19, being lodged with the Minister for Police and Emergency Services; and*
- (iv) *acknowledges that the Town's Officers are legally ill-equipped to effectively prevent, control and prosecute alleged nuisance brothels and prostitution until appropriate legislative provisions are promulgated by the Western Australian Government.*
- (v) *That the Town of Vincent Submission Report relating to the Draft Prostitution Control Bill 2002, as referred to in Clause (ii) (of the Officer Recommendation) and as shown in Appendix 10.1.19, be amended as follows;*

"Street Prostitution

- *~~"Blanket Prohibition" has not worked in the past and is unlikely to do so in this case;~~*
- *~~The reality of street prostitution is that it is going to occur, irrespective of the legalities; ..."~~*

and

Recommendation No. 2 to read as follows;

- "2. *Streetworkers should be addressed in the legislation. ~~to enable their conduct, hygiene and methods of soliciting and locations of their "beats" to be controlled.~~ The Police Service should enforce a total prohibition of street worker prostitution."*

Planning Issues No. 14 to read as follows;

Where it can be shown that a brothel was in operation on the day the Bill was introduced, its continuation as such will be formalised and permitted, subject to its meeting criteria other than the 300 metre distance from specified land uses, until either it closes down or is sold. These brothels can continue even if the brothel is in a totally inappropriate location or it existed due to:

- *the Council/Police not being able to obtain sufficient evidence to close it down; or*
- *the Council/Police not being aware of its existence.*

Introduction to read as follows;

The Town of Vincent makes the following recommendations, for the Minister for Police and Emergency Services to consider and address in the legislation. In doing so, we note that the approach embodied in the Green Bill has not been successful in Victoria or Queensland and our recommendations should not be seen as support for the Government's proposed approach. However, if the Government does pursue this approach, we believe our recommendations would improve the effectiveness of the legislation.

Recommendations to read as follows;

3. *Local Government, because of their existing experience and expertise, should be a partner in the process of licensing and reporting, including the licensing of premises, as required in the Queensland legislation, which is not currently in the green Bill.*
4. *Any licensing of existing brothels should, in addition to the criteria already specified, be subject to either:*
 - c) *meeting the 300-metre distance from specified land uses criterion; or*
 - d) *demonstrating that the brothel has operated without detrimental impact on specified land uses within 300 metres, over a period of at least two years.*
45. *A process should be put in place ~~whereby~~ to ensure that the renewal of licences is assessed on the same basis as new applications, so that the suitability of a licence ~~can be~~ is effectively reviewed at appropriate intervals.*
6. *The Prostitution Control Board should not be exempt from the rules of natural justice, especially the duty of procedural fairness. Sections 205 to 208 of the Green Bill should be removed from any legislation.*

and existing clauses (v) to (xi), to be renumbered (vii) to (xiii) accordingly.

**TOWN OF VINCENT
SUBMISSION ON
DRAFT PROSTITUTION CONTROL BILL 2002**

The Town of Vincent is pleased to be able to comment on the Draft Prostitution Control Bill 2002 and thanks the Minister for Police and Emergency Services for providing this opportunity.

BACKGROUND:

There are a number of excellent initiatives contained in the Draft Legislation, such as:

- Protection of workers through the Occupational Health and Safety legislation;
- Workplace operating procedures;
- Requiring employers to supply condoms; and
- Condoms cannot be used as evidence of prostitution.

Prostitution, in itself, is not an illegal activity but soliciting, importuning and other associated activities contravene current State legislation.

The Town of Vincent is currently aware of thirteen (13) brothels, operating within its boundaries, although it is thought that, because a "*consulting room*" may operate for a time, without being identified as a brothel, this may be lower than is actually the case. It is understood that the Town has the highest incidence of brothels, of any municipality in Western Australia. The Town also has a substantial number of street prostitutes, referred to as "*Streetworkers*", operating in various areas but, due to the transient nature of these prostitutes, the locations appear to change regularly.

The Town of Vincent receives numerous complaints annually about activities associated with street prostitution and the operation of brothels. Over a number of years, the Town's Law and Order Services has received numerous complaints from residents, whose doors were knocked at all hours of the day and night, by "*clients*" seeking the services of a prostitute who apparently lived close-by. These prostitutes generally operate from their own home and book "*clients*" by telephone. The Town has very little power to deal with brothels and has no power to deal with "*streetworkers*".

The introduction of legislation, which acknowledges that prostitution should be a permitted activity, provides an opportunity to enact control measures, to ensure that other parts of the community are not adversely affected by these activities. The Draft Prostitution Control Bill 2002 provides a framework to control the incidence of prostitution and creates offences and penalties for a contravention.

The Draft Prostitution Control Bill 2002 maintains the "*Prohibited*" status for "*Streetworkers*", thereby excluding them from the control framework. The Town is extremely concerned that, since street prostitution has been illegal for many years, without the Police being able to prevent it, there is nothing to suggest that this will change, as a result of this legislation.

DETAILS:

On receipt of a copy of the Draft legislation, Officers of the Town studied it and they have concerns about some of the contents. The following were identified as requiring clarification or amendment:

1. Bill appears to exclude Local Government from being involved in decisions about:
 - the granting of brothel licenses;
 - the locations of “*single operator brothels*”; and
 - “*Home occupation*” approvals.

Street Prostitution

2. The Bill retains the “*Prohibited*” status of streetworkers operating anywhere, and in the Officers opinion that, unless streetworkers are included in the Bill, no control can be exercised over what they do, and where they go.
3. The Officers of the Town believe that the following should be included as a minimum standard for any brothel, whether single operator or not:
 - A Premises Management Plan (facility/brothel) & Code of Practice (detailing individual operator and client rights and responsibilities) would benchmark appropriate industry standards, and ensure that everyone is aware that a facility will be appropriately operated with minimum adverse local impact; and
 - A “*Schedule of Approved Premises*” (adopted with legislation) and “*Complaints Register*” (Part of “*Board’s*” Annual Report), would ensure that approval process is appropriate and accountable.
4. It is considered essential that the “*Board*” requires a Premises Management Plan, and Code of Practice from licence holders, covering:

<ul style="list-style-type: none">• Complaints Protocol;• Incident Register;• Waste Management; Indemnity;• Security, Safety & Amenity; Procedures;• Parking & Noise Control; and Standards.	<ul style="list-style-type: none">• Hours of Operation;• Hygiene Standards;• Liability Insurance &• Fire & Evacuation• Minimum Structural
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The Prostitution Control Board (the “*Board*”)

5. The “*Board*” should be required to maintain a regularly updated Schedule of Approved Premises, and Complaints Register and that it should be available at all times for public inspection.
6. Because the “*Board*” appears to be totally autonomous with no scrutiny by anyone, including an Administrative Review Board (**Part 2, Division1**), the “*Board*”:
 - May be viewed with suspicion;
 - May be open to allegations of corruption, even if unjustified; and
 - May have no way to dispute these allegations.

Local Government

7. The reality is that complaints from the public, **WILL** be lodged with Local Government – it happens now and it is unlikely to change in the future.
8. Because Local Government is currently seen to be accepting more responsibility for community safety and security;
 - it will be expected that officers will have the legislated power to deal with complaints and problems; and
 - The public may not accept a State Government decision, that a **local business use** is not regulated by **Local** Government, or at least approved after due local consultation.
9. Complaints are already received, on a regular basis, by Local Government about the effects of prostitution and there is no reason to believe that this Draft Bill will stop this from occurring. Officers of the Town have identified the following likely sources of complaints. :
 - Vehicle & pedestrian noise caused by “clients” arriving or leaving - *All hours*;
 - Residents may have a feeling of being unsafe - *Primarily evening/night*;
 - Inappropriate business signage - *All hours*;
 - Inebriated clients, knocking on wrong doors - *All hours*;
 - Females being accosted when walking in the street or working in front gardens - *All hours*;
 - The presence of a brothel in a street will encourage streetworkers to create “beats” close-by;
 - Syringes, condoms, etc being discarded into adjacent properties - *All hours*;and
 - Increase in break-ins - *All hours*.

Planning Issues

10. The location criteria, identifying where brothels are permitted to be sited, as detailed in Schedule 3 will not allow a brothel to operate within most of the Town of Vincent.
11. The restrictions on brothels will most likely result in unauthorised brothels being established. This will in turn result in greater enforcement and prosecution, and the associated difficulties of such especially in relation to obtaining appropriate evidence.
12. Some Local Governments may view brothels to be appropriate in certain areas, such as within appropriate urban centres, however brothels cannot be located within such areas due to the prescribed location criteria.
13. The definition of "planning scheme" under clause 159 of the Bill does not include the Metropolitan Region Scheme (MRS), therefore all brothels, self-employed sole prostitute businesses and the like will require Planning Approval under the MRS. The Western Australian Planning Commission (WAPC) is also expected to be able to prosecute any unauthorised brothels, self-employed sole prostitute businesses and the like, pursuant to the MRS. This is expected to result in any complaints received regarding brothels, self-employed sole prostitute businesses and the like being directed to the WAPC for enforcement and prosecution pursuant to the MRS.

14. Where it can be shown that a brothel was in operation on the day the Bill was introduced, its continuation as such will be formalised and permitted, subject to its meeting criteria other than the 300 metre distance from specified land uses, until either it closes down or is sold. These brothels can continue even if the brothel is in a totally inappropriate location or it existed due to:
- the Council/ Police not being able to obtain sufficient evidence to close it down; or
 - the Council/Police not being aware of its existence.

15. Under the current Town Planning Scheme, persons who operate any business from their dwelling, require Planning Approval, such as for Home Occupation.

Self-employed sole prostitute businesses are only required to be approved by the "Board" without any requirement to seek the comments, recommendation or approval of the Local Government. Therefore, self-employed sole prostitute businesses are expressly excluded from the requirement to comply with the planning requirements and procedures of the Town Planning Scheme and associated Policies. The Board can approve self-employed sole prostitute businesses, even if the location is considered by Local Government to be inappropriate.

16. The Board is not required to discuss the implications of approving a brothel in a specific place and it is considered inappropriate for this level of authority to be given, particularly when there is no requirement to consult with and consider the comments and recommendation of the Local Government over issues like:
- A Brothel that is applying for a licence, should be required to prove that there is sufficient discreet, off-street parking for staff and customers, under the auspices of Local Government planning requirements.
 - Any access via a right of way should not be considered for use, if it would be likely to affect the amenity of adjoining residences/businesses.
 - Hours of business should be enforced so that the operation does not adversely affect adjoining residences/businesses.
 - Noise controls should be in accordance with Local Government requirements.
 - A Management Plan that addresses the control of noise, traffic, car parking, litter and anti-social behaviour should be submitted and approved.

17. An Elected Member raised the following:

"First, does approval of a brothel then preclude the local government from approving any of the uses listed (child care, school, etc) within 300 metres of an approved brothel. If so, this is a major, potentially long-term constraint on Town Planning Schemes, especially in the southern parts of the Town of Vincent.

Second, if approval does preclude such development within 300 metres and 'automatic' approval is given to existing brothels, how does this affect already-existing places within the 300 metres. The most obvious here are the Perth Mosque and the Salvation Army on William Street and the Vietnamese Buddhist Temple on Money Street (all within 300 metres of an existing brothel). Any of these may wish to expand the range of services they offer to include, for example, child care, but could be precluded from doing so because of the legislative changes."

18. The promulgated Prostitution Control Act should allow Regulations to be created pursuant to the Act. These Regulations are required to address detailed matters relating to the administration, implementation and enforcement of the legislation.
19. The administration, implementation and enforcement of the legislation will require an immense amount of resources in order for the legislation to be effective in achieving its objectives and intent.

Public Health

General health comment is already incorporated in the report, so only a few further health comments are being made.

The key purpose of Public Health is described as the responsibility to:

- Improve the health and wellbeing of the population;
- Prevent disease and minimise its consequences;
- Prolong valued life; and
- Reduce inequalities in health (Healthwork UK, 2001)

In addition, Dr Heather Lyttle, Sexual Health Physician's specialist comment that: "*No evidence that sex workers have higher rates of infection than the general public (in Australia)*", is welcomed.

However, as the world is increasingly becoming a global village with escalating inter-state and inter-continental travel, it would be prudent to keep a close watch on epidemiological and sexually transmittable (and imported) disease tendencies, and adjust legislation and programmes accordingly. Dr Heather Lyttle further additional comment in relation to positive aspects of the proposed legislation is supported, namely -

- Requirement that employers provide condoms; and
- Offence to induce someone not to use a condom.

It is acknowledged that the Members for Parliament who attended the Community Forum at the Town of Vincent indicated that the Town's Officer suggestions of a Premises Management Plan, Code of Practice, Minimum Structural Standards, and the like would together with other operational matters, be included in future Regulations.

Currently, our ratepayers have the perception that local government has the necessary legislative powers to effectively deal with alleged brothels, and prostitution matters. Service Requests and complaints are currently referred to the Managers for Planning and Building Services, Health Services, and Law and Order, who are uncertain as to precisely what action is *intra vires* and expected from local government. As the Town of Vincent, reportedly the inner-city with the most brothels, receive numerous complaints in this regard, it would be prudent for the WA Police Service, Department of Health (WA), and the Town's three relevant Managers to form an Interim Vincent Prostitution Complaint Handling Forum until legislation is adopted that clearly define local government and state government powers in this regard.

Town of Vincent Forum on the Draft Prostitution Control Bill 2002:

To obtain an indication of how the community views the Draft Legislation, the Town hosted a public forum on 29 January 2003 and invited a number of speakers, including the Minister for Police and Emergency Services. The Minister declined to attend, although her office nominated Superintendent Fred Gere to speak on her behalf and presentations were given by representatives from Department of Health (WA), Phoenix, Street Workers Outreach Project WA, Street Workers Action Group and the Town of Vincent.

As a result of the forum, the Town has identified a number of other concerns, relating to community safety and security, health and planning issues and, unless these matters are satisfactorily addressed, the Town of Vincent is opposed to the introduction of the Bill, in its current form.

Some of the concerns and observations, raised at the forum, are listed below:

1. The Draft Prostitution Control Bill 2002 seems to be proceeding in the same direction as did similar pieces of legislation in Queensland and Victoria.

The Queensland Legislation has been in place for 2½ years and it has been proved that, while some prostitutes did register with the "Board", the illegal sex industry has increased dramatically.

In Victoria, where the Legislation has been in place for 8 years, while prostitutes did register, the illegal industry, both streetworkers and illegal brothels, has increased.

Page 22 of the Annual Report of the Queensland Prostitution Control Board has the following quote:

"In, short, the Prostitution Act, as currently enacted, cannot achieve its stated objectives which underpin the legislative initiative for the regulation and control of prostitution."

2. The probable outcomes, if the proposed legislation is passed in its current form are:
 - Police resources will be stretched;
 - Sex workers will not gain improved working conditions;
 - Broader community not consulted, illegal brothels will flourish;
 - Local Councils will have insufficient input on appropriate locations and operation; and
 - Sex workers health and well being will be at risk.

RECOMMENDATIONS:

The Town of Vincent makes the following recommendations, for the Minister for Police and Emergency Services to consider and address in the legislation. In doing so, we note that the approach embodied in the Green Bill has not been successful in Victoria or Queensland and our recommendations should not be seen as support for the Government's proposed approach. However, if the Government does pursue this approach, we believe our recommendations would improve the effectiveness of the legislation.

1. A reasonable sunset clause and associated period should be placed on “existing brothels”; to ensure that issues of inappropriate locations or unacceptable behaviour can be adequately addressed after the expiry of that specified time.
2. Streetworkers should be addressed in the legislation. The Police Service should enforce a total prohibition of street worker prostitution.
3. Local Government, because of their existing experience and expertise, should be a partner in the process of licensing and reporting, including the licensing of premises, as required in the Queensland legislation, which is not currently in the green Bill.
4. Any licensing of existing brothels should, in addition to the criteria already specified, be subject to either:
 - e) meeting the 300-metre distance from specified land uses criterion; or
 - f) demonstrating that the brothel has operated without detrimental impact on specified land uses within 300 metres, over a period of at least two years.
5. A process should be put in place to ensure that the renewal of licences is assessed on the same basis as new applications, so that the suitability of a licence is effectively reviewed at appropriate intervals.
6. The Prostitution Control Board should not be exempt from the rules of natural justice, especially the duty of procedural fairness. Sections 205 to 208 of the Green Bill should be removed from any legislation
7. The Prostitution Control Board should be required to establish and regularly update:
 - An effective Complaints Handling procedure;
 - A Schedule of Approved Premises;
 - Complaints Register; and
 - A Premises Management Plan (facility/brothel), and Code of Practice (operator and client) for licence holders;to ensure that Local Government and the general public have some recourse, in the event of a problem situation.
8. An Interim Vincent Prostitution Complaint Handling Forum is established until legislation is promulgated comprising the Town's Officers and representatives from the WA Police Services` Vice Investigations and the Department of Health (WA).
9. Local Government should be able to vary location criteria.
10. Self-employed sole prostitute businesses should be dealt like any other business and require a Planning Approval to be obtained from the Local Government, or the licence criteria should be developed and adopted to address land use planning considerations.
11. The promulgated Prostitution Control Act should allow Regulations to be created pursuant to the Act. The State Government should develop and promulgate these Regulations to address detailed matters relating to the administration implementation and enforcement of the legislation. These Regulations should be developed in close liaison with all key stakeholders, including Local Government, and be subject to an extensive community consultation period.
12. The Government agency responsible for the administration and implementation of the legislation should be adequately resourced to effectively implements and enforce the legislation,

13. The establishment of an approved brothel should not consequently preclude the subsequent establishment of an educational establishment, a place of worship, etc. within 300 metres of that brothel.
-

BACKGROUND:

Over the past few years, the Town has received numerous complaints about problems being experienced by residents and ratepayers, as a result of the various aspects of the sex industry. The Police using the Prostitution Act 2000, which was enacted by the previous Liberal State Government, currently addresses this and has a number of identified deficiencies, particularly in the area of evidence gathering.

In late November 2002, the current Labour State Government made the Draft Prostitution Control Bill 2002, available as a "*Green Bill*" for public information and asked for comments from interested parties before 7 February 2003. It was considered inappropriate to deal with this piece of legislation under Delegated Authority so, as the Council was in recess until 11 February 2003, the Chief Executive Officer wrote to the Minister for Police and Emergency Services, seeking an extension of this deadline, until 17 February 2003. Subsequently, an extension was granted until 14 February 2003.

The Town continues to receive complaints about the activities of prostitutes, primarily street workers, but it must be acknowledged that these are considerably less than a few years ago.

DETAILS:

There are a number of areas in the Draft Prostitution Control Bill 2002, where there are some concerns held by Officers of the Town. These were presented to an assembly of approximately 95 persons at the Draft Prostitution Control Bill Forum, held at the Town on 29 January 2003.

The concerns of the Town's Officers, along with comments and suggestions from a number of State Government agencies, stake holders and a large number of the general public were discussed at the forum and have been incorporated into the Submission Report as shown in Appendix 10.1.19.

Some comments have been received that at the Forum, because there was no one presenting the case from a residents/business perspective, the nature of presentations was considered imbalanced. The panel consisted of a representative from, Police, Health WA, Phoenix, Street Workers Outreach Programme WA, Street Workers Action Group, a brothel and two Town Officers.

Dr Heather Lyttle, Sexual Health Physician, at the Royal Perth Hospital, reports that since 1985 health advances in this area included:

- Law reform in various States;
- A greater HIV (Acquired Immunity Deficiency Syndrome) and STD (Sexually Transmitted Diseases) prevention focus;
- Needle and syringe exchange programs to minimise blood-borne disease transmission;
- Medicare/free HIV testing;
- 95 per cent use of condoms by sex workers (HIV infection rare - currently (in Australia) less than 1 per cent of sex workers);

- No evidence that sex workers have higher rates of infection than the general public (in Australia);
- Proposed legislation can protect workers through occupational health and safety standards;
- Legislation can direct employers to have appropriate workplace practices; and
- Proposed legislation can direct employers to employ workers rather than subcontract (where there are no or little safeguards).

