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(10 AUGUST 2004)**

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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 10 August 2004, commencing at 6.00pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania JP, declared the meeting open at 6.00pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Nil.

(b) Present:

Mayor Nick Catania, JP	Presiding Member
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 Ian Ker (Deputy Mayor)	South Ward
Cr Sally Lake	South Ward
Cr Maddalena Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager, Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Executive Assistant (Minutes Secretary)
Matt Zis	Journalist – Guardian (from 6.10pm – 9.10pm)
Mark Fletcher	Journalist – Voice News (until 9.10pm)

Approximately 35 Members of the Public

(c) Members on Leave of Absence:

Nil.

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

1. Mr Archie Andony of 62 Auckland Street, North Perth – Item 10.3.4 – Stated that he has lived in the area for 18 years and was a playing member and coach of the Hellenic Football Club which used Les Lilleyman as a home ground since the 1980's. Believes that the reserve has been a sporting venue for 40-50 years and that many of the players did not live in the area yet locals and players shared the reserve. Stated that the proposal, as long as it is policed and all conditions enforced, can allow the reserve to continue to be used as for what it was intended.

2. Mr Jim Elliott of 32 Gill Street, North Perth – Item 10.3.4 – Thanked Mr Schirippa for bringing this matter to his attention and urging him to attend the public meeting. Stated that almost all of the people who attended the public meeting were opposed to the proposal and were not interested in a compromise. Also stated that the Mayor, at the meeting, conceded that the consultation had not been wide enough and gave an undertaking that there would be some sort of survey or questionnaire including an area bounded by Charles, Green and Coogee Streets and Scarborough Beach Road. Advised that the consultation has not taken place. Requested that the item be deferred so that the Mayor can honour his commitment given at the public meeting.

Mayor Catania stated that the concern expressed at the meeting was that if there was a resolution reached, people wanted to know what that resolution was. Advised that he gave an undertaking that as soon as a resolution came to hand, that it would be distributed (to a wider area than before) and this was done.

3. Mr Norman Smith of 10 London Street, North Perth – Item 10.3.4 – Stated that he was the person who raised the question about distribution at the public meeting and advised that he still has not received anything in his letter box. Believes that the public consultation process is flawed on the basis of lack of circulation through the precinct. Further stated that in the Eton Precinct, the Lilleyman Reserve is the only open space available to the community for recreation.
4. Mr Ian Rollerson of 6 Smith Street, Perth – Item 10.1.3 – Stated that the existing house has a very steep roof profile and the architect was requested to design something that would fit in and as a result the proposed roof is slightly higher than the maximum regulation for an outbuilding. Requested Council approve the design as proposed so that it enhances the existing house.
5. Ms Marie Slyth of 89 Carr Street, West Perth – Item 10.4.1 – Appreciates the comments and support of some of the items that were requested. Stated that there are a number of items she would like to raise again at a further time. Referred to the item regarding 14 days for approval of plans, believes that 21 days is much fairer to the whole community. Stated that she was concerned that as the MHI has not been finalised the number of heritage dwellings that have been demolished is now up to 95 since the previous year.
6. Mr Grant Fuller of 37 Redfern Street, North Perth – Item 10.1.9 – Stated that four years ago they constructed a rendered brick and zincalume work shed and brick wall at the rear of the property and is their only storage facility which is heavily utilised. Believes to demolish the work shed and replace with a double carport would involve a greater expense and leave them without a storage facility. Also stated that the steep incline of the right of way would be a physical impediment to the double carport and the right way is not lit and would pose serious security concerns for his family. Advised that there are several examples of similar constructions along the same side of the street and share the same right of way as their property, including one that is under construction at the moment. Believes that the proposed carport is in keeping with prevailing architectural style and character of the area and will enhance the street appeal of the property.

7. Mr Mate Eletich of 12 Lacey Street, Perth – Stated that he is experiencing problems with chemicals from the dental laboratory which is operating 24 hours per day. Advised that two companies have tested the ground at his property and have found traces of poison in the ground and in the water. Believes that the Town has done nothing. Stated that an Officer of the Town had visited his house today and advised he should leave the property. Stated he had lived at that property for 40 years and worked very hard for his house and why was the Town now "pushing" him out.
8. Mr David Cranson of 54 Hobart Street, North Perth – Item 10.3.4 – Objects to the reserve being for the exclusive use given over freely to a football club of any suburb or group. Does not believe this proposal is justified because of the Club's growth and apart from the impact the local community has to absorb and pay for, no study has been done on the noise levels of such events. Believes his rights to this amenity will be compromised and would prefer these funds for the upgrading of local and smaller community groups in need instead of favouring the big business enterprises. Would like to see the reserve remain for all and sundry to enjoy.
9. Mr Glen Bursan of 39 Farmer Street, North Perth – Item 10.1.8 – Stated that the studio has been there for almost 12 years and during that time there has only been one alleged complaint asking if the building was authorised. Referred to the request regarding the obscure glass. Stated that the studio is two courses lower than the side wall of his single storey house and the mezzanine is only 1.4metres above the floor and was built in a hole in the back of his block. Thanked Cr Lake for attending a visit to confirm the details and Cr Cohen for returning his call. Requested that Council approves the development. Submitted a copy of a letter from the banks's mortgage inspection staff attesting to the construction in 1993.
10. Mr Keith Simpson of 34 Loch Street, North Perth – Item 10.3.4 – Stated that he shares some of the concerns raised regarding the proposal. Further stated that he had lived in the area for 25 years and the reserve has always been a sporting facility and in his opinion should continue to do so. Supports the compromise and believes it is worth considering.
11. Mr Tim Fanowrios of 34 View Street, North Perth – Item 10.1.11 – Advised that this is the second development application and has been channelled through the WAPC in regards to the subdivision of two lots at the rear of the block. Referred to a previous change of use that Council supported. Requested Council consider the historical elements within report, that Peach Street is not a normal street and is actually a right of way and the similarity between this subdivision and those of Forrest Street and Alma Road front and rear lot properties respectively which have been recently approved. Asked that if Council refuses the application could a staff member provide in writing the exact reasons for the refusal and provide some guidance to avoid high costs.
12. Mr David Lorimer of 206 Wilding Street, Doubleview – Item 10.1.12 – Stated that they have major concerns with the proposal and believes it will result in anti-social behaviour, syringes being left in the area and unsavoury people. Supports the report presented and requested that Council rejects the change of use.

13. Mr Justin Woodruff, Manager of WA Substance Users Association, 440 William Street, Northbridge – Item 10.1.12 – Stated that the service was first established following unanimous Council support seven years ago and has grown and expanded the range of services on offer. Stated that without Council's support the service will soon be without premises from which to operate and as this is a vital and important services, respectfully requested that if Council does choose to reject the application, that WASUA will be given clear criteria and assistance in selecting a mutually agreed upon suitable location within the Town for relocation as soon as possible.
14. Mr Steven (indistinguishable) Community Development Co-ordinator of WASUA of Berwick Street, St James – Item 10.1.12 – Referred to the concerns listed in the report. Believes that these are legitimate concerns but do not relate to the reality of the successful exchange services and respectfully encouraged Councillors to consult with the relevant experts and authorities in this field with regards to these issues. Stated that the service has a close relationship with the WA Police Service, the Town's Health Services, the National Drug Research Institute and the WA Health Department. Advised that they actively patrol the area to prevent any inappropriate or anti-social behaviour and would be happy to engage with any other community members experiencing difficulties as a result of the service to ensure that any problematic service users are dealt with decisively and immediately.
15. Mr Ray Conrad of – Item 10.1.12 – Congratulated the Town on the excellent Town Planning Scheme that has been put forward which has encouraged developers to come into the area. Does not believe this location is suitable due to the increase in residential properties in the area. Suggested that a light industrial area or near Royal Perth Hospital would be a more suitable location. Requested Council reject the proposal.
16. Ms Louise Grant, Treatment Referral Worker at WASUA – Item 10.1.12 – Referred to St John of God Overdose Statistics. Stated that a shop owner near the proposed premises is picking up needles nearly every day and there is already a lot of drug use going on in that area. Advised that the service would pick up any needles in the vicinity and staff actively walk around the area every two hours. Does not believe that an industrial area is a suitable location for many reasons.
17. Ms Sue Elliott of 32 Gill Street, North Perth – 10.3.4 – Stated that her clear understanding from the public meeting was that there was going to be further consultation in the form of a survey or questionnaire. Asked the following questions:
 - Q1. Why is the Football Club paying such a low annual fee of \$1,000? If we formed a Les Lilleyman Users Group and offered to pay \$1,100, does that mean our proposal would be considered?
 - Q2. There was a suggestion that Carine High School would allow the Football Club to use their premises, has that option been explored?

Stated that the amount of \$1,000 would not cover the cost of policing the parking and running the floodlights. Further stated that there is dangerous amount of traffic already on Gill Street.

Q3. On training nights it is proposed that the Football Club has exclusive use of the oval, dog owners have the exclusive use of the rest of the oval, what happens to the other people? What if someone wants to use the public toilets?

Q4. If this proposal was not okay for the Britannia Reserve residents, why is it okay for Les Lilleyman people?

18. Mr Russell Pitcher of 102 Dunedin Street, Mt Hawthorn – Item 10.3.4 – Realises that the oval is there for sporting facilities but it is also there for residents and does not believe the application from Subiaco Football Club is one that can fit in to this area. Stated his greatest concern is that there is already a major through-traffic problems in the area and until this issue is addressed then there should be no further usage allowed at this site.
19. Mr Murray McKnight of 210 Stirling Street, Perth – Item 10.1.12 – Stated that his company has just moved in to this building and is deeply concerned with the proposal. Believes that having a needle exchange in a new emerging upgrading area where high quality apartments are being built would be a retrograde step. Requested Council refuse the application.
20. Ms Barbara Bowden of 256 Stirling Street, Perth – Item 10.1.12. Stated that her business was severely affected by the previous half-way house that was next door to her and is concerned that a needle exchange would affect her business, which is only now recovering, in the same way. Is pleased with the development in the area. Believes an appropriate site for the service would be closer to Royal Perth Hospital. Requested that the application be rejected.
21. Ms Judith Burrows of 70 Auckland Street, North Perth – Item 10.3.4 – Referred to the wording in comment No 7 and sought clarification. Requested that if the proposal goes ahead, to encourage parking in the Gill Street carpark and avoid the problems around the area, that the carpark be looked at and the lighting improved and included in the Budget for next year.
22. Mr Cosi Schirippa of 66 Auckland Street, North Perth – Item 10.3.4 – Requested that Council defer making a decision on this item. Stated that he was under the impression that there would be some kind of survey where comments could be made. Advised that the submission made by the North Perth Precinct Groups was made on the assumption that people would be able to make comment about their submission. Referred to comments received that the submission was made without consultation. Stated that a flyer was created by the Precinct Group and hand delivered them to most of the Eton Locality and the west side of London, Dunedin and parts of Shakespeare with a contact number on it and notices were placed in the local deli and around the reserve and they also had an impromptu meeting with some residents on the reserve. Further stated that at the public meeting a compromise was presented and its aim was to simply acknowledge that there was more than one side to the debate and

stimulate discussion about whether there was common ground that everyone could live with. Advised that they also met with Subiaco Football Club to get their side of the story. Believes that the compromise put to the meeting would allow residents to dictate the terms and conditions of its use.

23. Ms Nancy Theodosiades, Something Good Lunch Bar, 196 Stirling Street, Perth – Item 10.1.12 – Stated that they have been in the area for 11 years and it is a family business. Advised that they already have trouble with prostitutes all the time and believes that they would be greatly affected if a needle exchange was next door. Stated that all their customers are totally against it.
24. Ms Lorraine Vicensoni, Committee Member of the North Perth Precinct Group – Item 10.3.4 – Endorsed the points put forward by Cosi Schirippa. Stated that the submission put forward was a compromise and was done in a manner that sought as much public input as it could. Believes it was an understanding after the meeting that there would be more opportunities for public input. Requested that the matter be deferred pending consultation in terms of a two week period where people could put in written submissions.
25. Mr Barry Tonkin of 115 Peninsula Road, Maylands – Item 10.1.1 – Stated that the design before Council is a compromise from a previous one and it results in a retaining wall of approximately 1.4 metres high and has minimum impact on the neighbour and has their approval. Advised that he has spoken with technical staff and the result being that what was put forward and recommended by staff was a previous compromise.

There being no further questions from the public, the Presiding Member closed Public Question Time at 6.55pm.

Cr Torre departed the Chamber at 6.55pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

- 4.1 Mayor Nick Catania for the period 12 August to 7 September 2004 inclusive for personal reasons.

Moved Cr Lake, Seconded Cr Ker

That Council APPROVES Leave of Absence for Mayor Nick Catania for the period 12 August to 7 September 2004 inclusive for personal reasons.

CARRIED (8-0)

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

Cr Torre returned to the Chamber at 6.56pm.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

5.1 The Chief Executive Officer advised that he had received petitions objecting to the proposed change of use from office to institutional building - WA Substance Users Assn Inc Office and Syringe Exchange Programme at Nos 196-198 Stirling Street were received from:

- Ms Sue Campbell (on behalf of signatories living and working in the surrounding area), 26 Brisbane Street, Perth with 81 signatories; and
- Self Lock Storage of 291 Pier Street, Perth with 326 signatories.

The Chief Executive Officer advised that this matter was on tonight's Agenda at Item 10.1.12.

Moved Cr Lake, Seconded Cr Doran-Wu

That the petitions be received.

CARRIED (9-0)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 **Ordinary Meeting of Council held on 27 July 2004**

Moved Cr Ker, Seconded Cr Lake

That the Minutes of the Ordinary Meeting of Council held on 27 July 2004 be confirmed as a true and correct record subject to the motion to defer to Item 10.1.10 on page 6 being amended to read "Clarence Street" and not "Grosvenor Road".

CARRIED (9-0)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Employee of the Month Awards for the Town of Vincent for August 2004

As members of the public will know, the Council recognises its employees by giving a monthly award for outstanding service to the Ratepayers and Residents of the Town. The recipients receive a \$75 voucher and a Certificate. Also their photograph is displayed in the Administration Centre Foyer, in the Library and at Beatty Park Leisure Centre.

For August 2004, the award is presented to Rasaratnam Rasiah (Rasa), the Town's Senior Planning Officer (Statutory).

Rasa joined the Town approximately 16 months ago and has been very busy dealing with major planning developments. He has been involved in co-ordinating the control of roller shutters which have appeared throughout the Town, in particular the matter in Scarborough Beach Road, Mount Hawthorn.

For information, the Council at its Ordinary Meeting held on 24 February 2004 refused an application for retrospective Planning Approval for unauthorised roller shutters at No. 159a Scarborough Beach Road - Binocular Telescope and Optical World.

The applicant appealed against this refusal to the Town Planning Appeal Tribunal. At the time, these roller shutters generated immense media coverage, including across the Nation. Unfortunately, not all the media was positive. This single issue potentially had far-reaching implications on the Town, especially in the Mount Hawthorn Centre and the other Town Centres throughout the Town.

The appeal hearing took place on 25 May 2004, and the Tribunal concurred with the Town's position and dismissed the appeal. In conjunction with the Manager Planning and Building Services, Des Abel, the Town's Senior Planning Officer (Statutory), Rasaratnam Rasiah (Rasa), was instrumental in achieving this successful appeal outcome, especially appearing as the Town's witness in the hearing.

In addition, Rasa regularly represents the Town in the Town Planning Appeal Tribunal, which involves specialized skills and knowledge, and also results in substantial cost savings for the Town. Rasa consistently performs his duties and responsibilities to the highest professional standards in a very demanding and challenging position, which has received wide recognition.

The Employee of the Month award is in recognition of Rasa's tremendous efforts.

Well done Rasa - Keep up the good work!!

- 7.2 Mayor Catania advised that Deputy Mayor, Cr Ian Ker had attended a function held by the Association of Liberian Community of Australia in Western Australia (Inc) where they presented a Certification of Appreciation to the Town for excellent services and support rendered to their community since 2001.

8. DECLARATION OF INTERESTS

- 8.1 Mayor Catania declared a financial interest in Item 10.3.1 – Investment Report. The nature of his interest being that he is the Chairperson of the North Perth Community Bank.
- 8.2 Cr Lake declared an interest affecting impartiality in Item 10.3.4 – Proposed Use of Les Lilleyman Reserve by Subiaco Football Club – Community Consultation. The nature of her interest being that her partner made a submission on the Item.

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

The Chief Executive Officer advised that the following questions had been received from Cr Simon Chester at the Ordinary Meeting of Council held on 13 July 2004.

"Q1. How many lots have been approved in areas of the Town zoned R40 in the 20 months since October 2nd 2002?"

"Q2. How many lots were approved in areas of the Town zoned R40 in the 20 months preceding October 2nd 2002?"

In response to the above, the following subdivision and potential lot yield statistics are provided:

TABLE 1 : ALL SUBDIVISIONS APPROVED BY THE WAPC IN THE PERIOD 1 FEBRUARY 2001 - 1 OCTOBER 2002 (INCLUSIVE)

Zone	Number of Existing Lots	Number of Proposed Lots	Difference in Lot Numbers	Percentage Difference in Lot Numbers
Residential R20	0	0	0	0
Residential R30	39	48	9	23
Residential R40	40	62	22	55
Residential R50	3	6	3	100
Residential R60	20	51	31	155
Residential R80	26	34	8	31
Local Centre	9	4	-5	-55
Parks and Recreation	14	2	-12	-86
Commercial	6	10	4	67
Residential/ Commercial R80	28	195	167	596
District Centre	0	0	0	0
Total	185	412	227	123

TABLE 2 : ALL SUBDIVISIONS APPROVED BY THE WAPC IN THE PERIOD 2 OCTOBER 2002 - 2 JUNE 2004 (INCLUSIVE)

Zone	Number of Existing Lots	Number of Proposed Lots	Difference in Lot Numbers	Percentage Difference in Lot Numbers
Residential R20	4	2	-2	-50
Residential R30	52	103	51	98
Residential R40	53	106	53	100
Residential R50	3	6	3	100
Residential R60	44	74	30	68
Residential R80	46	160	114	248
Local Centre	13	55	42	323
Parks and Recreation	0	0	0	0
Commercial	9	40	31	344
Residential/ Commercial R80	35	397	362	1034
District Centre	7	24	17	243
Total	266	967	701	264

TABLE 3 : RESIDENTIAL SUBDIVISIONS APPROVED BY THE WAPC IN THE PERIOD 1 FEBRUARY 2001 - 1 OCTOBER 2002 (INCLUSIVE)

Residential Zone	Number of Existing Lots	Number of Proposed Lots	Difference in Lot Numbers	Percentage Difference in Lot Numbers
Residential R20	0	0	0	0
Residential R30	39	48	9	23
Residential R40	40	62	22	55
Residential R50	3	6	3	100
Residential R60	20	51	31	155
Residential R80	26	34	8	31
Total	128	201	73	57

TABLE 4 : RESIDENTIAL SUBDIVISIONS APPROVED BY THE WAPC IN THE PERIOD 2 OCTOBER 2002 - 2 JUNE 2004 (INCLUSIVE)				
Residential Zone	Number of Existing Lots	Number of Proposed Lots	Difference in Lot Numbers	Percentage Difference in Lot Numbers
Residential R20	4	2	-2	-50
Residential R30	52	103	51	98
Residential R40	53	106	53	100
Residential R50	3	6	3	100
Residential R60	44	74	30	68
Residential R80	46	160	114	248
Total	202	451	249	123

10. REPORTS

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 10.3.4, 10.1.3, 10.4.1, 10.1.9, 10.1.8, 10.1.11, 10.1.12 and 10.1.1

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:

Item 10.4.5

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

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

Cr Ker	Items 10.2.3, 10.4.2, 10.4.3 and 10.4.6
Cr Lake	Item 10.1.7
Cr Chester	Items 10.1.2, 10.1.5 and 10.4.4
Cr Torre	Nil
Cr Doran-Wu	Nil
Cr Farrell	Nil
Cr Cohen	Nil
Cr Franchina	Nil.

Presiding Member, Mayor Nick Catania JP, requested the 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:

Item 10.3.1

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

Items 10.1.4, 10.1.6, 10.1.10, 10.1.13, 10.1.14, 10.2.1, 10.2.2, 10.2.4, 10.2.5, 10.3.2 and 10.3.3

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

Nil.

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

(a) Unopposed items moved en bloc;

Items 10.1.4, 10.1.6, 10.1.10, 10.1.13, 10.1.14, 10.2.1, 10.2.2, 10.2.4, 10.2.5, 10.3.2 and 10.3.3

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

Items 10.3.4, 10.1.3, 10.4.1, 10.1.9, 10.1.8, 10.1.11, 10.1.12 and 10.1.1

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

Moved Cr Ker, Seconded Cr Lake

That the following unopposed items be moved en bloc;

Items 10.1.4, 10.1.6, 10.1.10, 10.1.13, 10.1.14, 10.2.1, 10.2.2, 10.2.4, 10.2.5, 10.3.2 and 10.3.3.

CARRIED (9-0)

10.1.4 No(s). 35 (Lot(s) 457) Tennyson Street, Leederville - Proposed Demolition of Existing Single House and Construction of a Two-Storey Single House

Ward:	North	Date:	2 August 2004
Precinct:	Leederville; P3	File Ref:	PRO2828; 00/33/2270
Attachments:	001 002		
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 A Foundas on behalf of the owner AE Foundas for proposed Demolition of Existing Single House and Construction of a Two-Storey Single House, at No(s). 35 (Lot(s) 457), Tennyson Street, Leederville, and as shown on plans stamp-dated 27 May 2004 (site plan showing existing house) and 26 July 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;*
- (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 new crossover/s to the allotment shall be constructed in accordance with the Town's standard Crossover Specification/s which, in particular, specify that the portion of the existing footpath traversing the proposed crossover, subject to the existing footpath being in a good condition as determined by the Town's Technical Services Division, must be retained such that it forms a part of the proposed crossover and the proposed crossover levels shall match the level/s of the existing footpath;*
- (iv) prior to the issue of a Building Licence the applicant shall pay a \$250 crossover bond to ensure the crossover is constructed to comply with the Town's standard crossover specification/s. Application for the refund of the bond must be submitted in writing;*
- (v) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) the entire upper floor front setback being a minimum of 6 metres from the front boundary; and*
 - (b) the wall height of the void being reduced to a maximum height of 6 metres above the natural ground level;*

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

- (vi) *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;*
- (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) *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);*
- (ix) *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 Tennyson 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;*
- (x) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site; and*
- (xi) *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;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.4

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (9-0)

Landowner:	AE Foundas
Applicant:	A Foundas
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	286 square metres

COMPLIANCE:

Requirements	Required	Proposed *
Density	1 dwelling R 30	1 dwelling R 34
Plot Ratio	N/A	N/A

Requirements	Required	Proposed *
Setbacks: North setback first floor (front)	6 metres	5.8 metres to Bed 1 and WIR
Building Height: Wall of Void	6 metres	6.4 metres to natural ground level.

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

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

SITE HISTORY:

The subject lot is currently occupied by a single storey fibro and iron single house.

DETAILS:

The subject application involves the demolition of the existing single house and construction of a two-storey 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 two written submissions have been received by the Town.

The first letter makes the following comments;

"I wish to object to the proposal that open space be only 42 per cent of total area, on the basis that the neighbourhood surrounding the property already has a large number of large two storey houses, which are already having an affect of crowding out space and light from older, smaller residences on Tennyson and Galwey Streets."

