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(25 MAY 2004)

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

1. Mr Dirk Arkelveld of 20 Harcourt Street, Inglewood – Item 10.1.15 – Stated that the necessary amendments have been made. Requested that Council approve the amended setbacks from 5m to 4m. Advised that the lot is very small, has a major sewer line to two sides of the property which restricts the development and there is a major bus shelter at the front. Believes the application complies with the requirements.
2. Leo Kauhanen of 414 Newcastle Street, Perth – Item 10.1.18 – Stated that he is seeking a renewal of the application that was first approved in August 2001 the only change is that the parking has been improved. Tabled a petition with signatures from local residents and businesses supporting the proposal. Stated that there isn't a shortfall in the parking. Referred to suggested overlooking issues from rear windows. Stated that he and his wife will be living on the property and will address any noise and anti social behaviour issues together with the management report. Requested Council's support.
3. Ms Tanya Trevisan, Director of TRG Properties – Item 10.1.17 – Requested that condition (xx)(a) and (b) be amended as per the officer's report. Stated that they have worked closely with local residents to address this issue and issues relating to amenity, security and aesthetics. Concerned about 80 linear metres of bars facing Sholl Lane. Believes that open bars will provide an easy opportunity for vandalism of cars and indicates when occupants are not home. Stated they are genuinely concerned about the streetscape, security and aesthetics and have the full support of the local residents.
4. Ms Janine McDonald of 32A Woodville Street, North Perth – Item 10.1.17 – Spoke on behalf of residents of Woodville and Menzies Streets who support TRG's proposal to amend condition (xx)(a). Believes that a variety of doors rather than a continuous 80metre row of open grilled gates will provide a more interesting and aesthetically pleasing streetscape and additional security and privacy for the residents. Does not believe that the solid doors will affect the passive surveillance as the open palisade fences will make up almost half of the development. Requested that Council reconsider condition (xx)(a) and allow a diversity of doors along the ROW.
5. Mr Bernhard Elber from Hillam Architects - Item 10.1.1 – Referred to condition (vi), advised that the client has agreed to increase the licence numbers for the additional area in the beer garden. Requested that condition (vii) be removed as it negates the idea of a beer garden. Stated that the design is so that it will prevent patrons from spilling into the carpark area and neighbouring side streets. Does not believe that condition (x) will increase patron safety as glass is used elsewhere in the hotel.
6. Mr Giadino Merenda of 6 Anzac Road, North Perth – Item 10.1.14 – Referred to Council's previous decision regarding the levels. Stated that they are already approximately 300mm below the natural ground level of the property. Also stated that they have come to an agreement with the adjoining owner regarding the height of the crossover and driveway and have lowered the level to suit their driveway. Requested that the Council approve the proposal.

7. Mr Steven Edwards of 10 Harwood Place, West Perth – Item 10.1.18 – Stated that he opposes the backpackers proposal. Advised that there was a petition with 19 signatories opposing the application. Requested that should the proposal go ahead that there is a designated outdoor recreational area located at the front of the building currently indicated as three car bays. Also requested that the total number of beds be reduced to reflect the logical available carbays and the existing capacity within Harwood Place. Requested that further investigations take place regarding the four windows that have a passive surveillance. Asked that should the proposal go ahead that the developers, residents and Council work together to develop a comprehensive management plan.
8. Mr Michael Jenkin of 102 Coogee Street, Mt Hawthorn – Item 11.1 – Stated that the grounds, over time, have become dilapidated and outdated and seek to remove areas of weed and sparse grass and replace with turf, install areas of brickpaving and soft-fall rubber matting under the swing sets. Advised that the P&C have raised approximately raised \$10,000 per year but does not believe that this money is sufficient to fund the proposed upgrade.
9. Ms Anne Champion, 17 Mandara Court, Duncraig – Item 11.1 – Advised that she is a teacher at the Kindergarten and has been employed to address problems with obese and overweight children. Implored Council to look at the problem and the submission for funding to upgrade the facilities which, at present, are substandard. Stated that the grass facilities or playground are causing children to fall and hurt themselves, the soft-fall is in ill repair and paving is very uneven and has caused a child to fall.
10. Mr Adam Rhodes of 48 Holmfirth Street, Menora – item 10.1.22 – Stated the house was not constructed in North Perth but built in Kalgoorlie in the 1920's and transported to the site. Believes the construction of the house is not representative of any style peculiar to North Perth or indicative of the style of houses constructed. Stated the house is situated across two separate titles which are capable of separate transfer. Referred to the reported heritage significance of the building. Requested that any standard condition requiring development approval be waived in this instance as the property is constructed over two titles and it is intended that they will be sold separately.
11. Mr Colin Terry of 2/52 Hobart Street, Mt Hawthorn – Item 10.1.15 – Stated that the proposal has changed little from the original proposal and the same bulk in nature and still fails to meet setbacks. Requested that Council reject the proposal.
12. Ms Natalie Lloyd of 10 Harwood Place, West Perth – Item 10.1.18 – Stated that she opposes the proposal. Believes that the most suitable place for an outside recreational area is the existing three car bays at the front of the property as it adjoins the proposed lounge room and it would be dangerous to have novice backpackers reversing into Newcastle Street if left as parking. Referred to a car parking shortfall if the owners were to reside at the premises. Stated that the newly installed two windows facing onto the rear carpark look into her bedroom and lounge room. Also stated that the 8metres of open windows look down into her and others courtyard. Believes that the increased noise and people traffic will impact on her amenity.

13. Mr Peter Duncan of 12 Harwood Place, West Perth – Item 10.1.18 – Concurred with previous speakers. Stated that Harwood Place is a very narrow street and cannot have two cars going in separate ways. Does not believe that the applicant has canvassed the residents within the vicinity as he was not approached. Concerned about the lack of available parking on the site and it will increase parking problems and traffic in Harwood Place. Believes the residents deserve to be supported by the Council.
14. Kristie Arcus of 45 Sasse Avenue, Mt Hawthorn – Item 10.1.20 – Requested that Council approve the application for a brick wall at the side of her property. Stated she has concerns with security as several people have walked into her backyard and pulling down the security lights. Also stated she has received threats from people regarding the murder of the previous owner's sister.
15. Mr Ian Campbell proprietor of Lounge Guitars, 622 Newcastle Street, Leederville – Item 10.1.9 – Stated that they have practice rooms that they open at 6pm for bands to rehearse. Advised that they have spent a lot of time and money to sound proof the rooms and they are within guidelines. Believes that condition (ix) is too restrictive as they only open at 6pm. Concerned that his letter to Council was not as confidential as he thought it would be. Stated that they have canvassed the local area and are happy to comply with all the conditions providing the trading hours are increased.
16. Ms Philippa Terry of 52B Hobart Street, North Perth on behalf of David Cranson of 54 Hobart Street – Item 10.1.15 – Believes that a two storey house will greatly impact on his privacy and even with opaque glass on the terrace it would still be easy to look into his property. Stated that the overshadowing would darken his open plan living area and may result in the courtyard garden dying. Believes that his privacy would be compromised. Requested that Council reject the proposal.
17. Ms Michelle Sims of 52A Hobart Street, North Perth – Item 10.1.15 – Stated she objects to the proposal as she believes overshadowing will significantly reduce the amount of light they receive in the afternoon. Does not believe that the proposal is in character with the surrounding homes.
18. Ms Karen Williams of 73 Federation Street, Mt Hawthorn – Item 11.1 – Asked that the plea for funding for the requested improvements be approved as the centre is in desperate need of a revamp.
19. Mr Cosi Schirripa of 66 Auckland Street, North Perth – Item 10.1.15 – On behalf of the North Perth Precinct Group. Believes that the proposal only partially addresses the reasons for the previous refusal. Stated that the proposal is longer and deeper from that was previously presented. Believes that such a large proposal on such a small parcel of land is not in keeping with the local streetscape and will affect the amenity of the area generally and the neighbours specifically. Referred to the front setbacks and overshadowing. Requested that the Council reject or defer the proposal so that the applicant, neighbours and Council officers can carry out some consensus.

20. Dudley Maier of 51 Chatsworth Road, Highgate – On behalf of the Claisebrook Catchment Group presented the Town with a cheque for \$32,270 to assist in the re-creation of a seasonal wetland in Robertson Park. Advised that the funds came from the Swan Alcoa Landcare Programme which is a programme developed by Swan River Trust with assistance from Alcoa. Thanked the staff from the Technical Services Division for their assistance in the application for the funds.

Received with acclamation.

Item 10.2.2 – Thanked Cr Ker and members of the Local Area Traffic Management Advisory Group for involving the local community in the development of the plan. Believes that there are still some areas that need to be resolved such as the boundary of the area and hours of operation.

Item 10.4.3 – Asked the following questions:

On pages 182 and 183 is a table which shows Allia and Glory owing the Town's ratepayers a sum of \$226,201.23.

Q1. Will Allia and Glory be charged interest on this amount when they eventually do pay?

Q2. If so, will they be charged the same interest rate that applies to ratepayers who are late with their rates payments – namely 11% per annum?

Q3. If not, why not?

At the bottom of page 181 of the report it states that:

“The amount of \$24,927.95 owed by PGSC for the 2002/2003 hire fee for Perth Oval has now been agreed to be paid on the first playing date in Perth of the new Australian Premier Soccer League or 1 July 2005, whichever is the sooner, subject to the Town agreeing not to charge interest on this money”.

Q4. Will the CEO be recommending this arrangement to Council?

Q5. What is the estimate of the interest that will accrue if this amount is not paid until 1 July 2005?

Q6. Will the CEO be recommending to the Council that ordinary ratepayers who are having trouble paying their rates be given a similar opportunity to defer payment without interest for a period of two years?

Q7. If not, why not. Why should Glory receive special treatment?

Further questions relating to Glory and Allia.

Q8. What are the legal costs that have been incurred by the Town because of delays in finalising the legal agreements with Allia and Glory?

- Q9. How much time does the CEO estimate he has spent on negotiations with Allia and Glory because of delays in finalising these agreements?

The Presiding Member advised that the questions would be taken on notice.

21. Mr Stuart MacDonald of 348 Bulwer Street, West Perth – Item 10.1.1 – Tabled a photograph and thanked Councillors for taking the time to listen to his concerns regarding this matter. Requested that a further condition be included for the Licensee to comply with the Town Planning Scheme in relation to parking and to ensure that appropriate parking is provided. Stated that he has concerns with Council's ability to ensure the Licensee's compliance with all of the conditions listed, particularly in relation to the consumption of alcohol and glassware being taken into the beer garden.
22. Mr Paul Kotsoglo of Planning Solutions – Item 10.1.1 – Requested that conditions (vii) and (x) be removed as they are impractical in terms of the operation and function of the garden/facility. Referred to the photograph that was tabled and the parking issues raised. Requested that Council approve the proposal with the removal of conditions (vii) and (x).

There being no further questions from the public, the Presiding Member closed Public Question Time at 7.07pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

Acting Chief Executive Officer advised that a petition with 21 signatories was tabled during Public Question Time supporting the opening of a backpackers at 414 Newcastle Street, West Perth, due to the positive impact this will have on business in the area.

The Acting Chief Executive Officer advised that this matter is on tonight's Agenda at Item 10.1.18.

Moved Cr Farrell, Seconded Cr Franchina

That the petition be received.

CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Ordinary Meeting of Council held on 11 May 2004

Moved Cr Lake, Seconded Cr Franchina

That the Minutes of the Ordinary Meeting of Council held on 11 May 2004 be confirmed as a true and correct record subject to the voting for Item 10.4.4 – Proposed Town of Vincent Health Local Law 2004 and Town of Vincent Health (Eating House) Local Law 2004 being amended to read(8-0).

CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

- 7.1 The Presiding Member advised that he had attended one of the Great Gardens Workshops held at the Town on Sunday 23 May 2004. The workshops were attended by approximately 150 people in total. Positive feedback was received by those who attended. Thanked Cr Lake and Dudley Maier for their role in bringing the workshops to the Town as some of the information discussed and the information provided was of extreme importance to the health of the Swan/Canning River Catchment of which the Town is a key part.

8. DECLARATION OF INTERESTS

- 8.1 Cr Lake declared an interest affecting impartiality in Item 10.2.2 – Proposed On-Street Parking Amendments – Beaufort Street and 10.1.15 Adjoining Streets – Mount Lawley/Highgate. Advised that her partner represented the Hyde Park Precinct Group at meetings and made submission about this matter on behalf of the Group. Also advised that she had on a previous occasion declared a proximity interest in a proposal for parking restrictions associated with the use of Perth Oval. The current proposal does not include restrictions adjacent to my properties in Chatsworth Road. Sought advice from an officer from the Department of Local Government and Regional Development and from his advice does not believe that she has to declare an interest in this matter.
- 8.2 Cr Doran-Wu declared a financial interest in Item 10.3.7 – Cultural Development Seeding Grant Application. Her interest being that she is an employee of the Loftus Community Centre.
- 8.3 Cr Franchina declared a proximity interest in Item 10.4.3 – Members Equity Stadium – Legal Documentation and Outstanding Issues – Progress Report. His interest being that his daughter owns property in close proximity.

Crs Chester and Doran-Wu departed the Chamber at 7.15pm

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

Nil.

Crs Chester and Doran-Wu returned to the Chamber at 7.16pm

10. REPORTS

Cr Torre departed the Chamber at 7.18pm.

Cr Torre returned to the Chamber at 7.21pm.

The Agenda Items were categorised as follows:

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

Items 10.1.15, 10.1.18, 10.1.17, 10.1.1, 10.1.14, 11.1, 10.1.22, 10.1.20, 10.1.9, 10.2.2 and 10.4.3

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 10.1.5 and 10.3.3

Presiding Member, Cr Ian Ker, 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:**

Cr Lake	Item 10.1.10
Cr Chester	Items 10.1.2, 10.1.8, 10.1.21, 10.1.24, 10.1.26 and 10.4.2
Cr Torre	Nil
Cr Doran-Wu	Nil
Cr Farrell	Nil
Cr Cohen	Item 10.1.12
Cr Franchina	Nil
Cr Ker	Items 10.1.13, 10.3.2 and 10.3.3

Presiding Member, Deputy Mayor - Cr Ian Ker, requested the Acting Chief Executive Officer to advise the Meeting of:

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

Items 10.2.2, 10.3.7 and 10.4.3

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

Items 10.1.3, 10.1.4, 10.1.6, 10.1.7, 10.1.11, 10.1.16, 10.1.19, 10.1.23, 10.1.25, 10.2.1, 10.2.3, 10.2.4, 10.2.5, 10.3.1, 10.3.4, 10.3.5, 10.3.6, 10.4.1 and 10.4.4

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

Item 10.4.3

The Acting 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, 10.1.4, 10.1.6, 10.1.7, 10.1.11, 10.1.16, 10.1.19, 10.1.23, 10.1.25, 10.2.1, 10.2.3, 10.2.4, 10.2.5, 10.3.1, 10.3.4, 10.3.5, 10.3.6, 10.4.1 and 10.4.4

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

Items 10.1.15, 10.1.18, 10.1.17, 10.1.1, 10.1.14, 11.1, 10.1.22, 10.1.20, 10.1.9, 10.2.2 and 10.4.3

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

Moved Cr Lake, Seconded Cr Cohen

That the following unopposed items be moved en bloc;

Items 10.1.3, 10.1.4, 10.1.6, 10.1.7, 10.1.11, 10.1.16, 10.1.19, 10.1.23, 10.1.25, 10.2.1, 10.2.3, 10.2.4, 10.2.5, 10.3.1, 10.3.4, 10.3.5, 10.3.6, 10.4.1 and 10.4.4

CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

10.1.3 Further Report - No 262 (Lot 3) Oxford Street, Leederville - Proposed Three Storey Mixed Use Development Comprising Four Offices, Three Multiple Dwellings and Associated Car Parking

Ward:	North	Date:	18 May 2004
Precinct:	Leederville, P3	File Ref:	PRO2066; 00/33/1460
Attachments:	001		
Reporting Officer(s):	P Mastrodomenico		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by the owner K Rezvaninejad for proposed three storey mixed use development comprising four offices, three multiple dwellings and associated car parking on No. 262 (Lot 3) Oxford Street, Leederville, and as shown on the plans stamp-dated 9 March 2004, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the front setback requirements of the Town's Policy relating to the 'Oxford' Locality, and the streetscape, boundary setbacks, building height and privacy requirements of the Residential Design Codes; and*
- (iii) consideration of the previous objections received.*

COUNCIL DECISION ITEM 10.1.3

Moved Cr Lake, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

FURTHER REPORT:

Background

The Item was referred to the Ordinary Meeting of Council held on 8 April 2003. The Item was recommended for refusal and subsequently deferred at the request of the applicant. The applicant has submitted revised plans stamp dated 9 March 2004.

Submission by Applicant

In support of their proposal the applicant has submitted the following information;

"Further to our meeting on Friday 5 March 2004 please find attached copy of a plan showing an outline of a building with 1.5m side setback and 6m wall and 9m ridge heights for the subject site. As can be seen the proposed development is less bulky and lower in scale than what could be built. It should be noted that a third level could be achieved as a loft under this potential scenario.

We have also shown a strict compliance scenario for the building on the corner, adjoining our client's property, to the south. This demonstrates that a higher building (with a pitched roof) could be development, which would be higher than our client's proposal.

In view of the above we believe there is sufficient grounds for the proposal to be supported. We note it does not strictly comply with Council Policy but has less of an impact than strict compliance and has a significantly greater setback on the northern side than would be required. The development also steps back 2.2m for the first floor and a further 1.7m for the second floor, again reducing the impact, particularly when compared with the existing and potential development to the south.

We understand that Council has the ability to vary standards and is not bound by Policy. We therefore respectfully request you consider the proposal on its merits and make a positive recommendation.

Further to our meeting concerning the above property we are pleased to submit modified plans to address the outstanding issues of: -

- *Front Setback*
- *Boundary Setback*
- *Building Height*
- *Privacy*

These issues are addressed as follows: -

Front Setback

A 0m front setback is proposed. This is consistent with the buildings on the two adjoining properties and the building opposite (see site plan and photographs). The first floor is setback 2.2m to a balcony and the second floor is setback a further 2.1m so as to not be imposing on the streetscape.

Side Boundary Setbacks

Staggered setbacks for the first and second floors are proposed. A 3.8m setback on the northern side and 0m setback on the southern side is proposed on the ground floor.

On the first floor the setback on the northern side increases to 4.8m with a small section of wall (6.5m long) having a 3.8m setback. On the southern side the wall steps back 1.9m and a small section (6.5m long) remains at the 0m setback.

On the second floor a 7.8 (4.2m long) and 4.8m setback is achieved for the remainder of the northern side and a 4.0m (4.2m long) and 1.0m setback for the remainder of the southern side.

The stepping back reduces the impact on the adjoining properties and reduces the size of the building when seen from the street.

Requirements	Required	Proposed - revised plans stamp dated 9 March 2004
Side Setbacks South -ground floor -first floor -second floor North -first floor -second floor	1.5 metres 2.1 metres 2.7 metres 2.1 metres 2.7 metres	Nil Nil - 1.0 metre 1.0 metre Nil - 1.0 metre 1.0 metre
Height	Two storeys (including loft)	Three storeys
Privacy North -first floor (living room) - second floor (bedroom 3 and living room) South -first floor (living room) -second floor (bedroom 2 and kitchen)	Window to habitable room (other than bedroom) within 6.0 metres and to bedroom within 4.5 metres, of a property boundary more than 0.5 metre above natural ground level, to be screened.	No screening shown
Plot Ratio	0.65 (394.55 square metres)	0.53 (327.6 square metres)
Density	3 multiple/grouped dwellings R60	3 multiple dwellings R49.42

Commercial Car Parking

Car parking requirement (nearest whole number) -170.9 square metres of office requires 3 car parking bays	3 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.80 (mixed use development with 45 percent residential) ▪ 0.90 (end of trip bicycle facilities) 	(0.612) 1.836 car bays
Minus the car parking provided on site.* *	5 car bays
Resultant surplus	3.164 car bays

* The development proposes nine car parking bays, however only eight bays have adequate area for manoeuvring.

* In accordance with the Residential Design Codes, three of the eight car parking bays are required for the residential component of the development, resulting in five bays available for the commercial component.

Bicycle Parking Facilities

Required	Provided
1 bicycle parking space (Class 1 or 2)	No bicycle parking shown on plans.

Comments

The application is similar in nature to the proposed development recommended for refusal and subsequently deferred at the request of the applicant. The major changes are to the front setbacks, which are addressed in the Compliance Table and the body of the report.

Street Setback

The portion of Oxford Street between Tennyson and Bourke Streets comprises predominately single storey character dwellings with street setbacks ranging from 1.5 metres to 6.0 metres. The Giants Liquor store at No. 256 Oxford Street is setback approximately 1.5 metres, yet this is not construed as a desirable precedent for Oxford Street. The proposed nil front setbacks of the proposed dwelling is 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.

Summary

The issues outlined in the applicant's submission are noted, however the revised plans do not comply with the Town's requirements in relation to the three storey nature of the development, the commercial use in a residential zone and the undue impact on the amenity of the area. It is recommended that the proposed development be refused.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 8 April 2003:

"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 the front setback requirements of the Town's Policy relating to the 'Oxford' Locality, and the streetscape, boundary setbacks, building height and privacy requirements of the Residential Design Codes; and*
- (iii) consideration of the objections received;*

the Council REFUSES the application submitted by the owner K Rezvaninejad for proposed three storey mixed use development comprising four offices, three multiple dwellings and associated car parking on No. 262 (Lot 3) Oxford Street, Leederville, and as shown on the plans stamp-dated 16 January 2003.

Moved Cr Ker, Seconded Cr Hall

That the recommendation be adopted.

COUNCIL DECISION ITEM 10.1.12

Moved Cr Ker, Seconded Cr Hall

That this item be DEFERRED as requested by the applicant.

CARRIED (7-1)

For

Mayor Catania
Cr Cohen
Cr Doran-Wu
Cr Drewett
Cr Hall
Cr Ker
Cr Piper

Against

Cr Chester

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

LANDOWNER: K Rezvaninejad
 APPLICANT: K Rezvaninejad
 ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1: Residential R60
 EXISTING LAND USE: Vacant Land

COMPLIANCE:

Use Class	Multiple Dwelling
Use Classification	"SA"
Lot Area	607 square metres

Requirements	Required	Proposed
Street Setback	4.0 metres to ground floor 6.0 metres to first floor and second floor	Nil setback to ground floor Nil setback to first floor and 1.0 metre to second floor
Side Setbacks South -ground floor -first floor -second floor North -first floor -second floor	2.3 metres 2.3 metres 3.5 metres 5.5 metres 3.5 metres	Nil Nil 1.5 metres 3.8 metres 1.5 metres
Height	Two storeys (including loft)	Three storeys
Parapet Wall	Wall not higher than 3.5 metres with an average of 3 metres on one side boundary	5.6 metres
Privacy Unit 2 North -first floor (bedroom 2) (kitchen and living) Unit 3 North -second floor (bedroom 2 and 3) (kitchen) Unit 3 South -second floor (bedroom 1) (dining)	Window to habitable room (other than bedroom) within 6.0 metres and to bedroom within 4.5 metres, of a property boundary more than 0.5 metre above natural ground level to be screened.	No Screening shown

Commercial Car Parking:

<i>Car parking requirement (nearest whole number) -170.9 square metres of office requires 3 car parking bays</i>	<i>3 car bays</i>
<i>Apply the adjustment factors.</i>	<i>(0.61)</i>
<ul style="list-style-type: none"> ▪ <i>0.85 (within 400 metres of a bus stop)</i> ▪ <i>0.80 (mixed use development with 45 percent residential)</i> ▪ <i>0.90 (end of trip bicycle facilities)</i> 	<i>2.04 car bays</i>
<i>Minus the car parking provided on site. * *</i>	<i>5 car bays</i>
<i>Resultant surplus</i>	<i>2.96 car bay</i>

** The development proposes nine car parking bays, however only eight bays have adequate area for manoeuvring.*

** In accordance with the Residential Design Codes, three of the eight car parking bays are required for the residential component of the development, resulting in five bays available for the commercial component.*

Bicycle Parking Facilities:

<i>Required</i>	<i>Provided</i>
<i>1 bicycle parking space (Class 1 or 2)</i>	<i>No bicycle parking shown on plans.</i>

SITE HISTORY:

The subject site is vacant and fronts Oxford Street. The abutting property to the north is a single house and to the south is a shop, currently utilised by Giants Liquor store, which is a two storey building. The surrounding area is zoned Residential and is characterised by single storey character dwellings.

DETAILS:

Approval is sought for construction of a three storey mixed use development comprising four offices on the ground floor, three multiple dwellings above, and associated car parking.

CONSULTATION/ADVERTISING:

The proposal was advertised in accordance with "SA" advertising with a sign placed on site, advertisement placed in a local newspaper and adjacent landowners notified via registered mail. There were two objections received during the advertising period. Issues raised included, the concerns over the non commercial nature of the development; the height, bulk and scale and the overall design of the development; the proposed dwelling being unsympathetic with the heritage nature of the area and the effect on the overall streetscape of the area. Other issues raised included, the potential for overlooking on to the adjacent properties, concerns over open space and the lack of landscaping proposed.

COMMENTS:

Street Setback

The portion of Oxford Street between Tennyson and Bourke Streets comprises predominately single storey character dwellings with street setbacks ranging from 1.5 metres to 6.0 metres. The Giants Liquor store at No. 256 Oxford Street is setback approximately 1.5 metres, yet this is not construed as a desirable precedent for Oxford Street. The proposed nil front setbacks of the proposed dwelling is 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.

Side Setbacks

The second storey portion of the parapet wall located on the southern boundary is 2.6 metres in height above the requirements of the Residential Design Codes. The setback requirement for the second storey wall without major openings is 2.3 metres and in this instance the parapet wall will unfavourably affect the amenity of the immediate area.

Bulk and Scale

The Oxford Locality Policy permits a general height limit of two storeys (including loft) provided the second storey is generally setback a minimum of 6 metres from the street and the amenity of the area is protected in terms of privacy, scale and bulk. In this instance, a three-storey development with significant variations to the front and side setbacks and building height requirements, is not considered appropriate in this locality, as it will inappropriately add bulk and scale to the existing dwelling and will adversely affect the amenity and streetscape of the area.

Car parking

The development proposes nine parking bays, however only eight bays have adequate area for manoeuvring. The residential car parking component of the development requires three bays and the offices component requires 2.96 bays after application of adjustment factors. As such, the proposal complies with the Town's Policy relating to Parking and Access.

Privacy

To protect neighbours' reasonable privacy, the overlooking windows are required to be screened to 1.6 metres above respective the first floor levels in accordance with the Residential Design Codes.

Use

The land is zoned Residential R60 under Town Planning Scheme No.1. The Town Planning Scheme and the Oxford Centre Policy does not encourage the intrusion of commercial uses into the Oxford Street residential area. The proposed office use is considered to attract additional vehicular traffic and create other effects that would not normally be expected from a property zoned Residential R60. It is not considered to be appropriate to support a commercial development in this Residential area.

Summary

The proposal represents an inappropriate development for the site and as such may set an undesirable precedent in the locality for further development of a similar scale and nature in the future. Accordingly, it is recommended that the proposal be refused."

10.1.4 Further Report - No. 36 (Lot 33) Ruth Street, Dual Frontage with Edith Street, Perth - Proposed Demolition of Existing Single House and Construction of Two (2) Two- Storey Single Houses

Ward:	South	Date:	17 May 2004
Precinct:	Hyde Park, P12	File Ref:	PRO2657; 00/33/2015
Attachments:	001		
Reporting Officer(s):	S Bowman, J Barton, N Edgecombe		
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, the Council APPROVES the application submitted by J Corp Pty Ltd t/a Perceptions on behalf of the owner E Resteska for proposed demolition of existing single house at No. 36 (Lot 33) Ruth Street, dual frontage with Edith Street, Perth, and as shown on plans stamp-dated 5 January 2004, subject to the following conditions;*

- (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (b) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (c) *a development proposal for the redevelopment of the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
- (d) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
- (e) *demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies for the retention of existing dwellings valued by the community;*
- (f) *any redevelopment on the site should be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies; and*
- (g) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer; and

- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council REFUSES the application submitted by the applicant J Corp Pty Ltd t/a Perceptions on behalf of the owner E Resteska for construction of two (2) two storey single houses at No. 36 (Lot 33) Ruth Street, Perth, and as shown on plans stamp-dated 5 January 2004, for the following reasons;*
- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (b) *the non-compliance with the site area (density), plot ratio, setback, open space and privacy requirements of the Residential Design Codes; and*
 - (c) *the non-compliance with the first floor front setback requirements of the Town's Policy relating to the Robertson Locality.*

COUNCIL DECISION ITEM 10.1.4

Moved Cr Lake, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

FURTHER REPORT:

This application was deferred by Council at its Ordinary Meeting held on 11 May 2004, at the applicant's request.

In an e-mail dated 6 May 2004, the applicant's specifically requested that the item be considered at the next Ordinary Meeting of Council to be held on 25 May 2004.

In light of the above, the previous Officer's Recommendation remains unchanged.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 11 May 2004:

"OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by J Corp Pty Ltd t/a Perceptions on behalf of the owner E Resteska for proposed demolition of existing single house at No. 36 (Lot 33) Ruth Street, dual frontage with Edith Street, Perth, and as shown on plans stamp-dated 5 January 2004, subject to the following conditions;*
 - (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*

- (b) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
 - (c) *a development proposal for the redevelopment of the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
 - (d) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
 - (e) *demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies for the retention of existing dwellings valued by the community;*
 - (f) *any redevelopment on the site should be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies; and*
 - (g) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- to the satisfaction of the Chief Executive Officer; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council REFUSES the application submitted by the applicant J Corp Pty Ltd t/a Perceptions on behalf of the owner E Resteska for construction of two (2) two storey single houses at No. 36 (Lot 33) Ruth Street, Perth, and as shown on plans stamp-dated 5 January 2004, for the following reasons;*
 - (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (b) *the non-compliance with the site area (density), plot ratio, setback, open space and privacy requirements of the Residential Design Codes; and*
 - (c) *the non-compliance with the first floor front setback requirements of the Town's Policy relating to the Robertson Locality.*

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

COUNCIL DECISION ITEM 10.1.11

Moved Cr Ker, Seconded Cr Torre

That the Item be DEFERRED as requested by the applicant.

CARRIED (9-0)

<i>Requirements</i>	<i>Required</i>	<i>Proposed</i>
<i>Side (west)</i>	<i>1.2 metres</i>	<i>1.0 metre</i>
<i>Unit 2 - Ground floor</i>		
<i>Front</i>	<i>4.0 metres</i>	<i>3.5 metres</i>
<i>Side 1(west)</i>	<i>1.5 metres</i>	<i>1.0 metre</i>
<i>Front - garage</i>	<i>Behind front main dwelling wall</i>	<i>Forward of front main dwelling wall (nil)</i>
<i>Unit 2 - Upper floor</i>		
<i>Front</i>	<i>6.0 metres</i>	<i>3.5 metres</i>
<i>Side (east)</i>	<i>1.5 metres</i>	<i>1.0 metre</i>
<i>Side (west)</i>	<i>1.2 metres</i>	<i>1.0 metre</i>
<i>Density- R60</i>	<i>1 single house</i>	<i>2 single houses</i>
<i>Open Space</i>	<i>45 percent</i>	<i>42.2 percent</i>
<i>Privacy - Cone of Vision Encroachment</i>		
<i>Unit 2 - Windows to Bedrooms two and three</i>	<i>Bedroom window are to be 4.5 metres from the boundary or suitable screened</i>	<i>Bed 3 is 2.5 metres to east boundary and bedroom 2 is 2.5 metres to west boundary</i>

SITE HISTORY:

The subject site is occupied by a single storey house fronting Ruth Street. The rear boundary of the lot fronts Edith Street.

DETAILS:

The applicant seeks approval for demolition of the existing single storey house and construction of two (2) two-storey dwellings, with one fronting Ruth Street and the other fronting Edith Street.

The applicant submitted the attached justification and photographs in support of the proposed variations.

CONSULTATION/ADVERTISING:

The proposal was advertised for a two week period in accordance with the requirements of the Residential Design Codes (R Codes) and the Town's Policy relating to Community Consultation. No objections were received during this period.

In addition, the applicant has submitted twenty (20) signed letters of no-objection to the development from neighbouring residents along Ruth Street and Edith Street.

LEGAL/POLICY:

Town Planning Scheme No.1 and associated Policies, and the Residential Design Codes (R-Codes).

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Demolition

An application has been received for the demolition of the above building.

The subject dwelling at No. 36 Ruth Street appears to have been constructed in 1933, after the City of Perth granted a Building Licence to Mr C. Raabe to build a single storey brick and tile dwelling. According to the Metropolitan Sewerage plans of 1953, Ruth Street had been fully developed by this time with a variety of brick and wood residences.

The subject dwelling features a central front entrance, three bedrooms, living room and bathroom, with a laundry, kitchen and dining room to the rear. The place is a basic brick and tile dwelling that has been modified to meet the need for increased living areas. The internal floor plan appears somewhat altered, as the west sleep out has been divided into two bedrooms and other changes to the rear such as kitchen renovations have also taken place. There is a galvanised iron garage constructed in 1988, a brick and iron shelter and a vegetable garden in the rear yard.

The streetscape along Ruth Street consists of mostly single storey dwellings, with some second storey additions. Brick and tile dwellings remain in situ either side of the subject dwelling, however there are at least two new residential constructions along the northern side of the street and a new commercial building at the eastern end of the street at No. 911.

The subject place is not considered to meet the threshold for the Town's Municipal Heritage Inventory and is not listed on the Interim Heritage Database. Overall it is considered to have little to no cultural heritage value and it is considered that the place does not warrant a full heritage assessment. It is recommended that the application for the demolition of the existing dwelling be approved, subject to standard conditions.

Density

The subject land is zoned R80, and under the R-Codes, "all standards for Grouped Dwellings and Single Houses within R80-R160 areas are as for the R60 Code". Given this, and that multiple dwellings are not permitted in the Hyde Park Precinct, the R60 density applies in this instance.

The applicants are proposing two (2) lots on 324 square metres. Under the current R-Codes, an average of one hundred and eighty (180) square metres, and a minimum of one hundred and sixty (160) square metres is required per lot for single houses.

The applicant is proposing two single houses, with an average site area of 162 square metres. A five (5) per cent site area variation under Clause 3.1.3 of the R-Codes is not considered appropriate in this instance, as the proposal is not considered to address the relevant performance criteria. However, even after applying the five (5) per cent variation, the proposal stills fall short of the required site area for single houses.

The applicants have not submitted a subdivision application as yet for the site, and it is also considered that the proposal does not satisfy clause 20(2) of the Town's Town Planning Scheme No. 1.

Given that the proposal does not meet the average site area requirements for single houses, the proposal is therefore not supported.

Open Space

The open space variation is not considered appropriate, given that this will be a vacant site once the building is demolished, and as such there is scope to design two dwellings which comply with the 45 per cent open space requirement.

Additionally, the proposal is not considered to provide sufficient open space to compliment the building, or to allow for attractive streetscapes.

In light of the above, the proposal is not considered to address the relevant performance criteria under Clause 3.4.1 of the R-Codes, and the variation is not supported.

Setbacks and Boundary Wall

The setback variations to Unit 1 and Unit 2, and the nil front setback to the garage to Unit 2, and the parapet wall exceed the average height requirements, as highlighted in the above Compliance Table, are not considered to be in-keeping with the area, and the garage is considered to dominate the streetscape and create an undue impact on the amenity of the street.

It is noted that there are several garages with nil setbacks to Edith Street, however, the majority of which are single dwelling lots with Edith Street forming the secondary street, not the primary frontage. Given that Edith Street is the primary frontage for proposed Unit 2, a 4.5 metres setback to the garage is required, especially given that surrounding properties will subdivide in the future, and Edith Street will form the primary street frontage for many new developments.

In light of the above, and given the extent of other variations proposed, the setback variations are not supported.

Privacy

The above-mentioned privacy issues are considered minor and can be addressed via appropriate screening conditions, in the event that the Council resolves to approve the proposed development.

Plot Ratio

The plot ratio variations, together with the other variations, are considered to increase the bulk and scale of the proposal, which is not in-keeping with the area, and is considered to create an undue impact on the adjoining neighbours and the area generally.

In light of the above, the variation is therefore not supported.

Conclusion

Given the above, and the extent and nature of the variations sought, the proposed development is not considered to contribute towards the amenity of the area, and refusal is recommended."

10.1.6 No. 570 (Lot 80) William Street, Mount Lawley- Proposed Home Occupation- Manufacture of Soft Furnishing and Yoga Supplies

Ward:	South	Date:	17 May 2004
Precinct:	Norfolk, P10	File Ref:	PRO2742; 00/33/2155
Attachments:	001		
Reporting Officer(s):	J Barton		
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 D Haydock on behalf of the owner F Pirone, for a proposed home occupation for manufacture of soft furnishings and yoga supplies at No. 570 (Lot 80) William Street, Mount Lawley, and as shown on plans stamp-dated 25 March 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) no sign exceeding 0.2 square metre in area shall be displayed at the property;*
- (iii) the home occupation is to occupy a maximum area of twenty (20) square metres only, inclusive of all storage areas;*
- (iv) no clients or employees are permitted on the property at any time;*
- (v) deliveries shall be kept to a maximum of one (1) delivery per week, and not within the hours of 7.45am to 9.00am, inclusive;*
- (vi) the hours of operation shall be restricted from 8am to 6pm Monday to Saturday, inclusive;*
- (vii) this approval is for a period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use; and*
- (viii) retail sale or display of goods of any nature shall not occur on the subject property; to the satisfaction of the Chief Executive Officer.*

COUNCIL DECISION ITEM 10.1.6

Moved Cr Lake, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

LANDOWNER: F Pirone
APPLICANT: D Haydock
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No.1: Residential R60
EXISTING LAND USE: Single House

COMPLIANCE:

Requirements	Required	Proposed
Car Parking	2 car bays	Nil

Use Class	Home Occupation
Use Classification	"P"
Lot Area	622 square metres

DETAILS:

The proposed home occupation is for "Material Instinct", a soft furnishing and yoga supply business.

The applicant verbally advised that there will not be any customers to the business, just the occasional delivery of materials. Also, there is currently no parking available on-site, and the applicant does not wish to provide parking via the right of way, as he is only renting the property.

The applicant also advised that the delivery driver can park in the street parking area along William Street, as deliveries will only be for approximately 15 minutes.

The subject land abuts a 3.96 metres wide, sealed and Town owned right of way.

CONSULTATION/ADVERTISING:

The application was advertised for 14 days and no objections were received.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Description of Proposal

The applicant wishes to conduct a soft furnishing and yoga supply business from the subject land. The proposed business involves the use of domestic sewing machine and overlocker to fabricate the materials, and a staple gun and hammer to join materials to make cushions, bolsters, head rests, yoga straps and mattress covers.

Employees, Customers and Deliveries

The proposed home occupation does not occupy an area greater than 20 square metres, and the business is a one person operation, with no customers or employees proposed. However, there will be the occasional delivery of materials once a week. Accordingly, the approval has been conditioned so that there are no employees or customers, and that deliveries are kept to a maximum of 1 delivery per week.

Hours

The applicant also advised that the operating hours are proposed from 9am to 6pm Monday to Saturday.

The above-mentioned hours are considered appropriate for this small scale business, and a condition has been recommended to restrict the operating hours within the proposed days and times.

Structural Component

The proposed home occupation is to be conducted within the existing building, and no structural modifications are proposed.

Parking

The subject land currently does not provide any car parking bays for the residential component of the dwelling, and the residents park in the allocated street car parking bays along Raglan Road and Alma Street. The Town's Law and Order Services advised that street parking is permitted along William Street, however, there are time restrictions from 7.45am to 9am.

Given that there are will only be the occasional weekly delivery to the business, and that no customers or employees are proposed, the proposal is not considered to result in the provision for a greater number of parking facilities, and the current parking situation is considered acceptable as delivery drivers can park along William Street. However, a condition has been recommended to restrict the time and number of deliveries.

Conclusion

In light of the above, the proposed home occupation is considered acceptable, subject to standard and appropriate conditions to address the above matters.

10.1.7 Nos. 57-61 (Lots 178, 179 & 416) Monmouth Street, Dual Frontage with Burt Street, Mount Lawley - Proposed Green-Title/Freehold Subdivision - Public Open Space and Cash in Lieu Contribution

Ward:	South	Date:	20 May 2004
Precinct:	Norfolk , P10	File Ref:	122233
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council advises the Western Australian Planning Commission (WAPC) and the applicant that its APPROVES the balance of the required public open space to be provided as a cash-in-lieu amount of \$63,852.08, based on 129.5 square metres to be paid to the Town in relation to the proposed subdivision of Nos. 57-61 (Lots 178, 179 and 416) Monmouth Street, dual frontage with Burt Street, Mount Lawley (subdivision reference 122233).

COUNCIL DECISION ITEM 10.1.7

Moved Cr Lake, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

LANDOWNER: Choice Property Group
APPLICANT: Viking Property Group
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1: Residential R40
EXISTING LAND USE: Vacant Lot

COMPLIANCE:

Use Class	Single House
Use Classification	"P"
Lot Area	3245 square metres

SITE HISTORY:

- 16 June 2003 The Town received a planning application for the demolition of the existing nursing home and the construction of thirteen two-storey single houses.

- 8 July 2003 The Council at its Ordinary Meeting recommended refusal to the Western Australian Planning Approval for the subdivision of the subject site into thirteen (13) lots. Six (6) of the proposed lots front Monmouth Street and the remaining seven (7) lots are serviced by a new dedicated public road off Burt Street.

- 10 September 2003 The Town received a planning application for the demolition of the existing buildings only.

- 4 November 2003 Conditional Planning Approval was granted under delegated authority for the demolition of the existing institutional building (nursing home). The buildings were considered to have little cultural heritage significance.
- 12 November 2003 The Western Australian Planning Commission conditionally approved the subdivision of the land, including proposed Lot 13 being vested in the Crown as a "Reserve for Recreation" free of cost, and the requirement for detailed residential design guidelines being prepared and approved prior to clearance of the subdivision.
- 25 November 2003 The Town received revised plans in relation to the development application received 16 June 2003. The revised plans indicated the deletion of one of the residential lots, for public open space.
- 19 December 2003 Conditional Planning Approval was granted for three single houses on the subject site, to satisfy a condition of Planning Approval issued on 4 November 2003, for the Demolition Licence, therefore allowing the applicant to commence demolition works.
- 13 February 2004 Revised plans were received by the Town, showing compliance with the requirements of the Residential Design Codes and general compliance with the Town's Policies.
- 24 February 2004 Council at its Ordinary Meeting of Council resolved to receive, adopt and advertise a Policy relating to Appendix No. 13 - Design Guidelines for No. 57 (Lots 178, 179 and 416) Monmouth Street, Mount Lawley.
- 9 March 2004: Council at its Ordinary Meeting of Council resolved to conditionally approve twelve (12) two-storey single houses at No. 57 (Lots 178, 179 and 416) Monmouth Street, Mount Lawley.

BACKGROUND:

The applicant has obtained conditional subdivision approval from the WAPC to subdivide the site into thirteen (13) lots. The existing buildings on-site have been demolished. The Council conditionally approved the construction of twelve (12) two-storey single houses, with six (6) dwellings fronting Monmouth Street, one (1) dwelling with frontage to Burt Street and five (5) dwellings fronting a newly created internal public road. The proposed Lot 33 (previously Lot 13) has been provided as public open space as a part of the subdivision application (Western Australian Planning Commission reference 122233).

DETAILS:

Under the Western Australian Planning Commission's conditional subdivision approval issued on 12 November 2003 (attached), the following condition No.9 relating to public open space (POS) was imposed:

No.9 " 324.5 square metres , including the whole of Lot 13, being shown on the Diagram or Plan of Survey (deposited plan) as a "Reserve for recreation" and vested in the Crown under section 20A of the Town Planning and Development Act, such land to be ceded free of cost and without any payment of compensation by the Crown.(LG)"

"Advice to applicant:

No.2 With respect to condition 9, the Commission is willing to accept a payment of cash-in-lieu of the balance of the 324.5 square metres portion of land required to be provided for public open space that remains beyond the total area of Lot 13."

Lot 13 has now been identified as Lot 33 in the clearance documents submitted to the Town on 19 May 2004. The applicants have provided a sworn valuation statement undertaken by Egan National Valuers for the total area of the subdivision being \$1.6 million. Of the 324.5 square metres of POS to be provided, Lot 33 which has been set aside as a POS is 195 square metres in area. The applicants are proposing to pay cash-in-lieu for the remaining 129.5 square metres, which amounts to \$63,852.08.

LEGAL/POLICY:

Town Planning Scheme No. 1, Town Planning and Development Act 1928 and WAPC Policies.

CONSULTATION/ADVERTISING:

Nil.

STRATEGIC/BUDGET IMPLICATIONS:

Nil

COMMENTS:

In the initial report to Council on 8 July 2003, it was highlighted by the Town's Officers that due to the relatively small area of land to be provided for POS, which was 324.5 square metres in area, it was recommended that cash-in-lieu be provided for the equivalent land component to be provided for POS. The Council at its Ordinary Meeting on 8 July 2003 resolved to refuse the subdivision for the following reasons;

- "
- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (b) *lack of public open space being provided within the subdivision;*
 - (c) *an unreasonable number of crossovers will be created onto the street(s), which will unduly adversely affect the streetscape; and*
 - (d) *the size and configuration of the proposed lots would most likely result in any reasonable dwelling on the lots not complying with the requirements of the Residential Design Codes and the Town's Town Planning Scheme No. 1 and associated Policies; and*
- (ii) *the Council requests the Western Australian Planning Commission that if the Commission is inclined to approve the proposed subdivision, the Town is further consulted to obtain the appropriate conditions of the Town that should apply to the proposed subdivision."*

The WAPC prior to determining the above subdivision had requested the Town to provide advice and appropriate conditions for consideration for the approval of the subdivision. One of the conditions recommended by the Town was that *"325 square metres being provided as "Reserve for Recreation", ceded free of cost and without any payment of compensation by the Crown or the Town, and this is to be provided as cash-in-lieu contribution to the Town."*

The WAPC approved the subdivision, subject to condition No.9 above. The above approval has created a difficult situation for the Town having to maintain a small piece of POS, which is limited in functionality and an on-going maintenance burden.

The owner of the above site is now in the process of undertaking the subdivisional work including the provision of POS and cash-in-lieu to fulfil the conditions of subdivisional approval issued by the WAPC.

There are three (3) options as to how the above matter can be addressed as follows:

1. Accept Lot 33 as POS and the balance of land is to be paid as cash-in-lieu (WAPC condition No. 9); or

2. Lot 33 is ceded to the Town rather than to the Crown. This would mean that the land can be utilised by the Town in whichever way it deems fit to benefit the community and the objectives in the Town' Town Planning Scheme No.1; or
3. Accept cash-in-lieu for Lot 33 and the balance of land area also as cash-in lieu. This means that the landowner can use the site to develop for residential purposes.

Options 2 and 3 will however, require to be considered and determined by the WAPC being the responsible authority for subdivisions. It is likely that the owners would have to lodge a new subdivision application for either options 2 or 3 to be considered but due to the advanced stage the current subdivision is at, this would likely be considered, unacceptable due to further delays in completing the project. Due to the subdivision approval been granted with the relevant POS condition No.9, the Town is now placed in a position with limited viable options. If the Council is not prepared to accept the cash-in-lieu payment and therefore not clear condition No.9, it will be the WAPC that will have to take on the responsibility to clear the above condition No.9.