Additional positive aspects of the proposed legislation include:

- Requirement that employers provide condoms;
- Offence to induce someone not to use a condom; and
- Condoms cannot be used as evidence of prostitution.

CONSULTATION/ADVERTISING:

The Town convened a Public Forum on 29 January 2003, for the purpose of obtaining comments from people likely to be affected by the proposed legislation and the consultation process was undertaken at that time.

Overall, most speakers and representatives acknowledged the existence of the industry, but felt that some negative aspects should be minimised to preserve the amenity of nearby residents. However, a petition with 178 signatures from Vincent and Perth residents against the matter was submitted to the Chief Executive Officer.

In addition, written correspondence was received from five (5) sources and a further 5 telephone calls were received following the forum. Where appropriate, the Town of Vincent Report has addressed the comments from these sources.

Copies of written correspondence, received following the forum will be attached on a confidential basis, to the Town's Submission Report to the Minister for Police and Emergency Services.

LEGAL/POLICY:

The legal/policy implications of the Bill are addressed in the attached Submission Report.

STRATEGIC IMPLICATIONS:

Draft Strategic Plan 2002-2007:-

Key Result Area One: Environment and Infrastructure -

1.3 Develop, implement and promote sustainable urban design.

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

Key Result Area Two: Community Development -

2.5 Develop and implement community programs for law, order and safety.

FINANCIAL/BUDGET IMPLICATIONS:

The financial/budget implications of the Bill are addressed in the attached Submission Report.

COMMENTS:

In light of the above, it is recommended that the Council endorses the comments and recommendations contained in the attached Submission Report relating to the Draft Prostitution Control Bill 2002, as shown in Appendix 10.1.19, and authorises the Submission Report being lodged with the Minister for Police and Emergency Services.

It should be noted that Council Officers are legally ill-equipped to effectively prevent, control and prosecute alleged nuisance brothels and prostitution until appropriate legislative provisions are promulgated by the Western Australian Government. The responsibility will remain with the WA Police Service and/or Department of Health (WA) in the interim.

10.1.5 No. 135A (Lot 142) (Strata Lot 2) West Parade, Mount Lawley – Proposed Additional Two-Storey Grouped Dwelling to Existing Dwelling

Ward:	North Perth	Date:	4 February 2003
Precinct:	Banks, P15	File Ref:	PRO 1153 00/33/1397
Reporting Officer(s):	V Lee		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by N Smith on behalf of the owner N Flavel, for an additional two-storey grouped dwelling to existing dwelling at No. 135A (Lot 142) (Strata Lot 2) West Parade, Mount Lawley, as shown on plans stamp-dated 20 November 2002, 10 January 2003 and 22 January 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted to and approved by the Town demonstrating the following:*
 - (a) a store, not visible from the adjacent street(s), accessible from the outside, and of a minimum area of 4 square metres and a minimum dimension of 1.5 metres being provided. The store being provided as a weatherproof enclosure with a lockable door and be built in materials compatible with the development; and*
 - (b) the eastern side of the balcony/deck accessible from the kitchen on the first floor level being screened with a permanent obscure material from the finished floor level of the balcony to the full ceiling height of the balcony roof. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*

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

- (iii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to West Parade shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iv) no street trees shall be removed, cut back, pruned or interfered with in any way, without the prior approval of the Town's Parks Services;*

- (v) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the windows to the kitchen on the eastern elevation on the first floor shall be 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;*
- (vi) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (vii) *a right of way security bond and/or bank guarantee for \$885 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services;*
- (viii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (ix) *a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the Town's assets have been reinstated to the satisfaction of the Town's Technical Services. An application for the refund of the security deposit must be made in writing; and*
- (x) *a visual truncation of 2 metres by 2 metres at the intersection of the driveway and the footpath shall be provided at the owner's cost;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.5

Moved Cr Cohen, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Hall, Seconded Cr Franchina

That this item be DEFERRED for further investigation and report.

CARRIED (5-3)

For
Cr Chester
Cr Cohen
Cr Franchina
Cr Hall
Cr Piper

Against
Cr Doran-Wu
Cr Drewett
Cr Ker

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

LANDOWNER: N Flavel
APPLICANT: N Smith
ZONING: Metropolitan Region Scheme – Urban
Town Planning Scheme No. 1 – Residential R60
EXISTING LAND USE: Grouped Dwelling on Strata Lot 1

COMPLIANCE:

Requirements	Required	Proposed
Setbacks - unenclosed balconies setback as though they were major openings to habitable rooms with a wall height of 2.4 metres above their floor level.	2.5 metres on northern elevation; 2.5 metres on eastern elevation	1.7 metres to balcony/deck 1.2 metres to balcony/deck
Store Room	An enclosed, lockable storage area, matching the dwelling, of at least 4 square metres.	No store room shown.
Privacy - northern boundary	6 metres setback between major openings to habitable rooms and the adjoining property.	4.8 metres from living room to eastern boundary, however windows have been placed so that there is not considered to be direct overlooking.
Building Height	6.0 metres to top of external wall (roof above) 9.0 metres to top of pitched roof	Contemporary roofline proposed. Roof above but with no apex at pitch of roof. 5.6 metres to 6.95 metres to top of wall proposed.
Retaining Walls	Retaining walls to be setback 1 metre from common boundaries	Retaining walls proposed on the northern, eastern and southern property boundaries
Use Class	Grouped Dwelling	
Use Classification	'P'	
Lot Area	189 square metres	

SITE HISTORY:

The property is located on the eastern side of West Parade between Guildford Road and Chertsey Street. A 3.62 metres wide, private, sealed right of way is located along the rear of the property. The surrounding land uses are characterised by predominantly single-storey single residences interspersed with sporadic two-storey development and commercial uses.

27 April 1999

The Council at its Ordinary Meeting resolved to conditionally approve an additional two-storey grouped dwelling to the rear of the existing dwelling.

24 July 2001

The Council at its Ordinary Meeting refused an application for an additional three-storey grouped dwelling to the rear of the existing dwelling for the following reasons:

- “1. *Non-compliance as stated in the report.*
2. *Non-compliance with the locality statement.*
3. *Non-compliance with the development considered to be inappropriate for the amenity of the area.”*

4 December 2001

The Council at its Ordinary Meeting constructively refused a proposal for an additional three storey grouped dwelling to the rear of the existing dwelling for the following reasons:

- “1. Non compliance as stated in the report.*
2. *Non compliance with the locality statements.*
3. *Non compliance with the development considered to be inappropriate for the amenity of the area.”*

11 October 2002

The Town received an application for a two-storey single house at the rear of the existing house. The application was assessed and advertised in accordance with the Town’s Policy relating to Community Consultation. The Residential Design Codes 2002 (R Codes) were gazetted on 4 October 2002. At this time, the full implications of the R-Codes were not fully determined and the Town had not yet put practises into place that complied with the advertising requirements of the new R Codes. This required that affected neighbours are advised in writing of non-compliances with the R-Codes. In addition, several neighbours requested copies of plans to be provided to them, so they could undertake a thorough assessment of the proposal. The applicant agreed to provide copies of the plans and they were distributed to those who requested.

Due to non-compliances with the R-Codes and the relevant Town’s Policy, the Town’s Officers suggested that the applicant revise the plans to address several of these non-compliances or provide justification for the variations to the R Codes and Town’s Policies.

6 November 2002

Revised plans were received. These revised plans were advertised for a further 14 days and all affected neighbours were provided with a copy of the plans as agreed by the applicant. The Town’s Officers received several written and verbal complaints regarding the development and the interpretation of the new R-Codes during this period.

18 November 2002

The applicant withdrew the application (Serial Number 00/33/1344).

20 November 2002

The Town received a new application (Serial Number 00/33/1397) for the subject property. The proposal was advertised to adjoining neighbours with a description of non-compliances with the R-Codes, and a copy of the plans as agreed to by the applicant.

7 January 2003

The applicant provided the Town with a contour and feature survey.

21 January 2003

The Town received details from the applicant relating to retaining walls, finished floor levels in relation to the site and contour survey and details of likely external finishes being grey coloured plastered render finish, aluminium windows and off white colorbond roof.

DETAILS:

The proposal involves the addition of a two-storey grouped dwelling behind the existing dwelling. Vehicular access is proposed from the rear 3.62 metres wide, privately owned and sealed right of way. A 1.2 metres wide pedestrian access way is provided from the subject lot through to West Parade for the collection of mail and rubbish. This pedestrian access way has been approved as a part of a survey strata plan in 1999.

The applicant has also requested that the application fee be waived in light of the number of times that the application has been submitted. The applicant paid a \$100 fee on the most recently submitted application.

The proposal has required a complete reassessment to be undertaken due to the introduction of the new Residential Design Codes (R Codes). It is acknowledged that the applicant had no control over this matter. However, the applicant did not provide sufficient information for a full and accurate assessment of the proposal in the first instance, which has led to additional correspondence and liaison with the applicant and effected neighbours. In this instance, it is considered that a \$100 is appropriate and no fees should be refunded.

CONSULTATION/ADVERTISING:

Two written objections were received during the consultation periods.

The objectors' comments are similar and a summary of the objectors' comments is as follows:

Information

The objectors' state that the application should be refused on the grounds that information has not been provided in accordance with Parts 2.44-2.4.6 of the R Codes and Council (not the Town) has not granted discretion to vary these requirements.

The objectors state that information relating to proposed level of fill or a site survey has not been provided. The objectors have expressed concern that the information provided by the applicant is not accurate due to the manner in which it was collected. In addition, information relating to the location and height of retaining is not provided and accordingly can not be assessed to ascertain compliance with the R Codes. In addition, information relating to exterior finishes has not been provided and concern was raised regarding potential glare from the roofing material.

Building Height

The objectors also object on the matter of building height and consider that the proposal is a "roof above" and therefore does not comply with the R Codes.

Setbacks

The objectors also object on the matter of setbacks for retaining walls, the unenclosed balcony to the eastern boundary and consider that the parallel windows to the eastern boundary wall are major openings.

Overlooking

The objectors request that the windows to the kitchen are glazed in an obscure material and be non-openable so the windows are not considered to be a major opening.

COMMENTS:

Information

The objectors' comments are noted. Since the introduction of the Residential Design Codes in 2002, the Town's Officers have modified practices for receiving applications requiring details as specified by Clause 2.4 of the new R Codes. In some instances, the Town's Officers believe that all information as stated by Clause 2.4 of the R Codes is not considered necessary for a thorough assessment of the proposal. The R Codes does not give the Town's Officers the ability to vary the required information.

Clause 2.5.3 of the R Codes also formally give the applicant the opportunity to respond to comments received from affected landowners. In accordance with this requirement, the applicant has been made aware of objections and concerns raised, and the applicant has provided additional information and plans to clarify many of the concerns.

Heritage

The existing dwelling on strata Lot 1 is listed on the Town's Interim Heritage Database. No alterations to the existing dwelling are proposed as a part of this application. The Town's Heritage Officers advised that they had no objection to the proposal on heritage grounds.

Roof Materials

In response to concerns raised by neighbours in relation to possible glare from the roof, the applicant has provided the following statement:

"The issue of reflectivity from the roof is dealt with via the low roof pitch as it makes it geometrically impossible to see the roof surface at all from closer than 40m. The distance from which the reflected sun (glare) can be seen is considerably further and should not cause irritation. This is compounded by the "weathering" of the surface over time that reduces the co-efficient of reflectivity. The proponents are agreeable to the possible painting of the roof surface if it is found to be of neighbourly concern following dwelling completion."

Due to the pitch of the proposed roofline and the proposed materials of the roof, it is unlikely that unreasonable glare will be caused from the roof. Accordingly, the proposed roof is supported.

Building Height

The applicant has provided the following response/justification in regard to the variation to building height.

"The proponents consider the R Codes to be deficient in dealing with low pitched skillion roofs of the kind proposed so some interpretation is required. The end walls are "gables" and thus at less than 9m long are exempted. The long wall height can be calculated as shown on the drawings (and according to R Codes 3.7/A1.1 note ii) at 6145 mm. This is indeed 145mm higher than the 6 m maximum but the proponents request variation on this matter via the justification that 1.) excavating the dwelling any further may cause flooding problems towards the (higher) laneway; 2) that the height of the same wall on the laneway boundary is 5745mm; 3.) that the average height of the wall across the site is 5945mm and; 4.) that the change in material from masonry to glazing at 5890mm reduces the apparent bulk and scale of the wall. In addition, the proponents are reducing the impact of the dwelling by using this type of roof arrangement, where a traditional roof could have increased height to 9m."

The R Codes are not considered to specifically cater for this type of roof - roof above with no typical pitch to the roof at an apex. The Town's Officers believe it is appropriate for this type of roofline to be supported as its not considered to have an unreasonable effect on the adjoining properties in terms of bulk and scale. The shorter wall generally complies with the R Codes and the proposed dwelling is not considered to have excessive ceiling heights. Accordingly this variation is supported.

Setbacks.

In regard to setbacks, the applicant has provided the following information.

"The retaining walls as stated earlier are less than 500mm high (300mm maximum) so the issue of setback is negligible. They will be placed inside the fence line and so should not have a deleterious effect on neighbouring properties. Upon dwelling completion it may be mutually agreeable to increase fence heights by 300mm where necessary."

As shown on previous drawings the north facing balcony is screened to 1600mm to prevent overlooking of the north and east sides. It is in essence an enclosed balcony and as such is compliant. The proponents are reluctant to increase the screen height any further, and would seek considerable justification for the necessity of doing so when winter sun penetration is already compromised by the 1600mm wall.."

The applicant has advised that the proposed retaining walls will be a maximum of 300 millimetres high. This is not considered to create unreasonable overlooking or unduly affect the adjoining affected neighbours' amenity.

The setback from the right of way was previously highlighted as a variation to adjoining property owners. On further assessment, it has been revealed that the right of way may be considered as a secondary street and therefore only requires a first floor setback of 1 metre. Therefore, the setback of the proposed dwelling is deemed to comply. No objections were received from adjacent affected neighbours in relation to this matter.

The applicant is seeking a variation in relation to the setback of the balcony and the requirement for the balcony to be screened to full height on the northern and eastern elevations.

An objection has been received from the eastern neighbour in relation to the balcony.

However, in this instance, setting back the balcony or screening the balcony on both the eastern and northern elevations to strictly comply with the R Codes is not considered to create a better outcome for the owners nor the adjoining residents. Screening the balcony to full height may be considered to increase the bulk and scale of the dwelling on these elevations.

The Town's Officers consider that there are two other main issues relating to the balcony; noise from the use of the balcony and overlooking from the balcony.

Setting back the balcony to comply with the requirements of the R Codes is unlikely to achieve a notable difference in noise. Screening the balcony to full height may reduce noise levels but may have other more detrimental side effects relating to bulk, scale, setbacks and plot ratio.

Overlooking concerns have been addressed by screening the balcony on the eastern and northern elevations to a height of 1.6 metres.

Notwithstanding the above, in order to address the objectors' concerns, it is recommended that the eastern elevation of the balcony is screened from the finished floor level of the balcony to the balcony roof. However, as no objection has been received from the neighbour on the north, screening to full height on this side is not considered appropriate.

Store Room

The plans do not show the provision of a store room on the subject site. The provision of a storeroom may effect plot ratio and open space provisions. Accordingly, it is recommended that revised plans are received which show the provision of a store room in compliance with the R Codes and the applicant is advised that the revised plans shall not result in any greater variations to the R Codes nor the Town's Policies.

Privacy

The proposed windows to the living room on the northern elevation do not comply with the acceptable development requirement of the R Codes, however they are deemed to comply with the intent of the performance criteria and avoid direct overlooking into the adjoining property. Accordingly, this variation is supported. The applicant has shown the kitchen windows as obscure. It is recommended this be reiterated in a condition of Planning Approval to comply with the requirements of the R Codes.

Accordingly, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters.

10.1.10 Nos. 151 and 153 (Lots 72 and 71) Grosvenor Road, North Perth - Proposed Garage and Fencing Additions to Existing Dwellings

Ward:	North Perth	Date:	30 January 2003
Precinct:	Norfolk, P10	File Ref:	PRO 2210 00/33/1435
Reporting Officer(s):	M Bonini		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

(i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme and having regard to the matters it is required to consider generally, and in particular;*

(a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*

(b) *the non-compliance with the Town's Policy relating to Street Setbacks;*

the Council REFUSES the application submitted by Matthews Architecture on behalf of the owner N Johnson for proposed garage addition to an existing dwelling on No. 151 (Lot 72) Grosvenor Road, North Perth, as shown on the plans stamp-dated 20 December 2002; and

(ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Matthews Architecture on behalf of the owner N Johnson for the proposed fence addition to existing dwellings on Nos. 151 and 153 (Lots 72 and 71) Grosvenor Road, North Perth, as shown on the plans stamp-dated 20 December 2002, subject to:*

(a) *compliance with all Building, Environmental Health and Engineering requirements and relevant Australian Standards and noise regulations;*

(b) *a road and verge security deposit bond and/or bank guarantee of \$220 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing; and*

(c) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Grosvenor Road shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Piper, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

LOST (1-7)

For

Cr Ker

Against

Cr Chester

Cr Cohen

Cr Doran-Wu

Cr Drewett

Cr Franchina

Cr Hall

Cr Piper

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

Reasons:

- 1. Does not adversely affect the streetscape.**
- 2. Replicates a historical building**
- 3. Does not detract from the amenity of the area**

ALTERNATIVE RECOMMENDATION:

Moved Cr Cohen, Seconded Cr Chester

That the following alternative recommendation be adopted.

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Matthews Architecture on behalf of the owner N Johnson for the proposed garage addition to an existing dwelling on No. 151 (Lot 72) and fence addition to existing dwellings on Nos. 151 and 153 (Lots 72 and 71) Grosvenor Road, North Perth, as shown on the plans stamped 20 December 2002, subject to:

- (i) compliance with all Building, Environmental Health and Engineering requirements and relevant Australian Standards and noise regulations;*
- (ii) a road and verge security deposit bond and/or bank guarantee of \$220 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services. An application for the refund of the security deposit must be made in writing;*
- (iii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Grosvenor Road shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*

- (iv) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (v) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services;*
- (vi) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (vii) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application; and*
- (viii) *street trees will only be removed with the written consent of the Town's Parks Services. All removal and replacement costs shall be borne by the applicant/owner(s);*

to the satisfaction of the Chief Executive Officer.

Debate ensued.

Moved Cr Chester, Seconded Cr Ker

That an additional clause be added to the alternative recommendation as follows;

"prior to the issue of a Building Licence, revised plans shall be submitted to and approved by the Town demonstrating the garage being setback to allow for a visual truncation of 1 metres by 1 metres at the intersection of the driveway and footpath, in accordance with the Town's Policy relating to Visual Sight Line Truncations - Driveways and Rights of Way (ROW's). The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;"

Debate ensued.

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

<u>For</u>	<u>Against</u>
Cr Chester	Cr Drewett (2 votes)
Cr Cohen	Cr Franchina
Cr Doran-Wu	Cr Hall
Cr Ker	Cr Piper

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

ALTERNATIVE RECOMMENDATION CARRIED (5-3)

For

Cr Cohen
Cr Drewett
Cr Franchina
Cr Hall
Cr Piper

Against

Cr Chester
Cr Doran-Wu
Cr Ker

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

COUNCIL DECISION ITEM 10.1.10

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Matthews Architecture on behalf of the owner N Johnson for the proposed garage addition to an existing dwelling on No. 151 (Lot 72) and fence addition to existing dwellings on Nos. 151 and 153 (Lots 72 and 71) Grosvenor Road, North Perth, as shown on the plans stamp-dated 20 December 2002, subject to:

- (i) compliance with all Building, Environmental Health and Engineering requirements and relevant Australian Standards and noise regulations;*
- (ii) a road and verge security deposit bond and/or bank guarantee of \$220 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services. An application for the refund of the security deposit must be made in writing;*
- (iii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Grosvenor Road shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iv) prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (v) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services;*
- (vi) the construction of crossovers shall be in accordance with the Town's specifications;*
- (vii) details of all street trees adjacent to the subject property shall be submitted with the Building Licence application; and*

(viii) *street trees will only be removed with the written consent of the Town's Parks Services. All removal and replacement costs shall be borne by the applicant/owner(s);*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: N Johnson
APPLICANT: Matthews Architecture
ZONING: Metropolitan Region Scheme: Urban Town Planning
Scheme No.1: Residential R40
EXISTING LAND USE: A single house on each lot.