The second letter makes the following comments;

"With the exception of the 'Open space' requirement I have no specific objection to the other variations to the Codes as outlined in your letter. However, although you haven't mentioned privacy being a consideration, I would like to take this opportunity to say that we object strongly to the building plan, specifically the second floor living area and the two large second floor windows facing south...."

Our objections are due to the concern we have that our privacy and light will be affected to a degree that our lifestyle and enjoyment of our property will ultimately be compromised.

Our quaint semi-detached property, being on a very small area of land (+- 170m²), has limited living space. The small outside area to the rear of our property allows us to extend our living area to the outside. The plans incorrectly state that this area is a 'non-active outdoor living area'. We spend a lot of time in the area mentioned, entertaining, relaxing and getting the benefit of the northern sun...

We were always aware that the property behind was requiring an upgrade and would possibly be bulldozed with the potential for a two-storey house to be built, but we were also assured that any development would be done sensitively with respect for the privacy of those around taken into account."

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

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

The proposal involves the demolition of the existing single storey fibro and iron dwelling.

The place has been assessed in accordance with the Town's Policy relating to Heritage Management - Municipal Heritage Inventory. The place has little to some local cultural heritage significance for the following reason:

No. 35 Tennyson Street, Leederville has *little to some* cultural heritage significance. The exterior of the dwelling is clad with mini-orb, a material that is increasingly rare within the Town of Vincent. The place appears to demonstrate a resourceful approach to construction during the depression.

The subject property is not listed on the Town's Municipal Heritage Inventory or Interim Heritage Data Base.

On the basis of the information that is contained in the Heritage Assessment, it is considered that the proposed demolition of the existing dwelling is acceptable, subject to standard conditions.

Carport

The carport is proposed to be located on the north front boundary with a nil setback. There is no right of way at the rear of the property to be utilised. The carport is supported in its proposed location as it maintains 100 per cent open sides except where it abuts the wall of the main dwelling. Furthermore, a design feature has been incorporated in the north facing wall of the study.

Wall Height

The wall height of the void on the west elevation is non compliant by 0.4 metre. Whilst this section of the development represents a suitable design feature, it is recommended that the height be reduced in order to comply with the 6 metres maximum height requirement. This is reflected in the Officer Recommendation.

Front Setback

The variation to the front setback relates to bedroom 1 and the walk in robe. The variation from the requirement is 0.2 metre. It is considered that the 6 metres setback requirement can easily be achieved in this instance without compromising the outcome of the development. The first floor front setback is therefore recommended to be modified to reflect the 6 metres requirement.

Response to Objections Received

The main concerns raised in both letters relate to open space and privacy. The open space is no longer considered a variation as the applicant has made necessary changes in amended plans to enable the open space to comply.

There was concern raised in relation to potential overshadowing onto the rear southern lots. An overshadowing assessment was conducted to establish the extent of overshadowing the development would impose onto the adjoining affected properties being Nos. 32 and 34 Galwey Street. The outcome of this assessment established that a total of 3.53 square metres of both adjoining properties will be overshadowed. This equates to 1.1 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 35 percent. The overshadowing is therefore in full compliance with the requirements of the R Codes and considered acceptable.

Whilst there are windows proposed on the first floor facing south, these windows have been assessed and found to comply with the requirements of the R Codes.

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

10.1.6 No(s). 224 (Lot(s) 20) Carr Place, Leederville - Proposed Projected Sign and Retrospective Planning Approval for Existing Tethered Sign to Approved Shop (Take Away Food Outlet)

Ward:	South	Date:	3 August 2004
Precinct:	Oxford Centre; P4	File Ref:	PRO0097; 00/33/2327
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	R Rasiah, 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 M Brnjak on behalf of the owner Kalison Enterprises Pty Ltd for proposed Projected Sign and Retrospective Planning Approval for Existing Tethered Sign to Approved Shop (Take Away Food Outlet), at No(s). 224 (Lot(s) 20) Carr Place, Leederville, and as shown on plans stamp-dated 7 July 2004 (dimension plan and perspective image) and amended plans stamp-dated 28 July 2004 (elevation and site plan) and 3 August 2004 (dimension plan of existing sign), subject to:*

- (a) *the signage shall not have flashing or intermittent lighting;*
- (b) *all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (c) *submission of a structural engineers certification that the signage is structurally sound, including design and method of support and fixing for the proposed signage, prior to issue of a Sign Licence;*
- (d) *the existing signage located on the main building wall above the verandah facing Carr Street shall be removed and the wall painted to match the existing colour of the wall;*
- (e) *the projecting sign is not to be built above the main building wall height and the sign shall be setback from the existing verandah boundary overhang;*
- (f) *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*
- (g) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

(ii) *the Council ADVISES the applicant that they are required to pay the outstanding fees of \$300 for the above planning application for Retrospective Planning Approval, within fourteen (14) days of the notification by the Town.*

COUNCIL DECISION ITEM 10.1.6

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (9-0)

Landowner:	Kalison Enterprises Pty Ltd
Applicant:	M Brnjak
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: District Centre
Existing Land Use:	Shop
Use Class:	Shop
Use Classification:	"P"
Lot Area:	536 square metres

COMPLIANCE:

Requirements	Required	Proposed *
Plot Ratio	N/A	N/A
Proposed Projecting Sign: Size	Not exceed 2 metres in length or exceed a vertical dimension of 500 millimetres.	Length: 2.432 metres Dimension: 965 millimetres
Proposed Projecting Sign: Projection from Wall	Not more than 1 metre from the wall.	2.432 metres
Existing Tethered Sign: Size	Maximum area of 2 square metres.	2.68 square metres
Existing Tethered Sign: Distance from the Finished Floor Level	Not less than 2.7 metres	2.3 metres

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

SITE HISTORY:

The site is currently occupied by a mixture of shop (take away food outlet), eating house and warehouse uses. The shop and eating house front the Carr Street frontage and the warehouse is located to the rear of the property, which has access to the front through a walkway and courtyard. There are five (5) car bays at the rear of the property accessed from a rear right-of-way.

DETAILS:

The application is for proposed projecting sign addition and retrospective planning approval for an existing tethered signage to the existing shop front.

The proposed projecting sign is to be internally illuminated and constructed out of a steel frame and moulded vinyl, and protrudes at right angles from the main building wall above the verandah overhang. The projecting sign contains opal and calon kiwi coloured moulded text and three (3) dimensional logo on an avery azure blue background.

The purpose of the proposed projecting sign is to advertise the name, use and website address of the business. The sign states: "RECHARGE FOOD & JUICE: LOW FAT BODY FUEL www.rechargefoodandjuice.com"

The existing tethered sign hangs below the verandah adjacent to the footpath. The tethered sign is constructed of vinyl material with metal brackets. The tethered sign contains opal and calon kiwi coloured text.

The purpose of the tethered sign is to advertise the name, use, telephone number and website of the business. The sign states: "RECHARGE FOOD & JUICE: LOW FAT 9382 4433 BODY FUEL www.rechargefoodandjuice.com."

CONSULTATION/ADVERTISING:

The proposal was not advertised as it is considered not to involve intensification of the current use of the site, is incidental, associated and ancillary to the usage and development of the site, and is being referred to the Council for its consideration and determination.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The proposed projecting sign and existing tethered sign are not considered to adversely affect the amenity and streetscape of the Oxford District Centre and are regarded to compliment other surrounding types of signage, which include pylon signs, wall signs and under awning signs. Although the projecting signage is unique when compared to surrounding businesses (in that it is projecting from the upper wall above the verandah) it will compliment them by helping to create a diverse range of signage. The existing tethered sign compliments and matches the existing sign at the premises directly west of the subject site at "eminem" and is deemed not to adversely effect passing pedestrian traffic.

With regard to the height of the proposed projecting sign, a condition is recommended to restrict its height to be no higher than the current building wall height and for the projection of the sign from the building not to exceed the verandah width.

In light of the above, it is recommended that Council conditionally approve the proposed projected sign and the existing tethered sign, subject to standard and appropriate conditions, to address the above matters. It is further recommended that the applicant pays the outstanding \$300 fee for the Retrospective Planning Approval for the existing tethered sign.

10.1.10 No(s). 14 (Lot(s) 5, Strata Lot No. 1) Bulwer Street (Cnr Wright Street), Perth - Roller Door Addition To Carport To Existing Single House (Application For Retrospective Approval)

Ward:	South	Date:	2 August 2004
Precinct:	Forrest; P14	File Ref:	PRO0085; 00/33/2331
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	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 submitted by DD & EJ Nair on behalf of the owner DD & EJ Nair for Roller Door Addition to Carport to Existing Single House (Application for Retrospective Approval), at No(s). 14 (Lot(s) 5, Strata Lot No. 1) Bulwer Street (Cnr Wright Street), Perth, and as shown on plans stamp-dated 19 July 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 relevant street setbacks and streetscape requirements of the Town's Policy relating to Street Setbacks and the Residential Design Codes (R Codes);*
- (ii) *the Council REQUESTS the Town Planning Appeal Tribunal to bring forward the date of the current hearing date (8 October 2004), in light of the subject property being advertised on the market to be sold; and*
- (iii) *the Council AUTHORISES the Chief Executive Officer to continue legal proceedings to remove the unauthorised roller door at No.14 (Lot 5, Strata Lot No.1) Bulwer Street, corner Wright Street, Perth.*

COUNCIL DECISION ITEM 10.1.10

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (9-0)

Landowner:	DD & EJ Nair
Applicant:	DD & EJ Nair
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	437 square metres

COMPLIANCE:

Requirements	Required	Proposed
Carport Door as per Residential Design Codes	Carport to be without a door unless that door is visually permeable.	Solid garage door, with 5 small windows

Carport Door as per Towns Policy relating to Street Setbacks	Carport means...unenclosed except to the extent that it abuts the existing dwelling and /or a property boundary on one side, and being without a door or panels unless...visually permeable.	Solid garage door with 5 small windows
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Requirements	Required	Proposed *
Density	R 80, however for single house, the R60 density is applicable (2 dwellings)	R22.8 (1 dwelling)

* 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.

Requirements	Required	Proposed *
Plot Ratio	N/A-Existing house	N/A

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

BACKGROUND:

The owners have taken a considerable period of time to submit a planning application for retrospective planning approval to the Town for determination even though they had given commitments at various times to the Town Planning Appeal Tribunal and the Town's Officers that they were prepared to lodge a new planning application for retrospective Planning Approval. This has resulted in many Officer and Council hours tied in trying to resolve the issue of the unauthorised roller door.

SITE HISTORY:

- 28 May 2002 Council at its Ordinary Meeting conditionally approved the proposed demolition of an existing unauthorised carport construction and construction of a new carport addition to the existing grouped dwelling.
- 17 September 2003 The owners of the subject property were issued Notices under section 10 of the Town Planning and Development Act and clauses 51 and 53 of the Town's Town Planning Scheme No. 1, and section 401 (1) (c) of the Local Government (Miscellaneous Provisions) Act 1960, advising that a roller door has been constructed to an existing carport structure without permission of the Town of Vincent as required, and requiring the unauthorised roller door to be removed.
- 16 October 2003 An appeal was filed to the Town Planning Appeal Tribunal (TPAT) against the Planning Notice issued by the Town.
- 28 November 2003 A directions hearing was held giving order adjourning the appeal to mediation on 15 December 2003.

- 15 December 2003 The Tribunal mediation was held adjourning the matter to a directions hearing on Friday 13 February 2004. At the Tribunal mediation, a Tribunal member suggested that the appellant provide a detailed justification for the subject roller door and that the matter be referred to Council for reconsideration.
- 10 February 2004 Council at its Ordinary Meeting resolved to reiterate that the unauthorised roller doors be removed and to continue legal action if the roller doors were not removed.
- 23 February 2004 TPAT gave a decision that the appeal was properly constituted and that the hearing in relation to the Section 10 noticed be heard on 19 March 2004.
- 19 March 2004 Hearing adjourned to allow appellants to lodge a planning application to the Town for retrospective Planning Approval for the unauthorised roller doors.
- 20 May 2004 TPAT further adjourned appeal on the understanding that the appellant will apply to the Town for retrospective Planning Approval for the unauthorised roller doors. If the Town refused the application, it will be necessary for the appellant to lodge a separate appeal to the TPAT so as to be able to deal with the planning merits of the refusal.
- 16 July 2004 TPAT has advised the Town that it has received correspondence from the appellant advising that a planning application had been submitted to the Town for determination, and on the above basis that the matter was re-listed for directions hearing on 8 October 2004.

DETAILS:

Subsequent to a new carport being conditionally approved by the Town on 28 May 2002, the appellants installed an unauthorised solid roller door to the façade of the carport. The matter is currently in the process of an appeal to contest the Planning Notice issued by the Town to remove the unauthorised roller door. A new planning application dated 12 July 2004 and received by the Town on 19 July 2004, has been lodged for retrospective planning approval for the unauthorised roller door to an existing carport. The plans include five (5) sectional transparent windows. The unauthorised roller door is being referred to Council for consideration.

CONSULTATION/ADVERTISING:

As the matter has been on-going for quite a long period of time and on the basis that the unauthorised roller door had been previously considered by the Council at its Ordinary Meeting held on 10 February 2004, it was considered that the matter not be readvertised, as it is being reconsidered by Council. The owners have advised that five (5) sectional transparent windows are proposed for the roller door.

One of the owner's parent has also advised the following in a written statement, which has been summarised in support for the proposal, as follows:

- House has peculiar problems in being in a residential/commercial area. The natures of some of the commercial elements create a concern.
- At times, returning from late night shopping is of concern as it is difficult to access the property due to undesirable loitering outside the gate or fences.

- Issue of leaving the house late at night due to undesirable strangers watching the property from the opposite corner.
- Police have been called out to sort out several altercations in the area. People who come to the "detox-centre" at Bridge House sit on the fences of the Good Samaritan Centre and are supplied with alcohol. Due to the mental state, as a resident or a visitor, you are at risk.
- Unacceptable environment for a young family as you also have the problem of prostitutes soliciting in the area.
- The roller door has made life bearable as residents and also more secure. Although community interaction is desirable in most areas, it is not in this particular case.

The following is a verbatim copy of the justification by the appellant/owners in the report considered by the Council at its Ordinary Meeting held on 10 February 2004:

"Further to a recent mediation meeting which took place between a representative of the Town of Vincent in relation to the section 10 Notice issued on 14 Bulwer Street, we wish to make the following submission for consideration by the Elected Members in preparation for the Ordinary Meeting of Council to be held on the 10/02/2004.

- *Two years ago we purchased the property at 14 Bulwer Street Perth, unaware of the serious social problems manifesting from a detoxification clinic located diagonally across from our property.*
- *Bridge house, directly across the road from the property (on Wright Street) is a source of constant concern due to the ongoing daily traffic of persons affected by substance abuse and concomitant antisocial behavior.*
- *We are frequently confronted by verbal abuse and drunken (aggressive) individuals on our verge forcing us to postpone entry onto our property. Furthermore we have observed solicitation of prostitutes loitering on our verge and occasional parking by the needle exchange van outside our Wright Street entry. We have found numerous discarded syringes on our lawn and in our shrubs. Our home has been burgled on two occasions as reported to the police.*
- *We are not at liberty to enjoy our home as we had anticipated. The nature of the disruption is emotionally disturbing and will force us to sell the property should we be required to remove the roller door and the small measure of security that it affords our residence.*

In response to our letter of appeal mailed to the Town of Vincent Mayor, CEO and Councilors we received one response only. The response provided by the Town of Vincent detailed concerns in the following areas. Our position on each matter has also been noted below.

1. *Whilst the Town of Vincent acknowledges the serious social problems that Bridge House brings to the area this is a matter for the Police.*

Whilst it may be a matter for the WA police, this does not in anyway reduce council responsibility to act in the interest of the community members which it serves. The Councils' confirmation and awareness of the gravity of the problems only validates our concerns and the urgency in providing a solution.

2. *The offending roller door does not allow passive surveillance of the property.*

The property is located on an elevated corner block ensuring that property can largely be viewed from the street with the exception of the holding area for our vehicles and our front courtyard. Given the nature of the pedestrian traffic in the area

(clients and visitors to the Bridge House facility, persons affected by substance abuse, prostitutes), passive surveillance of the property has resulted in two burglaries and ongoing concern for our safety. While we understand the concept of passive surveillance, in light of these unique circumstances we believe this is an unreasonable proposition. We ask the councilors if the aforementioned pedestrian traffic is suitable to survey our property, or if indeed, the councilors themselves would be satisfied placed in a similar situation.

3. Detraction from the Streetscape

Over the period which we have owned the property, we have invested an estimated \$70,000 to beautify the property both internally and externally, increasing the value of the property and the streetscape.

The claim by council that we have detracted from the streetscape is highly subjective and is open for interpretation by individual councilors and members of our community.

Prior to installing the roller door we considered a number of options to ensure the character of the property was not compromised and that the streetscape would be improved. We believe that we were successful in achieving this outcome.

4. Interaction with Neighbours

When purchasing our home, we expected that we would be able to foster neighbourly relations with our immediate neighbours and our community. Unfortunately due to the 'neighbours' which surround our immediate property (the bridge house facility and a men's half way house), we are limited in our ability to interact with our neighbours and enjoy the type of interaction which we had hoped for. The only interaction we are afforded are our neighbours directly behind us with whom we have excellent neighbourhood communication.

Summary

In coming to a determination, I would hope that all councillors would firstly consider their own willingness to have their property and family constantly surveyed by the clients and visitors to the Bridge House facility and secondly their willingness to foster a neighbourly relationship with these same individuals.

In conclusion, while we appreciate that council regulations exist to enhance and modulate the development and renovation of properties our situation is somewhat unique. In light of the extenuating circumstances we believe a reasonable conclusion would be to allow the door to stay given that it is in keeping with the property and offers a greater degree of personal security and privacy for us, the benefits of which we notice on a daily basis."

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The existing carport was granted conditional Planning Approval on 28 May 2002. Condition (ii) of the conditional approval states the following:

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

The unauthorised carport in its current state does not comply with the above condition. The condition is reflective of the Town's Policy relating to Street Setbacks and the subsequent Residential Design Codes, clause 3.2.3 A3.4.

Town's Policy defines carport as *"...a roofed structure designed to accommodate one or more motor vehicles unenclosed except to the extent that abuts the existing dwelling and/or a property boundary on one side, and being without doors or panels unless these doors and/or panels are visually permeable such as with open grills."*

The Residential Design Codes state the following in regards to carport structures in clause 3.2.3 A3.4;

"Carports within the street setback area provided that the width of the carport does not exceed 50 per cent of the frontage at the building line and the construction allows an unobstructed view between the dwelling and street..."

The Town of Vincent Street Setback Policy adopted by the Council on 21 March 2001, in accordance with Section 47 of the Town of Vincent Town Planning Scheme No.1 (TPS) states in part as follows:

The Town's Street Setback Policy point (6) Carports and Garages states *"... For the purposes of the Planning and Building Policies, "carport" means a roofed structure designed to accommodate one or more motor vehicles unenclosed except to the extent that abuts the existing dwelling and/or a property boundary on one side, and being without doors or panels unless these doors and/or panels are visually permeable such as with open grills. Any roofed structure, other than a carport, designed to accommodate one or more motor vehicles, including open sided carports with solid doors, is deemed to be a "garage".*

Carports are considered acceptable because they allow a clear view between public street and private dwelling. Garages are not considered acceptable, unless they can be accommodated without obstruction to views between the street and house at ground level. All garages are required to be setback at 6.0 metres from the frontage street, or at or behind the line of the main building wall (not open verandah, porch, balcony and the like) of the nearest dwelling on the site, to preserve and possibly enhance the streetscape."

The above policy in summary seeks to prevent garage like structures within the front setback area, as they are considered to detract from the streetscape and do not encourage passive surveillance between the street and the residence.

Assessment under the R Codes and the Town's Policy relating to Street Setbacks, indicate that the carport is clearly in non-compliance with the above two documents.

The Town's Safer Vincent Co-ordinator has provided the following information in relation to the Bridge House development, which is a verbatim copy in the report considered by the Council at its Ordinary Meeting held on 10 February 2004:

"Bridge House at its previous address attracted on average one complaint to, and attendance by Police from January 2003 to December 2003. These complaints were mostly general disturbances."

In the last month since their move to Bulwer Street there have been two miscellaneous complaints which require Police attendance.

The facility now only admits up to six clients and those clients are assessed to be manageable before given accommodation.

Bridge House is represented on the Integration Committee which meets each month at TOV; as such we are able to monitor issues that may arise.

The above comments indicate that measures have been taken to curb the anti-social problems in the immediate area that have been occurring as a result of the Bridge House facility. Close monitoring through monthly meetings and control of client admissions are efforts that seek to improve the anti-social problems."

According to updated information provided by the Perth Police Station, for May, June and July this year, there have been no reported complaints or offences attributed to Bridge House. There have however, been 22 offences committed in Wright Street, and 9 offences committed in Bulwer Street. There is no way of determining whether these incidences are directly related to Bridge House and their clients.

Anecdotal information suggests that both Bulwer and Wright Streets are being used by people walking home after a night out in the surrounding areas.

As part of the refurbishment to Bridge House and a commitment to limiting antisocial behaviour, smoking areas are provided within high walled, fully contained courtyards.

Part of the services provided by Bridge House is a detoxification program. Clients are weaned off addictive substances, and as part of the program no needles or needle exchange service is provided to their clients.

It is to be noted that there is provision within the Town's Policy relating to Street Setbacks, which allows owners to secure their carports via an open aspect, that is, visually permeable doors or panels such as with open grills. The intent and objective of the Town's Policy and the R Codes is to prevent structures such as carports within the front setback from dominating the streetscape area whilst still allowing an acceptable amount of security to be maintained. It is considered that a solid garage door which also includes five (5) sectional transparent windows to the existing carport will have an undue adverse impact on the streetscape and discourage safety and security via limited surveillance between the dwelling and the street. The unauthorised roller door with the token transparent windows in its current form will create an undesirable and negative precedence to the general streetscape of the area, and the whole of the Town of Vincent.

The Town's attention is also drawn to the fact that the owners have placed the above property on the market to be sold, with a "For Sale" sign erected on-site. It is recommended that the Town Planning Appeal Tribunal be advised that the above property is being sold so the Direction Hearing date fixed for 8 October 2004 is brought forward and dealt with the current owners, rather than with the new owners if the property was sold prior to the above date. The Town's officers have advised the real estate agent selling the property of the current status of the unauthorised carport roller door and that the Town will continue to proceed with legal action to ensure this roller door is removed. The real estate agent advised that he is already aware of the unauthorised roller door and has been notifying prospective purchasers accordingly.

The Town has also sent a letter to the current owner and real estate agent to reiterate the above advice.

The Town has not yet received any recent Property Settlement Enquiry relating to the property, and if such an enquiry is received, the Town will advise the settlement agent/prospective purchasers of the unauthorised roller door and subsequent legal action by the Town.

On the above basis, it is recommended that the Council refuse the retrospective planning approval and reiterates the removal of the subject unauthorised roller door and undertakes further action to ensure the roller door is removed.