The Town's Parks Services has advised that the amount of cash-in-lieu to be paid for the balance of POS can be utilised to pay to develop Lot 33, which has been set aside as POS. However, due to the reduction in land area from 216 to 195 square metres and usable space due to the installation of soak wells, has resulted in a compromise to the functionality of the site as a park. The POS proposed while not ideal, is marginally acceptable. On-going maintenance will be factored as part of the overall maintenance programme with other POS in the Town.

The Town's Officers have been liaising with the owners of the above site to establish a suitable mechanism to satisfy condition No.9 of the WAPC conditional approval dated 12 November 2003. In light of the above circumstances, the Town's Planning and Building Services does not have any objection to the remaining area of land required to be provided as POS to be paid as cash-in-lieu, as per option1 above.

10.1.11 No. 642 (Lot 99) Beaufort Street, Mount Lawley - Alterations and Additions to Awning of Existing Shop and Office (Application for Retrospective Planning Approval)

Ward:	South	Date:	18 May 2004
Precinct:	Mount Lawley Centre, P11	File Ref:	PRO2055; 00/33/2166
Attachments:	001		
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 the Council APPROVES, and in accordance with the Metropolitan Region Scheme the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission for, the application submitted by P Phillips on behalf of the owner Larrikan Holdings Pty Ltd for alterations and additions to awning of existing shop and office (application for retrospective Planning Approval) at No. 642 (Lot 99) Beaufort Street, Mount Lawley, and as shown on plans stamp-dated 31 March 2004, subject to:

- (i) 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;*
- (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 Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (iv) a road and verge security bond or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (v) prior to the first occupation of the building, the applicant shall pay the Town \$400 for application fees for retrospective Planning Approval; and*
- (vi) prior to the first occupation of the building, certification by a structural engineer shall be submitted to and approved by the Town demonstrating that the awning structure is structurally sound;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.11

Moved Cr Lake, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

LANDOWNER: Larrikan Holdings Pty Ltd
APPLICANT: P Phillips
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No. 1 - District Centre
EXISTING LAND USE: Shop and Office Building

COMPLIANCE:

Requirements	Required	Proposed
Awning	3.3 metres above the footpath	2.915 - 3.3 metres above the footpath
Plot Ratio	N/A	N/A

Use Class	Shop and Office Building
Use Classification	"P"
Lot Area	Lot 99 - 493 square metres

SITE HISTORY:

27 August 2002 Council at its Ordinary Meeting resolved to conditionally approve a development application for proposed alterations and additions to existing shop and office. A condition of approval also stated:

"(j) prior to the issuing of a Building Licence, revised plans shall be submitted and approved demonstrating the following:

(a) the height of the awning being a minimum of 3.1 metres above the height of the footpath; and

(b) the awning width being in alignment with the existing awning on Lot 100 Beaufort Street, corner Walcott Street, Mount Lawley (Planet Video)."

Associated Building Licence 20/2060 was issued on 22 August 2003 and the on-site works associated with this Planning Approval are almost complete. However, the awning has been built and does not comply with above condition (j) (a), as it has a minimum clearance of 2.915 metres from the footpath.

3 May 2004 The Town under delegated approval conditionally approved alterations, two-storey additions, and associated car parking to existing shop and office building at No. 642 (Lot 99) Beaufort Street. These additions included the extension of the first floor office and reconfiguration of the rear car parking area.

DETAILS:

The builder has erected an awning to the existing building that does not comply with the conditions of Planning Approval granted at the Ordinary Meeting of Council held on 27 August 2002 or the associated Building Licence.

CONSULTATION/ADVERTISING:

The application has been referred to the Western Australian Planning Commission for determination under the Metropolitan Region Scheme as the awning structure is over an Other Regional Road reservation.

The proposal was not advertised to adjoining land owners, as the immediately abutting lots to the south and north are involved in the redevelopment of the subject site. The residential property to the east is not considered to be affected by the addition of an awning on the front of the existing façade. The other alteration and additions are near completion and were approved under the previous development applications.

LEGAL/POLICY:

Town of Vincent Town Planning Scheme and associated Policies.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS

Awning

The Town's Policy relating to Mount Lawley Centre Precinct encourages the erection of suitable awnings to provide shelter for pedestrians. The Policy stipulates that the awning is to have a minimum clearance of 3.3 metres from the level of the footpath.

The proposed awning is 2.915 metres higher than the footpath at the northern end of the facade. The footpath slopes from the north to the south, therefore the height of the awning above the footpath complies at the southern end at a height of 3.3 metres from the footpath.

The applicant argues that the height of the awning in this case is constrained due to the existing structure, and that it would not be possible to locate the awning higher as there would not be adequate structural support.

In this particular instance, a minor relaxation of the height of the awning above the footpath level can be considered. It is also noted that the awning 'steps down' with the slope of the land and only a small portion of the awning does not comply with the intent of the Mount Lawley Centre Precinct. The height of the awning does comply with the Town's Local Law relating to Verandahs and Awnings Over Streets, which requires a minimum awning clearance of 2.4 metres.

Retrospective Planning Approval

The applicant submitted this application in conjunction with the application for first floor additions which was conditionally approved under delegated authority on 3 May 2004. A total fee of \$115.00 was paid at the time of submission for both applications. This amount is not considered to be adequate to cover the amount of time that the Town's Officers have spent in assessment and negotiations with this property.

Upon investigation and assessment, by the Planning and Building Services it is revealed that this application is predominately for retrospective Planning Approval for the illegally erected awning, therefore a \$400 fee is applicable.

Therefore, prior to the first occupation of the building, the applicant should pay the Town the required \$400 fees in regard to this application.

Summary

The erected awning did not comply with Planning Approval or Building Licence issued for the subject property. The current application is predominantly to obtain retrospective approval for this unauthorised awning.

The awning is supportable as it 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.

10.1.16 No. 329 (Lot 125) Walcott Street, Coolbinia – Proposed Additional Two (2)-Storey Grouped Dwelling to Existing Single House

Ward:	North	Date:	11 May 2004
Precinct:	North Perth, P8	File Ref:	PRO 2591; 00/33/1946
Attachments:	001		
Reporting Officer(s):	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, the Council APPROVES the application submitted by APG Homes on behalf of the owners A Kelly and J Dias for proposed additional two (2)-storey grouped dwelling to existing single house on No. 329 (Lot 125) Walcott Street, Coolbinia, and as shown plans stamp-dated 3 May 2004, subject to:

- (i) compliance with all Building, Environmental Health and Engineering requirements;*
- (ii) a road and verge security bond or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing.*
- (iii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iv) the construction of crossovers shall be in accordance with the Town's specifications;*
- (v) 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;*
- (vi) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted with all cost associated the removal and replacement shall be borne by the applicant/owner(s);*
- (vii) standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*

- (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) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the windows to bedroom 1 and bedroom 3 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. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002;*
- (x) *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 Walcott Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (xi) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Walcott 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);*
- (xii) *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; and*
- (xiii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the provision of a permanent enclosed storage area in accordance with the relevant acceptable development requirements of the Residential Design Codes.*

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

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.16

Moved Cr Lake, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

LANDOWNER: A Kelly and J Dias
APPLICANT: APG Homes
ZONING: Metropolitan Region Scheme - Urban
 Town Planning Scheme No. 1 - Residential R60
EXISTING LAND USE: Single House

COMPLIANCE:

Requirement	Required	Proposed
Setbacks - North East Ground Floor (Laundry, Kitchen, Meals, Store)	1.5 metres	0 metre to 3 metres (Internal to the development)
South East Ground Floor (Garage, Laundry, Store)	1.5 metres	0 metre to 2.3 metres
North East First Floor (Bath, Bedroom)	1.5 metres	1.2 metres to 1.4 metres (Internal to development)
Privacy Assessment - Bedroom 3 North West Facing Window	4.5 metres or screening as per R Codes requirement.	4.3 metres to North West Boundary
Bedroom 1 South West Facing Window	4.5 metres or screening as per R Codes requirement.	3.1 metres to North West Boundary
Plot Ratio	0.65 160.2 square metres	0.65 160.2 square metres
Density	2 grouped dwellings (R60)	2 grouped dwellings (R60)

Use Class	Grouped Dwelling
Use Classification	"P"
Lot Area	559 square metres

SITE HISTORY:

There is currently a single storey brick and tile house on limestone at the subject site. There is a subdivision application concurrent with the planning application. The subdivision involves a lot being created at the rear of the subject lot with orientation and access from the rear right of way. The right of way is sealed and Town owned with a width of 5 metres. The Town's recommendation of conditional approval was sent to the Western Australian Planning Commission on 18 March 2004, who subsequently refused the subdivision.

DETAILS:

The applicant seeks approval for an additional two storey grouped dwelling to existing single house. The proposal is considered to comply with the Residential Design Codes (R Codes) and the Town's Town Planning Scheme No. 1 and Policies with the exception of the above non compliances.

CONSULTATION/ADVERTISING:

The proposal has been advertised and one written submission has been received by the Town. The main points raised in the submission letter are as follows;

"Such a development is not agreeable to us and we therefore and hereby express our objection to it. There are several reasons for our objection, the most important of which is that we feel any additional and in particular, two-storey dwelling on Lot 125 would automatically remove any privacy that we presently have and enjoy in our back yard and in our living area which looks directly onto our back yard. Our home is set further back and higher than the existing house on Lot 125, and so the proposed additional, two-storey dwelling would have direct view into the back part of our house and the toilet window. Furthermore, the back wall of our home which overlooks our back yard is made entirely of glass and as such our internal living area would be in direct view of any north-west facing window or balcony.

A second and equally compelling factor in our objection to the proposed development is the likely obstruction of sunlight and casting of shadow over our rear yard and living area.

Other factors which contribute to our objection include:

- the quality of the development which will affect the value of the surrounding dwellings and therefore the neighbourhood;*
- the effectiveness of any screening that may be incorporated in the proposed development;*
- the access way to and from the proposed dwelling and its effectiveness to traffic in the rear and common ROW;*
- shape of the roof and the effectiveness of the guttering which will impact on our adjoining property if the quality of the development is not adequate."*

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Overshadowing

An overshadowing assessment was conducted to establish the extent of overshadowing the development would impose onto the adjoining affected property being No. 325 Walcott Street. The outcome of this assessment established that a total of 68.8 square metres of the adjoining property will be overshadowed. This equates to 9.2 percent. This is considered to be within the requirements as per the Residential Design Codes (R Codes). The R Codes stipulate that the shadow cast onto the adjoining property must not exceed 50 percent. The overshadowing is therefore in full compliance with the requirements of the R Codes and considered acceptable.

North East Setbacks

The proposal involves variations to the north east setbacks for the ground floor and the first floor. The variations relate to the laundry, kitchen, meals room and store for the ground floor and the bathroom and bedroom on the first floor. The variations affect the internal east boundary of the development and are therefore not considered to pose an undue negative impact to an external adjoining neighbour. The variations in relation to the north east elevation of the development are considered acceptable and therefore supported.

South East Setback

The south east setback variation pertains to the boundary wall of the garage and store. However, the R Codes permit boundary wall development on one side boundary with restrictions placed on the height of the boundary wall. In this instance, the boundary wall located on the south east boundary is single storey in nature and compliant with the height and length requirements of the R Codes. The boundary wall is not considered to be over imposing, and helps to make effective use of space for the development proposed on the site. The boundary walls are considered acceptable and therefore supported in this instance.

Privacy Setback

The proposed windows of bedroom 1 and bedroom 3 do not comply with the setback requirement of 4.5 metres to the boundary as stipulated in the Residential Design Codes. The setbacks proposed are 4.3 metres to the north-west boundary for bedroom 3 and 3.1 metres to the north-west boundary for bedroom 1. These variations are considered to be minimal given that they do not meet the requirements by short distances. Whilst the variations are minor, it is recommended that screening be applied the windows of bedrooms 1 and 3 in accordance with the requirements of the R Codes.

Response to Objections Received

The objection received oppose the two storey nature of the development, express concern over the loss of views and privacy and the potential for overshadowing as a result of the proposed development.

The Town is limited to preventing two storey developments from occurring within the Town. The proposed development is found to be compliant with the Town's height requirement for two-storey developments.

The proposal was assessed for loss of privacy and overshadowing in accordance with the R Codes. The proposal was found to comply in these areas with the exception of the windows of bedroom 1 and bedroom 3. These windows require screening to be applied to Town's requirements.

Access via the right of way is the only form of vehicular access available to the subject site due to the proposed subdivision configuration. The Town is supportive of the utilisation of right of ways where possible and available.

An issue was raised relating to concern that the new development will reduce property values. This is not a major planning consideration.

Finally, the shape of the roof and the guttering of the proposed development would be required to be suitably constructed so that storm water is contained on the subject lot.

In this instance, the proposal is considered supportable, and it is therefore recommended that the application be approved, subject to standard and appropriate conditions to address the above matters.

10.1.19 Nos. 434-446 (Lot 1) Lord Street and No.139 (Lot 140) West Parade, Mount Lawley – Change of Use Units 3 and 4 from Showroom to Office (Application for Retrospective Planning Approval)

Ward:	South	Date:	18 May 2004
Precinct:	Banks P15	File Ref:	PRO1683; 00/33/2135
Attachments:	001		
Reporting Officer(s):	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, the Council APPROVES the application submitted by Peter D Webb and Associates on behalf of the owner Prefama Pty Ltd for change of use of units 3 and 4 from showroom to office (application for retrospective Planning Approval) at Nos.434-446 (Lot 1) Lord Street and No. 139 (Lot 140) West Parade, Mount Lawley, and as shown on the plans stamp dated 15 March 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iii) the applicant/owner shall pay a cash-in-lieu contribution of \$4090 for the equivalent value of 1.636 car parking spaces, based on the cost of \$2500 per bay as set out in the Town's 2003/2004 Budget.; and*
- (iv) 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;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.19

Moved Cr Lake, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

LANDOWNER: Prefama Pty Ltd
APPLICANT: Peter D Webb and Associates
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No.1: Commercial
EXISTING LAND USE: Showroom, Warehouse, Eating House, Shop and Car Parking

COMPLIANCE:

Use Class	Office Building; Showroom; Warehouse; Eating House; Shop; Car Parking
Use Classification	'P'; 'P'; 'P'; 'P'; 'P'; 'AA'
Lot Area	Lot 140 - 455 square metres Lot 1 - 3040 square metres

Requirements	Required	Proposed
Plot Ratio	N/A	N/A

SITE HISTORY:

Council, at its Ordinary Meeting held on 27 August 2002, resolved to grant conditional approval for a change of use from showroom/warehouse to shop, warehouse, eating house and associated office to existing five (5) showroom/warehouses and change of use from warehouse to car parking.

The premises received recent conditional delegated approval on 19 March 2004 for signage to existing shop and warehouse.

DETAILS:

The applicants/owners are seeking retrospective Planning Approval to conduct an office use within units 3 and 4.

The applicant has provided the following comments in relation to the application;

"... the proposal seeks Council's retrospective planning approval to bring the existing land use, at Units 3 and 4 of the existing Showroom complex located at Lot 1 (SN 434) Lord Street, Mount Lawley, into conformity with the Scheme.

The premises has recently been leased by Prefama to a theological college (Tabor College). The college is using the premises for 'Office' purposes which involves administration offices, library and reading rooms...Five (5) staff are employed at the college.

The internal space has not been structurally modified in any way. Partitions are used to separate work/reading areas."

CONSULTATION/ADVERTISING:

The proposal has been advertised and no written submissions have been received by the Town.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The subject application was submitted to the Town subsequent to the unauthorised use taking place. The owners have undertaken the change of use without a Planning Approval and as such retrospective Planning Approval is sought. The applicant proposes to use the premises in conjunction with the Tabor College (theological college) for administrative offices where there will be a library and reading rooms available.

Car Parking

Car parking requirement (nearest whole number) -Office (Proposal) - 232 square metres requires 4.64 bays -Bookshop - 636 square metres requires 42.4 bays -Office - 35 square metres requires 0.7 -Eating House - 60 square metres requires 13.33 bays -Showroom - 426 square metres requires 5.26 bays	66 car bays
Apply the adjustment factors. ▪ 0.80 (within 800 metres of a rail station) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.95 (secure on-site and/or adjacent street bicycle parking)	(0.646) 42.636 car bays
Minus the car parking provided on site	41 car bays
Resultant shortfall	1.636 car bays

The car parking shortfall as represented in the above table is 1.636 car bays when applying the adjustment factors and accounting for the provided car parking bays on-site. In this calculation the car parking of No. 139 West Parade has been included in the car parking calculation as the car parking on this lot is specifically allocated for the uses on Nos. 434-446 Lord Street. The two lots are currently nearing completion for amalgamation. Additional car parking bays are difficult to accommodate on-site as it is an established lot. The Town's Policy relating to Parking and Access, suggests that the Council may determine to accept a cash-in-lieu payment where the shortfall is greater than 0.5 car bays to provide and/or upgrade parking in other car parking areas This would equate to a payment of \$4090. The parking shortfall is not considered excessive and is therefore supported with the cash-in-lieu payment.

On the above basis, the proposal is considered acceptable, subject to standard and appropriate conditions to address the above matters.

10.1.23 Study of Heritage Listing and Property Values in Western Australia - Cooperative Project

Ward:	Both	Date:	17 May 2004
Precinct:	All	File Ref:	PLA0117
Attachments:	001		
Reporting Officer(s):	H Eames		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **ENDORSES** the co-operative project known as 'Study of Heritage Listing and Property Values in Western Australia';
- (ii) **AUTHORISES** the Chief Executive Officer to sign the Memorandum of Understanding as indicated in Appendix 10.1.23; and
- (iii) **AUTHORISES** the contribution of \$15,000 to the Australian Property Institute for the 'Study of Heritage Listing and Property Values in Western Australia' project, from the current 2003/2004 Budget allocation for an Economic Study on Heritage Listing Values.

COUNCIL DECISION ITEM 10.1.23

Moved Cr Lake, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

BACKGROUND:

An allocation of \$30,000 was placed on the 2003/2004 Budget for the purposes of Economic Study on Heritage listing values. This project was proposed as a means of investigating possible correlation between property value and properties included on the Town's Heritage List (Municipal Heritage Inventory).

DETAILS:

A number of Government and other organisations have also expressed an interest in the investigation of property value and heritage listing. This is primarily in response to the polarised community and professional views on the relationship between heritage properties and the property market.

As such, a co-operative group of interested organisations has emerged. These include the Town of Vincent, City of Stirling, City of Perth, the Heritage Council of Western Australia (HCWA) and the Australian Property Institute (API). Five other central metropolitan local governments have expressed an interest in participating in the study in the next financial year.

Over the past weeks, the Heritage Council has facilitated the proposal for a joint project which links the common interests of each of the above organisations. The resultant draft Memorandum of Understanding and associated project methodology have been created.

The intent is for the project to be managed by API. The institute is considered to be the most appropriately placed to objectively undertake the investigation. The financial contribution by the contributing parties will enable this. The API has access to property market data and statistics, which will allow the study to be carried out, with the additional provision of information from the Local and State Government Parties. The API has further indicated that it is likely they will gain co-operation and assistance from the Valuer General's Office.

LEGAL/POLICY:

A Memorandum of Understanding (MOU) as shown in Appendix 10.1.23 sets out the parameters and structure of the project. The MOU and the associated study methodology was drafted through a consultative process between the parties involved and is based on research from other similar studies carried out elsewhere in Australia and overseas.

The MOU addresses the matter of accountability and financial expenditure to allow the Town to access this information from the project managers (API) should it be required to do so.

STRATEGIC IMPLICATIONS:

Strategic Plan 2003-2008 - Key Result Areas One: 1.2 - "*Recognise the value of heritage in providing a sense of place and identity*" and Three: 3.3 "*Develop partnerships and alliances with key stakeholders.*"

FINANCIAL/BUDGET IMPLICATIONS:

The proposed financial contribution to the cooperative project is \$15,000. This money is proposed to be taken from the existing account of \$30,000 intended for the Town to undertake its own 'economic study into property values and heritage listing'. The money will be paid to API who are undertaking the research. This is required prior to 1 July 2004 to prevent the Town and other organisations from losing the designated funds required for the study.

As the project methodology in Appendix 10.1.23 explains, there is an intent that the project will initiate an on-going data collection process so that a longer term collation of information relating to property value and heritage may be obtained. In this context, it is possible that the project may advance to a more refined stage after the initial investigations. Due to the timing of the proposal within the financial year calendar, only the above mentioned organisations have the possibility of money ready to contribute to the co-operative project. The other five remaining local governments will need to raise specific new funds to contribute at a later stage, if this is appropriate.

COMMENTS:

This co-operative initiative is considered to be an advantage for the Town in the following ways:

- Time management - subject to Council approval, the joint project will allow the commencement of a property value study to commence before the 1 July 2004. It is unlikely that this would be possible if the Town did not participate in a joint approach to the study. It is intended that the study will finish by 31 December 2004.
- Broader representation - the study responds to the practical aspects of heritage areas and property market values by transcending municipal boundaries and looking at a broader spread of sample properties. It is unlikely that the Town's own statistical numbers would allow for a meaningful comparable study sample.

- Value for money and innovation - the pooling of financial resources and expertise from a range of organisations will allow the Town to get value for money, independent project management, new industry partnerships and broader representation of the market.

It is therefore recommended the Council supports the proposed co-operative study by authorising the Chief Executive Officer to sign a Memorandum of Understanding and the use of \$15,000 from the existing account 'economic study on heritage listing values' to API to commence the study.

10.1.25 Leederville Hotel, No. 742 (Lot 30) Newcastle Street, Leederville - Application for Temporary Extended Trading Permit in relation to Tri-Nation Rugby Cup Supporters for the Period Friday 30 July 2004 to Sunday 1 August 2004

Ward:	South	Date:	17 May 2004
Precinct:	Oxford Centre, P4	File Ref:	ENS0053 & PRO 0630
Attachments:	001		
Reporting Officer(s):	A Bosworth, D Brits		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

the Council APPROVES the Temporary Extended Liquor Trading Permit application by the Leederville Hotel, at No. 742 (Lot 30) Newcastle Street, Leederville, to host as part of the 2004 International Tri-Nation Test Matches Series, in particular the match between Australia and South Africa scheduled for Saturday 31 July 2004 at Subiaco Oval, a supporters base, subject to compliance with the following conditions:

- (i) the Venue Risk Management Plan previously adopted for last year's Rugby World Cup in conjunction with the Town's Officers and the Police Services detailing foreseen risks and treatments, including Public Liability Insurance Cover, Noise Control, Litter Control, Anti-social and Crowd Control, as "Laid on the Table";*
- (ii) limiting the Temporary Extended Liquor Trading Permit to the period of Friday 30 July to Saturday 31 July 2004 inclusive;*
- (iii) the removal of all temporary structures no later than seven (7) days after the expiration of the Building Permit;*
- (iv) limiting the extended trading hours to on both Friday 30 July 2004 (until early Saturday morning), and Saturday 31 July 2004 (until early Sunday morning):*
 - (a) Inside Building – from 1.00 am to 2.00 am;*
 - (b) Beer Garden - from 12.00 midnight to 2.00 am;*
 - (c) Private Car Park (BBQ area same as during World Cup) - until 12.00 midnight;*

subject to final conditions determined by the WA Police Service, and the Department Racing, Gaming and Liquor;

- (v) requiring the Leederville Hotel to advertise the temporary Extended Trading Period with relevant conditions and after-hours mobile and landline contact numbers for nearby ratepayers to contact the Duty Manager in relation to any unreasonable noise, anti-social behaviour, or other problems, in a local newspaper and on an on-site notice board facing Vincent and Newcastle Streets appropriately located prior to commencement;*

- (vi) *requiring the Leederville Hotel to conduct a letter drop within the 200 metres zone around the premises to inform residents/occupiers and ratepayers of:*
- (a) *the conditions imposed by the Council;*
 - (b) *measures to be taken by the Leederville Hotel to maintain the amenity of the area during the Period: 30 July to 31 July 2004; and*
 - (c) *mobile and landline contact details for the day and night Duty Managers for the relevant period; and*
- (vii) *requiring the Leederville Hotel to request on-site WA Police Service presence, particularly on Saturday evening 31 July 2004 after midnight, particularly between 1.00 and 2.00am;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.25

Moved Cr Lake, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

BACKGROUND:

At the Ordinary Meeting of Council on held on 26 August 2003, the Council conditionally approved an application concerning an Extended Temporary Liquor Licensing Permit at the Leederville Hotel to host the supporters of the South African Springboks during the 2003/2004 Rugby World Cup.

On 21 April 2004, an application was received to again host the Springbok supporters this time for only one weekend. Extended trading hours have been requested for both Friday 30 July 2004 and Saturday 31 July 2004 for the Australia versus South Africa International Tri-Nation Test Match on Saturday 31 July 2004 at Subiaco Oval. The 2004 Tri-Nation Test Matches will take place between Australia, South Africa and New Zealand in various Cities.

DETAILS:

The proposed extended liquor licensed hours for Friday 30 July 2004 (until early Saturday morning), and Saturday 31 July 2004 (until early Sunday morning) are detailed as follows:

- (a) Inside Building – from 1.00 am to 2.00 am;
 - (b) Beer Garden - from 12.00 midnight to 2.00 am;
 - (c) Private Car Park (BBQ area same as during World Cup) - until 12.00 midnight;
- subject to final conditions determined by the WA Police Service, and the Department Racing, Gaming and Liquor.

It is anticipated that the attendance figures will be no where near those experienced during the four yearly 2003 World Cup, as the Tri-Nation Series is an annual occurrence. Subsequently, the impact on surrounding areas, potential loss of car parking areas and amenity issues is considered to be minimal.

Working group meetings with representatives from the Town, the Applicant, WA Police Services, and other Agencies if necessary will be conducted at the Town's Administration and Civic Centre to consider operational matters and the '*Premises Management and Harm Minimisation Plan for the Leederville Hotel*'.

CONSULTATION/ADVERTISING:

Planning and Building Services Comment

The Applicants advised as follows:

- The extended trading permit is limited to the 30 July and 31 July 2004.
- The activities do not involve the use of external amplified music.
- The proposal does not involve any alterations to the existing building fabric, and the structures to be erected during the above period will be of a temporary nature only.

In light of the above, the proposal is considered to be development of a minor nature, and in accordance with the Town's Policy relating to Minor Nature Development and clause 33 of the Town's Town Planning Scheme No. 1, the proposal does not require Planning Approval.

Notwithstanding the above, the following condition should be applied to the proposed Extended Trading Permit:

All structures and the like erected in association with the proposed activities shall be removed from the site within seven (7) days of the expiration of the Permit, to the satisfaction of the Town.

Leederville Police Services Comment

Leederville Police Services Officer-in-Charge advised that the Local Police Services had no objections to the proposal

Department of Racing, Gaming and Liquor Comment

The Department of Racing, Gaming and Liquor have required the Leederville Hotel to do a letter drop to residents in a 200 metres radius.

Health Services Comment

No complaints were received by the applicants during last year's Rugby World Cup period. Only one complaint was received by the Town's Health Services which related to the cleanliness of toilet facilities. With due diligence from the applicants no major problems are anticipated. A Duty Environmental Health Officer will attend the major gathering at the Hotel on Saturday 31 July 2004.

STRATEGIC IMPLICATIONS:

Strategic Plan 2003 – 2008:

"Result Area Three:

Economic Development

3.1 Promote business opportunities in the Town.

3.4 Promote the Town of Vincent as a place for investment appropriate to the vision for the Town.

Action Plans to implement this strategy include:

- a) Adopt policies and practices to promote appropriate investment.*
- b) Promote tourist activity within the Town."*

COMMUNITY CONSULTATION/ADVERTISING:

The applicant has agreed to do a letter drop to nearby residents within a 200 metres radius as required by the Department of Racing, Gaming and Liquor and the Town.

FINANCIAL IMPLICATIONS:

No costs are foreseen.

COMMENTS:

It is considered appropriate that the Application be conditionally supported. Close liaison with the Town and other relevant agencies will be undertaken during the weekend of 30 July and 31 July 2004.

10.2.1 Proposed Traffic Management and Streetscape Enhancement Forrest Street, North Perth – Community Consultation Results

Ward:	Both	Date:	16 March 2004
Precinct:	Norfolk P10, North Perth P8,	File Ref:	TES0087
Attachments:	001		
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	-	Amended by:	-

RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the results of the Community Consultation for the Proposed Traffic Management and Streetscape Enhancement of Forrest Street, North Perth;*
- (ii) *APPROVES the implementation of the streetscape proposal estimated to cost \$18,000 and planting of additional street trees estimated to cost \$6,500 as outlined on attached Plan No A4-2262-CP-1 be carried out in August 2004; and*
- (iii) *ADVISES the respondents of the Council's decision.*

COUNCIL DECISION ITEM 10.2.1

Moved Cr Lake, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

BACKGROUND:

At the Ordinary Meeting of Council held on 23 March 2004, the Council received a report on a proposal to implement Traffic Management and Streetscape Enhancement of Forrest Street North Perth.

After considering the report the following resolution was adopted:

“That the Council;

- (i) *RECEIVES the report on Traffic Management request for Forrest Street, North Perth;*
- (ii) *APPROVES in principle Stage 1 of the proposal as shown on attached Plan No. A4-2262-CP-1 as endorsed by the Town's Local Area Traffic Management Advisory Group at its meeting held on 15 March 2004, together with Stage 2 which includes street trees, landscaping and associated works;*

- (iii) *CONSULTS with the residents of Forrest Street with regard to the proposal giving them 21 days in which to provide comments; and*
- (iv) *RECEIVES a further report on the proposal at the end of the community consultation period."*

DETAILS:

In accordance with clause (iii) of the Council's resolution on 31 March 2004, 154 letters with an attached comment sheet and reply paid envelope, were distributed to residents in Forrest Street requesting their comments on the proposal as outlined on attached *Plan No A4-2262-CP-1*.

At the conclusion of the consultation period on 21 April 2004, thirty-one (31) responses had been received representing a 20% response.

The responses received are outlined as follows:

Comments received regarding Stage 1 of proposal:

Proposal	In Favour	Against
Proposed traffic treatments Forrest Street between Fitzgerald Street and William Street as outlined on plan No A4-2262-CP-1	27	4

Related Comments *In Favour* of proposal

- Excellent idea long time coming!
- Anything to reduce traffic in residential areas. Keeps speed humps low.
- Plan is an excellent idea.
- Would like to see 50 kph marking on road
- Yes to entry statement & speed humps; would like to see low profile speed hump between Fitzgerald St & Norfolk St
- Satisfied with proposal however would like other restrictions should the proposal not be successful
- Do what the majority wish!!!
- The imposition of speed humps will be a benefit; the rat runners are not numerous but there is one speedster on a motorbike
- We would be very happy with the proposal that reduces traffic levels and speeds
- Yes, yes, yes!

Related Comments *Against* the proposal

- Disagree with entry statement / speed humps o/s 121 Forrest St; problem occurs further down street at 112-114
- Concerned that proposal will increase traffic in adjoining streets
- No speed humps; elliptical devices are required
- I do not wish to see speed humps on Forrest Street as I do not think it will reduce the amount of traffic. I do not consider that safety is an issue.
- I believe public streets are for public use and people living in the inner city should expect higher traffic!
- This is a ridiculous solution. If people are not happy with the volume of traffic they can move to the country; remove speed humps on Wasley Street!

Other unrelated Comments

- Can something be done about parking of large vehicles at 35 Forrest St as they create visibility problems
- Need more off road parking in the area for flats/units

Officers' Comments (Stage 1):

As can be seen from the comments received the majority of respondents (87%) are in favour of the proposal and it is considered that no changes are warranted.

With regards marking 50 kph on the road Main Roads WA who are responsible for speed zoning and related signage have indicated they will not approve this.

With regards additional speed humps between Fitzgerald St & Norfolk St it is considered this could be implemented if required in the future.

One of the respondents disagrees with the entry statement / speed hump proposed outside No 121 Forrest St as they consider the problem occurs further down street at No 112-114 Forrest Street.

It is considered that relocating the entry statement / speed hump would have a negative effect on the overall proposal as the chosen location delineates the Commercial / Residential area.

Elliptical devices as suggested by another respondent are not recommended as they have not proved successful in other locations in the Town and the Council resolved to remove them (Farmer Street).

Parking of large vehicles at 35 Forrest St as will be further investigated and the request for more off road parking in the area for flats/units is outside of the scope of this proposal.

Comments received regarding Stage 2 of proposal:

Proposal	In Favour of long term streetscape Improvements	Would like a tree planted in verge in front of property	Ambivalent
Proposed street trees, landscaping and associated works along Forrest Street between Fitzgerald Street and William Street as outlined on plan No A4-2262-CP-1	29	16	2

Related Comments *In Favour* of proposal

- Not Queensland Box trees.
- Preference for W.A. native species.
- Reticulation of verges is required and consideration to planting ground covers.
- Prefer a native tree to attract birds, Tipuanas' seedlings are a problem, but love the Jacarandas.
- Streetscape is good however please consider species type. Jacarandas are too messy.
- Prefer Tipuana Tipu (Pride of Bolivia) instead of horrible Queensland Box trees.
- Remove existing Kurrajong and replace with Tipuana.
- Plans will improve/enhance the streetscape.

- Preference for a tree species that does not lose their leaves
- Same tree species wanted throughout street and existing olive trees relocated.
- Increased landscaping is an excellent idea.

Related Comments *Against* the proposal

- Disagree with entry statement and streetscape improvements outside No. 21 due to parking concerns
- Streetscape proposal will prevent verge parking, the only option for residents.

Other unrelated Comments

- Streetscape improvements are most welcome.
- Would like to see traffic islands with trees, similar to Angove Street.
- Existing Fiddlewood trees at 90 and 92 are not aligned with other trees.
- Regular pruning/maintenance of trees is required at least fortnightly.
- Will existing Jacaranda be removed?

Officers' Comments (Stage 2):

As can be seen from the comments received the majority of respondents (93%) are in favour of the proposed Stage 2 landscaping and 52% would like a tree planted in the verge in front of their property.

Forrest Street currently contains a varied mixture of tree species including:

- Kurrajong
- Jacarandas
- Eucalyptus
- Chinese Tallow
- Peppermint
- Fig
- Olive
- Bottlebrush
- Claret Ash
- Qld. Brush Box
- Fiddlewood
- Flowering plum.

While the original Kurrajong species is still predominant, the mixture of tree forms, foliage shapes and colours does little to unify the street which has wide verges and the potential to provide a magnificent avenue of street verge trees.

The Kurrajong species has been the subject of many complaints over the years and while it is a native species it is not a favourite of residents and therefore the Town has commenced a replanting program using the Tipuana (Pride of Bolivia), when a tree has been requested or replaced.

Respondents have indicated that only one species of tree should be planted and existing trees removed or relocated, however, as is normally the case with consultation, a number of species preferences have been indicated.

With the funds proposed for the upgrade works, it would be prudent to plant a new tree where residents have requested one.

The recommended species is the Tipuana, as the majority of respondents have requested it. This tree is the secondary species within the street and is most suitable for planting in wide verges.

Future works, should include the removal or relocation of existing species, to ultimately create an avenue with a continuous tree canopy, giving a feeling of order and rhythm, rather than the visual confusion that currently exists.

CONSULTATION/ADVERTISING:

The respondents in Forrest Street who provided comments regarding the proposal will be advised of the Council's resolution.

LEGAL AND POLICY:

NIL.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2003-2008 - 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *"e) Continue to develop and implement streetscape enhancements."*

FINANCIAL/BUDGET IMPLICATIONS:

Funds totalling \$10,000 were allocated in the 2003/2004 budget. The estimated cost to implement stage 1 of the proposal i.e. the Traffic management is \$18,000. The estimated cost to plant additional trees (stage 2) is \$6,500.

Total estimated cost for Stage 1 and Stage 2 is \$24,500.

An additional \$12,000 has been allocated in the 2004/2005 draft budget for Forrest Street and when the 2004/2005 budget has been adopted by the Council (in July 2004) total funds available will be \$22,000.

The additional \$2,500 to complete the project will need to be sourced from the 2004/2005 Street Tree management Budget.

COMMENTS:

As can be seen from the results of the community consultation, the majority of residents in the street are in favour of Stages 1 and 2 of the proposal.

It is therefore recommended that the Council approves the implementation of the streetscape proposal estimated to cost \$18,000 and planting of additional street trees estimated to cost \$6,500 as outlined on attached Plan No A4-2262-CP-1 in August 2004 once the Council has adopted the 2004/2005 budget and advises the respondents of its resolution.

10.2.3 Mindarie Regional Council – 2004 Tamala Park Project Plan

Ward:	N/A	Date:	19 May 2004`
Precinct:	N/A	File Ref:	ENS0016
Attachments:	001		
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the Mindarie Regional Council - 2004 Tamala Park Project Plan as "Laid on the Table" and outlined in attachment 10.2.3; and*
- (ii) *NOTES that further reports will be submitted on the Project Plan and associated issues as matters progress.*

COUNCIL DECISION ITEM 10.2.3

Moved Cr Lake, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

BACKGROUND:

On 30 April the Town received two copies of a document titled the Tamala Park Project Plan.

The Project Plan provides a snap shot of the following

- Works recently completed at Tamala Park.
- Current works in progress
- Works planned for the near future*.

A summary of the Project Plan is outlined in this report. A copy of the Project Plan laid on the Table.

DETAILS:

Introduction

The Mindarie Regional Council (MRC) is responsible for the efficient disposal or recycling of waste on behalf of the member Local Government Councils of the Cities of Joondalup, Perth, Stirling and Wanneroo; and the Towns of Cambridge, Victoria Park and Vincent.

Receival and disposal of waste to landfill is conducted at Tamala Park in Mindarie, about 29km north of the Perth CBD. The Tamala Park site, jointly owned by the Councils, comprises 432 hectares, of which 251 hectares is leased to the MRC and 30 hectares is dedicated to the receival and disposal of waste. It services an area comprising 200,000 homes with a population in excess of 500,000 people.

At present, some 350,000 tonnes of waste is disposed annually to the Tamala Park landfill site. In excess of 3 million tonnes of waste has been disposed to landfill since the commencement of operations on 25 February 1991.

Stage 1 landfill works at Tamala Park are scheduled for completion in October 2004, after 13 years of operation. Land filling operations will then move to Stage 2 Phase 1, which will progressively be available for filling commencing in April 2004. The expected life of Stage 2 Phase 1 is 3 years.

The Tamala Park facility is open to the public 362 days a year from 7.00am to 4.45pm. It is closed on New Years Day, Good Friday and Christmas Day.

The Site Layout Plan for Tamala Park Landfill development is attached in Attachment 10.2.3.

The MRC is presently securing a site and approvals to construct a secondary waste treatment facility in the Neerabup Industrial Area as it moves the majority of its operations from disposal via landfill to reprocessing of waste for re-use as either compost, renewable energy or a combination of both.

The MRC is committed to the State Governments strategy of moving to zero waste to landfill by 2020 as part of its WASTE2020 Strategy.

Objectives

Tamala Park is licensed as a 'Class II' waste disposal facility, which means only inert and biodegradable waste is sent to landfill. No hazardous liquids such as oils, sewage, petrol, chemicals or swill can be sent to landfill at Tamala Park.

In January 2004, 'green power' was generated for the first time at Tamala Park through the extraction of methane gas from within the landfill site and its conversion into electricity. Eventually, it is expected sufficient electricity will be generated to light and power the equivalent of about 3000 households under normal conditions. The project is a joint venture between the MRC and Landfill Gas and Power Pty Ltd.

Stage 1 Capping and rehabilitation Works

Stage 1 South capping Works

The Stage 1 South landfilling operations were completed in January 2003. These have subsequently been capped with a liner and cover material. Gas extraction works were completed in early 2004.

Stage 1 South and Overburden Areas Rehabilitation Works

Tenders were called in December 2003 for the completion of these works. Overburden areas on the east side of the site and visible from the boundary of the site (Kinross) will be fully rehabilitated.

Topsoil was placed on the surface of Stage 1 South in the later part of 2003 and native vegetation will be planted to restore the area, which is planned for April/May 2004. Trial areas will be planted with different rehabilitation techniques.

Stage 1 North Capping Works

Landfilling operations will be completed in October 2004. Upon completion of these works, capping construction will be undertaken during the period September to December 2004.

Stage 1 North Rehabilitation Works

These works are scheduled for completion in April/May 2005. They will be undertaken based on the outcomes from the Stage 1 South rehabilitation works. Rehabilitation works will be completed following the capping of the works and the installation of the gas extraction wellfield plant and equipment.

Stage 2 Construction Works

Stage 2 is being constructed moving southwards from the northern boundary of Tamala Park. This will bring the 500m buffer zone away from the potential residential land located on the northern boundary of the site. It is expected that with the completion of Phase 2 of Stage 2, the buffer will approximate the lease boundary and make available all the land to the north of the site for residential development. This is expected to occur towards the end of 2011.

Stage 2 Phase 1 Works

A contract was awarded in August 2003 for the excavation of the next stage of land filling operations, being the start of the Stage 2 works.

Stage 2 Phase 1 Cells A, B and C will provide airspace of 850,000 cubic metres and will take 3 years to complete filling operations, with the anticipated completion date being 31 December 2006.

Stage 2 will be a fully lined operation with leachate collection and distribution systems in place. A temporary leachate collection pond is being provided for Stage 2 Phase 1. When the area of lined landfill reaches the required depth of 10 metres, the leachate will be redirected to the existing landfill areas for distribution.

Lining of Stage 2 will comprise a synthetic liner installed on the base and for a distance of 6 metres up the side. The liner will be protected by graded sand and the first two 3 metre layers of waste will be municipal solid waste to ensure the liner is not punctured. The liner has been placed to provide a separation distance of 3 metres to the highest seasonal groundwater level.

Leachate System for Stage 2

As mentioned, Stage 2 operations will introduce new operational requirements with the landfill being a lined operation. Leachate collection, pumping and distribution systems will start with the commencement of landfilling operations.

The system will use air-operated pumps installed in several sumps at the base of the landfill within an inclined pipe. It will be possible to remove individual pumps within the inclined pipe. This type of pump has a limited number of mechanical parts and will thus increase the life of their operating life.

Clay Liner to Stage 2 Works

Stage 2 works requires the lining of the walls of the landfill operations. These works will be constructed in 3 metre fills as the landfilling operations progress.

Stage 2 Phase 1 will be completed in December 2006. A further contract will be required for Stage 2 Phase 2 and subsequent phases as they are constructed.

Stage 2 phase 2 Works

In 2006, Stage 2 Phase 2 will be constructed to receive waste. Stage 2 Phase 2 is located immediately to the south of Stage 2 Phase 1.

The extent of Stage 2 Phase 2 southwards will be such that upon completion, the 500 metre buffer will align with the current lease boundary to the north of the site. About 935,000 cubic metres of material will be removed during these works

The current anticipated life of this phase is 6 years. This is dependent on the amount of waste diverted to the proposed Resource Recovery Facility at Neerabup and the residue returned to the landfill.

Stage 2 Phases 3 and 4 Works

These works will be completed as two separate projects. Due to access requirements and the leachate system installation, Stage 2 Phase 3, being the southern most section of Stage 2 will be constructed and filled prior to the phase immediately to the south of Stage 2 Phase 2.

The remaining Stage 2 Phase 4 corresponding to Cells 14, 19, 24 and 29 on the original layout plan will be the last section of the landfill to receive waste.

The completion of Stage 2 Phase 4 will conclude landfill operations at Tamala Park.

Monitoring of Available Airspace

Surveyors undertake the monitoring and recording of residual landfill airspace for each stage/phase. Copies of plans and calculations of remaining airspace are provided to MRC operational personnel. This work is presently undertaken every second month until the completion of Stage 1 North.

Airspace comprised 3,765,000 cubic metres for Stage 1 and 5,911,000 cubic metres for Stage 2 with about 850,000 cubic metres available in each of the first two phases of Stage 2.

Gas Extraction and Power Generation Facilities

Landfill gas, generated from the decomposition of the organic matter, is 6 times less damaging to the environment when it is burnt rather than allowed to escape into the atmosphere. Thus, as part of its licence requirements, the MRC is required to collect and burn the gas from the completed stages of its landfill operations.

The MRC has entered into a partnership with Landfill Gas and Power Pty Ltd to undertake the works of constructing the wellfield to collect the gas and to burn it through the use of a flare. As part of the agreement, Landfill Gas and Power Pty Ltd have constructed a power station to burn the gas for the generation of "green electricity." The current contract runs until the expiration of the Tamala Park lease, being 30 June 2011.

Stage 1 Gas Extraction Wellfields

Wellfields were constructed for Stage 1 South during 2003 and will be constructed from January to March 2005 on Stage 1 North following completion of the capping works.

The initial works included the construction of a manifold to move the gas from the wellfield to the power station. A bentonite slurry is used to seal the liner at each point where it is penetrated by a wellfield gas extraction pipe. The landfill is operated under a slight negative pressure to enable the easy extraction of gas. The system incorporates tanks for the collection of condensate/leachate to be pumped back into the landfill.

Stage 2 Well Extraction Wellfields

Landfill Gas and Power will be instructed to construct the wellfield for the extraction of gas from the Stage 2 Phase 1 when filling and capping works are completed, anticipated for early 2007.

Power Generation

Landfill Gas and Power, in partnership with the MRC, commenced the generation of green electricity from the burning of the methane gas generated from the landfill site in January 2004. Initially the facility will generate 1.6MW of electricity, enough to power and light 1,500 homes. Ultimately, the power station has the ability to generate 3MW of power.

Landfill sites produce large volumes of methane gas through the decomposition of putrescible waste contained within the sites. The gas can be produced for a period of up to 50 years and can be commercially extracted for 15 to 20 years.

The power station has been designed to operate in harmony with the surrounding environment, while minimising noise and the visual impact on adjacent land uses. The facility will provide the local community, business and government, and the local and global environment, with benefits extending well into the future.

Daily Operations

Daily operations comprises the receipt and disposal of waste via the transfer station and Council and Contractor trucks, greenwaste receipt for processing by the nominated contractor, the operation of the recycling centre and other associated activities. Each of these will be outlined in further detail in the following section.

Weighbridge

This facility is the nerve centre of daily operations. It provides two 60 tonne weighbridges for weighing of all vehicles entering and leaving the site. Charges for disposal of waste are based on weight.

Landfill Operations

The Tamala Park Waste Disposal and Recycling Centre is open to the public from 7.45am to 4.45pm everyday (excepting New Year's Day, Good Friday and Christmas Day) for receipt of general waste and domestic household rubbish.

Liquid waste, slurry or semi-liquid waste is not accepted.

Waste is deposited at the landfill's operational area by both Council and Contractor trucks. This includes the MRC's own truck delivering the waste received at the transfer station and the City of Stirling's Contractor delivering the residual waste, in the form of bales, from their processing plant in Balcatta.

Compaction of the waste is undertaken by two Compactors, each of 37 tonnes capacity, owned and operated by the MRC. Compaction rates achieved are greater than 1 tonne per cubic metre of airspace, which is better than industry standards.

Daily cover material is obtained from the site and from Contractors bringing clean fill to the site. Transport of cover material and limestone for access roads within the site, is undertaken by the two Contractors providing their own trucks.