COMPLIANCE:

Use Class	Single House
Use Classification	"P"
Lot Area	555 square metres per lot

Garage

Requirement	Required	Proposed
Setback as per Policy relating to Street Setbacks.	6 metres from the frontage street or behind the line of the front main building wall.	0.6 metres
Garage Doors as per Residential Design Codes	A maximum of 50 percent of the frontage at the setback line as viewed from the street.	53 percent
Sightlines as per Residential Design Codes	Side wall to be a maximum of 0.75 metre high within 1.5 metres of front boundary	2.914 metres

SITE HISTORY:

No.153 Grosvenor Road is occupied by a single storey residence with a solid brick wall at the front boundary. No.151 Grosvenor Road is occupied by a single storey residence with established piers where a carport previously existed.

DETAILS:

The applicant seeks approval for the front boundary fence across Nos. 153 and 151 Grosvenor Road and the garage for No. 151 Grosvenor Road. The application is part of an overall restoration project for both Nos. 151 and 153 Grosvenor Road being the former residence of Mr Robert Gamble, a former Mayor of North Perth. The restoration involves the re-establishment of the gardens on No. 151 Grosvenor Road with a garage to the street.

CONSULTATION/ADVERTISING:

The applicant sought and obtained signatures of consent from the neighbour of No. 149 Grosvenor Road.

COMMENTS:

This matter was addressed in a similar Delegated Authority Report referred to Elected Members on 24 January 2003. Five Elected Members submitted objections to this matter being determined under delegated authority; therefore it is being referred to the Ordinary Meeting of Council to be held on 11 February 2003 for consideration and determination.

Setback

In the case of garages, the Town's Policy relating to Street Setbacks requires a 6 metres setback from the front boundary to the garage. The purpose of this setback is to ensure that the streetscape is preserved and enhanced.

The proposed setback for the garage on No. 151 Grosvenor Road is 0.6 metre. This is considered significantly under the requirement of the Policy and therefore cannot be supported. The property also has area at the rear to accommodate the garage with access provided from a privately owned unsealed right of way with a width of 4.0 metres.

Garage Doors

To further prevent the dominance of a garage to the general streetscape, the Residential Design Codes limits the width of garage doors in relation to the total lot width. As the table above suggests, the garage doors must not occupy more than 50 percent of the frontage at the setback line as viewed from the street. The proposal involves garage doors that occupy 53 percent of the frontage at a position forward of the setback line. In light of this, the garage is not supported.

Sightlines

The proposed garage does not accommodate an appropriate level of vision to the street due to the proximity of the garage to the boundary. The Residential Design Codes stipulate that walls must be truncated or reduced to no higher than 0.75 metre within 1.5 metres of where walls meet the front boundary. The proposal involves a wall with a maximum height of 2.914 metres within 1.5 metres of the front boundary. From a safety aspect, a wall at this height is considered unacceptable, as it would restrict visibility to the street.

The proposed garage is considered to severely compromise the streetscape amenity and safety of the immediate area. The variations involved with the proposed garage depart considerably from the relevant requirements of the Town's Policies and Residential Design Codes. These variations are not supported and it is therefore recommended that the garage be refused. The proposed fence is supported and recommended for conditional approval as it satisfies the requirements of the Town's Policy relating to street walls and fences.

10.1.4 No. 2A (Lot 92) Highlands Road, North Perth - Two Storey Single House

Ward:	Mount Hawthorn	Date:	3 February 2003
Precinct:	North Perth, P1	File Ref:	PRO1920 00/33/1403
Reporting Officer(s):	V Lee		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Oswald Homes on behalf of the owners P and S Vlachou, for proposed two storey single house at No. 2A (Lot 92) Highlands Road, North Perth, as shown on plans stamp dated 25 November 2002, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the setback of the first floor being a minimum of 6 metres from Highlands Road. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (iii) subject to first obtaining the consent of the owners of No. 16 Ellesmere Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 16 Ellesmere Street in a good and clean condition;*
- (iv) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Highlands Road shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (v) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the windows to the study/activities room on the northern, eastern and southern elevations on the first floor shall be 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; OR prior to the issue of a Building License revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be a major opening as defined in the Residential Design Codes 2002;*
- (vi) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division, including appropriate drainage from the garage being incorporated into the design given the grade of the land;*

- (vii) *a road and verge security deposit bond and/or bank guarantee of \$1000 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the Town's assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (viii) *a visual truncation of 2 metres by 2 metres at the intersection of the driveway and the footpath shall be provided at the owner's cost;*
- (ix) *the construction of crossovers shall be in accordance with the Town's specifications, including the drainage gully abutting the proposed crossover being relocated or modified by the Town of Vincent, at the expense of the owner/applicant; and*
- (x) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*

to the satisfaction of the Chief Executive Officer.

Moved Cr Franchina, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

Moved Cr Piper, Seconded Cr Cohen

That clause (ii) be deleted and clause (v) only apply to the windows on the northern elevations.

Debate ensued.

AMENDMENT LOST (3-5)

For

**Cr Cohen
Cr Drewett
Cr Piper**

Against

**Cr Chester
Cr Doran-Wu
Cr Franchina
Cr Hall
Cr Ker**

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

ORIGINAL MOTION CARRIED (8-0)

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

Moved Cr Ker, Seconded Cr Hall

That Item 10.1.4 be RE-COMMITTED for further consideration.

CARRIED (8-0)

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

Moved Cr Ker, Seconded Cr Hall

That subject to confirmation of the legality under the new R Codes, amend the original clause (v) and reinstate the previous provision under the our Planning Policy relating to Privacy to allow a screened window to open to a maximum of 20 degrees as follows:

- (v) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the windows to the study/activities room on the northern, eastern and southern elevations on the first floor shall be screened with a permanent obscure material to a minimum of 1.6 metres above the finished upper floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The obscure portion of the window shall be fixed in a closed position and any higher part may be openable, or the whole window be top hinged and the obscure portion of the window openable to a maximum of 20 degrees;*

AMENDMENT CARRIED (8-0)

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

Moved Cr Piper, Seconded Cr Chester

That clause (ii) be deleted and that the following clauses be renumbered accordingly.

Note:

This amendment was firstly disallowed by Cr Drewett under Standing Orders, then subsequently allowed.

Debate ensued

AMENDMENT CARRIED (8-0)

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

MOTION AS AMENDED CARRIED (8-0)

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

COUNCIL DECISION ITEM 10.1.4

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Oswald Homes on behalf of the owners P and S Vlachou, for proposed two storey single house at No. 2A (Lot 92) Highlands Road, North Perth, as shown on plans stamp dated 25 November 2002, subject to:

- (i) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

- (ii) *subject to first obtaining the consent of the owners of No. 16 Ellesmere Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 16 Ellesmere Street in a good and clean condition;*
- (iii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Highlands Road shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iv) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the windows to the study/activities room on the northern, eastern and southern elevations on the first floor shall be screened with a permanent obscure material to a minimum of 1.6 metres above the finished upper floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The obscure portion of the window shall be fixed in a closed position and any higher part may be openable, or the whole window be top hinged and the obscure portion of the window openable to a maximum of 20 degrees;*
- (v) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division, including appropriate drainage from the garage being incorporated into the design given the grade of the land;*
- (vi) *a road and verge security deposit bond and/or bank guarantee of \$1000 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the Town's assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (vii) *a visual truncation of 2 metres by 2 metres at the intersection of the driveway and the footpath shall be provided at the owner's cost;*
- (viii) *the construction of crossovers shall be in accordance with the Town's specifications, including the drainage gully abutting the proposed crossover being relocated or modified by the Town of Vincent, at the expense of the owner/applicant; and*
- (ix) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*

to the satisfaction of the Chief Executive Officer.

LANDOWNER:	P and S Vlachou
APPLICANT:	Oswald Homes
ZONING:	Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 - Residential R30/R40
EXISTING LAND USE:	Vacant

COMPLIANCE:

Requirements	Required	Proposed
Setbacks		
Southern boundary	1.5 metres	Nil
Highlands Locality Policy	Two storeys can be considered provided the second storey is generally setback a minimum of 6 metres from the street.	Bedroom 2 setback 4 metres from Highlands Road, however averages greater than 6 metres.
Building Height	Height to top of external walls to be a maximum of 6.0 metres	Height to top of external walls up to 6.5 metres due to slope over land.
Privacy	Major openings to habitable rooms on first floor to be setback 6.0 metres.	Major openings to study/activities room on northern, eastern and southern elevations less than 6 metres.
Use Class	Single House	
Use Classification	'P'	
Lot Area	370 square metres	

SITE HISTORY:

Highlands Road is characterised by an eclectic mix of recently constructed dwellings and established inter-war bungalows. The predominant form of contemporary development incorporates narrow lots (approximately 10 metres wide) with two-storey houses of varied design style with carports and garages within the front setback area.

- 14 June 1999 The Council at its Ordinary Meeting conditionally approved a three-storey, including semi-basement store/garage, single house.
- 8 February 2000 The Council at its Ordinary Meeting conditionally approved a two-storey single house following the submission of a new application.
- 6 June 2001 The Western Australian Planning Commission approved the subdivision of the subject lot from the rear of No. 16 Ellesmere Street.
- 26 February 2002 The Council at its Ordinary Meeting conditionally approved a three-storey single house.

DETAILS:

The proposal involves the construction of a two storey single house.

The applicant has been advised of non-compliances with the Residential Design Codes (R Codes), and has provided the following justification in support of the proposal:

"Building Height

We are aware a small area of wall exceeds the 6.0m height restrictions as set out in the residential design guidelines 3-7-1.

The block in question is predominantly flat with a stepper fall to the road within the front 4.0 metres. The house level has been designed to minimise the impact on the adjoining retaining walls and we propose only a minor cut at the rear of the block (approx 300mm)."

The applicant has provided a copy of the elevations showing the natural ground level and the areas of wall exceeding the 6.0 metre height restriction.

"Apart from a small area of portico, the only significant area exceeding the height restriction is the North West corner of Bed 2. This is due to the unusual contour of the block, therefore, we would ask that the Council make consider our application for approval in this area.

Southern boundary wall

Due to constraints on the size of the block and with consideration of solar access we request a relaxation in the setback requirement of 1.5 metres to 1.09 metres as this wall abuts a retaining and screen wall which effectively hides the house wall entirely.

Garage parapet height

The adjoining property is 600mm higher than the garage floor level. This effectively makes the garage parapet 2.6 metres when viewed from the adjoining property.

Privacy

Due to the size of the block and the position of the adjoining properties a certain amount of overlooking has to be expected. This has been minimised in the design to 1 room only. It is also noted that the adjoining rear property is set over 1 metre higher than our house this will significantly reduce the potential overlooking issue."

CONSULTATION/ADVERTISING:

Two objections were received during the advertising period. Concerns related to the variation in the maximum height of the building and variations to the setback requirements as it may effect privacy and views. It was also requested that the south facing windows be screened to protect the adjoining residents' privacy.

COMMENTS:

Building Height

The Residential Design Codes (R Codes) state that the height of the wall shall be measured as the distance between the natural ground level at the boundary and the highest point immediately above the wall. The level of the ground is measured from the established ground level including retaining walls or fill that occurred as a part of the subdivision or fill on the site preceding development.

The subject lot has significant existing fill on the lot. According to previous reports to Council, this sloping site has been excavated by about 600 millimetres towards the rear of the lot and the excavated soil has been relocated towards the front of the lot to provide a level building pad. When previously considered, this balance of cut and fill was considered appropriate. This fill is not equally distributed over the site and drops significantly abutting the street and the northern property boundary. It is also acknowledged that there is significant fill and retaining walls on several of the adjacent lots.

The proposed house is not considered to have excessive internal wall height, for example extra high ceilings. The variation to the height requirement is considered to be attributed to the unequal distribution of fill over the site.

In this instance, it is not favourable to take away fill from the site as this will increase the difference in levels between the adjacent properties, particularly to the east. Such additional retaining is likely to result in fencing that does not comply with the Town's Local Law relating to Fences, Floodlights and Other External Lighting, and would be undesirable in the protecting the amenity of the proposed house.

The Town generally supports the finished floor level in relation to the street level, and is not considered to be out of character, given the similar levels of fill and retaining along Highlands Road on the adjoining properties.

The proposal is not considered to have an unreasonable effect on the streetscape nor the adjoining neighbours and therefore for the above reasons, in this instance, the variation to the maximum wall height is supported.

Privacy

It is also noted that the adjoining lots have also been built up with retaining walls on the eastern, southern and western (Highland Road) boundaries. The existing houses to the east and south have a finished ground floor level considerably higher than the proposed house and are considered to overlook the proposed dwelling. Notwithstanding, it is recommended that the windows to the study/activities room on the northern, eastern and southern elevations of the proposed house are screened in accordance with the R Codes.

Setbacks

The proposed variations to setbacks are not considered to unduly effect the amenity of the adjoining neighbours, particularly due to the difference in levels between the adjoining properties. Accordingly, these variations are supported.

The applicant is also seeking a variation to the first floor setback from Highlands Road given the small size of the block, the presence of an easement, and as the subject lot has been created from the rear of a corner lot with reduced setbacks on this secondary street. It is noted that generally the proposal does meet the first floor setback requirement with the exception of bedroom 2. It is recommended that revised plans be submitted to and approved by the Town showing a 6 metres setback to the first floor prior to the issue of a Building Licence.

Accordingly, it is recommended that the application be approved, subject to standard and appropriate conditions to address the above matters.

10.1.7 Nos. 4 - 8 (Lots 482, 483, 484 and 485) Hobart Street, North Perth – Proposed Additional Seven (7) Two-Storey Single Houses to and Partial Demolition of Existing Dwelling

Ward:	Mount Hawthorn	Date:	3 February 2003
Precinct:	North Perth, P8	File Ref:	PRO2212; 00/33/1425
Reporting Officer(s):	P Mastrodomenico		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Greg Rowe and Associates on behalf of the owners MA Yates and MR Lonnie for proposed additional seven (7) two-storey single houses to and partial demolition of existing dwelling at Nos. 4 - 8 (Lots 482, 483, 484 and 485) Hobart Street, North Perth and as shown on the plans stamp dated 13 December 2002, subject to:

- (i) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (ii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Hobart Street and Sydney Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iii) prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) sufficient manoeuvring being provided to the driveway to Unit 3;*
 - (b) all crossovers being perpendicular to the road;*
 - (c) maximum radius on crossover wings being 1.0 metre and existing road kerb line remaining;*
 - (d) crossover to Unit 3 being 6.0 metres from tangent point of road kerb; and*
 - (e) minimum internal width of single garages being 3.0 metres;*

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

- (iv) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the eastern elevation of the balcony to bedroom 1 of Unit 8 on first floor level shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (v) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Hobart Street and Sydney Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (vi) *a two (2) metres by two (2) metres visual truncation shall be provided where the driveway intersects with the footpath at the owner's cost;*
- (vii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (viii) *a road and verge security deposit bond and/or bank guarantee of \$550.00 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (ix) *the construction of crossovers shall be perpendicular to the road in accordance with the Town's specifications;*
- (x) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xi) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s); and*
- (xii) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.7

Moved Cr Hall, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

LOST (0-8)

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

Reasons:

1. Does not comply with the Eton Locality Policy Statement.
2. Consideration of the objections received.
3. Existing dwelling is not of value.
4. Lack of interaction with streetscape.

LANDOWNER: M.A Yates and M.R Lonnie
APPLICANT: Greg Rowe and Associates
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No.1: Residential R30/40
EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Single House
Use Classification	"P"
Lot Area	1977 square metres

Setbacks

Requirements	Unit No.(s)	Required	Proposed
Both sides	2, 4, 5, 6, 7	1.5 metres - 1.8 metres	Nil
South side	1	1.5 metres	Nil
North side	3	1.5 metres	Nil
West side	8	1.5 metres	Nil
Privacy	8	Balconies within 7.5 metres of a property boundary on the first floor to be screened to 1.6 metres high	No screening shown

SITE HISTORY:

The subject site is occupied by a single storey dwelling. The surrounding area is characterised by single storey dwellings.

A concurrent subdivision application for a proposed 8 greentitle lot subdivision has been referred to the Town for comments and recommendation by the Western Australian Planning Commission on 19 December 2002.

CONSULTATION/ADVERTISING:

There were a number of objections received during the advertising period, including a petition with eighteen signatures and four letters of objection. Issues raised included, the proposed dwelling being unsympathetic with the heritage nature of the area, the unacceptable proposed setbacks (parapet walls), the inappropriate location of the garages, potential for overshadowing, the unacceptable bulk and height of the proposed development, the compromised privacy of the surrounding dwellings and the non compliance with the proposed Amendment No.11 .

DETAILS:

Approval is sought for additional seven (7) two-storey single houses to and partial demolition of the existing dwelling.

COMMENTS:

Setbacks

The side setback variations are supportable in this instance, as the side setback variations are contained internally and the development has been designed to minimise the impact of these setbacks on the proposed dwelling. As such, the proposed setbacks will not unduly adversely affect the amenity and streetscape of the area.

Local Character

Concerns were raised in relation to the proposed units being unsympathetic with the surrounding character housing in the locality. The units are proposed to be setback a minimum of 6.0 metres to the garage, some 15.0 metres to the main dwellings, and setback generally in line with the existing dwelling to be retained. Nevertheless, other than the above non compliances, the proposal complies with the requirements of the Residential Design Codes (R-Codes) and the Town's Policies. As such, the proposal will not unduly adversely affect the amenity and streetscape of the area.

Bulk and Scale

The proposal complies with the Height requirements of the Residential Design Codes (R-Codes) and the Town's Policy relating to Building Scale in terms of height, bulk and scale.

Hobart Street South Elevation

An updated southern elevation (date stamped 10 February 2003), that corresponds with the site/floor plan in terms of the garages is attached.

Parking and Access

Concerns were raised over the proposed single garages to Units 1, 4, 5, 6, 7 and 8. In this instance, the proposed two car bay tandem parking arrangement for each of these Units, is considered acceptable and complies with requirements of the R-Codes and the Town's Policy relating to Parking and Access.

Amendment No. 11

Amendment No.11 to the Town of Vincent Town Planning Scheme No. 1 proposes to rezone the Eton Locality to Residential R20. This amendment is awaiting final determination by the Western Australian Planning Commission and Minister for Planning and Infrastructure. All development applications in this locality are currently being assessed under the current zoning of Residential R30/40 and as such, the proposal complies with the present density requirements of the Eton locality.

Privacy

The above recommendation includes conditions requiring screening to windows and active habitable outdoor areas to reduce unreasonable overlooking to adjoining properties in accordance with the Residential Design Codes - 'Privacy' provisions.

Overshadowing

By virtue of the north-south orientation of the properties and the setbacks of the proposed development from the adjoining properties, the proposal complies with the 'Solar Access for Adjoining Sites' provisions of the Residential Design Codes, such that no adjoining lot will be in more than 50 percent shadow at noon on June 21 as a result of the development.

Summary

The proposal is supportable as is not considered to unreasonably adversely affect the amenity of the adjacent properties or the existing streetscape. Accordingly, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters.