10.1.13 Acid Sulfate Soils

Ward:	All	Date:	2 August 2004
Precincts:	Both	File Ref:	ORG0023
Attachments:	001, 002		
Reporting Officer(s):	D Brits, C Mooney		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to Acid Sulfate Soils; and*
- (ii) *DEFERS the development of a Policy relating to Acid Sulfate Soils until the proposed State Management Framework for Managing Acid Sulfate Soils is formally adopted by the Department of Environment.*

COUNCIL DECISION ITEM 10.1.13

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (9-0)

BACKGROUND:

At the Ordinary Meeting of Council held on 21 October 2003, the Council resolved as follows in relation to acid sulfate soils:

- "(ii) *ACKNOWLEDGES that the matter has been referred to the Executive Manager Environmental and Development Services with a view of:*
- (a) *obtaining a map from the Department of Environment (WA) showing acid sulphate soil (ASS) and possible acid sulphate soil (PASS) risk areas within the Town of Vincent;*
 - (b) *consideration of the matter of acid sulphate soil risk areas as part of the review of the Town Planning Scheme;*
 - (c) *development of a policy for development applications within identified acid sulphate soil risk areas (ASS) or potential acid sulphate soil risk areas (PASS) to require a management plan to avoid the development of acid sulphate problems; and*
 - (d) *development of an Environmental Health Policy."*

The following report will focus on the issues relating to acid sulfate soils policy documentation relating to Acid Sulphate Soils from both the Department of Environment (DOE) and the Western Australian Planning Commission (WAPC), which will assist both Statutory Planning Officers and Environmental Health Officers in regard to future development requirements. Additionally, the Contaminated Sites legislation will also assist in dealing with these properties affected by acid sulfate soils.

The State Government has recently released on 3 June 2004 a "*Proposed Framework for Managing Acid Sulfate Soils*", prepared by DOE. This framework aims to improve understanding and management of the issues relating to acid sulfate soils, and reduce the need for costly rehabilitation. A key task of the framework is to designate the DOE as the lead co-ordinating agency in the management of acid sulfate soils. This is considered to be an extremely significant step, especially with regard to Local Government, its responsibilities including new Town Planning Schemes and environmental policies. The above proposed framework has been '*Laid on the Table*'.

In Western Australia, major environmental problems caused by disturbance of acid sulfate soils have generally not occurred due to low population levels and that the majority of development occurring in sandy areas. However, in recent years with the rapid rate of development in Western Australia and increased pressure on the environment as a whole, has highlighted the need to address the issue of land affected by acid sulfate soils. This was evident in the City of Stirling where in January 2002, where there was widespread groundwater acidity caused by the disturbance of sulphide-rich peat soils for urban development. As a result of the above, the DOE established an informal working group to coordinate the management of acid sulfate soils, and organised an Acid Sulfate Soil Workshop for Western Australia which was held in June 2003. The proposed framework was a recommendation from the workshop proceedings.

The Proposed Framework for Managing Acid Sulfate Soils is based on five key objectives which are as follows:

- *" To identify the distribution and potential severity of acid sulfate soils in the State through risk maps and soil sampling programs.*
- *To avoid the disturbance of acid sulfate soils wherever possible through planning controls.*
- *To mitigate the effects of disturbing and draining acid sulfate soils by implementing Best Management Practices (BMPs) in areas where development is unavoidable.*
- *To rehabilitate areas historically affected by acid sulfate soil disturbance.*
- *To increase awareness of acid sulfate soils, and to implement appropriate training programs in the management of these soils."*

The following report details the aspects of acid sulfate soils and issues that can arise from disturbance of soils, and includes an outline of Planning Bulletin No.64 from the WAPC, which has also been '*Laid on the Table*'.

DETAILS:

Acid sulfate soils are the name given to naturally occurring soils containing iron sulphides (pyrite). When these soils are exposed through disturbance or drainage they react with oxygen to produce sulphuric acid, which in turn can trigger the release of iron, aluminium and heavy metals into ground and surface water. Actual acid sulfate soil has a pH of below 4, with normally red/orange mottling, "rotten egg" gas smell, and straw yellow blotches. Potential acid sulfate soil has a pH of 4 or more, grey to greeny/blemish grey, no mottling present, and waterlogged. Disturbance of these soils can result in adverse environmental and economic consequences including:

- Acidification of surface waters;
- Contamination of groundwater; and
- Corrosion of built infrastructure through corrosion of concrete, iron, steel and certain aluminium alloys.

Public Health Issues

The use of acid water for recreational purposes may lead to eye inflammation, dermatitis, and if swallowed the heavy metals can cause severe illness. Foul odours from acid water may also adversely impact on nearby residents.

Urban Planning and Development Issues

The release of sulphuric acid and metals that result from the disturbance of acid sulfate soils could have a detrimental impact and cause harm to the environment and infrastructure. The WAPC Planning Bulletin No. 64 "*Acid Sulfate Soils*" identifies the following environmental, social and economic impacts caused by acid sulfate soils:

- *"Adverse changes to soils and water quality.*
- *Deterioration of ecosystems and ecosystems services associated with soils, groundwater, wetlands watercourses and estuarine environments.*
- *Local and regional loss of biodiversity in areas affected by acid sulphate soils leachate.*
- *Loss of groundwater and surface water resources used for irrigation and other purposes.*
- *Reduction in opportunities for agriculture and aquaculture.*
- *Human health concerns particularly from arsenic contamination of groundwater in areas affected by acid sulphate soils.*
- *Corrosion of engineering works and infrastructure such as bridges, culverts, floodgates, weirs, drainage pipes and sewerage lines.*
- *Conflict between activities that depend on healthy surface and groundwater regimes (e.g. commercial fishing, recreation and tourism) and activities that may have resulted in disturbance to acid sulphate soils (e.g. agriculture and urban development).*
- *Loss of visual amenity from plant deaths, weed growth and the invasion by acid tolerant waterplants and algae.*
- *Costs to the community in terms of financial outlays and the community's and government's time and effort in minimising impacts and rehabilitating disturbed areas."*

The Western Australian experience in terms of impacts associated with acid sulfate has included the following aspects:

- Wetlands degradation.
- Localised reduction in habitat and biodiversity.
- Deterioration of surface and groundwater quality.
- Loss of groundwater irrigation.
- Increased health risks associated with heavy metals contamination in surface and groundwater, and acid dust.
- Risk of long term infrastructure damage through corrosion of sub surface pipes and foundations.
- Invasion by acid tolerant waterplants and dominance of acid tolerant plankton species causing loss of biodiversity.

The following types of development have been identified that may cause acid sulfate soil problems:

- Coastal developments in terms of residential development, canal estates, marinas, tourist developments and golf courses.
- Large scale dewatering and drainage works associated with the development of residential estates.
- Development involving disturbance to wetland, mangrove swamps, salt marshes, lakes and waterways.
- Infrastructure projects such as bridges, port facilities, flood gates, dams, dredging, railways and roads.

- Mining and quarrying operations.
- Rural drainage which lowers the water table.
- Flood mitigation works including construction of levees.

The purpose of the WAPC Planning Bulletin No. 64 *"is to provide advice and guidance on matters that should be taken into account in the rezoning, subdivision and development of land that contains acids sulphate soils"*, due to the potential environmental problems and infrastructure damage that can arise from development through disturbance of acid sulfate soils.

The proposed future framework by the DOE and planning guidelines will provide guidance to Local Governments on the potential impacts and of land affected by acid sulphate soils. The WAPC Planning Bulletin No. 64 and current technical advice available from the Department of Environment (who has prepared *"Acid Sulfate Soils Guidelines Series"*) will assist developers, Local Governments, relevant State Government agencies, and individuals in the management of areas that are affected or may be impacted upon by acid sulfate soils.

CONSULTATION/ADVERTISING:

Nil.

STRATEGIC IMPLICATIONS:

Strategic Plan 2003-2008:

Key Result Area One: The Physical Environment –
1.3 Develop and implement strategies to enhance the environment.

LEGAL/POLICY:

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The above information highlights the potential risks associated with acid sulphate soils. Both the policies from the Department of Environment and the Western Australian Planning Commission are deemed to be highly adequate in the interim to address the issue of acid sulfate soils within the Town.

The implications of this framework are that future identification and management of acid sulfate soils being co-ordinated by a single leading agency (that is, DOE), which will assist the Town to be able to deal with areas affected by acid sulphate soils. On the above basis, it is considered prudent that the Council Resolution (ii) dated 21 October 2003 be deferred, due to further development by the various government agencies in relation to acid sulfate soils.

In light of the above, it is recommended that the Council adopt the above recommendation.

10.1.14 State Library of Western Australia – Strategic Plan 2004-2008

Ward:	Both	Date:	4 August 2004
Precinct:	All	File Ref:	CMS0002
Attachments:	001		
Reporting Officer(s):	E Scott		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council:

- (i) *RECEIVES the report relating to the State Library of Western Australia Draft Strategic Plan 2004 - 2008;*
- (ii) *ADVISES the State Library of Western Australia that it DOES NOT SUPPORT the Draft Strategic Plan in its current form for the reasons outlined in this report; and*
- (iii) *RECOMMENDS further discussion between the State Library of Western Australia and Local Governments to achieve a workable Strategic Plan.*

COUNCIL DECISION ITEM 10.1.14

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (9-0)

BACKGROUND:

The State Library of Western Australia (SLWA), Department of Culture and the Arts, Government of Western Australia is a statutory authority, which works in partnership with Local Governments to provide stock and services to Western Australia's 238 Public Libraries. This is enacted under the *Library Board of Western Australia Act 1951*. As such, SLWA is obliged to consult with stakeholders to prepare a Strategic Plan that addresses the future needs and requirements of all concerned, in an appropriate and timely manner.

A letter from SLWA states, inter alia, "I am pleased to enclose for your information a copy of the (Draft) Strategic Plan 2004-2008 for the State Library of Western Australia. The Plan has been developed through a series of workshops and extensive consultation with the Executive Team and Library Board of WA. The Plan has received the Board's 'in principle' support, as well as endorsement by the Minister for Culture and the Arts, for broader dissemination and feedback from stakeholders.

As one of the State Library's key stakeholders we invite your feedback and comments on the Plan before finalising and making publicly accessible via the State Library's web site."

At the Ordinary Meeting of Council held on 21 October 2003 (Item 10.1.8), the Council considered the proposed Public Library Framework Agreement, and resolved as follows:

"That the Council;

- (i) RECEIVES the report relating to the proposed Public Library Framework Agreement;*
- (ii) DOES NOT support the Draft Statements of Intent in its current form;*
- (iii) RECOMMENDS further discourse between State and Local Governments to achieve a more workable Public Library Framework Agreement; and*
- (iv) ENDORSES the suggested feedback attached at Appendix 10.1.8."*

DETAILS:

The Draft Strategic Plan 2004-2008, included as an Appendix to this report, has been submitted by SLWA to all Local Government Authorities for feedback and comments.

It is felt that this plan falls severely short of expectations, and its lack of definition may provide an avenue for further devolvement of State Government responsibilities to Local Government. Identified problems are listed as follows:

- Initially Local Government was given a very short time-frame (24 days) in which to make comments; a request from the West Australian Local Government Librarian Association (WALGLA) ensured that an extension was granted to 10 August 2004.
- There was no consultation with Local Government, including Public Librarians in formulating this plan.
- The Vision is unclear and direction is not specified.
- There is a lack of long-term vision; key initiatives are only listed for 2004/2005.
- Goal 5, Key Initiative Number 4 – *Implement Framework Agreement for the delivery of public library services* (Page 7). The Framework Agreement has been under negotiation for four years, and no mutual agreement has been reached at this stage.
- Other goals are very generalised statements.
- Strategies are hugely variable in their scope.
- There is no mention of maintenance of the Collection.
- The “next step” has not been identified.
- There are no Action Plans.
- Performance measures and methodology in collection are not sufficiently identified. For example, “Annual Customer satisfaction surveys” – which customers?

STRATEGIC IMPLICATIONS:

Town of Vincent Strategic Plan 2003-2008:

Key Result Area Two: Community Development –

2.6 *Ensure that issues affecting access and equity for all community members are addressed in all strategies.*

Key Result Area Four - Governance and Management -

4.2 *Deliver services in ways that accord with the expectations of the community, whilst maintaining statutory compliance.*

It is felt that SLWA's Draft Strategic Plan is sufficiently vague to allow a decline in service standards as provided by SLWA. This would have a direct impact on the ability of the Vincent Library to maintain standards set in the Town of Vincent Strategic Plan.

FINANCIAL/BUDGET IMPLICATIONS:

Local Governments may be called upon to provide services and stock that SLWA withdraws. This is closely linked to the Framework Agreement Plan, as mentioned above, and which is still under review.

COMMENTS:

Should the Council not support SLWA's Draft Strategic Plan, it is expected that the Manager Library Services will be involved in future consultations with WALGLA members, and the Metropolitan Chief Librarians' Group (MCL). Disappointment in this Plan is widespread in the library community, and it is understood that MCL are planning to write to the Director General and Minister for Culture and the Arts to advise that they do not support the plan.

10.2.1 Proposed Traffic Safety Improvements – Intersection of Anzac Road, with Egina Street and Buxton Street, Mount Hawthorn

Ward:	North	Date:	3 August 2004
Precinct:	Mt Hawthorn P1	File Ref:	TES0032
Attachments:	001:		
Reporting Officer(s):	R Lotznicher; C Wilson		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the Proposed Traffic Safety Improvements – Intersection of Anzac Road, with Egina Street and Buxton Street, Mount Hawthorn;*
- (ii) *APPROVES the implementation of the proposal estimated to cost \$15,000 as outlined in the updated attached Plan No. 2157-CP-3A, and notes that these funds have been included in the 2004/2005 budget;*
- (iii) *REFERS the development of additional measures to improve safety along Anzac Road as suggested by some of the respondents to the LATM Advisory Group;*
- (iv) *NOTES that additional funds have been included in the 2004/2005 budget for additional Traffic Management along Anzac Road including \$15,000 for general Traffic management and an additional \$85,000 for the installation of a roundabout at the intersection of Anzac Road and The Boulevard as part of the State Black Spot program;*
- (v) *RECEIVES a further report on measures to improve safety along Anzac Road once the matter has been considered by the LATM Advisory Group; and*
- (vi) *ADVISES the respondents of its decision.*

COUNCIL DECISION ITEM 10.2.1

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (9-0)

BACKGROUND:

In 2002/2003 the Town received funding from the State Black Spot program for safety improvements at the intersection of Anzac Road and Egina Street.

The initial proposals recommended either the installation of a seagull island to ban the right turn movement for vehicles travelling south along Egina Street wishing to turn right into Anzac Road or the installation of a continuous median island on Anzac Road across the intersection of Egina Street to prevent both the right turn into and out of Egina Street as shown on attached drawings 2157-CP-1 and 2.

Prior to implementing the proposal, during May 2003 residents in the area were advised of the proposal and asked to comment.

During the consultation period, it became evident that while the Egina / Anzac intersection was classified as a "blackspot", the intersection of Buxton and Anzac had the potential to become a "blackspot" location should a right turn ban be introduced at Egina Street.

Due to the overwhelming negative response to the proposal, an alternative proposal was prepared taking into account comments raised by the community, and the matter was discussed by the LATM Advisory Group in July 2003.

Following the matter being determined by the LATM advisory group, a report was considered by the Council at the Ordinary Meeting held on 12 August 2003, where the following decision was made.

"That the Council;

- (i) RECEIVES the report on the Proposed Traffic Safety Improvements – Intersection of Anzac Road, and Egina Street and Buxton Street Mount Hawthorn;*
- (ii) APPROVES in principle the amended proposal estimated to cost \$15,000 as outlined in attached Plan No. 2157-CP-3, which incorporates the suggestions put forward by the community and the Local Area Traffic Management Advisory Group;*
- (iii) SUBMITS the amended plan to Main Roads WA to ensure the proposal still qualifies for "blackspot" funding;*
- (iv) RE-ADVERTISES the proposal for public comment for a period of twenty one (21) days, in accordance with Council Policy No. 4.1.21 "Community Consultation", inviting written submissions;*
- (v) RECEIVES a further report on the matter at the conclusion of the public consultation period should any adverse comments regarding the proposal be received; and*
- (vi) further investigates measures to improve safety along Anzac Road and receives a report on the matter once it has been considered by the LATM Advisory Group."*

The new proposal as outlined in Plan No. 2157-CP-3 included the following:

- Removal of two (2) parking bays on the north side of Anzac Road to improve sight distances at Buxton and Egina Streets
- Two (2) x low profile speed humps (red asphalt) with one (1) located west of Egina Street and the other located west of Buxton Street to "slow down" vehicles travelling along Anzac Road before the two intersections
- Installation of a spitter island in Egina Street on the south side of Anzac Road to deter motorists from illegally traversing across Anzac Road (from Egina Street north to Egina Street south)
- Main Roads WA to install appropriate warning signage on either side of the two intersections.

DETAILS:

Response from MRWA regarding Black Spot funding

As a result of the public consultation and in accordance with clause (iii) of the Council's decision of 12 August June 2003, the Town wrote to Main Roads WA seeking approval to vary the scope of the 'Black Spot' improvement works as outlined on drawing No. 2157-CP-3.

MRWA's Asset Manager North response of late November 2003 read in part:

“I acknowledge that the alternative proposal will have some safety benefits and Main Roads has no issues with this form of treatment, which is used extensively throughout the Town of Vincent and other local authorities. Notwithstanding that, the proposal does not meet the criteria for Black Spot funding as it currently stands.....If Council chooses not to proceed with the project as approved the only option is for Council to withdraw the project.....”

The Black Spot funding was subsequently withdrawn and new funds were included in the 2004/2005 budget for the alternative improvement works.

Results of further Community Consultation

In accordance with clause (iv) of the Council's decision, on 15 June 2004, 128 letters with an attached comment sheet and reply paid envelope, were distributed to residents in Anzac Road and Egina and Buxton Streets requesting their comments on the proposal as outlined on attached Plan No 2157-CP-3.

At the conclusion of the consultation period on 2 July 2004, 22 responses had been received representing a 17% response.

The responses received are outlined as follows:

<i>Proposal</i>	<i>In Favour</i>	<i>Against</i>	<i>Unsure</i>
Proposed Traffic Safety Improvements – Intersection of Anzac Road, with Egina Street and Buxton Street Mount Hawthorn as outlined on Plan No 2157-CP-3.	16	5	1

Related Comments *In Favour* of proposal

- I believe more speed humps are needed in Anzac Rd. There are more speed humps in Scarborough Beach Rd, which is a main thoroughfare
- I thank the Council for their earlier feedback. I hope that the proposed changes solve the identified problems and if not, further measures will be taken
- Speed humps wouldn't go astray between Anzac/Ashby and Ashby/Berryman
- Speed humps would have prevented the speed related serious accident last summer
- I concur with the proposed works
- Would also like traffic blocked from entering Egina St (south) from either Anzac Rd (heading east) or Egina St north
- Would prefer speed hump east of Buxton St relocated to the west side of Buxton St. and speed hump at Egina St relocated to the east of the Egina St intersection
- An additional hump between the two shown would be even better
- Would prefer 2 or 3 parking spaces to be removed to improve sight distance for motorists exiting Egina St and turning right onto Anzac Rd

- Would like speed humps to have the same profile as those on Anzac Rd east of Oxford St
- I concur with the proposed works
- I concur with the proposed works
- I concur with the proposed works
- A good common sense approach to this problem, far, far better than what was originally proposed. Congratulations on listening to the community. In particular a big thanks to the efforts of Daniel Caddy and Co.
- Would also like verge on corner of Egina and Anzac to be kept free of parked vehicles – unable to see traffic in Anzac

Related Comments *Against* the proposal

- Major hazard is turning right from Buxton into Anzac Rd to head west due to lack of visibility due to car parking just to west of Buxton St (on north side of Anzac Rd)
- There will be excessive noise from cars going over speed humps and subsequent acceleration. Reducing the number of parking bays will further congest the area for both cars and pedestrians. Do not waste money on this proposal.
- Feel speed humps will create increased noise. Do not feel speeding traffic is any worse than any other area. The only concern to motorists entering Anzac Rd from Egina or Buxton is a lack of vision by parked cars on Anzac Rd near the shopping precinct
- Speed is not the main issue. The proposed speed hump outside my house will create unwanted noise. If a speed hump is necessary, why not outside the commercial premises on the corner of Egina and Anzac instead.
- Feel speed hump should be relocated to the opposite side of Buxton St as there is poor visibility for eastbound traffic when trying to pull out. This would make west bound traffic more visible
- I wish to commend the action taken by the Town in trying to address the safety issue but I think a better option would be to make Buxton (north of Anzac) left turn only into Anzac Rd.

Related Comments *Partially In Favour* of proposal

- Fully agree with speed humps but don't agree with other proposed works

Officers' Comments

Many of the respondents in favour of the proposal consider that additional speed humps are required along Anzac Road. Additional funds have been included in the 2004/2005 budget for additional traffic measures along Anzac Road and these comments will be taken into account when developing the proposal.

The plan has been updated to incorporate some of the positive suggestions received as shown on attached Plan No 2157-CP-3A.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Draft Plan 2002-2007 - Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. "1.4 h) *Investigate and implement traffic management improvements in liaison with the Local Area Traffic Management (LATM) advisory Group – identify initiatives for redirecting traffic*".

CONSULTATION/ADVERTISING:

The respondents will be advised of the Council's decision.

FINANCIAL IMPLICATIONS:

The 2004/2005 budget includes \$15,000 for implementing the proposal as shown on attached Plan No. 2157-CP-3A. These funds are adequate to implement the amended proposal. Additional funds have also been included in the 2004/2005 budget for additional Traffic Management along Anzac Road including \$15,000 for general Traffic management and an additional \$85,000 for the installation of a roundabout at the intersection of Anzac Road and The Boulevard as part of the State Black Spot program.

COMMENTS:

The proposal for the suggested improvements at the intersections of Egina and Buxton Streets with Anzac Road was positively received by the majority of respondents.

Additional funds have been included in the 2004/2005 budget for additional Traffic Management along Anzac Road including \$15,000 for general Traffic management and an additional \$85,000 for the installation of a roundabout at the intersection of Anzac Road and The Boulevard as part of the State Black Spot program. It is considered that the development of additional measures to improve safety along Anzac Road as suggested by some of the respondents be referred to the LATM Advisory Group.

It is recommended that the Council approves the implementation of the proposal as outlined in the updated attached Plan No. 2157-CP-3A, estimated to cost \$15,000, and notes that these funds have been included in the 2004/2005 budget.

10.2.2 2004 / 2005 Road Rehabilitation and Upgrade Program

Ward:	Both	Date:	2 August 2004
Precinct:	All	File Ref:	TES0174
Attachments:	001;		
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *ADOPTS the first year, 2004/2005, of the 2004/2005 to 2008/2009 Road Rehabilitation and Upgrade Program as outlined in Attachment 10.2.1; and*
- (ii) *NOTES that the remaining four (4) years, 2005/2006 to 2008/2009, of the above program are preliminary only and will be subject to change.*

COUNCIL DECISION ITEM 10.2.2

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (9-0)

BACKGROUND:

The Council in 1997, resolved to adopt a long term Road Rehabilitation and Upgrade Program. The program was developed to ensure the Town's road infrastructure is maintained at an acceptable level of service and safety.

To ensure that the program is dynamic in reflecting changing circumstances, including development activity, other capital improvement projects, residents' requests, changing conditions and State Funding for roads through the Metropolitan Regional Road program, it was considered appropriate (*Ordinary Meetings of Council 10 August 1998, 25 August 1999 and 25 July 2000*) to review and update the program annually and request that only the first year of the program be adopted.