Transfer Station

Tamala Park accepts all out-dated, broken-down, no-longer wanted big and cumbersome white goods for which have no further use. Refrigerators, washing machines and stoves are stored in a special section of the refuse disposal centre where they are checked and, in the case of refrigerators, de-gassed before being on-sold to scrap metal dealers. Normal rates for disposal apply.

Greenwaste

The MRC receives about 4,000 tonnes of greenwaste per annum at Tamala Park. This is processed and removed from the site by a contractor for use as either mulch or further processed into compost. The current contract, awarded to Grass Growers, commenced on 1 October 2003 and is for a period of three years with an option to extend for a further three years.

Recycling Centre

The Recycling Centre at Tamala Park offers a wide range of pre-owned goods for sale at very reasonable prices. People are welcome to browse through the items on display.

Income generated is \$200,000 per annum.

Department of Environment, accepts a variety of items that are diverted from landfill, including scrap metals, used oils, chemicals, paints, tyres, gas bottles and batteries.

Free Firewood is available at the Tamala Park Recycling Centre throughout the year.

Groundwater Monitoring

Groundwater monitoring has been conducted at Tamala Park site since 1993, and is an integral component of the MRC's Environmental Management and Monitoring policies and procedures. Groundwater samples have been taken from the bores twice-yearly and analysed to identify the different chemicals present. Generally, groundwater at Tamala Park flows in a westerly direction, towards the coast at an estimated rate of 100 metres per annum.

Asset Management program

The MRC operates numerous assets to undertake the various tasks associated with the operation of a state of the art landfill. This includes a fleet of plant and equipment items such as compactors, trucks, light vehicles and hand held equipment. Other assets includes buildings, infrastructure and office equipment.

Other Operations/Services

Dust suppression is a critical part of the operations of Tamala Park. Water tankers work continuously throughout the Tamala Park landfill site dampening down roads and tracks to minimise wind-blown dust and lightweight materials adversely impacting on adjoining residences.

Project participants

The running of the Tamala Park operations comprises a mixture of employees and specialist consultants and contractors. This section will discuss the relationship between these various participants.

The MRC employees' includes management and professional staff, supervisory personnel, trained operators and support staff. There are 21 permanent staff and casuals are used from time to time on an as required basis. Several contractors provide plant for ongoing work commitments, such as the transport of cover material.

A number of engineering consultants have been engaged to complete the many activities undertaken at Tamala Park.

Completed Works

Works completed in the past twelve months have included:

- Stage 1 South landfill operations, completed in January 2003;
- Stage 1 North sacrificial wellfield, completed in May 2003;
- Stage 1 South capping works, completed in July 2003;
- Awarding of greenwaste contract, commenced 1 October 2003;
- Stage 1 South gas wellfield and extraction system, completed in December 2003; and
- Power station construction with commercial operations commenced in January 2004.

Works in Progress

Works currently in progress includes:

- Alterations to Transfer station, completed early 2004;
- Stage 2 Phase 1 excavation and liner and leachate system works for Cell A, with this first cell became available April 2004 for landfilling and the balance of works to be completed by June 2004. Included the construction of the new perimeter road completed in September 2003;
- Stage 1 South topsoiling, rehabilitation and revegetation works, including overburden areas with completion in April/May 2004. Maintenance of the works until December 2006 forms part of these works; and
- Stage 1 North landfill operations, scheduled for completion in October 2004.

Future Works

Works scheduled for the next eighteen months will include the following:

- Stage 2 Phase 1 landfill operations, commencing in April 2004 and running for the next three years;
- Extension of administration building, with completion during 2004;
- Extension of recycling building and facilities, with completion in 2004;
- Stage 2 Phase 1 clay liner works, commencing in May 2004 for the life of the phase;
- Stage 2 Phase 1 liner and leachate works for the remainder of the excavated area, being Cells B and C, scheduled for September/October 2004;
- Stage 1 North landfill operations, to be completed in October 2004;
- Stage 1 North capping works, scheduled for September to December 2004;
- Stage 1 North gas wellfield, scheduled for January to March 2005; and
- Stage 1 North topsoiling, rehabilitation and revegetation works, including overburden areas with completion in April/May 2005.

Longer term, the following project will be undertaken:

- Stage 2 Phase 2 construction works including leachate system/floor liner in the latter part of 2006;
- Stage 2 Phase 2 clay liner works commencing in late 2006;
- Stage 2 Phase 1 capping works in late 2006;
- Stage 2 Phase 1 gas extraction works in the first quarter of 2007;
- Stage 2 Phase 1 rehabilitation works for April/May 2007; and
- Extension/readvertising of the greenwaste contract, due to expire on 30 September 2006.

Community Awareness and Education Centre

Ongoing community engagement will see the continuation of Tamala Tips, a publication distributed to homes in the region three times per annum. A recent addition has been the development of a brochure, titled "Facts and Stats," to be handed to visitors to Tamala Park. The colour brochure provides details of the operations of the MRC.

Site visits are part of life at Tamala Park. The MRC invites all interested groups to visit the site and learn more about the business of waste management. Primary and secondary schools, business and industry groups, service organisations, and those with a genuine interest in the Mindarie Regional Council are most welcome. Visits are conducted by prior arrangement.

CONSULTATION/ADVERTISING:

Nil.

LEGAL / POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2003-2008 - 1.1 Protect and enhance the environment and biodiversity. *"1) A waste management strategy that is aligned with the Mindarie Regional Council's Secondary Waste Treatment initiatives and which has positive environmental outcomes including investigation of future recycling, waste collection and disposal methods."*

FINANCIAL/BUDGET IMPLICATIONS:

The Town landfills a total of 12,500 tonnes of waste at Tamala Park annually at a total cost (03/04) of \$285,000.

Note*: This excludes collection and transport costs.

COMMENTS:

It is recommended that the Council receives the report on the MRC 2004 Tamala Park Project Plan and receives further reports on the matter in the future.

10.2.4 Progress Report - Involvement of Anglicare in the Town's Annual Hard Waste Bulk Verge Collection

Ward:	Both	Date:	19 May 2004
Precinct:	All Precincts	File Ref:	ORG 0077
Attachments:	-		
Reporting Officer(s):	R. Lotznicher		
Checked/Endorsed by:		Amended by:	

RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the involvement of Anglicare in the Town's annual hard waste bulk verge collection;*
- (ii) *APPROVES the continuation of the arrangement for Anglicare to collect useful items of hard waste prior to the February 2005 hard waste bulk verge collection subject to the arrangement being reviewed annually; and*
- (iii) *RECEIVES a further report in May 2005 to determine whether the arrangement with Anglicare should continue for subsequent hard waste bulk verge collection.*

COUNCIL DECISION ITEM 10.2.4

Moved Cr Lake, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

BACKGROUND:

The Council at its Ordinary Meeting held on 2 December 2003 received a report on a proposal by Anglicare to offer the Town a service which would complement its hard waste collections.

The following resolution was subsequently adopted:

That the Council;

- (i) *RECEIVES the report on the proposal to enhance the annual hard waste bulk verge collection;*
- (ii) *APPROVES the proposal as submitted by Anglicare to collect useful items of hard waste prior to the February 2004 hard waste bulk verge collection;*
- (iii) *requests that Anglicare submit a draft copy of their flyer to the Town's residents for the Chief Executive Officer's approval prior to distribution should the proposal in Clause (ii) be approved; and*

- (iv) *RECEIVES a further report in April 2004 to determine whether the arrangement with Anglicare should continue for subsequent hard waste bulk verge collections.*

DETAILS:

In accordance with *clause (vi)* of the Councils resolution the following information is provided:

The following correspondence was received from Anglicare on 18 May 2004:

"Our thanks to you, your staff and the ratepayers for the opportunity to be involved in Vincent's recent bulk waste collection.

From our point of view, it was a successful exercise.

To quote some statistics:

<i>Clothing:</i>	<i>2,300kgs</i>
<i>Bric-a-brac:</i>	<i>1,650kgs</i>
<i>Furniture:</i>	<i>4,700kgs</i>
<i>TOTAL:</i>	<i>8,650kgs (8.65Tonnes)</i>

This is above our expectations, particularly for the first mail drop. To achieve around 300kgs per 1000 households is average. We achieved over 500kgs!

There is, however, plenty of potential. We collected from 527 houses which is a response rate of approximately 3.5%. Again, this is expected for the first drop, but we believe, through experience in Stirling, that this will increase as ratepayers start to expect our collections on a regular basis.

All of these donations went to our Op Shops and funds raised go directly to Anglicare's programs. Last year, we helped to change the lives of over 28,000 Western Australians."

The Town's collection contractor D & M Waste Services provided the following comments regarding the 2004 collection and Anglicare's involvement in the collection:

"Overall not too bad we needed to pool more resources as the Anglicare collection increased tonnage however judging from the figures below there seems to be a consistent increase in tonnage irrespective of Anglicare's collection. The biggest complaint we received from residents was that someone else had dumped the rubbish on their verge.

Also some piles were more scattered as a result of more notice given.

<i>2001 - Two (2) Weeks Notice given</i>	<i>304 Tonnes collected</i>
<i>2002 - Two (2) Weeks Notice</i>	<i>371 Tonnes collected</i>
<i>2003 - Three (3) Weeks Notice</i>	<i>451 Tonnes collected</i>
<i>2004 - Three (3) Weeks Notice</i>	<i>517 Tonnes collected"</i>

CONSULTING/ADVERTISING:

The proposal would be advertised by way of leaflet drops at the applicant's expense three (3) weeks before the hard waste collection date.

LEGAL/POLICY:

There are no contractual implications with regard to the proposal.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2003-2008 - 1.1 Protect and enhance the environment and biodiversity. *"(1) A waste management strategy that is aligned with the Mindarie Regional Council's Secondary Waste Treatment initiatives and which has positive environmental outcomes including investigation of future recycling, waste collection and disposal methods."*

FINANCIAL/BUDGET IMPLICATIONS:

There were no financial implications. The proposal *may* result in cost savings for the Town *(in the long term)*.

COMMENTS

It is considered the proposal by Anglicare has merit as items which would normally have been discarded by residents during the hard waste collection were recycled and provided to the needy. Anglicare distributed flyers three (3) weeks prior to the collection in each respective area.

Residents then phoned Anglicare and they collected from inside the property. The residents then still had one (1) week in which to neatly stack any items not suitable for collection by Anglicare on the verge for the Town's hard waste collection contractor to collect.

It is therefore recommended that the council approves the continuation of the arrangement for Anglicare to collect useful items of hard waste prior to the February 2005 hard waste bulk verge collection subject to the arrangement being reviewed annually and receives a further report in May 2005 to determine whether the arrangement with Anglicare should continue for subsequent hard waste bulk verge collection.

10.2.5 London Plane Trees - Birdwood Square and Port Jackson Fig - Hyde Park

Ward:	South	Date:	17 May 2004
Precinct:	Hyde Park P12	File Ref:	RES0022/RES0042
Attachments:	001		
Reporting Officer(s):	J van den Bok, R Lotznicher		
Checked/Endorsed by:	R Lotznicher	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the reports (as laid on the table) prepared by Arboricultural Consultant Jonathon Epps, in relation to the treatments being applied to the London Plane trees at Birdwood Square and the Port Jackson Fig at Hyde Park; and*
- (ii) *APPROVES the retention of all London Plane trees at Birdwood Square and the continued monitoring / treatment of the these trees, as originally specified by Arboricultural Consultant, Charles Aldous-Ball. (Refer attached plans); and*
- (iii) *RECEIVES further progress reports on this matter as more information becomes available.*

COUNCIL DECISION ITEM 10.2.5

Moved Cr Lake, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

BACKGROUND:

At the Ordinary Meeting of Council held on the 16 December 2003 it was resolved:-

“That the Council;

- (i) *RECEIVES the progress report regarding the condition of the London Plane trees in Birdwood Square and the Port Jackson Fig in Hyde Park.*
- (ii) *RECEIVES a further report on the continued treatment /effectiveness of the Trichoderma spraying program and Phosphonate applications in the spring season of 2004.*
- (iii) *a second arboricultural opinion be obtained with regard to the effectiveness of the treatments being undertaken on the trees as outlined in the report.”*

DETAILS:

In accordance with *clause (iii)* of the Council's resolution Arboricultural Consultant Jonathon Epps was commissioned by the Town to provide a second opinion regarding the health, condition and treatment recommendations specified by the previous Arboricultural Consultant. The trees concerned are of a row London Plane trees located within Birdwood Square and a Port Jackson Fig at Hyde Park.

Birdwood Square

The investigation by Arboricultural Consultant Jonathon Epps confirmed what was reported in the initial tree inspection previously undertaken by Arboricultural Consultant Charles Aldous Ball. That is: -

“the London Plane trees within Birdwood Square were displaying signs of decline from a soil borne fungus called Armillariella (Honey Fungus).”

The recommendations and treatment to rectify the soil borne fungus from the two consultants only differ in that Jonathon Epps recommends the complete removal of infected trees numbers 2, 7 & 8. Mr Epps is of the opinion that these trees show severe root plate damage and are unlikely to recover.

Other treatment options Mr Epps has recommended were to remove all the turf beneath the trees drip line and scarify the soil to aerate it and let the soil dry out.

Officers Comments

The Towns preferred option at this point in time, is to adhere to Charles Aldous Balls initial recommendations, that we treat the infected soil around the trees root zone with the antagonistic fungus "Trichoderma" (Trichoshield) and inject the trees with Phosphonate.

In addition the option of removing the turf and letting the soil dry out is also not practicable due the high ground water table and the clay content of the soil

Should the infected London Plane trees fail to respond to the Trichoshield soil treatment which is estimated to take effect after two (2) to five (5) years, the Town will reassess the health and condition of the trees and if they are in danger of collapse or present a potential safety hazard they will be removed.

Hyde Park

The Port Jackson Fig (*Ficus rubiginosa*) located within Hyde Park was also by Arboricultural Consultant Jonathon Epps and a tree report undertaken. This tree was initially diagnosed by Charles Aldous Ball as being infested with Fig Psyllid, as a result, the tree's health and vigour went into severe decline.

All the recommendations that Johnathon Epps detailed in his report regarding this Fig tree were almost identical as the treatments previously prescribed by Charles Aldous Ball.

Officers Comments

Parks Services staff have implemented all the recommendations that were outlined in the initial report as prepared by Charles Aldous Ball. The tree's progress will be monitored over the next two (2) to five (5) years.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Strategic Plan 2003 – 2008; *1.1 Protect and enhance the environment and biodiversity*

FINANCIAL/BUDGET IMPLICATIONS:

An additional application of the "Trichoshield soil treatment may need to be applied to the London Plane trees in Birdwood Square and the Port Jackson Fig in Hyde Park during the spring season of 2004. This is estimated at a cost of \$1,500.00.

The costs for this treatment will be sourced from the respective Parks Ground Maintenance Accounts.

COMMENTS:

Arboricultural Consultant Charles Aldous-Ball will continually monitor the progress of the trees located within Birdwood Square and Hyde Park over the next two (2) to five (5) years.

He has recently again inspected the trees at Birdwood Square and confirmed that the root plates of the infected trees can support the trees structure and therefore their removal is not recommended at this stage however should they fail to respond to the prescribed treatment their removal may be considered and an alternative species of tree not as susceptible to Armillaria (Honey Fungus) may need to be replanted at these locations.

10.3.1 Financial Statements as at 30 April 2004

Ward:	Both	Date:	12 May 2004
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officer(s):	N Russell		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Financial Reports for the month ended 30 April 2004 as shown in Appendix 10.3.1.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Lake, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

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 April 2004.

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
- Beatty Park Report – Financial Position

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 92% of the Budget received to date.

General Purpose Funding (Page 1)

General Purpose Funding is showing 97% of the budget received to date, this is due to rates being levied.

Health (Page 4)

Health is showing 100%, this is due to Health Licences being issued.

Community Amenities (Page 6)

Community Amenities is showing 76% of the budget received to date. The distribution from the Mindarie Regional Council is yet to be received.

Economic Services (Page 12)

Economic Services is showing 85% of the budget received to date. Swimming Pool Inspection fees have been levied

Operating Expenditure

Operating expenditure for the month is within budget (83%).

Recreation & Culture (Page 7)

Water rates have been paid on the properties in the Town. The budget result to date is 84%

Capital Expenditure Summary (Pages 17 to 27)

The Capital Expenditure summary details projects included in the 2003/04 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 \$16,780,434 which is 60% of the budget.

Statement of Financial Position and Changes in Equity (Pages 28 & 29)

This statement is in essence the Balance Sheet of the Town as at 30 April 2004 and shows current assets of \$18,277,006 less current liabilities of \$1,943,985 for a current position of \$16,333,021. Total non-current assets amount to \$110,721,505 for total net assets of \$114,486,585.

Restricted Cash Reserves (Page 30)

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

Transfer 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 April 2004, interest of \$354,668 was transferred. Transfers to Reserves totalled \$989,211 and transfers from Reserves amounted to \$1,761,325. Restricted cash reserves total \$6,815,970 at the end of April 2004.

Debtors and Rates Financial Summary

General Debtors (Page 31)

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 \$5,074,104 are outstanding at the end of April. Of this \$4,741,669 (93%) relates to debts outstanding for over 60 days. The majority of the debt is \$4,209,152 for WA Treasury Corporation which is the remainder of the loan that is to be received by the Town. 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 (Page 32)

The notices for rates and charges levied for 2003/04 were issued on the 11 August 2003.

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

First Instalment	15 September 2003
Second Instalment	17 November 2003
Third Instalment	16 January 2004
Fourth Instalment	16 March 2004

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

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

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

Beatty Park – Financial Position Report (Page 33)

As at 30 April 2004 the operating deficit for the Centre was \$767,700 in comparison to the annual budget deficit of \$167,839.

The cash position showed a current cash deficit of \$415,261 in comparison to the annual budget estimate of a cash surplus of \$311,008. The cash position is calculated by adding back depreciation to the operating position.

The explanation for the variances is as follows:

Administration: This figure represents the unallocated depreciation figure and is currently running lower than budgeted estimates due to the deferred purchase of some major items, namely two pool blankets and the ultra violet unit for water treatment.

Swimming Pool Areas: There is a significant increase in the utility charges over budget estimates. In the early months of the year significant costs overruns were incurred maintaining the required water temperature due to repeated boiler breakdowns. This finally resulted in the replacement of the boiler. Furthermore, the budget estimates were made on the assumption that the pool blankets would be installed to the outside pool earlier in the year than has eventuated which would have resulted in an anticipated reduction in utility costs.

Salary costs, Superannuation and Workers Compensation Insurance Premiums: Currently our budget estimates at 86% of the budget. The Workers Compensation charge for the year has seen a 100% increase from last years. The Acting Manager's salary all has now been reallocated, however the increased use of casual lifeguards to maintain the ratio of patron members has contributed to the increase in labour costs. The revenue for the pool area is currently operating at 9% below budgeted expectations, the particular items below budget expectations are in-term admission fees and lane hire charges with both of these areas running 51% and 59% capacity respectfully. In term admission increased by 10% in the month of April, however the expected increase in lane hire charges is yet to materialise.

Swimming School: The month of April has seen a significant improvement in the performance of the Swim School, currently operating at a surplus of \$34,564.

Café: Café revenue is understated, due to the late receipt of cash reports which failed to meet month-end close off. As a result approximately \$10,000 of revenue was not included in this month's figures.

Retail Shop: Revenue for the retail shop is expected to achieve budget estimates for the year currently 79% to budget. However, expenditure is over budget due to exclusion of estimates for stock movement in the Retail Stock account. A restriction has been placed on any further stock orders unless there are guaranteed sales from patrons or clubs.

10.3.4 Needs Analysis and Feasibility Study for the Future Redevelopment of Beatty Park Leisure Centre

Ward:	Both	Date:	17 May 2004
Precinct:	All	File Ref:	CMS0003
Attachments:	-		
Reporting Officer(s):	D Vanallen		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the quotes for the consultants to conduct the Needs Analysis and Feasibility Study;*
- (ii) *NOTES the appointment of A Balanced View – Leisure Consultancy Services to conduct the Needs Analysis and Feasibility Study for the Future Redevelopment of Beatty Park Leisure Centre, for the sum of \$31,360 excl GST.*

COUNCIL DECISION ITEM 10.3.4

Moved Cr Lake, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

BACKGROUND:

The purpose of the study is to prepare a plan indicating potential development scenarios for Beatty Park Leisure Centre. There are two stages of this Project:

- (i) Needs Analysis
- (ii) Feasibility Study

The Needs Analysis will involve a review of documentation, reports and statistical data available on the Centre. It will include a competitor analysis and a review of demographic data relevant to the Centre’s catchment area. Detailed consultation will be conducted with all of the Centre’s stakeholders, ensuring elected members, Town of Vincent executive, Centre staff, Centre patrons and the broader community have the opportunity for constructive input.

The feasibility study is dependant on the outcomes of the needs analysis, where a strong case must first be demonstrated before considering any future redevelopment of Beatty Park Leisure Centre. On receipt of the Needs Analysis Report, the Town of Vincent will advise the Consultant as to whether the second stage of the Project is to be initiated.

If conducted, the Feasibility Study will lead to the development of broad conceptual plans and capital cost estimates. It will include a draft management plan and potential operating income and expenditures. This section of the study will discuss funding options for capital development and present suggestions for staged alternatives. Once again, consultation with stakeholders will be incorporated throughout.

DETAILS:

The Town of Vincent advertised in the 'West Australian' newspaper on 31 March 2004 for suitable organisations to quote on conducting a Needs Analysis and Feasibility Study on the Future Redevelopment of Beatty Park Leisure Centre.

Submissions closed at 2pm on Wednesday, 28 April 2004 and seven (7) submissions were received. The prices (excluding GST) received from each of the consultants are detailed below:

	COMPANY	LUMP SUM PRICING
1.	CCS Strategic Management	\$31,750 Plus additional costs for printing and postage of approximately 7,500 surveys to residents. Additional costs for advertising.
2.	Strategic Leisure Planning	\$30,500
3.	A Balanced View Leisure Consultancy Services	\$31,360
4.	Leslie Solly and Associates	\$30,000 Plus additional costs for printing and postage of surveys to residents. Additional costs for advertising.
5.	Thompson Tregear	\$31,800
6.	Syme Marmion and Co.	\$31,800
7.	Agile Consultants Pty Ltd	\$35,100

All seven consultants were interviewed as part of the selection process. Interviews were conducted between 7 – 11 May 2004. The interview panel consisted of Mike Rootsey, Executive Manager Corporate Services, Deb Vanallen, Manager Beatty Park Leisure Centre and Dale Morrissy, Assistant Manager - Aquatic and Operations Beatty Park Leisure Centre (absent for the interview with Strategic Leisure Planning).

In accordance with the evaluation criteria and associated weightings, the following scores have been applied to each of the submissions:

	COMPANY	Experience	Project Personnel	Methodology	Time Frame	Referees	Lump Sum Fee	Total Score
		25	25	20	20	5	5	(100)
1	CCs Strategic Management	20	20	16	16	5	4	81
2	Strategic Leisure Planning	17.5	20	14	14	4	3	72.5
3	A Balanced View Leisure Consultancy Services	20	22.5	16	18	5	4.5	86
4	Leslie Solly and Associates	20	20	14	16	4	3	77
5	Thompson Tregear	17.5	20	14	14	4	3.5	73
6	Syme Marmion and Co.	17.5	22.5	16	16	4	3.5	79.5
7	Agile Consultants Pty Ltd	17.5	20	14	13	4	3	71.5

Following the assessment of the submissions, it is established that A Balanced View Leisure Consultancy Services (ABV) is the most suitable company to conduct the Needs Analysis and Feasibility Study for the Future Redevelopment of Beatty Park Leisure Centre. ABV met all the required specific expertise, showed clarity in the approach to the project, understood the Town's desired outcomes for the project as well as having specific experience in working with local government and the recreation/aquatic facility industry.

Verification of the Consultant's referees revealed a strong respect for the Consultant's work ethic, performance and ability to meet the objectives of the client and community. The Consultant has undertaken similar needs analysis and feasibility studies in Western Australia and Australia wide.

In light of the above, ABV have been appointed to conduct the Needs Analysis and Feasibility Study for the Future Redevelopment of Beatty Park Leisure Centre, in accordance with the Project Brief.

FINANCIAL IMPLICATIONS:

The current 2003/2004 Budget lists \$35,000 for a Needs Analysis and Feasibility Study at Beatty Park Leisure Centre.

STRATEGIC IMPLICATIONS:

Strategic Plan 2003-2008 - Key Result Area Two: Community Development

“3.2 Develop business strategies that provide a positive triple bottom line return for the Town.

Action Plans to implement this strategy include:

d) Review, improve and formalise the business unit structure for Beatty Park.”

CONSULTATION/ADVERTISING:

The Needs Analysis and Feasibility Study on the Future Redevelopment of Beatty Park Leisure Centre was advertised in *The West Australian* newspaper on 31 March 2004 and submissions closed on 28 April 2004.

LEGAL/POLICY:

This quotation was advertised in accordance with the Town's Purchasing Policy. Furthermore, it was assessed in accordance with the requirements pertaining to tenders.

COMMENTS:

ABV have been appointed to conduct the Needs Analysis and Feasibility Study for the Future Redevelopment of Beatty Park Leisure Centre, in accordance with the Project Brief. It is anticipated that the project will commence late May 2004.

10.3.5 Report on Draft Aquatic Facilities Legislation

Ward:	Both	Date:	17 May 2004
Precinct:	All	File Ref:	ENS0054
Attachments:	-		
Reporting Officer(s):	D Brits, D Vanallen		
Checked/Endorsed by:	R Boardman, M Rootsey	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the Draft Aquatic Facilities Legislation February 2004 issued by the Environmental Health Directorate Department of Health, Government of Western Australia, as 'Laid on the Table'; and*
- (ii) *NOTES that upon adoption a further report outlining implications for the Town will be submitted to the Council for consideration.*

COUNCIL DECISION ITEM 10.3.5

Moved Cr Lake, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

BACKGROUND:

The existing Health (Swimming Pools) Regulations 1964 is now 39 years old and was formulated for traditional public swimming pools. The same minimum requirements applied to all pools, regardless of size and usage patterns. In addition, the existing Regulations do not apply to all types of functions within facilities for example, spas and water slides. Many provisions in the existing Legislation are obsolete, such as those pertaining to filtration systems, pool surround gradients, injection point for chlorine dosing, frequency of chemical sampling and the provision of first aid. The current Act makes no reference to patron supervision or maximum bathing loads.

The proposed new Draft Aquatic Facilities Legislation was developed by two Working Parties, namely the "Swimming Pool Regulations Working Party" and the "Waterslide Regulations Working Party". Membership of the Working Parties included representation from the State Government, Local Government, Industry (Leisure Institute WA, Chadson Engineering, Peter Hunt Architect, Royal Life Saving Society RLSS, etcetera), and the Australian Institute of Environmental Health. Several Beatty Park Leisure Centre staff have been involved in consultation groups and working parties during the new Legislation's formulation.

DETAILS:

The Draft Aquatic Facilities legislation has been well received by industry. Existing facilities, such as Beatty Park Leisure Centre, would not be required to comply with all of the *design and construction* and *circulation and water treatment requirements*, unless they were to undergo substantial alteration or upgrade. However, all public aquatic facilities will be required to comply with the provisions addressing *water quality and testing*, *staff qualifications*, *bathing loads*, *chemical safety* and *first aid equipment* and *first aid provision*.

The Executive Director Public Health, can exempt a premises from complying with sections of the Code or Regulations to ensure flexibility based on facility specific situations.

The Draft Legislation makes strong reference to the existing RLSS of WA Guidelines for Safe Pool Operations. These Guidelines provide clear and detailed specifications on pool operations and have been in place for several years. Beatty Park Leisure Centre has incorporated all of these practices into its operations, hence is well placed to comply with the new Legislation.

Of significance, is that the Draft Regulations will apply to all public aquatic facilities, and require annual comprehensive assessments of facilities. The Draft Regulations provide powers to Environmental Health Officers to close pools, issue improvement notices, and to require a facility to perform prescribed tests and submit subsequent results.

Furthermore, microbiological water testing provisions require operators to ensure water samples are collected and submitted to an accredited laboratory and a copy of results to be sent to the Local Government Environmental Health Officers. In addition, Local Government may be authorised to approve pools at "*Group Four*" Aquatic facilities (strata titled residential units) in future.

COMMUNITY CONSULTATION:

The public is requested to comment by 31 May 2004 to the Applied Environmental Health Branch of the Department of Health WA (by telefacsimile number 9388 4905 or e-mail to mark.lewis@health.wa.gov.au) or alternatively to Carolyn Betts (e-mail: cbetts@walga.asn.au) by 26 May 2004.

Detailed documentation is posted on the website: www.population.health.wa.gov.au

LEGAL/POLICY:

Health (Swimming Pools) Regulations 1964 and the Draft Aquatic Facilities Legislation February 2004.

FINANCIAL/BUDGET IMPLICATIONS:

Financial implications will be reported to the Council upon the adoption of the final version of the legislation.

STRATEGIC IMPLICATIONS:

Key Result Area One:
Environment and Infrastructure

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

Key Result Area Four:
Governance and Management

Objectives

- *"To create a safe environment for residents, ratepayers, businesses and visitors by identifying, addressing and managing risks."*

COMMENTS:

Industry comment has been sought from Western Australia Local Government Association, the Leisure Institute of Western Australia (Aquatics) and the Department of Health. Beatty Park Leisure Centre has submitted a detailed response on the Legislation to each of these organisations. It is anticipated that the new Department of Health Aquatic Facilities Legislation will be introduced in late 2004 or early 2005.

The Managers, Health Services and Beatty Park Leisure Centre advise of the Draft Legislation in order for Elected Members and the local community may comment accordingly.

10.3.6 Art Award 2004

Ward:	Both	Date:	19 May 2004
Precinct:	All	File Ref:	CVC 0017
Attachments:	-		
Reporting Officer(s):	R.Gunning		
Checked/Endorsed by:	J Anthony M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That Council APPROVES the proposals of the Town's Art Advisory Group as follows;

- (i) Art Award opening ceremony: Friday 1 October 2004;*
- (ii) Art Award Exhibition: Friday 1 October to Sunday 10 October;*
- (iii) prize monies and award categories to change from the 2003 format back to pre 2003 format;*
- (iv) Dr Robert Cook to be appointed as an external expert judge to assist the Art Advisory Group;*
- (v) the Member for Perth and the Federal Member for Curtin be approached to sponsor extra prizes; and*
- (vi) all proposed art purchases to be presented to the Art Advisory Group for expert appraisal before proceeding with the purchase.*

COUNCIL DECISION ITEM 10.3.6

Moved Cr Lake, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

DETAILS:

In October 2001 Council approved the following amendments to the terms of reference of the Art Advisory Group:

- 4.4 The Advisory Group shall only deal with matters which have been referred to them by the Council; however they may propose matters for the consideration of the Council.
- 4.5 Any items which have been dealt with by the Advisory Group will not be implemented by the Town's Administration until a report has been submitted to the Council for a decision.
- 4.6 The Town's staff will not action Advisory Group requests unless in accordance with 4.4 and 4.5 above.

Accordingly, the recommendations of the Art Advisory Group meeting of 21 April 2004 are presented for approval.

Dates

The dates of the Art Award prize ceremony and the subsequent exhibition are within the same time frame as for previous awards. The Art Award has this year been moved to October to allow sufficient lead time due to the recent appointment of a new Art's Officer.

Prizes

The prize monies and categories will change from last year, back to the pre- 2003 format; \$6000 acquisitive major prize; \$2000 in non-acquisitive prizes distributed at the discretion of the judges; \$500 Voice News Encouragement Award (cash provided by the Town in exchange for equivalent or greater promotion in the Voice News); and a \$500 non-acquisitive ceramic sculpture award (\$200 donated by an anonymous local donor with the remainder provided by the Town).

The 2003 prize structure was as follows:

Vincent Prize (all non-acquisitive)

1st Prize: \$2,000

2nd Prize: \$1,500

3rd Prize: \$1,000

Vincent Awards: Awarded at the Judges discretion to a total of \$1,000.

All other categories are the same as those proposed for this year's awards. The Advisory group considered it desirable to revert back to original prize structure as this has been shown to encourage a higher standard of entries and results in a higher quality of work being acquired by the Town.

Sponsorship

The Group recommended that the Member for Perth, John Hyde, and Julie Bishop, Federal Member for Curtin be approached to sponsor extra prizes, as these persons have previously sponsored prizes and are supportive of art.

CONSULTATION/ADVERTISING:

A brochure listing the prizes and conditions of entry will be distributed to last year's entrants and other artists who have expressed interest, and to community and arts centres and libraries throughout Perth and the State. Display advertisements will be placed in the Artist's Chronicle, the newsletter of the Artists Foundation of WA, The Voice News and the Guardian Express. Line advertisements will be placed in The West Australian's Arts Directory.

STRATEGIC IMPLICATIONS:

Key Result Area 2.1, 'Celebrate acknowledge the town's cultural diversity' of the Town's Strategic Plan 2003-2008 is applicable to this project.

FINANCIAL/BUDGET IMPLICATIONS:

A sum of \$30,000 has been allocated for the 2004 Art Award in the Town's 2004-2005 budget. This will be supplemented by an estimated income from entry fees, donations and commissions of approximately \$5000.

COMMENTS:

The recommendations presented by the Group for approval by Council are in keeping with the Town's organisational requirements.

10.4.1 Use of Common Seal

Ward:	-	Date:	18 May 2004
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

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

COUNCIL DECISION ITEM 10.4.1

Moved Cr Lake, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

DETAILS:

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

Date	Document	No of copies	Details
29/03/04	Deed of Release	2	Town of Vincent and Ms Dominique Mottier of Crawford Road, Inglewood
14/04/04	Contract Documents	2	Town of Vincent and Leederville Gardens Retirement Estate and Ms June Slattery re: Unit 61, Leederville Gardens, 37 Britannia Road, Leederville
05/05/04	Transfer of Land	1	Town of Vincent and The Perth Diocesan Trustees of Church Office, Cathedral Avenue, Perth re: Transfer of ROWs from Anglican Church to the Town pursuant to Council's resolution at the Ordinary Meeting of Council held on 27 April 2004.
05/05/04	Deed of Covenant	4	Town of Vincent and Subsidium Pty Ltd of Forrest Street, South Perth and Commonwealth Bank of Australia re: Nos. 65-67 Raglan Road, Corner William Street, Mount Lawley - Proposed alterations and additions to existing single house, alterations and additions to existing place of worship buildings to create four single bedroom grouped dwellings and five grouped dwellings, and construction of three grouped dwellings, resulting in the

Date	Document	No of copies	Details
			development of one single storey grouped dwelling, eight two-storey grouped dwellings and four single bedroom two-storey grouped dwellings
10/05/04	Withdrawal of Caveat	1	Town of Vincent and Minter Ellison, Level 49, Central Park, 152-159 St George's Terrace, Perth re: Lot 54 on Plan 1034
10/05/04	Deed relating to Subdivision Condition on Plate Height	3	Town of Vincent and P.R. Ewen, Proprietor, of Colin Street, West Perth and Bankwest (Mortgagee) of St George's Terrace, Perth re: Nos. 110, 112, 116 and 118 Richmond Street, Leederville
14/05/04	Deed of Covenant	4	Town of Vincent and Iles Investments Pty Ltd of 53-59 Wasley Street, North Perth and Westpac Banking Corporation re: Nos. 53-63 Wasley Street, North Perth and No. 88 Forrest Street, North Perth - proposed demolition of two existing dwellings, and alternations and additions to, and partial demolition of existing nursing home
17/05/04	Deed of Covenant	4	Town of Vincent and Allia Holdings Pty Ltd (Allia), and North East Equity Pty Ltd (North East Equity) and Nicola Tana and David George Rodwell (Guarantor) of 1st Floor, Unit 25, 257 Balcatta Road, Balcatta re: Members Equity Stadium, Pier Street, Perth

10.4.4 Information Bulletin

Ward:	-	Date:	19 May 2004
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	N Wilton		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 25 May 2004 as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.4

Moved Cr Lake, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

DETAILS:

The items included in the Information Bulletin dated 25 May 2004 are as follows:

ITEM	DESCRIPTION
IB01	Letter from Local Government Insurances Services WA - Workers' Compensation Performance Based Contributions
IB02	Letter from Western Australian Planning Commission - Making Perth The City We Want
IB03	Letter from Heritage Council of Western Australia - Section 9 Referral - Nos 380-388 Newcastle Street, West Perth
IB04	Letter from Minister for Community Development, Women's Interests, Seniors and Youth; Disability Services; Culture and the Arts - Funding for Public Libraries
IB05	No. 159A (Lot 3) Scarborough Beach Road, Mount Hawthorn - Proposed Roller Doors to Exiting Shop (Retrospective Planning Approval) - Town Planning Appeal Tribunal - Statement by Respondent
IB06	Western Australian Planning Commission - Planning Bulleting Number 66 - Use of Special Control Areas in Town Planning Schemes
IB07	Western Australian Planning Commission - Planning Bulleting Number 67 - Guidelines for Wind Farm Development
IB08	Western Australian Planning Commission - Planning Bulletin Number 68 - Western Australian Planning Commission reviews
IB09	New National Heritage Systems for Australia

ITEM	DESCRIPTION
IB10	Letter of thanks from National Heart Foundation of Australia - Launch of Heart Week
IB11	Newspaper Article "WAFL Whispers" dated 18 May 2004
IB12	Enviro 2004 Convention and Exhibition - Sydney - March 2004
IB13	Elected Members Forums - 15 and 17 May 2004
IB14	Consolidation of the Planning Legislation into the Draft Planning and Development Bill 2004 and the Draft Planning and Development (Consequential Provisions) Bill 2004
IB15	Letter of Thanks from Anglicare – Bulk Waste Collection

10.1.15 No. 42 (Lot 101) London Street, North Perth – Proposed Two (2)-Storey Single House

Ward:	North	Date:	16 May 2004
Precinct:	North Perth, P8	File Ref:	PRO2440; 00/33/1732
Attachments:	001		
Reporting Officer(s):	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, the Council APPROVES the application submitted by D Arkeveld and P Kalogeracos on behalf of the owners P and S Kalogeracos for proposed two (2)-storey single house on No. 42 (Lot 101) London Street, North Perth, and as shown plans stamp-dated 19 April 2004, subject to:

- (i) compliance with all Building, Environmental Health and Engineering requirements;*
- (ii) 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 Division. An application for the refund of the security deposit must be made in writing;*
- (iii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iv) the construction of crossovers shall be in accordance with the Town's specifications;*
- (v) 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;*
- (vi) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted with all cost associated the removal and replacement shall be borne by the applicant/owner(s);*
- (vii) standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (viii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating a minimum of two significant design features being incorporated into the solid front fence or wall, adjacent to London Street. The significant design features are to include a combination of at least two of the following features: different materials, differing height, different textures, indentations, portions of visual permeability, landscaping or equivalent. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.15

Moved Cr Doran-Wu, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Moved Cr Lake, Seconded Cr Farrell

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

"(ix) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the entire south side and 1.5 metres of the west side adjacent to the south side, of the deck, shall be screened with a permanent obscure material and be non-openable to a minimum height 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;"

Debate ensued.

AMENDMENT CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

MOTION AS AMENDED LOST (1-7)

(Mayor Catania was an apology for the meeting.)

<u>For</u>	<u>Against</u>
Cr Lake	Deputy Mayor, Cr Ker
	Cr Chester
	Cr Cohen
	Cr Doran-Wu
	Cr Farrell
	Cr Franchina
	Cr Torre

Reasons:

1. Concessions requested conflict with the Town Planning Scheme and Residential Codes.
2. Loss of amenity.
3. Non-compliance with setbacks.
4. Overshadowing of private open space to southern property.
5. Consideration of objectives received.

ADDITIONAL INFORMATION:

The below compliance table has been modified to include two variations (underlined) that were inadvertently not included in the previous compliance table. The modified table reflects the comments made under the heading *Street Setbacks*, in the report. The variations relate to the ground floor setbacks facing the front, London Street boundary.

Amended Compliance Table

Requirement	Required	Proposed
Setbacks - West/London Street First Floor (Terrace)	6.0 metres	5.0 metres
West/London Street First Floor (Void)	6.0 metres	5.2 metres
<u>West/London Street Ground Floor (Porch)</u>	<u>5 metres</u>	<u>3.2 metres</u>
<u>West/London Street Ground Floor (Lounge Room)</u>	<u>6 metres</u>	<u>4 metres</u>
Plot Ratio	N/A	N/A
Density*	One (1) dwelling at current zoning of R20, however, 2 green title lots were conditionally approved by the Western Australian Planning Commission on 11 March 2003 at R30/40 density.	1 single dwelling proposed. R30.96

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

LANDOWNER: P and S Kalogeracos
APPLICANT: D Arkelveld and P Kalogeracos
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No. 1 - Residential R20
EXISTING LAND USE: Single House

COMPLIANCE:

Requirement	Required	Proposed
Setbacks - West/London Street First Floor (Terrace)	6.0 metres	5.0 metres
West/London Street First Floor (Void)	6.0 metres	5.2 metres
Plot Ratio	N/A	N/A
Density*	One (1) dwelling at current zoning of R20, however, 2 green title lots were conditionally approved by the Western Australian Planning Commission on 11 March 2003 at R30/40 density.	1 single dwelling proposed. R30.96

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

Use Class	Single House
Use Classification	"P"
Lot Area	323 square metres

SITE HISTORY:

The subject lot was granted subdivision approval on 11 March 2003 by the Western Australian Planning Commission as part of the subdivision of No. 54 Hobart Street. This subdivision has taken place before the change in zoning to R20 through Amendment 11.

A previous application for a two (2)-storey single house was referred to the Ordinary Meeting of Council held on 7 October 2003. The proposal was refused for the following reasons;

1. *Concessions requested conflict with the Town Planning Scheme and Residential Codes.*
2. *Loss of amenity.*
3. *Non-compliance with setbacks.*
4. *Overshadowing.*
5. *Consideration of objectives received."*

DETAILS:

The applicant seeks approval for a two storey-single house with access and orientation towards London Street. The proposal is considered to comply with the Residential Design Codes (R Codes) and the Town's Town Planning Scheme No. 1 and Policies with the exception of the above non compliances.

CONSULTATION/ADVERTISING:

The proposal has been advertised and three written submissions have been received by the Town. The main points raised in the first letter are as follows;

"A) The proposed home is still not in keeping with the surrounding homes. Again, the majority of homes around this area are single storey, older homes with some character. Building homes such as the one proposed, will not only stand out but will lose some of North Perth's character..."

B) Potential to block sunlight. A two storey home will have some impact on the amount of light we receive in our rear courtyard and kitchen.

We live on a block smaller than that above and so too, do our rear neighbours. Both our homes are single storey and what we believe, are in keeping with the surroundings..."

The second letter raises the following points;

"This proposal has only minor alterations from the initial proposal, and our initial concerns still stand. We expect the Council will still have similar reasons for rejecting this proposal as well. Just north along London Street from the proposed development is an example of how a single storey development was designed for a similar sized block. We are uncertain why this proposal's sheer bulk...could not be replaced with something more in keeping with the surroundings..."

To illustrate the bulk of the development we have taken a panorama photo of 42 London Street from the west side of London Street. Overlaid on two versions of the image are a wire frame illustration of the proposal and a blocked-in version. While to scale, these illustrations are not meant to replicate every detail of the proposal nor its colouring (in the blocked in version). The wire frame version shows our property (red tile and red brick) being overwhelmed by the large mansion proposed.

The proposed house is still not in keeping with the style of the surrounding single storey houses and if built it will negatively impact the enjoyment of our home and property value by significantly:

- *Blocking light to the western half of our home (mostly habitable rooms);*
- *Blocking views to the west of our home; and*
- *Intruding on our privacy.*

We live on an internal property with many neighbours and our family's privacy is very important. When we bought our home the neighbouring properties on our western side (Lots 100 and 101) were one property. The original property has since been subdivided and this proposal would build a two storey house in what was the garden of the old property - a huge change. Currently the western side of our home provides passive solar warmth during the afternoon and natural light. It also provides sunset views when walking around the rooms, and views of the stars and moon during the night. These views would be removed by the proposed development.

The proposal still fails to meet setback requirements. While the eastern and southern setbacks are now met, there are several failures to meet setbacks on the western side of the property...

In summary we are unhappy with the proposal because it fails to meet Town of Vincent requirements and it is not in keeping with the surrounding. We call on the Town of Vincent to not approve the application."

The third letter makes the following comments;

"As long time residents of the area we oppose the proposed development. This proposal is very similar to the previous attempt, which was rejected by Council, and our previous concerns remain. In particular, because the proposed bulky two storey form of the development would not be in keeping with surrounding homes. We also feel that the development would devalue the immediate surrounding properties."

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Nature of Development

The proposal is not affected by Amendment No. 11 for the Eton Locality, as it is a green/freehold title lot that has been through the subdivision process with titles issued. The proposal therefore represents a single house development on a green/freehold title lot.

Overshadowing

An overshadowing assessment was conducted to establish the extent of overshadowing the development would impose onto the adjoining affected property being No. 54 Hobart Street. The outcome of this assessment established that a total of 45.36 square metres of the adjoining property will be overshadowed. This equates to 13.5 percent. This is considered to be within the requirements as per the Residential Design Codes (R Codes). The R Codes stipulate that the shadow cast onto the adjoining property must not exceed 25 percent. The overshadowing is therefore in full compliance with the requirements of the R Codes and considered acceptable.

Street Setbacks

The setbacks for this proposal were assessed against the current R20 zoning as per the R Codes. Due to the subject lot being a new dwelling at the rear of an original corner lot with frontage to a secondary street, the following Policy applies.

The Town's Street Setbacks Policy states: *"In the case of new dwellings at the rear of original corner lots, with frontage to the secondary street, setbacks which match the adjoining dwellings fronting the street (if any) otherwise a minimum of 1.5 metres to a verandah, porch, portico and the like, excluding balconies, and/ or 2.5 metres to the main building"*.

The porch is proposed to be setback 3.2 metres and the main dwelling 4 metres from the front boundary on the ground floor. These setbacks are greater than those specified in the Town's Policy. The first floor proposes 5 metres from the front boundary for the terrace and 5.2 metres for the void. Town's Policy relating to the Eton Locality stipulates 6 metres as the setback requirement for the building. The balconies have been supported in the past with a setback distance of 5 metres. This is considered to be in accordance with the R Codes where minor incursions of no more than 1 metre are permitted into the setback area. The terrace is situated on top of the garage and deemed to comply with the requirements of the R Codes. This is therefore considered to be acceptable and supported.

The proposal involves staggering of the upper level setback with a section of the main building wall being a minimum of 5.2 metres setback from the front boundary. The proposed variation in the upper level setback from 6.0 metres to 5.2 metres to the main building is supportable, as it is not considered to create an undue impact on the amenity of the streetscape, or the adjoining neighbours.

In this particular situation, given that the development proposes a suitable relief between the ground floor and first floor, it would be reasonable to support the proposed setbacks, as they are not considered to dominate the streetscape.

The subject lot was created under the previous zoning of R30/40. Since Scheme Amendment No. 11 was gazetted on 7 October 2003, the zoning changed from R30/40 to R20. With the small size of the lot and the reduced depth, most setbacks have been achieved.

Response to Objections Received

The objections received oppose the two storey nature of the development, express concern over the loss of views and privacy and the potential for overshadowing as a result of the proposed development.

The Town is limited to prevent two storey developments from occurring within the Town. This particular lot is constrained by a sewer easement which runs across the front and north side of the lot. Also, the lot is considered to be short in depth, which poses another constraint upon what can be built on the lot.