**10.1.6 No. 177 (Lot 800) Fitzgerald Street Corner of Fitzroy Street, West Perth
- Proposed Four, Two-Storey Grouped Dwellings**

Ward:	North Perth	Date:	4 February 2003
Precinct:	North Perth, P8	File Ref:	PRO0209 (00/33/1407)
Reporting Officer(s):	V Lee		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council APPROVES the application submitted by J Corp Pty Ltd on behalf of the landowner D R Garnham and T J Kilbey for four, two-storey grouped dwellings at No.177 (Lot 800) Fitzgerald Street, corner of Fitzroy Street, West Perth and as shown on amended plans stamp dated 19 September 2002, subject to;

- (i) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (ii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Fitzgerald and Fitzroy Streets shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fence and gate being visually permeable, with a minimum 50 per cent transparency;*
- (iii) no street trees shall be removed, cut back, pruned or interfered with in any way, without the prior approval of the Town's Parks Services Section;*
- (iv) subject to first obtaining the consent of the owners of No.173 Fitzgerald Street and No.3 Fitzroy Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing south and west in a good and clean condition;*
- (v) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (vi) a road and verge security bond and /or bank guarantee of \$880 shall be lodge prior to the issue of a Building License and be held until all works have been completed and/or any damage to existing Towns assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (vii) the construction of crossovers shall be in accordance with the Town's specifications;*
- (viii) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*

- (ix) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the window to the first floor bedroom 3 of unit 1 on the south western elevation shall be 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;*
- (x) *the carports shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the western boundary of the lot;*
- (xi) *compliance with the relevant Building, Engineering and Environmental Health requirements;*
- (xii) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Fitzgerald and Fitzroy Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (xiii) *prior to the issue of a Building Licence, revised plans shall be submitted to and approved by the Town showing the finished ground floor level of the proposed dwellings being 11.00;*
- to the satisfaction of the Chief Executive Officer.*

COUNCIL DECISION ITEM 10.1.6

Moved Cr Chester, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

LOST (3-5)

<u>For</u>	<u>Against</u>
Cr Chester	Cr Cohen
Cr Doran-Wu	Cr Drewett
Cr Hall	Cr Franchina
	Cr Ker
	Cr Piper

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

Reasons:

- 1. Cognisance of the Council's previous decision to approve a similar proposal at its Ordinary Meeting of Council held on the 8th October 2002.**
- 2. Non-compliance with the total open space, plot ratio, building height and overshadowing requirements of the Residential Design Codes.**
- 3. The development is not consistent with the orderly and proper planning and the preservation of the amenity of the locality.**

LANDOWNER: D R Garnham and T J Kilbey
APPLICANT: J Corp Pty Ltd T/A Perceptions
ZONING: Metropolitan Region Scheme – Urban
 Town Planning Scheme No.1 – Residential R80
EXISTING LAND USE: Vacant Land

COMPLIANCE:

Requirements	Required	Proposed
Total Open Space	45 per cent (306.9 square metres)	38 per cent (261.04 square metres)
Plot Ratio	0.7 (477.4 square metres)	0.85 (583.86 square metres)
Setbacks -East (Fitzgerald St) ground floor first floor -South ground floor first floor -West (carport)	4.0 metres 6.0 metres 1.5 metres 2 metres 1.5 metres	2.008 metres 2.008 metres Nil Nil Nil
Buildings on boundary	Buildings on boundary on one boundary only permitted subject to average height of 3 metres for not more than 2/3 of the length of the balance of the boundary behind the front setback.	Buildings on boundary proposed on two boundaries - western boundary (maximum 3 metres high) for more than 2/3 of length of boundary, and on southern boundary (maximum 5.7 metres high).
Overshadowing	50 percent (73.5 square metres) of the adjoining property shall not be overshadowed on June 21 at midday.	58 percent (85.86 square metres) of the adjoining lot is overshadowed on June 21 at midday.
Use Class	Grouped Dwelling	
Use Classification	'P'	
Lot Area	682 square metres	

SITE HISTORY:

The subject site is currently vacant and is located on the corner of Fitzgerald and Fitzroy Streets, West Perth. The surrounding area is characterised by single residential to the north, west and immediate south, and Robertson Park to the east.

On 29 August 1996, the Town issued a Demolition Licence for the demolition of a single storey custom orb roof building on the site.

The Council at its Ordinary Meeting held on 22 February 2000 refused a development application for four, two-storey plus loft grouped dwellings on the subject site 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, with respect to the visual amenity of the locality by virtue of the scale, mass and bulk of the proposed development on the Fitzgerald Street and Fitzroy Street streetscapes and the adjacent properties;*

- (ii) *non-compliance with the plot ratio, open space and setback requirements of the Residential Planning Codes; and*
- (iii) *consideration of objections received."*

The Council at its Ordinary Meeting held on 8 October 2002 approved a similar proposal subject to conditions including:

"(i) (d) the southern side setback being in compliance with the Residential Planning Codes:"

DETAILS:

Approval is sought to construct four, two-storey grouped dwellings. The applicant has submitted revised plans addressing several areas of non-compliance.

The garage has now been set 1.05 metres from the southern boundary, reducing the length of parapet wall on this boundary and overshadowing. Bin stores have been incorporated into the design, and a landscaping plan has been provided.

In addition, the applicant has provided the following submission in support of the proposal. Particularly they wish the Council to reconsider the condition requiring a setback from the southern property boundary.

"The main bulk of the building cannot be re-located unless it borders the boundary on Fitzroy creating a 1500mm gap to the southern boundary. It is impractical to rearrange Unit 1 by reducing it the required width. Even reducing each unit would make them too narrow, as they are borderline now. To come up with a new concept to cater fully for setback requirements would need the development to face Fitzroy Street, which would create more negatives than positives from your Departments view point and would not be our desired option.

We ask that this be re-considered and stress that our intention was to cooperate with your department with regard to design. The aspect to the neighbours yard has been taken into account and at your direction the whole development has been rearranged on the block to cater for this. This is an attractive development utilising the property efficiently.

The developers have taken great trouble to alleviate any parking problems, comply with streetscape and generally provide a development that compliments the location. We ask that the setback to the southern boundary be re-considered."

The applicant has also provided the Town with an overshadowing diagram. It shows that 85.86 square metres of the adjoining lot would be overshadowed on June 21 at midday.

CONSULTATION/ADVERTISING:

The proposal was not readvertised as a similar proposal has been advertised and considered by the Council within the past 12 months. Three submissions were received during the initial advertising period however, nil submissions were received when re-advertised in August 2002. Excerpts of the previous submissions are as follows:

"It appears that unit one parapet wall will be 5.2 metres high and will not only block a considerable amount of light from my kitchen and bathroom but will also block out the northerly sun making rear courtyard cold and damp."

"..I would like to lodge an appeal ...on the grounds of severe loss of privacy for my tenants and their probable loss of street parking."

"...there are several reasons for our objections...invasion of our backyard privacy...the increased vehicles parking on Fitzgerald Street ..."

The Metropolitan Region Scheme was amended in 1995 to reduce the land required on the subject lot for regional road purposes. Currently, a 5 square metres (3 metres by 3 metres) truncation is reserved at the corner of Fitzgerald Street and Fitzroy Street.

COMMENTS:

Overshadowing

Calculation of overshadowing for the proposed development reveals that the dwellings will effectively cast shadow in a southerly direction across the front of the adjoining lot and Fitzgerald Street. The amended plans have reduced the impact of the dwellings ability to overshadow the adjoining dwelling at No.173 Fitzgerald Street. It is also noted that the immediately abutting lot which is overshadowed is particularly small (147 square metres) and narrow (6.1 metres). The Town's records suggest that the existing house at No. 173 Fitzgerald Street currently overlies three adjacent lots. When all these lots are considered together, it results in less than 50 per cent of the effective adjoining lot being overshadowed as stipulated by the R Codes. In addition, a large portion of the existing house at No. 173 Fitzgerald Street that will be overshadowed is a blank wall and the proposal is not considered to potentially cause any unreasonable overlooking issues to this property. Therefore in this instance, this variation is supported.

Setbacks

Eastern Setback

The proposed setbacks of the new dwellings from Fitzgerald Street is considered acceptable, given the nature of surrounding development and the sense of openness afforded by the two street frontages. Adjoining dwellings along Fitzgerald and Fitzroy Streets have reduced setbacks and it is not considered that the proposal would have an unreasonable adverse impact on the amenity and streetscape of the area.

The proposed first storey setbacks variation to Fitzgerald Street is considered acceptable, given the pattern of setbacks of adjoining buildings, in particular in relation to an existing two storey development to the north along Fitzgerald Street.

Southern Setback

The amended plans setback the carport from the southern boundary, which has reduced the amount of overshadowing and the length of parapet wall affecting the lot to the south. However, it is acknowledged that Unit 1 also has a two-storey parapet wall on this boundary, which is generally not desirable in terms of protecting the adjoining property's amenity in terms of bulk and scale and overshadowing. The applicant is specifically seeking the Council's support for this variation and has provided a justification for this as summarised in the 'Details' section above. The variation to overshadowing has been covered in more detail above.

In this instance, the variation to the southern setback is considered supportable, given the above overshadowing comments and the scale and nature of development in the area.

Western Setback

The carport wall on the western boundary is considered acceptable as it is single-storey, is considered to make an effective use of space and is not considered to have any significant adverse effect on the amenity of the adjoining property to the west.

Trees

There are two trees located within the front setback area of which one is listed on the Town's Interim Significant Tree Data Base – Reference List. An inspection by Parks Services revealed that the listed tree was particularly affected by termite damage, which eventually would impinge on its lifespan. The other tree, whilst reasonably healthy was determined as not being a particularly good species. Removal of these trees therefore is considered supportable.

Privacy

There is the potential for unreasonable overlooking from the south-western window of unit one's first floor bedroom three, and in accordance with the Privacy requirements of the Residential Design Codes 2002 (R Codes), screening of the window is considered required.

Plot Ratio

The R Codes were gazetted on 4 October 2002. When a similar application was determined at the Ordinary Meeting of Council held on 8 October 2002, the full implications of the R-Codes were not fully determined. Specifically, in relation to plot ratio, stairs and store rooms are now included in the area to calculate plot ratio. The current plans have not changed the size of the proposed dwellings, however if compared to the previous report considered, the plot ratio has increased due to the inclusion of stairs and store rooms.

As the Council has previously supported this dwelling size, it is recommended that the variation to the plot ratio floor requirement is supported in this instance, given the scale of the overall development, the sense of openness afforded to the site by virtue of the two street frontages, the scale of surrounding development, and it is not considered that strict compliance would result in any particular benefit to the streetscape or amenity of the development.

Open Space

Open space has decreased from the previous application as balconies with only one side open overlooking Fitzgerald Street have been incorporated into the calculation for open space. The addition of balconies is encouraged as it encourages passive overlooking of the street. In accordance with the R Codes, this area has been taken from the open space as they only have one side open. In principle the proposed balconies do not detract from the streetscape and are of sufficient size to be a usable living area. The provision of 38 per cent open space is considered an acceptable variation, given that each dwelling is provided with functional front and rear yards. Further, given each dwelling is provided with a balcony overlooking Robertson Park, the site's proximity to this and Hyde Park, the growing trend for smaller maintenance-free areas of open space and the sense of openness afforded by the two street frontages and Robertson Park opposite, the variation is considered acceptable in this instance.

In view of the above, it is recommended that the application be approved, subject to standard and appropriate conditions to address the above matters.

10.1.14 No. 15 (Lot 11) (Strata Lot 2) Hutt Street, North Perth - Proposed Two-Storey with Loft Single House

Ward:	Mount Hawthorn	Date:	30 January 2003
Precinct:	Norfolk, P10	File Ref:	PRO 1499; 00/33/0797
Reporting Officer(s):	P Mastrodomenico		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme and having regard to the matters it is required to consider generally, and in particular:

- (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;*
 - (a) *the street setback, side setback and privacy requirements of the Residential Design Codes (R-Codes); and*
 - (b) *the street setback requirements of the Town's Policies relating to Street Setbacks and the Alma Locality; and*
- (iii) *considerations of the objections received;*

the Council REFUSES the application submitted by B Martha on behalf of the owners, B W Faulds and A M Nilsson, for the proposed two-storey with loft single house at No. 15 (Lot 11) (Strata Lot 2) Hutt Street, North Perth, as shown on the plans stamp dated 12 November 2002.

COUNCIL DECISION ITEM 10.1.14

Moved Cr Piper, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

LANDOWNER: B W Faulds and A M Nilsson
APPLICANT: B Martha
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No.1 - Residential R 30/40
EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Single House
Use Classification	'P'
Lot Area	219 square metres (Lot 11) (Strata Lot 2)

Requirements	Required	Proposed
Street Setback	4.0 metres to ground floor; 6.0 metres to first floor; and 6.0 metres to loft floor.	1.5 metres to carport, 2.0 metres to entry to ground floor; 2.0 metres to void to first floor; and 3.6 metres to loft floor.
Side Setbacks		
West -ground floor -loft floor	1.5 metres 3.0 metres	1.0 metre 2.0 metres
North -first floor	2.5 metres	1.0 metre
South -first floor	2.5 metres	1.5 metres
Privacy North and West (deck to living) -first floor	Balconies within 7.5 metres of a property boundary on the first floor to be screened to 1.6 metres high.	Screening shown to 1.457 metres high.
South (window to kitchen/dining) -first floor	Window to habitable room (other than bedroom) within 6.0 metres of a property boundary more than 0.5 metre above natural ground level to be screened to 1.6 metres high.	No screening shown.

SITE HISTORY:

The subject site is vacant and fronts Hutt Street. The abutting property is a single house fronting Grosvenor Road. The surrounding area is characterised by single storey dwellings.

DETAILS:

Approval is sought for a two storey with loft single house. Amended plans were received from the applicant on 12 November 2002.

CONSULTATION/ADVERTISING:

There were two objections received during the advertising period. Issues raised included, the concerns over the height, bulk and scale of the development, the potential for overshadowing and overlooking on to the adjacent properties and the effect on the overall streetscape of the area. It was also raised that the proposed development shares a strata title and therefore requires the consent of the abutting landowner.

COMMENTS:

Street Setback

Hutt Street comprises predominately single storey dwellings with street setbacks ranging from 3.0 metres to 8.0 metres. The reduced front setbacks of the proposed dwelling (2.0 metres to ground and first floors) are not considered supportable, as it would set a precedent for further similar development and is considered out of character with the traditional setbacks of the existing streetscape.

Privacy

The proposed balcony/deck (northern and western elevations) and kitchen window (southern elevation) will cause unreasonable overlooking on to the neighbouring properties at No. 23 Hutt Street and No. 56 Grosvenor Road. To protect the neighbours' privacy, these openings are required to be screened to 1.6 metres above the first floor level in accordance with the new R-Codes.

Side Setbacks

The ground floor western side setback of 1.0 metre is considered acceptable as it is only a minor variation to the requirements of the R Codes and will not unreasonably adversely affect the amenity of the affected neighbour. The loft western side setback is considered unacceptable based on the proximity of the proposed development to the neighbouring property. Based on the objections received from neighboring properties and the above non compliances, the northern, western and southern first floor and loft setback variations are not supported in this instance, as they are considered to unduly affect the amenity of the adjoining landowners at No. 56 Grosvenor Road.

Accordingly, it is recommended that the proposal be refused.

10.1.12 No.115 (Lot 59) (Strata Lot 1) Smith Street, Highgate - Proposed Alterations and Additions to Existing Group Dwelling

Ward:	North Perth	Date:	3 February 2003
Precinct:	Forrest, P14	File Ref:	PRO 2203; 00/33/1408
Reporting Officer(s):	C Mooney		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	--		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme and having regard to the matters it is required to consider generally, and in particular:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) the non-compliance with the Outdoor Living Requirements of the Residential Design Codes and the Town's Policy relating to Street Walls and Fences;*

the Council REFUSES the application dated submitted by the owner P Nolis for the proposed alterations and additions to existing grouped dwelling at No.115 (Lot 59) (Strata Lot 1) Smith Street, Highgate, as shown on plans stamp-dated 29 November 2002.

Moved Cr Cohen, Seconded Cr Piper

That the recommendation be adopted.

Debate ensued.

LOST (2-6)

For
Cr Chester
Cr Cohen

Against
Cr Doran-Wu
Cr Drewett
Cr Franchina
Cr Hall
Cr Ker
Cr Piper

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

Reasons:

- 1. Development is considered orderly.**
- 2. Improves amenity of the area.**
- 3. Improves the amenity, safety and health for the applicant.**

ALTERNATIVE RECOMMENDATION:

Moved Cr Piper, Seconded Cr Hall

That the following alternative recommendation be adopted.

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner P Nolis for the proposed alterations and additions to existing grouped dwelling, at No. 115 (Lot 59) (Strata Lot 1) Smith Street, Highgate, and as shown on plans stamp-dated 29 November 2002 subject to;

- (i) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services;*
- (ii) a road and verge security deposit bond and/or bank guarantee of \$220 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services. An application for the refund of the security deposit must be made in writing;*
- (iii) a right of way security bond and/or bank guarantee for \$220 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for a standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services; and*
- (iv) compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

Debate ensued.

Moved Cr Ker, Seconded Cr Piper

That the following clause (v) be added to the alternative recommendation.

“(v) the front fence shall be open and permeable and the side fence be closed;”

Debate ensued.

AMENDMENT CARRIED (8-0)

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

MOTION AS AMENDED CARRIED (8-0)

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

COUNCIL DECISION ITEM 10.1.12

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner P Nolis for the proposed alterations and additions to existing grouped dwelling, at No. 115 (Lot 59) (Strata Lot 1) Smith Street, Highgate, and as shown on plans stamp-dated 29 November 2002 subject to;

- (i) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services;*
 - (ii) a road and verge security deposit bond and/or bank guarantee of \$220 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services. An application for the refund of the security deposit must be made in writing;*
 - (iii) a right of way security bond and/or bank guarantee for \$220 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for a standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services;*
 - (iv) compliance with all relevant Environmental Health, Engineering and Building requirements; and*
 - (v) the front fence shall be open and permeable and the side fence be closed;*
- to the satisfaction of the Chief Executive Officer.*

LANDOWNER: P Nolis
APPLICANT: P Nolis
ZONING: Metropolitan Region Scheme – Urban
Town Planning Scheme No. 1 – Residential R80

EXISTING LANDUSE: Two Grouped Dwellings

COMPLIANCE:

Use Class	Grouped dwelling
Use Classification	“P”
Lot Area (Lot 59)	427 square metres
Site Area (Strata Lot 1)	217 square metres

Requirements	Required	Proposed
Outdoor Living Area - Patio	Minimum of two-thirds (67 per cent) without permanent roof cover	44 per cent without permanent roof cover
Front Fence	Solid up to 1.2 metres, 50 percent visual permeability above 1.2 metres to a height of 1.8 metres.	Solid brick up to a height of 1.6 metres.

SITE HISTORY:

Lot 59 is occupied by two grouped dwellings.

DETAILS:

The proposal includes alterations to the existing open fence such that the fence will be solid and constructed to a height of 1.6 metres. The patio encompasses a covered area of 56 per cent of the outdoor living area, which is located within the front setback.

The applicant has submitted the following information to justify the above variations in correspondence dated 22 November 2002:

"As the courtyard is the only open space on the whole lot, privacy is greatly required. No open space is available on the remaining of the property."

"Alley way is located across the road and directly in front and in line with the subject courtyard space. Privacy needed from undesirable elements frequenting the alley way."

"Proposed development will be attractive, enhance the street aspect, and add to visual appeal."

"Basically there is no outdoor living area on the lot besides the subject courtyard area. There is too much going on including pedestrian traffic at all hours of for reasonable and ordinary privacy. The proposed wall and pergola structures would significantly reduce noise and light, and dramatically enhance privacy."

The property has no other private outdoor living area.