DETAILS:

Metropolitan Regional Road Funding

A letter from Main Roads WA was received on 10 June 2004, advising of the approved Metropolitan Local Road Project Grants for 2004/2005.

The Town submitted three projects for funding, however, only received funding for two out of the three projects.

Note: The Town's 2004/2005 budget indicates three projects as follows.

Road	Section	Estimated Cost	Grant	TOV contribution
Walcott St	Venn St to Redfern St	\$ 400,000	\$ 266,667	\$ 66,667 *
Green St	Tyler St to Banksia St	\$ 190,000	\$ 126,667	\$ 63,333
London St	Green St to Gill St	\$ 215,000	\$ 143,333	\$ 71,667
	Total	\$ 805,000	\$ 536,667	\$ 201,667

Therefore \$201,667 from Municipal funds has been allocated in the 2004/2005 Budget for Road Rehabilitation.

However the successfully funded projects are as follows:

Road	Section	Estimated Cost	Grant	TOV contribution
Walcott St	Venn St to Redfern St	\$ 400,000	\$ 266,667	\$ 66,667 *
Green St	Tyler St to Banksia St	\$ 190,000	\$ 126,667	\$ 63,333
	Total	\$590,000	\$ 393,333	\$130,000

Note*: City of Stirling to contribute \$ 66,667

In addition, \$215,000 has been allocated in the 2004/2005 budget for the road resurfacing program. Therefore the total funds available for 2004/2005 are \$416,667 (*i.e.* \$201,667 + \$215,000).

Five Year Road Rehabilitation and Upgrade program

As outlined above, a Total of \$416,667 is available for the first year of the program *i.e.* 2004/2005.

As outlined in detail in the report presented to Council on 28 April 1997, the "roads" program was developed using the ROMAN (pavement management software).

The major purpose of ROMAN is to:

- Determine the condition of the existing road network system.
- Establish a priority rating system for road reconstruction and resurfacing works, including special maintenance considerations.
- Determine both short and long term funding requirements.
- Determine AAS27 requirements.

At that meeting the Council was advised as follows:

The results obtained from ROMAN indicate that Council is required to spend in the order of \$8.4 million on its roads over the next 15 years. This equates to an average annual expenditure of \$560,000.

It is important to note that the above funding requirements do not allow for general road maintenance or traffic management works.

The Council subsequently allocated only \$400,000 in the 1997/1998 financial year and that level of annual funding has not changed since then.

The first year (2004/2005) and the next four years (2005/2006 to 2008/2009) of the five year road rehabilitation and upgrade program as presented in this report has been updated and revised to include future possible projects to be funded from the State Metropolitan Regional Road Program, projects reprioritised according to road condition, projects associated with other capital works and requests received.

The projected required level of funding has also been revised to ensure the road network is maintained to a reasonable standard.

The Road Rehabilitation and Upgrade Program is outlined on attachment 10.2.2.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY

The Town is responsible for the care control and management of approximately 137 km of roads which include Primary Distributors, Local Distributors and Access Roads.

FINANCIAL/BUDGET IMPLICATIONS:

The 2003/2004 Capital Works Budget includes funds of \$416,667 for road rehabilitation and upgrade.

Results obtained from ROMAN in 1997 indicated the Town was required to spend in the order \$560,000 per annum on roads.

The draft program attached to this report includes an increased projected level of funding to ensure the road network is maintained to a reasonable standard.

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. *“b) Continue to develop and implement annual road rehabilitation and upgrade programs.”*

COMMENTS:

At the special meeting of Council held on 13 July 2004, Council adopted the 2004/2005 budget. The purpose of this report is to obtain the Council's approval for the allocation of funds allowed for in the 2004/2005 budget to specific projects in the 2004/2005 Road Rehabilitation and Upgrade Program.

10.2.4 Maria SS of Montevergine Association - 2004 Street Procession

Ward:	North Perth	Date:	3 August 2004
Precinct:	Hyde Park P2, Mt Lawley Centre P11	File Ref:	CVC0006
Attachments:	-		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the Maria SS of Montevergine Association street procession, to be held on Sunday, 31 October 2004; and*
- (ii) *REQUESTS the organisers of the procession to ensure that all emergency services, and Main Roads WA Operations Centre, are notified and all relevant approvals have been obtained prior to holding the procession.*

COUNCIL DECISION ITEM 10.2.4

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (9-0)

BACKGROUND:

The Maria SS of Montevergine Association is seeking the Council's approval to conduct a street procession on Sunday, 31 October 2004, in honour of the Virgin Mary.

DETAILS:

Whilst the Association has previously held a celebration and street procession in honour of the Virgin Mary, it has not in the past sought the Town's approval. However, the WA Police Services Public Events Section, having recently reviewed its approvals process, directed the Association to make application to the Town prior to it (the WA Police Service) issuing an approval.

The procession will commence at 3.30 pm on Sunday, 31 October 2004, from Sacred Heart Church in Mary Street, Highgate. It will travel west via Mary Street turning left into William Street. From William Street the procession will turn left into Lincoln Street east bound and left again into Beaufort Street north bound. From Beaufort Street the procession turns left into Mary Street with proceedings concluding at approximately 4.30pm at Sacred Heart Church.

The procession will be under Police escort and no actual road closures are involved. The parade is scheduled for a Sunday and does not conflict with any other major events, however, there may be a short duration impact upon traffic in Beaufort Street.

CONSULTATION/ADVERTISING:

In accordance with approvals granted for similar religious celebrations and given that the procession causes minimal disruption to residents or businesses and that the cost to advertise the procession would be an additional impost upon the applicants as a voluntary organisation, it is recommended that the applicants not be required to advertise this event.

LEGAL/POLICY

The WA Police Service will be responsible for traffic control in accordance with the relevant Australian Standards and Main Roads WA Code of Practice.

FINANCIAL/BUDGET IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area Two of Strategic Plan 2003-2008 – 2.1 Celebrate and acknowledge the Town's cultural diversity. *“b) Develop and organise community events that engage the community and celebrate the cultural diversity of the Town.”*

COMMENTS:

The annual street procession of the Maria SS of Montevergine Association will be a colourful Catholic celebration that draws many regular and first time visitors to the Town. The nearby cafes and restaurants should also gain from increased patronage as a result of the event, suggesting that the Town not only benefits in a cultural sense but also a possible commercial sense.

10.2.5 Introduction of On-Road Parking Restrictions - Bulwer Street, Highgate

Ward:	South	Date:	3 August 2004
Precinct:	Beaufort P13	File Ref:	PKG0055
Attachments:	001 ;		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the introduction of on-road Parking Restrictions on the northern side of Bulwer Street, Highgate, either side of the intersection of Stirling Street;*
- (ii) *APPROVES the introduction of a two (2) hour parking restriction from 8.00am until 5.30pm Monday to Friday and 8.00am to 12 noon Saturdays, as shown on attached Plans Nos. 2284-PP.1A and B;*
- (iii) *PLACES a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs; and*
- (iv) *ADVISES the adjacent residents and business proprietors of its resolution.*

COUNCIL DECISION ITEM 10.2.5

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (9-0)

BACKGROUND:

As a result of the recent introduction of paid ticket parking in the Members Equity Stadium carpark, Brewer and Pier Streets, Perth, commuters who had formerly parked for free all day in the aforementioned locations, now seek out unrestricted areas within which to park to the detriment of local residents and businesses.

This change in parking patterns has exposed another short length of unrestricted parking on the northern side of Bulwer Street, either side of the Stirling Street intersection.

DETAILS:

Prior to the recent introduction of paid ticket parking in the Members Equity Stadium carpark, Brewer and Pier Streets, CBD commuters were increasingly utilising and dominating the free on-road parking in the immediate area to the detriment of the Town's residents and businesses. Whilst the uptake of the paid ticket parking to date has been slow, it has highlighted the determination of some CBD workers to find alternate 'free' all day parking within the Town.

In an endeavour to address the imbalance that all day parking creates, Council, at its Ordinary Meeting of 27 July 2004, approved the introduction of timed parking restrictions in previously unrestricted sections of Pier Street (south of Brewer Street) and Brisbane Street (between Stirling and Pier Streets).

The last unrestricted zone in the area bounded by Bulwer, Lord, Parry and Beaufort Streets are two small sections on the northern of Bulwer Street, either side of Stirling Street, which can accommodate nine (9) cars in total. As this area had not previously been identified as problem, until the introduction of the ticket parking, restrictions were considered unnecessary.

It is recommended for reasons of consistency, for both users and enforcement, to introduce a two (2) hour restriction to match the existing restrictions within Bulwer Street between Beaufort and Lord Streets. Further, given that both these locations are adjacent to commercial premises and that commuter parking is predominately a core working hours issue, it is proposed to install the following restrictions in Bulwer Street between 8.00am and 5.30pm Monday to Friday and 8.00am to 12 noon Saturdays.

For the section east of Stirling Street which can accommodate six (6) cars, the proposal directly affects three (3) residential properties and indirectly effects a further three (3) and therefore the residents would be offered the normal exemptions that apply for visitor parking given that all properties have access to off street parking.

CONSULTATION/ADVERTISING:

All adjacent residents and business proprietors will be notified of the proposal via letter drop.

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. *“p) Develop a strategy for parking management in business, residential and mixed use precincts”*

FINANCIAL/BUDGET IMPLICATIONS:

The cost of installation of new and relocating existing parking restriction signs and would be approximately \$600.00.

COMMENTS:

The proposed changes will improve the availability of customer parking in this section of Bulwer Street to the benefit of the adjacent business. The nearby paid parking in Brewer Street, Pier Street (north of Brewer Street), the Members Equity Stadium carpark and the soon to be introduced Stirling Street, is available for all day parking to both employees and CBD commuters.

10.3.2 Authorisation of Expenditure for the Period 01 July - 31 July 2004

Ward:	-	Date:	03 August 2004
Precinct:	-	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	M Orchard		
Checked/Endorsed by:	N Russell	Amended by:	

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

- (i) Schedule of Accounts for the period 1 July – 31 July 2004 and the list of payments;*
- (ii) direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) direct lodgement of Child Support to the Australian Taxation Office;*
- (v) direct lodgement of creditors payments to the individual bank accounts of creditors;
and*
- (vi) direct lodgement of Superannuation to Local Government and City of Perth superannuation plans;*

as shown in Appendix 10.3.2.

COUNCIL DECISION ITEM 10.3.2

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (9-0)

DECLARATION OF INTEREST

Members/ Officers	Voucher	Extent of Interest
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Nil.

BACKGROUND:

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Town of Vincent Advance Account	EFT	\$2,069,617.85
Total Municipal Account		\$2,069,617.85
Advance Account		
Automatic Cheques	48225, 48227-48414	\$542,002.16
Manual Cheques		\$0.00
Transfer of Creditors by EFT Batch 268,-271, 273		\$1,283,812.49
Transfer of PAYG Tax by EFT	July 2004	\$144,667.50
Transfer of GST by EFT	July 2004	\$0.00
Transfer of Child Support by EFT	July 2004	\$491.54
Transfer of Superannuation by EFT City of Perth	July 2004	\$28,020.33
Local Government	July 2004	\$71,175.84
Total Advance Account		\$2,070,169.86
Transfer of Payroll by EFT	July 2004	\$252,004.97
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$2,036.51
Lease Fees		\$1,550.69
Corporate Master Cards		\$1,370.39
Australia Post Lease Equipment		\$86.61
2 Way Rental		\$423.25
Loan Repayment		\$7,553.24
B/Park ATM Cash Agreement		\$165.00
Total Bank Charges & Other Direct Debits		\$13,185.69
Less GST effect on Advance Account		-\$112,489.00
Total Payments		\$4,292,489.37

STRATEGIC IMPLICATIONS:

Strategic Plan 2003-2008 – Key Result Area 4.2 – Governance and Management

“Deliver services in ways that accord with the expectations of the community, whilst maintaining statutory compliance.”

ADVERTISING/CONSULTATION:

Nil.

COMMENT:

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

10.3.3 2004/2005 Capital Works Programme

Ward:	Both	Date:	2 August 2004
Precinct:	All	File Ref:	FIN0025
Attachments:	001		
Reporting Officer(s):	M Rootsey, R Lotznicher, R Boardman		
Checked/Endorsed by:	J Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES of the 2004/2005 Capital Works Programme as shown in Appendix 10.3.3.

COUNCIL DECISION ITEM 10.3.3

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (9-0)

BACKGROUND:

At the Special Meeting of Council held on 13 July 2004, Council adopted the Annual Budget 2004/2005.

DETAILS:

Executive Managers and Managers from the three Divisions have formulated the attached Capital Works Programme. The Programme comprises \$11.1 million of Capital Works.

The programme takes into consideration the following matters;

1. budget/funding;
2. existing workload of the workforce;
3. need for consultation;
4. liaison with other agencies/departments;
5. employee leave periods;
6. festive season period.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The Capital Works Programme has been prepared on the adopted 2004/2005 Annual Budget.

STRATEGIC IMPLICATIONS:

The Capital Works Programme is in line with key result areas, strategies and actions as outlined in the Town's Strategic Plan.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The scheduling of some projects may change during the year due to a variety of factors. However, the Capital Works Programme will be initially implemented on the basis of the timing as outlined in the attached programme. Quarterly reports on the progress of the Capital Works Programme will be prepared for Council during the year.

The projects listed will ensure the Town's infrastructure continues to be upgraded, resulting in an improved amenity for the community.

10.3.4 Proposed use of Les Lilleyman Reserve by Subiaco Football Club Community Consultation

Ward:	North	Date:	26 July 2004
Precinct:	Mt Hawthorn P1	File Ref:	RES0001
Attachments:	001		
Reporting Officer(s):	J Anthony/M Rootsey/R Lotznicher, John Giorgi		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) **APPROVES** the use of the Les Lilleyman Reserve by the Subiaco Football Club Colts as their alternative training ground, as detailed in this report subject to:
- (a) *Subiaco Football Club (SFC) Colts having priority use of the reserve on a maximum of three (3) nights per week (Monday-Friday) between the hours of 5.00-7.30pm. Where possible, specified nights will be displayed at the reserve building;*
 - (b) *the use of the reserve by SFC Colts only (up to 30-40 persons) being limited between March-October inclusive;*
 - (c) *the use of the reserve by SFC seniors and for WAFL development games not being permitted;*
 - (d) *parking around the reserve being strictly policed by the Town of Vincent Rangers, with all player's vehicles being restricted to the Gill Street car park. The current verge prohibition signage to be upgraded;*
 - (e) *any traffic complaints around the reserve being promptly investigated by the Town;*
 - (f) *the reserve remaining as a "dog off leash" area (except for the hours of training) and an exclusive dog exercise area of 4000m² being specifically created to accommodate dogs on the training nights;*
 - (g) *the funds allocated to Britannia Reserve for upgrade of floodlighting being reallocated to Les Lilleyman Reserve. The floodlights to be kept on for an additional hour after training has finished, for residents use. The lights to be installed to minimise any possible impact on residents;*
 - (h) *SFC having exclusive use of changerooms on training nights;*
 - (i) *SFC having exclusive use of the canteen area on training nights and this being modified, if required (at SFC's cost), for use as a gymnasium;*
 - (j) *changeroom alterations being investigated and costed and the matter to be further considered by the Council when details are available (there are no funds in the 2004/05 Budget);*
 - (k) *the conditions of the use of Les Lilleyman Reserve by SFC being included as a Memorandum of Understanding (MOU) to be signed by both parties and included in the lease documentation;*
 - (l) *SFC paying \$1,000 per annum (CPI indexed) for the use of the oval and a bond of \$200 as part of the reserve hire conditions;*

- (m) *the playground at Les Lilleyman Reserve being upgraded and fenced and this work to be carried out between September-November 2004 (\$35,000 has been included in the 2004/05 budget for this project);*
- (n) *the use of Les Lilleyman Reserve by SFC being reviewed at the end of each season. Consultation with the adjoining residents/ratepayers and the North Perth Precinct Group to form part of this review process, and any proposed changes being approved by the Council and park users will be notified of any changes;*
- (ii) *APPROVES BY ABSOLUTE MAJORITY the reallocation of the funds (as carried forward in the Budget 2004/05 - \$58,500) listed for the upgrade of lights at Britannia Reserve to Les Lilleyman Reserve for the upgrade of reserve lighting;*
- (iii) *REQUESTS the Chief Executive Officer to review the Town of Vincent Local Law Relating to Dogs to provide a "dog off leash at all times" exercise area of approximately 4,000m² at the southern portion of the reserve, as shown in Plan No 2277-CP-1;*
- (iv) *AUTHORISES the Chief Executive Officer to finalise the use of Les Lilleyman Reserve terms and conditions with the Subiaco Football Club; and*
- (v) *ADVISES the respondents and Subiaco Football Club of the Council's decision.*

Moved Cr Chester, Seconded Cr Doran-Wu

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

"(o) the use of any casual booking of the reserve by SFC be restricted to "once off" events."

Debate ensued.

Moved Cr Doran-Wu, Seconded Cr Chester

That a new clause (l) be inserted as follows and the remaining clauses renumbered:

"(l) NOTES that the Memorandum of Understanding covers the period from March to October inclusively and that any other use by SFC from November to February inclusive be the subject of a report to Council;"

AMENDMENT CARRIED (8-1)

For

Mayor Catania
Cr Chester
Cr Cohen
Cr Doran-Wu
Cr Farrell
Cr Ker
Cr Lake
Cr Torre

Against

Cr Franchina

Debate ensued.

Moved Cr Ker, Seconded Cr Lake

That;

1. *in clause (i) the words "in principle" be added after the word "APPROVES"; and*
2. *a new clause (q) be added as follows:*

"(q) a further period of 14 days consultation with the community and a further report being submitted to Council at the first meeting in September 2004."

AMENDMENT CARRIED (9-0)

Debate ensued.

Cr Torre departed the Chamber at 7.36pm.
Cr Torre returned to the Chamber at 7.38pm.

Cr Farrell departed the Chamber at 7.40pm.
Cr Farrell returned to the Chamber at 7.41pm.

**MOTION AS AMENDED CARRIED
BY AN ABSOLUTE MAJORITY (9-0)**

COUNCIL DECISION ITEM 10.3.4

That the Council;

- (i) *APPROVES in principle the use of the Les Lilleyman Reserve by the Subiaco Football Club Colts as their alternative training ground, as detailed in this report subject to:*
 - (a) *Subiaco Football Club (SFC) Colts having priority use of the reserve on a maximum of three (3) nights per week (Monday-Friday) between the hours of 5.00-7.30pm. Where possible, specified nights will be displayed at the reserve building;*
 - (b) *the use of the reserve by SFC Colts only (up to 30-40 persons) being limited between March-October inclusive;*
 - (c) *the use of the reserve by SFC seniors and for WAFL development games not being permitted;*
 - (d) *parking around the reserve being strictly policed by the Town of Vincent Rangers, with all player's vehicles being restricted to the Gill Street car park. The current verge prohibition signage to be upgraded;*
 - (e) *any traffic complaints around the reserve being promptly investigated by the Town;*
 - (f) *the reserve remaining as a "dog off leash" area (except for the hours of training) and an exclusive dog exercise area of 4000m² being specifically created to accommodate dogs on the training nights;*

- (g) *the funds allocated to Britannia Reserve for upgrade of floodlighting being reallocated to Les Lilleyman Reserve. The floodlights to be kept on for an additional hour after training has finished, for residents use. The lights to be installed to minimise any possible impact on residents;*
- (h) *SFC having exclusive use of changerooms on training nights;*
- (i) *SFC having exclusive use of the canteen area on training nights and this being modified, if required (at SFC's cost), for use as a gymnasium;*
- (j) *changeroom alterations being investigated and costed and the matter to be further considered by the Council when details are available (there are no funds in the 2004/05 Budget);*
- (k) *the conditions of the use of Les Lilleyman Reserve by SFC being included as a Memorandum of Understanding (MOU) to be signed by both parties and included in the lease documentation;*
- (l) *NOTES that the Memorandum of Understanding covers the period from March to October inclusively and that any other use by SFC from November to February inclusive be the subject of a report to Council;*
- (m) *SFC paying \$1,000 per annum (CPI indexed) for the use of the oval and a bond of \$200 as part of the reserve hire conditions;*
- (n) *the playground at Les Lilleyman Reserve being upgraded and fenced and this work to be carried out between September-November 2004 (\$35,000 has been included in the 2004/05 budget for this project);*
- (o) *the use of Les Lilleyman Reserve by SFC being reviewed at the end of each season. Consultation with the adjoining residents/ratepayers and the North Perth Precinct Group to form part of this review process, and any proposed changes being approved by the Council and park users will be notified of any changes;*
- (p) *the use of any casual booking of the reserve by SFC be restricted to "once off" events; and*
- (q) *a further period of 14 days consultation with the community and a further report being submitted to Council at the first meeting in September 2004;*
- (ii) *APPROVES BY ABSOLUTE MAJORITY the reallocation of the funds (as carried forward in the Budget 2004/05 - \$58,500) listed for the upgrade of lights at Britannia Reserve to Les Lilleyman Reserve for the upgrade of reserve lighting;*
- (iii) *REQUESTS the Chief Executive Officer to review the Town of Vincent Local Law Relating to Dogs to provide a "dog off leash at all times" exercise area of approximately 4,000m² at the southern portion of the reserve, as shown in Plan No 2277-CP-1;*
- (iv) *AUTHORISES the Chief Executive Officer to finalise the use of Les Lilleyman Reserve terms and conditions with the Subiaco Football Club; and*
- (v) *ADVISES the respondents and Subiaco Football Club of the Council's decision.*

BACKGROUND:

At the Special Council meeting of 30 October 2001 Item 5.2:

“Proposed Redevelopment of; 1. Leederville Oval, 246 Vincent Street, Leederville, into a “Foot ball Centre of Excellence and Proposed Offices and Clubrooms; 2. Loftus Centre Land – for a State Indoor Multi-Use Sports Centre; and 3. Proposal to Redevelop and Lease Perth Oval – Pier Street, Perth – Construction of a Multi-Purpose Rectangular Sports Stadium and Construction of Public Open Space.”

Clause 2 of the recommendation stated:

“to authorise the Chief Executive Officer to enter into the necessary legal agreements with the State Government of Western Australia, Department of Sport and Recreation and other organisations for the partnership proposals as detailed in this report.”

Furthermore Page 13 of the report as part of the Leederville Oval Joint Tenancy Proposal, Point 5 stated:

“Alternative Training Ground

The Town will make available one of the Town’s Reserves for Colts football training purposes, (e.g. Les Lilleyman Reserve, Beatty Park Reserve or Britannia Oval Reserve). These Reserves contain change rooms and lights.”

At the Ordinary Council Meeting of 24 February 2004 the following resolution was adopted (inter alia).