The proposal was assessed for loss of privacy and overshadowing in accordance with the R Codes. The proposal was found to comply in these areas.

An issue raised within one of the submissions related to the concern that the new development will reduce property values and another raised the potential for loss of views. Both are not considered to be major planning considerations.

In this instance, the proposal is considered supportable, and it is therefore recommended that the application be approved, subject to standard and appropriate conditions.

10.1.18 Nos. 412-414 (Lot 28) Newcastle Street, Dual Frontage with Harwood Place, Perth – Proposed Change of Use from Office/Warehouse Premises to Lodging House (Backpackers Hostel) and Associated Alterations and Additions

Ward:	South	Date:	17 May 2004
Precinct:	Beaufort, P13	File Ref:	PRO1772; (00/33/2107)
Attachments:	001		
Reporting Officer(s):	J Barton		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Metropolitan Region Scheme and the Town of Vincent Town Planning Scheme No.1 the Council APPROVES the application submitted by Speedy Group Pty Ltd on behalf of the landowners Calbah Pty Ltd for a change of use from office/warehouse premises to a lodging house (backpackers hostel) and associated alterations and additions at Nos. 412-414 (Lot 28) Newcastle Street, dual frontage with Harwood Place, Perth, and as shown on the plans stamp dated 26 February 2004 and the amended plan dated 11 May 2004, subject to;

- (i) the submission of a detailed schedule of finishes for approval (including materials, external colour schemes and details) prior to the issue of a Building Licence;*
- (ii) 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;*
- (iii) prior to the first occupation of the development, twelve (12) bicycle parking rails, and end of trip facilities, shall be provided in accordance with the Town's Policy relating to Parking and Access and at locations convenient to the entrances of the lodging house on the Newcastle Street and Harwood Place verges. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation;*
- (iv) a detailed management plan that addresses the control of noise, traffic, car parking, litter and anti-social behaviour (to reasonable levels) associated with the development shall be submitted and approved prior to the first occupation of the development, and thereafter implemented and maintained;*
- (v) 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;*
- (vi) 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 AS 2890.1 – "Off Street Parking";*
- (vii) the lodging house (backpackers hostel) shall accommodate a maximum of 45 lodgers at any one time;*

- (viii) *compliance with the relevant Environmental Health, Engineering and Building requirements;*
- (ix) *no buses, coaches and the like shall be permanently parked on the subject land;*
- (x) *the car parking area shall not be used for any other purposes than the parking of vehicles for customers, employees and visitors of the lodging house;*
- (xi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating car bays 8 and 10 being a minimum of 6.2 metres in length. The revised plans shall not result in any greater variation to the requirements of the Town's Policies;*
- (xii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division; and*
- (xiii) *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;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.18

Moved Cr Lake, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Moved Cr Lake, Seconded Cr Cohen

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

"(iv) a detailed management plan that addresses the control of noise, traffic, car parking, litter and anti-social behaviour (to reasonable levels) associated with the development shall be formulated in consultation with adjacent residents and submitted and approved prior to the first occupation of the development, and thereafter implemented and maintained;"

AMENDMENT CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

Moved Cr Lake, Seconded Cr Cohen

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

"(xiv) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the deletion of the three car parking bays adjacent to Newcastle Street and the provision of a communal outdoor living area within this space. The revised plans shall not result in any greater variation to the requirements of the Town's Policies;"

Debate ensued.

Moved Cr Chester, Seconded Cr Doran-Wu

That the Item be DEFERRED to obtain further information.

CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

LANDOWNER: Calbah Pty Ltd
APPLICANT: Speedy Group Pty Ltd
ZONING: Metropolitan Region Scheme - Urban
 Town Planning Scheme No.1 – Commercial
EXISTING LAND USE: Office and Warehouse Premises

COMPLIANCE:

Requirements	Required	Provided
Car Parking	15 bays (based on one bay for every three beds)*	11 bays

*Car Parking has been calculated according to the number of beds proposed as opposed to rooms given that the rooms are single. The Town's Parking and Access Policy stipulates that parking for residential buildings be calculated according to 1 space per bedroom or 1 space per 3 beds provided, whichever is the greater.

Use Class	Lodging House
Use Classification	"SA"
Lot Area	835 Square metres

BACKGROUND/SITE HISTORY:

The subject property is located on the northern side of Newcastle Street and consists of an 'L' shaped block with dual frontage to Harwood Place. The building is currently unoccupied.

Harwood Place is characterised by both residential uses located on the eastern side and light industrial uses located on the western side. The residential aspect of Harwood Place highlights the historical nature of inner urban semi-detached single story townhouses, built circa 1900's.

24 July 2001 Council at its Ordinary Meeting conditionally approved a proposed change of use from office/warehouse premises to lodging house (backpackers hostel) and associated alterations and additions at the above address. The applicant had originally applied for 75 lodgers, however, after discussions with the applicant regarding the shortfall in parking, the applicant amended the application to 45 lodgers to address the shortfall in parking.

14 June 2002 Applicant resubmitted planning application to the Town requesting reconsideration of condition (vii) of Planning Approval granted on 24 July 2001, which states:

"(vii) the lodging house (backpacker hostel) shall accommodate a maximum of 45 lodgers at any one time;"

25 February 2003 Council at its Ordinary Meeting resolved to refuse the proposed increase in maximum lodgers accommodation in existing lodging house (Backpackers Hostel) and associated alterations.

DETAILS:

Approval is sought to change the use of the existing premises to a lodging house for backpackers accommodation. The application proposes internal alterations and additions, including internal partitions and gyprock walls with polyester noise insulation, in order to convert the existing office and warehouse use into a backpackers hostel for up to 45 lodgers. In addition to the existing three bays currently provided along Newcastle Street, and the existing 4 bays within the existing warehouse at the rear of the site, the applicant has also provided an additional 4 on-site car bays in the car park at the rear of the subject land.

The subject land abuts a 3 metres wide privately owned sealed right of way.

The applicant advised of the following information in support of the proposed change of use:

"we would like to resubmit our plans for a 45 person short term hostel. Planning Approval was first approved on the 6th August 2001. Extensive consultation with engineers and fire department personnel to address the issues of fire protection have delayed the building approval. Application is sought for a total 45 lodgers. Building changes required are the addition of internal partitions and gyprock walls with polyester noise insulation. Main entrance is from Newcastle Street where other commercial, light industrial, hotel and other backpacker premises are located. Our market is expected to comprise mainly of international students for courses. As extensive public transport is available we expect minimal parking issues".

The applicant also advised of the following justification, in support of the car parking short fall:

"The Parking on Stuart Street has over 75 bays from map details with more within and around Robertson Park distance approx 280 metres. Also there appears to be Council parking on the corner of Charles Street and Prospect Place distance approximately 120 metres. The Bus stops are located at the corners of Newcastle and Fitzgerald Street about 50 metres. We also intend to supply end of trip facilities for bicycle users. With these concessions the required parking is $15 \times .85 \times .85 \times .90 = 9.75$. There are currently 11 spaces provided. As we intend to operate an international backpacker hostel the parking should not be an issue as most people would not have cars, or if they did hire cars then they would be out exploring Perth during the day. The Parking on Harwood Place is busy only during the day."

The above comments are noted and addressed further in the report, however, the Town's Law and Order Services advised that there is no public car parks within 400 metres of the subject land. The parking areas that the applicant is referring to in the above justification are mostly likely vacant sites used at present for car parking.

CONSULTATION/ADVERTISING:

The application was advertised in accordance with clause 37 of the Town of Vincent Town Planning Scheme No.1. Four (4) submissions have been received, two being lengthy submissions, and a 24 signature petition from the Harwood Place Action Group.

The main concerns raised in all of the submissions are summarised below:

Concerns	Officer Comment
Traffic and parking	Addressed in the report below
Social, acoustic, safety and security issues.	A condition has been recommended to ensure that a management plan is prepared to control anti-social behaviour and noise, and noise is to comply with Environmental Protection Regulations 1997.
Reduces property values	Reduced property values are not a major planning issue.
Amenity issues	The external building will not change as a result of this proposal, therefore there will not be significant amenity issues. Furthermore, this is a transitional area with a mixture of uses from residential to commercial and light industrial, and the use is considered appropriate in this transitional inner-city zone.
Reduces the economic viability of other backpacker businesses in the area.	Financial issues are not a major planning consideration.
No disabled access and facilities	Such matters are addressed at the Building Licence stage.
The on-site car parking at the front and rear of the subject land is currently utilised by business people, customers from local businesses, and visitors of residents in Harwood Place. Such people will be required to park elsewhere.	The on-site car parking provisions belong to the subject land, therefore, the backpacker customers would be within their rights to use these bays for parking. The current visitors of residents in the area, business people and customers using these bays are required to find alternative areas to park, or alternative means of travel, such as public transport.
The car bays are not in accordance with the Australian Standards.	The Town Technical Services advised that, <i>"although the existing parking facilities are far from desirable they are functional and Technical Services will approve this layout provided the new car bays 8 and 10 have a minimum length of 6.2 metres"</i> . Accordingly, a condition has been recommended to this effect.
No open space or outdoor areas for customers	Open space is not required for backpacker accommodation and a lounge area has been provided.
No room for bus to park	The subject land is within close proximity to local night spots, therefore, there would be no need for a permanent bus on-site. However, in the event that buses are hired on the occasional basis for a pub crawl, the bus would only be parked on the site for a short period of time, to pick up or drop off customers. Given that there is a shortage of car parking on-site, a condition has been recommended to ensure that a bus is not parked permanently on-site.

The submissions have been circulated separately to all the Elected Members.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Car Parking

Car Parking Requirement (nearest whole number)	15 car bays
Apply the adjustment factors: 0.85 (within 400 metres of a bus stop) 0.90 (provides end of trip facilities in addition to bicycle provisions)	11.475 bays (0.765)
Minus the car parking provided on site (11 car parking bays)	0.475 car bays
Minus the most recently approved on site car parking shortfall	3 bays, however, all 3 bays were required to provided as cash-in-lieu payments. Therefore, this shortfall can not be taken into account.
Resultant shortfall	0.475 car bays

Note: the Town's current Parking and Access Policy was adopted in September 2002, therefore, the adjustment factor differs slightly from the last approval on 24 July 2001.

The Policy also states that *"if the resultant short fall of parking is less than or equal to 0.5 bay, no parking bays or cash in lieu of parking is required for the shortfall."*

Bicycle Parking:

Bicycle Parking	Requirement	Provided
*Employee/ Resident Space - 1 space per 4 lodging rooms	9.25 spaces	Nil spaces
*Visitor/ Shopper Space -1 space per 16 lodging rooms	2.3 spaces	Nil spaces

*Bicycle parking has been calculated according to the to use class of "Residential Building" within the Town's Parking and Access Policy, Bicycle Parking Requirement Table.

It should be noted that the applicant has detailed that bicycle and end of trip facilities will be provided however, they are not indicated on the plans. In addition, showering facilities are already available on site.

General Comments

The proposal involves changes to the property unlikely to significantly alter the external appearance of the site, but rather will increase the level of pedestrian traffic and activity in the immediate vicinity. Given the transitional state this particular street block is undergoing by virtue of new residential developments, the construction of the Graham Farmer Freeway and the resultant revitalisation that will occur, it is considered the proposed use will positively contribute to the diversity of uses and shift in urban form and function.

To protect the amenity of the immediate residential uses in Harwood Place, particularly in regard to an increase in noise and activity that will occur from the use, a management plan addressing the control of noise, litter and anti-social behaviour to reasonable levels should be submitted, approved and implemented prior to the use commencing.

This application proposes a gross parking shortfall of 4 car bays. However, after applying the adjustment factor, a shortfall of only 0.475 of bay is calculated. Given this, the car parking provisions are considered acceptable.

Whilst it is considered that due regard should be given to the site's inner city location, the transient nature of backpacker clientele, their low car ownership and the trend amongst international travellers to form partnerships to purchase motor vehicles to tour Western Australia, and given that the Council approved an almost identical proposal on 24 July 2001, the proposal is considered supportable.

Accordingly, it is recommended that the proposed change of use to lodging house (backpackers) be approved, subject and standard and appropriate conditions to address the above matters.

10.1.17 Nos. 485 - 495 (Lot 200) Fitzgerald Street, Dual Frontage with Menzies Street, North Perth - Proposed Additional Sixteen (16) Two-Storey Grouped Dwellings to Existing Four (4) Single Houses - Reconsideration of Condition in Relation to Carports to Right of Way

Ward:	North	Date:	18 May 2004
Precinct:	Smith's Lake, P6	File Ref:	PRO2047; 00/33/2229
Attachments:	001		
Reporting Officer(s):	P Mastrodomenico		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Oldfield Knott Architects Pty Ltd on behalf of the owner TRG Properties Pty Ltd for proposed additional sixteen (16) two-storey grouped dwellings to existing four (4) single houses on Nos. 489-495 (Lot 200) Fitzgerald Street, dual frontage with Menzies Street, North Perth ,and as shown on the plans stamp dated 13 May 2004, subject to;

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) 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;*
- (iii) prior to the first occupation of the development, three (3) visitors car parking bays, shall be clearly marked and signposted for such, visible from the point of entry and outside any security barrier;*
- (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 Fitzgerald Street and Menzies Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency. The walls to the bin store and letterboxes adjacent to Menzies Street may be solid for its entire height provided these walls incorporate a combination of at least two of the following features; different materials, differing height, different textures, indentations, portions of visual permeability, landscaping or equivalent. Details of these design features shall be submitted to and approved prior to the issue of a Building Licence;*
- (v) a detailed landscaping plan, prepared in consultation with the Town's Parks Services, demonstrating the following:*
 - (a) a schedule of plant species;*
 - (b) the landscaping and reticulation of the Fitzgerald Street and Menzies Street verges adjacent to the subject property;*

- (c) *the provision of a minimum of four (4) mature Jacaranda trees (Jacaranda mimosaeifolia.) being a minimum of 500 litres, along the internal driveway;*
- (d) *a minimum of two (2) variegated Queensland Box trees (Lophostemon confertus) being provided along the Menzies Street verge adjacent to the subject site;*
- (e) *a minimum of eight (8) mature trees, with a minimum height of 3.0 metres at the time of planting, being provided on the subject property adjacent to the Fitzgerald Street boundary; and*
- (f) *the retention and ongoing protection of the relocated Jacaranda tree (Jacaranda mimosaeifolia), and the eucalyptus tree at the north-western corner of the property generally where the unit 8 carport is proposed to be located only if practicable, and subject to the eucalyptus tree being certified in good condition by a qualified arboriculturist and the tree being able to be accommodated in the proposed relocated courtyard to Unit 8;*

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) *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";*
- (vii) *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;*
- (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 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;*
- (x) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*

- (xi) *a road and verge security bond or bank guarantee of \$1100 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee 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 Division, at the applicant's/owner(s)' full expense;*
- (xiv) *prior to the first occupation of the development, the bin compound shall be constructed in accordance with the Town's Health Services Section's Specifications, divided into commercial and residential areas and sized to contain;*
 - (a) *Residential - 1 x mobile garbage bin per unit; and 1 x general recycle bin per 2 units; and*
 - (b) *Commercial - 1 x mobile garbage bin per unit; and 1 x paper recycle bin per unit, or per 200 square metres of floor space;*
- (xv) *standard visual truncations, in accordance with the Town's Policies and to the satisfaction of the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (xvi) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (xvii) *the car parking bays in a tandem arrangement shall service the respective same residential dwellings;*
- (xviii) *the existing right of way adjoining the development of Menzies Street to Sholl Lane shall be dedicated as a public road in accordance with Section 56 of the Land Administration Act 1997 by the Town, at the applicant's expense, in order to meet the requirements for the installation of public utility services for the dwellings in the proposed development facing the right of way and for the provision of standard street lighting in the right of way;*
- (xix) *prior to issue of a Building Licence the applicant/owner is to pay \$12,000 to the Town for the installation of standard street lighting in the right of way, from the Western Power decorative street lighting range, to the satisfaction of the Town, and to cover any other requirements that the Town sees fit, to meet the right of way dedication requirements. Once these requirements have been met, the applicant/owner can request, in writing, a refund of any remaining funds, (if the works cost less than \$12,000);*
- (xx) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the following to improve the interaction with and reduce the visual impact on the streetscape and right of way;*

- (a) *the carports adjacent to Fitzgerald Street, Menzies Street and the right of way being 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 main dwelling building wall(s);*
- (b) *design features being incorporated into the eastern walls of the carports of units, 1, 2, 3, 4, 5, 6, 7 and 8, facing the right of way; and*
- (c) *the unit 8 carport being relocated on site in order to retain the existing eucalyptus tree at the north-western corner of the property only if practicable, and subject to the eucalyptus tree being certified in good condition by a qualified arboriculturist and the tree being able to be accommodated in the proposed relocated courtyard to Unit 8.*

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

- (xxi) *subject to first obtaining the consent of the owners of No. 485 (Lot 1) Fitzgerald Street and for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 485 (Lot 1) Fitzgerald Street in a good and clean condition.*

to the satisfaction of the Chief Executive Officer.

Moved Cr Chester, Seconded Cr Lake

That the recommendation be adopted subject to clauses (iv) and (xx) being amended to read as follows:

- "(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 Fitzgerald Street ~~and~~ , Menzies Street and the right of way shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency. The width of any front fence/gate pier shall not exceed 350 millimetres. The walls to the bin store and letterboxes adjacent to Menzies Street may be solid for its entire height provided these walls incorporate a combination of at least two of the following features; different materials, differing height, different textures, indentations, portions of visual permeability, landscaping or equivalent. Details of these design features shall be submitted to and approved prior to the issue of a Building Licence;*
- (xx) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the following to improve the interaction with and reduce the visual impact on the streetscape and right of way;*
 - (a) *the carports adjacent to Fitzgerald Street, and Menzies Street ~~and the right of way~~ being 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 main dwelling building wall(s);*
 - (b) *~~design features being incorporated into the eastern walls of the doors to the carports/garages~~ of units, 1, 2, 3, 4, 5, 6, 7 and 8, facing the right of way, incorporating visually permeable window panels above 1.2 metres above grade; and*

- (c) *the unit 8 carport/garages being relocated on site in order to retain the existing eucalyptus tree at the north-western corner of the property only if practicable, and subject to the eucalyptus tree being certified in good condition by a qualified arboriculturist and the tree being able to be accommodated in the proposed relocated courtyard to Unit 8.*

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

Debate ensued.

CARRIED (6-2)

(Mayor Catania was an apology for the meeting.)

<u>For</u>	<u>Against</u>
Deputy Mayor, Cr Ker	Cr Franchina
Cr Chester	Cr Lake
Cr Cohen	
Cr Doran-Wu	
Cr Farrell	
Cr Torre	

COUNCIL DECISION ITEM 10.1.17

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 Oldfield Knott Architects Pty Ltd on behalf of the owner TRG Properties Pty Ltd for proposed additional sixteen (16) two-storey grouped dwellings to existing four (4) single houses on Nos. 489-495 (Lot 200) Fitzgerald Street, dual frontage with Menzies Street, North Perth ,and as shown on the plans stamp dated 13 May 2004, subject to;

- (i) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) *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;*
- (iii) *prior to the first occupation of the development, three (3) visitors car parking bays, shall be clearly marked and signposted for such, visible from the point of entry and outside any security barrier;*
- (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 Fitzgerald Street, Menzies Street and the right of way shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency. The width of any front fence/gate pier shall not exceed 350 millimetres. The walls to the bin store and letterboxes adjacent to Menzies Street may be solid for its entire height provided these walls incorporate a combination of at least two of the following features; different materials, differing height, different textures, indentations, portions of visual permeability, landscaping or equivalent. Details of these design features shall be submitted to and approved prior to the issue of a Building Licence;*

- (v) *a detailed landscaping plan, prepared in consultation with the Town's Parks Services, demonstrating the following:*
- (a) *a schedule of plant species;*
 - (b) *the landscaping and reticulation of the Fitzgerald Street and Menzies Street verges adjacent to the subject property;*
 - (c) *the provision of a minimum of four (4) mature Jacaranda trees (Jacaranda mimosaeifolia.) being a minimum of 500 litres, along the internal driveway;*
 - (d) *a minimum of two (2) variegated Queensland Box trees (Lophostemon confertus) being provided along the Menzies Street verge adjacent to the subject site;*
 - (e) *a minimum of eight (8) mature trees, with a minimum height of 3.0 metres at the time of planting, being provided on the subject property adjacent to the Fitzgerald Street boundary; and*
 - (f) *the retention and ongoing protection of the relocated Jacaranda tree (Jacaranda mimosaeifolia), and the eucalyptus tree at the north-western corner of the property generally where the unit 8 carport is proposed to be located only if practicable, and subject to the eucalyptus tree being certified in good condition by a qualified arboriculturist and the tree being able to be accommodated in the proposed relocated courtyard to Unit 8;*
- 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) *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";*
- (vii) *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;*
- (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 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;*

- (x) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (xi) *a road and verge security bond or bank guarantee of \$1100 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee 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 Division, at the applicant's/owner(s)' full expense;*
- (xiv) *prior to the first occupation of the development, the bin compound shall be constructed in accordance with the Town's Health Services Section's Specifications, divided into commercial and residential areas and sized to contain;*
 - (a) *Residential - 1 x mobile garbage bin per unit; and 1 x general recycle bin per 2 units; and*
 - (b) *Commercial - 1 x mobile garbage bin per unit; and 1 x paper recycle bin per unit, or per 200 square metres of floor space;*
- (xv) *standard visual truncations, in accordance with the Town's Policies and to the satisfaction of the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (xvi) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (xvii) *the car parking bays in a tandem arrangement shall service the respective same residential dwellings;*
- (xviii) *the existing right of way adjoining the development of Menzies Street to Sholl Lane shall be dedicated as a public road in accordance with Section 56 of the Land Administration Act 1997 by the Town, at the applicant's expense, in order to meet the requirements for the installation of public utility services for the dwellings in the proposed development facing the right of way and for the provision of standard street lighting in the right of way;*
- (xix) *prior to issue of a Building Licence the applicant/owner is to pay \$12,000 to the Town for the installation of standard street lighting in the right of way, from the Western Power decorative street lighting range, to the satisfaction of the Town, and to cover any other requirements that the Town sees fit, to meet the right of way dedication requirements. Once these requirements have been met, the applicant/owner can request, in writing, a refund of any remaining funds, (if the works cost less than \$12,000);*

(xx) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the following to improve the interaction with and reduce the visual impact on the streetscape and right of way;*

- (a) *the carports adjacent to Fitzgerald Street, and Menzies Street being one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the main dwelling building wall(s);*
- (b) *the doors to the carports/garages of units, 1, 2, 3, 4, 5, 6, 7 and 8, facing the right of way, incorporating visually permeable window panels above 1.2 metres above grade; and*
- (c) *the unit 8 carport/garages being relocated on site in order to retain the existing eucalyptus tree at the north-western corner of the property only if practicable, and subject to the eucalyptus tree being certified in good condition by a qualified arboriculturist and the tree being able to be accommodated in the proposed relocated courtyard to Unit 8.*

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

(xxi) *subject to first obtaining the consent of the owners of No. 485 (Lot 1) Fitzgerald Street and for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 485 (Lot 1) Fitzgerald Street in a good and clean condition.*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: TRG Properties Pty Ltd
APPLICANT: Oldfield Knott Architects Pty Ltd
ZONING: Metropolitan Region Scheme: Urban and Other Regional Road Reservation
 Town Planning Scheme No 1: Residential R60 and Other Regional Road Reservation
EXISTING LAND USE: Single Houses and Vacant Land

COMPLIANCE:

Use Class	Grouped dwelling, single house
Use Classification	"P" and "P"
Lot Area	4362 square metres

Requirements	Required	Proposed
Plot ratio	0.65 (2835 square metres)	0.58 (2526 square metres)
Density	31 grouped dwellings R60	20 grouped dwellings R45.8 (no density bonus applies)
Side setbacks:		
East-Unit 15	1.0 metre	Nil
East-Unit 16	1.0 metre	Nil
West-Carports to right of way	1.0 metre	0.74 metre

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

SITE HISTORY:

- 17 December 2002 The Council at its Ordinary Meeting refused an application for twenty-eight (28) two-three storey multiple dwellings, including ten (10) single bedroom multiple dwellings, and associated semi-basement car parking, to the existing four (4) grouped dwellings, on the subject property.
- 14 January 2003 The Town received a copy of the Notice of Appeal lodged with the Town Planning Appeal Tribunal (TPAT) against the above Council's refusal of the planning application.
- 7 March 2003 The first sitting of the TPAT on the appeal held.
- 6 May 2003 Hearing of the TPAT on the appeal held.
- 12 June 2003 Decision of TPAT to dismiss the appeal handed down.
- 21 November 2003 Planning application for subject proposal received.
- 15 January 2004 Previous proposal discussed at Elected Members briefing session.
- 10 February 2004 The Council at its Ordinary Meeting refused an application for fourteen (14) two-three storey multiple dwellings, seven (7) two storey grouped dwellings, and associated car parking, to existing four (4) single houses.
- 18 March 2004 Subject proposal discussed at Elected Members briefing session.
- 27 April 2004 The Council at its Ordinary Meeting conditionally approved an application for proposed additional sixteen (16) two-storey grouped dwellings to existing four (4) single houses.

DETAILS:

The proposal is similar to application that was conditionally approved by Council at its Ordinary Meeting held on 27 April 2004 (Item 10.1.9).

Approval is sought for the reconsideration of sub-clauses (a) and (b) of the following condition, which was applied to the previously approved development application:

"(xx) prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the following to improve the interaction with and reduce the visual impact on the streetscape and right of way;

- (a) the carports adjacent to Fitzgerald Street, Menzies Street and the right of way being 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 main dwelling building wall(s);*
- (b) design features being incorporated into the eastern walls of the carports of units, 1, 2, 3, 4, 5, 6, 7 and 8, facing the right of way; and*
- (c) the unit 8 carport being relocated on site in order to retain the existing eucalyptus tree at the north-western corner of the property only if practicable, and subject to the eucalyptus tree being certified in good condition by a qualified arborculturist and the tree being able to be accommodated in the proposed relocated courtyard to Unit 8.*

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

The amended plans propose solid garage doors to all dwellings fronting the right of way. Every second garage door incorporates different materials and design features.

The applicant and owner of the property and a resident on behalf of adjacent residents have submitted letters of justification for support of the proposal. These letters have been included as attachments to this report.

CONSULTATION/ADVERTISING:

The proposal was not advertised as it is identical to a proposal advertised in the past twelve months.

LEGAL/POLICY:

Town of Vincent Town Planning Scheme No.1 and associated Policies, and Residential Design Codes (R Codes).

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Garage Doors to Right of Way

Clause/condition (xviii) of the previous approval and the Officer Recommendation states that the right of way is to be dedicated as a public road. This right of way (future public road) will also have street lighting. There is the potential for future development to address and have access from the right of way (future public road). It is considered that the development of garage doors along this section of the right of way will unduly affect the visual amenity of the streetscape, especially in the future, and as such it is recommended that clause/condition (xx) (a) of the Officer's Recommendation remain unchanged.

There are opportunities to provide different designs of open style gates/panels to achieve not only visual permeability but also individuality and a sense of place.

Other Matters

The other matters relating to the proposed development have been addressed in the report, Item 10.1.9 to the Ordinary Meeting of Council held on 27 April 2004.

Summary

Accordingly, the proposal is recommended for approval, subject to standard and appropriate conditions to address the above matters.

Executive Manager Environmental and Development Services Comments:

The letters of justification for support of the proposal from the applicant and owner of the property and a resident on behalf of adjacent residents can be summarised as follows:

- *"Carports are typically used to store loose items in addition to cars. Eight double carports worth of loose miscellaneous items would create a messy appearance to the street. In inclement weather loose items could be blown into the ROW."*

- *A full 70 metres of bars creates a very oppressive appearance and makes the carports look like cages.*
- *Open bars would greatly compromise the security of the cars within the carports.*
- *A continuous streetscape of bars does not provide for articulation and variety along the length of the elevation.*
- *Closed garages may also assist with noise issues ..."*

Other considerations in support of the new proposal include the following:

- The ground floors of the units 1-8, inclusive, facing the right of way, will have the living room and courtyard fronting the right of way, which will provide interaction and casual surveillance between the units and the right of way.
- The approved eastern walls of the carports of units 1-8, inclusive, facing the right of way have no openings and the adjoining rooms will be used for non-habitable purposes (laundry, water closet, stairs).
- When the right of way becomes a public road, this frontage will become a secondary street to the site. The right of way is currently not dedicated as a public road, hence, is not considered as a secondary street and does not fall under the auspices of the Town's Policy relating to Street Setbacks. Existing and other new developments with vehicular access from the right of way have been approved with roller doors to the garages.

In light of the above considerations, if the Elected Members are inclined to approve the proposal, condition/clause (xx) should be amended as follows;

"(xx) prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the following to improve the interaction with and reduce the visual impact on the streetscape and right of way;

(a) the carports adjacent to Fitzgerald Street, and Menzies Street ~~and the right of way~~ being 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 main dwelling building wall(s);

~~(b) design features being incorporated into the eastern walls of the carports of units, 1, 2, 3, 4, 5, 6, 7 and 8, facing the right of way; and~~

(c) the unit 8 carport being relocated on site in order to retain the existing eucalyptus tree at the north-western corner of the property only if practicable, and subject to the eucalyptus tree being certified in good condition by a qualified arboriculturist and the tree being able to be accommodated in the proposed relocated courtyard to Unit 8.

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

10.1.1 Further Report - Nos. 331-367 (Lots 3,4,11 and 21) Bulwer Street, West Perth –Proposed Development of Beer Garden for the Hyde Park Hotel

Ward:	South	Date:	18 May 2004
Precinct:	Hyde Park, P12	File Ref:	PRO 0539; 00/33/1770
Attachments:	001		
Reporting Officer(s):	R Rasiah, D Brits		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

ALTERNATIVE RECOMMENDATION REQUESTED BY ELECTED MEMBERS:

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 Hillam Architects on behalf of the owner P Higgins, for the proposed development of a beer garden for the Hyde Park Hotel at Nos. 331-367 (Lots 3,4,11 and 21) Bulwer Street, corner Fitzgerald and Lawley Streets, West Perth, and as shown on the plans stamp-dated 4 August 2003, subject to the following conditions:

- (i) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (ii) the Venue Risk Management Plan be updated in conjunction with the Town's Officers and the Western Australian Police Services detailing foreseen risks and treatments, including public liability insurance cover, noise control, litter control, anti-social and crowd control, prior to commencement of construction/renovation works or first occupation of the beer garden area, whichever occurs first;*
- (iii) Officer review in relation to the Venue Risk Management Plan and conditions shall occur after six (6) and twelve (12) months, respectively, unless justified earlier in relation to relevant and substantiated complaints and a report provided to the Chief Executive Officer;*
- (iv) the hours of operation for the beer garden area shall be limited to as follows:
Monday to Thursday- 9am until midnight;
Friday and Saturday- 10am until 1am; and
Sunday- 10am until 10pm inclusive;
however, should justifiable complaints be received, the hours of operation shall be limited to 10.00 pm on week days and 11.00 pm on wee end nights;*
- (v) no live or amplified entertainment/music/noise shall occur in the beer garden area;*
- (vi) no increase in the overall maximum accommodation numbers as a result of the beer garden area or seating, as advised by the applicant;*
- (vii) no alcoholic beverages being served or consumed in the beer garden area, and all practical measures shall be undertaken to ensure that this condition is complied with ;*
- (viii) no patrons shall spill or confer in the car park area, and all practical measures shall be undertaken to ensure that this condition is complied with;*

- (ix) *a maximum of sixty (60) patrons is permitted in the beer garden area at any one time, however this figure will be adjusted downwards should seating arrangements and furniture in the Town's opinion impede on access and egress within the area;*
- (x) *no glassware shall be used in the beer garden area for increased patron safety and to minimise sharps being discarded in the car park areas and surrounding areas;*
- (xi) *no further A-frame advertising Sign Licences shall be issued other than the existing three (3) "A" frame signs, including full compliance with the Town's conditions of use;*
- (xii) *a further application is required to be submitted to and approved by the Town prior to any proposed increase of overall and area specific maximum accommodation numbers for the Hyde Park Hotel;*
- (xiii) *this approval for a beer garden is for a period of 24 months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use; and*
- (xiv) *compliance with all relevant Environmental Health, Engineering and Building requirements, including provision of access, car parking and facilities for people with disabilities;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Torre, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

Moved Cr Cohen, Seconded Cr Lake

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

- "(ii) *the Venue Risk Management Plan be updated in conjunction with the Town's Officers and the Western Australian Police Services detailing foreseen risks and treatments, including public liability insurance cover, noise control, litter control, anti-social behaviour control ~~and~~, crowd control, no patrons spilling or conferring in the carpark area, no serving or consumption of alcohol outside the current licenced areas, and emergency evacuation, prior to commencement of construction/renovation works or first occupation of the beer garden area, whichever occurs first;*"

Debate ensued.

AMENDMENT CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

Moved Cr Doran-Wu, Seconded Cr Lake

That clauses (ii) and (iv) be amended to read as follows:

"(ii) the Venue Risk Management Plan be updated in conjunction with the Town's Officers and the Western Australian Police Services detailing foreseen risks and treatments, including public liability insurance cover, noise control, litter control, anti-social behaviour control, crowd control, no patrons spilling or conferring in the carpark area, no serving or consumption of alcohol outside the current licenced areas, and emergency evacuation, which is to include having a permanent staff member stationed at the door adjoining to beer garden, prior to commencement of construction/renovation works or first occupation of the beer garden area, whichever occurs first;

(iv) in the interest of surrounding residents the hours of operation for the beer garden area shall be limited to as follows:

Monday to Thursday- 9am until ~~midnight~~ 10pm;

Friday and Saturday- 10am until ~~1am~~ 11pm; and

Sunday- 10am until 10pm inclusive;

~~however, should justifiable complaints be received, the hours of operation shall be limited to 10.00 pm on week days and 11.00 pm on week end nights;~~"

Debate ensued.

The Presiding Member ruled that the amendment would be considered in two parts.

Amendment to clause (ii) was put.

AMENDMENT CARRIED (5-3)

(Mayor Catania was an apology for the meeting.)

For

Cr Cohen
Cr Doran-Wu
Cr Farrell
Cr Franchina
Cr Lake

Against

Deputy Mayor, Cr Ker
Cr Chester
Cr Torre

Amendment to clause (iv) was put.

AMENDMENT CARRIED (7-1)

(Mayor Catania was an apology for the meeting.)

For

Deputy Mayor, Cr Ker
Cr Chester
Cr Cohen
Cr Doran-Wu
Cr Farrell
Cr Franchina
Cr Lake

Against

Cr Torre

Moved Cr Torre, Seconded Cr Doran-Wu

That the existing clause (vii) be deleted and replaced with a new clause (vii) and clause (x) be amended as follows:

~~(vii) — no alcoholic beverages being served or consumed in the beer garden area, and all practical measures shall be undertaken to ensure that this condition is complied with;~~

"(vii) should the approved manager apply at some future date for alcohol beverages to be consumed but not sold in the beer garden area during the two (2) year probation period, the Chief Executive Officer is to advise the Director Liquor Licensing of the Council conditions in this regard and request the Director to impose the relevant Council conditions and any additional conditions appropriate so as to achieve the reasonable preservation of the amenity of local residents however conditional approval should include a full review after a twelve (12) month period;

(x) ~~no glassware shall be used in the beer garden area for increased patron safety and~~ all practicable measures are to be taken to minimise sharps being discarded in the car park areas and surrounding areas;"

Debate ensued.

The Presiding Member ruled that the amendment would be considered in two parts.

Amendment to clause (vii) was put.

AMENDMENT CARRIED (5-3)

(Mayor Catania was an apology for the meeting.)

<u>For</u>	<u>Against</u>
Deputy Mayor, Cr Ker	Cr Cohen
Cr Chester	Cr Doran-Wu
Cr Farrell	Cr Lake
Cr Franchina	
Cr Torre	

Amendment to clause (x) was put.

AMENDMENT CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

Moved Cr Chester, Seconded Cr Lake

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

"(xv) the western wall and gate to the development shall be adequately sound insulated prior to the first occupation of the development. The necessary insulation shall be in accordance with the recommendations, developed in conjunction with the Town, of an acoustic consultant registered to conduct noise surveys in accordance with the Environmental Protection Act 1986. Details of this acoustic barrier shall be submitted to and approved by the Town prior to commencement of construction/renovation works or first occupation of the beer garden area, whichever occurs first;"

Debate ensued.

Cr Torre requested the words "as practicable" to be included.

Cr Chester did not agree.

AMENDMENT CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

Moved Cr Lake, Seconded

That the Council authorises the Chief Executive Officer to review the Town's Parking and Access Policy in terms of the car parking requirements for hotels, taverns and night clubs, in light of the recent changes to the Health (Public Buildings) Regulations 1992, which allows for the maximum number of persons that may be accommodated in a public building being reduced from 1 square metre per person to 0.85 square metre per person;

The Presiding Member ruled that he would not accept this as an amendment as it did not relate to the subject development application but was willing to accept it as a subsequent motion.

Moved Cr Lake, Seconded Cr Doran-Wu

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

"(xvi) prior to the issue of a Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of \$39,050 for the equivalent value of 15.62 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's 2003/2004 Budget;"

AMENDMENT CARRIED (6-2)

(Mayor Catania was an apology for the meeting.)

<u>For</u>	<u>Against</u>
Cr Chester	Deputy Mayor, Cr Ker
Cr Cohen	Cr Torre
Cr Doran-Wu	
Cr Farrell	
Cr Franchina	
Cr Lake	

Moved Cr Chester, Seconded Cr Torre

That clause (vi) be amended to add the words "and due to amenity issues of neighbours regarding parking, patron behaviour and noise" after the word "applicant" at the end of the clause.

AMENDMENT CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

MOTION AS AMENDED CARRIED (5-3)

<u>For</u>	<u>Against</u>
Deputy Mayor, Cr Ker	Cr Chester
Cr Doran-Wu	Cr Cohen
Cr Franchina	Cr Farrell
Cr Lake	
Cr Torre	

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 Hillam Architects on behalf of the owner P Higgins, for the proposed development of a beer garden for the Hyde Park Hotel at Nos. 331-367 (Lots 3,4,11 and 21) Bulwer Street, corner Fitzgerald and Lawley Streets, West Perth, and as shown on the plans stamp-dated 4 August 2003, subject to the following conditions:

- (i) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (ii) the Venue Risk Management Plan be updated in conjunction with the Town's Officers and the Western Australian Police Services detailing foreseen risks and treatments, including public liability insurance cover, noise control, litter control, anti-social behaviour control, crowd control, no patrons spilling or conferring in the carpark area, no serving or consumption of alcohol outside the current licenced areas, and emergency evacuation, which is to include having a permanent staff member stationed at the door adjoining to beer garden, prior to commencement of construction/renovation works or first occupation of the beer garden area, whichever occurs first;*
- (iii) Officer review in relation to the Venue Risk Management Plan and conditions shall occur after six (6) and twelve (12) months, respectively, unless justified earlier in relation to relevant and substantiated complaints and a report provided to the Chief Executive Officer;*
- (iv) in the interest of surrounding residents the hours of operation for the beer garden area shall be limited to as follows:
Monday to Thursday- 9am until 10pm;
Friday and Saturday- 10am until 11pm; and
Sunday- 10am until 10pm inclusive;*
- (v) no live or amplified entertainment/music/noise shall occur in the beer garden area;*
- (vi) no increase in the overall maximum accommodation numbers as a result of the beer garden area or seating, as advised by the applicant, and due to amenity issues of neighbours regarding parking, patron behaviour and noise;*
- (vii) should the approved manager apply at some future date for alcohol beverages to be consumed but not sold in the beer garden area during the two (2) year probation period, the Chief Executive Officer is to advise the Director Liquor Licensing of the Council conditions in this regard and request the Director to impose the relevant Council conditions and any additional conditions appropriate so as to achieve the reasonable preservation of the amenity of local residents however conditional approval should include a full review after a twelve (12) month period;*

- (viii) *no patrons shall spill or confer in the car park area, and all practical measures shall be undertaken to ensure that this condition is complied with;*
- (ix) *a maximum of sixty (60) patrons is permitted in the beer garden area at any one time, however this figure will be adjusted downwards should seating arrangements and furniture in the Town's opinion impede on access and egress within the area;*
- (x) *all practicable measures are to be taken to minimise sharps being discarded in the car park areas and surrounding areas;*
- (xi) *no further A-frame advertising Sign Licences shall be issued other than the existing three (3) "A" frame signs, including full compliance with the Town's conditions of use;*
- (xii) *a further application is required to be submitted to and approved by the Town prior to any proposed increase of overall and area specific maximum accommodation numbers for the Hyde Park Hotel;*
- (xiii) *this approval for a beer garden is for a period of 24 months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use;*
- (xiv) *compliance with all relevant Environmental Health, Engineering and Building requirements, including provision of access, car parking and facilities for people with disabilities;*
- (xv) *the western wall and gate to the development shall be adequately sound insulated prior to the first occupation of the development. The necessary insulation shall be in accordance with the recommendations, developed in conjunction with the Town, of an acoustic consultant registered to conduct noise surveys in accordance with the Environmental Protection Act 1986. Details of this acoustic barrier shall be submitted to and approved by the Town prior to commencement of construction/renovation works or first occupation of the beer garden area, whichever occurs first; and*
- (xvi) *prior to the issue of a Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of \$39,050 for the equivalent value of 15.62 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's 2003/2004 Budget;*

to the satisfaction of the Chief Executive Officer.

ADDITIONAL INFORMATION:

Councillor Helen Doran-Wu posed the following question in addition to the above proposed amendments: *"A resident has suggested that the beer garden be renamed to as not to create an impression that the area is for drinking when the condition is that it is for non drinking purposes. Is this feasible? What would it be called?"*

Comment by Health Services

In the most recent correspondence dated 14 May 2004 the Hotel/Approved Manager Paul Higgins refers to the area as the *"Courtyard"*, however he request permission for alcohol to be consumed (not sold) in this area.

Question posed by **Councillor Helen Doran-Wu**: *"What happens in the case of the Liquor Licensing Board approving a liquor licence, however, in future, the area is taken away due to inappropriate behaviour, for example. Can the fact that a licence has been granted over rule the closure?"*

Comment by Health Services

The Liquor Licensing Division is sensitive to Council conditions and requests, and when they receive an application will refer it to Council for comment. Council decides in relation to use. Additionally, a member of the public or Council can lodge a formal complaint at any time against a licensed establishment or area.

Councillor Ian Ker posed the following questions:

1. *"How can you have a 'beer garden' in which alcoholic beverages cannot be consumed?"*
2. *"Do we have any other outdoor drinking areas in the Town where alcohol is forbidden and glassware cannot be used?"*
3. *"Who is going to use the Claytons beer garden under these conditions and if no one uses it why would the owner invest in improving the amenity of the area?"*

Comment by Health Services

In relation to these questions our comment is as follows:

1. Council will have to make a determination if conditional consent for consumption is acceptable or not;
2. No, subsequently alternative recommendations have been formulated for consideration;
3. Upon Council finalising the resolution the Applicant will have to decide accordingly.

HOTEL	RESTRICTIONS	BEERGARDEN HOURS
LEEDERVILLE HOTEL	None relating to service or consumption of alcohol. No restriction on use of glassware.	Mon- Sat inclusive until midnight Sunday – 10.00pm <i>* N.B Extended hours are granted internally only on Friday, Saturday and Sunday nights.</i>
PADDINGTON ALEHOUSE	None relating to service or consumption of alcohol. No restriction on use of glassware.	Mon to Thursday - midnight Fri & Sat – 1.00am Sunday – 11.00pm
OXFORD HOTEL	None relating to service or consumption of alcohol. No restriction on use of glassware.	Mon to Sat - midnight Sunday – 10.00pm
ROSEMOUNT HOTEL	None relating to service or consumption of alcohol. No restriction on use of glassware.	Mon to Sat - midnight Sunday – 10.00pm <i>* N.B Extended hours are granted internally only on Friday, Saturday and Sunday nights.</i>

FURTHER REPORT:

The above proposal was further deferred at the Ordinary Meeting of Council (OMC) held on 11 May 2004, to allow for an alternative recommendation to be prepared with the appropriate conditions, as requested by Elected Members.

The applicant's consultant, Planning Solutions (Aust.) Pty Ltd have advised by facsimile dated 11 May 2004 (previously provided to Elected Members) further justification in support of their proposal. Additional information dated 14 May 2004 has been received from the owners and is "*Laid on the Table*" detailing existing liquor licence, maximum accommodation numbers, venue plan management, public liability insurance and the acoustic details of the music. Other supporting information which was provided by the applicant and included at the Ordinary Meeting of Council held on 11 May 2004 is also "*Laid on the Table*".

The Town's Health Services considered the above comments provided by the consultants and have recommended appropriate conditions for the alternative recommendation requested by the Elected Members.

The area where the beer garden is proposed is not part of the existing licensed premises, therefore alcohol is currently not allowed to be sold, served or consumed in this area.

The Department of Racing Gaming and Liquor (DRGL) has advised that following approval being granted by the Town for this beer garden area, the licensee is able to lodge an application with them. At this stage, they would then request comment from the Town and Police Services, and would consider any comments/conditions that the respective parties recommend. Should the Council request a condition that sale, service and consumption of liquor are not permitted in the beer garden area, DRGL would give due consideration and may support this. However, it should be noted that during a discussion with DRGL it was concluded that this condition would be difficult for the Hotel to maintain compliance with, as patrons will tend to ignore the Hotel restrictions of this nature. To avoid the possibility of a fine from DRGL, the Hotel would have to permanently station a staff member on the entrance to the beer garden - for a relatively small area this may not be practical.

The Town's Planning and Building Services advise that as the yard is unsightly, the owners should take steps to "spruce up" the area for the benefit of clients and the residents in the area, rather than use the development proposal as the only method of upgrading the yard, and yet not provide any additional car parking. It is reiterated that the applicant can at anytime apply to the Town to consider increases to patron numbers due to the recent changes to the Health (Public Buildings) Regulation 1992, which allows for the maximum number of persons that may be accommodated within a public building, which has been increased from 1 square metre per person to 0.85 square metre per person. It is to be further noted that there have been objections from nearby residents concerning the difficulty in getting street car parking surrounding the Hyde Park Hotel during certain times of the day.

The Town's Law and Order Services advise that approval has been given for 3 "A" frame signs (one each) for the three streets surrounding the Hyde Park Hotel, and as such the existing signage is to be used for all venue advertising. On the above basis, no further "A" frame sign would be supported by officers for the above site.

The following is a verbatim copy of the minutes of the Item placed before the Council at its Ordinary Meeting held on 11 May 2004:

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Hillam Architects on behalf of the owner P Higgins, for the proposed development of a beer garden for the Hyde Park Hotel at Nos.331-367 (Lots 3,4,11 and 21) Bulwer Street, corner Fitzgerald and Lawley Streets, West Perth, as shown on the plans stamp-dated 4 August 2003, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the Hyde Park Precinct Policy and car park requirements of the Town's Policy relating to Parking and Access; and*

(iii) *consideration of the objections received.*

COUNCIL DECISION ITEM 10.1.2

Moved Cr Doran-Wu, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Doran-Wu

That the Item be DEFERRED to allow for an alternative recommendation to be prepared with the appropriate conditions.