CONSULTATION/ADVERTISING:

No objections were received, during the advertising period

COMMENTS:

The proposal does not comply with the both the Outdoor Living and Streetscape requirements of the Residential Design Codes, and the Town's Policy relating to Street Walls and Fences.

It is considered that the proposal will unfavourably affect the amenity and streetscape of the area, primarily due to the discouragement of compatible interaction and casual surveillance between the development and the street. In addition, the patio and fencing inappropriately adds bulk and scale to the existing dwelling. Accordingly, it is recommended that the proposal be refused.

10.1.1 No.29 (Part Lots Y31 and Y32) Mabel Street, North Perth – Retrospective Planning Approval For Fence and Garage Door to Existing Dwelling

Ward:	Mount Hawthorn	Date:	30 January 2003
Precinct:	North Perth, P8	File Ref:	PRO1369 00/33/1452
Reporting Officer(s):	P Mastrodomenico		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council APPROVES the application submitted by the landowner N Petrovic for proposed fence and garage door to existing dwelling on (No.29) (Part Lot Y31 & Lot Y32) Mabel Street, North Perth, and as shown on plans stamp-dated 8 January 2003, subject to;

- (i) the existing solid fence facing Nova Lane to incorporate a design feature, such as planter boxes, within 28 days of the date of the notice of this approval; and*
- (ii) compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Franchina, Seconded Cr Hall

That the recommendation be adopted.

Debate ensued.

Moved Cr Piper, Seconded Cr Cohen

That in clause (i) the words “such as planter boxes” are deleted, and the words “such as a wall creeper” are inserted as follows.

- “(i) the existing solid fence facing Nova Lane to incorporate a design feature, such as a wall creeper, within 28 days of the date of the notice of this approval; and”*

CARRIED (8-0)

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

MOTION AS AMENDED CARRIED (7-1)

For
Cr Cohen
Cr Doran-Wu
Cr Drewett
Cr Franchina
Cr Hall
Cr Ker
Cr Piper

Against
Cr Chester

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

COUNCIL DECISION ITEM 10.1.1

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council APPROVES the application submitted by the landowner N Petrovic for proposed fence and garage door to existing dwelling on (No.29) (Part Lot Y31 & Lot Y32) Mabel Street, North Perth, and as shown on plans stamp-dated 8 January 2003, subject to;

- (i) *the existing solid fence facing Nova Lane to incorporate a design feature, such as a wall creeper, within 28 days of the date of the notice of this approval; and*
- (ii) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: N Petrovic
APPLICANT: N Petrovic
ZONING: Metropolitan Region Scheme - Urban
Town of Vincent Town Planning Scheme No.1 –
Residential R30/R40
EXISTING LAND USE: Two Grouped Dwellings

COMPLIANCE:

Use Class	Grouped Dwellings
Use Classification	'P'
Lot Area	673 square metres

Requirements	Required	Proposed
Front fence and garage door	Solid up to 1.2 metres, 50 percent visual permeability above 1.2 metres to a height of 1.8 metres.	Existing solid fence and garage door, from 1.65 metres to 2.10 metres high.

SITE HISTORY:

The subject site is occupied by two grouped dwellings. The rear of the lot is bounded by a Town owned right of way approved as 'Nova Lane' by the Geographic Names Committee on 3 August 2001.

28 August 2001 The Council at its Ordinary Meeting conditionally approved a development application for one additional grouped dwelling to the rear of an existing dwelling subject to, among other conditions, the following condition -

“(ii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Mabel Street and proposed 'Nova Lane' shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*”

DETAILS:

Retrospective Planning Approval is sought for an existing solid fence and garage door both which front Nova Lane and do not comply with the above Planning Approval condition. The applicant writes the following:

"In this section of Nova Lane, there are four double garage doors, four single garage doors plus single side by side garage doors...The remainder of this section of Nova Lane, as with the other section, consists of high fences (no less than 1.8 metres, and some considerable more, such as in the new developments) and they are constructed from a variety of materials, mostly fibro, one metal, some brick and some limestone."

CONSULTATION/ADVERTISING:

Advertising was not required in this instance as retrospective Planning Approval is sought for an existing fence and garage and this matter is being referred to Council for consideration and determination. Nevertheless, the abutting neighbours at No.31 Mabel Street have been advised that the matter is being referred to Council for determination.

COMMENTS:

Nova Lane is a right of way dominated by solid fencing and garage doors. The existing fence encloses the only outdoor living area to the dwelling fronting Nova Lane. As such, the existing fence is supported subject to a design feature, such as planters boxes, being incorporated in to the fence. Given the above, it is therefore recommended that the application be approved, subject to standard and appropriate conditions to address the above matters.

10.2.5 State Underground Power Program - Proposed Round Three (3) Major Residential Projects Expression of Interest Submission

Ward:	Both	Date:	4 February 2003
Precinct:	All	File Ref:	TES0313
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher		
Amended by:	J Giorgi		

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the report on the current status of the State Underground Power Program;*
- (ii) *endorses in principal the nine (9) areas, as shown on attached drawing 99070, being nominated for consideration as Major Residential Projects;*
- (iii) *APPROVES the submission of an expression of interest, nominating all nine (9) areas to the Office of Energy for consideration for inclusion in Round Three (3) of the State Underground Power Program as shown on attached Plan No. 99070;*
- (iv) *APPROVES the Office of Energy prioritising the order of implementation of the nine (9) areas and endorses the Office of Energy's decision as to which, if any, area(s) are successful;*
- (v) *receives a further report once expressions of interest for Round three (3) submissions for the State Underground Power Program have been assessed and the Town has been advised of the outcome; and*
- (vi) *if invited to proceed receives a further report on the implications to the Town.*

Moved Cr Chester, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Doran-Wu

That an additional clause (vii) be added as follows:

“(vii) that two submissions be made to the Office of Energy, one of approximately 1250 lots and the other of approximately 800 lots;”

Debate ensued.

CARRIED (8-0)

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

Cr Hall departed the Chamber at 9.10pm.

Moved Cr Chester, Seconded Cr Ker

That in clause (iv) the word "APPROVES" be deleted, and the words "WILL FURTHER CONSIDER" be inserted as follows:

"(iv) WILL FURTHER CONSIDER the Office of Energy prioritising the order of implementation of the nine (9) areas and endorses the Office of Energy's decision as to which, if any, area(s) are successful;"

Debate ensued.

CARRIED (7-0)

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

Cr Hall was absent from the Chamber and did not vote.

Cr Hall returned to the Chamber at 9.15pm.

MOTION AS AMENDED CARRIED (6-2)

<u>For</u>	<u>Against</u>
Cr Chester	Cr Franchina
Cr Cohen	Cr Piper
Cr Doran-Wu	
Cr Drewett	
Cr Hall	
Cr Ker	

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

COUNCIL DECISION ITEM 10.2.5

That the Council;

- (i) receives the report on the current status of the State Underground Power Program;*
- (ii) endorses in principal the nine (9) areas, as shown on attached drawing 99070, being nominated for consideration as Major Residential Projects;*
- (iii) APPROVES the submission of an expression of interest, nominating all nine (9) areas to the Office of Energy for consideration for inclusion in Round Three (3) of the State Underground Power Program as shown on attached Plan No. 99070;*
- (iv) WILL FURTHER CONSIDER the Office of Energy prioritising the order of implementation of the nine (9) areas and endorses the Office of Energy's decision as to which, if any, area(s) are successful;*
- (v) receives a further report once expressions of interest for Round three (3) submissions for the State Underground Power Program have been assessed and the Town has been advised of the outcome;*
- (vi) if invited to proceed receives a further report on the implications to the Town; and*
- (vii) that two submissions be made to the Office of Energy, one of approximately 1250 lots and the other of approximately 800 lots.*

BACKGROUND:

Over the past five (5) years the Council has received a number of reports on the Town's participation in the State Underground Power Program (SUPP) culminating in the recently completed Mary Street Localised Enhancement Project (LEP).

With regard to funding any large scale scheme, the Council, at its Ordinary Meetings held on 14 April 1998 and 23 May 2000, resolved in part that its contribution of 50% be raised as follows:

- 30% by contributions from those directly affected property owners by a rates based assessment based on the gross rental value of each rateable property.
- The remaining 20% of the Town's contribution being funded from the general rate base.

More recently, at its Ordinary Meeting held on 5 November 2002, the following Notice of Motion was adopted.

"That the Council authorises the Chief Executive Officer to prepare, no later than 19 November 2002, expressions of interest for Round 3 of the State Underground Power Program for all areas of the Town of Vincent as Major Residential Projects."

In accordance with the above resolution, an 'interim' report was submitted to Council at its Ordinary Meeting of 19 November 2002. A more comprehensive report could not be submitted by the required date as the Office of Energy had not yet released the guidelines, or called for, Round Three (3) submissions. As a consequence, the Council adopted the following resolution.

"That the Council;

- (i) receives the interim report on the current status of the State Underground Power Program; and*
- (ii) receives a further report once Round three (3) submissions for the State Underground Power Program have been called by the Office of Energy."*

The numerous enquires and correspondence that the Town receives in support of underground power would indicate increasing interest and expectations on the part of residents for the Town to participate in the next round of the SUPP. Further, at the Annual General Meeting of Electors on 17 December 2002 the following resolution was passed.

"That;

- (1) electors of the Town request the Chief Executive Officer to produce a report to Council before July 2003 with recommendations on how underground power can be implemented throughout the Town within a ten (10) year time frame;*
- (2) the report should include:*
 - (i) various alternatives for funding implementation;*
 - (ii) criteria for assigning the priority and order of implementation;*

- (iii) *mechanisms for distributing the cost to individual properties on an equitable basis;*
 - (iv) *mechanisms to allow property owners to defer or spread the repayment over time; and*
- any other information that the CEO considers relevant."*

DETAILS:

Round Two (2) SUPP projects are currently nearing completion and, as a consequence, Local Governments have, for some time, been anticipating the Office of Energy (OoE) calling submissions for Round Three (3).

In a letter dated 15 January 2003, the OoE invited the Town (as well as all other Metropolitan Local Governments) to submit an expression of interest to undertake a Major Residential Project(s) (MRP) in the forthcoming round three (3) of the State Underground Power Program. As the format for submissions for SUPP projects has significantly changed from previous rounds, the OoE held a Local Government briefing session on 23 January 2003 to assist Councils in preparing expressions of interest for MRP funding.

In anticipation of the above notification, officers had previously divided the Town into nine (9) areas of approximately 1250 lots each, to comply with the selection criteria. (Refer attached Plan No. 99070).

The Office of Energy had earlier advised that the delay in calling round three (3) submissions was in part due to the necessity to clarify the legal standing of non-rateable properties such as schools, churches, hospitals etc, which refuse to contribute to the scheme. The non-rateable issue is of relevance in that several large institutions have had to be connected to underground power schemes at the expense of Local Government, resulting in significant cost overruns and therefore indirectly subsidised by the wider community. While the OoE is still awaiting advice from the Crown Solicitors Office on this issue, the Minister's office made the decision to proceed with calling submissions for Round Three (3) of the program.

Round Three (3) differs from previous rounds in that the calling for submissions for MRPs and LEP, such as Mary Street, have been separated with LEPs submissions opening later in the year and being specifically targeted at regional centres.

The format for MRP submissions has also significantly changed with submissions being broken into two (2) stages with the first step an "expression of interest".

Expression of Interest

Rather than seeking detailed proposals for projects in the first instance, the OoE Steering Committee is seeking only Expressions of Interest from Local Governments closing 20 February 2003. Local Governments have been encouraged to nominate areas for consideration without the need for lengthy submissions and definitive evidence of community support.

The Expressions of Interest phase will take the following into consideration:

- The nominated areas
- The appropriate size of the project*
- The Local Government's ability and willingness to fund projects

- A brief supporting statement that includes the condition of the existing overhead power infrastructure and its level of vulnerability to storm damage (including cyclonic activity); and
- Indicative community support

Note: * The OoE has recommended that an indicative cost of \$4,500 per lot be used for preliminary estimate purposes. Therefore, based upon an average 1250 lots per project area, the cost would be in the order of \$5.6 million per project, of which the Town would be directly responsible for funding 50% or \$2.8 million of the total cost.

Once the Expressions of Interest have been submitted, the OoE Steering Committee will evaluate the submissions and short-list a number of Local Government Authorities. The evaluation process is expected to take one month and should be completed by 20 March 2003. Those short-listed are to be notified by 31 March 2003 and will be invited to develop Detailed Proposals in consultation with the Steering committee.

Detailed Proposal Stage

If a nominated area is successful in the Expressions of Interest stage and proceeds to the Detailed Proposal Stage, it is the Steering Committee's intention to satisfy, in consultation with the respective Local Government and Western Power Corporation, the following criteria prior to a project receiving final approval.

- That there is broad community support
- The ability of the Town to fund its share of project cost
- To determine the final project boundaries and project design and cost
- Equivalent underground power system design and cost (i.e. equivalent to original power system without justified enhancement)
- Equivalent streetlight design and cost
- Non-equivalent direct costs to the Town and Western Power
- The 'cash process' an agreed process with respect to cash calls and other issues relating to accounting management
- "Boundary issues" with other Local Government Authorities; and
- In Principal Agreement approved by all parties

The Detailed Proposal Stage should be concluded by 31 August 2003 with the signing of formal agreements.

Funding Options

Essentially, if the Town is successful in securing an MRP, then it is directly responsible for guaranteeing 50% of the project cost, which for 1250 lots equates to approximately \$2.8 million.

There are various funding options available to the Town should it be successful in securing an MRP, as follows:

Option 1:

Fully funded by the Council (such as City of Subiaco).

Option 2:

Partially funded by Council against offset savings in other areas, with the remainder funded by ratepayers, i.e. 50% OoE, 20% Town and 30% ratepayers.

Option 3:

Fully funded by ratepayers (such as the City of Stirling) with long-term repayment options for an agreed period.

As previously mentioned, the Council in the past expressed a preference for option 2, whereby the Town partially funds the project cost to a maximum of 20% and the residents fund the remaining 30%. To this end, at its Ordinary Meetings of 14 April 1998 and 23 May 2000 respectively Council resolved in part that:

"(v) as previously resolved at the Ordinary Meeting of Council held on 14 April 1998, the Council's contribution of 50% be raised by contributions from those directly effected property owners by a rates based assessment based on the gross rental value of each rateable property, with 20% of the Town of Vincent's contribution being from the general rate base in recognition of reduced tree pruning costs, administration and other savings; and

(vi) the Council, following the success of the above applications, consult property owners in the selected areas, to further gauge support and that support must be at least 50% of the total number of lots in favour of undergrounding the powerlines."

If the 50/20/30 model were adopted, the Town's contribution for a 1250 lot MRP would be in the order of \$1.12 million.

It must be noted that if the Town, as with any other participating Local Government, proceeds with an MRP, then the Town is responsible for meeting the 'cash-call' or progress payments for 50% of the project costs. This is irrespective of which model is adopted. Therefore, if a project area is completed within a twelve month period, the Local Government must provide the necessary funds on-call.

Further, Council must be mindful of the pitfalls that have befallen other Local Governments that have entered into MRPs agreements. Several Councils have had to cover significant cost over-runs, with one Western Suburbs Council having to substantially increase rates to cover the shortfall as "actual costs" of the project must be paid, i.e. the entire proposal is not based on a fixed quote.

CONSULTATION/ADVERTISING:

For the purposes of submitting an Expression of Interest to participate in Round Three (3) of the SUPP, it is proposed to canvass the various precinct groups seeking letters of support as a demonstration of indicative community support.

STRATEGIC IMPLICATIONS:

In line with Key Result Area One: 1.4 *Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment and f) Develop a strategy for the implementation of underground power - investigate alternative mechanisms for funding (e.g. loans, differential rates, deferred charges, etc. - develop a mechanism for assigning priorities to areas of the Draft Strategic Plan 2002-2007.*

FINANCIAL/BUDGET IMPLICATIONS:

If the Town is invited to proceed to the Detailed Proposal Stage, irrespective of the funding model chosen, Council should be aware that funding arrangements need to be in place prior to the finalisation of the 2003/04 budget to cover half the projected cost (\$2.8 million) of an MRP.

COMMENTS:

If the Town submits a successful Expression of Interest and is invited by the Office of Energy's Steering Committee to proceed to the Detailed Proposal Stage, it will have a significant impact upon the 2003/04 budget.

However, at this stage the submission of the Expression of Interest does not bind the Town financially and, if successful, gives the Town time to consider all the implications.

It is therefore recommended that the Council endorses in principal the nine (9) areas, as shown on attached drawing 99070, being nominated for consideration as Major Residential Projects, approves the submission of an expression of interest, nominating all nine (9) and receives a further report once expressions of interest for Round three (3) submissions have been assessed and the Town has been advised of the outcome.

10.1.16 Further Report - Review of Town of Vincent Town Planning Scheme No.1 Clause 34 - Unauthorised Existing Developments

Ward:	Both Wards	Date:	4 February 2003
Precinct:	All Precincts	File Ref:	PLA0100
Reporting Officer(s):	Y Scheidegger		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report relating to the review, performance and costs of Town Planning Scheme No.1 Clause 34 - Unauthorised Existing Development;
- (ii) **AMENDS** the Schedule of Fees as set out in Section C of the Annual Budget for the financial year ending 30 June 2003, by adding the additional fee as follows:

	2002/2003	GST
<i>Determination of a development application applied for in accordance with Clause 34 of Town of Vincent Town Planning Scheme No.1</i>	<i>The fee required for a development application for a similar development in the Fees and Charges 2002/2003 multiplied by a factor of four (4).</i>	X

and;

- (iii) **APPROVES BY AN ABSOLUTE MAJORITY**, to give local public notice and advise the Western Australian Planning Commission of the proposed amendment to the Schedule of Fees as proposed under (ii) above and as set out under Clause 8 of the Town Planning (Local Government Planning Fees) Regulations 2000 and amend accordingly those previously approved by the Council as part of the 2002/2003 Budget.

Moved Cr Piper, Seconded Cr Franchina

That the recommendation be adopted.

Moved Cr Piper, Seconded Cr Franchina

That in clause (ii) the words “multiplied by a factor of four (4)” be deleted and the words “plus a ten percent (10%) fee” be inserted as follows:

- “(ii) **AMENDS** the Schedule of Fees as set out in Section C of the Annual Budget for the financial year ending 30 June 2003, by adding the additional fee as follows:

	2002/2003	GST
<i>Determination of a development application applied for in accordance with Clause 34 of Town of Vincent Town Planning Scheme No.1</i>	<i>The fee required for a development application for a similar development in the Fees and Charges 2002/2003 plus a ten percent (10%) fee.</i>	X

and;”

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

<u>For</u>	<u>Against</u>
Cr Drewett (2 votes)	Cr Chester
Cr Franchina	Cr Cohen
Cr Hall	Cr Doran-Wu
Cr Piper	Cr Ker

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

**MOTION AS AMENDED CARRIED BY
AN ABSOLUTE MAJORITY(8-0)**

COUNCIL DECISION ITEM 10.1.16

That the Council;

- (i) *RECEIVES the report relating to the review, performance and costs of Town Planning Scheme No.1 Clause 34 - Unauthorised Existing Development;*
- (ii) *AMENDS the Schedule of Fees as set out in Section C of the Annual Budget for the financial year ending 30 June 2003, by adding the additional fee as follows:*

	2002/2003	GST
<i>Determination of a development application applied for in accordance with Clause 34 of Town of Vincent Town Planning Scheme No.1</i>	<i>The fee required for a development application for a similar development in the Fees and Charges 2002/2003 plus a ten percent (10%) fee.</i>	X

and;

- (iii) *APPROVES BY AN ABSOLUTE MAJORITY, to give local public notice and advise the Western Australian Planning Commission of the proposed amendment to the Schedule of Fees as proposed under (ii) above and as set out under Clause 8 of the Town Planning (Local Government Planning Fees) Regulations 2000 and amend accordingly those previously approved by the Council as part of the 2002/2003 Budget.*

FURTHER REPORT:

The Council, at its Ordinary Meeting held on 24 September 2002, deferred consideration on the review of Town of Vincent Town Planning Scheme No.1 Clause 34 - Unauthorised Existing Developments, requesting further information relating to legal costs and Senior Officer time required for each item dealt with under Clause 34.