“That the Council;

- (i) RECEIVES the report from the Britannia Reserve Working Group;*
- (ii) RECEIVES the following recommendations made by the Working Group:*
 - (a) the alternative preferred location for Subiaco Football Club training is Option C as outlined on attached Plan No. A1-2239-CP.1A;”*

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

“That the Council;

- (i) RECEIVES the report on the community consultation on the options for the use of Britannia Reserve by the Subiaco Football Club;*
- (ii) APPROVES the use of the Les Lilleyman Reserve by the Subiaco Football Club Colts as their alternative training ground, as detailed in this report subject to:*
 - (a) consultation for a period of twenty-one (21) days with local residents surrounding Les Lilleyman Reserve on the proposal (including holding a public meeting);*
 - (b) Officer’s preparing an indicative map showing an area for residents that will be classified as “off-leash” and this to be included as part of the community consultation;*
 - (c) the preparation of a lighting plan for the proposed upgrading of the existing lighting at Les Lilleyman Reserve, which ensures no “light spill” which exceeds 15lux to the properties adjoining the reserve; and*
 - (d) the Hellenic Cricket Club being advised of the details of this proposal;*

- (iii) *RECEIVES a further report on the outcome of the community consultation and include indicative costs on the refurbishment of the changerooms and funding sources;*
- (iv) *subject to the consideration of the further report, CONSIDERS the reallocation of the funds (as listed in Budget 2003/04 - \$65,000) for the upgrade of lights at Britannia Reserve to Les Lilleyman Reserve for the upgrade of lighting and alterations to the existing changerooms;*
- (v) *AUTHORISES the Chief Executive Officer to finalise the use of Les Lilleyman Reserve terms and conditions with the Subiaco Football Club after the community consultation report has been received and any comments have been taken into consideration and for a report to be provided to the Council for final determination; and*
- (vi) *ADVISES the respondents and Subiaco Football Club of the Council decision."*

Les Lilleyman Reserve

Les Lilleyman Reserve is a large active sports reserve comprising 35,511m² (3.55ha) and has a usable play area of 19,000m² (1.9ha). It is bounded by London Street on the west, Gill Street on the south, Ellesmere Street on the north and with residences on the west side. It is important to note there is a steep embankment which acts as a buffer zone of approximately 30 metres between the active part of the reserve and the residences. Attached is a plan and aerial photograph.

The reserve is designated as an "off-leash" dog area (except when it is "*used for a function, sports training or activities approved by the Council*"). The Town's Officer's are of the opinion that the proposed recommendation will allow the football players and the dog owners to co-exist at Les Lilleyman Reserve.

Les Lilleyman Reserve has a number of distinct advantages for the use by SFC Colts, these are:

- There is no existing sporting club users of the grounds during winter season
- The reserve is not overlooked by residents
- There is some lighting there already
- The ground is of sufficient size to allow the SFC to co-exist with current dog users
- There is car parking available on site (Gill Street carpark)

DETAILS:

On 14 May 2004, the Town's Officer's met with representatives of SFC to discuss the options for the use of Les Lilleyman Reserve was revisited. SFC considered the use of Les Lilleyman Reserve following a site visit. The SFC provided a written response to the option of using Les Lilleyman Reserve as their alternative training ground. A letter was received from the SFC on 18 May 2004 which stated a willingness to use Les Lilleyman Reserve subject to certain points for the Town's consideration. These are as follows:

1. Priority use of the reserve from 4.30pm-7.30pm Monday to Friday.
2. Light towers to be installed as a priority.
3. Exclusive use of the changeroom facilities from March-October from 4.30pm-7.30pm.
4. Exclusive use of the existing canteen room to be modified for use as a gymnasium.

5. We would require the ground for approximately four (4) colts games each season and approximately 12 development squad games during April/May and Sept/Oct school holidays.
6. We would require that the gym (existing canteen area) had access to the (men's) toilets and a shower installed in this area.
7. The continued use of Les Lilleyman Reserve under the aforementioned terms and conditions to be incorporated in the Head Lease for Leederville Oval.

The SFC Colts are currently training at Britannia Reserve and have authority to do so until September through a regular casual use booking form.

It is understood that due to lack of lighting at this venue Subiaco will be utilising other venues as well.

A public meeting on 3 July 2004 with approximately 70 local residents and the community was held in accordance with clause (v) of the Council decision of 8 June 2004. Details of the public meeting were distributed on 21 June 2004 to the residents in the area surrounding Les Lilleyman Reserve. Advertisements for comment were placed in both local newspapers.

The consultation period for comment closed on 16 July 2004. At the end of the period the Town received 13 submissions and 7 standard letters.

Summary of Objections

The main reasons for objection to the use of Les Lilleyman Reserve are summarised in the following categories:

- Training hours
- Parking
- Noise
- Fees
- Lighting
- Renovations to clubhouse
- Dog exercise areas

A submission from the North Perth Precinct Group was received with the following suggestions.

1. SFC will have priority use of the reserve on a maximum of three nights per week between the hours 5.30-7.30pm (with the dog "off-leash" exercise area to be in force only on these nights).

Officer's Comment

Supported, other than changing "5.30pm to "5.00pm".

Subiaco Football Club (SFC) Colts to have priority use of the reserve on a maximum of three (3) nights per week (Monday-Friday) between the hours of 5.00-7.30pm. Where possible, specified nights will be displayed at the reserve building.

SFC have indicated the above proposed times would be preferable for 5pm - 7.30pm and preferred not to have nominated nights as this will be dependent on which days of the weekend the colts play.

- The Colts squad only would be permitted to train on the reserve on each of these nights. This is as per the proposal that was put to the residents during the Community Consultation and as minuted at Council Meeting of 8 June 2004. (Subiaco's league and reserve squads train together [probably 50 plus players and 10-20 ancillary staff, coaches, trainers, etc.] There is absolutely no way the reserve could accommodate this number in terms of traffic and parking and in training area [with the dog exercise areas as promised]).

Officer's Comment

Supported.

The use of the reserve by SFC Colts only (up to 30-40 persons) will be limited between March-October inclusive.

- The use of the reserve by SFC Colts would be strictly limited to the period between March-October (inclusive) - this is as was presented to residents by TOV and would cover all the WAFL season.

Officer's Comment

Supported.

As stated above SFC Colts use of the reserve will be limited to March-October (inclusive).

- Parking (and traffic) will be strictly policed by TOV Officer's with all player parking to be restricted to the Gill Street Carpark. No player/spectator parking on reserve or resident verges or in surrounding streets. Parking signs will need to be erected to reflect these conditions.

Officer's Comment

Supported.

Parking around the reserve will be strictly policed by the Town of Vincent Rangers, with all players vehicles to be restricted to the Gill Street car park. The current verge prohibition signage will be upgraded.

- A group will be set up to review the use of Les Lilleyman Reserve and in particular its use by SFC. This review group will meet at the end of each football season (or as required) and will consist of members of the local community; an elected member, a representative from SFC and a TOV officer.

Officer's Comment

Supported.

The use of Les Lilleyman Reserve by SFC will be reviewed at the end of each season. Consultation with the adjoining residents/ratepayers and the North Perth Precinct Group will form part of this review process. Any proposed changes must be approved by the Council and park users will be notified of any changes.

- The playground and equipment to be upgraded and fenced (as outlined at Community Meeting) as a matter of urgency.

Officer's Comment

Supported.

The playground at Les Lilleyman Reserve to be upgraded, illuminated and fenced and this will be carried out between September-November 2004 (\$35,000 has been included in the 2004/05 budget for this project).

7. SFC has conceded that the use of the reserve for development games and 4 WAFL Colts games will pose some very serious parking and traffic problems - they can reschedule these to another venue.

Officer's Comment

Supported.

The use of the reserve by SFC seniors and for WAFL development games is not permitted and any traffic complaints around the reserve will be promptly investigated by the Town.

8. These conditions will be formalised in a Memorandum of Agreement which will be available to residents on request.

Officer's Comment

Supported.

The conditions of the use of Les Lilleyman Reserve by SFC to be included as a Memorandum of Understanding (MOU) to be signed by both parties and included in the lease documentation.

9. Terms and Conditions of the Les Lilleyman Reserve by SFC - to be presented to Council for final determination.

Officer's Comment

Supported.

The terms and conditions for the use of Les Lilleyman Reserve are as outlined in the recommendation to Council in this agenda item.

The Town considered these responses and drafted a set of recommendations which were circulated to surrounding residents in the area bounded by Charles, Hobart, Edinboro and Green Streets on 26 July 2004 informing them that the matter will be considered at the Ordinary Council meeting of 10 August 2004.

Use of Les Lilleyman Reserve - August to September 2004

Subiaco Football Club have since submitted a booking form on 26 July 2004 for their training development squad (under 14's and 15's) to use the reserve on Mondays and Tuesdays from 4:30 pm to 6:00 pm. The Town has confirmed their booking with the following conditions;

- Monday and Tuesdays from 23 August until 28 September 2004 between the hours of 5.00 until 7.30pm.
- The use of the reserve by Subiaco Development Squad only (up to 40 persons) will be limited between 23 August until 28 September inclusive.
- The use of the reserve by Subiaco Football Club seniors and WAFL development games is not permitted.
- Parking around the reserve will be strictly policed by the Town of Vincent Rangers, with all players vehicles to be restricted to the Gill Street car park. The current verge prohibition signage will be upgraded.

CONSULTATION/ADVERTISING:

The Les Lilleyman Public Meeting notice appeared in the Guardian Express on 22 June 2004 and Voice News on 26 June 2004.

Local residents in the area bounded by Charles, Hobart, Edinboro and Green Streets have been advised by an information sheet of the proposed content of the recommendation.

LEGAL/POLICY:

The Town of Vincent Local Law Relating to Dogs will need to be amended to provide the new dog exercise area on the reserve, as shown in Plan No 2277-CP-1.

STRATEGIC IMPLICATIONS:

Strategic Plan 2003-2008, Key Result Area 2 – Community Development

“a) Seek community initiatives and involvement in the development of programmes and provides facilities and other recreational reserves appropriate to the Town’s needs.”

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$58,000 has been carried forward to the 2004/05 budget for the upgrade of lights at Britannia Reserve on the 2003/04 budget. It is recommended that these funds be transferred by Council to Les Lilleyman Reserve.

SFC have agreed to pay \$1,000 per annum (increased by CPI) for the use of a reserve in the Town, together with a \$200 bond.

COMMENTS:

The recommendation has accommodated the requests, as presented at the public meeting, and the requests of the SFC which allow both to co-exist on the reserve. It provides a compromise position between the requirements of the community and the sporting club. The community will have the benefit from the upgrade of the playground and lighting whilst the SFC will have a regular training venue for its Colts squad.

The situation will be monitored and reviewed at the end of each season. It is therefore recommended that the proposal be supported as detailed in this report.

10.1.3 No(s). 6 (Lot(s) 7, Strata Lot 3) Smith Street, Perth - Proposed Outbuilding (Studio) Additions to Existing Single House

Ward:	South	Date:	2 August 2004
Precinct:	Forrest, P14	File Ref:	PRO2834; 00/33/2287
Attachments:	001		
Reporting Officer(s):	L Mach		
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 Beilby Design on behalf of the owner I & D Rollerson for proposed Outbuilding (Studio) Additions to Existing Single House, at No(s). 6 (Lot(s) 7, Strata Lot No. 3) Smith Street, Perth, and as shown on plans stamp-dated 8 June 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) subject to first obtaining the consent of the owners of No. 4 Smith Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 4 Smith Street in a good and clean condition;*
- (iii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent Smith 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;*
- (iv) prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (v) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services 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) *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;*
- (viii) *the outbuilding structure shall not be used for habitable, commercial or industrial purposes; and*
- (ix) *no additional plumbing or sanitary facilities or fixtures shall be provided to, or within, the outbuilding structure without the prior approval of such by the Town;*
- to the satisfaction of the Chief Executive Officer.*

COUNCIL DECISION ITEM 10.1.3

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (9-0)

Landowner:	I & D Rollerson
Applicant:	Beilby Design
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	809 square metres

COMPLIANCE:

Requirements	Required	Proposed *
Plot Ratio	N/A	N/A
Height	2.4 metres to top of the walls and 4.2 metres to top of roof pitch.	2.65 metres to top of the walls and 4.6-5.0 metres to top of roof pitch.
Buildings on Boundaries	One boundary wall is permitted with an average height of 3 metres and a maximum height of 3.5 metres, for 2/3 length of boundary.	One boundary wall with an average height of 3.2 metres and a maximum height of 3.4 metres.

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

SITE HISTORY:

The site is occupied by two single semi-detached dwellings with frontage to Smith Street. A 3.02 metres wide, sealed and privately owned right of way exists to the rear of the lot.

DETAILS:

The applicant seeks approval for an outbuilding (studio) addition to the rear of the existing single house. The proposed outbuilding is intended for the purposes of making home crafts and textile works, which is currently being undertaken within the house.

The following paragraphs are an extract of the attached letter from the applicant, outlining the design and objectives of the proposal and addressing the variations associated with proposal:

" ...CLIENT OBJECTIVES

The client seeks to build a new studio workshop in the rear yard of their existing strata property.

The studio workshop is for the purposes making home crafts and textile work, currently being executed within the house. A separate building would allow the owners to separate living spaces from the craft work.

DESIGN PROPOSAL

The design aims to fulfil the clients objectives, retain the architectural character of the existing residence and maintain the amenity of the local environment.

The location of the new studio is balanced between 3 existing trees to be retained and capitalises on the available north western aspect. The character of the building is compatible with the architecture of the existing dwelling and of the recent additions to the neighbouring co-strata owner.

Building Heights

The height of the outbuilding is 2.65 metres wall height and 4.60 metres ridge height verses the Acceptable Development criteria of 2.4 m wall and 4.2 m ridge height.

We request Approval through Performance criteria, as the minor variance in height will have little impact on the surrounding amenity and the visual bulk of the building. The lower height is also out of order with existing dwellings being turn of the century structures with high ceilings and steep roofs. The owners seek to achieve capability between outbuilding and the existing dwelling.

Southern Setback

The southern setback is to the co-strata owner boundary. The co-strata owner has given verbal approval for the boundary wall during a recent meeting to discuss this item. We request the Council issue the standard notice of intent to the co-strata owner for formal consent to be received.

The boundary wall allows increased privacy to both owners given the overlooking from adjoining units and the client to capitalise on the north aspect, which would otherwise have been greatly diminished.....

As the proposed works are generally compliant with regulations and without detriment to the surrounding amenity, we request Planning Approval."

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 the Residential Design Codes (R Codes).

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Height

Whilst the proposed height of the development is a deviation from the requirements of the R Codes, the variation is supportable in this instance as it is not considered to unduly affect the adjoining neighbour, no objections has been received by the Town and it is regarded to be keeping in character with the existing house and surrounding areas. It is noted that the three adjoining properties to the subject lot accommodate multi- storeyed development.

Buildings on Boundaries

The variations sought by the applicant in regards to buildings on boundaries is supported as it is regarded as minor, is not considered to unduly affect the neighbours' amenity and no objections has been received by adjoining neighbours.

In light of the above, it is recommended that approval be granted for the proposal, subject to standard conditions.

10.4.1 Interim Report - Review of Community Consultation Policy

Ward:	-	Date:	4 August 2004
Precinct:	-	File Ref:	
Attachments:	-		
Reporting Officer(s):	D Abel, R Boardman, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Interim Report as at 4 August 2004 relating to the Community Consultation Workshop held on 20 May 2004 and review of Policy No 4.1.5 - "Community Consultation";*
- (ii) *APPROVES IN PRINCIPLE the changes to Policy No 4.1.5 - "Community Consultation" as detailed in this Interim Report under the categories of "supported" and "supported in part" by the Chief Executive Officer;*
- (iii) *NOTES that;*
 - (a) *the Policy relating to "Community Consultation" (mainly part 3 - Town Planning, Development and Heritage Matters) is being completely reviewed taking cognisance of the matters raised at the community workshop held on 20 May 2004 and the comments contained in this Interim Report; and*
 - (b) *the draft amended Policy relating to "Community Consultation" will be presented at the Elected Members Forum to be held on 21 September 2004; and*
 - (c) *a further report and a draft amended Policy relating to "Community Consultation" will be submitted to the Ordinary Meeting of Council to be held on 28 September 2004.*

COUNCIL DECISION ITEM 10.4.1

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

Cr Doran-Wu departed the Chamber at 8.02pm.

Debate ensued.

CARRIED (8-0)

(Cr Doran-Wu was absent from the Chamber and did not vote.)

BACKGROUND:

The Ordinary Meeting of Council held on 23 March 2004 the Council considered a Notice of Motion and resolved as follows:

"That, to assist in the review of the Town's Community Consultation Policy, the Council APPROVES of the following;

- (i) a Community workshop to be held in mid to late May 2004;*
- (ii) the discussion will include the current consultation policy, the community's experience with it and the role of the precinct groups;*
- (iii) the Workshop to be advertised in the local papers;*
- (iv) Precinct/Community Groups be invited by mail with invitations received by the first week of April;*
- (v) persons unable to attend the workshop be invited to send submissions by mail; and*
- (vi) following the workshop, the Town's Officers to prepare a revised draft policy and report back to Council by the first meeting in August 2004."*

In accordance with the Council's decision, a community workshop was held on 20 May 2004 and was attended by 23 members of the public, Mayor Catania, Crs Chester Cohen, Doran-Wu, Farrell and Lake. Apologies were from Crs Ker and Torre. Cr Franchina was absent. The Town's CEO and Executive Managers Corporate and Technical Services also attended. A representative from all precinct groups was in attendance. A letter was sent to all precinct groups seeking comment.

The following comments were raised at the community workshop. Some items were raised by several persons; however, the item has only been listed once.

SUPPORTED SUGGESTIONS AND COMMENTS

PLANNING MATTERS

- *Consultation should not occur over the Christmas/New Year period*

Advertising major developments and other Council projects over this period is considered inappropriate. The Christmas/New Year two week period has 3 public holidays and in addition many people go away for holidays. (It was suggested that: no development be advertised between 24/12 and 2/1).

CEO's Comment:

Supported. The Policy will be amended to prohibit advertising from 18 December to 8 January. However, it should be noted that there will be a delay in processing planning applications.

- *Consultation Period, involving Public holidays (excluding Christmas/New year period).*

Consultation should specify number of working days, not calendar days. If consultation over public holidays may not allow sufficient time for neighbours to view plans.

CEO's Comment

Supported. The Policy will be amended to ensure that any public holidays which occur during the advertising period will be added to the adverting period. (This would include long weekends and the Easter Festive Season.) However; it should be acknowledged that there will be a slight delay in processing planning applications.

- All demolitions should be advertised for 14 days, with a sign displayed in front of the property.

All demolitions should be advertised for 2 weeks as per other planning applications and with an inexpensive sign on the property. Local community may have information of interest which should be considered when making a decision on demolition. Community should have a right to comment.

CEO's Comment:

Supported. The Policy will be amended to address this matter. However, it should be noted that in most cases the neighbours' comments will mainly relate to streetscape, not heritage matters. The new Municipal Heritage Inventory will adequately address significant heritage and townscape (streetscape) places throughout the Town. At present, the Town's Heritage Officers undertake a qualified heritage assessment of the places to be demolished, while the Town's Planning Policies and the Residential Design Codes addresses streetscape matters. The proposed advertising will result in a delay in processing planning applications. There will also be additional cost to the applicant for the demolition sign. The matter should be reviewed after a 6 or 12 month period.

The following table outlines the number of demolition planning applications received, and determined by the Chief Executive Officer or Executive Manager Environmental and Development Services under delegated authority from the Council:

Description	1995/ 96	1996/ 97	1997/ 98	1998/ 99	1999/ 00	2000/ 01	2001/ 02	2002/ 03	2003/ 04
Demolition Applications Received	43	35	11	27	40	40	62	53	95
Demolition Applications Approved Under Delegated Authority	Data Not Readily Available	Data Not Readily Available	Data Not Readily Available	Data Not Readily Available	4 (10%)	5 (12.5%)	3 (4.8%)	2 (3.79%)	12 (12.63%)

- Once a matter has been advertised for comment, the Officer report should not be written until the consultation period closes.

CEO's Comment:

Supported and already implemented. The Policy will be amended to specifically reflect this matter.

- Once a matter has been advertised for comment, a decision should not be made until the consultation period closes.

CEO's Comment:

Supported and already implemented. The Policy will be amended to specifically reflect this matter.

- Letters of notification regarding development applications listed in the Council meeting Agenda should be received before the weekend prior to the Council meeting.

Currently people who make a submission are notified on Monday (sometimes Tuesday) that the matter will be considered by Council. This is not enough time. The agenda is finalised Wednesday. Letters should be ready to post the same day.

The Town's administration needs to investigate a way for letters of notification to be delivered before the weekend. The deadline for closing the agenda may need to be reviewed. It is suggested that notification that an item will be considered at next Council meeting should be received before the weekend prior to the Council meeting.

CEO's Comment:

Supported. The agenda closing deadline is midday Wednesday and is finalised on Thursday.

The **notification procedure will be investigated** to provide as much time as possible and ensure notification occurs before the weekend, prior to the Council meeting. The aim will be to ensure letters will be posted the same day as the agenda closing (ie Wednesday), which will in the main ensure letters arrive on the Friday, before an agenda.

- *Simple English and plain language in letters should be encouraged.*

CEO's Comment:

Supported and already implemented. Furthermore, customers are strongly encouraged to contact the Town's Planning and Building Services Officers to clarify any queries regarding planning and building applications, processes, procedures and requirements.

- *A booklet, in plain English, explaining the planning process, for both applicants and affected parties should be written.*

Planning approvals process unclear to both applicants and affected parties

CEO's Comment:

Supported and already implemented via the Town's Planning and Building Services Information Pack, which has been available to the public for several years. Furthermore, customers are strongly encouraged to contact the Town's Planning and Building Services Officers to clarify any queries regarding planning and building applications, processes, procedures and requirements.

- *Prepare a "dummy's guide" for Town Planning".*

CEO's Comment:

Supported and already implemented via the Town's Planning and Building Services Information Pack, which has been available to the public for several years. Furthermore, customers are strongly encouraged to contact the Town's Planning and Building Services Officers to clarify any queries regarding planning and building applications, processes, procedures and requirements.

- *Neighbour consent should be invalidated if plans are subsequently shown to contain errors.*

Concerns were expressed at neighbours signing plans without being made aware of non-compliance.

CEO's Comment:

Supported. The Policy will be amended to reflect this matter. However this would be time consuming to check in every occasion and would result in further delays in processing planning applications.

- Conflict between clauses 3.2.1 and 3.4.1.

It has been suggested that both clauses be reworded for clause 3.2.1 to acknowledge 3.4.1

CEO's Comment:

Supported. The Policy will be amended to remove any conflict and ambiguity.

- Change of use in mixed use developments

Council should consult with all properties within development including residences

CEO's Comment:

Supported and already implemented. The Policy will be amended to specifically reflect that where there is more than one owner of units in the development, they will all be consulted.

- For any major projects, plans of a specified minimum size should be made available and sent to precinct groups

CEO's Comment:

Supported and already implemented for non-planning applications plans. The legal implications of providing copies of planning application plans and associated documentation to neighbours and the precinct groups require further investigation. If there are no adverse legal implications on the Town, where possible, A3 size plans and A4 size documentation will be provided to affected neighbours for all planning applications, and also to the precinct groups for large/major developments. The Policy will be amended to specifically reflect this matter.

- Reconsider the practice of providing details of objectors to applicants.

When people lodge objections, applicant is given their details. This can be an intimidating experience to be contacted by a developer. Staff should first check that details should be released.

CEO's Comment:

Supported and already implemented. The Town does not disclose the name and address of the objectors (however, in many cases where it involves adjoining property owners, the applicant ascertains this information). The Policy will be amended to specifically reflect this matter.

- Wording of letter that goes out to people who have made submission should start with a plain English explanation, rather than the extract from Council minutes.