CARRIED (8-1)

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

FURTHER REPORT:

The above proposal was deferred at the Ordinary Meeting of Council on 23 March 2004, at the request of the applicant. The property owner through their Planning Consultants, requested the Town's Officers on 28 April 2004 to present the above development proposal to the Ordinary Meeting of Council on 11 May 2004 for reconsideration. The Planning Consultants have further advised that no additional information is being presented. In addition, there has been no further consultation between the Town's Officers and the owner/applicants with regard to the above proposal.

The Town is also in the process of reviewing its car parking requirements for "hotel" and the issue of "cash-in-lieu for car parking", which was the subject of a Notice of Motion at the Ordinary Meeting of Council held on 27 April 2004. Both matters are scheduled to be reported to an Ordinary Meeting of Council in June 2004.

In light of the above, the previous Officer Recommendation for refusal remains the same.

The following is a verbatim copy of the minutes of the Item placed before the Council at its Ordinary Meeting held on 23 March 2004:

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Hillam Architects on behalf of the owner P Higgins, for the proposed development of a beer garden for the Hyde Park Hotel at Nos.331-367 (Lots 3,4,11 and 21) Bulwer Street corner Fitzgerald and Lawley Streets, West Perth, as shown on the plans stamp-dated 4 August 2003, for the following reasons:

- (i) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) *the non-compliance with the Hyde Park Precinct Policy and car park requirements of the Town's Policy relating to Parking and Access; and*
- (iii) *consideration of the objections received.*

COUNCIL DECISION ITEM 10.1.11

Moved Cr Lake, Seconded Cr Cohen

That Item be DEFERRED as requested by the applicant.

CARRIED (6-0)

(Cr Ker on approved leave of absence. Crs Farrell and Torre were apologies for the Meeting.)

LANDOWNER: *P Higgins*
 APPLICANT: *Hillam Architects*
 ZONING: *Metropolitan Region Scheme - Urban*
Town Planning Scheme No. 1 - Commercial
 EXISTING LAND USE: *Hotel*

COMPLIANCE:

<i>Requirements</i>	<i>Proposed</i>	<i>Required</i>
<i>Car parking</i>	<i>124+12.93 (previous approved shortfall)= 136.93 car bays</i>	<i>139.62 + 12.93 (previous shortfall) =152.55 car bays</i>

<i>Use Class</i>	<i>Hotel</i>
<i>Use Classification</i>	<i>"SA"</i>
<i>Lot Area</i>	<i>4987 square metres</i>

SITE HISTORY:

The Hyde Park Hotel is a long established business on the subject property, which has undergone various internal and external modifications since its establishment. The most recent Planning Approval was granted at the Ordinary Meeting of Council held on 23 May 2000 for proposed additions and alterations to existing hotel.

DETAILS:

The applicant seeks approval for the conversion of the current service area into a beer garden.

Details of the proposal (attached) have been provided by the owner of the subject site and are summarised as follows:

- *It is proposed that an area is created to provide chairs, tables and some limited standing room for patrons;*

- *Drink service to the beer-garden will still be from the current bar area and drinks will not be served outside the designated area. There will be no alcohol served in the beer garden;*
- *The proposed hours of operation would be the same at Fitzie's Bar which are:
Monday to Thursday- 9am until midnight
Friday and Saturday- 10am until 1am
Sunday- 10am until 10pm;*
- *The area is intended to accommodate a numbers. There will be no increase in the number of patrons permitted under the Hotel's existing Liquor Licence;*
- *The only staff component would be for staff collecting glasses and generally tidying the area as there will be no bar service in the area;*
- *Background radio style music is proposed in the beer garden;*
- *There will be no live entertainment in the area which would require the use of amplifiers and associated equipment;*
- *Sliding gates are to be provided to further secure the site; and*
- *There are seven (7) bedrooms upstairs, six (6) are single bed rooms and one (1) being a double room. The occupancy rate is low with only a maximum of three (3) rooms being occupied. The rooms are not available to the public and are used by friends and relatives of the owners. The rooms do not form part of the commercial operation of the hotel, and as such should not be taken into account for calculating car parking purposes.*

CONSULTATION/ADVERTISING:

The proposal was initially advertised for 21 days as part of the "SA" advertising requirements. Three (3) submissions were received during the advertising period.

Furthermore, a petition with 15 signatures was tabled at the Ordinary Meeting of Council held on 24 February 2004. The petition was signed by local residents and objected to the subject development application.

The owners have further submitted site plans signed by the 2 adjoining landowners and 2 occupiers supporting the above proposal.

The main points raised in the submissions and the petition are as follows:

- *Difficult for residents to find on-street parking for themselves;*
- *Patrons parking blocking resident driveways;*
- *Difficulty in exiting/entering property due to number of vehicles parked on the streets;*
- *Potential for patrons to spill out of the proposed beer garden and start drinking in the car park and in the streets. Plans submitted do not indicate how patrons will be prevented from leaving the designated beer garden;*
- *Increase in noise level, which currently includes abusive language from patrons which would be a disturbance to residents. There are already problems with patrons coming and going to the Hyde Park Hotel. Complaints have been lodged with the owners of the Hyde Park Hotel about noise levels in the past. At the Liquor Licensing Tribunal on 9 May 2003, the Owner of the Hyde Park Hotel was informed of the noise complaints coming from the Hotel;*
- *Inadequate staffing levels. The staff employed would be only for collecting glasses and general tidying;*
- *The current background radio style music may be changed at a latter date to include live entertainment; and*

- *Council approval should not be granted until approval is given by Liquor Licensing. Concerned that if approved, the conditions imposed will not be adhered to based on past experience.*

In response to the above issues, the owners/applicants have submitted a detailed written submission (attached) which is summarised as follows:

- *The proposal does not seek to increase the number of patrons permitted under the Hotel's existing liquor licence;*
- *The three closest adjoining residential landowners have consented to the proposed development;*
- *Overspill of car parking is not an issue as the number of patrons using the hotel will not increase. Use of the existing car park by non-patrons of the hotel is an issue Council needs to address by rationalising public car parking in the area;*
- *A sliding gate of robust construction will allow for complete control of accesses and egress to the beer garden. Antisocial behaviour from patrons drinking in the car park and/or in nearby streets is not a relevant consideration;*
- *The prime role of the beer garden is to provide a space for smokers to congregate without leaving the Hyde Park Hotel premises. The beer garden is over 60 metres from the nearest residential property and will be screened from view by the security gate;*
- *It is emphasised no live music will be performed in the proposed beer garden. Council can condition this appropriately if they wish;*
- *The proposed beer garden will replace an existing storage yard to the rear of the hotel. Currently, the yard is visually unattractive and detracts from the overall amenity of the area;*
- *The beer garden will be enclosed on three sides, with a sliding gate along the remaining side to prevent patrons "spilling out" into the car park;*
- *The proposed beer garden will provide an area for patrons to smoke, rather than leaving the hotel premises to smoke outside on abutting residential streets;*
- *The beer garden is necessary for the Hyde Park Hotel to effectively compete with nearby competitors such as Oxford Hotel, Leederville Hotel and the Queens Tavern which all provide beer gardens;*
- *Nearby commercial land uses and sporting clubs are currently using the Hyde Park Hotel car park for parking. It is inequitable and inappropriate to impose additional car parking requirements on the proponent;*
- *The existing provision of 124 parking bays on-site adequately meets parking demands generated by the hotel's operation. It is physically impossible to provide additional bays over and above the existing, adequate car parking provision;*
- *Imposition of a cash in lieu scenario for the car bay shortfall will destroy the economic viability of the proposed beer garden;*
- *It is inequitable to use the proposed development to retrospectively recalculate the car parking requirements for the subject site;*
- *Parking requirements should be calculated based on the number of patrons permitted within the subject site;*
- *There are public car parking areas in the immediate vicinity, including 125 bays to the rear of the Italian Club and in excess of 25 bays on the verge area of Lawley Street;*
- *The proponent proposes to provide secure bicycle parking facilities in an appropriate location at the rear of the hotel; and*
- *Council is requested to exercise its discretion under Town Planning Scheme No.1 to approve the above proposal without the need to provide for additional car parking, in the interest of orderly and proper planning.*

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Commercial Car Parking Requirements

<i>Requirements as per Parking and Access Policy</i>	<i>Required No. of Car bays</i>
<i>Hotel: 1 car bay per 4.5 square metres gross public assembly area (existing 821 square metres).</i>	<i>182.4 car bays</i>
<i>Hotel: 1 car bay per 4.5 square metres gross public assembly area (proposed 95 square metres)</i>	<i>21.11 car bays</i>
<i>Hotel: 1 space per bedroom or 1 space per 3 beds provided, whichever is greater (7 bedrooms)</i>	<i>7</i>
	<i>(Total carbays-210.51)</i>
<i>Total car parking required before adjustment factor (nearest whole number)</i>	<i>211 car bays</i>
<i>Apply the parking adjustment factors:</i>	<i>(0.723)</i>
<ul style="list-style-type: none"> ▪ <i>0.85 (within 400 metres of a bus stop)</i> ▪ <i>0.85 (within 400 metres of one or more public car parks in excess of 75 spaces)</i> 	<i>152.55 car bays</i>
<i>Car parking provided on-site for commercial component</i>	<i>124 car bays</i>
<i>Car parking shortfall applying to site</i>	<i>12.93 car bays</i>
<i>Resultant shortfall</i>	<i>15.62 car bays</i>

The hotel rooms have been taken into account for car parking purposes as it is a requirement under the Town's Parking and Access Policy 3.7.1, as the rooms at anytime can potentially be rented out to the public.

From the above Car parking Table, it can be seen that the current shortfall applying to the site is further increased as a result of the above beer garden extensions. The owners of the Hyde Park Hotel have also clearly stated that cash in lieu is not economically feasible in this instance.

Even after applying the adjustment factors as per Policy 3.7.1 "Parking and Access", there is still a deficit in car parking provided on-site.

Furthermore in the Hyde Park Precinct Policy, in the "Commercial" zone, "adequate car parking is to be provided on-site to ensure that unreasonable parking does not spill into adjacent residential streets."

Bicycle Parking Facilities:

<i>Requirements</i>	<i>Required</i>	<i>Provided</i>
<i>Hotel 1 space per 25 (existing 821) square metres floor area for employees/resident (class 1 or 2); and 1 space per 100 (proposed 95) square metres, lounge, beer garden for employees/resident (class 1 or 2).</i>	<i>32 space 1 space</i>	<i>Bicycle parking is to be provided for, while not shown on plans</i>
<i>Hotel 1 space per 25 (existing 821) square metres gross floor area for visitor/shopper (class 3); and 1 space per 100 (proposed 95) square metres of lounge, beer garden (class 3).</i>	<i>32spaces 1 space</i>	

As the increase is for the beer garden of 95 square metres, it is considered reasonable that the bicycle parking requirements be applied to this area and not to the existing floor area of the hotel. As such, one (1) class 1 or 2 and one (1) class 3 bicycle parking facility is required in this instance. The owners/applicants have agreed to provide the required bicycle parking facilities.

Noise

Town's Health Services does not support amplified music/live entertainment externally in the beer garden (only acoustic instruments). If the application was supported, an appropriate condition could be included on the approval to ensure the beer garden is not used for live entertainment.

The noise levels associated with patrons entering and leaving the premises is a Police/security/anti-social behaviour matter.

Comments in response to the owners/applicant's submission

As per the Town's Policy 3.7.1 regarding Parking and Access, parking requirements are calculated based on the floor area of a development. Fundamentally, the beer garden is proposing to increase the floor area of the hotel by 95 square metres therefore additional parking is required.

The proponents argument that no additional parking is required as the number of patrons permitted in the hotel will not be increased is not a valid planning concern, as parking requirements are calculated based on the floor area of a development. The applicant has stated in the submission they are not prepared to consider making a cash-in-lieu payment to the Town for the 15.62 parking bay shortfall. It is to be noted that recent changes to the Health (Public Buildings) Regulations 1992 allows for the maximum number of persons that may be accommodated in a public building being reduced from 1 square metre per person to 0.85 square metre per person. It is to be further noted that there is no absolute guarantee that the owners of the Hyde Park Hotel will not apply for an increase in patron numbers in the future, as they have indicated that the Hotel industry is a highly competitive environment.

Verge Parking along Lawley Street is not a formal public parking area. The verge is landscaped with no hardstand parking embayments provided. The verge area therefore can not be used in calculations for parking requirements for the hotel.

The applicants have also claimed that patrons from the nearby Italian Club and the Dorrien Gardens Soccer Ground have also contributed to the car parking issues in the area. Whilst this may be the case, however it is the proposed increase in floor area within the Hyde Park Hotel that needs to be determined.

One of the main issues raised by residents in the petition and submissions to Council is the existing parking difficulties along residential streets adjoining the hotel. Parking for the hotel should predominant be contained within the site with overspill onto surrounding residential streets minimised. Approval of the beer gardens with a parking shortfall is not considered to be consistent with the orderly and proper planning and the preservation of the amenities of the locality.

In light of the above and consideration of the submissions received, it is recommended the application be refused for the reasons outlined in the Officer Recommendation."

10.1.14 No. 1 (Lot 2) Bream Cove, Corner Joel Terrace, Mount Lawley - Proposed Two-Storey Single House

Ward:	South	Date:	17 May 2004
Precinct:	Banks, P15	File Ref:	PRO1926; 00/33/2208
Attachments:	001		
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 Cornerstone on behalf of the owners G and E R Merenda, for proposed two-storey single house at No. 1 (Lot 2) Bream Cove, corner Joel Terrace, Mount Lawley, and as shown on plans stamp dated 7 May 2004, subject to:

- (i) 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 Bream Cove and Joel Terrace, shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iii) the construction of crossovers shall be in accordance with the Town's specifications;*
- (iv) a road and verge security deposit bond and/or bank guarantee of \$1100 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (v) details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (vi) 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;*
- (vii) compliance with all relevant Building, Engineering and Environmental Health requirements;*
- (viii) a Certified Practising Consulting Engineer's certification as to the capability of the subject site and adequacy of the proposed foundations, for the development, taking into account the geotechnical and/or hydrogeological composition and history of the site, shall be submitted and approved prior to the issue of a Building Licence; and*

(ix) *standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular access ways to ensure that the safety of pedestrians and other road users is not compromised;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.14

Moved Cr Cohen, Seconded Cr Lake

That the recommendation be adopted.

Cr Doran-Wu departed the Chamber at 8.35pm.

Debate ensued

Cr Doran-Wu returned to the Chamber at 8.36pm.

CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

LANDOWNER: G and E R Merenda
APPLICANT: Cornerstone
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No.1 – Residential R20
EXISTING LAND USE: Vacant

COMPLIANCE:

Requirements	Required	Proposed
Setbacks - South western boundary	2 metres	1.9 metres
Maximum Finished Floor Level	House to have maximum finished floor level of 6.4 metres AHD, garage to have finished floor level of 6.97 metres AHD.	Garage has finished floor level of 6.6 metres AHD, the western portion of the dwelling has a finished floor level of 6.686 metres AHD and the remainder of the dwelling has finished floor level of 6.343 metres AHD.
Plot Ratio	N/A	N/A

Use Class	Single House
Use Classification	'P'
Lot Area	345 square metres

SITE HISTORY:

The subject lot was created as part of the subdivision of Lots 229-232 Pakenham Street, commonly known as the "Walters Brook" subdivision.

- 26 February 2002 The Council, at its Ordinary Meeting, conditionally approved a development application for a two-storey single house subject to several conditions including the following conditions:
- "(i) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the finished ground level of the driveway and the finished floor level of the garage not exceeding 6.97 metres based on Australian Height Datum (AHD) and the finished ground level of the remainder of the lot and the finished floor level of the ground floor of the proposed dwelling not exceeding 6.40 metres AHD;*
 - (b) *the setback of the dwelling to the secondary street (Bream Cove) being increased to a minimum of 1.5 metres; and*
 - (c) *a private open space area with a minimum area of 20 square metres and a minimum side dimension of 4 metres being provided.*
- 25 June 2002 The Council at its Ordinary Meeting conditionally approved a similar application at the subject property, without condition (i) from Council's resolution on 26 February 2002. This development, however, did not proceed.
- 9 March 2004 The Council at its Ordinary Meeting conditionally approved a proposed two-storey single house at No. 1 (Lot 2) Bream Cove, corner Joel Terrace, Mount Lawley, subject to several conditions including the following condition:
- "(x) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the finished ground level of the driveway and the finished floor level of the garage not exceeding 6.97 metres based on Australian Height Datum (AHD) and the finished ground level of the remainder of the lot and the finished floor level of the ground floor of the proposed dwelling not exceeding 6.4 metres AHD. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;"*

DETAILS:

The lot is currently vacant. The proposed dwelling is two-storeys high with no walls proposed on the boundary. Vehicular access is from Bream Cove. The subject application is for a similar proposal to that considered at the Ordinary Meeting of Council held on 9 March 2004, mainly to request Council to reconsider condition (x) of the previous approval.

CONSULTATION/ADVERTISING:

The proposal was not readvertised as it does not involve further variations to the relevant development requirements compared to the previous proposal, which was advertised in the past 12 months.

No submissions were received during the original consultation period, however two people spoke at the Ordinary Meeting of Council. They stated that decisions should be consistent in regard to the finished floor levels, as they were made to lower their finished floor levels when they built and they do not want their amenity compromised by increased retaining walls along the boundaries.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies, and Residential Design Codes (R Codes).

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

AHD Levels

The applicant has requested that the Council support the proposed finished floor levels. The finished floor levels are predominantly at, or below, the current natural ground level. The proposed kitchen, dining and family rooms are designed to step down to follow the existing fall over the land, and are lower than the garage, study/guest and media room.

The applicant has met with Elected Members, Executive Manager Environmental and Development Services and Executive Manager Technical Services on-site to discuss the finished floor levels. The adjoining dwellings have been built and it was possible to compare the current ground level to the adjoining built finished floor levels, and how it would relate to the approved development's finished floor levels.

It was determined that the proposed levels would not detrimentally affect the amenity of the adjoining owners. Accordingly, the proposed finished floor levels are supported.

Related Matters

The other matters relating to the proposal have been addressed in Item 10.1.8 to the Ordinary Meeting of Council held on 9 March 2004.

Summary

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

11.1 Notice of Motion – Councillor Helen Doran-Wu - Margaret Pre-School

That the Council;

- (i) *AUTHORISES the Chief Executive Officer to investigate with the Margaret Pre-School the various options available to fund their requested improvements to the landscaping in the Margaret Pre-School surrounds; and*
- (ii) *RECEIVES a further report on the matter at the conclusion of the investigations.*

Moved Cr Doran-Wu, Seconded Cr Farrell

That the motion be adopted.

Debate ensued.

Cr Torre departed the Chamber at 8.37pm.
Cr Torre returned to the Chamber at 8.38pm.

Moved Cr Doran-Wu, Seconded Cr Torre

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

"(ii) RECEIVES a further report by the first meeting in August 2004 on the matter at the conclusion of the investigations."

AMENDMENT CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

MOTION AS AMENDED CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

COUNCIL DECISION ITEM 11.1

That the Council;

- (i) *AUTHORISES the Chief Executive Officer to investigate with the Margaret Pre-School the various options available to fund their requested improvements to the landscaping in the Margaret Pre-School surrounds; and*
 - (ii) *RECEIVES a further report by the first meeting in August 2004.*
-

10.1.22 No. 49 (Lots 228 & 229) Hobart Street, North Perth - Proposed Demolition of Existing Single House

Ward:	North	Date:	17 May 2004
Precinct:	North Perth, P8	File Ref:	PRO2672; 00/33/2033
Attachments:	001		
Reporting Officer(s):	N Edgecombe		
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, the Council REFUSES the application stamp-dated 27 April 2004, submitted by the landowner M Boswood for the proposed demolition of the existing dwelling on No. 49 (Lots 228 and 229) Hobart Street, North Perth; for the following reasons:*
- (a) *the proposal 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*
- (b) *the existing place has cultural heritage significance in terms of its representative, scientific and rarity values;*
- (ii) *the Council ADVISES the landowner that it is prepared to give consideration to a development proposal, which includes the retention and upgrading of the existing dwelling on the site; and*
- (iii) *the Council REFERS the place at No. 49 (Lots 228 & 229) Hobart Street, North Perth, to the Hocking Planning and Architecture Collaboration for consideration for listing on the Town of Vincent Municipal Heritage Inventory as part of the current review of the Inventory.*

COUNCIL DECISION ITEM 10.1.22

Moved Cr Lake, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

LOST (0-8)

(Mayor Catania was an apology for the meeting.)

Reasons:

1. The heritage significance would be significantly eroded by adaptation to modern living standards.

Moved Cr Cohen, Seconded Cr Torre

ALTERNATIVE 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 stamp-dated 27 April 2004, submitted by the landowner M Boswood for the proposed demolition of the existing dwelling on No. 49 (Lots 228 and 229) Hobart Street, North Perth, subject to:

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (ii) an archival documented record of the place including a rigorous archive of the internal fabric and features especially the iron sheet cladding to the internal walls and ceilings, photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) a development proposal for the redevelopment of the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
- (iv) support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
- (v) demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies for the retention of existing dwellings valued by the community;*
- (vi) any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies; and*
- (vii) compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

LANDOWNER:	MJ Boswood
APPLICANT:	MJ Boswood
ZONING:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 -Residential R20
EXISTING LAND USE:	Single House
LOT AREA:	906 square metres
SITE HISTORY:	

The site is occupied by a single storey timber weatherboard and iron dwelling, constructed in North Perth in the mid 1920s.

DETAILS:

Approval is sought for the demolition of the existing dwelling.

CONSULTATION/ADVERTISING:

Demolition applications are not required to be advertised.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

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

The subject dwelling at No. 49 Hobart Street, North Perth is a timber weatherboard and iron dwelling believed to have been constructed in Kalgoorlie and transported to North Perth in the mid 1920s. The floor plan consists of six rooms with a central hallway, under a hipped short sheet iron roof. A wooden verandah extends across the extent of the front of the dwelling and is covered by a flat corrugated iron awning. The original form and style of the building appear to remain intact. Jarrah weatherboards are present to the façade and all elevations of the dwelling. The front and rear elevations are painted. It appears most of the internal fittings and features remain in situ, including all doors, skirting boards, double hung sash windows, metal air vents, fireplaces and the interior iron sheet surface cladding on the internal walls and ceilings.

Although the place is not listed on the Town of Vincent Interim Heritage Database, the place is considered to have *some* cultural heritage significance in terms of the *scientific value* of the interior iron sheet surface cladding, which is considered unusual. The exterior weatherboard cladding is a building material which is also considered to be diminishing in the Town. The dwelling is representative of a type of dwelling constructed of a fabric and scale no longer in practice and is considered to have *little to some rarity value*. The place is considered to meet the threshold for consideration for entry into the Town of Vincent Municipal Heritage Inventory.

The subject dwelling contributes to the streetscape in terms of general form, scale and presentation of the street. In light of the above, it is recommended that the application for the demolition of the existing dwelling be refused.

10.1.20 No. 45 (Lot 213) Sasse Avenue, Corner Ambleside Avenue, Mount Hawthorn – Proposed Fence and Patio Additions to Existing Single House

Ward:	North	Date:	14 May 2004
Precinct:	Mount Hawthorn, P1	File Ref:	PRO2752; 00/33/2142
Attachments:	001		
Reporting Officer(s):	P Mastrodomenico		
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, the Council APPROVES the application submitted by the owners K Arcus and A Nowacki for proposed patio addition to existing single house at No.45 (Lot 213) Sasse Avenue, corner Ambleside Avenue, Mount Hawthorn, and as shown on the plans stamp-dated 17 March 2004, 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 bond or bank guarantee of \$220 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing; and*
- (c) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer; and

(ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by the owners K Arcus and A Nowacki for proposed fence additions to existing single house at No.45 (Lot 213) Sasse Avenue, corner Ambleside Avenue, Mount Hawthorn, and as shown on the plans stamp-dated 17 March 2004, for the following reasons:*

- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (b) *the non-compliance with the Town's Policy relating to Street Walls and Fence.*

Moved Cr Lake, Seconded Cr Torre

That the recommendation be adopted.

The Presiding Member ruled that the recommendation would be considered in two parts.

Debate ensued.

Clause (i) was put.

CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

Clause (ii) was put.

LOST (0-8)

(Mayor Catania was an apology for the meeting.)

Reasons:

1. Loss of amenity.
2. Fence is on a secondary street.
3. Amenity for private open space.
4. Concerns raised by applicant in terms of safety.

ALTERNATIVE CLAUSE (ii)

Moved Cr Lake, Seconded Cr Farrell

(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 the owners K Arcus and A Nowacki for proposed fence additions to existing single house at No.45 (Lot 213) Sasse Avenue, corner Ambleside Avenue, Mount Hawthorn, and as shown on the plans stamp-dated 17 March 2004, subject to:

- (a) 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 Sasse Avenue shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;***
- (b) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division; and***
- (c) compliance with all relevant Environmental Health, Engineering and Building requirements;***

to the satisfaction of the Chief Executive Officer.

CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

COUNCIL DECISION ITEM 10.1.20

That;

(i) in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners K Arcus and A Nowacki for proposed patio addition to existing single house at No.45 (Lot 213) Sasse Avenue, corner Ambleside Avenue, Mount Hawthorn, and as shown on the plans stamp-dated 17 March 2004, 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 bond or bank guarantee of \$220 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing; and*
- (c) compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer; 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 the owners K Arcus and A Nowacki for proposed fence additions to existing single house at No.45 (Lot 213) Sasse Avenue, corner Ambleside Avenue, Mount Hawthorn, and as shown on the plans stamp-dated 17 March 2004, subject to:

- (a) 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 Sasse Avenue shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (b) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division; and*
- (c) compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER:	K Arcus and A Nowacki
APPLICANT:	K Arcus
ZONING:	Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 - Residential R30
EXISTING LAND USE:	Single house

COMPLIANCE:

Requirements	Required	Proposed
Front Fence	Solid up to 1.2 metres, with above being 50 percent visual permeable to a height of 1.8 metres	Solid up to 1.8 metres
Plot Ratio	N/A	N/A

Use Class	Single House
Use Classification	"P"
Lot Area	377 square metres

SITE HISTORY:

The subject property fronts Sasse Avenue.

DETAILS:

The applicant seeks approval for a solid fence up to 1.8 metres in height. The proposed fence will be constructed from rendered cement with a timber door facing Sasse Avenue. A 4.5 metres by 4.5 metres patio is also proposed to the rear of the property.

CONSULTATION/ADVERTISING:

There was one objection received during the advertising period. Issues raised included the concerns over the finish of the fence on the adjacent property.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies, and the Residential Design Codes (R-Codes).

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The proposed patio complies with the Town's requirements. It is recommended that the proposal for the patio be approved subject to appropriate and standard conditions, and the proposed fence be refused as it is considered to unreasonably adversely affect the amenity and streetscape of the area, mainly by discouraging easy and compatible interaction and casual surveillance between the development and the street.

10.1.9 No. 622 (Lot 1) Newcastle Street, North Perth LEEDERVILLE - Increase in Number of Students and Hours of Operation to Existing Shop and Music Tuition Classes (Application for Retrospective Planning Approval)

Ward:	South	Date:	18 May 2004
Precinct:	Oxford Centre, P4	File Ref:	PRO0772; 00/33/2153
Attachments:	001		
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 I Campbell on behalf of the owner S Gabriel, for proposed increase in number of students and hours of operation to existing shop and music tuition classes (application for retrospective Planning Approval) at No. 622 (Lot 1) Newcastle Street, ~~North Perth~~ Leederville, and as shown on plans stamp dated 23 March 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) this approval is for a period of 6 months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use;*
- (iii) within a 28 day period from the date of Planning Approval notification being issued, or alternative time frame as agreed in writing with the Town's Officers, the applicant/owner shall :*
 - (a) erect signs visible from Newcastle Street, in a location, wording and size as agreed by the Town's Officers, advising of patron car parking to the rear of the lot; and*
 - (b) upgrade the existing building to comply with the Building Code of Australia in the provision of access, car parking and facilities for people with disabilities;*
- (iv) the access way to the rear of the lot shall be unobstructed by parked vehicles at all times to prevent use of the adjoining property No. 620 Newcastle Street, for access to the rear of the property and car parking area;*
- (v) a minimum of eight (8) car parking bays shall be provided on-site for the use of Lounge Guitars, and they shall be sealed, drained and line marked in accordance with the approved plans and maintained thereafter by the owners/occupiers to the satisfaction of the Town. Car parking bays for the use of the patrons of Lounge Guitar shall be clearly marked or signposted on site to direct persons to suitable spaces that will not interfere with the other uses on site;*
- (vi) the hours of operation shall be between 7am and 9pm Monday to Thursday, and 7am to 10pm Friday and Saturday inclusive, and, not at all on Sundays;*

- (vii) *a maximum of four (4) students per music tuition room at any one time;*
- (viii) *within a 28 day period from the date of Planning Approval notification being issued, the applicant/owner is to pay the Town of Vincent an additional \$300 for the required application fees for retrospective Planning Approval; and*
- (ix) *a detailed management plan that addresses the control of noise, traffic, car parking, litter and anti-social behaviour (to reasonable levels) associated with the development shall be submitted and approved within a 28 day period from the date of Planning Approval notification being issued;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Cohen, Seconded Cr Lake

That the recommendation be adopted subject to clause (iii)(b) being deleted and clause (vi) being amended to read as follows:

"(vi) the hours of operation shall be between 7 am and 9 10 pm Monday to ~~Thursday~~, and 7am to 10pm ~~Friday and Saturday~~ inclusive, and, not at all on Sundays;"

The Presiding Member advised that there was an error in the heading and the preamble of the recommendation and the suburb of "North Perth" should be corrected to "Leederville".

Cr Farrell departed the Chamber at 8.59pm.

Cr Farrell returned to the Chamber at 9.00pm.

Debate ensued.

Cr Doran-Wu requested that it be recorded in the Minutes that should the applicant request an extension for a further 6 months, that the disabled access be included as a condition.

Moved Cr Torre, Seconded Cr Cohen

That clause (vii) be amended as follows:

"(vii) a maximum of four (4) students per music tuition room at any one time unless noise issues can satisfactorily be addressed through the detailed management plan;"

AMENDMENT CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

Moved Cr Torre, Seconded Cr Cohen

That the time of "10pm" be amended to "11pm" in clause (vi).

AMENDMENT CARRIED (6-2)

(Mayor Catania was an apology for the meeting.)

For
Deputy Mayor, Cr Ker
Cr Cohen
Cr Doran-Wu
Cr Franchina
Cr Lake
Cr Torre

Against
Cr Chester
Cr Farrell

MOTION AS AMENDED CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

COUNCIL DECISION ITEM 10.1.9

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 I Campbell on behalf of the owner S Gabriel, for proposed increase in number of students and hours of operation to existing shop and music tuition classes (application for retrospective Planning Approval) at No. 622 (Lot 1) Newcastle Street, Leederville, and as shown on plans stamp dated 23 March 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) this approval is for a period of 6 months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use;*
- (iii) within a 28 day period from the date of Planning Approval notification being issued, or alternative time frame as agreed in writing with the Town's Officers, the applicant/owner shall erect signs visible from Newcastle Street, in a location, wording and size as agreed by the Town's Officers, advising of patron car parking to the rear of the lot;*
- (iv) the access way to the rear of the lot shall be unobstructed by parked vehicles at all times to prevent use of the adjoining property No. 620 Newcastle Street, for access to the rear of the property and car parking area;*
- (v) a minimum of eight (8) car parking bays shall be provided on-site for the use of Lounge Guitars, and they shall be sealed, drained and line marked in accordance with the approved plans and maintained thereafter by the owners/occupiers to the satisfaction of the Town. Car parking bays for the use of the patrons of Lounge Guitar shall be clearly marked or signposted on site to direct persons to suitable spaces that will not interfere with the other uses on site;*
- (vi) the hours of operation shall be between 7 am and 11 pm Monday to Saturday inclusive, and, not at all on Sundays;*
- (vii) a maximum of four (4) students per music tuition room at any one time unless noise issues can satisfactorily be addressed through the detailed management plan;*

(viii) *within a 28 day period from the date of Planning Approval notification being issued, the applicant/owner is to pay the Town of Vincent an additional \$300 for the required application fees for retrospective Planning Approval; and*

(ix) *a detailed management plan that addresses the control of noise, traffic, car parking, litter and anti-social behaviour (to reasonable levels) associated with the development shall be submitted and approved within a 28 day period from the date of Planning Approval notification being issued;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: S Gabriel
APPLICANT: I Campbell
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No. 1 - Commercial
EXISTING LAND USE: Shops and music tuition classes

COMPLIANCE:

Use Class	Shop and Educational Establishment
Use Classification	'P' and 'AA'
Lot Area	1189 square metres

BACKGROUND:

SITE HISTORY:

The subject site currently has two businesses being run from site, one being the subject Lounge Guitars shop and music tuition classes, and the other being a panel beaters.

The Town's records also detail previous issues and complaints regarding the use of adjacent No. 181 (Lot 8) Carr Place, Leederville and the use of this lot for unauthorised industrial purposes associated with the panel beaters at No. 622 Newcastle Street. This issues relating to the use of No. 181 (Lot 8) Carr Place have recently been resolved and will not be discussed in the assessment of this current application.

The Town has received several complaints regarding the development on the subject site, ranging from noise, inappropriate disposal of waste products and odours from the panel beaters, hours of operation (both the panel beaters and Lounge Guitars), unsocial behaviour and use of the toilets on-site.

History specifically relating to the use of the site by Lounge Guitars has been detailed below:

9 December 1996 The Council at its Ordinary Meeting resolved to approve a change of use (shop to shop and musical tuition classes) at Shop 1, No. 622 (Lot 1) Newcastle Street, Leederville, subject to the following conditions:

- "(i) *compliance with Environmental Health conditions especially, in respect to noise abatement controls;*
- (ii) *operating hours being restricted to 6.00am to 9.00pm Monday to Saturday, inclusive;*

- (iii) *a maximum of two (2) students present at any one time; and*
- (iv) *the associated car parking and traffic generation from the use shall be contained on the site so as not to affect the amenity of the immediate surrounding area;"*

- 6 March 2002 The Town received a written complaint regarding several issues including concern regarding hours of operation and number of students on site at Lounge Guitar.
- 18 March 2002 The Town advised Lounge Guitars that a complaint had been received regarding their operations and they were reminded of their conditions of Planning Approval.
- 20 March 2002 Lounge Guitars responded in writing to the Town's letter and advised that the problem had been addressed, and that lessons on Sunday's would be cancelled to address concerns.
- 8 January 2003 The Town received a facsimile from Lounge Guitars advising that they are in breach of clauses 2 and 3 of their original approval, but have soundproofed the rooms in order to reduce any noise concerns.
- 15 January 2003 The Town advised Lounge Guitars in writing that a new Planning Application is required to be assessed and advertised, considered and determined if they want the original conditions of Planning Approval to be reconsidered.
- 5 February 2003 The Town's Health Officers received a further verbal complaint regarding the hours of operation at Lounge Guitars.
- 25 February 2004 The Town received a verbal complaint regarding the use of the rooms at Lounge Guitar for jam and recording sessions, rather than for guitar tuition for no more than 2 people.
- 27 February 2004 The complainant was reminded via email from the Town's Environmental Health Services that should a noise problem occur, to contact the Town's after hours services so that sound level measurements can be taken to determine if there is a breach of legislation in relation to the Environmental Protection (Noise) Regulations 1997.
- 3 March 2004 The complainant requested via email that the Town investigate both noise and the non-compliance with conditions of Planning Approval.
- 3 March 2004 Lounge Guitars were advised in writing that a further complaint had been received and reminded that a new Planning Application is required to be approved if they want the original planning conditions to be reconsidered. They were also advised that contravention of the relevant Planning Approval is an offence.
- 23 March 2004 Town received the subject development application to increase the number of students present at any time to four students, and to increase operating hours from 6am to 11pm, Monday to Saturday.

DETAILS:

The applicant is requesting approval to increase the number of students at any one time per room to four students. There are two rooms which could potentially mean 8 students at any one time. The applicant has suggested that the possible detrimental impacts that such approval may cause include;

1. Increase in noise pollution.
2. Parking.

The applicant is also requesting to increase hours of operation so that they are able to run classes from 6pm to 11pm, Monday to Saturday inclusive. The applicant has suggested that the possible detrimental impacts that such an approval may cause include;

1. Noise levels affecting the local community.
2. Parking.
3. Unsocial behaviour.

A copy of the applicants submission, explaining how the applicant intends to address these concerns has been summarised in the comments below and a copy has been attached as an attachment to this report.

CONSULTATION/ADVERTISING:

The proposal was advertised for a two week period.

Two submissions were received during this time. A copy of the submissions received has been circulated to Elected Members separately.

Concerns are summarised as follows:

- Concern regarding the level of noise created by the tenants, and disturbance that this has caused for adjoining businesses, for example when trying to conduct business meetings.
- Concerns regarding car parking, raising concerns that they have not seen patrons utilising the bays as indicated on the plans. Concern that the gate to the panel beaters is locked at night preventing access. Concerns that patrons to the site use car parks on privately owned land.
- Concern that inappropriate car parking on the subject land results in patrons traversing adjoining properties land.
- Concern that claims made by the applicants in the development application are not accurate and contradict actual practices on site.
- Concern that the nominated parking area is close to residential areas which will be affected by people coming and going from the property late at night.
- Concern that the existing toilets may not be suitable and are not locked and easily accessible for antisocial behaviour. Concern that later hours of operation will increase this potential.
- Concern regarding previous noise complaints.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Noise Issues

The Town's Environmental Health Officers have undertaken an assessment of noise potential at the subject site. An extract from the findings is detailed below:

"I refer to sound level measurements undertaken yesterday (13 May 2004) at approximately 5.30pm with the cooperation of Lounge Guitars, located at No. 622 Newcastle Street, Leederville.

Measurements were taken of background noise before and after measurements were taken of a full band practice session (including drums incl. snare drum, bass guitar, guitars and keyboard). During the jam sessions which reach between 90 – 110 db(a) in the soundproofed room within Lounge Guitars, an irregular faint sound of the drum, and a very occasional faint sound of the bass guitar could be heard from the measurement point. This measurement point was equidistant from the premises and the lone complainant's premises.

- *Background measurements at 5.25pm*
 $LA_1 = 60.5 \text{ dB(a)}$
 $LA_{10} = 54.5 \text{ dB(a)}$
 $LA_{MAX} = 64.2 \text{ dB(a)}$
- *Measurements taken during Jam Session at 5.35pm*
 $LA_1 = 55.0 \text{ dB(a)}$
 $LA_{10} = 52.5 \text{ dB(a)}$
 $LA_{MAX} = 59.6 \text{ dB(a)}$
- *Background measurements taken at 5.45pm*
 $LA_1 = 56.0 \text{ dB(a)}$
 $LA_{10} = 54.0 \text{ dB(a)}$
 $LA_{MAX} = 59.4 \text{ dB(a)}$

As clearly indicated by the above readings, the initial background readings were in excess of the measurements taken during the jam session. The final background readings were again higher due to traffic etc. except for the LA max which was 0.2 db(a) higher during the jam session.

It can be concluded that the alleged noise complaints received by the Town may not be justified as there is adequate soundproofing to the premises, however should further complaints be received by the Town's Health Services these will be duly investigated. Furthermore, Mr Ian Campbell has indicated his willingness to comply with requests of the Town, and will submit a Noise Management Plan should legitimate complaints be received in future."

Accordingly, noise pollution is not considered to unduly affect the adjoining property owners and occupiers, provided that the occupants maintain their current practises and comply with the Environmental Protection (Noise) Regulations.

As stated in the Environmental Health Officers report, any further complaints lodged will be investigated.

Toilet Facilities

Concern was raised regarding the availability of toilets for staff and students during hours of operation.

The applicant has advised that they have not been experiencing significant problems with unauthorised persons entering the property or antisocial behaviour. There is currently no health legislation requiring a premise to secure their toilets after hours. The applicant has verbally indicated that they are willing to lock the toilets at night.

Current facilities for both Lounge Guitars and Ed and Willy's Panel Beaters consist of 2 female water closets, 2 male water closets and 1 urinal.

The staff numbers at the panel beaters generally consist of 3 permanent staff and two part time staff members (a maximum of 5 staff members are present at any one time).

The Building Code of Australia (BCA) determines the amount of sanitary facilities required for different uses. The Town's Building Surveyors advise that under the BCA the use of the site for music classes is most appropriately compared to a school, and is assessed as a Class 9b building. Accordingly, there is adequate number of toilet facilities provided on-site.

However, no sanitary facilities suitable for people with disabilities are provided on-site. It is considered that the application to increase number of students at any one time, warrants compliance with the Disabilities Services Act. Accordingly, in accordance with the Building Code of Australia requirements, the Town will require that the existing toilet facility is upgraded to comply with requirements for people with disabilities within 28 days of the date that Planning Approval is issued, or time frame as agreed by the Town's Officers, dependant if a Building Licence is required to be issued for the modifications.

Car parking

The applicant is seeking to increase the number of students to a maximum of 8 students on site at any one time (four students per room), in addition to Lounge Guitar staff, and patrons to the shop during the day. Accordingly, this is considered to increase the number of cars parked on-site and in the general area.

The applicant has indicated that there are 12 car parking bays available on-site. These car parking bays are located within the lot in the area shared with the panel beaters. Several of these bays are in tandem arrangement and are considered suitable for use by staff in this arrangement.

In accordance with the Town's Policy relating to Parking and Access, the following number of car parking bays are required for the uses on-site;

Use	Town's Policy requirement	Required
Panel beaters (Industrial Use)	3 spaces for the first 200 square metres of gross floor area and thereafter 1 space per 100 square metres of gross floor area or part thereof.	3 car parking spaces

Use	Town's Policy requirement	Required
Lounge Guitar (Shop) (80.88 square metres)	1 space per 15 square metres of gross floor area	5 car parking bays
Music Tuition Classes (School) (2 class rooms)	1.25 spaces per class room provided	3 car parking bays
Total		11 car parking spaces

Therefore, in accordance with the Town's Policy, adequate car parking bays are capable of being provided on-site.

Generally, there will be two separate effects of car parking, during the day, and during the evening.

During 10 October 2003 and 8 January 2004, the Town's Law and Order Services undertook a Oxford Centre parking survey. The results of this survey, which included a survey of Newcastle Street adjacent to the subject site, showed that both during the day and during the night, there were generally ample on-street car parking bays available. A few exceptional circumstances occurred during the day, where all or most on-street car parking bays were being used. This may be accounted for by the construction being undertaken on adjoining lots and contractors vehicles using these spaces.

Car parking during the day

During the day, the number of people on-site associated with Lounge Guitar will vary considerably, with people associated with the shop coming and going at random, and with specific appointments for lessons.

During the day, the plans submitted show that car parking bays are available on-site, at the rear of Lounge Guitars, shared with the other tenancies on-site, currently being a panel beater. In order to make patrons aware of these car parking bays, and reduce the use of on-street and unauthorised car parking bays, it is considered reasonable that the owner/occupier be required to install appropriate signage on-site visible from Newcastle Street, and appropriately line mark and sign post the car parking bays at the rear so patrons are easily able to determine where to park. The applicant is to liaise with the Town's staff to determine an appropriate size, location and determine whether a further planning application is necessary specifically for the additional signage.

It has also been brought to the Town's attention that the access way to the rear of the property and the panel beaters is often obstructed by cars being parked in the access way. This results in patrons and staff utilising the adjoining properties to gain access to the rear of the lot. The applicants and owners are reminded that unauthorised use and access of other peoples land is illegal and the owner and occupiers are to ensure that the access leg is not obstructed. There are 1/4 hour parking signs erected on Newcastle Street in front of Lounge Guitars. It is considered that these bays are adequate for unloading and loading equipment.

Car Parking after 6pm

The applicant advises that after 6pm, the rear gates to the rear of the property will be locked, therefore potentially no on-site car parking will be available on site after 6pm.

The Town's Officers acknowledge that the locking of the gate to prevent use of the car parking area may reduce the impact of the proposal on the neighbouring residential uses, for example disturbance by people movements, car doors shutting, vehicle movements and the like. However, the Town's Officer's recommend that the car park should be available for use at all times that the business is open, to reduce the on-street parking impact on Newcastle Street and the other uses along this street. It is noted that the adjoining residential developments are higher than the subject site, which may assist in reduce the impact of vehicle movements.

It is noted that complaints have been received from an adjoining land owner and occupier regarding use of their private on-site car parking, by patrons associated with Lounge Guitar. The applicant and owner is reminded that unauthorised use of private car parks is illegal and the owner and occupiers are requested to inform their patrons of this.

Hours of Operation

In accordance with the Town's Policy Non-Residential Uses In/Or adjacent to Residential Areas, the Town's Officers consider that extending the hours of operation to 11pm may unreasonably affect the amenity of the adjoining residential areas, even if the noise levels comply with the Environmental Protection (Noise) Regulations, given that the subject site is in close proximity to residential dwellings.

The Town's Officer's suggest that hours of operation that may be considered acceptable would be between 7am and 9pm Monday to Thursday, and 7am to 10pm Friday and Saturday, and not at all on Sundays.

Summary

In order to address the complainants concerns, the Town's Officers recommended that a number of conditions be imposed on Planning Approval to minimise the development's impact on the adjoining owner and occupants. These conditions are detailed in the Officer Recommendation.

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

10.2.2 Proposed On Street Parking Amendments - Beaufort Street and Adjoining Streets - Mount Lawley / Highgate

Ward:	South	Date:	17 May 2004
Precinct:	Mt Lawley Centre P11	File Ref:	PKG0011
Attachments:	001		
Reporting Officer(s):	A.Munyard		
Checked/Endorsed by:	R Lotznicher	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the proposed on street parking amendments - Beaufort Street and adjoining streets in the Mount Lawley and Highgate localities;*
- (ii) *APPROVES IN PRINCIPLE the introduction and/or amendment of on road parking restrictions as illustrated on the updated Plan No 2121-CP-3 as "Laid on the Table" and detailed in the attached Schedule 1;*
- (iii) *in liaison with the Beaufort Precinct Group, REQUESTS the Chief Executive Officer to develop an awareness campaign to assist in managing parking issues in the area including but not limited to promoting the use of public transport and taxis and reciprocal parking arrangements between businesses;*
- (iv) *CONSULTS with ALL affected residents and Businesses in the Project Area advising them of the proposal and allowing them 21 days in which to provide comments regarding the updated proposal; and*
- (v) *RECEIVES a final report on the matter at the conclusion to the consultation period.*

COUNCIL DECISION ITEM 10.2.2

Moved Cr Lake, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

Cr Lake thanked the Officers for their complex plan.

Moved Cr Lake, Seconded Cr Cohen

That the Item be DEFERRED to allow for an Elected Members briefing to ensure that issues previously raised by the community have been adequately considered and for such briefing to be held prior to the end of June 2004.

CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

BACKGROUND:

Since the inception of the Town issues regarding parking in and around Beaufort Street have regularly been raised by both business proprietors and residents.

Applications for facilities such as loading zones, taxi ranks, short and long term parking and residential parking have been received on a regular basis and this report presents a holistic view of parking requirements in the area with the development of an integrated plan to best resolve difficulties experienced by all parties.

The development of a satisfactory over-all parking plan for the area has been in progress for some time while feedback from interested parties has been assessed and amendments made accordingly.