It is not readily feasible to exactly quantify the total legal costs and senior office time spent for each item dealt with under Clause 34 and as such data was not recorded at those times. However, an example can be surmised to give an indication of potential costs. One of the most extreme examples of the Town being involved with an unauthorised existing development is No. 84 Zebina Street, East Perth. A progress report on the subject site was submitted to the Ordinary Meeting of Council held on 24 September 2002. In summary of dealing with the unauthorised existing development, there has been:

- Two Planning Applications made under the provisions of Clause 34 of TPS No.1.
- One Building and one Planning Notice served on the development.
- One Appeal to the Minister of Local Government and Regional Development in relation to a Building Notice being served.
- One Appeal to the Minister for Planning and Infrastructure and one Appeal to the Town Planning Appeals Tribunal for the refusal by Council of both Planning Applications.

In summary, the Town has been involved in dealing with the unauthorised existing development since September 2001. Direct legal expenses incurred by the Town in dealing with the development at No. 84 Zebina Street was approximately \$23,000. In addition, there has been substantial direct involvement by the Chief Executive Officer, Executive Manager Environment and Development Services, Manager Planning, and Building Services and other Town Officers. However, it is not reasonably possible to estimate the actual amount of time and associated costs incurred by the Town's Senior Officers, as explained previously. In summary, this example provides one of the highest costs incurred by the Town in dealing with unauthorised development.

For the 2001/2002 financial year, the Budget allocation for Town Planning Administration legal expenses was \$35,000 with the actual expenditure being \$59,576 (170 percent over expenditure) and Building Control legal expenses was \$5,000 with the actual expenditure being \$18,340 (367 percent over expenditure). A substantial part of this expenditure relates to planning and building enforcement and involvement by Senior Officers.

The Senior Officers' involvement with such matters are diverse and varies from one matter to another, however it generally relates to overseeing and signing relevant documentation, liaison with the Town's solicitors and applicants and their representatives, and attendance and participation at legal and appeal proceedings.

In summary, it is recommended that the Council receives this further report relating to legal costs and senior officer time required for each item dealt with under Clause 34 of the Town of Vincent Town Planning Scheme No.1, and supports the implementation of additional planning fees as previously recommended.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 24 September 2002:

“OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating the review, performance and costs of Town Planning Scheme No.1 Clause 34 - Unauthorised Existing Development;*
- (ii) *AMENDS the Schedule of Fees as set out in Section C of the Annual Budget for the financial year ending 30 June 2003, by adding the additional fee as follows:*

	2002/2003	GST
<i>Determination of a development application applied for in accordance with Clause 34 of Town of Vincent Town Planning Scheme No.1</i>	<i>The fee required for a development application for a similar development in the Fees and Charges 2002/2003 multiplied by a factor of four (4).</i>	X

and;

- (iii) *APPROVES BY AN ABSOLUTE MAJORITY, to give local public notice and advise the Western Australian Planning Commission of the proposed amendment to the Schedule of Fees as proposed under (ii) above and as set out under Clause 8 of the Town Planning (Local Government Planning Fees) Regulations 2000 and amend accordingly those previously approved by the Council as part of the 2002/2003 Budget.*
-

Moved by Cr Chester, Seconded by Cr Hall

That the recommendation be adopted.

Debate ensued.

COUNCIL DECISION ITEM 10.1.21

Moved by Cr Chester, Seconded by Cr Hall

That this item be DEFERRED for further information relating legal costs and details relating to the senior officer time required for each item.

CARRIED (7-0)

(Cr Ker on leave of absence)

(Cr Piper - apology for the meeting)

BACKGROUND :

At the Ordinary Meeting of Council held on 14 May 2002 it was resolved:

"That the Council authorises the Chief Executive Officer to review;

- (i) the intent, performance and the extent of retrospective planning provisions provided in Clause 34 of the Town of Vincent Town Planning Scheme;*
- (ii) the provisions of Clause 40 of the Town of Vincent Town Planning Scheme to provide greater surety for residents and identify suitable limitations to those provisions in areas zoned Residential; and*
- (iii) subsequently provide a report to Council no later than 25 June 2002."*

Clause (ii) of the above Council resolution was addressed in a separate report relating to the review of Town Planning Scheme No.1.

At the Ordinary Meeting of Council held on 25 June 2002 it was resolved, via the Information Bulletin resolution, in "IB04 Review of Town of Vincent Town Planning Scheme No 1 – Clause 34":

"That the Council receives the report on the review of Town of Vincent Town Planning Scheme No.1 Clause 34."

At the Ordinary Meeting of Council held on 9 July 2002 it was resolved:

"That the Council:

- (i) authorise the Chief Executive Officer to prepare a report on
 - (a) the processing of developments that are identified as non-compliant or unauthorised under the Town of Vincent Town Planning Scheme No.1 and to include the identification of any extraordinary legal, staff and administrative costs;*
 - (b) the threshold situation that constitutes a significant cost to the Town; and*
 - (c) the various "user pays" schemes for the Town to recover any extraordinary costs from parties undertaking non-compliant or unauthorised development requiring consideration under Clause 34 of the Town of Vincent Town Planning Scheme No.1; and**
- (ii) receives the report no later than September 2002."*

DETAILS:

Current Status of Clause 34

The Town of Vincent Town Planning Scheme No.1 Clause 34 - Unauthorised Existing Development, states:

- "(1) Where a development has been, or is being, carried out contrary to Clause 32, a person may apply to the Council for planning approval for that development.*
- (2) If the Council grants planning approval in respect of an application made under subclause (1), the planning approval is not to be taken as –
 - (a) authorising development before the date on which the Council resolved to grant the planning approval; or*
 - (b) preventing action being taken in respect of the unauthorised development before the date on which the Council resolved to grant planning approval."**

With reference to Clause 34 above, Town Planning Scheme No.1 Clause 32 - Need for Planning Approval, states:

- "(1) A person shall not begin or continue development of any land or building in the Scheme area, unless it is a development exempted by Clause 33, without first having applied for and obtained planning approval.*
- (2) To avoid any doubt, development for which planning approval is required includes both use (which is the subject of Part 2 of this Scheme) and development (which is the subject of Part 3)."*

With reference to Clause 32 above, Town Planning Scheme No.1 Clause 33 - Exemption from Planning Approval defines the development types that do not require Planning Approval.

The Model Scheme Text, which contains the recommended wording for town planning schemes, states the following Clause:

"8.4 Unauthorised existing developments

- 8.4.1 The local government may grant planning approval to a use or development already commenced or carried out regardless of when it was commenced or carried out, if the development conforms to the provisions of the Scheme.*

8.4.2 *Development which was unlawfully commenced is not rendered lawful by the occurrence of any subsequent event except the granting of planning approval, and the continuation of the development unlawfully commenced is taken to be lawful upon the grant of planning approval.*

- Note
1. *Applications for approval to an existing development are made under Part 9.*
 2. *The approval by the local government of an existing development does not affect the power of the local government to take appropriate action for a breach of the Scheme or Act in respect of the commencement or carrying out of development without planning approval."*

In comparison with the Model Scheme Text, Clause 34 contains similar wording and has the same intent and powers as the Text. Furthermore, a review of four other local authorities Town Planning Schemes has revealed that all contain similar provisions as Clause 34.

Intent of Clause 34

In summary, the intent of Clause 34 is to allow the Council to approve existing development that has not formally received Planning Approval. In some instances, development may occur that has required the Town's approval, but has not been sought. In most cases, the person undertaking the works has not been aware that approval was required from the Town. The Clause allows the Town to then assess and consider the unauthorised existing development on the development's merits. Clause 34 allows the Council to approve and ratify an unauthorised existing development which is considered acceptable, therefore, not requiring Council to undertake legal action (and associated costs and resources) on an unauthorised existing development. Furthermore, Clause 34 is consistent with the Model Scheme Text and contains similar provisions as other local authorities town planning schemes.

Processing of Unauthorised Existing Development under Clause 34

A simplified procedure for the processing of unauthorised development under Clause 34 of Town Planning Scheme No.1 is as follows:

- *Unauthorised development identified mainly from complaint received or site inspection undertaken by an Officer of the Town.*
- *Investigation initiated by Officer to establish Planning and Building Approvals for the site and site inspection undertaken.*
- *Once the development is identified as being unauthorised, one of the following measures can be undertaken-*
 - *A Building/Planning Notice is served requiring removal/cessation of the unauthorised existing development; or*
 - *Correspondence sent by the Town requiring removal/cessation of the unauthorised development and advising retrospective Planning Approval may be sought for the unauthorised existing development, via the submission of a Planning Application.*
- *The Town will then either:*
 - *Determine the Planning Application;*
 - *Inspect the property to determine if development has been removed/ceased; and/or*
 - *Undertake legal proceedings to remove/cease the unauthorised development.*
- *If a retrospective Planning Application is refused by the Council, the Applicant has a right of appeal.*
- *If a Building/Planning Notice is served, the landowner has the right of appeal.*

This process summary is not exhaustive as there are different approaches that can be taken by both landowners and the Town in dealing with unauthorised existing development.

Cost of Processing Unauthorised Existing Development

There is no definitive cost that can be readily calculated for processing unauthorised existing development. This is due, in part, to the fact that Officer's generally do not account for time allocation in dealing with specific issues.

As identified above, the majority of work involved in processing unauthorised existing development prior to the submission of a Planning Application generally relates to enquiries, site inspections and correspondence. These activities by Officers cannot be readily quantified accurately.

However, there is an opportunity to have a "snap shot" of Officer activity as Planning and Building Services undertook a survey of Officer time allocation from 13 May 2002 to 7 June 2002. An "Enforcement" section was included and the following was accounted for:

Type of Work	Statutory Planning (hours)	Statutory Building (hours)	TOTAL (hours)	Time Per Officer in Planning and Building Services (9 Officers)	
				Hours	Per Cent
Assessment	1.50	8.50	10.00	1.11	0.73%
Site inspection	1.00	5.50	6.50	0.72	0.47%
Appeals	0.00	4.25	4.25	0.47	0.31%
Correspondence	8.75	25.00	33.75	3.75	2.47%
Meetings	0.50	4.50	5.00	0.55	0.36%
Enquiries (phone/front)	1.75	4.75	6.50	0.72	0.47%
Reports	3.75	3.75	7.50	0.83	0.55%
TOTAL HOURS	17.25	56.25	73.5	8.16	5.35%

Through the four week period the total number of hours were identified for both the Statutory Planning and Statutory Building Service Areas. As the table indicates, each Officer spent an average of 8.16 hours (5.35 per cent of total work hours) over the four weeks dealing with enforcement issues. The majority of work undertaken by the Building Surveyors is related to the issue of Notices under the Local Government (Miscellaneous Provisions) Act 1960 and therefore follows a separate statutory process compared to dealing with unauthorised existing development under Town Planning Scheme No.1.

There is some difficulty in summarising expenditure incurred by the Statutory Planning Officers in dealing with unauthorised existing development as the process is generally in two parts. The first part above indicates that the majority of time is spent undertaking correspondence and reports. From this point, a Planning Application is submitted and dealt with as per normal procedure. The average net cost of processing a Planning Application during the 2001/2002 financial year was approximately \$1323. In summary, there is no definitive cost that can be identified in processing unauthorised existing development by the Town.

It is also noted for the 2001/2002 financial year, the Budget allocation for Town Planning Administration legal expenses was \$35,000 with the actual expenditure being \$59,576 (170 percent over expenditure) and Building Control legal expenses was \$5,000 with the projected actual expenditure being \$18,340 (367 percent over expenditure). A substantial part of this expenditure relates to planning and building enforcement.

Threshold Situation of Significant Costs Associated with Unauthorised Existing Development

In general dealings with unauthorised existing development, the procedure is relatively simple and with no significant costs when the following occurs:

- *The Town sends correspondence to the owner/s of the subject property requiring removal/cessation of, or advise that approval may be sought for, the unauthorised existing development. If the unauthorised development is removed/ceased, no further action is required.*
- *The Town sends correspondence to the owner/s of the subject property requiring removal/cessation of, or advise that approval may be sought for, the unauthorised existing development. If a Planning Application is lodged and processed as per standard Planning Applications, and then subsequently approved, usually no further action is required.*

It is after these two procedures, where the unauthorised existing development is not removed/ceased or a Planning Application is refused, that significant costs and resources are incurred. If the development is not removed, then a Planning/Building Notice can be served requiring removal. In this instance, and with a refusal of a Planning Application made under Clause 34, the owner has the right to Appeal. If an Appeal is lodged and legal advice is sought or representation is required, then there are additional significant legal, staff and administrative costs.

Cost Recovery in Dealing with Unauthorised Existing Development

There are limited mechanisms available for local authorities to recover costs in dealing with unauthorised existing development, due primarily to statutory requirements and restrictions. Local Authorities have the possibility of recovering costs via prosecution under the Town Planning and Development Act 1928. However, the process is expensive and time consuming and generally will not result in adequate compensation for the costs incurred under Section 10 of Town Planning and Development Act 1928.

It is also not appropriate to use this mechanism in dealing with every unauthorised existing development as in some instances, approval can be granted under Clause 34 of Town Planning Scheme No.1 for appropriate existing development. The other viable option for cost recovery is identified as follows.

Extensive research has been undertaken in determining how other local authorities deal with undertaking cost recovery in dealing with unauthorised existing development. Only one local authority was identified as having formalised cost recovery for unauthorised existing development. The Shire of Denmark has adopted within its Fee Schedule, the requirements of the Town Planning (Local Government Planning Fees) Regulations 2000 in relation to planning fee charges. In addition, the Shire undertook an amendment to its Fee Schedule to include the following Item 1A:

<i>"Item</i>	<i>Description of Planning Service</i>	<i>Maximum Fee</i>
<i>1</i>	<i>Determination of a planning consent application for all "AA" and "SA" developments (there is no fee for "P" developments except for signs and home occupations below) where the estimated cost of the development is -</i>	
	<i>(a) not more than \$50,000</i>	<i>\$100</i>
	<i>(b) more than \$50,000 but not more than \$500,000</i>	<i>0.23% of the estimated cost of development</i>
	<i>(c) more than \$500,000 but no more than \$2.5 million</i>	<i>\$1,150 + 0.18% for every \$1 in excess of \$500,000</i>

- | | |
|---|--|
| (d) more than \$2.5 million but no more than \$5 million | \$4,750 + 0.15% for every \$1 in excess of \$2.5 million |
| (e) more than \$5 million but no more than \$21.5 million | \$8,500 + 0.1% for every \$1 in excess of \$5 million |
| (f) more than \$21.5 million | \$25,000 |
- 1A Determination of a Planning Consent Application for all development applied for in accordance with Clause 6.1.4 (retrospective approval) -
- | | |
|--|---|
| (a) "P" uses/developments | \$400 |
| (b) "A" and "SA" uses/developments based on estimated cost of the development (see Item 1 above) | The fee at Item 1 above is used but it is multiplied by 4 |
| (c) application for signs | \$200 |
| (d) application for home occupation | \$400 |
| (e) change of use or continuation of non-conforming use | See (a) above" |

The Shire has advised that Item 1A has only been applied several times and in all instances, the applicants have paid the retrospective approval fee and the application has subsequently been approved. Therefore, the performance of application of the fee has not been reviewed/challenged.

The Town Planning (Local Government Planning Fees) Regulations 2000 provide a regulatory framework for local governments to apply fees and charges for planning services. The relevant parts of the Regulations state:

- "5. Maximum fees for services in relation to certain planning matters
- (1) Subject to regulation 16, the fees set out in Schedule 1 Part 1 are the maximum fees that may be imposed by a local government for or in relation to the following services-
- (a) determination of a development application;
 - (b) provision of a subdivision clearance;
 - (c) determination of an application for a home occupation approval;
 - (d) determination of an application for a change of use or for a change or continuation of a of non-conforming use;
 - (e) provision of a zoning certificate;
 - (f) a reply to a property settlement questionnaire;
 - (g) written planning advice."

and

- "8. Costs and expenses
- (1) The following costs and expenses, if incurred by a local government in providing a service referred to in regulation 5(a) to (d) or regulation 6, are payable by the applicant in addition to the fee for the provision of the service -
- (a) costs and expenses of advertising the application and advertising matters related to the application;
 - (b) costs and expenses of any specific assessment that is required in relation to the application, for example, environmental assessment;
 - (c) costs and expenses of consultation procedures required in relation to the application;

- (d) costs and expenses of technical resources and equipment such as computer modelling;
- (e) costs and expenses of specialist advice required in relation to the application, for example, advice in relation to heritage matters."

Clause 34 of Town Planning Scheme No.1 allows for consideration of unauthorised existing development made via the submission of a Planning Application and the appropriate application fee paid, as per the requirements of Clause 5 of Town Planning (Local Government Planning Fees) Regulations 2000. Clause 8 of Town Planning (Local Government Planning Fees) Regulations 2000 above can also allow a local authority to require an additional fee for costs and expenses to be incurred. Therefore, the Town has the ability to require an additional fee to be paid in dealing with a retrospective Planning Approval given there are additional administrative cost and expenses incurred. As per the Shire of Denmark's approach to requiring an additional administrative fee in dealing with retrospective approvals, the Town could take a similar approach.

The Planning and Building Fees and Charges 2002/2003 could incorporate the fee as follows:

	2002/2003	GST
Determination of a development application applied for in accordance with Clause 34 of Town of Vincent Town Planning Scheme No.1	The fee required for a development application for a similar development in the Fees and Charges 2002/2003 multiplied by a factor of four (4).	X

Using a multiplied factor of four (4) could act as a deterrent to people undertaking development without the consent of the Town. As the majority of unauthorised existing development tends to be under the value of \$50,000 (such as fencing, outbuildings and signage - Development Application fee being \$100) or a change of use (Development Application fee being \$200), multiplied by four, the required fee would be high, but not considered exorbitant. The offset of the fees will be monitored and its performance will be reviewed as part of the 2002/2003 fees and charges procedures.

STRATEGIC IMPLICATIONS:

Strategic Plan 2000-2002 – Key Result Areas: 1.1 “Implement Town Planning Scheme No. 1 and associated policies and guidelines” and Key Result Area: 4.3 “Continue to improve financial management.”

COMMENTS:

In considering the above matters, it is recommended that additional fees be implemented for cost recovery in dealing with unauthorised existing development under Clause 34 of Town of Vincent Town Planning Scheme No.1. The Town is required to follow the procedures and requirements of the Local Government Act 1995 which require the Town to give public notice of its intention to amend the Planning and Building Fees and Charges 2002/2003. It is also recommended that the Town advises the Western Australian Planning Commission of its intention to introduce additional fees under the provisions of the Town Planning (Local Government Planning Fees) Regulations 2000.

In summary, it is recommended that the Council receives the report related to the review, performance and costs associated with Clause 34 of the Town of Vincent Town Planning Scheme No.1 and implements additional planning fees.”

10.4.2 Minutes of the Annual General Meeting of Electors held on 17 December 2002

Ward:	Both	Date:	24 January 2003
Precinct:	All Precincts	File Ref:	ADM0009
Reporting Officer(s):	John Giorgi, R Lotznicher, M Rootsey, R Boardman		
Checked/Endorsed by:	-		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives and confirms the Minutes of the Annual General Meeting of Electors held at 5.30pm on Tuesday 17 December 2002, attached at Appendix 10.4.2;*
- (ii) *considers the various matters, which require funding, as detailed in this report during the 2003/04 Budget process; and*
- (iii) *endorses the proposed action and comments of the various matters, as detailed in this report.*

Moved Cr Chester, Seconded Cr Hall

That the recommendation be adopted.