CEO's Comment:

Supported. This is the current practice. However, it should be acknowledged that inclusion of the Council decision is often required. The Council Minutes are in most cases self-explanatory and those who receive such letters are invited to telephone the Town's Officers if they have any queries.

- Consultation adjacent to large developments needs to be wider.

Consultation adjacent to large developments and/or mixed use developments needs to be wider.

CEO's Comment:

Supported. Refer to 'Comments: Town Planning, Development and Heritage Matters' below.

- Make plans available outside Mon-Fri 8-5.

CEO's Comment:

Supported. At present the plans are available at the Customer Service Centre. An additional plan will be requested from the applicant and will be available at the Library. However, the Library staff will not be able to respond to any planning related queries as they do not have the background knowledge and to ensure that the Town does not incur any legal liability claims, a sign to this effect will be displayed with these plans. The Policy will be amended to reflect this matter.

- Display of non-conforming plans in Administration Centre, Library or at Council Meeting be presented a bit better, in the Library - it should be easier to read.

CEO's Comment:

Supported. As above, and a copy of the letter notifying the neighbours of the proposal and any associated non-compliances will also be attached to the plans. The Policy will be amended to reflect this matter.

- Non-compliances should be assessed against policies, R-codes & TPS.

Currently if a setback doesn't comply, and the neighbour on that side gives approval, the non-complying setback is approved. Not always appropriate. Setback may set an appalling precedent. Neighbour may be same person as the applicant All non-compliances should be assessed against policies, R-codes & TPS

CEO's Comment:

Supported and currently actioned as each planning application is assessed by the Town's Planning and Building Services Officers on its merit in terms of the Town's Town Planning Scheme No. 1 and associated Policies and the Residential Design Codes.

- Clearly acknowledge that wider community has a right to comment as developments can impact on streetscape or set precedents for the locality.

CEO's Comment:

Supported. Refer to 'Comments: Town Planning, Development and Heritage Matters' below.

- Needs to be a distinction between DAs on a small single lot, e.g. residential, and those involving several lots or large developments, e.g. Menzies Street –

CEO's Comment:

Supported. Refer to 'Comments: Town Planning, Development and Heritage Matters' below

- *A separate approach for non-residential DAs....."*

CEO's Comment:

Supported. Refer to '*Comments: Town Planning, Development and Heritage Matters*' below

- *Notice of the proposed development on a sign is more beneficial than advertising in newspapers or on the Town's webpage.*

CEO's Comment:

Supported. Refer to '*Comments: Town Planning, Development and Heritage Matters*' below

- *When a non-conforming development application is submitted, the whole Town should be advised/notified, as they may be affected*

CEO's Comment:

Supported. Refer to '*Comments: Town Planning, Development and Heritage Matters*' below.

- *Council needs to recognise the impact of multi-storey developments*

CEO's Comment:

Supported. Refer to '*Comments: Town Planning, Development and Heritage Matters*' below

- *The consultation process in major developments should occur at the concept stage. Residents to be involved earlier in the process.*

CEO's Comment:

Supported and already implemented. Refer to '*Comments: Town Planning, Development and Heritage Matters*' below

NON PLANNING MATTERS

- *Designate a person as a contact for any communication for precinct groups.-A "focal point" - not a new employee - as this will add to rates rise.*

CEO's Comment:

Supported and already actioned. The Town's Public Relations Officer will act as a contact for enquiries where a person or Precinct Group needs information. A letter was sent on 27 July 2004 to all Precinct Groups.

- *Request that a Precinct map be displayed in the foyer of the administration building.*

CEO's Comment:

Supported and already implemented. A plan has been displayed in the Library and Administration Centre foyer.

- Take meetings to the community rather than expect the community to go to the Administration Centre

When a matter involves residents from one small area, one street etc, try and take the consultation to the residents rather than expect residents to attend meetings at the Administration Centre.

CEO's Comment:

Supported. In future, this matter will be actioned where requested by the residents.

- Forums

Suggest that open briefings for Elected Members which the community can attend is a good way for the community to be informed about such developments.

CEO's Comment:

Supported and already actioned. The Council has adopted guidelines for forums and the first forum on 22 July included two proposed developments on the agenda. The draft Guidelines have been well received with only two submissions received seeking minor changes. A report is included on this agenda.

- Consultation on Major developments is done at the end when too much has already been committed

Consultation is done at the end when the Business Plan is sent out. Council had already committed significant resources to project at this stage and unlikely to halt or significantly change the project. Major projects should start with broad consultation to get idea of broad community support or concerns.

CEO's Comment:

Supported. The Town attempts to consult with its community. The correct procedure is for the Council to consider a matter and this is included in the Principal Activities Plan, a report is submitted to the Council for consideration and a business plan is prepared. At this stage consultation is carried out.

To consult prior to this is considered in most cases to be premature, as the details are sometimes unknown or even fully considered by the Council.

- Consultation over budget, major policies and statutory documents is confusing to the community

Last year the Town consulted over the Strategic Plan, the budget, PAP, commencement of the TPS review, the IOR. Precinct groups became confused over what consultation was about, and constant requests to comment.

It is suggested that a calendar of major consultation during the year with a timetable for guidance (not exact dates, but months) be prepared and provided to Precinct groups, and general community.

Precinct groups need plenty of notice of forthcoming meetings, preferably at least one month ahead.

CEO's Comment:

Supported. Consultation has been in accordance with the specified times in the Town's Policy. Wherever possible, ample time will be given. It is not always possible to give a month's time, as timelines may not always allow.

- Facilitate consultation

Suggests that the Town make consultation more inviting, easy to understand, and promote this through the local media.

CEO's Comment:

Supported, currently actioned and constantly improving.

- Matters which are complex and/or have a significant effect on community. Consultation should allow for feedback after new draft policy prepared

Suggested alternative process. Staff prepare guidelines, draft adopted by Council.

Community given time to make submissions. Submissions considered and new draft policy prepared. Guidelines with minor revisions presented to Council for adoption

CEO's Comment:

Supported and will be actioned in future matters.

- When matters are drawn out, people should be informed of the progress of the matter

Where residents have made submissions and there is a delay in reporting to Council, they should be kept informed.

CEO's Comment:

This is supported and will be implemented in future matters.

SUPPORTED IN PART

PLANNING MATTERS

- Policy - Clause 3.5.3 - the one day's notice is too short. Suggested a 14 day cooling off period when the residents and the developer cannot agree.

CEO's Comment

Supported in part. The Town's Town Planning Scheme No. 1 requires planning applications to be determined by the Town within 60 (calendar) days, or the applications will be deemed refused. Given this statutory period, the 14 day "cooling off" period is not supported, however, wherever possible, as much time as possible will be given and in any case not less than 3 days will be given. The Policy will be amended to reflect this matter.

- Developers should provide three dimensional drawings - also overlooking and shading effect on neighbours.

CEO's Comment

Supported in part. This is not a requirement of the R Codes. Applicants will be encouraged to provide three dimensional drawings of major developments. All planning applications are currently accompanied by a checklist of information, including overlooking and shadowing drawings for multi-storey buildings, to be submitted with the application. The Policy will be amended to specifically reflect this matter.

- Advocated to revert back to the former consultation policy.

It was suggested for 2 storey development, consult 2 properties in each direction, for 3 storey, consult 3 properties in each direction etc.

CEO's Comment

Supported in part. Refer to 'Comments: Town Planning, Development and Heritage Matters' below

- Extent of consultation should be wider than required by the R-codes.

It is acknowledged that the R-codes specify minimum neighbourhood consultation. However, in Vincent with smaller and sometimes in irregular arrangements blocks, and with larger developments, it is considered that there need to consult more widely.

CEO's Comment:

Supported in part. Supported. Refer to 'Comments: Town Planning, Development and Heritage Matters' below

NON-PLANNING MATTERS

- Use local newspapers to regularly inform residents.

Rather than small advertisements scattered throughout paper, book a regular space to inform residents. Suggest the use local newspapers to regularly inform residents

CEO's Comment:

Supported in part, provided it relates to matters affecting the wider community. It should be noted that the Town issues a quarterly newsletter to all residents (not all local governments issue newsletters).

- Notes should be taken at community meetings.

Notes at community meetings should be taken and distribute to elected members and staff.

CEO's Comment:

Supported in part. Notes at community meetings are taken, where the Town's officers are present. In all cases it is unnecessary to distribute these to Elected Members and other staff. This would create additional work and expense. The officer taking the notes places these on the Town's records and where required prepares a report for the Council's consideration.

- The Council should facilitate meetings between developers and residents to address various concerns and issues.

CEO's Comment:
Supported. Already in place, however more action will be investigated.

NOT SUPPORTED COMMENTS AND SUGGESTIONS

PLANNING MATTERS

- Applications for Demolition should not be approved under Delegated Authority.

CEO's Comment:
Not supported. The Town's Heritage Officers undertake a qualified heritage assessment of the places to be demolished, while the Town's Planning Policies and the Residential Design Codes addresses streetscape matters. The current procedure is working satisfactorily.
Any properties listed on the Municipal Heritage Inventory (MHI) or Draft MHI are reported to Council for determination. To report ALL demolitions to Council will cause unnecessary work and cost. It will also cause a delay in processing applications. If all demolitions were reported to Council, it would also be contrary to the IOR recommendations, which recommends that the Town's administration be given greater delegation powers.

The following table outlines the number of demolition planning applications received, and determined by the Chief Executive Officer or Executive Manager Environmental and Development Services under delegated authority from the Council:

Description	1995/ 96	1996/ 97	1997/ 98	1998/ 99	1999/ 00	2000/ 01	2001/ 02	2002/ 03	2003/ 04
Demolition Applications Received	43	35	11	27	40	40	62	53	95
Demolition Applications Approved Under Delegated Authority	Data Not Readily Available	Data Not Readily Available	Data Not Readily Available	Data Not Readily Available	4 (10%)	5 (12.5%)	3 (4.8%)	2 (3.77%)	12 (12.63%)

- Suggested plans could also be displayed at Beatty Park Leisure Centre.

CEO's Comment:
Not supported. The administrative cost would be unjustified.
Also, the leisure centre environs is considered unsuitable. It is considered that if a person requires information, it would be reasonable for this person to contact the Town's administration to view the plans with the Officers being available to provide technical advice.

- Believes the regulation relating to the provision of the display of plans in the Council agenda is incorrect and a "bluff".

CEO's Comment
Not supported.
Legal advise has been previously received and is summarised as follows:

"Plans submitted to council will (with some exceptions) be subject to copyright protection. Accordingly, local governments must respect copyright in those plans or face a risk of prosecution for copyright infringement.

If a local government makes copies for internal use and the number of copies and the extent of their use is reasonable in the circumstances, then it is equally reasonable to assume that there is an implied licence to make those copies. However, what is considered reasonable in the circumstances will usually be interpreted restrictively and care should be taken before doing anything that may infringe copyright in the plans. Providing members of the public with copies of an applicant's plans without permission will, in almost all circumstances, constitute an infringement of the copyright.

In such a case, the copyright owner may take action against the local government to and in doing so may seek an injunction, account of profits or damages for the copyright infringement.

A more certain legal position could be achieved by requiring applicants submitting plans to local government to provide a suitable form of authorisation from the author of the plans. A standard form authorisation could be incorporated in the local government's standard application for planning/building approval and should clearly set out the actions that the local government is authorised to take in respect of the plans." It is considered that the Town's current practice of displaying plans and including plans in the agenda is considered satisfactory.

- Suggested 14 days advertising is too short - 4 days are weekends - insufficient time to view the plans.

CEO's Comment

Not supported. The time is considered adequate. Any longer time will result in unacceptable delays in processing planning applications, especially as the Town's Town Planning Scheme No. 1 requires planning applications to be determined by the Town within 60 (calendar) days, or the applications will be deemed refused. The State-wide Statement of Planning Policy, the Residential Design Codes prescribes a 14 days advertising period for residential proposals.

- List of planning applications should be advertised in a local paper.

CEO's Comment

Not supported. The cost of this is considered unjustified. Furthermore, it would result in further delays in the approval process. The dead line for advertisements is approximately one week prior to publishing. If this was to occur, a further two weeks would be added to the approval process, therefore the processing time may go beyond the 60 (calendar) days statutory period to determine planning applications. Advertising applications that involve variation to the development requirements in a local newspaper is considered onerous in many cases, for example it is not considered necessary for the wider community to comment on a 0.1 metre side setback variation.

- Suggested that full page adverts in local papers of non-conforming applications instead of the quarterly newsletter and all development applications should be listed.

CEO's Comment:

Not supported. This is considered superfluous in the context of the other consultation requirements and the limited response to such consultation, and given the above comments under 'List of planning applications should be advertised in a local paper'.

- Development Applications which were advertised in the last 12 months and are unchanged, should still have a letter be sent again to all affected owners/occupiers.

CEO's Comment

Not supported. Planning Approval is valid for a statutory term of 24 months, and there should be a reasonable expectation that this or a similar development (that does not involve any greater variations to the development requirements) will be undertaken. This suggestion will cause considerable workload. It will also prohibit the re-consideration of planning applications in a timely manner.

- Policy - Page 17 - Submissions based on non-planning matters (there are many matters which are not planning, e.g. traffic, excessive noise) should be considered.

CEO's Comment

Not supported. The Town Planning Appeal Tribunal has consistently determined that non-planning matters and conditions are inappropriate and are dismissed and deleted (especially if the matters are addressed under other legislation); unless these matters directly relate to amenity. Where a proposal has reasonable potential to unduly adversely affect the amenity of an area, say in terms of traffic and noise, the Town's Officers already addresses these matters in the assessment, and if warranted, apply appropriate conditions.

- Revert to policy adopted 9 June 1998, relating to the display and availability of plans

CEO's Comment:

Not supported. The *Neighbours Consulted on Proposed Developments* Policy adopted on 9 June 1998 prescribes a greater extent of neighbours to be consulted. The current Policy is considered to be a substantial improvement, consolidates all consultation undertaken by the Town into one Policy, and plans are on display more widely.

- If major project impacts on wider community, then consultation should be wider.

Need to be clear about impacts of projects. I.e. proposal for East Perth and Subiaco to share Leederville Oval impacted on the use of reserves throughout the Town – not particularly clear to residents. Users of affected reserves and residents around them not specifically consulted.

CEO's Comment:

Not supported. It is considered the Town's business plans are sufficiently detailed to provide the necessary information. In these cases there is state-wide and local advertising and a letterbox drop to residents.

- Town should ask Architects to submit plans in "pdf" format - these can then be placed on webpage - in this format, the plans cannot be changed.

CEO's Comment:

Not supported. The State-wide Statement of Planning Policy, the Residential Design Codes, does not require plans to be submitted in this format. This is considered unreasonable, onerous and more expensive. Not all plans are prepared by architects. Also, not everyone has ready access to computers.

- Neighbour's consent should only be accepted if neighbour has confirmed they are aware of non-compliances (eg by signing letter from Council).

CEO's Comment:

Not supported. The Town should give creditability to the neighbours that it has a reasonable understanding of proposals and is responsible for their actions. A neighbour is not obliged to give their consent and can contact the Town's Officers to discuss the subject proposal. This suggestion will incur additional resources and time to contact each individual neighbour and discuss and confirm each non-compliance matter. This will result in significant delays in processing planning applications.

PRECINCT MATTERS/COMMENTS

The following comments were received at the community workshop. These are currently being considered as part of the policy review:

- Believes it is the onus on Precinct Groups to promote attendance at Precinct Group meetings.
- Council should give some form of standing to Precinct Group for developers, etc, to go to if they want to consult with the community.
- Precinct Groups need to focus on community issues.
- People should take responsibility for every day issues and not refer these to Precinct Group.
- Council should consult the Precincts before decisions are made.
- Combined Precinct Groups meetings should continue to occur.
- Precinct Groups should decide the role of Precinct Groups and how they should operate.
- Several years ago, regular quarterly meetings were held - believes these should be reconsidered.

OTHER MATTERS

- The MHI should be updated as a priority.

CEO's Comment:

The Municipal Heritage Inventory review project was discussed at an Elected Members Forum on 15 June 2004, especially in the context of its Publicity and Consultation Strategy. The Town's Officers are progressing expeditiously on the review and its various associated stages, strategies and documentation. It is expected to be finalised in mid 2005.

- Visioning is a more sustainable model.

CEO's Comment:

The Community Visioning project ('*Vincent Vision 2024*') is a unique project not only in the Town but also in Western Australia. Certain aspects of the Community Visioning project are already actioned, and following completion of this project, the Town will consider whether there are any further aspects of the Community Visioning project that can be applied in the Policy. In theory, if the visioning project is successful, the extent of community consultation may effectively be reduced.

- Suggest the Town host a small end of year function for Precinct Groups.

CEO's Comment:

Supported. It is suggested the function be an informal function (eg cocktail style) and will be determined in liaison with the Mayor.

- It is considered that the current Precinct system of 1,500 residents in each locality is too large. Town should consider smaller groups of 200-500 people.

CEO's Comment:

Not supported. The current precincts are generally based on the Town's Town Planning Scheme No. 1, which are communities of interest. Whilst 1,500 may be large, to create smaller precinct groups will create logistical burdens.

- A Precinct Group website should be investigated.

CEO's Comment:

Supported in part. The Town's web page includes reference to the Town's Precinct Groups. As Precinct Groups are separate entities, any web page is their own responsibility and prerogative.

- A check list should be prepared for consultation for use by Town's staff.

CEO's Comment:

Supported and already implemented. These have been in place for several years.

- The number of high percentage of non-compliances should be further investigated as part of the Community Visioning process.

CEO's Comment:

This matter will be addressed as part of the current Town Planning Scheme review and associated Community Visioning project ('*Vincent Vision 2024*').

- The Town Planning Scheme concerns and issues should be addressed in the Visioning process, as part of the Town Planning Scheme Review.

CEO's Comment:

This matter will be addressed as part of the current Town Planning Scheme review and associated Community Visioning project ('*Vincent Vision 2024*').

- Several years ago, regular meetings with Precinct Groups were held and these should be reconsidered.

CEO's Comment:

Combined Precinct Group meetings were held for several years. Due to the lack of interest, these were discontinued. Forums are now part of the Town's governance practices. The public (and Precinct Groups) have the opportunity to attend.

CONSULTATION/ADVERTISING:

Many persons expressed their appreciation of the assistance from Councillors and staff. The comments offered at the Workshop were provided in a spirit of providing better communication, with the aim to better the Vincent community.

It is appropriate that the new policy be advertised in accordance with the Town's Community Consultation Policy for a period of twenty-one (21) days.

LEGAL/POLICY:

Policies are not legally enforceable, they provide guidance to the Town's Administration and Elected Members when considering various matters.

STRATEGIC IMPLICATIONS:

The Community Consultation Policy is in keeping with the Town's Strategic Plan 2003-2008, Key Result Area 2.3 *"Ensure effective public relations and communications"*.

FINANCIAL/BUDGET IMPLICATIONS:

The additional consultation will result in additional costs, including; staff time for processing matters, writing letters and reports, and stationary, advertising and postage.

The actual cost is difficult to quantify at this stage.

COMMENTS:

Town Planning, Development and Heritage Matters

The Town's Town Planning Scheme No. 1 requires planning applications to be determined by the Town within 60 (calendar) days, or the applications will be deemed refused. If planning applications are deemed refused, the applicant has a right of appeal to the Town Planning Appeal Tribunal. It is considered imperative that all planning applications are determined within the 60 days statutory period.

The current Community Consultation Policy was developed and adopted prior to the promulgation of the Residential Design Codes (R Codes) on 2 October 2002. The R Codes is a Statement of Planning Policy promulgated under Section 5AA of the Town Planning and Development Act, and controls residential development throughout Western Australia. The R Codes prescribes neighbour consultation and accompanying information requirements for planning applications relating to residential development.

In light of the neighbour consultation and accompanying information requirements of the R Codes, the above supported (in part) suggestions and comments received in relation to the review of the Community Consultation Policy, and the consequent changes that will provide a balance between the processing of applications and the consultation with the community, it is considered necessary to undertake a comprehensive review and overhaul of the provisions under '3. Town Planning, Development and Heritage Matters', of the Policy. This is a major task and has not been able to be completed within the specific time. Furthermore, feedback from the Council is needed to finalise changes.

It is considered appropriate to amend the policy provisions to mainly address the following:

1. The above '*Supported*' and '*Supported in part*' suggestions and comments, as detailed in this report.
2. Specific community consultation requirements for the following categories of planning applications:

A. Residential and Non-Residential Development

- (i) Demolition of existing places -
- (a) Type of existing place to be demolished that requires consultation.
 - (b) Extent of demolition of existing place that requires consultation.
 - (c) Nature of consultation, for example a sign on site.
 - (d) Period of consultation
 - (e) Extent of neighbours to be consulted, with diagrams demonstrating the extent of adjacent properties whose owners will be consulted, depending on the circumstances for consultation.

B. Residential Development

- (i) Single-storey development -
- (a) The circumstances where such proposals require consultation.
 - (b) Nature of consultation, for example a letter to neighbours.
 - (c) Period of consultation
 - (d) Extent of neighbours to be consulted, with diagrams demonstrating the extent of adjacent properties whose owners will be consulted, depending on the circumstances for consultation.
- (ii) Multi-storey development, involving a total maximum of two (2) dwellings on a lot -
- (a) The circumstances where such proposals require consultation.
 - (b) Nature of consultation, for example a letter to neighbours.
 - (c) Period of consultation
 - (d) Extent of neighbours to be consulted, with diagrams demonstrating the extent of adjacent properties whose owners will be consulted, depending on the circumstances for consultation.
- (iii) Multi-storey development, involving a total between three (3) dwellings and nine (9) dwellings, inclusive, on a lot -
- (a) The circumstances where such proposals require consultation.
 - (b) Nature of consultation, for example a letter to neighbours.
 - (c) Period of consultation
 - (d) Extent of neighbours to be consulted, with diagrams demonstrating the extent of adjacent properties whose owners will be consulted, depending on the circumstances for consultation.
- (iv) Multi-storey development, involving a total of ten (10) dwellings and above, on a lot -
- (a) The circumstances where such proposals require consultation.
 - (b) Nature of consultation, for example a letter to neighbours.
 - (c) Period of consultation
 - (d) Extent of neighbours to be consulted, with diagrams demonstrating the extent of adjacent properties whose owners will be consulted, depending on the circumstances for consultation.

C. Non-Residential Development

- (i) Development involving 'SA uses' and 'Unlisted uses' -
- (a) The circumstances where such proposals require consultation.
 - (b) Nature of consultation, for example a letter to neighbours.
 - (c) Period of consultation

- (d) Extent of neighbours to be consulted, with diagrams demonstrating the extent of adjacent properties whose owners will be consulted, depending on the circumstances for consultation.
- (ii) Single-storey development -
 - (a) The circumstances where such proposals require consultation.
 - (b) Nature of consultation, for example a letter to neighbours.
 - (c) Period of consultation
 - (d) Extent of neighbours to be consulted, with diagrams demonstrating the extent of adjacent properties whose owners will be consulted, depending on the circumstances for consultation.
- (iii) Multi-storey development, involving a total maximum of two (2) storeys -
 - (a) The circumstances where such proposals require consultation.
 - (b) Nature of consultation, for example a letter to neighbours.
 - (c) Period of consultation
 - (d) Extent of neighbours to be consulted, with diagrams demonstrating the extent of adjacent properties whose owners will be consulted, depending on the circumstances for consultation.
- (iv) Multi-storey development, involving a total of three (3) storeys and above -
 - (a) The circumstances where such proposals require consultation.
 - (b) Nature of consultation, for example a letter to neighbours.
 - (c) Period of consultation
 - (d) Extent of neighbours to be consulted, with diagrams demonstrating the extent of adjacent properties whose owners will be consulted, depending on the circumstances for consultation.