At the Ordinary Meeting of Council held on 12 February 2002, the following resolution was adopted:

“That the Council;

- (i) receives the report on the Barlee Street Car Park Parking Fee Structure and Alteration and Additions to Parking Restrictions on roads perpendicular to Beaufort Street, between Barlee and Chatsworth Streets;*
- (ii) APPROVES the introduction of;*
 - (a) thirty minutes (½P) parking time restrictions between 8am and 5:30pm Monday to Friday and between 8am and 12 noon Saturday to that portion of the roadway on both sides of Chatsworth Road, Highgate, west of Beaufort Street, for approximately 60 metres as shown on Plan No 2010-PP.01;*
 - (b) thirty minutes (½P) parking time restrictions between 8am and 6:15pm Monday to Friday and between 8am and 12 noon Saturday to that portion of the roadway on Mary Street, Highgate, west of Beaufort Street, for approximately 66 metres as shown on Plan No 2011-PP.01;*
 - (c) thirty minutes (½P) parking time restrictions between 8am and 6:15pm Monday to Friday and between 8am and 12 noon Saturday to both sides of Harold Street, Highgate, between Beaufort Street and Vincent Street, as shown on Plan No 2012-PP.01;*
 - (d) thirty minutes (½P) parking time restrictions between 8am and 6:15pm Monday to Friday and between 8am and 12 noon Saturday to both sides of Vincent Street, Mount Lawley, between Beaufort Street and Harold Street, as shown on Plan No 2013-PP.01;*
 - (e) thirty minutes (½P) parking time restrictions between 8am and 6:15pm Monday to Friday and between 8am and 12 noon Saturday to that portion of the roadway on both sides of Chelmsford Road, Mount Lawley, between Beaufort Street and the No Entry signage, approximately 50 metres west of Beaufort Street, as shown on Plan No 2014-PP.01;*
 - (f) thirty minutes (½P) parking time restrictions between 8am and 6:15pm Monday to Friday and between 8am and 12 noon Saturday to the south side of Grosvenor Road, Mount Lawley, west of Beaufort Street, for a distance of approximately 14.5 metres following the existing "No Stopping" restriction, as shown on Plan No 2015-PP.01;*
 - (g) thirty minutes (½P) parking time restrictions between 8am and 6:15pm Monday to Friday and between 8am and 12 noon Saturday to that portion of the roadway on both sides of Barlee Street, Mount Lawley, east of Beaufort Street, for approximately 100 metres, as shown on Plan No 2016-PP.01;*

- (h) *thirty minutes (½P) parking time restrictions between 8am and 6:15pm Monday to Friday and between 8am and 12 noon Saturday to that portion of the roadway on both sides of Clarence Street, Mount Lawley, east of Beaufort Street, for approximately 100 metres, as shown on Plan No 2017-PP.01;*
- (i) *thirty minutes (½P) parking time restrictions between 8am and 6:15pm Monday to Friday and between 8am and 12 noon Saturday to that portion of the roadway on both sides of Harold Street, Highgate, east of Beaufort Street, for approximately 100 metres, as shown on Plan No 2018-PP.01;*
- (j) *thirty minutes (½P) parking time restrictions between 8am and 6:15pm Monday to Friday and between 8am and 12 noon Saturday to that portion of the roadway on both sides of Broome Street, Highgate, east of Beaufort Street, for approximately 60 metres, as shown on Plan 2019-PP.01;*
- (iii) *APPROVES an amended fee structure for the ticket issuing machines in the Barlee Street Car Park to enable vehicles to park for the first hour free of charge and thereafter the cost to be set at 50 cents per hour to a maximum of \$2.50 per full day;*
- (iv) *promotes the use of the Barlee Street Car Park by employees of local businesses and short term shoppers;*
- (v) *in accordance with its Policy No. 4.1.21 "Community Consultation", advertises the proposal on a local basis within the designated affected area, as outlined in the report, for a period of twenty-one (21) days and invites written submissions on the proposal and considers any submissions received at the conclusion of the consultation period; and*
- (vi) *that residential parking permits be issued to enable residents to park in the restricted zone in accordance with clause 59 of the Parking Facilities Local Law, which states that two (2) permits may be issued to residents with no off-street parking, one (1) permit where a single vehicle can be accommodated off-street, and no permit where two (2) vehicles can be accommodated off-street."*

DETAILS

Community Consultation

The subsequent consultation described in *clause (v)* of the above resolution (OMC 12 February 2002) drew ninety (90) submissions from the 300 letters delivered, with approximately two thirds (2/3) of respondents opposing the proposed restrictions and only one third (1/3) in favour.

Those *in favour* of the proposal were generally residents who wanted the restrictions applied to evenings and weekends.

Those *against* the proposal included residents who did not perceive a significant problem with parking and some business proprietors who felt that restrictions would be detrimental to their business.

Working Group

A Working Group was subsequently formed to review the proposal as outlined in the report of 12 February 2002. It was recommended that further assessment of submissions was undertaken in the endeavour to modify the proposal to meet community expectations (both residential and commercial) as fairly and practically as could be achieved.

Further submissions were received from a number of interest groups, including The Hyde Park Precinct Group, The Highgate Traders Group (later known as Beaufort Traders Group), the Sacred Heart School Board, Forrest Park Precinct Group, and several concerned individuals or legal representatives of the same. The proposal to introduce a comprehensive parking strategy for the area had clearly generated significant interest and anxiety within the community and highlighted the disparate perceptions of a “correct” solution.

Development of “Holistic” Parking Plan for the Beaufort Strip

In formulating a parking management plan for the Beaufort Strip and surrounds, the following points must be borne in mind:

- The nature of the business activity is predominantly hospitality
- The demand on parking is present during normal business hours as well as evenings and weekends
- There is limited off street public parking available in the area (Town owned car parks can only accommodate 139 vehicles- and it is considered these car parks should be tailored to cater for staff of the establishments in the area, thereby keeping them from parking for extended periods in residential streets)
- It has been estimated that at least 170 staff would be employed by the twenty five (25) plus hospitality establishments alone in Beaufort Street.
- In excess of 2,130 patrons can be accommodated at food premises, bars and hotels in Beaufort Street, between St Alban’s Avenue and Walcott Street.
- The total number of kerb side parking places within 300m of the centre of the strip is approximately 966.
- Although the early 20th century housing stock in the vicinity of the strip frequently lacks garaging from the front, most have rear access via a right of way (ROW).
- Although there is a considerable increase in the number of establishments, the strip has historically been the site of recreation and entertainment premises as well as other commercial concerns.
- Consideration of residents needs must be balanced with the other demands on parking in what are “public streets” in a mixed residential and commercial area.

Amended Proposal

Following assessment of the consultation feedback a new proposal was developed which, while still introducing time restrictions in residential side streets, aimed to introduce “zones” which would accommodate the variety of needs identified in the consultation submissions. These zones would carry a variety of time restrictions ranging from fifteen (15) minute, to three (3) hour, depending on the requirements of the dominant activities in the adjacent areas, and would be extended to cover the area within approximately 300m of the centre of the strip.

Related Council Decisions Which Impact on the Beaufort Strip Parking Proposal

During the development of the new proposal, the Council was asked to consider several new recommendations that impacted on the outcome of the overall Beaufort Street plan. Until these new matters had been considered and resolved, the Beaufort Street proposal could not be finalised.

Simultaneous with the Council's resolution regarding the Beaufort Street and surrounds parking issues (OMC 12 February 2002), the following resolution was also adopted by the Council, at that same meeting:

"That the Council APPROVES;

- (i) the introduction of a Residential Parking Zone, to the south side of Mary Street, Highgate, commencing 66 metres west of Beaufort Street and ending 6 metres east of William Street, as shown on the attached Plan number A4-2008.PP.01; and*
- (ii) the alteration of the existing parking time restrictions, 66 metres long, at the eastern end of the south side of Mary Street, Highgate, from one-hour (1P) to thirty-minutes (½P), as shown on the attached Plan number A4-2008.PP.01."*

This was subsequently implemented but drew much comment from both residents and business proprietors from Beaufort Street. On the 25 June 2002 former Councillor Drewett put forward the following Notice of Motion to amend the zone:

"That;

- (i) the "Residential Parking Only" restrictions in Mary Street, Highgate and Anzac Road, Mount Hawthorn be adjusted to "Residential Only Parking between 6.00 pm and 6.00 am", to facilitate the expectations of the wider community; and*
- (ii) the Chief Executive Officer be requested to submit a report to Council on this matter".*

The Council resolved that the recommendation "lie on the table"

Petition to the Council for the Removal of the Resident's Only Parking in Mary Street

The retention of the "Residents Only" restriction on the South side of Mary Street resulted in a very vocal outcry from business proprietors in the area, who on 11 February 2003 presented a petition of objection to the Town with seventy seven (77) signatures.

In the petition it was claimed that;

"On any given day, up to 25 of these "Residents Only" parking bays stand empty in Mary Street while business customers are inconvenienced by the lack of accessible parking."

The petitioners went on to request that Mary Street be time restricted in the same manner as other surrounding Streets, in accordance with the proposals being developed. They contended that the proposed strategy would resolve the problem of staff parking in Mary Street, while ensuring a more even distribution of the parking burden in the area.

It seemed appropriate that the concerns expressed in the petition be given consideration together with all others affecting the Beaufort Street Strip when the Council finally reviewed the overall proposal.

Resident Only Parking Issues

The matter of parking places “standing idle” during business hours has been confirmed by the Town’s Rangers. In formulating an Over-all plan for parking management it was necessary to be mindful of the factors which had led to residents of Mary Street requesting Residents Only parking, and address these in alternative ways. The issues were identified to be all day staff and commuter parking, parents picking up and dropping off children at the Sacred Heart Primary School, and patrons of the hotel and restaurants parking for extended periods in the street. Two of these three factors are common to all of the streets adjacent to the strip, with some streets also having their own specific parking demand issues.

It was decided that the matter of the Mary Street “Residents Only” parking zone should be addressed as part of the “holistic” plan for the area.

Further Council Resolutions Affecting Resolution of the Beaufort Street Parking Plan

At the Ordinary Meeting of Council held on 10 September 2002, Cr Hall and Cr Chester presented the following notice of motion which was adopted by the Council:

“That the Council authorises the Chief Executive Officer to;

- (i) identify those localities in the Town where unrestricted parking is currently available at no cost and impinges upon the parking availability and amenity of the Town’s residents/businesses;*
- (ii) investigate the most effective parking restrictions for the localities identified in clause (i) above, including, but not limited to, hourly restrictions, residential only parking or the introduction of street ticketing machines;*
- (iii) investigate the cost effectiveness of;*
 - (a) employing additional staff; or*
 - (b) employing staff whose specific role is parking inspection, Monday to Friday inclusive, to implement clause (ii) above; and*
- (iv) provide a report to Council at the earliest possible convenience, or no later than December 2002.”*

Once again, it was necessary to consider the implications of this Council resolution prior to finalising Beaufort Street parking plan. Another working group was convened to consider the wide ranging issues the subject of the 10 September resolution, and a progress report was presented to the Ordinary Meeting held on 17 December 2002.

The Council resolved the following:

“That the Council;

- (i) receives the Progress Report on Parking Initiatives/Strategies throughout the Town;*
- (ii) lists appropriate funds for consideration in the 2003/2004 Draft Budget to further implement the recommendations of the adopted Car Parking Strategy as outlined in Appendix 10.1.25(a) and summary of recommendations in Appendix 10.1.25(b);*

- (iii) *as part of the proposal outlined in clause (iii) above, determines the appropriate parking restrictions to be applied to the various adjoining streets, as outlined in the report and indicated on Plan No. 2128-PP-1, which may be affected by the introduction of paid parking and consults with the affected residents;*
- (iv) *holds a public meeting in February 2003 with residents and businesses in and around the Beaufort Shopping Precinct to determine the most suitable parking restrictions for Beaufort Street, adjoining streets and proposals for the Barlee Street carpark;*
- (v) *continues to investigate and implement the most effective parking restrictions for the streets identified in the report which currently have no restrictions and are either under investigation, as outlined in Plan No. 2128-PP-1, or will require investigation in the future due to changing circumstances in the Town (refer Plan No. 2127-PP-1);*
- (vi) *lists appropriate funding, to be determined, for consideration in the 2003/2004 Draft Budget to progressively introduce paid parking in the streets and carparks as outlined in the report and outlined on Plan No. 2129-PP-1 and as identified in the adopted Car Parking Strategy; and*
- (vii) *retains the current multi-skilled workforce in Law and Order Services and does not separate the functions of "Parking Ranger" and "General Ranger" pending the outcome of the Independent Organisation Review;"*

The report stated that it had been the Town's policy until this time to address each complaint regarding parking difficulties on its own merits, and recommended that this approach be maintained. Community consultation yielded differing results in each area depending on location specific factors, and solutions were not universally appropriate. Time restrictions could be an effective measure in deterring "all day" parking by non-residents, however they also imposed on the amenity of residents, who, if eligible, were restricted to limited exemptions. Residents who had off street parking available or able to be made available are not eligible for residential exemptions, and therefore would themselves be prohibited from parking kerbside in contravention of the time restrictions.

Areas where it was deemed appropriate to introduce paid parking were identified to be Pier, Brewer and Stirling Streets, the Oxford Street car park and Stuart Street and the details were the subject of reports presented to the Ordinary Meetings of Council held on 12 August and 9 September 2003.

Generally when paid parking is implemented those looking to park at no cost will frequently target adjacent streets where parking remains unrestricted, and therefore it is usually necessary to introduce time restrictions in those surrounding streets. In accordance with the Town's usual practice, residents were consulted regarding the introduction of time restrictions, with the result being that no restrictions were recommended to be implemented in several of the streets proposed for restrictions due to community objections (in the short term).

Public Meeting

In accordance with *clause (iv)* (OMC 17 December 2002) a public meeting was held at the Forrest Park Clubrooms on 10 February 2003. The meeting was attended by the Mayor and three of the Town's Elected members, The Executive Manager for Technical Services, the Manager for Design Services, the Manager for Law and Order Services, and representatives from the Forrest Precinct Group, the Hyde Park Precinct Group, and approximately sixty (60) residents and local business proprietors.

Those attending had the opportunity to view the draft parking proposal and present their views. Generally, there were two clearly opposing points of view represented at the meeting as follows:

- Residents wanted kerb side parking reserved for their use
- Business proprietors claimed that their viability was dependant on customers being able to access kerb side parking in side streets.

Both groups considered parking in the area to be inadequate and problematic. Residents felt inconvenienced by patrons of the Beaufort Street businesses, bars and restaurants occupying kerb side parking, while businesses felt that there was insufficient parking available to service their clientele.

Response sheets were made available to attendees so that they could provide written comment on the proposed parking plan as presented at the meeting. Sixteen (16) sheets were returned to the Town, constituting seven (7) people in favour of the plan, seven (7) against and two (2) with alternative suggestions.

Local Area Traffic Management Review of the Proposal

The revised plan, together with the information gathered from written responses to public consultation and the minutes of the public meeting were reviewed by the Town's LATM Group (Local Area Traffic Management Group) on 15 April 2003.

Invited guests at the meeting represented business and residential interests. Guests from both interest groups commented that parking problems were exacerbated by:

- Approval of restaurants and bars which were not providing sufficient on site parking, and -
- Requested that the Town consider providing more public parking to help alleviate the problem.

Clarification was sought as to the intended effect of the proposed *varying* time restrictions and it was recommended by the Group that the following measures be encouraged:

Promotion of existing off-street car parks, use of taxi's and other alternative transport options be explored and promoted by businesses.

Other proposed measures discussed to relieve the pressure on parking in the Beaufort Strip and surrounds that were:

- The Town should limit permitting the option of "cash-in lieu" for parking shortfalls were new businesses could be expected to generate an increase in the parking demand
- Time restrictions in Beaufort Street and in side streets to the depth of the commercial premises should be a maximum of 1 hour

- Angle parking should be introduced where this was possible
- A maximum time restriction of three hours should be imposed in other locations
- Drop off and pick up zones should be located adjacent to Sacred Heart Primary School
- The Town should negotiate with taxi industry to install additional taxi ranks in Beaufort Street
- Extend parking restrictions in residential Street until 10pm in the evenings
- “residents only” restrictions to be considered in some locations where appropriate

A further meeting was proposed to discuss the final plan once these recommendations had been investigated and amendments made to the plan if necessary. This meeting was held on Monday 6 October 2003.

Second Meeting of the LATM Group

It was identified at the meeting that some measures that would assist in managing parking problems in the area such as the use of public transport or taxis however reciprocal parking arrangements between businesses were unable to be enforced by the Town, but could merely be the subject of awareness campaigns and incentives.

The amendment of the plan to reduce the parking restrictions in Beaufort Street from a two (2) hour restriction to a one (1) hour was discussed at the meeting, and the intention of the longer restriction explained. The overall intent of the plan was to draw parkers away from the residential side streets when possible, and therefore, as the biggest problem was perceived to be patrons of the hospitality businesses in Beaufort Street who would seek parking for a longer period than one (1) hour, the restriction should remain at two (2) hours.

Two recent “Notices of Motion”

Cash in lieu for parking (OMC 27 April 2004)

The matter of “cash in lieu” payments for parking shortfalls is being treated separately and will be the subject of a further report to the Ordinary Meeting of Council on 8 June 2004, following a Notice of Motion brought by Cr Helen Doran-Wu at the Ordinary Meeting of Council held on 27 April 2004.

Angle Parking in Stirling Street (OMC 27 April 2004)

At the same meeting Cr Simon Chester brought the following Notice of Motion which was adopted by the Council:

“That the Council places on hold its proposal to install embayed angle parking in Stirling Street between Harold and Broome Streets, as funded in the 2003/2004 budget and re-considers the creation and effect of additional parking in adjoining residential streets to service the Beaufort Street commercial strip.”

Officer's Comments

Therefore additional angle parking will not be included as part of the parking solution for this area. The LATM Advisory Group's other recommendations have been incorporated into the updated plan where possible with the exception of the extension of restrictions until 10pm and residential restrictions.

As highlighted by the (above) eight dot points, that need to be borne in mind when addressing the parking matters in this location, the removal of suitable available on street parking in side streets (particularly in the evenings and weekends) would not only be detrimental to the businesses in the vicinity, but would most likely render many unable to continue operating.

Although there has been a significant increase in the number of hospitality venues, the zoning of the strip has not altered in decades and such a development could fairly reasonably have been predicted.

“Residents Only” Parking Restrictions

Resident Only restrictions are very contentious in public streets. Although there may from time to time be circumstances where such a restriction can be justified (due to very limited off street parking being available), this measure invariably results in inequities in residents privileges and serves to increase the parking burden in other nearby residential streets.

Additionally, *Resident Only* restrictions result in different treatment between different groups of rate payers (residents and business proprietors).

Residents of inner city areas, particularly those that were “planned” nearly a century ago, have a somewhat different amenity from that of outer suburban areas. Along with the benefits of living in close proximity to entertainment, business and shopping facilities, they will encounter increased traffic, more noise, parking difficulties and increased exposure to anti-social behaviour. While every attempt is made by Local Governments to minimize the impact of such problems on residents, it is unrealistic to expect a quiet outer suburban amenity in a vibrant inner city location.

The following extract is from the City of Perth draft “Resident On-Street Parking Policy”.

“2. OBJECT OF THE POLICY

(a) the general object of this policy is:

on-street parking for people living in the city will be managed to balance residential, commercial and other parking demands.

(b) To achieve the general object of this policy, the following principles will be used in determining how best to manage resident parking in the City:

(i) the needs of commercial facilities must not be prejudiced by provision of on-street residential parking.

(ii) acknowledging the limits of parking availability within a locality, Parking permits will be issued to residents and their visitors to Optimise access to on-street parking facilities.

(iii) community access to residential areas is to be maintained and Exclusive on-street residential parking will generally not be acceptable.”

There are other measures available for the management of parking in and around commercial Centres in close proximity to the city. These include provision of Council or private public car parks, increasing available on-street parking by the introduction of angle parking where this is possible and the introduction of appropriate time restrictions to attract parking to those areas that will not impact on the amenity of residents, and the use of time restrictions to ensure a regular turn over of available parking spaces.

Proposed updated Parking Plan as Illustrated on Plan No 2121-CP-3 and attached Schedule 1

The proposed parking plan for the management of parking in and around the Beaufort Strip, as illustrated in Plan 2121-CP-3 has incorporated what measures are available to achieve the following:

- To maximise turn-over of parking, discourage all day on street parking by staff and commuters
- To accommodate both patrons of the Beaufort Street businesses as well as residents.

Beaufort Street

The time limit in Beaufort Street have been set at two (2) hours to ensure it is parking of first choice for patrons of hospitality venues and clients of adjacent businesses where customers often require time to complete their business.

Short term parking places (*fifteen minutes or less*) are provided at regular intervals to service other requirements. Restrictions in Beaufort Street are generally in place during normal business hours (*8am until 5.30pm, Monday to Friday and 8am until 12 noon on Saturdays*) with the exclusion of the morning Clearway (*from 7.30am until 9am*) on the east side and the evening Clearway (*from 4.15pm until 6pm*) on the west side of the street.

Harold and Broome Streets

A three (3) hour restriction is proposed for the existing angle parking in Harold Street (near Beaufort Street and adjacent to the TAFE), and Broome Street (near Beaufort Street). This restriction is intended to provide some parking for patrons of the licensed premises and restaurants who may require longer than two (2) hours. These restrictions are also proposed only during normal business hours (*8am until 5.30pm, Monday to Friday and 8am until 12 noon on Saturdays*).

A three (3) hour restriction is also proposed adjacent to Sacred Heart Primary School to provide adequate parking for parents and helpers who frequently assist in class room activities. Pick up and set down zones are proposed adjacent to the school in both Mary and Harold Streets. These restrictions are also proposed to be in place between 8am and 6.30pm, Monday to Friday and 8am until 12 noon on Saturdays, for the benefit of residents.

Other Residential Streets

The majority of residential Streets in the project area are proposed to be restricted to one (1) hour parking, which has been extended to be in place until 6.30pm on weeknights, allowing increased opportunity for parking to be available to residents at the end of business hours.

The one (1) hour restriction will *discourage* parking in residential streets by café and restaurant patrons who may require longer while still providing provision for parking for the remainder of the Beaufort Street businesses which operate mostly within standard business hours.

In Residential Streets which are less likely to be affected by patron and customer parking, a two (2) hour restriction is recommended as the longer term is less imposing on the amenity of residents and their guests. This restriction is also proposed to be in place between 8am and 6.30pm, Monday to Friday and 8am until 12 noon on Saturdays.

CONSULTATION/ADVERTISING:

ALL affected residents and Businesses in the Project Area will be consulted regarding the updated proposal allowing them 21 days in which to provide comments.

LEGAL/POLICY:

There is no legal impediment to the proposed parking restriction changes which will be enforced by the Town's rangers when implemented.

STRATEGIC IMPLICATIONS:

In accordance with the Town's Strategic Plan 2003-2008 Key Result Area 1.4

- p) Develop a strategy for parking management in business, Residential and mixed use precincts, that includes: -*
- *parking facilities that are appropriate to public needs;*
 - *a clear indication that it is the developer's responsibility to provide on-site parking;*
 - *protection of the rights of local residents to park in their streets where limited off road parking is available.*

FINANCIAL/BUDGET IMPLICATIONS:

The purchase and installation of necessary signage, poles and time amendment stickers is estimated to be approximately \$9,000.00.

COMMENTS:

Dissatisfaction with parking in and around the Beaufort Strip has necessitated the Town preparing an "over-all" plan that addresses the different needs of all affected parties (residential and commercial) and provides a "best fit" solution which is as fair as possible to all. Residents and business proprietors must both accept compromises so that sustainable solutions can be implemented.

The proposed parking plan as illustrated in Plan 2121-CP-3 addresses the problems identified through extensive consultation with concerned parties and provides solutions that are expected to alleviate these problems if possible.

It is therefore recommended that the Council approves in principle the introduction and/or amendment of on road parking restrictions as illustrated on the updated Plan No 2121-CP-3 and detailed in Schedule 1, consults with ALL affected residents and Businesses in the Project Area advising them of the proposal and allowing them 21 days in which to provide comments regarding the updated proposal and receives a final report on the matter at the conclusion to the consultation period.

BEAUFORT STRIP PARKING PLAN – SCHEDULE 1				
Street	Section	Existing	Proposed	Comment
Beaufort Street	St Albans to Chatsworth (West)	Unrestricted + pm Clearway	2 hour time limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + pm Clearway	
	St Albans to Chatsworth (East)	Unrestricted + am Clearway	2 hour time limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + am Clearway	

BEAUFORT STRIP PARKING PLAN – SCHEDULE 1				
Street	Section	Existing	Proposed	Comment
	Chatsworth to Mary (West)	Bus Zone + 1 hour time limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + pm Clearway	Bus Zone + 2 hour time limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + pm Clearway	
	Mary to Harold (West)	1 hour time limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + 10 min limit + Loading Zone/Taxi + pm Clearway	2 hour time limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + 10 min limit + Loading Zone/Taxi + pm Clearway	
	Broome to Harold (East)	Bus Zone + 15min + 1 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + Loading Zone/Taxi + 15 min limit + am Clearway	Bus Zone + 15min + 2 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + Loading Zone/Taxi + 15 min limit + am Clearway	
	Harold to Vincent (West)	1 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + 10 min limit + Bus Zone + pm Clearway	2 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + 10 min limit + Bus Zone + pm Clearway	
	Harold to Clarence (East)	Bus Zone + 1 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + am Clearway	Bus Zone + 2 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + am Clearway	
	Vincent to Chelmsford (West)	No Stopping	No Stopping	
	Clarence to Barlee (East)	No Stopping	No Stopping	
	Chelmsford to Grosvenor (West)	1 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + Bus Zone + pm Clearway	2 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + Bus Zone + pm Clearway	
	Barlee to Walcott (East)	1 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + am Clearway	2 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + am Clearway	
	Grosvenor to Walcott (West)	No Stopping	No Stopping	
Grosvenor Road	Beaufort to Hutt (North)	Taxi Zone + 2 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat	Taxi Zone + 2 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	
	Beaufort to Hutt (South)	1 hour limit + 2 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat	1 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + 2 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	
Chelmsford Road	Beaufort to Hutt (North)	1 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + unrestricted	1 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + unrestricted	
	Beaufort to Hutt (South)	Loading Zone + 1 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + unrestricted	Loading Zone + 1 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + unrestricted	
Vincent Street	Beaufort to Harold (North)	1 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + unrestricted	1 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	
	Beaufort to Harold (South)	15 min limit + 1 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat	15 min limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + 1 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	

BEAUFORT STRIP PARKING PLAN – SCHEDULE 1				
Street	Section	Existing	Proposed	Comment
Harold Street	Beaufort to Vincent (North)	1 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + unrestricted	1 hour limit 8am-5.30pm & 6.30 Mon-Fri, 8am-12noon Sat	Restriction til 5.30 weekdays adjacent commercial and 6.30 adjacent residential
	Beaufort to Vincent (South)	Loading Zone + 1 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + unrestricted	Loading Zone + 1 hour limit 8am-5.30pm & 6.30 Mon-Fri, 8am-12noon Sat + 3 hour limit/pick up drop off zone + 3 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	Restriction til 5.30 weekdays adjacent to commercial and 6.30 Adjacent to residential
Mary Street	Beaufort to William (North)	1 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + unrestricted + 15 min limit + unrestricted	1 hour limit 8am-5.30pm & 6pm Mon-Fri, 8am-12noon Sat + 3 hour limit/pick up drop off zone 8am-6.30pm Mon-Fri, 8am-12noon Sat + 15 min limit + 3 hour limit + 1 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	Restriction til 5.30 weekdays adjacent to commercial and 6.30 Adjacent to residential
	Beaufort to William (South)	1 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + Residents Only Zone	1 hour limit 8am-5.30pm & 6pm Mon-Fri, 8am-12noon Sat	Restriction til 5.30 weekdays adjacent to commercial and 6.30 Adjacent to residential
Chatsworth Road	Beaufort to William (North)	15 min limit + unrestricted	15 min + 1 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat + unrestricted	
	Beaufort to William (South)	unrestricted	1 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat + unrestricted	
St Albans Avenue	Beaufort to Cavendish (North)	unrestricted	2 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	
	Beaufort to Cavendish (South)	unrestricted	2 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	
Broome Street	Beaufort to Stirling (North)	1 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + unrestricted	3 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + 1 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	
	Beaufort to Stirling (South)	1 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + Acrod Parking + unrestricted	3 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + Acrod parking + 1 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	
Broome Street (cont)	Stirling to Smith (North)	unrestricted	2 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	
	Stirling to Smith (South)	unrestricted	2 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat	
Harold Street	Beaufort to Smith (North)	1 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + unrestricted + ½ hour limit	1 hour limit 8am-5.30pm & 6.30 pm Mon-Fri, 8am-12noon Sat + ½ hour limit	Restriction til 5.30 weekdays adjacent to commercial and 6.30 Adjacent to residential
	Beaufort to Stirling (South)	unrestricted	3 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat	
	Stirling to Smith (South)	unrestricted	1 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	

BEAUFORT STRIP PARKING PLAN – SCHEDULE 1				
Street	Section	Existing	Proposed	Comment
	Smith to Lord (North)	3 hour at all times + 3 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat	3 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat	
	Smith to Lord (South)	1 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat	1 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	
Clarence Street	Beaufort to Curtis (North)	15 min limit + 1 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + unrestricted	15 min limit + 1 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	
	Beaufort to Curtis (South)	1 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + unrestricted	1 hour limit 8am-5.30pm & 6.30pm Mon-Fri, 8am-12noon Sat	Restriction til 5.30 weekdays adjacent to commercial and 6.30 Adjacent to residential
Barlee Street	Beaufort to Roy (North)	unrestricted	1 hour limit 8am-5.30pm & 6.30pm Mon-Fri, 8am-12noon Sat	Restriction til 5.30 weekdays adjacent to commercial and 6.30 Adjacent to residential
	Roy to Gerald (North)	unrestricted	2 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	
	Gerald to Curtis (north)	unrestricted	2 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	
	Beaufort to Curtis (South)	unrestricted	1 hour limit + 2 hour limit 8am-5.30pm & 6.30 Mon-Fri, 8am-12noon Sat	Restriction til 5.30 weekdays adjacent to commercial and 6.30 Adjacent to residential
Roy Street	Barlee to Walcott (West)	unrestricted	1 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	
	Barlee to Walcott (East)	unrestricted	1 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	
Gerald Street	Barlee to Walcott (West)	unrestricted	2 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	
	Barlee to Walcott (East)	unrestricted	2 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	
Stirling Street	Broome to Harold (West)	unrestricted + Bus Zone + unrestricted	1 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat + Bus Zone + 1 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat	
	Broome to Stirling (East)	unrestricted + 2 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat + unrestricted	1 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat + 2 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat + 1 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	
Stirling Street	Lincoln to Broome (West)	unrestricted	1 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	
	Lincoln to Broome (East)	unrestricted	1 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	
Smith Street	Broome to Harold (West)	2 hour limit 8am-5.30pm Mon-Fri, 8am-12noon Sat	2 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	
	Broome to Harold (East)	unrestricted	2 hour limit 8am-6.30pm Mon-Fri, 8am-12noon Sat	

Crs Franchina and Torre departed the Chamber at 9.15pm.

The Presiding Member ruled that as this matter is of a confidential matter it would be considered at the conclusion of the meeting behind closed doors.

At 9.16pm the Presiding Member ruled that Items 10.1.12 and 10.15 would be brought forward as there were members of the public awaiting outcomes on these items.

(See page 236 for Council Decision on Item 10.4.3.)

10.4.3 Members Equity Stadium - Legal Documentation and Outstanding Issues - Progress Report

Ward:	South	Date:	20 May 2004
Precinct:	Beaufort, P13	File Ref:	RES0051/RES0072
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the Members Equity Stadium - Legal Documentation and Outstanding Issues - Progress Report as at 20 May 2004 (including the confidential information as circulated separately to Elected Members); and
- (ii) **DEFERS** any further consideration of the outstanding matters relating to the Heads of Agreement until the Town has received further legal advice concerning this matter.

BACKGROUND:

At the Ordinary Meeting of Council held on 11 May 2004, the Council considered this matter and resolved as follows;

"That the Council;

- (i) **RECEIVES** the Members Equity Stadium - Legal Documentation and Outstanding Issues - Progress Report as at 5 May 2004;
- (ii) **NOTES** that a further report will be provided at the meeting of 11 May 2004; and
- (iii) **ADOPTS** the position as detailed in the CEO's Further Report (Confidential) dated 11 May 2004 relating to the Town's position and Allia/PGSC's response subject to the following:
 - (a) the twenty year term of the Heads of Agreement (HOA) started on 1 February 2004 and that the Council will approve of the HOA being extended for the months of March, April, May and June of the twentieth year (similar to a "lease - holding over" clause) and this be included in the proposed Deed of Clarification/Acknowledgement;
 - (b) a clarification clause being inserted in the proposed Deed of Clarification/Acknowledgement to clearly articulate that the Mortgage Security under the Heads of Agreement is provided to secure both the repayment of the loan monies plus \$300,000 and the performance of all of the Guarantors Covenants under the Heads of Agreement; and

- (c) *the other provisions of the Town's offer and Allia/PGSC's response together, as detailed in the CEO's Further Report (Confidential) remaining unchanged."*

Following the Council Meeting of 11 May 2004, the Town's solicitors prepared a counter-offer letter and on 13 May 2004, this was presented to Allia/PGSC at a meeting between Mayor Catania, Chairman of Allia/PGSC, Nick Tana and Director General of the Department of Sport and Recreation (DSR), Ron Alexander.

On 14 May 2004, the Town received an e-mail from Nick Tana.

On 17 May 2004, the solicitors prepared a reply to Nick Tana's response.

On 17 May 2004, a meeting was held between Mayor Catania, Chairman of Allia/PGSC, Nick Tana and Director General of the Department of Sport and Recreation (DSR), Ron Alexander. At this meeting, Nick Tana responded to the Town's proposal.

In essence, all matters have been agreed by Allia/PGSC with the exception of the Heads of Agreement commencement date and the definition of mortgage security. In view of the commercial and legal nature of these matters, they have been circulated separately on a confidential basis to Elected Members.

The final draft of the Standard Licence, PGSC 20 year Licence and PGSC Lease were provided to Allia/PGSC's solicitors on 20 May 2004.

The following is a summary of the outstanding documentation as at 20 May 2004.

1. Licence Agreement - Standard Document

This document was finalised subject to the following Clauses being re-drafted and agreed by both parties;

(i) Definition of Heads of Agreement

This definition referred to the commencement date of the Heads of Agreement. The definition appears in all documents. Both parties cannot agree on this matter and it is the subject of continuing negotiations.

(ii) Definition of Minister

The Crown Solicitor's Office advised that the Minister cannot arbitrate in a commercial contract between a Local Government and another party (previously DSR did not advise of any concerns in this matter). It was agreed that this Clause would be re-drafted to allow for the President of the Law Society to nominate an expert witness to mediate any disputes. The Heads of Agreement will need to also be amended. The expert witness specified by Ilberys is to be a chartered accountant with 15 years experience or a Senior (Queens) Counsel (depending on whether the matter is a financial or legal matter). This has been agreed, subject to the Town reviewing the amended Clause.

(iii) Administration Fee

An administration fee of \$25.00 for community and not-for-profit groups is no longer proposed, however the fee of \$250.00 for commercial organisations involving the use of the playing pitch or any part thereof has been increased to **\$500.00**.

2. Licence Agreement - PGSC

This document was agreed, subject to the following items to be resolved;

(i) Clause 1.2 - Definition of Heads of Agreement

This definition referred to the commencement date of the Heads of Agreement. The definition appears in all documents. Both parties cannot agree on this matter and it is the subject of continuing negotiations.

(ii) Clause 1.2 - Definition of Minister

The Crown Solicitor's Office advised that the Minister cannot arbitrate in a commercial contract between a Local Government and another party (previously DSR did not advise of any concerns in this matter). It was agreed that this Clause would be re-drafted to allow for the President of the Law Society to nominate an expert witness to mediate any disputes. The Heads of Agreement will need to also be amended. The expert witness specified by Ilberys is to be a chartered accountant with 15 years experience or a Queens Counsel (depending on whether the matter is a financial or legal matter). This has been agreed, subject to the Town reviewing the amended Clause.

(iii) Clause 2.4 - Assignment Clause

Clause 2.4(d)(v) - Guarantee - **unresolved** - Town has indicated it wants a guarantee. Further discussion required.

Clause 2.4(g) - **unresolved** - Town has indicated it wants a guarantee.

(iv) Clause 6.13(d) - Parking

This Clause relates to the use of the Brisbane Street carpark, if available, by PGSC in the event that Loton Park cannot be used for parking. The Town will provide a formula for costs and this will be inserted.

(v) Clause 9.1 - Licensee must have Insurance

The Town has investigated this matter with its Insurers who advise that it is acceptable for the Town *"to be noted as an interested party on the PGSC Policy"* - accordingly this Clause will be amended.

(vi) Clause 9.2 - Licensee releases and indemnifies the Licensor and Manager

Town has investigated this matter with its Insurers - the Town still requires this Indemnity - It is therefore **unresolved**.

(vii) Clause 9.4 - Indemnity to Licensee

Allia has insisted that the Town provide it with a mirror indemnity as per Clause 9.2. The Town is not obliged to do so and it is not normal for a statutory authority to provide this. It is therefore **unresolved**.

3. PGSC Lease

This document was agreed, subject to the following;

(i) Clause 1.2 - Definition of Heads of Agreement

This definition referred to the commencement date of the Heads of Agreement. The definition appears in all documents. Both parties cannot agree on this matter and it is the subject of continuing negotiations.

(ii) Clause 9.2(a)(i) and (ii) - Conditions applying to assignment and sub-letting

The Town has required PGSC to obtain the Town's approval when transferring shares within the company. This will ensure that the company is not transferred to undesirable persons, without the Town's consent.

(iii) Clause 9.3 - Special requirements concerning proposed Sub-Lease

This has been further investigated and the Town will require PGSC to seek the Town's approval to sub-let above 10% of its office area to a non-stadium user or above 50% of its office area to a stadium user.

(iv) Schedule Item 1(a)(iv) - Insurance on Town's installation

Town has investigated this matter with its Insurers and it is considered that matters covered by the definition of "installations" would be also covered under the building insurance policy. Therefore, the word "installation" has been deleted.

4. PGSC Lease - Carparking Licence

This document was agreed.

5. Other Matters

Following the meeting of 5 May 2004, the following matters remain to be resolved;

(i) Security of the Stadium

Allia have submitted a plan which in essence requires security gates to be placed on the main ramps leading into the Stadium and a roller door to prevent access into the Grandstand. This request has been referred to the Town's Planning and Building Staff and the Project Architect for comment. Allia has been advised that there are no Town funds for these works.

(ii) Town's Scoreboard Sign

Allia have requested that the Town's sign on the scoreboard be removed once a sponsor has been found for a new scoreboard. The Town has agreed to this request, subject to the Town's signage being erected at strategic locations around the Stadium. The actual locations are yet to be agreed.

(iii) Stadium Building Works

Allia have engaged a registered builder to carry out an inspection of the Stadium and to prepare a list of matters which they believe should be drawn to the attention of the Project Architect or Town. The Town has advised Allia that any works which were not part of the original tender or scope will be required to be paid for by Allia. At the time of writing this report, no list had been received.

The following items are still unresolved and negotiations were in progress at the time of writing this report;

1. **Legal Agreements**

(a) Heads of Agreement (HOA)

Allia is still holding the view that the HOA have not commenced. They would not discuss why they held this view, despite selling both the Naming Rights and Catering Rights. Further discussions are continuing in this matter.

(b) Mortgage/Guarantee Documents

This document was agreed, except for the definition of "Mortgage Security". Ilberys seek to change the definition from that contained in the Heads of Agreement which covers the loan, any outstanding monies and also for it to be used in the event of non-performance by Allia and limiting it strictly to cover the Town's outstanding loan and \$300,000 for catering equipment.

(c) Charge over Water Licences

This document was agreed, except for the definition of "Mortgage Security" as per 1(b).

2. **Caveat**

As directed by the Council on 25 February 2003, the Town's solicitors lodged a caveat on land registered in the name of North East Equity Pty Ltd of 257 Balcatta Road, Balcatta. The land is Lot 41 Beermullah Road West, Wanerie - which is the property nominated by North East Equity Pty Ltd in its own right and as trustee for the Nicola Tana Family Trust No. 20. The Town's solicitors have also written to Bankwest, who currently have a mortgage on the subject land, advising that the Town requires a "first ranking" mortgage.

At the time of writing this report, no information has been received from Bankwest.

Allia's lawyer verbally stated that they have had discussions with Bankwest and the Town's 1st ranking mortgage will be provided, subject to all documents being agreed.

The Town confirmed its position that the caveat would not be removed until the matter is satisfactorily resolved.

3. **Outstanding Monies**

It is pleasing to note that Allia/PGSC have agreed to pay outstanding monies (plus interest for overdue payment on the insurances). These monies will be paid contemporaneously with the signing of the legal documents. The amount of \$24,927.95 owed by PGSC for 2002/2003 hire fee for Perth Oval has now been agreed to be paid on the first playing date in Perth of the new Australian Premier Soccer League or 1 July 2005, whichever is the sooner, subject to the Town agreeing not to charge interest on this money.

The following monies (as revised pro rata for the insurance costs) remain outstanding as at the time of writing this report;

<u>Allia Holdings Pty Ltd</u>		
	<u>Item</u>	<u>Amount</u> <i>(excl GST)</i>
1.	Contribution to Stadium Capital Reserve Fund - January contribution as per HOA Clause 4.9 - <u>money due 19 February 2004.</u>	\$25,000.00
	<u>Action Taken:</u> Invoice sent on 12 February 2004. Letter of Demand sent on 27 February requiring payment within 30 days, as required by Clause 10.1 of the Heads of Agreement.	
2.	Reimbursement of building insurance - as per HOA Clause 6.12 - for period <u>1 February 2004 - 30 June 2004 - money due 12 February 2004.</u>	\$9,852.43
	<u>Action Taken:</u> Invoice sent on 30 January 2004. Letter of Demand sent on 27 February requiring payment within 30 days, as required by Clause 10.1 of the Heads of Agreement.	
3.	Reimbursement of Public Indemnity Insurance - as per HOA Clause 6.11 - for period <u>1 February 2004 - 30 June 2004 - money due on 5 March 2004.</u>	\$4,056.90
	<u>Action Taken:</u> Invoice sent on 20 February 2004. Awaiting payment. Letter of demand to be issued.	
4.	Recoup of Additional Works at Stadium (Additional signage - \$2,269.30, Replacement of Water Damaged Ceiling Tiles - \$1,166.00, Additional Electrical Works for Chicken Treat Van - \$1,568.60, 4 Extra Chairs in Grandstand - \$407.00, Powerpoint for roof mounted TV Platform - \$1,056.00, 12 Additional Chairs in Grandstand - \$1,219.90)	\$6,988.00
	<u>Action Taken:</u> Invoice sent and payment due on 9 April 2004.	
5.	March - Monthly Payment for Use of Stadium - March payment due 19 February 2004	\$33,333.33
	<u>Action Taken:</u> Invoice sent on 5 February 2004.	
6.	April - Monthly Payment for Use of Stadium - April payment due 17 March 2004	\$33,333.33
	<u>Action Taken:</u> Invoice sent on 3 March 2004.	
7.	May - Monthly Payment for Use of Stadium - May payment due 16 April 2004	\$33,333.33
	<u>Action Taken:</u> Invoice sent on 2 April 2004.	

<u>Allia Holdings Pty Ltd</u>		
	<u>Item</u>	<u>Amount</u> <i>(excl GST)</i>
8.	June - Monthly Payment for Use of Stadium - June payment due on 17 May 2004	\$33,333.33
	<u>Action Taken:</u> Invoice sent in May 2004.	
9.	Interest Payable on Building and Public Liability Insurance Policies	\$3,219.63
	Subtotal	<u>\$182,450.28</u>
<u>Perth Glory Soccer Club Pty Ltd (PGSC)</u>		
	<u>Item</u>	<u>Amount</u> <i>(excl GST)</i>
1.	Stadium office fitout and other works - <u>money due 18 February 2004.</u>	\$18,823.00
	<u>Action Taken:</u> Invoice sent on 4 February 2004. Letter of demand sent on 25 February 2004 requesting immediate payment.	
2.	Payment of Perth Oval lease costs 2002/03 Season - <u>well overdue.</u>	\$24,927.95
	<u>Action Taken:</u> Invoices sent in late 2003. Letter of demand sent on 2 March 2004 requesting immediate payment. It should be noted that this money is the subject of dispute between Perth Glory Soccer Club and the Town as detailed in PGSC's letter dated 13 February 2004.	
	Subtotal	<u>\$43,750.95</u>
	GRAND TOTAL - ALLIA AND PGSC	<u>\$226,201.23</u>

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

N/A.

STRATEGIC IMPLICATIONS:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

It is pleasing to note that Allia/PGSC have agreed to pay all outstanding monies. The outstanding monies will be pursued through the negotiations process.

COMMENT:

The CEO is of the opinion that positive progress is still continuing to be made to satisfactorily resolve the matter. At the time of writing this report, the Town was awaiting further legal advice concerning the definition of secured monies in the Mortgage document. This advice is considered essential in allowing the negotiations to continue.

Allia/PGSC have been advised that any proposals must be approved by the Council.

10.1.12 No. 219 (Lot 2) Brisbane Street, Perth – Proposed Partial Demolition of and Alterations and Three-Storey Additions to the Existing Single House

Ward:	South	Date:	18 May 2004
Precinct:	Hyde Park, P12	File Ref:	PRO1691; 00/33/1768
Attachments:	001		
Reporting Officer(s):	J Barton		
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 Riley Hair on behalf of the owners J Puls for partial demolition of and proposed alterations and three-storey additions to the existing single house at No. 219 (Lot 2) Brisbane Street, Perth, and as shown plans stamp-dated 17 March 2004, subject to:

- (i) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the window to the kitchen (for preparation room) on the ground floor northern elevation, and the study room (desk room) on the first floor northern elevation, and the eastern and western elevations of the elevated outdoor living area (terrace) on ground floor and the southern elevation of the (sleeping room) balcony (to screen to the eastern and western properties) 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 respective finished floor levels. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 200. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (ii) *compliance with all Building, Environmental Health and Engineering requirements;*
- (iii) *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;*

- (iv) *a road and verge security bond or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing.*
- (v) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (vi) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (vii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (viii) *standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (ix) *subject to first obtaining the consent of the owners of the adjoining eastern and western properties for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing east and west in a good and clean condition;*
- (x) *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;*
- (xi) *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;*
- (xii) *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 Brisbane Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*
- (xiii) *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 or Building Licence, whichever occurs first;*

to the satisfaction of the Chief Executive Officer.

The Acting Chief Executive Officer advised that Cr Torre had left the meeting as she was feeling unwell. She did not return to the meeting.

Cr Lake requested that it be recorded in the Minutes that previously she had declared an interest in an application for this property because of her association with the architect, Chris Hair. She advised that Chris Hair is no longer the architect for this development and therefore does not need to declare an interest in this Item.

Cr Franchina returned to the Chamber at 9.19pm.

COUNCIL DECISION ITEM 10.1.12

Moved Cr Lake, Seconded Cr Cohen

That the recommendation be adopted.