Debate ensued.

COUNCIL DECISION ITEM 10.4.2

Moved Cr Franchina, Seconded Cr Hall

That this item be DEFERRED for clarification of legal requirements and a further report.

CARRIED (5-3)

<u>For</u>	<u>Against</u>
Cr Cohen	Cr Chester
Cr Drewett	Cr Doran-Wu
Cr Franchina	Cr Ker
Cr Hall	
Cr Piper	

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

BACKGROUND:

The Annual General Meeting of Electors of the Town of Vincent was held on Tuesday 17 December 2002 at 5.30pm.

DETAILS:

It is standard practice for the Minutes of the meeting of Electors to be presented to the Council for information. Under the Local Government Act 1995, Section 5.33, all decisions taken at Electors meetings are required to be considered at the next Ordinary Meeting of the Council.

The Minutes are attached for the information of the Council. The following decisions were taken at that meeting:

1. Moved Cr Doran-Wu, Seconded Cr Chester

“That the Council investigate the establishment of notification system to advise ratepayers of important issues.”

CARRIED (UNANIMOUS)

CEO’s Comment

The Council’s “Community Consultation Policy No 4.1.22” prescribes the statutory and non-statutory requirements for consultation with ratepayers and residents. The policy prescribes the need for:

- *local and state-wide newspaper advertisements;*
- *information placed on the Town’s website;*
- *letters to affected persons;*
- *newsletters;*
- *display of information on the public noticeboard in the Administration Centre and the Library;*
- *signs on properties;*
- *letters to community and business groups.*

It is considered that the Town’s Consultation Policy is adequate and satisfactorily meets the needs of the Town. Therefore, no change is recommended.

2. Moved Ms Lynda Roberts-Hall, Seconded Mr Raymond Hall, of 81 Lynton Street, Mount Hawthorn

“That;

- (i) the Town considers the provision for cross local government community consultation in the Town’s Policy relating to community consultation; and*
- (ii) the Town lobbies its adjoining local governments to adopt a similar approach to cross local government community consultation.”*

MOTION CARRIED (UNANIMOUS)

CEO's Comment

The Town is in the process of preparing a letter to the City of Stirling, City of Bayswater, City of Perth, Town of Cambridge, West Australian Local Government Association and the East Perth Redevelopment Authority advising them that the Town is in the process of reviewing its Policy relating to Community Consultation and would like to include provision relating to community consultation across municipality boundaries. The Town will also request copies of any policies, procedures and/or practices that these local authorities may have. In addition, the Town will also request that these local authorities consider including provision relating to community consultation across municipality boundaries into any existing policies, procedures and/or practices or develop new policies, procedures and/or practices to incorporate these provisions.

3. Moved Mr Brian Fleay, Seconded Ms Sally Lake of 51 Chatsworth Road, Highgate

“That early next year, as part of the review of the Town Planning Scheme, the Town organise a community workshop or series of workshops to address the likely outcome of current urban infill development for the next 15 to 20 years.”

MOTION CARRIED (UNANIMOUS)

CEO's Comment

A Special Meeting of Council has been convened for 18 February 2003 to further consider a report relating to the review of the Town Planning Scheme. It is the Town's intention to develop and undertake a comprehensive community consultation program as part of Town Planning Scheme review, which will include several community workshops during key milestones of the review.

4. Moved Mr Dudley Maier, Seconded Ms Marie Slyth of 89 Carr Street, West Perth

“That;

(1) electors of the Town request the Chief Executive Officer to produce a report to Council before July 2003 with recommendations on how underground power can be implemented throughout the Town within a ten (10) year time frame;

(2) the report should include:

(i) various alternatives for funding implementation;

(ii) criteria for assigning the priority and order of implementation;

(iii) mechanisms for distributing the cost to individual properties on an equitable basis;

(iv) mechanisms to allow property owners to defer or spread the repayment over time; and

any other information that the CEO considers relevant.”

MOTION CARRIED (UNANIMOUS)

CEO's Comment

In a letter dated 15 January 2003 the Office of Energy has called for expressions of interest from Local Governments to participate in Round Three of the State Underground Power Program, closing on 20 February 2003.

Council had previously adopted, in part, the following resolution at its Ordinary Meeting of the 19 November 2002.

“That the Council;

- (ii) receives a further report once Round three (3) submissions for the State Underground Power Program have been called by the Office of Energy.”*

Therefore in accordance with the above resolution a further report will be presented to Council at its Ordinary meeting of 11 February 2003 and if so directed by Council Technical Services will proceed with submitting an expression of interest.

Further reports addressing funding, technical and implementation issues would be forthcoming if and when the Town's submission is progressed.

The Executive Manager Technical Services and Executive Manager Corporate Services will prepare the report on the implementation of underground power throughout the Town.

It will include the criteria as outlined at the meeting.

5. Moved Mr Dudley Maier, Seconded Ms Shirley Benton of 34/46 Smith Street, Highgate.

“That electors of the Town request that;

- (i) the Council's 2003/2004 Budget Meetings be open to the public in the same way the 2002/2003 meetings were;*
- (ii) a public workshop/information session be held prior to the presentation of the draft budget to Council, at which the budget process is explained, major proposals for the following year are explained, and members of the community are able to suggest items for inclusion in the 2003/2004 draft budget; and*
- (iii) the public workshop/information session be widely advertised to the broad community.”*

MOTION CARRIED (UNANIMOUS)

CEO's Comment

It is recommended that the Council's 2003/2004 Budget Special Council meetings will be open to the public in the same way as the 2002/2003 meetings were held.

The Draft Budget timetable which is currently being prepared has included a public information workshop.

The above workshop will be advertised in the local papers and on the Town's website as well as invitations being sent to all community and business groups.

6. Moved Mr Steed Farrell, Seconded Ms Lucia Dedear of 98 Buxton Street, Mount Hawthorn

“That the Council bring forward and include in the forthcoming Budget the upgrading of parks within the Mount Hawthorn Precinct, especially those that are in a poor condition and dangerous condition, in particular Braithwaite Park. This is to include early consultation with the residents and other community groups regarding the improvements of the Parks and the Mount Hawthorn Community Centre.”

MOTION CARRIED (UNANIMOUS)

CEO’s Comment

The Manager Parks Services advises that the deterioration of the Braithwaite Park playground has been noted and a report recommending the Playground Upgrade Program be amended to include Braithwaite Park in the 2003/04 will be presented to the Council in February 2003.

Improvements to all parks have been undertaken since the Town's inception, including automatic reticulation, additional planting and upgrade of lighting and park furniture.

Generally all parks/reserves in the Precincts are in good condition and upgrading or improvement works will continue based on priorities, cost and the needs of the community.

7. Moved Mr Steed Farrell, Seconded Mr Tony Keene of 93 Kalgoorlie Street, Mount Hawthorn

“That the Council review the development approval reporting process as part of the Town Planning Scheme Review and Operational Review in relation to the amount of time and money spent by the Town to defend appeals against Council decisions. In particular, non-compliant applications put forward for approval but subsequently refused by Council that are then appealed by the applicant.”

MOTION CARRIED (UNANIMOUS)

CEO’s Comment

The terms of reference of the Independent Organisational Review of the Town includes the following:

"Review of the organisational structure, administrative practices and procedures and decision making processes for matter requiring Council approval (e.g. development approval, building licences, permits and licences) in direct measurement to;

- 1. Reporting to the Council;*
- 2. Council decisions;*
- 3. Extent of delegation;*
- 4. Performance against industry benchmarks/best practice in like local governments; and*
- 5. Determining the extent of customer satisfaction regarding quality, accessibility, clarity and accuracy of information provided to ratepayers/residents and also developers."*

8. Moved Mr Steed Farrell, Seconded Ms Annie Folk of 204 Carr Place, Leederville

“That the Council undertake a parking strategy for the whole length of Oxford Street up to Scarborough Beach Road including adjoining streets surrounding commercial areas, and to include a programme to upgrade the streetscape of Oxford Street.”

MOTION CARRIED (UNANIMOUS)

CEO's Comment

The demand for parking facilities in Oxford Street varies according to the part of the street. The high usage areas have been identified as being between Vincent Street and Leederville Parade and between Anzac Road and Scarborough Beach Road, with the area between Richmond Street and Britannia Road being rarely congested.

It is considered that the most effective way to control the parking in the busier areas of Oxford Street is to create paid parking zones, where drivers must always obtain a ticket, even if for only a very short time. It has also been recommended, for a number of years, that the Council install ticket issuing machines in Oxford Street Car Park, to create a turnover in available parking spaces.

A number of the streets, which join the busier sections of Oxford Street, already have parking time restrictions in place and these appear to operate fairly well. These parking restrictions are constantly monitored to ensure compliance and to ensure that the Town takes account of any changes in the needs of the community. Where a need to alter the restrictions is identified, a process of public consultation is undertaken and appropriate changes are recommended to the Council for their approval.

The Town's adopted Car Parking Strategy acknowledges that the Oxford Hotel has undergone significant renovations which in turn has created parking problems along some of the surrounding residential streets, due to the hotel's lack of off-street parking and semi-residential location. The implementation of parking restrictions along Anzac Road to protect the rights of the residents has been implemented, including the creation of additional parking bays by rationalising existing on road loading zones/taxi ranks/bus stops.

The Parking Strategy outlines that the northern end of Oxford Street lacks the activity and vibrancy that creates a successful town centre. However, the renovated Oxford Hotel is likely to improve the surrounding commercial precinct and in turn increase the requirement for parking in the area.

One submission for the Strategy suggested the construction of centre road parking along the northern section of Oxford Street, however, the option would not be supported at this specific location, from a traffic management safety viewpoint. Oxford Street is classified as a District Distributor B in accordance with the Metropolitan Functional Road Hierarchy and currently carries between 6000 and 9000 vehicles per day (vpd).

The Town's adopted Car Parking Strategy further acknowledges that it is very likely that this section of Mount Hawthorn will become more popular in the next decade. Therefore, a strategically placed public car park, or an extension to the Oxford Street Car Park, may be required. Any cash in lieu contributions made from developments in the area should be applied to the creation of a centrally located car park.

It is preferable that any new open air car park should be constructed as a short term measure and, if possible, utilise existing open areas, such as a car yard or vacant site rather than affecting the streetscape by the removal of valued buildings.

The Council has allocated funds in the 2002/2003 budget to carry out improvements in Oxford Street.

A review will therefore be carried out in 2003 and a further report will be presented to Council.

9. Moved Ms Eloise Hodge, Seconded Ms Shirley Benton of 34/46 Smith Street, Highgate

“That the Council investigate how to introduce residential parking in Monger Street.”

MOTION CARRIED (UNANIMOUS)

CEO’s Comment

The current guidelines for the introduction of Residential Parking Zones suggest that this type of restriction is only effective, where the properties are predominantly residences. Where there is a mix of residential and commercial premises, businesses may decline, because their customers and staff are unable to park in kerbside locations.

Monger Street is a mixed-use street, very close to the William Street, "Asia Town" area and it is suggested that it would not lend itself well to residential restrictions. However, a survey of the Residents and businesses in Monger Street, William Street, Money Street and Lindsay Street, seeking information on the problems being experienced and possible solutions to these problems, will be undertaken during 2003 and a report will be submitted to the Council.

10. Moved Ms Lucia Dedear, Seconded Mr Steed Farrell of 90 Matlock Street, Mount Hawthorn

“That the Council arrange a meeting with the Honourable Alannah McTiernan and a member from the Planning Commission to discuss the concerns in regards to housing density increase, infill development, the new Residential Design codes and in particular the Planning Appeal process with the residents, precinct groups and Councillors of the Town.”

MOTION CARRIED (UNANIMOUS)

CEO’s Comment

The new planning appeal legislation and associated process is expected to be promulgated shortly.

The housing density within the Town will be reviewed as part of the Town Planning Scheme review.

The suggested meeting should be the subject of a Council resolution.

11. Moved Ms Lucia Dedear, Seconded Mr Tony Keene of 93 Kalgoorlie Street, Mount Hawthorn

“That the Council puts in place a strategy as early as possible that will establish;

- (i) *a policy of ‘energy efficient building design’ based on sustainable design principles that will be an ongoing, evolving policy for all new buildings within the Town to follow. Its introduction will coincide with the implementation of the new BCA energy requirements for housing in June 2003;*

- (i) a 'landscaping of our streets' policy by way of trees and planting that maximize the shading for pedestrians and cyclists. Requirements for landscaping, pedestrians and cyclists will take priority over catering for the requirements of cars; and
- (ii) a policy of 'reduced energy transport' within the Town by way of 'energy efficient public transport', cycling and walking paths, dedicated bike lanes, and tree shaded streets to encourage cycling and walking."

MOTION CARRIED (UNANIMOUS)

CEO's Comment

- (i) The Town's Draft Strategic Plan 2002-2007 provides the following:
- "Key Result Area One: - Environment and Infrastructure -Strategies and Action Plans*
- 1.1 Protect and enhance environmental sustainability and biodiversity - Action Plans to implement this strategy include:*
- (a) Develop and implement a strategy for sustainability.*
- 1.3 Develop, implement and promote sustainable urban design - Action Plans to implement this strategy include:*
- a) Sustainable building design guidelines.*
- e) Establish a sustainable building award."*
- A policy will therefore be prepared.*
- (ii) *the Town currently has a Tree Planting Policy. Dependent on the tree species being planted, the utility services in the location, and various other restrictions, they are located to provide maximum benefit.*
- Many streets and verges have been upgraded since the Town's inception, where previously insignificant or no vegetation existed.*
- Charles St*
 - Sasse Aves St*
 - West Pde*
 - Loftus St*
 - Angove St*
 - Various roundabouts*
- The Town will continue to landscape streets as required.*
- (iii) Energy Efficient Public Transport
Public transport is the responsibility of the State Government not Local Government.
Cycling and walking paths
Since its inception, the Town has been active in upgrading the old footpath network replacing the existing slab paths with insitu concrete and brick paving in commercial areas. The Council has adopted a long term footpath upgrade program which is revisited each year during the budget process. In addition, considerable expenditure has gone into streetscape improvement projects and developer/Council funded footpath upgrades.

Cycle paths have been provided where appropriate, mainly through reserves, progressively extending the "green ways" path network. Also the Town has developed and implemented a Local Bicycle Network Plan which utilises "on road" cycle routes. Many improvement works associated with the Local Bicycle Network Plan have been carried out in conjunction with Council and State funding. The Plan also links into the Perth Bicycle network. A plan of the entire network is currently being prepared and will soon be made available to the public.

12. Moved Ms Lucia Dedear, Seconded Mr Dudley Maier of 51 Chatsworth Road, Highgate

"That the Town investigates the possibility to put in place a strategy to introduce a speed limit of 40kph on all local streets within the Town, and the speed limit in Mount Hawthorn Centre Precinct and Leederville Centre Precinct to reduce to 30kph."

CEO's Comment

At its Ordinary Meeting held on 22 March 1999 the Council adopted a draft Strategy for the creation of 40 kph and 50 kph Local Area Traffic Zones in the Town and approved the trial implementation of 40 kph Local Area Traffic Zones in the area bounded by Loftus, Vincent, Charles and Newcastle Streets and the area bounded by Fitzgerald, Bulwer, William and Newcastle Streets.

With the recent introduction of a 50 kph speed limit in residential streets the above Strategy will need to be reviewed by the Local Area Traffic Management Advisory Group.

In addition, Main Roads Western Australia (MRWA), who are responsible for approving and implementing speed restrictions on all roads in the State, have placed a moratorium on approving any further 40kph zones until the success of the 50kph area wide speed limits have been assessed.

An outline of the existing MRWA criteria for approving 40 kph zones is as follows.

- *Area definition*
- *Community consultation*
- *Identification of each road or road section for speed measurement purposes. A continuing road shall be considered terminated by a stop sign, a give way sign, a roundabout or any physical feature that results in speed reduction below 20 kph, i.e. speed hump, bend*
- *Speed surveys on all streets longer than 200 metres*
- *Identification of speed surveyed streets into the following:*
 - *Section requiring physical speed control*
 - *Section to retain 60 kph speed limit*
 - *Section not requiring traffic calming for inclusion in a 40 kph zone*
- *Preparation of traffic management plan for all streets requiring speed reduction, i.e. where the 85th percentile speed is equal to or less than 50 kph. Other streets to be considered for speed reducing physical devices at spacings not exceeding 200 metres*
- *Traffic Calming Devices - These may comprise of a simple change in asphalt colour, i.e. a red asphalt strip or brick paving to a nib/red asphalt or brick paving combination on wider roads. The cost of the entry statements will vary, according to the location, from \$2,000 to \$4,000.*

It is considered a general 40 kph speed limit would require costly engineering solutions to ensure adherence, whereas 50 kph can be achieved through education, enforcement and the implementation of minor traffic calming measures.

In addition MRWA may not approve introducing 30 kph speed zones on higher roads which run through shopping precincts.

13. Moved Ms Alison Egan, Seconded Ms Rosealea Tamaki of 49 Anzac Road, Mount Hawthorn

“That the Council investigates a parking strategy for Oxford Street, from Leederville to Scarborough Beach Road in Mount Hawthorn, so that the amenity of the bordering residential areas is fully maintained.”

Ms Egan believes the developments of the Oxford Hotel have proceeded with no planning for parking, and the residential areas, particularly Anzac Road east of Oxford Street, are severely affected by the increased patronage of the hotel. She also stated that as a resident she is constantly disturbed by patrons parked on her street, who are leaving the hotel, and the level of disturbance is increasing.

MOTION CARRIED (UNANIMOUS)

CEO’s Comment

The Parking Strategy outlines that the northern end of Oxford Street lacks the activity and vibrancy that creates a successful town centre. However, the renovated Oxford Hotel is likely to improve the surrounding commercial precinct and in turn increase the requirement for parking in the area.

One submission for the Strategy suggested the construction of centre road parking along the northern section of Oxford Street, however, the option would not be supported at this specific location, from a traffic management safety viewpoint. Oxford Street is classified as a District Distributor B in accordance with the Metropolitan Functional Road Hierarchy and currently carries between 6000 and 9000 vehicles per day (vpd).

The Town's adopted Car Parking Strategy further acknowledges that it is very likely that this section of Mount Hawthorn will become more popular in the next decade. Therefore, a strategically placed public car park, or an extension to the Oxford Street Car Park, may be required. Any cash in lieu contributions made from developments in the area should be applied to the creation of a centrally located car park

It is preferable that any new open air car park should be constructed as a short term measure and, if possible, utilise existing open areas, such as a car yard or vacant site rather than affecting the streetscape by the removal of valued buildings.

CONSULTATION/ADVERTISING:

Notice of the Annual General Meeting of Electors was advertised in the local newspapers (“Voice News” and “Guardian Express”) and “The West Australian” Newspaper. Notices were displayed on all notice boards. It was also placed on the Town’s website.

LEGAL/POLICY:

The Local Government Act 1995 states:

- “5.27 (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.”*
- “5.33 (1) *All decisions made at an electors’ meeting are to be considered at the next ordinary council meeting or, if that is not practicable -*
- (a) *at the first ordinary meeting after that meeting; or*
- (b) *at a special meeting called for that purpose,*
- whichever happens first.*
- (2) *If at a meeting of the council a local government makes a decision in response to a decision made at an electors’ meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.”*

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

There are no funds on the 2002/03 Budget to implement the various matters raised at the meeting. These will need to be costed and considered during the draft 2003/04 Budget.

COMMENTS:

The various matters raised at the Annual General Meeting of Electors will be progressed and appropriate reports will be submitted to the Council.