D. Consultation letters specifications -

- (i) The type of letters, for example different types of letters for specific categories of development.
- (ii) The matters to be addressed in the letters.
- (iii) The wording being of simple and plain English.

E. Consultation signs specifications -

- (i) The type of signs, for example different types of signs for specific categories of development.
- (ii) The dimensions of the signs.
- (iii) The number and location of signs.
- (iv) The material and quality of the signs.
- (v) The size and font of lettering on the signs.
- (vi) The text on the signs, with the wording being of simple and plain English.

F. Display, availability and viewing of plans and associated documentation -

- (i) Means and procedures of displaying and making available for viewing by the community of plans and associated documentation, including applicant's submissions and letter (to neighbours) advising of any non-compliance matters.

G. Community comments, consent and objections -

- (i) Means and procedures of receiving, considering and processing comments, consent and objections received from the community.

H. Planning applications accompanying information

- (i) List of details, plans and information to be submitted with the planning applications for different type of development.

General

The Town's Community Consultation Policy is considered to be already comprehensive. The suggested amendments will improve the consultation process. The recommendations made in this submission will generally result in greater time and staff resources and some delay in processing planning applications. The Town needs to be conscious that not only residents; but also property owners and their agents are the Town's customers and their needs (, such as more efficient processing of planning applications) should also be addressed. Also, it is considered that additional consultation does not necessarily result in 'better' outcomes/decision-making of proposals.

In light of the above, it is recommended that the Council - receives this report; approves in principle the changes to the Community Consultation Policy as "*Supported*" and "*Supported in part*" by the Chief Executive Officer; notes that the Policy (mainly part 3 - Town Planning, Development and Heritage Matters) is being completely reviewed taking cognisance of the matters raised at the community workshop held on 20 May 2004 and the above comments; notes that the draft amended Policy relating to Community Consultation will be presented at the Elected Members Forum to be held on 21 September 2004 and notes that a further report and the draft amended Policy will be submitted to the Ordinary Meeting of Council to be held on 28 September 2004.

The review of the Town's Community Consultation policy has proved to be a more complex and time consuming task than originally considered. Many of the items raised have been supported or "supported in part". Where an item has not been supported, there has been considerable effort to investigate alternative options.

Between the period of February to July, the CEO has spent considerable time on the finalisation of the legal documentation for Allia Holdings/Perth Glory Soccer Club concerning Members Equity Stadium. Unfortunately, this priority did not permit more time to be devoted to this matter. The finalisation of the policy review has therefore been delayed for this reason by approximately 4-6 weeks.

10.1.9 No(s). 37 (Lot(s) 29) Redfern Street, North Perth - Proposed Carport and Alterations and Additions to Street Fencing to Existing Single House

Ward:	North	Date:	30 July 2004
Precinct:	North Perth; P8	File Ref:	PRO2775; 00/33/2205
Attachments:	001		
Reporting Officer(s):	M Bonini		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

(i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by G Fuller on behalf of the owner GC & LG Fuller for proposed Carport to Existing Single House, at No(s). 37 (Lot(s) 29) Redfern Street, North Perth, and as shown on plans stamp-dated 20 July 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 Policies relating to Street Setbacks and Vehicular Access; 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 G Fuller on behalf of the owner GC & LG Fuller for proposed Alterations and Additions to Street Fencing to Existing Single House, at No(s). 37 (Lot(s) 29) Redfern Street, North Perth, and as shown on plans stamp-dated 20 July 2004, subject to;*

- (a) *compliance with all Building, Environmental Health and Engineering requirements;*
- (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;*
- (c) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Redfern Street shall be a maximum height of 1.2 metres above the adjacent footpath, with the upper portion of the new front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*
- (d) *standard visual truncations, in accordance with the Town's policy 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 Torre, Seconded Cr Cohen

That the recommendation be adopted.

Cr Doran-Wu returned to the Chamber at 8.04pm.

The Presiding Member ruled that the motion would be dealt with in two parts.

Clause (i) was put.

Debate ensued.

CLAUSE (i) LOST (0-9)

Reasons:

1. Steepness of the Right of Way makes it difficult for the carport to be situated to the rear.
2. Existing carports on the same side in that section of Redfern Street.
3. Undue damage to existing structures on the Right of Way.
4. Security.

Crs Chester, Lake and Ker requested that their dissent be noted with reason No 4 – Security.

ALTERNATIVE CLAUSE (i)

Moved Cr Cohen, Seconded Cr Lake

"(i) 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 G Fuller on behalf of the owner GC & LG Fuller for proposed Carport to Existing Single House, at No(s). 37 (Lot(s) 29) Redfern Street, North Perth, and as shown on plans stamp-dated 20 July 2004, subject to:

- (a) compliance with all Building, Environmental Health and Engineering requirements;*
- (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;*
- (c) the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted);*
- (d) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (e) 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;*

- (f) *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;*
- (g) *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 the removal and replacement shall be borne by the applicant/owner(s);*
- (h) *all new crossover/s to the allotment shall be constructed in accordance with the Town's standard Crossover Specification/s which, in particular, specify that the portion of the existing footpath traversing the proposed crossover, subject to the existing footpath being in a good condition as determined by the Town's Technical Services Division, must be retained such that it forms a part of the proposed crossover and the proposed crossover levels shall match the level/s of the existing footpath; and*
- (i) *prior to the issue of a Building Licence the applicant shall pay a \$275 crossover bond to ensure the crossover is constructed to comply with the Town's standard crossover specification/s. Application for the refund of the bond must be submitted in writing;*

to the satisfaction of the Chief Executive Officer."

ALTERNATIVE CLAUSE (i) CARRIED (9-0)

Clause (ii) was put.

CLAUSE (ii) CARRIED (9-0)

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 G Fuller on behalf of the owner GC & LG Fuller for;

- (i) *proposed Carport to Existing Single House, at No(s). 37 (Lot(s) 29) Redfern Street, North Perth, and as shown on plans stamp-dated 20 July 2004, subject to:*
 - (a) *compliance with all Building, Environmental Health and Engineering requirements;*
 - (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;*
 - (c) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted);*

- (d) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (e) 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;*
- (f) 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;*
- (g) 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 the removal and replacement shall be borne by the applicant/owner(s);*
- (h) all new crossover/s to the allotment shall be constructed in accordance with the Town's standard Crossover Specification/s which, in particular, specify that the portion of the existing footpath traversing the proposed crossover, subject to the existing footpath being in a good condition as determined by the Town's Technical Services Division, must be retained such that it forms a part of the proposed crossover and the proposed crossover levels shall match the level/s of the existing footpath; and*
- (i) prior to the issue of a Building Licence the applicant shall pay a \$275 crossover bond to ensure the crossover is constructed to comply with the Town's standard crossover specification/s. Application for the refund of the bond must be submitted in writing;*

to the satisfaction of the Chief Executive Officer; and

- (ii) proposed Alterations and Additions to Street Fencing to Existing Single House, at No(s). 37 (Lot(s) 29) Redfern Street, North Perth, and as shown on plans stamped 20 July 2004, subject to;*
 - (a) compliance with all Building, Environmental Health and Engineering requirements;*
 - (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;*
 - (c) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Redfern Street shall be a maximum height of 1.2 metres above the adjacent footpath, with the upper portion of the new front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*

(d) standard visual truncations, in accordance with the Town's policy 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.

Landowner:	GC & LG Fuller
Applicant:	G Fuller
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R30/40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	481square metres

COMPLIANCE:

Requirements	Required	Proposed *
Plot Ratio	N/A	N/A
Carport Location	Car parking is to be accessible from existing rights of way where (legally) available and sealed.	Car Parking is proposed from the primary street.
Eastern Side Setback	1 metre	0.5 metre

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

SITE HISTORY:

The subject lot is currently occupied by a single storey single house. The rear of the subject lot abuts a sealed right of way, which is 5 metres in total width and owned by the Town.

DETAILS:

The applicant proposes a carport to be located on the eastern side of the lot with a 0.35 metre setback to the east boundary. The width of the carport does not exceed 50 per cent of the lot frontage.

The applicant has provided the following comments in support of the application:

"It is our understanding that this is against Town of Vincent Policy on Right of Ways as there is a Right of Way to the rear of our property. Our reasons for not locating the proposed carport at the rear of the property with access to the right of way is that there is an existing single garage located there that is used as a shed. This is our only storage facility and heavily utilised. To create a double carport at the rear of the property would involve the removal of the recently constructed rendered brick and zincalume single garage and the construction of a new double garage, which would be of greater expense than the proposed construction at the front of the property.

The proposed double carport incorporates open fencing to the front and sides of our property and will not dominate or detract from the front elevation of the property. We envisage a cream coloured render with red face brick corbelling. The front fence will be six courses in height with single course of red brick corbelling."

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 the Residential Design Codes (R Codes).

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Carport

The Carport has been assessed against the recent resolution of Council at its Ordinary Meeting held on 27 April 2004 relating to the Town's Policies - Street Setbacks, Vehicular Access, and Vehicle Access to Dwellings Via a Right of Way. The Council Minutes in relation to this matter states the following:

"...the Council APPROVES the following variations to the Town's Policies relating to Street Setbacks, Vehicular Access, and Vehicle Access to Dwellings Via a Right-Of-Way as an interim practice, until finalisation of the review of these Policies:

Vehicular access to car parking, carports and garages to a dwelling that directly fronts onto a street can be from that street, regardless whether a right of way is available to the property, where all of the following criteria are met to the satisfaction of the Town:

- (a) the right of way is unsealed or not programmed to be sealed within the current, or subsequent, financial year, whichever is the more appropriate, in accordance with the Town's right of way upgrade program;*
- (b) any carport with the front setback area shall be one hundred (100) per cent open on all sides at all times (open type gates/panels are permitted), except where it may abut the front main building wall of the dwelling (not open verandah, porch, portico, balcony and the like);*
- (c) the total width of any carport within the front setback area does not exceed 50 per cent of the lot frontage at the building line; and*
- (d) garages setback a minimum of 6.0 metres from the frontage street, or at least 500 millimetres behind the line of the front main building wall of the dwelling (not open verandah, porch, portico, balcony and the like..."*

The proposed carport does not satisfy point (a) of Council's resolution as the right of way at the rear of the subject property is sealed and owned by the Town.

Other carports were identified along the same side of Redfern Street as the subject property. The northern lots abutting Redfern Street do not have access to a rear right of way.

Eastern Side Setback

The applicants seek a variation to the setback relating to the east boundary. The variation is considered to be minor in nature. There have been no objections received in relation to the proposal; the variation would therefore be considered acceptable.

Front Fence

The proposed front fence has been found to comply with Town's Policy relating to Street Walls and Fences and is therefore recommended for approval.

In view of the above, it is recommended that the proposal for the carport be refused, due to the nature of the variation involved, and the front fence be approved.

10.1.8 No(s). 39 (Lot(s) 102) Farmer Street, North Perth - Proposed Two Storey Outbuilding (Studio) Additions To Single House (Application For Retrospective Planning Approval)

Ward:	North	Date:	4 August 2004
Precinct:	Smith's Lake, P6	File Ref:	PRO2450; 00/33/2363
Attachments:	001		
Reporting Officer(s):	R Rasiah, M Bonini		
Checked/Endorsed by:	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 applicant and landowner G Bersan for a Two-Storey Outbuilding Addition to Existing Single House (Application for Retrospective Planning Approval) at No. 39 (Lot 102) Farmer Street, North Perth, and as shown on the plans stamp dated 2 August 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) *the outbuilding shall not be used for habitable, commercial or industrial purposes;*
- (c) *no plumbing or sanitary facilities or fixtures shall be provided to or within the outbuilding structure without the prior approval of such by the Town; and*
- (d) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

(ii) *the Council AUTHORISES the waiving of the application for retrospective Planning Approval fees of a further \$300 and applies the standard Planning Application fees for the above development;*

(iii) *the Council AUTHORISES the withdrawal of the Planning and Building Notices issued for the unauthorised two-storey outbuilding addition to existing single house at No.39 (Lot 102) Farmer Street, North Perth; and*

(iv) *the Council REQUESTS the Town Planning Appeal Tribunal to dismiss the current appeals lodged by the owners in respect to the Planning Notice and the Planning Refusal issued by the Town for the unauthorised two-storey outbuilding addition to existing single house at No.39 (Lot 102) Farmer Street, North Perth .*

COUNCIL DECISION ITEM 10.1.8

Moved Cr Lake, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

**Cr Torre departed the Chamber at 8.12pm.
Cr Torre returned to the Chamber at 8.14pm.**

CARRIED (9-0)

ADDITIONAL INFORMATION:

The Town has received a written submission, dated 8 August 2004 from an affected landowner, as a result of the letter sent to them advising of the above proposal being considered by the Council at its Ordinary Meeting to be held on 10 August 2004. The details in the submission are as follows:

" We now summarise our main points:

- 1. We do not accept the concept of RETROSPECTIVE APPROVAL. The council should use this opportunity to send a strong signal to people whose primary intention is to break the law. Will the Council waste more time and resource in the future solving similar issues once the 39 Farmer St owner succeeded???*
- 2. In the last Council meeting, the Council ?has approved this illegal building for storage purpose only, but the owner has already installed a door. There is no way to ensure that the owner will not use this building for living purpose. Another tip off/ complaint letter from neighbour and further Council meetings?.*
- 3. This building is absolutely an ugly structure from the neighbours' angles including mine. Whether or not people notice it from Farmer St is not important at all. It is only important for the Council to consider that we spend a lot of times in our backyard, only few meters away from this weird building. Every activity in our back yard will be scrutinised by people living in this building in the future. This will be an invasion of privacy and the Council has its legal and ethical duties to protect us. Of further importance is that once occupied, this building will harbour more noise and human traffic too close to our backyard.*

We would not have purchased our present house if this building was already there in the first place, because the Angove St is already noisy.

- 4. The building was built illegally; how possibly the owner can have any legal grounds to defend its legal rights?. Our final opinion is that, whatever reasons or arguments the owner might present to this meeting, the building should be demolished.*
- 5. We've had legal advice that we certainly can pursue this matter at higher levels, to overturn the potential Council's approval."*

The Town is aware that a door has been fixed to the front of the outbuilding, and this building is not to be used for habitable purposes, as conditioned. The unauthorised outbuilding (studio), in this instance, is considered not to have an undue impact, and the Officer Recommendation remains unchanged.

Landowner:	GR Bersan
Applicant:	GR Bersan
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	657 square metres

COMPLIANCE:

Requirements	Required	Proposed *
Density	1 dwelling (R 30)	1 dwelling (R 15)
Plot Ratio	N/A	N/A

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

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

SITE HISTORY:

16 April 2003	Complaint received from an adjoining neighbour in relation to the unauthorised structure.
4 July 2003	The Town sent a letter to the landowner, G Bersan, requesting that the structure be removed from the site.
23 October 2003	The landowner lodged an appeal with the Town Planning Appeal Tribunal (TPAT), against the Town's request to demolish the unauthorised structure.
14 November 2003	The Town's respondent statement submitted to TPAT.
28 November 2003	Directions hearing. TPAT resolved to adjourn the appeal to mediation on 20 January 2004.
20 January 2004	At the mediation, the TPAT resolved to adjourn the appeal until 26 March 2004, and directed the applicant to make an application to Council for retrospective Planning Approval.
2 February 2004	The applicant and landowner submitted an application to the Town for retrospective Planning Approval.
23 March 2004	The Town requested the directions hearing to be re-listed until after 13 April 2004, so that the Town has more time to consider the development application.
13 April 2004	The Council at its Ordinary Meeting of Council resolved to refuse the application.
30 April 2004	Directions hearing by the TPAT, where it was resolved to adjourn the appeal to a further directions hearing on 28 May 2004.

- 28 May 2004 A case management conference was held, and the TPAT resolved to adjourn to a half day hearing on 7 July 2004.
- 16 June 2004 The planning consultant acting on behalf of the Town requested that the hearing programmed for 7 July 2004 be put back. The appellant concurred with this request. The programming directions were amended by the TPAT for a half day hearing on 10 August 2004.
- 2 August 2004 The owner has submitted a new planning application for retrospective planning approval for the unauthorised outbuilding.
- 2 August 2004 TPAT has advised the Town that the hearing has been rescheduled to 13 September 2004, to allow the Town of Vincent to deal with the new application submitted by the owner of the above site.

DETAILS:

The applicant/owner seeks retrospective Planning Approval for a two storey outbuilding addition to existing single house. The application does not differ from the original application that was determined by the Council at its Ordinary Meeting held on 13 April 2004.

The applicant/owner has submitted the following additional comments in relation to the proposal, which is also attached:

"I am the owner of the above property. At a Council meeting in April 2004, Council moved to order me to demolish a studio at the rear of my house based on a range of assumptions which were totally incorrect: namely the studio was built over 12 years ago not 12 months ago as stated by Councillor Lake.

I did have the full co operation with the neighbour who is supposedly the complainant as we had to excavate 2 metres into that property to shore up the walls and also put up the scaffolds which were there for about 4 months in 1993. The other 2 neighbours, one whose son worked during school holidays on the studio and the other provided a gate so as work could be done from the then laneway.

The so called height at the boundary of the complainant is less than 2.6 metres above their natural ground level as the studio retains 1.52 metres of land at that elevation.

The complainant has had a stroke and has been living in a nursing home for 4 years.

The house has been unoccupied for all that time. About 5 months ago has moved in and rented the premises.

Council officers spent much time out at the site and did a full evaluation of the situation. The studio does not impinge on anyone as it is at least 10-11 metres away from any house. The only shadow may be east on the chook house directly rear the studio.

The level of the studio is lower than the existing roofline of my single storey house. Even if there was a perceived problem with one window which is lower than the 2 storey house at the rear some 11 metres away then this has also been addressed as from 26/5/2004 this was replaced with obscure glass.

Councillors Cohen and Lake have stated that they would further investigate this matter, what have been their findings?

The order to demolish serves no purpose or benefit to anyone and will only lead to further litigation for no other reason than to show Council has the power to enforce such an order."

CONSULTATION/ADVERTISING:

Advertising is not considered necessary in this instance.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The planning consultation fee as at 30 June 2004 is \$1516.40. This fee does not include cost associated with the hearing of the appeal, which has now been rescheduled for 13 September 2004.

ADDITIONAL INFORMATION:

The subject structure appears to have been constructed over several years, however, when the site was inspected, it was noticed that the door to the entrance to the structure was not installed. The applicant has recently advised that the door has now been installed. Furthermore, there was scaffolding inside the building, indicating the structure was still under construction. The notices for the outbuilding were issued on the basis that the outbuilding was an unauthorised structure.

The wall height requirement for outbuildings is 2.4 metres and a ridge height of 4.2 metres. The heights of the outbuilding are 4.1 metres and 5 metres respectively. The heights when compared to the adjoining properties would be lower as the adjoining lots are on higher ground, as stated by the applicant/owner. The level of the outbuilding in comparison to the roofline of the existing house is also acknowledged, due to the fall of the land to the rear of the site.

Legal advice received from the Town's Solicitors states that there is a 2 year time limitation for prosecutions under Section 2 of the Miscellaneous Provision Act, and the Local Government Act 1995. However under Section 401 of the above Act, there is no time limitation for the issue of the written notices for works to be carried out which includes removal of structures, where works has been carried out without the necessary approval.

There is no specific time limitation under the Town Planning and Development Act 1928 for a written direction to be issued for notices under Section 10 of the above Act. It is to be noted however, that the TPAT has the power to set aside, affirm or vary a direction on appeal in relation to the Section 10 Notice. As such, the current Notices issued under Section 10 and 401 are valid under the relevant legislation.

The current application for retrospective planning approval is also the subject of an appeal with the TPAT. At the request of an Elected Member, the applicant/owner was requested to consider lodging another planning application for the matter to be further considered by Council.

In terms of the planning application fees, the applicant has paid \$100 for the current planning application. The Town's fees schedule state that for unauthorised structures, the planning application fee is to be four (4) times the normal planning fees. In this instance, it is considered appropriate to waive this requirement. On the above basis, it is recommended that the outstanding \$300 fees be waived in this instance.

The proposal is considered acceptable under the circumstances and is unlikely to further affect the amenity of the area, as the outbuilding is at the rear of the subject site. As such, the Officer Recommendation for Approval remains unchanged. Overall, it is considered that this planning resubmission will enable the Town to achieve a positive outcome if approved. This will in turn reduce further time spent by the Council and Town's Officers in defending an appeal at TPAT. Additional clauses have been included by way of amendments to clauses (i), (ii), (iii) and (iv) of the previous Officer Recommendation. These changes have been made to reflect the above additional information.

The following is a verbatim copy of the minutes of the Item placed before the Council at its Ordinary Meeting held on 13 April 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 APPROVES the application submitted by the applicant and landowner G Bersan for a two-storey outbuilding addition to existing single house (application for retrospective Planning Approval) at No. 39 (Lot 102) Farmer Street, North Perth, and as shown on the plans stamp dated 2 February 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 outbuilding shall not be used for habitable, commercial or industrial purposes; and*
- (iv) no plumbing or sanitary facilities or fixtures shall be provided to or within the outbuilding structure without the prior approval of such by the Town;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.4

Moved Cr Cohen, Seconded Cr Farrell

That the recommendation be adopted.

Discussion ensued.

LOST (0-9)

Reasons:

1. *It is an illegal structure.*
2. *It was erected without going through the due process.*
3. *Non-compliance of boundary wall height.*
4. *Lack of consultation period with immediate residents.*
5. *Consideration of the complaints received.*

LANDOWNER: G Bersan
 APPLICANT: G Bersan
 ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1: Residential R30
 EXISTING LAND USE: Single House

COMPLIANCE:

<i>Requirements</i>	<i>Required</i>	<i>Proposed</i>
<i>Buildings on Boundary</i>	<i>In areas coded R30 or higher, <u>one</u> side boundary setback may be permitted to nil for 2/3 of the length of the boundary. Boundary walls not higher than 3 metres average, and 3.5 metres maximum.</i>	<i>Parapet wall is 4.125 metres in height.</i>
<i>Outbuildings</i>	<i>Wall height- 2.4 metres Ridge height- 4.2 metres</i>	<i>Wall height = 4.1 metres Ridge height = 5 metres (approximately)</i>
<i>Plot Ratio</i>	<i>N/A for R30 sites.</i>	<i>N/A</i>
<i>Use Class</i>	<i>Single House</i>	
<i>Use Classification</i>	<i>"P"</i>	
<i>Lot Area</i>	<i>657 square metres</i>	

SITE HISTORY:

16 April 2003 *Complaint received from an adjoining neighbour in relation to the unauthorised structure.*

4 July 2003 *The Town sent a letter to the landowner, G Bersan, requesting that the structure be removed from the site.*

23 October 2003 *The landowner lodged an appeal with the Town Planning Appeal Tribunal (TPAT), against the Town's request to demolish the unauthorised structure.*

14 November 2003 *The Town's respondent statement submitted to TPAT.*

28 November 2003 *Directions hearing. TPAT resolved to adjourn the appeal to a mediation on 20 January 2004.*

20 January 2004 *At the mediation, the TPAT resolved to adjourn the appeal until 26 March 2004, and directed the applicant to make an application to Council for retrospective Planning Approval.*

2 February 2004 *The applicant and landowner submitted an application with the Town for retrospective Planning Approval.*

23 March 2004 *The Town requested the directions hearing to be re-listed until after 13 April 2004, so that the Town has more time to consider the development application.*

DETAILS:

The proposal is for retrospective Planning Approval for an existing outbuilding to the existing single house.