LOST (2-5)

(Mayor Catania was an apology for the meeting. Cr Torre was absent from the meeting.)

For

Cr Chester
Cr Lake

Against

Deputy Mayor, Cr Ker
Cr Cohen
Cr Doran-Wu
Cr Farrell
Cr Franchina

Reasons:

1. Negative impact on existing streetscape.
2. Bulk and scale.
3. Impact on the amenity of the area.

LANDOWNER: J M Pals
APPLICANT: R Hair
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No. 1 - Residential R80
EXISTING LAND USE: Single House

COMPLIANCE:

Requirements	Required	Previous Approval	Current Proposal
Setbacks -			
East - Basement	1.5 metres	Nil	
Ground floor	2.3 metres	Nil	
First floor	1.8 metres	Nil	
West - Basement	1.5 metres	Nil	
Ground floor	1.9 metres	Nil	
First floor	1.4 metres	Nil	

Requirements	Required	Previous Approval	Current Proposal
East - Basement Ground floor First floor	1.5 metres 6 metres 1.7 metres		Nil Nil Nil
West - Basement Ground floor First Floor	1.5 metres 6 metres 1.4 metres		100 millimetres to 300 millimetres 100 millimetres to 350 millimetres 500 millimetres
Consideration can be given to parapets abutting existing parapet walls on boundaries. In addition, in areas coded R30 and higher consideration can be given to a parapet on one side boundary subject to certain provisions.			
Plot Ratio	0.65 (151.45 square metres)	0.89 (209 square metres) Plot ratio area of 209 square metres should have been stated as 0.934 in previous report.	0.91 (204 square metres)
Open Space	45 per cent (104.85 square metres)	41 per cent (92.6 square metres)	40 per cent (89.5 square metres)
Privacy - Ground floor - Outdoor Living/ Terrace	7.5 metres	Less than 7.5 metres to eastern and western boundaries. Screened to a height of 1.4 metres to the side boundaries.	Less than 7.5 metres to eastern and western boundaries. Screening provided to 1.5 metres.
Ground Floor - Kitchen/ food preparation area	6.0 metres	Less than 6.0 metres to the western boundary. However, screening provided.	Less than 6.0 metres to the western boundary. However, screening provided to 1.6 metres in height.
First floor - (Sleeping Room) Balcony	7.5 metres	Less than 7.5 metres to eastern and western boundaries. Note: southern neighbour provided consent for previous application.	Less than 7.5 metres to eastern and western boundaries.

Requirements	Required	Previous Approval	Current Proposal
First Floor- Study/Desk Room	4.5 metres	Less than 4.5 metres to western boundary.	Less than 4.5 metres, screening depicted on western side.
Building Height	7.0 metres to the top of the external wall (concealed roof)	Maximum height of 9.0 metres	Maximum height of 9.0 metres

Use Class	Single House
Use Classification	"P"
Lot Area	223 square metres

SITE HISTORY:

The subject site slopes down from Brisbane Street to the rear unsealed 3.42 metres wide privately owned right of way, which abuts the property to the south. It is occupied by a single storey dwelling that has been designed with a finished floor level similar to the height of Brisbane Street. The dwelling appears similar to a two storey dwelling, effectively due to the dwelling being built up to provide the same finished floor level throughout the dwelling.

Council at its Ordinary Meeting held on 4 November 2003 resolved to approve a similar proposal, subject to the following condition:

- "(i) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) the parapet wall height (overall development height) being reduced to a maximum height of 7.8 metres measured from natural ground level;"*

DETAILS:

The applicant seeks approval for the construction of three-storey additions with a portion of the addition being cut into the natural ground level. The proposal includes parking for the dwelling accessed off of the right of way, two bedrooms, a small balcony, kitchen and dining room and an elevated outdoor living area/ terrace (located above the garage).

The amended plans have resulted from the above-mentioned condition imposed by Council. The applicants have modified the previous design to reduce the height of the parapet wall slightly, and to incorporate design features into the proposed development.

The applicants have included a set of comparison plans with the new drawings, to depict the extent of the changes, and a letter of justification (attached) in support of the proposal.

CONSULTATION/ADVERTISING:

The proposal was advertised to neighbouring property owners for comment. One objection was received during the consultation process.

The letter of objection raised the following concerns:

"The owners of 221 Brisbane Street, Perth have expressed concerns that the proposed development does not comply with the R Codes as per your letter dated 21/04/04".

"By developments abiding to the codes you have an equal standard and this allows for communities to live and work together in harmony"

"Residential design codes have been established and introduced in order to allow for proper and responsible developments and also allow neighbours not to be disadvantaged".

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies, and the Residential Design Codes (R-Codes)

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Open Space

The open space shortfall of approximately 15 square metres is considered supportable given the minor nature of the variation from the previous approval, the three areas of useable space provided on the site for outdoor living, and the fact that the subject land abuts a right of way which provides a sense of openness.

Plot Ratio

The Residential Design Codes (R-Codes) require a plot ratio of 0.65 (151.45 square metres) for the acceptable development standards. The proposed plot ratio is 0.91 (204 square metres), and the previous report stated that the plot ratio was 0.89 (209 square metres), which should equal a plot ratio of 0.94, not 0.89, which is greater than the current proposal.

The proposal is supported as the plot ratio area is 5 square metres less than the previous proposal approved by the Council.

Setbacks and Heights

The proposed side setbacks and parapet wall heights do not comply with the acceptable development standards of the Residential Design Codes. However, the setbacks and parapet wall heights are almost identical to the previous approval, as shown on the comparison plans.

The required setbacks in the Compliance Table only differ due to different Officers interpretations of the R-Codes, as the entire length of wall was calculated in the assessment of the current application (Officers interpretation of the setback requirements of the R-Codes has since been consistent.). Given this, the setbacks requirements appear greater, however they are almost identical, and they are therefore considered acceptable.

The height of the parapet walls have been reduced slightly, and they are not considered to create an adverse impact on the amenity of the area.

In light of the previous condition (i) (a) on the previous Development Application, and given that design features have been incorporated, the height is therefore considered acceptable in this instance.

Privacy

With regard to the potential for unreasonable overlooking from the ground floor kitchen window to the western property, and ground floor outdoor living area/ terrace and the first floor balcony to the eastern and western neighbouring properties, it is considered necessary that relevant screening conditions are applied to ensure these openings comply with the privacy screening requirements of the Residential Design Codes. To address this matter, a condition to screen to a minimum height of 1.6 metres is contained within the recommendation. There are no other issues of undue overlooking in association to the proposal.

Screening is not considered necessary along the southern side, as the neighbours across the right of way previously raised no objection to the proposed overlooking issues.

Conclusion

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

10.1.5 No. 333 (Lot PT32) Charles Street, North Perth – Proposed Two-Storey Mixed-Use Development Comprising Four (4) Offices and twelve (12) Multiple Dwellings and Associated Undercroft Car Parking

Ward:	North	Date:	18 May 2004
Precinct:	Charles Centre P7	File Ref:	PRO1249; 00/33/2068
Attachments:	001		
Reporting Officer(s):	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, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by K McFarlane on behalf of the owner J and L Holdings Pty Ltd for proposed two-storey mixed-use development comprising four (4) offices and twelve (12) multiple dwellings and associated undercroft car parking at No.333 (Lot Pt 32) Charles Street, North Perth, and as shown on the plans stamp dated 20 April 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements, including access, car parking and facilities for people with disabilities;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iii) 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;*
- (iv) 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;*
- (v) in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$6450 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 facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*

- (vi) *a road and verge security bond or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (vii) *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;*
- (viii) *bin compound shall be constructed in accordance with the Town's Health Services' specifications, divided into commercial and residential areas and sized to contain:-*
- Residential*
 - 1 x mobile garbage bin per unit;*
 - 1 x general recycle bin per 2 units;*
 - Commercial*
 - 1 x mobile garbage bin per unit; and*
 - 1 x paper recycle bin per unit, or per 200 square metres of floor space;*
- (ix) *standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (x) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted with all cost associated the removal and replacement shall be borne by the applicant/owner(s);*
- (xi) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings/service apartments that:*
- "the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development";*
- (xii) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (xiii) *the doors, windows and adjacent floor areas fronting Charles Street shall maintain an active and interactive relationship with this street;*
- (xiv) *car parking specifically allocated for apartments 1 to 12 are approved as a single car bay for each unit;*

- (xv) *prior to the first occupation of the development, three (3) visitors car parking bays, shall be clearly marked and signposted for such, visible from the point of entry and outside any security barrier;*
- (xvi) *the commercial car bays shall be available for use in association with the residential units before 8am and after 6pm weekdays and weekends, inclusive;*
- (xvii) *subject to first obtaining the consent of the owners of Nos. 329 to 331 Charles Street and No.18 Kadina Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 329 to 331 Charles Street and No.18 Kadina Street in a good and clean condition;*
- (xviii) *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;*
- (xix) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Charles Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xx) *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;*
- (xxi) *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";*
- (xxii) *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;*
- (xxiii) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*
- (xxiv) *prior to the first occupation of the development, the car parking spaces provided for the residential component of the development, and visitors car parking spaces shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*

(xxv) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$24,000) shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services Section with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

(xxvi) *the gross floor area of the office component shall be limited to a maximum of 552 square metres; and*

(xxvii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.5

Moved Cr Lake, Seconded Cr Franchina

That the recommendation be adopted.

Debate ensued.

CARRIED BY AN ABSOLUTE MAJORITY (7-0)

(Mayor Catania was an apology for the meeting. Cr Torre was absent from the meeting.)

LANDOWNER: J and L Holdings Pty Ltd
APPLICANT: K McFarlane
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No.1: Commercial
EXISTING LAND USE: Vacant Land

COMPLIANCE:

Use Class	Office Building; Multiple Dwelling
Use Classification	'P'; 'AA'
Lot Area	1442 square metres

Requirements	Required	Proposed
Setbacks -		*
North First Floor (apartments 1 to 6)	7.3 metres	3.1 metres to 5 metres
North Second Floor (apartments 1 to 6)	8.3 metres	3.1 metres to 5 metres
West Wall	1.8 metres	0 metre
Privacy Assessment -		*
First Floor North Facing Balconies (apartments 1 to 6)	7.5 metres or screening as per R Codes requirements	3.3 metres to 4.1 metres

Requirements	Required	Proposed
North Facing Balcony (apartments 2 to 5)	7.5 metres or screening as per R Codes requirements	4.4 metres
Second Floor North Facing Balconies (apartments 7 and 12) *	7.5 metres with inclusion of 2 metres of Right of Way.	3.3 metres to 4.1 metres
Second Floor North Facing Balconies (Apartments 8 to 11) *	7.5 metres with inclusion of 2 metres of Right of Way.	4.4 metres
Density - No. of Dwellings **	12 dwellings R80	** 11.536 dwellings R83.22 4 per cent density bonus
Plot Ratio - R80 **	1.00 1442 square metres	1.08 1599 square metres
Boundary Walls West Wall	Walls on boundary for 2/3 of boundary behind street setback up to 6 metres.	Wall Occupies 84 per cent of boundary 9 metres high.

* The setbacks relating to the north elevation include 2 metres of the adjacent right of way as permitted in the Residential Design Codes.

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

SITE HISTORY:

No.333 Charles Street was used as a vehicle sales premises known as “West City Cars” with several buildings associated with the vehicle sales premises. The properties to the north and south of the subject lot are zoned Commercial. The adjoining property to the rear is zoned Residential/Commercial.

The Council, at its Ordinary Meeting held on 11 October 1999, resolved to grant conditional approval for the demolition of existing sales building and outbuildings and construction of 11 multiple dwellings and one office.

There is a right of way that abuts the northern boundary of the lot. The right of way is 5.6 metres in width, privately owned and sealed.

DETAILS:

The development proposal is for 12 multiple dwellings and 4 offices with associated undercroft car parking. The proposed offices 2 and 3 maintain a nil setback to the Charles Street boundary alignment and to the south. The south boundary wall abuts a boundary wall on the adjoining property, which is greater in length and of a similar height. The multiple dwellings are proposed to be located behind the commercial offices.

The applicant has provided a letter of justification in relation to the proposal. The letter raises and discusses aspects of the application relating to setbacks, privacy setbacks, density, plot ratio, boundary walls and parking. The submission is attached to this report.

CONSULTATION/ADVERTISING:

The proposal has been advertised and one written submission has been received by the Town.

The main concerns raised in the letter are summarised as follows;

"...the proposed apartments are being built in what I would already regard as a high density living area, which to my knowledge has largely been built in accordance with Council's recommendations.

Council has developed and applied policies which seek to balance the rights and needs of all the parties who reside on or otherwise use the amenities of this area in Perth. Those policies are publicly available to all existing or potential residents and or investors seeking to live and or work in the area and should have been well known to the persons who have submitted the planning application to which you refer.

To allow the proposed development to use the reduced setback proposed will, in my view, likely confer an advantage on the proposed developers at the expense of those who already own property in the area. It is unfair to act to the detriment of those of us who have abided by the rules in order to advantage new investors.

I am very concerned that whether my own flat is effected or not, the entire development in which it is housed will be badly impacted which will reduce the overall amenity of the block of units in which it is housed."

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies, and Residential Design Codes (R Codes)

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Commercial Car Parking

Car parking requirement (nearest whole number) -Office (Proposal) - 552 square metres requires 11.043 bays	11 car bays
Apply the adjustment factors.	(0.68)
<ul style="list-style-type: none"> ▪ 0.80 (development contains a mix of uses where at least 45 per cent of the gross floor area is residential) ▪ 0.85 (within 400 metres of a bus stop) 	7.48 car bays
Car parking provided on-site for commercial component	13 car bays
Resultant surplus	5.52 car bays

Residential Car Parking

The car parking requirements for the residential component of the development has been calculated in accordance with the requirements of the R Codes for mixed use development. The R Codes state the following;

"On-site car parking - as for Multiple Dwellings; may be reduced to one per dwelling where on-site parking required for other users is available outside normal business hours;"

In this instance, the above provision applies as the double car bays proposed for each unit do not comply with the required widths. These bays are therefore approved as single bays with commercial car parking bays available to the units outside normal business hours. This is reflected in the Officer Recommendation. The commercial area is proposed to remain open at all times to allow easy access to the parking by the residents. Three visitor bays are required and can be accommodated in the commercial parking area as there is a resultant surplus in commercial car parking as indicated in the above table. This results in compliance with the parking provision for mixed use development.

The applicant has provided the following comments in relation to parking:

"6.0 Parking

- 6.1 The right of way is a legal right of way providing a common bitumenised and drained access to most developments backing on to it...*
- 6.2 As indicated the R Codes under the "mixed commercial residential use" reciprocal parking permits the multiple dwelling parking requirements to be reduced to 1 bay per apartment.*
- 6.3 Notwithstanding this we have provided secure parking areas for the residential tenants to accommodate 20 vehicles. The commercial area required 11 vehicle bays and we have provided 13 bays accessible at all times.*
- 6.4 The widths of the bays, ramp grades and head heights shall be in accordance with AS 2890*
- 6.5 The right of way is 5.5m wide and the basement car park access is 5.5m wide.*
- 6.6 The car parking generally is more spacious than those provided on most inner city developments as it is defined within the confines of supporting the two storeys of apartments.*
- 6.7 To provide security for the tenants and particularly the residential tenants the car park and basement lobby are isolated by electric keying."*

Setbacks

There are setback variations proposed on the north side of the development. The north elevation consists of outdoor living areas for the units and living room windows. The wall is required to be setback 7.3 metres for the first floor and 8.3 metres for the second floor. This is attributed to the height, length and nature of the wall containing major openings. The applicant has opted for the balconies and living areas to be located on the north side to provide good solar access to each apartment, while providing casual surveillance over the right of way. Furthermore, the location to the north side also means that there is some relief provided by way of the right of way (ROW) which separates the subject lot from the northern lots. The right of way has a total width of 5.6 metres. The north elevation of the proposal overlooks commercial buildings. It is considered that the right of way provides a suitable separation between the lots together with the setbacks from the boundary provided in the proposal. The setback variations are not considered to pose a negative undue impact to the amenity of the properties to the north and are therefore supported in this instance.

Plot Ratio

The plot ratio requirement applicable to the site is 1.00 (1442 square metres) under the R80 requirements. The proposed plot ratio is 1.08 (1599 square metres) which excludes the ground floor for the office component. In mixed use development sites, if too high standards are imposed, there is a probability that this would discourage the concept of mixed use developments. In the past, for mixed use developments, the Town has considered higher plot ratios provided that the "total development package" fits in with the surrounding development and the likely benefits to be achieved by such integrated developments.

On the above basis, the proposed plot ratio variation in this instance is considered reasonable and is supported.

Overshadowing

An overshadowing assessment was undertaken to establish the extent of overshadowing the development would impose onto the adjoining affected property being No. 329-331 Charles Street. The outcome of this assessment established that a total of 568.52 square metres of the adjoining property will be overshadowed. This equates to 39.4 percent. This is considered to be within the requirements as per the Residential Design Codes (R Codes). The R Codes stipulate that the shadow cast onto the adjoining property must not exceed 50 percent. The overshadowing is therefore in full compliance with the requirements of the R Codes and considered acceptable.

Density

The residential density applying to the site, if developed for solely residential purposes and the area is R80. The subject site abuts one ROW along its entire northern side boundary. The proposal does not comply with the density requirements by 4 per cent. The applicant has provided the following comments in relation to this variation;

"We believe the continuity and balance of the project is enhanced by the additional 0.47 of a unit requested in our application i.e. R80 density=11.53 units and 12 units proposed. This permits 6 units on each level so the primary design elements can be repeated to break the length and maintain continuity."

The 5.6 metres wide right of way along the entire northern side boundary provides an element of openness to the development ensuring that the development is not over imposing to the immediate and surrounding area. The subject site is zoned Commercial. The Town may allow variations where acceptable levels of residential amenity can be maintained, especially in Commercial zoned land. In mixed use developments, the Town in the past has considered development at a higher density provided that the whole project fits in with the surrounding development and the likely overall benefits to be achieved with such mixed use developments. In such situations, bulk and scale are also considered as part of the assessment criteria.

On the basis of the above, the variation to density is considered to be acceptable and therefore supported.

Boundary Wall

The proposed boundary wall located on the west boundary does not comply with the height and length requirement of the R Codes. The R Codes state that for a mixed use development, boundary walls are to occupy no more than two-thirds of the total boundary length with the total height not to exceed 6 metres. The proposed wall occupies 84 per cent of the total boundary length and is a total height of 9 metres measured from natural ground level.

The applicant has provided the following comments in relation to the proposed boundary wall;

" We have redesigned the roof along this boundary to lower the parapet wall to 6m over the existing fence and existing retaining wall built by the neighbouring residential development. The wall exceeds the permitted height and length of 2/3 to 6m high. We have left this as we believe the proposal which includes the fire screening to the windows also improves the solar and privacy screening to the end apartments from the large residential development to the west. The wall would have no detrimental impact on the adjacent car park other than to give some increased summer sun protection to the vehicles in the morning..."

Western Boundary: As indicated in the above comment ...we see that the proposed parapet wall 150mm inside our boundary behind the existing wall and fence enhances the amenity of our development and improves the separation between the residential developments with increased acoustic and visual privacy. Our building provides increased acoustic separation between the traffic noise and the commercial buildings on Charles Street and the residential units to our west."

The boundary wall is not deemed to cause undue negative impact to the adjoining property as it is located adjacent to a car park. The boundary wall is therefore considered to be acceptable and is supported.

Privacy

The privacy variations relate to the north facing balconies on the first floor and the second floor. The balconies are all north facing making good use of solar principles and represent the outdoor living area of apartments 1 to 12. The adjoining neighbours affected by the privacy variations have all provided written consent to the development and in particular to the variations of the balconies. The applicant has provided the following comments in relation to the balconies;

- "1.1 To improve the northern aspect of the apartments facing the right of way and neighbouring commercial buildings we have stepped the windows back 3m and 6m from the boundary and created a 3m landscaped strip to be planted with medium sized trees.*
- 1.2 The apartments have been orientated north to provide good solar access to their living areas and balconies. The balconies are around 12sqm and not the 4sqm required.*
- 1.3 This logically positioned the apartment entries off a passage on the south which has been kept open to provide light and ventilation to the passage and through the minor openings for cross ventilation..*
- 1.4The west has no aspect and any windows would need to be minor as they would result in incorrect solar heating and a loss of privacy to the car park of the rear residential development behind.*

The major requirement of the setbacks in the R Codes is to provide privacy as outlined by the performance criteria of Element 3.8. We believe that our proposal submitted maintains excellent privacy for our apartments and the adjacent properties. The only major openings are positioned on the north over looking the roofs of the commercial buildings at 7.84m from our balconies to their rear and side boundaries. The setback through the balconies to the living room is 11.5m. The side projections on the balconies are designed to improve the separation and privacy between the balconies and main bedrooms of the apartments on our development."

The balconies are not considered to cause negative undue impact to the surrounding properties and have received consent from the affected adjoining neighbours. On this basis, the balconies are considered acceptable and therefore supported.

Response to Objector

The objection received opposed the high density nature of the development, reduced setbacks and the reduction of amenity it will create for the block of units nearby.

The Commercial and Residential zoned land in the immediate area has a residential density coding of R80. This is conducive to high density developments. In this case, it introduces both commercial and residential to the area.

The setbacks proposed are non-compliant to the north side boundary and the west. The owners affected by the north boundary variations have provided their consent and the west wall is considered to be acceptable in this instance.

The proposed development is considered to be a positive addition to the area and overall amenity.

Conclusion

On the above basis, the proposal is considered acceptable, subject to standard and appropriate conditions to address the above matters, and the scale and nature of this mixed use proposal.

10.1.2 Further Report - No. 18 (Lot 15) Brisbane Street, Corner Bulwer Street, Perth – Proposed Sale Sign to Approved Mixed Use Development Comprising Three (3) Offices and Eight (8) Multiple Dwellings (Application for Retrospective Planning Approval)

Ward:	South	Date:	18 May 2004
Precinct:	Beaufort, P13	File Ref:	PRO1838; 00/33/2186
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

ALTERNATIVE RECOMMENDATION REQUESTED BY ELECTED MEMBERS:

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 Mulligan on behalf of the owner Saville Property Group P/L for proposed sale sign to approved mixed use development comprising three (3) offices and eight (8) multiple dwellings (application for retrospective Planning Approval), at No. 18 (Lot 15) Brisbane Street, corner Bulwer Street, Perth, and as shown on plans stamp dated 22 April 2004, subject to the following conditions:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) the signage shall not have flashing or intermittent lighting;*
- (iii) all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iv) submission of a structural engineers certification that the signage is structurally sound, including footing dimensions and design and method of support and fixing for the proposed signage, prior to issue of a Sign Licence;*
- (v) this approval for the signage is for a period of 12 months only, and should the applicant wish to extend the display period of the signage after that period or change the size or location of the signage, it shall be necessary to reapply to and obtain further approval from the Town prior to continuation of the display of the signage;*
- (vi) the signage shall be located entirely within the property boundaries;*
- (vii) all signage shall be kept in a good state of repair, safe, and be non-climbable and free from graffiti for the duration of their display on-site; and*
- (viii) the payment of \$300 being additional fees required for a planning application for retrospective Planning Approval, within fourteen (14) days of the date of the approval notification;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.2

Moved Cr Cohen, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

LOST (3-4)

(Mayor Catania was an apology for the meeting. Cr Torre was absent from the meeting.)

<u>For</u>	<u>Against</u>
Deputy Mayor, Cr Ker	Cr Chester
Cr Franchina	Cr Cohen
Cr Lake	Cr Doran-Wu
	Cr Farrell

Reasons:

1. Non-compliance with the Town's current signage policy.
2. Disproportionate size of the sign to the proposed development.
3. Intrusive to the streetscape.

SUBSEQUENT MOTION

Moved Cr Lake, Seconded Cr Farrell

That the Council authorises the Chief Executive Officer to review the Town's sign policy in terms of larger developments, such as Oxford Lane development, and in relation to the size for advertising signs during the sale period.

CARRIED (7-0)

(Mayor Catania was an apology for the meeting. Cr Torre was absent from the meeting.)

The Presiding Member advised that Cr Lake's foreshadowed subsequent motion discussed at Item 10.1.1 would be considered.

SUBSEQUENT MOTION

Moved Cr Lake, Seconded Cr Farrell

That the Council authorises the Chief Executive Officer to review the Town's Parking and Access Policy in terms of the car parking requirements for hotels, taverns and night clubs, in light of the recent changes to the Health (Public Buildings) Regulations 1992, which allows for the maximum number of persons that may be accommodated in a public building being reduced from 1 square metre per person to 0.85 square metre per person.

CARRIED (7-0)

(Mayor Catania was an apology for the meeting. Cr Torre was absent from the meeting.)

FURTHER REPORT:

The above proposal was deferred at the Ordinary Meeting of Council (OMC) held on 11 May 2004, to allow for further investigation and an alternative recommendation with appropriate conditions to be prepared for consideration by Elected Members. Also requested was information relating to the actual location, other similar size signs approved by the Town, and the issue of public liability.

The Town's Officers have had a telephone discussion with the Project Manager (Saville Property Group) for the above sale sign to bring to their attention that the location of the sign being applied for is where the building construction was to take place. The Project Manager has advised that the location proposed was going to be temporary and when the construction is underway, another alternative location would be applied for the re-location of the sale sign.

The Town in the past has approved two large size sale signs at the following addresses:

- Nos. 177-179 (Lots 9 and 10) Oxford Street and No. 2 (Lot 4) Stamford Street, Leederville (Former RAAF Drill Hall). The proposed sale sign was 8 metres wide by 4 metres high and upon erection reached an overall height of 6.4 metres above the ground level, with an area of 32 square metres (24 July 2001 OMC).
- Nos. 244-260 (Lots Y105, 23, 1, 2, 3, 21 and 20) Beaufort Street, and Nos. 209-219 (Lots Y105, 22, 5, 6, Y107 and 123) Stirling Street, Perth. The sale sign was mounted to the construction fencing for the site. This sale sign was a continuous sign along the entire frontage of Beaufort and Stirling Streets. The sign proposed was 1.8 metres in height for both the street frontages. The Beaufort Street frontage of the site was 98.86 metres in length and the Stirling Street frontage 120.96 metres. The total area of signage approved for the sale sign was 395.68 square metres (8 April 2003 OMC).

In terms of public liability, as the sign proposed is within the lot boundary, the public liability is solely the responsibility of the owner of the land. Nevertheless, a condition should be applied to ensure the sign is structurally sound.

A site inspection on 18 May 2004 has revealed that the sign has already been erected at the site. As such, payment of a further fee of \$300 is recommended as a condition, in addition to the \$100 fee already paid for the above planning application, as the application is now for retrospective Planning Approval.

The following is a verbatim copy of the minutes of the Item placed before the Council at its Ordinary Meeting held on 11 May 2004:

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by J Mulligan on behalf of the owner Saville Property Group P/L for proposed sale sign to approved mixed use development comprising three (3) offices and eight (8) multiple Dwellings, at No. 18 (Lot 15) Brisbane Street, corner Bulwer Street, Perth, and as shown on plans stamp dated 22 April 2004, for the following reasons:

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

- (ii) *the non-compliance with the Town's Policy relating to Signs and Advertising; and*
- (iii) *the development would create an unacceptable precedent for other signage on similar size developments.*

Moved Cr Franchina, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Cr Torre departed the Chamber at 8.25pm.

COUNCIL DECISION ITEM 10.1.12

Moved Cr Lake, Seconded Cr Farrell

That the Item be DEFERRED to allow further investigation.

CARRIED (7-1)

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

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

LANDOWNER:	Saville Property Group P/L
APPLICANT:	J Mulligan
ZONING:	Metropolitan Region Scheme (MRS) - Urban Town Planning Scheme No. 1 – Residential Commercial R80
EXISTING LAND USE:	Vacant

COMPLIANCE:

<i>Requirements</i>	<i>Required</i>	<i>Proposed</i>
<i>Sale sign-signage area</i>	<i>2 square metres</i>	<i>24.48 square metres</i>
<i>Use Class</i>	<i>Office Building and Multiple Dwellings</i>	
<i>Use Classification</i>	<i>“AA” & 'P'</i>	
<i>Lot Area</i>	<i>873 square metres</i>	

SITE HISTORY:

The proposed sign was previously erected without Council approval within the Road Reserve at the corner of Brisbane and Bulwer Streets. The owners were requested to remove the sale sign from the Road Reserve and further advised that if they still wanted a "sale sign" for the development, it had to be located within the property, and that they had to lodge a formal planning application with the Town of Vincent for consideration. The owners were also required to remove the construction site office, which also doubled up as a "sales office" within the above Road Reserve, and relocate to within the lot.

DETAILS:

The applicant seeks to install a non-illuminated "sale sign" associated with the approved mixed use development consisting offices and multiple dwellings, which are to be built at the above site. The dimensions of the sign are 7.2 metres by 3.4 metres, and when measured from ground level is 4.1 metres in height. The sign is to be located on the eastern side corner within the lot.

CONSULTATION/ADVERTISING:

The proposal was not advertised as it is associated with the current development proposed for the site, and is being referred to the Council for its consideration.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Under the provisions of the Town's Policy relating to Signs and Advertising, a sale sign should not be more than two (2) square metres. The proposed sign is to be 24.48 square metres. The variation proposed is considered excessive and is likely to dominate the immediate area and streetscape, and does not commensurate in terms of the size of the property and location of the sign on the site. Furthermore, the proposed sign is considered undesirable and, if approved, would create an unacceptable precedent for signs proposed for other similar developments.

On the above basis, it is recommended that the proposed sale sign be refused."

10.1.8 No. 8 (Lot 200) Grosvenor Road, Mount Lawley - Proposed Bin Storage Area within Existing Car Park

Ward:	South	Date:	17 May 2004
Precinct:	Mount Lawley Centre, P11	File Ref:	PRO2747; 00/33/2136
Attachments:	001		
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 Meyer Shircore and Associates on behalf of the owners Silverleaf Investments, for proposed bin storage area within existing car park at No. 8 (Lot 200) Grosvenor Road, Mount Lawley, and as shown on plans stamp dated 12 March 2004, subject to:

- (i) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (ii) compliance with all relevant Building, Engineering and Environmental Health requirements, including the bin store door is not to open out over the right of way, and the bin storage area is to be roofed;*
- (iii) standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, to ensure that the safety of pedestrians and other road users is not compromised;*
- (iv) prior to the construction of the bin storage area,*
 - (a) the owner shall agree in writing to vary the provisions of the deed between the Town of Vincent and the owner Silverleaf Investments Pty Ltd dated 1 October 1998, associated with the development to reflect the replacement of one car bay with the bin storage area; and*
 - (b) the applicant/owner shall pay a cash-in-lieu contribution of \$2500 for the equivalent value of 1 car parking space, based on the estimated cost of \$2500 per bay as set out in the Council 2003/2004 Budget; and*
- (v) 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 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;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.8

Moved Cr Chester, Seconded Cr Lake

Cr Cohen departed the Chamber at 9.28pm.

That the recommendation be adopted subject to clause (iv) being amended as follows:

"(iv) prior to the construction of the bin storage area,

- (a) the owner shall agree in writing to vary the provisions of the deed between the Town of Vincent and the owner Silverleaf Investments Pty Ltd dated 1 October 1998, associated with the development to reflect the replacement of one car bay with the bin storage area, and the return of one of the parking permits to the Town ; and*
- (b) the ~~applicant/owner shall pay a cash-in-lieu contribution of \$2500 for the equivalent value of 1 car parking space, based on the estimated cost of \$2500 per bay as set out in the Council 2003/2004 Budget~~ shall return to the Town one of the parking permits, which was provided by the Town pursuant to the deed dated 1 October 1998; and"*

Debate ensued.

Cr Cohen returned to the Chamber at 9.29pm.

LOST (0-7)

(Mayor Catania was an apology for the meeting. Cr Torre was absent from the meeting.)

Reasons:

1. The proposal is not consistent with the orderly and proper planning and the preservation of the amenities of the locality, mainly due to the undue impact of the activities and externalities associated with bin storage area on the adjacent residential properties.

ALTERNATIVE RECOMMENDATION

Moved Cr Chester, Seconded Cr Lake

The Council ADVISES the applicant that it is prepared to give consideration to a development proposal, which demonstrates the proposed bin storage area being located adjacent to the commercial properties at Nos. 71-77 Walcott Street.

CARRIED (7-0)

(Mayor Catania was an apology for the meeting. Cr Torre was absent from the meeting.)

ADDITIONAL INFORMATION:

Car Parking

In accordance with the Parking Station Agreement between the Town and the owner, Silverleaf Investments Pty Ltd, the Town has provided eighteen (18) parking permits to the owner. The eighteen (18) parking permits being provided to the owner, for use in the Raglan Road Car Park, were issued to reflect the fact that, by merging the Raglan Road Car Park and Lot 200 Grosvenor Road, an additional eighteen (18) parking bays could be created. The permits were provided on the basis that parking bays would not be specifically set aside for use by staff of the Alexander Building, but that the permits would be effective in any bay in the car park. By changing the use of one of the car bays to a bin storage area on Lot 200, there should be a corresponding reduction in the number of permits (from eighteen (18) to seventeen (17)), rather than a cash-in-lieu contribution.

LANDOWNER: Silverleaf Investments
APPLICANT: Meyer Shircore and Associates
ZONING: Metropolitan Region Scheme - Urban
 Town Planning Scheme No. 1 - District Centre
EXISTING LAND USE: Car Park

COMPLIANCE:

Use Class	Car park
Use Classification	'AA'
Lot Area	384 square metres

SITE HISTORY:

26 August 1996 The Council at its Ordinary Meeting resolved to conditionally approve development application at Nos. 71 - 77 (Lot 62) Walcott Street, corner Beaufort Street, Mount Lawley for proposed alterations and additions to the existing Alexander Building subject to conditions including;

- "(vii) in accordance with the Town of Vincent Cash-In-Lieu Contribution for Car Parking Policy, the shortfall of 16.54 car bays shall be provided by way of a total cash-in-lieu contribution of \$99 240; and*
- (ix) should the applicant be successful in purchasing any other adjoining land to be used for the necessary parking, clause (vii) will be put to the Council to be rescinded;"*

28 October 1996 The Council at its Ordinary Meeting resolved to sell No. 8 Grosvenor Road, Mount Lawley to Silverleaf Investments Pty Ltd, subject to conditions including:

- "(a) a sale price of \$165 000 as previously advertised state wide;*
- (b) Silverleaf Investments Pty Ltd entering into a formal deed preventing demolition of the masonry wall between No. 8 and No. 10 Grosvenor Road and agreeing not to enter into reciprocal parking rights with adjoining owners;*

- (c) *redesign and redevelopment of the Grosvenor Road end of the Council's No. 29 Car park at the purchaser's cost; and*
- (d) *an interest shall be placed on the Certificate of Title by way of a caveat covering the following conditions in favour of the Town of Vincent;*
 - (i) *the subject land shall be accessible and use for the purpose of a public car park only at all times;*
 - (ii) *that the provision of car parking bays shall not be used for reciprocal car parking with or for any adjoining properties;*
 - (iii) *amalgamation of the said lot with Lot 62 (Nos 71-77) Walcott Street, corner Beaufort Street, Mount Lawley prior to a Building Licence being issued for Lot 62 (Nos 71-77) Walcott Street corner Beaufort Street, Mount Lawley;*
 - (iv) *the car park design shall comply with the layout design plan submitted by Meyer Shircore Architect received on 8 October 1996; and*
 - (v) *the owner agreeing to construct the car park on the subject land at the owner's full expense within one (1) month of the Building Licence for Lot 62 (Nos 71-77) Walcott Street corner Beaufort Street, Mount Lawley being approved".*

10 February 1997

The Council at its Ordinary Meeting resolved to amend the resolution adopted by the Council at its Ordinary Meeting held on 26 August 1996, with regard to Item 12.1.12 Nos. 71 - 77 (Lot 62) Walcott Street, corner Beaufort Street, Mount Lawley - Proposed Alterations and Additions to the existing Alexander Building by rescinding condition (vii);

"in accordance with the Town of Vincent Cash-In-Lieu Contribution for Car Parking Policy, the shortfall of 16.54 car bays shall be provided by way of a total cash-in-lieu contribution of \$99 240.00"

11 August 1997

The Council at its Ordinary Meeting resolved to conditionally approve alteration and additions to the existing shops on Nos. 71 - 77 (Lot 62) Walcott Street, corner Beaufort Street, Mount Lawley subject to conditions including:

"(iv) in accordance with the Town of Vincent Cash-in-Lieu Contribution for Car Parking Policy - Draft Policy, the shortfall of 2.744 car bays shall be provided by way of a total cash-in-lieu contribution of \$8232;"

27 October 1997

The Council at its Ordinary Meeting resolved to amend the resolution adopted by Council at its Ordinary Meeting held on 11 August 1997 for Nos. 71 - 77 (Lot 62) Walcott Street, Mount Lawley by rescinding condition (iv);

"condition (iv) in accordance with the Town of Vincent Cash-in-Lieu Contribution for Car Parking Policy - Draft Policy, the shortfall of 2.744 car bays shall be provided by way of a total cash-in-lieu contribution of \$8232"; and

- (ii) *Silverleaf Investments Pty Ltd be advised that the Fresh Provisions site does not have a surplus car parking figure as a result of condition (iv) being rescinded by the Council."*

An extract from the Council Minutes explaining the car parking situation is as follows:

"The Council land previously accommodated 19 car bays and a single residential dwelling. Following the sale of the residual land, the demolition of the dwelling and the construction of the new car park, 41 car bays were accommodated on Lot 62. Effectively, an additional 7 bays were realised within the Council owned portion of the land by the redevelopment at Silverleaf's cost. It is noted that the redesign and redevelopment works on the Council owned land is conservatively estimated by the Councils Technical Services at \$20 479. As such, it would be reasonable to conclude that, given the cost expended by Silverleaf to reconfigure the Council car parking resulting in an additional seven (7) bays, the cash-in-lieu contribution of \$8232 imposed on Silverleaf for 2.744 car bays (Council meeting held 11 August 1997) would be waived.

The applicant should be advised however, that the reconfiguration of Council's car park resulting in an additional 7 bays, does not effect a surplus figure on the Fresh Provisions site. The rescinding of the cash-in-lieu contribution is considered on the basis of the cost for the works carried out, not on the additional bays created."

8 December 2004

The Council at its Ordinary Meeting resolved the following:

"that the Council authorise the Chief Executive Officer to prepare an agreement with Silverleaf Investments Pty Ltd to enforce car parking restrictions on Lot 200 Grosvenor Road and Lot 62 Walcott Street, Mt Lawley in conjunction with use of the Council's Raglan Road Car park."

The property abuts a privately owned, 4 metres wide, sealed right of way.

DETAILS:

The proposal involves the removal of a car parking bay and the installation of a bin storage area.

A copy of the associated deed has been circulated to Elected Members separately for their reference.

CONSULTATION/ADVERTISING:

The proposal advertised to the adjoining landowner and occupier. One objection was received during this time. The objector raised three main points as follows

- Concerned that the location and design features will contribute to a traffic hazard as it is at the intersection of a right of way and the car park. The objector was concerned that drivers vision will be impaired, especially for entry to and from the right of way;
- Concern that the storage of food waste will attract rodents and cause offensive odours.; and
- Concern that the bin enclosure may attract undesirable persons, such as vagrants and drug takers, who may use the enclosure.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Proposed structure

The Town's Officers generally have no objection to the proposed bin storage area in principle.

The Town's Environmental Health Officer requires the following:

- a) a tap connected to an adequate supply of water;
- b) a floor area able to accommodate all containers used on the premises including Council provided and commercial waste receptacles;
- c) smooth and impervious walls constructed of approved material not less than 1.5 metres in height;
- d) an access way not less than 1 metre in width fitted with a self-closing gate;
- e) smooth impervious floor of not less than 75 millimetres thickness, evenly graded and adequately drained to a 100 millimetres floor waste;
- f) easy access to allow for the removal of the containers; and
- g) it is recommended that the enclosure be roofed to assist in mitigating odour complaints from nearby properties.

Accordingly, it is recommended that all of these issues be addressed as a condition of Planning Approval to reduce potential detrimental impacts on the adjoining landowners and occupiers. These actions should address the objector's concerns. Should problems arise, the affected owner/occupiers, can contact the Town's Health Services to investigate.

The Town's Technical Services have no objection to the proposed bin storage area provided that the door associated with the enclosure does not open over the right of way, and standard sightline requirements are met so that pedestrian and vehicle movement are not compromised. Accordingly, the objector's comments in regard to vehicle movement and safety are not considered to be warranted.

Car Parking

Previous reports to the Ordinary Meeting of Council, as summarised in the history section of this report, state that No. 71 to No. 77 Walcott Street does not have a surplus of car parking.

Accordingly, as one car parking bay is being lost on site, it is considered appropriate that the applicant/owner pay the equivalent to 1 car parking bay cash-in-lieu payment of \$2500, in accordance with the Town's current Policy in relation to Parking and Access. It is noted that when the associated application was first considered by the Council the corresponding cash-in-lieu payment required per bay was \$6000.

The Town also requires that the applicant/owner agree in writing to vary the existing deed to reflect the replacement of one car parking bay with the bin storage area at the applicant/owners expense.

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

10.1.10 No. 2 (Lots 74 & 75) Brookman Street, Dual Frontage to Wellman Street, Perth – Garage Additions to Existing Single House (Application for Retrospective Planning Approval)

Ward:	South	Date:	17 May 2004
Precinct:	Hyde Park; P12	File Ref:	PRO2751; 00/33/2141
Attachments:	001		
Reporting Officer(s):	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, the Council APPROVES the application submitted by K R Chedid on behalf of the owners K R Chedid and J M Chedid for garage additions to existing single house (application for retrospective Planning Approval) at No.2 (Lots 74 & 75) Brookman Street, dual frontage to Wellman Street, Perth, and as shown on the plans stamp dated 17 March 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division; and*
- (iii) standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Lake, Seconded Cr Chester

That the recommendation be adopted subject to clause (iii) being deleted.

Debate ensued.

CARRIED (7-0)

(Mayor Catania was an apology for the meeting. Cr Torre was absent from the meeting.)

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 K R Chedid on behalf of the owners K R Chedid and J M Chedid for garage additions to existing single house (application for retrospective Planning Approval) at No.2 (Lots 74 & 75) Brookman Street, dual frontage to Wellman Street, Perth, and as shown on the plans stamp dated 17 March 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements; and*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: K R Chedid and J M Chedid
APPLICANT: K R Chedid
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No.1: Residential R25
EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Single House
Use Classification	"P"
Lot Area	456 square metres

Requirements	Required	Proposed
Setbacks		
Wellman Street setback	1 metre	0 metre
Plot Ratio	N/A	N/A

SITE HISTORY:

There is currently a single house at the above site. The location of the site falls within the Town of Vincent Design Guidelines for Brookman and Moir Streets.

DETAILS:

The applicants/owners are seeking retrospective Planning Approval for garage additions to the existing single house.

CONSULTATION/ADVERTISING:

The proposal has been advertised and no written submissions have been received by the Town.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies, and Residential Design Codes (R Codes).

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The subject application was submitted to the Town subsequent to the unauthorised works being completed. The applicant has undertaken the works without a Planning Approval and as such retrospective Planning Approval is sought. The applicant proposes a double garage of brick and zincalume construction with orientation and main access to be provided from Wellman Street. Wellman Street is classified as a secondary street for the subject property. The garage is located on the east (rear) boundary.

The applicant is seeking a variation to the visual truncation requirement of 1 metre from the east boundary. This variation has been considered acceptable by the Town's Technical Services.

The applicant has provided the following comments in relation to the application;

"I wish to apply for retrospective Planning Approval for my garage.

I placed the structure on my property, 2 Brookman St, Northbridge about 6 months ago.

I was under the impression that I did not have to apply for planning or building approval for the following reasons:

- 1/ The total block density is still less than 50%*
- 2/ The garage setback is in compliance and in keeping with other garages in Wellman Street and the Hyde Park Precinct guidelines. (The garage is accessed from Wellman St, while the front of my property is to Brookman St).*
- 3/ While unnecessary, the garage is built in compliance and sympathy to the 'Brookman and Moir Street Heritage Guidelines'. The bricks used are the same red character bricks, pointed, in good condition as the house. The roofline is pitched at the same 30-degree angle. The doors are matched with the rear house's doors.*
- 4/ The structure cost is less than \$12 000.*
- 5/ The garage was built from the original double driveway position of the block.*
- 6/ The garage was built from the original double garage position of the block. It was understood that this reinstatement was deemed acceptable.*
- 7/ The original historic trees on the block have remained safe and in good keeping.*

My husband and I deemed this garage a necessity. We have no street parking in front of our property in Brookman Street. Upon moving from Moir to Brookman Street last April, our vehicles have been vandalised on numerous occasions. One of our vehicles was stolen, being recovered in Armadale some months later, it was totally damaged.

I apologise for any inconvenience over this matter."

Heritage

The application is considered to be compliant with the *Brookman and Moir Streets Development Guidelines* (section 14 - Rear Garages) as adopted by the Council on 11 May 2004. Part (i) of section 14 identifies essential elements of rear garages as requiring the retention of the rear water closet. This has been achieved by the applicant. Part (ii) identifies discretionary elements and includes the construction materials and style of the rear garage. This is at the discretion of the Council and it is considered that the materials and construction design used by the applicant is acceptable. Part (iii) identifies further advice for consideration and refers to the Access and Car Parking provisions of the Residential Design Codes 2002.

On the above basis, the additions are considered acceptable, subject to standard and appropriate conditions to address the above matters.

10.1.13 No. 20B (Lot 23) (Strata Lot 2) Windsor Street, Perth – Proposed Single Storey House with Loft

Ward:	South	Date:	14 May 2004
Precinct:	Banks, P5	File Ref:	PRO2400; 00/33/2149
Attachments:	001		
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 I Youll for proposed single storey house with loft at No.20B (Lot 23) (Strata Lot 2) Windsor Street, Perth and as shown on amended plans stamp dated 22 March 2004, subject to;

- (i) 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 Windsor Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (ii) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (iii) 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 3.1.78 Parking and Access, Residential Design Codes and Australian Standards AS2890.1 – "Off Street Parking";*
- (iv) detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (v) 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;*
- (vi) a road and verge security bond or bank guarantee of \$ 550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (vii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*

- (viii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (ix) *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;*
- (x) *standard visual truncations, in accordance with the Town's Policies and to the satisfaction of the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (xi) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted with all cost associated the removal and replacement shall be borne by the applicant/owner(s);*
- (xii) *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;*
- (xiii) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating;*
- (a) *adequate "soft/ non-paved" landscaping in the front setback area adjacent to the parking area; and*
- (b) *the ceiling height clearance of the mezzanine level being less than 2.4 metres;*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (xiv) *the mezzanine level shall be used for storage purposes only; and*
- (xv) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Windsor 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);*

to the satisfaction of the Chief Executive Officer.

Moved Cr Lake, Seconded Cr Farrell

That the recommendation be adopted subject to clause (xiii)(b) being deleted.

Debate ensued.

CARRIED (7-0)

(Mayor Catania was an apology for the meeting. Cr Torre was absent from the meeting.)