**10.1.2 No. 418 (Part Lot 3) Charles Street, Corner Redfern Street, North Perth
– Proposed Carport/Patio and Retrospective Planning Approval for
Front Fence and Retaining Wall Additions to Existing Single House**

Ward:	Mount Hawthorn	Date:	4 February 2003
Precinct:	North Perth, P8	File Ref:	PRO2209 00/33/1416
Reporting Officer(s):	P Mastrodomenico		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council APPROVES the application submitted by the landowner C and F Birighitti for proposed carport, front fence and retaining wall additions to existing single house at No. 418 (Part Lot 3) Charles Street, corner Redfern Street, North Perth, and as shown on plans stamp-dated 8 January 2003, subject to;

- (i) prior to the issue of the Building Licence, revised plans shall be submitted to and approved by the Town demonstrating the carport pillars being setback at or behind the main building wall of the existing dwelling on the northern elevation. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (ii) the portion of the solid retaining walls, fences and gates facing Charles Street and Redfern Street shall incorporate a minimum of two design features, within 28 days of the date of the notice of this approval. Details shall be submitted and approved prior to installation of such features;*
- (iii) a visual truncation of 2.0 metres by 2.0 metres at the intersection of the driveway and the footpath shall be provided at the owner's cost;*
- (iv) a road and verge security deposit bond and/or bank guarantee of \$220 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (v) the construction of crossovers shall be in accordance with the Town's specifications;*
- (vi) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division; and*
- (vii) compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Franchina, Seconded Cr Ker

That the recommendation be adopted.

Moved Cr Cohen, Seconded Cr Ker

That a clause (viii) be added as follows:

“(viii) the proposed carport shall be one hundred (100) per cent open, except where it abuts the main western wall of the existing dwelling;”

CARRIED (8-0)

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

MOTION AS AMENDED CARRIED (8-0)

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

COUNCIL DECISION ITEM 10.1.2

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council APPROVES the application submitted by the landowner C and F Birighitti for proposed carport, front fence and retaining wall additions to existing single house at No. 418 (Part Lot 3) Charles Street, corner Redfern Street, North Perth, and as shown on plans stamp-dated 8 January 2003, subject to;

- (i) prior to the issue of the Building Licence, revised plans shall be submitted to and approved by the Town demonstrating the carport pillars being setback at or behind the main building wall of the existing dwelling on the northern elevation. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (ii) the portion of the solid retaining walls, fences and gates facing Charles Street and Redfern Street shall incorporate a minimum of two design features, within 28 days of the date of the notice of this approval. Details shall be submitted and approved prior to installation of such features;*
- (iii) a visual truncation of 2.0 metres by 2.0 metres at the intersection of the driveway and the footpath shall be provided at the owner's cost;*
- (iv) a road and verge security deposit bond and/or bank guarantee of \$220 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (v) the construction of crossovers shall be in accordance with the Town's specifications;*
- (vi) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (vii) compliance with all relevant Environmental Health, Engineering and Building requirements; and*
- (viii) the proposed carport shall be one hundred (100) per cent open, except where it abuts the main western wall of the existing dwelling;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: C and F Birighitti
APPLICANT: C and F Birighitti
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No.1 – Residential R60
EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Single House
Use Classification	'P'
Lot Area	741 square metres

Requirements	Required	Proposed
Front fence	Solid up to 1.2 metres, 50 percent visual permeability above 1.2 metres to a height of 1.8 metres	Existing solid fence and retaining wall to 1.8 metres high
Carport	Compatible with the nearest dwelling on site in terms of the design, profile and finishes.	Flat roof carport structure

SITE HISTORY:

The subject site is occupied by a single house. The surrounding area is characterised by single storey dwellings.

DETAILS:

Retrospective Planning Approval is sought for an existing solid fences and retaining walls fronting Charles Street and Redfern Street, which does not comply with the Town's Policy relating to Street Walls and Fences and the Streetscape requirements of the Residential Design Codes.

Approval is also sought for a proposed carport and patio with access from Redfern Street.

CONSULTATION/ADVERTISING:

Advertising was not required in this instance as retrospective Planning Approval is sought for existing fences and retaining walls, and the application is being referred to Council for its consideration and determination.

COMMENTS:

Charles Street Planning Control Area

The subject site is affected by Planning Control Area No. 54 - Charles Street. In this instance, the portion of land to the front of the property has already been given up for future road widening.

Carport and Patio

The proposed carport and patio are supported, subject to the carport pillars being setback at or behind the main dwelling wall on the northern elevation. In this instance, the design of the carport/patio is supported as it is not clearly visible from Charles Street as it is setback behind the existing solid fence and will be required to be setback at or behind the northern main dwelling wall, and as such is not considered to affect the amenity and streetscape of the area.

Fences and Retaining Walls

Charles Street is a Primary Distributor Road, which carries a large volume of traffic. The existing fences encloses the only outdoor living area to the dwelling fronting Charles Street. As such, the existing fences and retaining walls are supported, subject to a minimum of two design features being incorporated in to the solid fences, retaining walls and gates on the Charles Street and Redfern Street elevations.

Given the above, it is recommended that the application be approved, subject to standard and appropriate conditions to address the above matters.

10.1.17 United Nations Car Free Day

Ward:	Both Wards	Date:	4 February 2003
Precinct:	All Precincts	File Ref:	PLA0096
Reporting Officer(s):	Y Scheidegger, J Anthony		
Checked/Endorsed by:	D Abel, R Boardman, R Lotznicher		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) receives this information report relating to the United Nations Car Free Day;*
- (ii) formally requests organisations including, but not limited to, the Western Australia Local Government Association, Australian Greenhouse Office, International Council for Local Environmental Initiatives, Western Australian Sustainable Industry Group and the Western Australian Department of Planning and Infrastructure, to develop well co-ordinated and integrated program(s) for all its local government members, including the Town of Vincent, to promote United Nations Car Free Day; and*
- (iii) considers listing appropriate funds for consideration in future budgets should appropriate programs, as discussed in clause (ii), be developed, which will involve the future participation of the Town.*

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

Moved Cr Piper, Seconded Cr Hall

That clause (iii) be deleted.

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

For

**Cr Drewett (2 votes)
Cr Franchina
Cr Hall
Cr Piper**

Against

**Cr Chester
Cr Cohen
Cr Doran-Wu
Cr Ker**

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

MOTION AS AMENDED CARRIED (8-0)

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

COUNCIL DECISION ITEM 10.1.17

That the Council;

- (i) *receives this information report relating to the United Nations Car Free Day; and*
- (ii) *formally requests organisations including, but not limited to, the Western Australia Local Government Association, Australian Greenhouse Office, International Council for Local Environmental Initiatives, Western Australian Sustainable Industry Group and the Western Australian Department of Planning and Infrastructure, to develop well co-ordinated and integrated program(s) for all its local government members, including the Town of Vincent, to promote United Nations Car Free Day.*

BACKGROUND:

The following Notice of Motion from Councillor Helen Doran-Wu was raised and resolved at the Ordinary Meeting of Council held on 10 September 2002:

"That;

- (i) *the Council APPROVES IN PRINCIPLE to participate in the United Nations (UN) Car Free Day program; and*
- (ii) *the Council authorises the Chief Executive Officer to investigate the best method of being involved in, and developing, the UN Car Free Day; and*
- (iii) *a report on this matter be presented to Council in October 2002."*

The Council at its Ordinary Meeting held on 19 November 2002 resolved the following:

"That the Council;

- (i) *receives this information report relating to the United Nations Car Free Day;*
- (ii) *lobbies relevant organisations such as the Western Australia Local Government Association, Australian Greenhouse Office, International Council for Local Environmental Initiatives, Western Australian Sustainable Industry Group and the Western Australian Department of Planning and Infrastructure to develop well coordinated and integrated programme(s) for all its local government members, which the Town is one, to promote United Nations Car Free Day; and*
- (iii) *considers a further report at an Ordinary Meeting of Council to be held no later than February 2003 addressing the most appropriate Town of Vincent event in which to incorporate the United Nations Car Free Day, and this report include costings of the proposed event."*

DETAILS:

The City of Fremantle (COF) has hosted the United Nations Shed Your Car Day (UNSYCD) annually in COF in 2000, 2001 and 2002.

Discussions held with the Transport Planner at the COF resulted in the following information being submitted to the Town:

Two Reports relating to the Shed Your Car Day 2002 - Evaluation of the Event, and Research Report - Evaluation of Fremantle's United Nations Regional Practicum Car Free Day 2002 - were submitted to a Committee Meeting on 11 November 2002 and then to an Ordinary Meeting of Council held on 25 November 2002. These Reports are "*Laid on the Table*".

The COF had employed a part-time TravelSmart Officer, who later was employed temporarily on a full-time basis in order to oversee and manage the UNSYCD from 18 March 2002 to 17 May 2002, as well as another part-time Officer to assist the TravelSmart Officer.

The Council allocated \$7,000 in the 2001/2002 Budget for the UNSYCD. An extract from the Report is as follows:

"Funds were also sought from the private sector, as well as Federal and State government agencies. Major cash sponsors of Shed Your Car Day 2002 were:

- *Commonwealth Department for Transport and Regional Services - \$10,000*
- *Australian Greenhouse Office - \$6,000*
- *Department for Planning and Infrastructure (including Balanced Transport and Transperth) - \$3,750;*
- *Fremantle Ports - \$1,200; and*
- *Cycling Promotion Fund - \$1,000.*

A fundraising film night at the Luna Cinema also raised several hundred dollars. Total external cash revenue raised in the seven weeks available prior to the event was approximately \$23,800 (after GST).

As with the 2001 event, sponsorship packages were developed. In return for donating cash or prizes, sponsors were provided with advertisements in a special "wrap" edition of the Fremantle Herald. Numerous sponsors provided prizes that were used for the Workplace Challenge and Slow Bike Race. Other organisations and individuals provided "in-kind" support, such as organising events, photocopying and promotion. A list of sponsors and supporters is attached (Attachment 8).

The total expenditure for the event was approximately \$20,300 and there were approximately \$3,500 of surplus funds.

None of the \$7,000 allocated for the event in the City of Fremantle's 2001/02 budget was utilised...

...Council approval to proceed with the UN car-free demonstration and practicum was secured seven weeks prior to the date selected to run the event. In order to meet this tight deadline the TravelSmart Officer invited members of the public who had been involved in the organisation of previous Shed Your Car Day events to participate in the Community Advisory Group. These volunteers had experience and / or specialist expertise that applied directly to the organisation of the event. Around 15 members of the public accepted the invitation to assist.

These people originally became involved after responding to a public call for expressions of interest. Their experience with organising previous events was invaluable, especially given the tight timeframe.

In addition to members of the public, a number of City of Fremantle staff became involved in planning and organising the event. For example, the event was planned and conducted with professional input from Council's Festival and Events Co-ordinator, Transport Planner, Service and Information staff, Media Relations Coordinator and Technical Officer - Traffic. Some staff also volunteered personal time and became involved through the Community Advisory Group.

The advisory group met weekly for seven weeks, with an eighth meeting held after the event. As in previous years, sub-groups were again formed to plan aspects of the car-free day demonstration and practicum including tasks related to logistics, events, communications, research and sponsorship...

...Between 3 April and the event in May 2002, volunteer members of the advisory group collectively invested several hundred hours in planning and conducting the event. Additional volunteers assisted on the day with traffic control, surveys, etc. Many of the volunteers had assisted with the 2000 and 2001 events.

The TravelSmart Officer coordinated the planning and conduct of the event, with assistance from a number of other officers."

The Town currently holds a number of events during the year and staff resources are already dedicated to coordinating these existing events.

To hold a UN Car Free Day (CFD) in the Town would require a dedicated project coordinator, preferably with previous event management and fundraising experience, to coordinate, oversee and organise such an event. The most appropriate event to hold the UNCFD in conjunction with would be the Arty Farty Festival, which is organised by the Leederville Community Action Group Inc. Oxford Street (the Town's main district centre area) will be closed for this event and reduce the need to close more streets for the UNCFD. Currently, the Town contributes approximately \$15,000 to this event with the actual event costing approximately \$25,000.

After examining the COF UNSYCD, it is considered that the Town, (being its first hosting time) would require a full time person to co-ordinate, oversee and manage this event for at least six (6) months prior to the event taking place, as well as provide sufficient time to secure any funding available. The following table demonstrates a breakdown of the approximate costs associated with hosting this event.

REQUIRED RESOURCES	AMOUNT
Project Coordinator	Approximately \$20,000 for a period of 6 months
Event operational and administrative costs	Approximately \$25,000
Promotions	Approximately \$5,000
TOTAL	Approximately \$50,000

Notwithstanding the above, it is still considered that the most appropriate and effective approach could be that the Town formally requests organisations including, but not limited to, the Western Australia Local Government Association (WALGA), Australian Greenhouse Office (AGO) and International Council for Local Environmental Initiatives (ICLEI), (which are responsible for the CCP Program), (Western Australian Sustainable Industry Group (WASIG) and the Department for Planning and Infrastructure (DPI), to develop well coordinated and integrated program(s) for all its local government members, including the Town, to promote United Nations Car Free Day UN CFD.

COMMENTS:

It is recommended that the Council receives this information report relating to the UN CFD and formally requests organisations including, but not limited to, WALGA, AGO, ICLEI, WASIG and DPI to develop well coordinated and integrated program(s) for all its local government members, including the Town, to promote UNCFD.

10.1.9 No.112 (Strata Lot 2-Lot W95) Parry Street, Perth – Proposed Carport Additions to Existing Grouped Dwelling

Ward:	North Perth	Date:	29 January 2003
Precinct:	Beaufort, P13	File Ref:	PRO1754 (00/33/1391)
Reporting Officer(s):	P Mastrodomenico		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme and having regard to the matters it is required to consider generally, and in particular:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) the non-compliance with Town's Policy relating to the Parking and Access and the access and carparking requirements of the Residential Design Codes (R-Codes);*

the Council REFUSES the application submitted by the owner, J Migliori, for the proposed carport additions to existing grouped dwelling at No. 112 (Strata Lot 2-Lot W95) Parry Street, Perth as shown on the plans stamp dated 26 November 2002.

Moved Cr Ker, Seconded Cr Franchina

That the recommendation be adopted.

LOST (0-8)

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

Reasons:

- 1. Property owner has vehicular access.**

ALTERNATIVE RECOMMENDATION:

Moved Cr Ker, Seconded Cr Hall

That the following alternative recommendation be adopted.

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council APPROVES the application submitted by the owner, J Migliori for the proposed carport additions to existing grouped dwelling at No. 112 (Strata Lot 2-Lot W95) Parry Street, Perth as shown on the plans stamp dated 26 November 2002, subject to:

- (i) prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title or Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services; and*
- (iii) compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

CARRIED (8-0)

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

COUNCIL DECISION ITEM 10.1.19

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council APPROVES the application submitted by the owner, J Migliori for the proposed carport additions to existing grouped dwelling at No. 112 (Strata Lot 2-Lot W95) Parry Street, Perth as shown on the plans stamp dated 26 November 2002, subject to:

- (i) prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title or Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services; and*
- (iii) compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: J Migliore
APPLICANT: J Migliore
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No.1 – Residential/Commercial R80
EXISTING LAND USE: Grouped Dwelling

COMPLIANCE:

Requirements	Required	Proposed
Vehicular access	Vehicles to enter the street in forward gear where the distance from a car space to the street alignment is 15 metres or more.	Carport is some 35 metres to the street and vehicle cannot enter street in forward gear.

SITE HISTORY:

The property is located on the north-eastern side of Parry Street between Pier and Lord Streets. Parry Street is characterised by predominately single storey buildings used for residential and commercial purposes. Access to the rear of the site from Pier Street is via a 3.0 metres wide right of carriageway over adjacent Lots Pt W 95 and Lot 5, based on relevant title particulars. The residence currently exists without any parking provision.

DETAILS:

Approval is sought for a carport addition to the rear of an existing grouped dwelling.

CONSULTATION/ADVERTISING:

No comments were received during the consultation period.

COMMENTS:

Clause 3.5.4 (A 4.4) of the Residential Design Codes requires vehicles to enter the street in forward gear where the distance from a car space to the street alignment is 15 metres or more. In this instance, it is not possible for a vehicle to enter the street in forward gear from the proposed carport and as such the vehicle would have to reverse a distance of approximately 35 metres along a 3 metres wide accessway. Legal access to the rear of the property is available, however given the above unacceptable vehicular safety and inconvenient circumstances, it is recommended that the application be refused.

10.4.3 Information Bulletin

Ward:	-	Date:	3 February 2003
Precinct:	-	File Ref:	-
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	J Giorgi		
Amended by:	-		

RECOMMENDATION:

That the Information Bulletin dated 11 February 2003, as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.3

Moved Cr Ker, Seconded Cr Franchina

That the recommendation be adopted.

Moved Cr Ker, Seconded Cr Piper

That in relation to Item IB15 a further report be provided to ensure that subsequent purchasers are aware of and responsible for the original conditions.

AMENDMENT CARRIED (8-0)

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

MOTION AS AMENDED CARRIED (8-0)

(Mayor Nick Catania departed the meeting (unwell) at 7.31pm and did not vote.)

DETAILS:

The items included in the Information Bulletin dated 11 February 2003 are as follows:

ITEM	DESCRIPTION
IB01	People With Disabilities (WA) Inc – Letter re 2002 Action on Access Awards
IB02	Department for Planning and Infrastructure – Letter re Perth to Guildford Transport Corridor Integrated Transport Plan
IB03	Response to Questions from Dudley Maier - Council Meeting 10 December 2002
IB04	Minister for Sport and Recreation – Letter re Community Sporting and Recreation Facilities Fund (CSRFF) Grant

ITEM	DESCRIPTION
IB05	Premier of Western Australia – Letter re Annual Report
IB06	Department of Local Government and Regional Development – Letter re Review of Wards and Representation
IB07	Western Australian Government Gazette – No 5 – Tuesday 14 January 2003 – Change of Ward Boundaries and Ward Names Order 2002
IB08	Western Australia Local Government Association – Local Government Town Planning Fees Review
IB09	Department of Planning and Infrastructure – Letter re Proposed Ferry Service – East Perth to Barrack Street Jetty
IB10	Progress Report on Local Studies and History Collection - July to December 2002
IB11	Rangers' Statistics for October, November and December 2002
IB12	Letter from Minister for Housing & Works regarding Appeal - Town of Vincent, sent to Mr and Mrs Barrett-Lennard, 56 Galwey Street, Leederville
IB13	Letter from Minister for Agriculture, Forestry & Fisheries regarding the State Government's position in relation to genetically modified (GM) crops
IB14	Letter to Town Planning Appeal Tribunal regarding Appeal No. 155 of 2002, No. 104-106 (Lots 393 & 441 Scarborough Beach Road, Mount Hawthorn
IB15	Letter from Minister for Housing & Works regarding Appeal - Town of Vincent, sent to Ms S Leitmann, 53 Ruby Street, North Perth
IB16	Letter from Western Australian Planning Commission to the Chief Executive Officer, Town of Vincent, regarding application to commence development Lot Pt 11 Charles Street, North Perth
IB17	Letter to Department of Local Government & Regional Development from Town of Vincent regarding Appeal - No. 31 (Lot 31) Mabel Street, North Perth
IB18	Letter from Minister for Planning & Infrastructure to Mr N A Geronimos regarding Appeal - Lot 22 (No. 26) Dangan Street, Northbridge
IB19	Congratulations Email – re Richmond Street Upgrade

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil

13. URGENT BUSINESS

Nil

14. CLOSURE

Presiding Member, Deputy Mayor David Drewett JP, declared the Meeting closed at 10.03pm with Councillors Chester, Doran-Wu, Franchina, Cohen, Hall, Ker and Piper JP, Chief Executive Officer, John Giorgi JP, Executive Manager Environmental and Development Services, Rob Boardman, Executive Manager Corporate Services, Mike Rootsey, Executive Manager Technical Services, Rick Lotznicher, Minutes Secretary, Debbie Winfield, Voice News journalist, Mark Fletcher, Guardian Express journalist, Ryan Sturman and one member of the public present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 11 February 2003.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2003