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 owner I Youll for proposed single storey house with loft at No.20B (Lot 23) (Strata Lot 2) Windsor Street, Perth and as shown on amended plans stamp dated 22 March 2004, subject to;

- (i) 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 Windsor Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (ii) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (iii) 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 3.1.78 Parking and Access, Residential Design Codes and Australian Standards AS2890.1 – "Off Street Parking";*
- (iv) detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (v) 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;*
- (vi) a road and verge security bond or bank guarantee of \$ 550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (vii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (viii) the construction of crossovers shall be in accordance with the Town's specifications;*
- (ix) 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;*

- (x) *standard visual truncations, in accordance with the Town's Policies and to the satisfaction of the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
- (xi) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted with all cost associated the removal and replacement shall be borne by the applicant/owner(s);*
- (xii) *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;*
- (xiii) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating adequate "soft/ non-paved" landscaping in the front setback area adjacent to the parking area; and*

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

- (xiv) *the mezzanine level shall be used for storage purposes only; and*
- (xv) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Windsor 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);*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: I Youll
APPLICANT: I Youll
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1: Residential R60
EXISTING LAND USE: Vacant land

COMPLIANCE:

Use Class	Single House
Use Classification	"P"
Lot Area - Strata Lot 2	200 square metres

Requirements - Strata Lot 2	Required	Proposed
Setbacks-		
Loft	6.0 metres	4.0 metres
East	1.5 metres	1.2 metres
West	1.5 metres	0.5 - 2.5 metres
Plot Ratio	0.65 (130 square metres)	0.51 (110.55 square metres)
Density	1 single house R60	1 single house R50 (no density bonus involved)

SITE HISTORY:

The subject site is vacant. There is a two storey single house located to the west of the subject site. The surrounding area is characterised by a mixture of single storey and two storey dwellings. The Council at its Ordinary Meeting held on 7 October 2003 refused an application for proposed two-storey single house with basement on the subject site.

DETAILS:

Approval is sought for a proposed single storey single house with loft with its frontage to Windsor Street.

CONSULTATION/ADVERTISING:

There were no objections received during the advertising period.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Setbacks

The Residential Design Codes (R Codes) requires a setback of 1.5 metres respectively to the eastern and western elevations. In this instance, 1.2 metres and 0.5 - 2.5 metres are respectively proposed. As the proposed setbacks are single storey in height and there is no undue impact in relation to visual impact, overlooking or overshadowing, the reduction to setbacks are supported in this instance.

Front setbacks

The Town's Policy relating to the "Norwood" Locality Plan requires a first floor/loft floor setback of 6.0 metres. The development proposes a loft floor setback of 4.0 metres. The proposed height of the proposed dwelling is 5.8 metres due to the loft. In this instance, based on the small lot size of 200 square metres and the adjacent two-storey dwelling at No.20A Windsor Street having a reduced setback of 3.2 metres, the setback of 4.0 metres is supported and is not considered to unduly adversely affect the amenity of the area.

Overshadowing

By virtue of the orientation of the property, the proposal will comply with the 'Solar Access for Adjoining Sites' provisions of the Residential Design Codes, such that the property will cast a shadow onto the right of way and the street and, as such, no adjoining lot will be in more than 35 percent shadow at noon on June 21 as a result of the development.

Summary

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

10.1.21 No.192 (Lot 81) Newcastle Street, Perth - Proposed Demolition of Existing Dwelling (Former Boarding House)

Ward:	South	Date:	17 May 2004
Precinct:	Beaufort, P13	File Ref:	PLA0097; PRO2785; 00/33/2216
Attachments:	001		
Reporting Officer(s):	H Eames		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Metropolitan Region Scheme the Council RECOMMENDS REFUSAL of the application received 16 January 2004 and stamp-dated 16 May 2004, submitted by the Department for Planning and Infrastructure on behalf of the owner Western Australian Planning Commission, for the proposed demolition of existing dwelling at No.192 (Lot 81) Newcastle Street, Perth, for the following reasons;

- (i) the proposal 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 historic and rarity values.*

Moved Cr Chester, Seconded Cr Cohen

That the recommendation be adopted subject to the existing preamble being numbered (i) and existing clauses (i) and (ii) being renumbered to (a) and (b) and new clauses (ii), (iii), (iv), (v) and (vi) being added as follows:

"That the Council;

- (i) in accordance with the provisions of the Metropolitan Region Scheme ~~the Council~~ RECOMMENDS REFUSAL of the application received 16 January 2004 and stamp-dated 16 May 2004, submitted by the Department for Planning and Infrastructure on behalf of the owner Western Australian Planning Commission, for the proposed demolition of existing dwelling at No.192 (Lot 81) Newcastle Street, Perth, for the following reasons;*
 - (i) (a) the proposal 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) (b) the existing place has cultural heritage significance in terms of its historic and rarity values;*
- (ii) NOTES the successful adaptive reuse of similar heritage significant properties in the Northbridge Urban Renewal Area and believes this property should be treated similarly;*

- (iii) REFERS the place immediately for consideration by the Heritage Council of WA as part of their proposed Money/Lindsay Streets Heritage Precinct;
- (iv) immediately ADVISES in writing the Local Member and the Minister for Planning and Infrastructure of Council's full resolution on the matter;
- (v) immediately ADVISES the East Perth Redevelopment Authority of Council's full resolution of this matter; and
- (vi) ADVISES the Western Australian Planning Commission that the application should also be referred to the East Perth Redevelopment Authority as the responsible Planning Authority for the locality in question."

CARRIED (8-0)

(Mayor Catania was an apology for the meeting. Cr Torre was absent from the meeting.)

COUNCIL DECISION ITEM 10.1.21

That the Council;

- (i) in accordance with the provisions of the Metropolitan Region Scheme RECOMMENDS REFUSAL of the application received 16 January 2004 and stamp-dated 16 May 2004, submitted by the Department for Planning and Infrastructure on behalf of the owner Western Australian Planning Commission, for the proposed demolition of existing dwelling at No.192 (Lot 81) Newcastle Street, Perth, for the following reasons;*

 - (a) the proposal 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*
 - (b) the existing place has cultural heritage significance in terms of its historic and rarity values;*
- (ii) NOTES the successful adaptive reuse of similar heritage significant properties in the Northbridge Urban Renewal Area and believes this property should be treated similarly;*
- (iii) REFERS the place immediately for consideration by the Heritage Council of WA as part of their proposed Money/Lindsay Streets Heritage Precinct;*
- (iv) immediately ADVISES in writing the Local Member and the Minister for Planning and Infrastructure of Council's full resolution on the matter;*
- (v) immediately ADVISES the East Perth Redevelopment Authority of Council's full resolution of this matter; and*
- (vi) ADVISES the Western Australian Planning Commission that the application should also be referred to the East Perth Redevelopment Authority as the responsible Planning Authority for the locality in question.*

LANDOWNER: WA Planning Commission
APPLICANT: WA Planning Commission
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No.1 - Unzoned
EXISTING LAND USE: Vacant dwelling
LOT AREA: 504 square metres

BACKGROUND:

The application is submitted by the Department for Planning and Infrastructure (DPI) on behalf of the owners, the Western Australian Planning Commission.

In 2002, the Northbridge Urban Renewal Area, which encompasses land that has been reserved for the construction of the Graham Farmer Freeway since 1963, came under the jurisdiction of the East Perth Redevelopment Authority (EPRA).

DETAILS:

The place was constructed in the mid 1890s and was used as a boarding house for the last fifty years. The DPI has now secured the property with a view to demolishing it.

On 12 December 2001, the Council resolved to place the property on the Town's Municipal Heritage Inventory. This was in response to the outcomes of the Money and Lindsay Precinct Study commissioned by the Town in 2001. The resultant Heritage Assessment for the subject property is shown as an attachment to this report.

LEGAL/POLICY:

The property is listed on the Town's Municipal Heritage Inventory.

It is subject to the planning control of the East Perth Redevelopment Authority and the Western Australian Planning Commission.

STRATEGIC IMPLICATIONS:

Town of Vincent Strategic Plan 2003-2008: Key Result Area 1.2 - *Recognise the value of heritage in providing a sense of place and identity.*

FINACIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS:

The Heritage Assessment documentation for this property, undertaken as part of the Money and Lindsay Street Precinct Study, found the place to have some significance to the Town of Vincent and that it should be retained, and given a high level of conservation management and protection under the Town's Municipal Heritage Inventory.

Given identification of local heritage significance and the subsequent inclusion of the place on the Town's Municipal Heritage Inventory, it is recommended that the Council recommends refusal of the proposed demolition and seeks to encourage the owners to find an alternative course of action regarding this property.

10.1.24 Residential Design Codes (R Codes) Review

Ward:	Both Wards	Date:	19 May 2004
Precinct:	All Precincts	File Ref:	
Attachments:	-		
Reporting Officer(s):	C Mooney, R Rasiah, D Abel		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to the Residential Design Codes (R Codes) Review; and*
- (ii) *ADVISES the Western Australian Planning Commission (WAPC) and the WAPC R Codes Review Committee of the comments contained in the 'Comments' section of this report and REQUESTS that these comments be adequately addressed in the R Codes Review and the resultant amended R Codes and associated Statement of Planning Policy.*

COUNCIL DECISION ITEM 10.1.24

Moved Cr Chester, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Lake

That the Item be DEFERRED to allow officers to provide additional information and for an Elected Members briefing to be held on this matter.

CARRIED (7-0)

(Mayor Catania was an apology for the meeting. Cr Torre was absent from the meeting.)

BACKGROUND:

Notice of Motion

The Council at its Ordinary Meeting held on 27 April 2004 resolved to adopt the following Notice of Motion relating to Residential Design Code(R-Codes):

That the Council;

- (i) *AUTHORISES the Chief Executive Officer to prepare a review paper on the Residential Design Codes of Western Australia considering their performance and operation in the Town, specifically;*
 - (a) *identifying and reporting any problems with the Codes and the accompanying explanatory text; and*
 - (b) *suggesting amendments to remedy these problems;*

- (ii) *REQUESTS the above report be prepared for Council's consideration no later than May 2004; and*
- (iii) *AUTHORISES the Chief Executive Officer to write to the Department for Planning and Infrastructure Residential Design Codes (R Codes) Review Project Officer, Chairman of the Western Australian Planning Commission, Minister for Planning and Infrastructure and Local MLA, expressing the Council's concerns at the lack of community representation and the large contingent of industry representation on the R Codes Review Committee, and advising how a more balanced make-up of the Committee could provide more sustainable outcomes in the longer term.'*

Residential Design Codes (R Codes) Review

The Residential Design Codes (R-Codes) provide a comprehensive basis for controlling the siting and design of residential development in Western Australia through the application of acceptable development requirements, which are prescriptive, and performance based standards that provide some flexibility. The R Codes are set out in a Statement of Planning Policy under section 5AA of the *Town Planning and Development Act 1928*, and came into effect on 4 October 2002.

The Western Australian Planning Commission (WAPC) is currently reviewing the R Codes. The review is a two phase process, Phase 1 of the review commenced in February 2004 and is expected to be completed in July 2004, and Phase 2 is expected to commence shortly after. The WAPC intends that any amended version of the R Codes and associated Statement of Planning Policy would come into effect in early 2005. The WAPC has appointed the Planning Group to undertake Phase 1.

The *Residential Design Codes (R Codes) Review Consultation Paper, April 2004, Issue 2*, prepared by the Planning Group on behalf of the WAPC has been provided to the Elected Members and is 'Laid on the Table'. The Consultation Paper states the following in relation to the review process:

'The scope of Phase 1 is to assess and report on:

- *the effectiveness of the Codes in achieving their stated objectives*
- *the effectiveness of the R Codes in responding to new and emerging issues, particularly energy efficient residential building design having regard to recent changes to the Building Code of Australia (BCA), and sustainable development principles*
- *any specific problems, shortcomings and anomalies that have been noted on the content of the R Codes or the implementation of the R Codes*
- *solutions to these problems, shortcomings and anomalies and recommended amendments to the R Codes*

Phase 2 of the review process ... will involve a formal statement of planning policy amendment process and the release and implementation of an amended version of the R Codes. Phase 2 will include a broad community consultation program to provide an opportunity for widespread public comment on the proposed changes to the R Codes document [underlined for emphasis].'

The four key tasks within Phase 1 are:

Task 1 - Preparation of R Codes Review Consultation Paper.

Task 2 - Consultation.

Task 3 - Research comparative systems in Australia.

Task 4 - Final project report.

The Town's Manager Planning and Building Services is one of three Western Australia Local Government Association representatives on the R Codes Review Committee, and has also participated at one of the six stakeholder workshop.

DETAILS:

This report will mainly address the key issues and problems with regard to specific provisions of the R Codes, within the context of the Town.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2003-2008 - Key Results Area One: Environment and Infrastructure:
'1.3 Develop, implement and promote sustainable urban design.'

FINANCIAL/ BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Consultation Paper states the following:

"Problems identified during the first year of operation:

There have been some difficulties with the initial implementation phase of the R-Codes. The principal areas of concern with the R-Codes that have been raised to date through the implementation process include:

- *interpretation of definitions*
- *explanation of transitional arrangements*
- *interpretation of minimum site area requirements, particularly with regard to battleaxe lots*
- *confirmation of new lot size and average lot size requirements*
- *interpretation of provisions relating to site area variations for special purpose dwellings*
- *interpretation of provisions relating to outdoor living areas*
- *interpretation of setbacks associated with complex building designs*
- *issues relating to garages and outbuildings*
- *problems with the application of acceptable development provisions to narrow infill development sites*
- *interpretation of privacy provisions*
- *interpretation of site works provisions, particularly with regard to cut and fill and retaining walls*
- *interpretation of access and parking requirements*

The problems seem to have diminished over time as practitioners have become more familiar with the provisions, and while the R-Codes do not appear to contain fundamental flaws, there is an obvious need to "fine-tune" the document.'

Other issues directly relating to the syntax and application of the R Codes have been addressed and discussed in the Consultation Paper.

Appendix A Comprehensive R Codes Analysis of the Consultation Paper contain some 198 criticisms of the R Codes and corresponding responses, and in some instances recommended amendments to the R Codes.

The key issues and concerns of the R Codes that are experienced by the Town are primarily;

- Building height, bulk and scale.
- Housing density, subdivision and lot sizes.
- Streetscape.
- Boundary setbacks (minor opening resulting in lesser side/rear setback being imposed).
- Overlooking.
- Overshadowing onto (private open space of) adjoining lots.

The following is a summary of the Consultation Paper's comments regarding the critical issues, which additionally relate to the Town, and the Town's comments which are noted below for each of the main issues.

Local Planning Policies

'There appears to be ongoing confusion about which parts of the R-Codes can be varied by local planning policies and considerable angst about inconsistencies between local planning policies and the provisions of the R-Codes. The scope for variations to the R-Codes provisions through local planning policies needs clarification.'

Comments

The R Codes should contain explanatory text to further clarify the circumstances that Local Planning Policies can be actioned in terms of clause 2.6.2 i (to augment the R Codes), ii (to clarify alternative acceptable development provisions), and iii (regional exceptions).

Element 1 Housing Density

'There have been a large number of criticisms of the Element 1 provisions on housing density. The critical issues are considered to be:

- *There are no equivalent performance criteria for each of the acceptable development provisions. This is a fundamental flaw for what is supposed to be a performance-based policy.*
- *The rationale for minimum site areas for battleaxe lots is not logical as the ability to include the access leg as part of the calculation is not going to reduce the sense of confinement. Additionally, the method of calculating the minimum site area for a battleaxe lot is cumbersome using the 20 percent rule. A suggested response is to delete column 4 of Table 1 and the 20 percent rule, make the minimum site area of a battleaxe lot the area of the rectangular or square portion of the lot at the end of the access leg (excluding the truncation) so that the access leg forms no part of the minimum site area calculation, and set the minimum site area for battleaxe lots as per the average under Column 3 of Table 9. This then still leaves the confinement problem. One solution to this would be to make the 'front' boundary of the battleaxe lot the equivalent of a primary street for setback purposes.*
- *3.1.3 A3 ii and iii do not recognise undersized survey strata lots with or without common property that have been approved by the WAPC or that have been created after such approval is granted. It is suggested that the provisions be redrafted to include reference to survey strata lots with or without common property.*
- *The wording of 3.1.3 A3 v has proven problematic with the result that a variety of interpretations as to what the clause means have been put forward by users. It is considered that 3.1.3 A3 iv and v need to be redrafted for the sake of clarity and using a similar style.*

- *PC 3.1.3 is limited to a variation of 5 percent and is therefore unduly restrictive. In our opinion the specification of a percentage in a performance criterion is not consistent with the intended role of a performance criterion and therefore any reference to a percentage or numerical standard should be deleted.*
- *It has been suggested that the distinction between survey strata plans that do or do not include common property, which results in some being treated as single houses and others as grouped houses, is not logical or justified. The current provisions recognise that the inclusion of common property results in a different form of development and therefore a need for distinct provisions. An alternative would be to amend 3.1.3 A3 v to enable application to single or grouped dwellings.*
- *There is ongoing confusion about the intent and application of the transitional provisions.*
- *It has been suggested that the absence of standards for multiple dwellings in the R10 to R30 codes will discourage the provision of this form of housing in the lower density codes. There are considered two alternative solutions. The first is to retain the current provisions and simply add the explanatory material contained in FAQ 100 to clause 3.1. The second is to insert default provisions for multiple dwellings in the R10 to R30 codes in Table 1.'*

Comments

The above comments and suggestions offered in the Consultation Paper are concurred with.

Element 2 Streetscape and Element 7 Building Heights

The critical issues associated with Element 2 that require further discussion are considered to be:

- *There is no reference to secondary street setback standards within the provisions as there is for primary street setbacks. There is a need for new provisions that deal with secondary street setbacks.*
- *The requirement for a single house on a battleaxe lot to have a view to the street is considered unreasonable and should be limited a view of the approach to the dwelling.'*

The only critical issue with Element 7 relates to the fact that building bulk is not addressed by specific provisions and it has been suggested that some reference to building bulk be incorporated within Element 7. Building bulk is a function of the height and length of external walls and the roof form of a building and these aspects are addressed by height and setback controls. Plot ratio is a poor control over building bulk and some have suggested that plot ratio controls should be deleted from the codes altogether.'

Comments

Most of the new lots being created by way of subdivisions are resulting in small lots. To build reasonable two storey dwellings on these small lots are resulting in developments being built on boundaries with two storey boundary walls, 'terrace' style housing, and buildings exceeding the height requirements of the R Codes.

The R Codes facilitate building with non-major opening, such as blank walls, to come closer the side boundaries, therefore increasing the bulk impact on the neighbouring properties. This undue visual impact is further exacerbated by two and above storey high blank walls.

The inclusion of lofts within the roof space is further exacerbating the problems, as effectively three storey developments under the guise of a loft are being built.

The above situations have unduly adversely affected the amenity of an area, particularly in established and traditional streetscapes, which often accommodate single storey detached housing with generous setbacks.

The R Codes should address an alternative method of controlling building height and bulk, due the ineffectiveness of the setback, height and plot ratio requirements. A suitable alternative method is the application of appropriate three-dimensional building envelopes.

The R Codes should also include provisions relating to the upper floors having greater setbacks than the floors below; varying setbacks, materials, colours, textures and other finishes; and differing angles, shape and form of walls and roof.

Element 5 Access and Car Parking

The critical issue associated with Element 5 that requires further discussion is:

- *There is confusion and concern about the visitor parking requirements for grouped dwellings and the fact that four or less dwellings require no on-site visitor parking. The visitor parking requirements need to be revisited. One option would be to delete the phrase 'in excess of four dwellings.'*

Comments

The above comments and suggestions offered in the Consultation Paper are concurred with.

Element 8: Privacy

There has been a lot of confusion about the operation of the privacy provisions and it is generally acknowledged that the whole element needs to be reviewed based on the WAPC R-Codes Advice Note on privacy and current best practice approaches within other states.'

Comments

The above comments and suggestions offered in the Consultation Paper are concurred with.

Element 9: Design for Climate

There have been a number of criteria of Element 9. The critical issues identified for further discussion are:

- *The element fails to adequately address the protection of solar access because the acceptable development provisions make no reference to what is being overshadowed. The provisions clearly require amendments to accord with the intent of the performance criteria and to recognise any solar sensitive attributes such as outdoor living areas and major openings.*
- *It has been suggested that the R-Codes should deal with sustainability elements such as solar access, energy efficiency, water efficiency, stormwater disposal, building materials selection and universal design, consistent with the BCA. It is important to recognise that the R-Codes focus on external impacts of development while the BCA focuses on building design and construction methods. However, there is a need to ensure consistency between the two documents and to reference (not replicate) the BCA provisions on energy efficiency.*
- *The site area limits for shadows should consider the cumulative impact of surrounding developments. There is a need to determine an appropriate means of measuring cumulative shadow impacts.'*

Comments

The above comments and suggestions offered in the Consultation Paper are concurred with.

General Considerations

- The R Codes should include provisions relating specifically to inner urban areas, as the impact of new residential development in these areas is quite different to middle and outer urban areas.
- The intent and purpose of the R Codes is to control the siting and design of residential development, therefore matters such as the R Codes densities and minimum site area requirements should not be included in the R Codes but addressed in another Statement of Planning Policy or WAPC Policy.

Conclusion

Due to the generic nature of the R Codes as it applies across Western Australia, it is apparent that the new R Codes will still not adequately address all the key issues and concerns associated with residential development in the Town of Vincent. It is therefore imperative that the review of the Town's Town Planning Scheme No. 1 and associated Community Visioning process adequately address such issues and concerns. In the interim the Town will still need to develop and implement appropriate Local Planning Policies to address these matters, for example the Draft Streetscape Policy.

In light of the above, it is recommended that the Council receives this report, and advises the WAPC and its R Codes Review Committee of the above comments and requests that these comments be adequately addressed in the R Codes Review and the resultant amended R Codes and associated Statement of Planning Policy.

10.1.26 Further Late Report - Consolidation of the Planning Legislation into the Draft Planning and Development Bill 2004 and the Draft Planning and Development (Consequential Provisions) Bill 2004

Ward:	Both Wards	Date:	21 May 2004
Precinct:	All Precincts	File Ref:	LEG0060
Attachments:	001		
Reporting Officer(s):	Y Scheidegger		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Further Report relating to the Consolidation of the Planning Legislation into the Draft Planning and Development Bill 2004 and Draft Planning and Development (Consequential Provisions) Bill 2004; and*
- (ii) *ADVISES the Hon. Minister for Planning and Infrastructure, Department for Planning and Infrastructure and the Western Australian Local Government Association (WALGA) that the Town SUPPORTS the contents of the documentation entitled "Planning and Development Bill 2004 - Submission (Draft) by the Western Australian Local Government Association, May 2004", relating to the Consolidation of the Planning Legislation into the Draft Planning and Development Bill 2004 and Draft Planning and Development (Consequential Provisions) Bill.*

COUNCIL DECISION ITEM 10.1.26

Moved Cr Doran-Wu, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

CARRIED (7-0)

(Mayor Catania was an apology for the meeting. Cr Torre was absent from the meeting.)

DETAILS:

Information Bulletin Item IB14 listed in the agenda for the Ordinary Meeting of Council to be held on 25 May 2004, relates to the Consolidation of the Planning Legislation into the Draft Planning and Development Bill 2004 and Draft Planning and Development (Consequential Provisions) Bill, and advises as follows:

"WALGA will be developing a representative Local Government submission/position paper on the Draft Bills 2004. A further report on this position paper will be presented to the Ordinary Meeting of Council to be held on 25 May 2004."

On 19 May 2004, the Town received documentation entitled "*Planning and Development Bill 2004 - Submission (Draft) by the Western Australian Local Government Association, May 2004*", relating to the Draft Bills 2004.

The following documentation was included as attachments to Item IB14:

1. A Green Bill for the Consolidation of the Planning Legislation into the Planning and Development Bill and Planning and Development (Consequential Provisions) Bill.
2. Appendix One - Planning and Development Bill 2004 Summary of Amendments to Existing Planning Legislation.
3. Appendix Two - Planning and Development Bill 2004 Comparison of Issues Addressed in Green Bill (2000), Position Paper (2002) and Planning and Development Bill (2004).

The Planning and Development Bill 2004 Submission (Draft) by the Western Australian Local Government Association is included as an attachment to this report.

The Minister's documentation and WALGA's draft submission are included as attachments to this report. The Draft Bills 2004 are "Laid on the Table".

The main points of WALGA's draft submission are as follows:

"This submission has been prepared in response to the draft Planning and Development Bill 2004, which has been referred to the Association for comment. The limited comment period, has restricted the extent of consultation with members of the Association, and has been based predominantly on input from a reference group of local government planning officers. Because of the time constraint, the draft submission has not been submitted for endorsement by the Association, and accordingly should be regarded as an interim submission pending consideration by the State Council of WALGA.

The submission focuses on issues previously raised by the Association in response to the Urban and Regional Planning Bill 2000 and the subsequent position paper on the consolidation and streamlining of planning legislation prepared by the Department for Planning and Infrastructure in April 2002. However, in reviewing the draft Bill, a number of other issues of concern have been identified, and these have been included in the current submission.

In presenting this submission, the Association would like to express its appreciation to the Minister for involving local government in the consolidation of this important legislation and looks forward to appropriate adjustments to the Bill in response to the concerns raised. However, there is concern among local government members about the limited time available for comment on the proposed new Bill, and an extension of time is therefore sought in order to enable individual Councils to more fully understand the changes and provide further input."

WALGA's draft submission makes comments on the following specific clauses of the Draft Bills 2004:

Part 1 – Preliminary clause

6. Act does not interfere with public works

Part 2 – Western Australian Planning Commission

12. Constitution and proceedings of the board

19. Committees

Part 3 – State planning policies (SPPs)

34. State planning policy can modify local scheme

35. SPP may require development applications to be determined by Commission

36. Non-conforming use

Part 4 – Region planning schemes

60. Scheme or amendment may be disallowed

Part 5 – Local planning schemes

General

Part 9 – Relationship between region planning schemes, local planning schemes, planning control provisions and written laws

128. Effect of region planning scheme on local planning scheme

Part 10 – Subdivision and development control

142. Approval of Commission

154. Conditions on rural land (tied lots)

158. When owner may pay money in lieu of land being set aside for open space

159. How money received in lieu of open space is to be dealt with

160. How value of portion is determined

162. When approval of subdivision is deemed to be approval under planning scheme

170. Development may be approved after commencement

Part 13 — Enforcement and legal proceedings

217. Minister may give orders to local government

Part 14 — Review

258. Review of exercise of discretionary power under a planning scheme

Part 15 — Subsidiary legislation

262. General provisions of planning schemes

Schedule 1 – Constitution and proceedings of the board

Schedule 2 - Committees

CONSULTATION/ADVERTISING:

The submission period for the Drafts Bills 2004 closes on Monday 24 May 2004. The Town will provide a copy of this Agenda Report to the Hon. Minister for Planning and Infrastructure, Department for Planning and Infrastructure and WALGA, and advise them that this report will be considered by the Council at its Ordinary Meeting to be held on 25 May 2004, and they will be further advised of Council's resolution in relation to this matter.

LEGAL/POLICY:

- Western Australian Planning Commission Act 1985;
- Metropolitan Region Town Planning Scheme Act 1959;
- Town Planning and Development Act 1928; and
- Town of Vincent Town Planning Scheme No. 1.

STRATEGIC IMPLICATIONS:

Strategic Plan 2003-2008 - Key Result Area One: 1.3 - *"Develop, Implement and Promote Sustainable Urban Design"*.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

It is considered that the contents of WALGA's draft submission adequately address Local Government's view on the new Draft Bills 2004.

It is recommended that the Council receives this report, and advises the Hon. Minister for Planning and Infrastructure, Department for Planning and Infrastructure and WALGA, that it supports the contents of WALGA's draft submission.

The Presiding Member ruled that this item would be considered at the conclusion of the meeting as it is of a confidential nature.

(See page 235 for the Council Decision)

10.3.2 Recovery of Outstanding Rates

Ward:	Both	Date:	17 May 2004
Precinct:	All	File Ref:	FIN0015
Attachments:	-		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:	John Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council AUTHORIZES the Chief Executive Officer to proceed with the legal recovery actions as recommended, to collect the outstanding rates on the properties listed on the Confidential Schedule at Appendix 10.3.2, circulated separately to Elected Members.

BACKGROUND:

The Rates Section makes every effort to ensure that all ratepayers meet their payment of rates as assessed on their properties. Following the distribution of the rate notices, ratepayers are given 35 days to pay in full or elect to take the instalment options. If payment is not received a Final Notice reminder is sent to ratepayers with the amounts outstanding. If following the distribution of the Final Notices, no payment is received the outstanding debts are referred to a debt collection agency.

The Town has retained Pioneer Credit Management Services to act on its behalf in these matters.

The initial action that the debt collection agency undertakes is to send the property owner a demand letter requesting payment.

If ratepayers are experiencing financial difficulties, the Town will offer an alternative schedule of payments that are negotiated with the individual ratepayer and in accordance with ratepayer's financial ability to pay. It is however, current practice where possible to have the account settled within a financial year. In cases where arrears have arisen, arrangements are negotiated to ensure that repayments are made to ensure that the account is settled within an appropriate timeframe. In situations where arrangements are not made, the Town will use the formal debt recovery process available to them. The Town, through its debt recovery agency, will issue Local Government Summonses to errant ratepayers. Most ratepayers will settle on receipt of the summons, however in some cases, the receipt of a summons doesn't result in payment of the outstanding accounts.

In this situation the Town can follow up the summons with a Warrant of Execution.

This warrant requires a Bailiff to seize and sell goods to the value of the outstanding debt. During this process time and opportunity is allowed for the relevant ratepayer to come to an agreement with the Town which will avoid the need to sell the goods seized.

In some instances a Warrant of Execution will be returned to the court with the comment "nulla bona". This indicates that there are no goods of value belonging to the person(s) and the debt remains unsatisfied.

At this stage of the legal recovery process there are three (3) options available.

These are as follows:

- To utilise provisions within the Local Government Act which permit an authority to sell a property where rates remain unpaid for not less than three (3) years.
- To issue a Land Warrant through the Local Court and have the Bailiff sell the property and recover amounts due from the proceeds.
- To acknowledge that the ratepayer is not going to pay the outstanding rates levied or those raised in the future and accept this position. This will result in an accumulation of rates arrears which will be finalised on the sale of the property.

The recommended option is that of a Land Warrant. This option is similar to the rate sale provisions of the Local Government Act; however the Land Warrant is preferable for the reasons listed:

- Land Warrant process can be stopped whilst the owner makes an arrangement to settle the debt. (In the case of a rate sale under the Local Government Act only full payment of the account can prevent the sale).
- The legal costs incurred by the Town and subsequently passed on to the owner are less than that on a rate sale.
- The unrecoverable administrative costs are less if the Land Warrant is issued.

DETAILS:

A separate confidential attachment with two (2) properties are listed where the rates have been outstanding for more than three (3) years will be distributed at the Council meeting and collected at the conclusion of the meeting.

The schedule includes the owners' names and the approximate number of financial years that rates have been outstanding and the amount currently outstanding.

In both these cases summary court judgements have been made in favour of the Town. The Bailiff is now recommending that the properties be offered for sale.

The Town to date has not received a response to the current recovery action taken.

On this occasion authorisation is sought to utilise the provisions under section 6.64 of the Local Government Act.

CONSULTATION/ADVERTISING:

The ratepayers will be contacted through the Bailiff's office.

LEGAL/POLICY:

The Chief Executive Officer has Council delegation to act under Local Government Act clauses 6.64 / 6.67. Actions to be taken when rates are in excess of three (3) years, subject to Council approval.

FINANCIAL/BUDGET IMPLICATIONS:

As at 30 June 2003 the Town had a total of \$543,964 of rates outstanding; this represents 4.36% of total rates raised.

The property owners listed owe a total of \$9,795.55.

STRATEGIC IMPLICATIONS:

In accordance with the Key Result Area Four of the Strategic Plan 2004-2008 – 4.2

4.2 Deliver services in ways that accord with the expectations of the community whilst maintaining statutory compliance.

d) Ensure that processes comply with relevant legislation.

COMMENTS:

The legal full debt recovery process on the outstanding rates should be followed to ensure that the Town collects all outstanding rates monies owed to them. It is recommended that the sale of the properties is commenced under the Local Government Act.

10.3.3 Fees and Charges for 2004/2005

Ward:	-	Date:	5 May 2004
Precinct:	-	File Ref:	FIN0025
Attachments:	001		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES the Schedule of Fees and Charges attached at Appendix 10.3.3 for adoption for the 2004/2005 financial year in conjunction with adoption of the 2004/2005 Annual Budget.

Moved Cr Lake, Seconded Cr Farrell

That the recommendation be adopted subject to the words "BY AN ABSOLUTE MAJORITY" being inserted after the word "APPROVES".

Debate ensued.

Moved Cr Lake, Seconded Cr Chester

That the words "and full time students producing proof of student status" be deleted from page 8.10, point 2 under "Admission to Pool Premises and Use of Pool, of Appendix 10.3.3

AMENDMENT CARRIED (7-0)

(Mayor Catania was an apology for the meeting. Cr Torre was absent from the meeting.)

Moved Cr Lake, Seconded Cr Chester

That the amount for Electoral Rolls (Ward) Disk for 2004/05 listed on page 8.4 of Appendix 10.3.3 be amended from "\$50.00" to "\$20.00".

AMENDMENT CARRIED (6-1)

(Mayor Catania was an apology for the meeting. Cr Torre was absent from the meeting.)

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

(Mayor Catania was an apology for the meeting. Cr Torre was absent from the meeting.)

COUNCIL DECISION ITEM 10.3.3

That the Council APPROVES BY AN ABSOLUTE MAJORITY the Schedule of Fees and Charges attached at Appendix 10.3.3 for adoption for the 2004/2005 financial year in conjunction with adoption of the 2004/2005 Annual Budget subject to following amendments to Schedule of Fees and Charges:

- (i) the words "and full time students producing proof of student status" being deleted from page 8.10, point 2 under "Admission to Pool Premises and Use of Pool; and*
 - (ii) the amount for Electoral Rolls (Ward) Disk for 2004/05 listed on page 8.4 being amended from "\$50.00" to "\$20.00".*
-

BACKGROUND:

The Town of Vincent, as all other local authorities, applies charges for services provided and for the use of facilities available for hire. All such fees are required to be reviewed annually.

The Local Government Act 1995 allows fees and charges to be adopted and included in the Annual Budget without having to be gazetted separately.

DETAILS:

The attached schedule outlines details of Fees and Charges proposed for the 2004/2005 year with a comparison to last year's fees, where there has been a change from last year the particular item has been highlighted in bold italics.

A number of fees are determined by legislation, these include Dogs and Building/Planning Fees and a number of fees are raised under the Health Act.

Fees and Charges that are raised where the Town is engaged in what is deemed to be commercial activity, GST must be applied. Fees where GST is applicable are marked with a tick in the last column of the schedule.

Local Government Fees and Charges that are raised under legislation or local laws are in general GST free by way of exemption through Division 81 of the GST Legislation.

New fees recommended for 2004/2005 include:

Pre-paid car parking permits

A new monthly charge for pre-paid car parks is proposed to be introduced in the next financial year.

Kerbside Parking Fees – Day

Following the installation of ticket machines in these streets, new kerbside parking fees have been introduced for Brewer Street, Pier Street, Stirling Street and Stuart Street. These fees will also be introduced in Newcastle Street subject approval of the installation of ticket machines as proposed in the Draft Budget 2004/05.

Sundry Information

A new charge is proposed for enquiries relating to property ownership.

Beatty Park Leisure Centre

A new category of student fee has been introduced for the following activities - water polo, canoes, sauna/spa/steam room/swim and activity/sauna/spa/steam.

Increased charges have been recommended in the following areas:

Car parking fees/day

An increase in both the hourly and all fee day fee is proposed for this financial year.

Car parking fees/night

An increase in fees also has been proposed in the night fees.

Strata applications

Archive search fee

An increase of \$5 is recommended in this fee.

Preliminary strata inspection and report

An increase of \$5 per unit and an increase in the minimum fee of \$15 is proposed.

Preliminary strata inspection and report/archive fee

As well as the increase in the inspection and report a \$30 increase in the minimum for an archive search fee is proposed.

Development applications

Demolition – It is proposed to increase the fee for demolition by \$40.

Beatty Park Leisure Centre

A review of Beatty Park fees in comparison to other centres is conducted annually. Beatty Park charges are adjusted each year to minimise significant increases and to ensure the centre remains competitive as well as meeting its community obligations.

CONSULTATION/ADVERTISING:

Advertised as part of the Annual Budget document.

LEGAL/POLICY:

In accordance with Local Government Act (1995) S6.16, 6.17 and 6.18.

STRATEGIC IMPLICATIONS:

The new and amended charges have been included in the preparation of the Draft 2004/2005 Budget.

FINANCIAL/BUDGET IMPLICATIONS:

N/A

COMMENTS:

It is recommended that the Fees and Charges contained in the attached schedule be adopted for the 2004/2005 so that Council can apply these from 1 July 2004 (or subsequent date where nominated).

The Presiding Member advised that Cr Doran-Wu had declared a financial interest in this Item. Cr Doran-Wu departed the Chamber at 9.57pm and did not speak or vote on the matter.

10.3.7 Cultural Development Seeding Grant Application

Ward:	Both	Date:	17 May 2004
Precinct:	All	File Ref:	CMS 0008
Attachments:	-		
Reporting Officer(s):	D Spurgeon		
Checked/Endorsed by:	J Anthony M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That Council APPROVES the application of the Loftus Community Centre for a Cultural Development Seeding Grant of \$1,000.

COUNCIL DECISION ITEM 10.3.7

Moved Cr Lake, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (6-0)

(Mayor Catania was an apology for the meeting. Cr Torre was absent from the meeting. Cr Doran-Wu was absent from the Chamber and did not vote.)

Cr Doran-Wu returned to the Chamber at 9.59pm.

DETAILS:

The Loftus Community Centre is holding a range of activities throughout May, to celebrate their 25th Anniversary. The anniversary celebrations will incorporate a range of activities including Café Loftus, a kids' carnival and evening guest speakers.

In particular the funding will go towards marketing, promotion and art workers fees for the project. The celebrations will be open to all people within the community and are designed to generate a sense of community and celebration. The 25th Anniversary Celebrations aim to showcase what the centre has on offer and to encourage the involvement of the community in their activities.

All activities are fully accessible to all members of the community including people with a disability.

STRATEGIC IMPLICATIONS:

The Cultural Development Seeding Grants and the submitted application address the following section of the Town's Strategic Plan 2003-08:

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

Action Plans to implement this strategy include:

- a) *Where appropriate, financially support and promote community initiated events.*

FINANCIAL/BUDGET IMPLICATIONS:

Of the \$10,000 budgeted for this item, \$9,200 remains unallocated.

COMMENTS:

The Loftus Community Centre will acknowledge the Town's support during the 25th Anniversary Celebrations with Town of Vincent signs or banners to be displayed.

An acquittal form will be completed by the Loftus Community Centre, after the event, detailing how the Cultural Development Seeding Grant was expended.

**10.4.2 Progress Report No. 6 - Department of Sport and Recreation (DSR)
Office Building – Leederville Oval, No. 246 Vincent Street, Leederville**

Ward:	South	Date:	18 May 2004
Precinct:	Oxford Centre, P4	File Ref:	RES0062
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Progress Report No. 6 as at 18 May 2004, relating to the Department of Sport and Recreation (DSR) Office Building at 246 Vincent Street, Leederville; and*
- (ii) *ADVISES the Department of Sport and Recreation of the progress of the project.*

COUNCIL DECISION ITEM 10.4.2

Moved Cr Cohen, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

CARRIED (7-0)

(Mayor Catania was an apology for the meeting. Cr Torre was absent from the meeting.)

BACKGROUND:

At the Ordinary Meeting of Council held on 4 November 2003, the Council approved of the tender to construct an Office Building at 246 Vincent Street, Leederville.

Monthly meetings have been held with the Project Architect and Builder since the works commenced on 17 November 2003. Fortnightly site meetings commenced in February 2004 and will continue until the building is completed.

The builder has submitted a Gantt chart outlining the proposed timetable for works. At the time of writing this report the following works have been completed;

1. Electrical and Lift Services

Since the installation of permanent power from the newly installed transformer on Leederville Oval, there have been no further power problems. Electrical installation has commenced with the basement lighting and cables installed and the building sub-station also installed. Installation of cabling on the ground floor is well advanced.

2. **Mechanical Services and Lift**

Basement ducting has been completed and approximately 25% of ground floor ducting installed. The lift has been ordered and is due for delivery in mid June 2004

3. **Hydraulic Services**

Pipework has been installed to the basement and ground floors and is progressing on target.

4. **Civil Works**

These have been completed, except for the compaction of the carpark area. Final levels yet to be established.

5. **Structural Works**

The basement, ground and first floors have been poured and completed. The roof plantroom floor is programmed to be poured on Thursday 20 May 2004.

The precast beams and wall panels have been installed and most internal stairs have also been poured.

The structural steel roof has been delivered on site and installation is to commence on Monday 24 May 2004.

6. **Landscape Works**

The Town's Technical Services staff have commenced concept plans and have been liaising with the architect with this matter - preliminary information was provided at an Elected Member Forum held on Monday 17 May 2004, which was also attended by Senior Executives of the DSR. Feedback and comments will be pursued.

7. **Architectural Interior**

The Project Architect has finalised the colour boards for the exterior and interior (except fitout fittings and fixtures - which are being prepared by Oldfield Knott Architects). The Architect has liaised with Oldfield Knott Architects in the preparation of the colours. A colour selection was presented to the Elected Member Forum on 17 May 2004 which was also attended by Senior Executives of the DSR.

The DSR are currently considering the colour selections and will formally approve of their colours as required under the Agreement to Lease document. It is expected that this will be completed by the end of May 2004 and a report submitted to the Ordinary Meeting of Council to be held on 8 June 2004 for Council approval.

8. **Program Progress**

The project work is still not proceeding entirely to the submitted schedule and the builder will be submitting a revised timeline in late May 2004. However, it is important to note that the critical dates are being met and the progress timeline is approximately one week behind schedule as per the original program. As a result of the mild weather, the builder has only lost one day due to inclement wet weather and is confident that the critical dates will still be achieved.

The builder has indicated that a claim for 11 days will be made - 4 due to power shortages, 4 due to industrial action and 3 due to inclement weather (2 for excessive heat and 1 for wet weather). The builder has submitted a claim of \$8162.00 for costs due to the insufficient power which occurred prior to the Leederville Oval transformer being installed in February 2004. This claim has not yet been agreed.

9. **Variations**

There has been only one additional minor variation requested since commencement of construction. It should be noted that the variations which were offered by the builder at tender time have in the main been agreed and costs finalised.

10. **Progress Certificates**

Certificates No. 1-6 have been issued to date and the amount certified is \$1,935,600.

LEGAL/POLICY IMPLICATIONS:

Nil.

ADVERTISING/COMMUNITY CONSULTATION:

Nil.

STRATEGIC IMPLICATIONS:

These projects are in keeping with the Town's Strategic Plan 2003-2008, Key Result Area 3 - Economic Development, in particular 3.1 *"Promote business opportunities in the Town."*

COMMENT:

This is Progress Report No. 6 to update the Council on the status of works to date. It is proposed to submit a report to the Council in June 2004 relating to the streetscape works, landscaping works and activation of the building with the surrounding streets.

At 9.59pm Moved Cr Doran-Wu, Seconded Cr Farrell

That the meeting proceed "Behind Closed Doors" to consider Items 10.3.2 – Recovery of Outstanding Rates and 10.4.3 – Members Equity Stadium – Legal Documentation and Outstanding Issues – Progress Report as they contain confidential legal and financial matters.

Crs Chester and Lake departed the Chamber at 9.59pm.

CARRIED (5-0)

Journalists Mark Fletcher and Matt Zis and 1 member of the public departed the Chamber.

Crs Chester and Lake returned to the Chamber at 10.01pm.

10.3.2 Recovery of Outstanding Rates

Ward:	Both	Date:	17 May 2004
Precinct:	All	File Ref:	FIN0015
Attachments:	-		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:	John Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council AUTHORISES the Chief Executive Officer to proceed with the legal recovery actions as recommended, to collect the outstanding rates on the properties listed on the Confidential Schedule at Appendix 10.3.2, circulated separately to Elected Members.

COUNCIL DECISION ITEM 10.3.2

Moved Cr Lake, Seconded Cr Franchina

That the recommendation be adopted.

CARRIED (7-0)

(Mayor Catania was an apology for the meeting. Cr Torre was absent from the meeting.)

(See page 224 for Report details)

The Presiding Member advised that Cr Franchina had declared a proximity interest in Item 10.4.3. Cr Franchina departed the Chamber at 10.04pm and did not speak or vote on the matter.

10.4.3 Members Equity Stadium - Legal Documentation and Outstanding Issues - Progress Report

Ward:	South	Date:	20 May 2004
Precinct:	Beaufort, P13	File Ref:	RES0051/RES0072
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Members Equity Stadium - Legal Documentation and Outstanding Issues - Progress Report as at 20 May 2004 (including the confidential information as circulated separately to Elected Members); and*
- (ii) *DEFERS any further consideration of the outstanding matters relating to the Heads of Agreement until the Town has received further legal advice concerning this matter.*

(See page 164 for Report details)

COUNCIL DECISION ITEM 10.4.3

Moved Cr Cohen, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Cr Lake asked for details relating to the Covenant was which was in the report 10.4.1 - Use of the Common Seal on page 143, on 17 May 2004 a Deed of Covenant was signed between the Town of Vincent and Allia Holdings and North East Equity and Nicola Tana and David Rodwell.

The Presiding Member advised that the Question would be taken on notice.

Cr Doran-Wu requested that the Item be recommitted for clarification.

Moved Cr Doran-Wu, Seconded Cr Lake

That Item 10.4.1 be recommitted.

CARRIED (6-0)

(Mayor Catania was an apology for the meeting. Cr Torre was absent from the meeting. Cr Franchina was absent from the Chamber and did not vote.)

The Presiding Member advised that the committal could not proceed as the Council was in the middle of considering another Item and also "*Behind Closed Doors*".

It was suggested that the Item be recommitted once an "*Open Meeting*" was resumed.

Executive Manager Corporate Services explained that the Deed of Covenant (relating to the Stadium catering equipment was the new re-executed document), which was not properly finalised by Allia's lawyers in December 2003.

CARRIED (6-0)

(Mayor Catania was an apology for the meeting. Cr Torre was absent from the meeting. Cr Franchina was absent from the Chamber and did not vote.)

At 10.20pm **Moved Cr Lake, Seconded Cr Farrell**

That an open meeting be resumed.

CARRIED (6-0)

(Mayor Catania was an apology for the meeting. Cr Torre was absent from the meeting. Cr Franchina was absent from the Chamber and did not vote.)

Cr Franchina returned to the Chamber at 10.21pm

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

14. CLOSURE

The Presiding Member, Deputy Mayor - Cr Ian Ker, declared the meeting closed at 10.22pm with the following persons present:

Cr Simon Chester	North Ward
Cr Caroline Cohen	South Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell	North Ward
Cr Basil Franchina	North Ward
Cr Sally Lake	South Ward
Rob Boardman	Acting Chief Executive Officer
Mike Rootsey	Executive Manager, Corporate Services
Rick Lotznicher	Executive Manager, Technical Services
Des Abel	Acting Executive Manager, Environmental and Development Services
Annie Smith	Executive Secretary (Minutes Secretary)

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 25 May 2004.

Signed: Presiding Member
Mayor Nick Catania, JP

Dated this day of 2004