The mezzanine level of the outbuilding is to be used for storage only, and the lower level for the occasional hobby. The building does not have toilet or laundry facilities, and it will not be used for habitable purposes.

CONSULTATION/ADVERTISING:

The proposal was advertised for 14 days from 9 March 2004 until 23 March 2004, and one (1) objection was received.

The objector raised the following concerns in the submission:

- *"Was the site subdivided to accommodate this extra building? It was built right on the border line with No. 102 Angove Street"*
- *"An illegal building, once successfully approved, would open the Council door to more abuse in the future, as anyone can go ahead with whatever they like first (disrespect of the law) then get approval later (legalise an illegal activity). We certainly do not encourage this kind of lawless practice."*
- *"The windows of this two storey building should not be clear glass, in order to respect the neighbour's backyard privacy. This building should be single storey only".*
- *"We understand that each case must be treated on its own merits; it was advised that the Council must act in the public interest first; anyone else's interest must come second. The building cost of this structure cannot be a deterring factor in reinforcing the law".*

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:

Building Comment

The Town's Principal Building Surveyor advised that the unauthorised building does not contravene the Building Code of Australia (BCA). Also, given that the building will not be used for habitable purposes, a door is not required. However, the applicant plans to erect a door soon.

Buildings on Boundaries

The unauthorised structure includes a boundary wall on the south-eastern side of 4.125 metres in average height, in lieu of 3 metres.

The unauthorised structure is not considered to enhance the amenity of the area, and it could be argued that the structure has an adverse visual impact on the amenity of the adjoining and surrounding properties.

Notwithstanding the above, the structure complies with the overshadowing requirements of the R-Codes, and it does restrict direct sun to major openings to habitable rooms and outdoor living areas on the adjoining property. Also, the adjoining neighbours did not raise amenity issues in their letter of objection, and they objected to the proposal based mainly on the fact that the structure was constructed without Council approval, and this would set a precedence for other unauthorised buildings in the Town.

The neighbours' concerns are noted, however, this is not a valid planning concern. The neighbours' also objected to privacy issues, however, outbuildings are not habitable spaces, therefore there are no overlooking issues.

In light of the above, and given that the other neighbours did not raise any objections, and that the structure is not visible from the streetscape, the setback variation is not considered to unduly impact on the amenity of the area generally, or the streetscape, and it is therefore supported.

Outbuildings

The wall height and overall height of the outbuilding does not comply with the R-Codes acceptable development requirements, as highlighted in the above Compliance table.

It should be noted that the proposal is not considered to enhance the amenity of the area, however, the neighbours did not raise any amenity concerns in the letter of objection, as mentioned previously.

Notwithstanding the above, the proposal is not visible from the street, and the overall height of the building is similar to the surrounding heights of the existing two-storey buildings in the area.

In light of the above, the proposal is not considered to create an undue impact on the area generally, and it is therefore not considered appropriate to request that the landowners to demolish the structurally sound outbuilding, on the proviso that it is not used for habitable purposes. A condition has been recommended to ensure that the building is not used for habitable purposes.

Privacy

Given that the building is not to be used for habitable purposes, the R-Codes privacy setback requirements do not apply in this instance.

Notwithstanding the above, if the structure was to be assessed against the privacy setback requirements, it would comply with the R-Codes, as the south-western window at the rear is above the stairwell and is therefore not a habitable room, the western window is setback over 6 metres from the adjoining properties, and the north-eastern windows is obscure and fixed and therefore does not encroach onto the adjoining north-eastern property.

Conclusion

In light of the above, the proposal is considered acceptable and approval is recommended, subject to standard and appropriate conditions being imposed, including a condition requiring the structure not to be used for habitable, commercial or industrial purposes."

10.1.11 No. 34 (Lot No(s). 24 & 25) View Street, Corner Peach Street, North Perth - Proposed Subdivision (Western Australian Planning Commission Reference 124742)

Ward:	North	Date:	3 August 2004
Precinct:	Smith's Lake; P6	File Ref:	124742
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	R Rasiah, 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 Residential Design Codes, the Council RECOMMENDS REFUSAL to the Western Australian Planning Commission (WAPC), for the proposed subdivision application submitted by Staffanoni, Ewing and Cruickshank on behalf of Tim Fanowrios, Anthony Fanowrios and Michelle Vann for No.34 (Lot No.(s) 24 & 25) View Street, North Perth, and as shown on plans stamp-dated 11 March 2004 (subdivision 124742) for the following reasons:*
- (a) *the subdivision is not consistent with orderly and proper planning and the preservation of the amenities of the locality;*
 - (b) *non-compliance with the Residential Design Codes, as there is a significant variation to the minimum lot size requirements; and*
 - (c) *the approval of the proposed development could create an undesirable precedent for development of lots with similar sizes within the area; and*
- (ii) *the Council requests the Western Australian Planning Commission that if the Commission is inclined to approve the proposed subdivision, that the Town is further consulted to obtain the appropriate conditions of the Town that should apply to the proposed subdivision.*

Moved Cr Lake, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Ker

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

- "(d) the size and configuration of the proposed northern lots would most likely result in any reasonable dwelling on this lot not complying with the requirements of the Residential Design Codes and the Town's Town Planning Scheme No 1 and associated policies;"*

AMENDMENT CARRIED (9-0)

Debate ensued.

Moved Cr Lake, Seconded Cr Ker

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

"(iii) the applicant be advised that it would be possible to subdivide into two lots, one retaining the old house and one to the rear, that would comply with requirements."

AMENDMENT CARRIED (9-0)

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.11

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Residential Design Codes, the Council RECOMMENDS REFUSAL to the Western Australian Planning Commission (WAPC), for the proposed subdivision application submitted by Staffanoni, Ewing and Cruickshank on behalf of Tim Fanowrios, Anthony Fanowrios and Michelle Vann for No.34 (Lot No.(s) 24 & 25) View Street, North Perth, and as shown on plans stamp-dated 11 March 2004 (subdivision 124742) for the following reasons:*
- (a) *the subdivision is not consistent with orderly and proper planning and the preservation of the amenities of the locality;*
 - (b) *non-compliance with the Residential Design Codes, as there is a significant variation to the minimum lot size requirements;*
 - (c) *the approval of the proposed development could create an undesirable precedent for development of lots with similar sizes within the area; and*
 - (d) *the size and configuration of the proposed northern lots would most likely result in any reasonable dwelling on this lot not complying with the requirements of the Residential Design Codes and the Town's Town Planning Scheme No 1 and associated policies;*
- (ii) *the Council requests the Western Australian Planning Commission that if the Commission is inclined to approve the proposed subdivision, that the Town is further consulted to obtain the appropriate conditions of the Town that should apply to the proposed subdivision; and*
- (iii) *the applicant be advised that it would be possible to subdivide into two lots, one retaining the old house and one to the rear, that would comply with requirements.*

LANDOWNER:	Tim Fanowrios, Anthony Fanowrios and Michelle Vann
APPLICANT:	Staffanoni, Ewing and Cruickshank
ZONING:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R30
EXISTING LAND USE:	Office

COMPLIANCE:

Use Class	Office
Use Classification	"SA"
Lot Area	946 square metres

Requirements	Required	Proposed
R Codes		
Minimum Lot area for R30 density area	270 square metres	Lot 101 - 610 square metres; Lot 102 - 168 square metres; and Lot 103 - 168 square metres

Maximum variation to minimum lot size for one of the two lots when retaining existing dwelling worthy of retention	5%	38%
Plot Ratio	N/A	N/A

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

BACKGROUND:

27 July 2004:

At its Ordinary Meeting, the Council approved the change of use from a single house to office for the above subject site. The Officer recommendation for the change of use was for refusal but the Council resolved to approve the planning application for the following reasons:

1. Extent of heritage work done on the property.
2. Value of retaining the property.
3. Owner is willing to add the property to Municipal Heritage Inventory.
4. Commercial uses in close proximity.
5. Ability to manage the ongoing impacts through conditions on approval.

SITE HISTORY:

The site currently supports a single storey house which has been approved as an office.

DETAILS:

The applicants/owners are seeking to subdivide No. 34 View Street, North Perth into three (3) green title lots. The subdivision includes the retention of the existing dwelling fronting View Street.

The applicant seeks to create two rear lots, each having frontage to Peach Street, with a lot area of 168 square metres each. The third Lot 101 fronting View Street is to be 610 square metres and includes the retention of the existing dwelling. The Residential Design Codes require a minimum lot size of 270 square metres in the R30 density area.

The following is a summary of the written submission (attached) from the applicant in support of their application:

- *"The existing property comprises of an attractive largely intact early 20th Century residence built across Lots 24 & 25 View Street at the north-east corner of View and Peach Street. The existing building meets the criteria for inclusion in the Town of Vincent's Municipal Inventory.*
- *From a historical perspective the surrounding area of the property has always had a health business/residential mix. Further the property has been in Fanowrios family for four generations, it being originally purchased in 1932.*
- *Therefore to facilitate the conservation and enhancement of the existing building and streetscape the owners are seeking development approval (sic) for the following with some concession:*
 1. *Under Clause 20(2)(b) of Town of Vincent's Planning Scheme No. 1, creation of two new lots of approximately 168 square metres, each having 7.5 metres frontages to Peach Street which require a reduction in minimum lots size of just over 40 per cent from the minimum of 300 square metres (sic).*
- *In seeking approval from the Town of Vincent Council for the subdivision, I seek consideration of the extensive work and costs incurred (\$130,000 to date, with a further \$60,000 to complete) that has been undertaken to restore this property and the value it has given to the streetscape."*

CONSULTATION/ADVERTISING

The proposal did not require advertising. The applicant has submitted two letters with the application. One, from the owner of No. 1 Olive Street, who has since sold the property to the owner of the above site. The second, from the owners of No. 32 View Street, have no objection to the proposal. It is to be noted that the letters of support were for both the change of use and subdivision applications.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Heritage/Streetscape

The subject property is an excellent example of a single-storey, Federation Queen Anne, brick and tile dwelling. The applicant has recognised the heritage potential of the property and has engaged in a positive conservation program undertaking considerable building works to restore the place.

The subject property is not listed on the Town's Municipal Heritage Inventory or Interim Heritage Data Base, however, the place is deemed to have considerable local heritage significance, especially as part of a View Street precinct incorporating the North Perth Town Hall, the Vincent Multicultural Gardens, the former North Perth Fire Station, the North Perth Post Office and other residences.

In this instance, the building is considered to contribute to the streetscape and a density bonus is considered acceptable under Clause 20 of the Town's Town Planning Scheme No. 1.

The subject property is located in the Smith's Lake Precinct (P6) and the proposed subdivision retains a building which is considered to have heritage significance. It is also recognised that the owners have spent considerable time and money on restoring the existing dwelling.

Density bonus

As outlined above, Clause 20 of TPS No. 1 allows for a density bonus of up to 50 per cent if the proposed development conserves or enhances an existing dwelling or existing dwellings worthy of retention.

In considering the subject proposal, the existing dwelling is considered worthy of retention and therefore would qualify to be considered under the provisions of Clause 20. The purpose of a density bonus is to allow for an increased yield for proposed subdivisions that retain existing dwellings worthy of retention but does not include a variation to the minimum lot size requirements. In this instance, the applicant seeks approval for a three (3) lot subdivision on a 946 square metres lot in an R30 density area. The average lot size in the R30 density area is 300 square metres. The land subject to this application complies with the average lot size requirements of the Residential Design Codes and therefore a density bonus is not required.

Residential Design Codes

Under the provisions of the R-Codes, for lots within the R30 density area, the minimum site area is to be 270 square metres. The minimum area for lots is to ensure that the area available provides adequate space for development and ensures the amenity of residents is safeguarded. Lots 102 and 103 (168 square metres each) are significantly below the minimum lot size required in the R30 density area, even when a 5 per cent variation to minimum lot size is considered, which is only applicable to one of the two lots as per the WAPC Policy requirements

Clause 3.1.3 of the Codes state that the purpose of the provision for a variation to the minimum lot size requirements are where the protection of the heritage place is an issue, rather than merely providing the density bonus because of the existence of a building which is recognised as having heritage potential. The above, if supported, would create undesirable precedent for the area and the Town in general.

The applicant is of the understanding that the density bonus of up to 50 per cent could be used to vary the minimum lot size and has therefore used Clause 20 of TPS No. 1 to vary the minimum lot size requirement by 38 per cent. The applicant has been informed of the misinterpretation but still wishes for the application to be determined by Council.

Summary

The Town's Officers have advised the applicants to lodge plans for both lots to establish whether they are able to meet the Town's and R-Code requirements, and that any development proposed, if supported, will have a condition that they be built to plate height, prior to subdivision clearance.

Even with the submission of development plans for the proposed lots, the proposed lot sizes are significantly below the standard requirements and are considered to set an undesirable precedent for small lots within the R30 density area. Moreover, the proposed use of Clause 20 in this instance is not supported, as it is meant for increasing the density of an area rather than for the creation of smaller lots. On the above basis, the proposed subdivision is recommended for refusal for the above-mentioned reasons.

In light of the above, it is considered that the proposed subdivision is not supportable. It is therefore recommended that the proposal be refused.

10.1.12 No(s). 196-198 (Lot(s) 1 & Pt2) Stirling Street (Cnr Edward Street), Perth - Proposed Change of Use from Office to Institutional Building (Western Australian Substance Users Association Inc. Office, and Needle and Syringe Exchange Programme) and Associated Alterations

Ward:	South	Date:	4 August 2004
Precinct:	Beaufort; P13	File Ref:	PRO2797; 00/33/2227
Attachments:	001		
Reporting Officer(s):	K Batina		
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 REFUSES the application submitted by J Hodgins on behalf of the owner RT & RJ Harris for proposed Change of Use from Office to Institutional Building (Western Australian Substance Users Association Inc. Office, and Needle and Syringe Exchange Programme) and Associated Alterations, at No(s). 196-198 (Lots 1 & Pt2) Stirling Street (Cnr Edward Street), Perth, and as shown on plans stamped 6 May 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 Beaufort Precinct 13;*
- (iii) approval of the proposed development would create an undesirable precedent for other similar non-residential use developments encroaching into established and future residential areas;*
- (iv) the non-compliance with the car parking requirements for the proposed use under the Town's Policy relating Parking and Access; and*
- (v) in consideration of the significant number of objections received.*

Moved Cr Torre, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

Moved Cr Doran-Wu, Seconded Cr Farrell

That the existing recommendation be renumbered to (i)(a)-(e) and a new clause (ii) be added as follows:

- "(ii) the Council Officers identify suitable locations or zonings where these premises may be located and assist the applicants in their search for alternative premises.*

Debate ensued.

AMENDMENT CARRIED (9-0)

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.12

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 submitted by J Hodgins on behalf of the owner RT & RJ Harris for proposed Change of Use from Office to Institutional Building (Western Australian Substance Users Association Inc. Office, and Needle and Syringe Exchange Programme) and Associated Alterations, at No(s). 196-198 (Lots 1 & Pt2) Stirling Street (Cnr Edward Street), Perth, and as shown on plans stamp-dated 6 May 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 Town's Policy relating to Beaufort Precinct 13;*
 - (c) *approval of the proposed development would create an undesirable precedent for other similar non-residential use developments encroaching into established and future residential areas;*
 - (d) *the non-compliance with the car parking requirements for the proposed use under the Town's Policy relating Parking and Access;*
 - (e) *in consideration of the significant number of objections received; and*
- (ii) *the Council Officers identify suitable locations or zonings where these premises may be located and assist the applicants in their search for alternative premises.*

Landowner:	RT & RJ Harris
Applicant:	J Hodgins
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential/Commercial R80
Existing Land Use:	Office
Use Class:	Institutional Building
Use Classification:	"SA"
Lot Area:	526 square metres

COMPLIANCE:

Requirements	Required	Proposed *
Plot Ratio	1.0 (maximum) 526 square metres	0.60 319 square metres

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

SITE HISTORY:

A single storey building comprising two commercial tenancies currently exists on-site. The subject site is located on a corner lot and is abutted by Edward Street to the south-east and Stirling Street to the north-west. The tenancy subject of this application, comprising approximately 199 square metres in floor area, is presently vacant. Its previous use was as an 'office'.

DETAILS:

The applicant seeks Council's approval of a proposal for a change of land use from the current approved use of 'Office' ('AA' use) to an 'Institutional Building' ('SA' use). The reason for this change of use is to enable the relocation of the Western Australian Substance Association (Inc), WASUA, from its present address at No.440 William Street, Perth. WASUA seeks to move to a new location resulting from the recent sale of No.440 William Street and subsequent termination of lease for WASUA to occupy this building.

The proposed works associated with this change of use will be minimal, but will include:

- Partial removal of existing dilapidated kitchen cabinets and their replacement - kitchen is only to be used by staff.
- Creation of two new offices established (one to the entry area for use by the nurse, and the other by dividing an existing space into two). The nurse's office will have a new basin with hot/cold water supply.
- New brick enclosure, comprising 3 square metres in area, on the existing car parking area to the rear, which will be well ventilated, but roofed and have self-closing gates.

There will be no external works proposed as part of this application, with the exception of the construction of a new brick bin enclosure to be erected in the existing car park to the rear.

The operational hours proposed are as follows:

Administrative office hours	-	Monday to Friday	9am to 5pm
Service provision hours	-	Saturday to Wednesday	10am to 4pm
		Thursday and Friday	10am to 8pm

There will be twelve (12) staff working at the premises, and based on current trends at the William Street premises, approximately 40 to 50 people will be accessing the services daily.

CONSULTATION/ADVERTISING:

The application was advertised for public comment, as per the requirements for "SA" land uses under the Town of Vincent's Town Planning Scheme No.1 and the Community Consultation Policy. During the comment period, 79 written submissions and two petitions, totalling 871 signatures, objecting to the proposal, and three submissions supporting the proposal were received. A schedule of the submissions received and the individual points raised forms as an attachment to this report.

The main issues and concerns raised in the submissions received highlighted the following points:

- the increased incidence of crime and anti-social behaviour as a result of this facility being located in these premises, including increased burglaries and vandalism;
- the deterioration of amenity on adjoining properties, in particular nearby residential developments (existing and recent);
- the likelihood of increasing the congregation of addicts in the locality, including street walkers and drug dealers;
- the negative repercussions on business, as a result of people, customers and staff, feeling unsafe;

- the inadequate provision of car parking for the proposed use; and
- there being more ideal and better suited locations for such premises, such as providing the service as an annex to Royal Perth Hospital.

One submission received was in relation to the operation of the existing premises at No. 440 William Street, Perth highlighting existing problems being encountered including:

- people injecting drugs in a car park nearby;
- people parking across driveways in the area and who are abusive if asked to move;
- the Police treat the area as a 'no go area' and in general do not attend the area unless specifically called. As a result, there is an increased incidence of crime in the area; and
- staff at nearby premises keep their front doors locked.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Car Parking

Requirements	Required No. of Car bays
Office: 1 car bay per 50 square metres gross floor area (51.07 square metres).	1.0 car bay
Consulting Rooms: 3 bays per consulting room (two consulting rooms).	6.0 car bays
Total car parking required before adjustment factor (nearest whole number)	7 car bays
Apply the parking adjustment factors. <ul style="list-style-type: none">▪ 0.85 (within 400 metres of a bus stop)▪ 0.85 (within 800 metres of a rail station)▪ 0.85 (within 400 metres of one or more existing public car parking places with in excess of a total of 25 car parking spaces)	(0.61) 4.27 bays
Car parking provided on-site	3 car bays
Resultant shortfall	1.27 car bays

The Town's Policy relating to Parking and Access does not stipulate a parking requirement for 'Institutional Buildings'. It was therefore considered appropriate to use the car parking ratios for both an 'Office' and 'Consulting Rooms' based on combination of uses proposed for the clinic. In relation to the users of the clinic, the assumption was made that the majority of the users will most likely arrive by public transport or by foot.

Applying the relevant adjustment factors to the car parking requirement, the proposed change of use will result in a shortfall of 1.27 bays for the development. This shortfall is not considered significant, particularly given the availability of nearby street parking and public transport. If the application was to be approved, the landowner would be required to pay cash-in-lieu for the shortfall in car parking proposed.

Use

The land is zoned 'Residential/Commercial' under the Town of Vincent Town Planning Scheme No.1 (TPS No.1). The TPS No.1 and the Beaufort Precinct Policy state that over time, this area is to be transformed from a predominantly commercial area to an area of compatible residential and commercial uses. The Precinct Policy also states that *"the Beaufort Precinct is to become, essentially a mixed use area of predominantly residential uses A diverse range of dwelling types integrated with compatible commercial activities, incorporating a strong commercial link with Northbridge along William Street, is to be strongly promoted"*.

There are presently a number of commercial operations within close proximity to the subject site, including Supply West Bookland, Reece's interior decorating centre and numerous accounting and professional service firms. The subject site is also directly opposite a significant residential development and other similar scaled developments are proposed further along Stirling Street. It is this increased influx of residents to the area whose amenity needs to be preserved.

The intent of the Beaufort Precinct Policy, in particular, this area of Stirling Street, is to improve the amenity of the area, by preserving and encouraging more residential development and compatible land uses and discouraging non-residential land uses that are considered to have the potential to degrade the amenity and 'liveability' of the area.

The proposed 'institutional building' use is considered not to fall under the category of compatible commercial activities within a residential area and such a use is more suited to be located in areas, which have been appropriately zoned and developed for such uses, such as the District Centre and Commercial areas, which are incidentally within close proximity of the subject site. The proposed use is not considered to be a sensitive or compatible use with nearby residential land uses, or the intent and objectives of the Beaufort Precinct Policy and should not be supported.

Health and Building

The Town's Health Services and Building Surveyors have advised that the proposal generally complies with the relevant health and Building Code of Australia (BCA) standards. However, the owners will be required to provide facilities for people with disabilities in accordance with the BCA requirements, which can be provided at the Building Licence stage.

Traffic and Access

The Town's Technical Services have advised that the parking layout complies with the Town's standards, and that there is no traffic related concerns along Stirling Street.

Summary

Essentially, the proposal represents an inappropriate use for the above site, and as such would set an undesirable impact on the amenity of the area, in particular the residential element, which the Town is endeavouring to encourage and consolidate in this area. Accordingly, it is recommended that the proposal be refused on the following grounds:

- the proposed use would be better suited in a more commercial oriented zone;
- the proposal would have a shortfall in the number of car parking bays required;
- the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality or the Town's Policy relating to the Beaufort Precinct 13;
- approval of the proposed development would create an undesirable precedent for other similar non-residential use developments encroaching into established and future residential areas; and
- the considerable number and significance of objections received in response to this proposal being advertised.

10.1.1 Further Report - No. 36 (Lot 379) Joel Terrace, East Perth - Proposed Retaining Walls to Vacant Residential Site

Ward:	South	Date:	4 August 2004
Precinct:	Banks; P15	File Ref:	PRO2666; 00/33/2217
Attachments:	001		
Reporting Officer(s):	T Durward, R Lotznicher		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner BR Tonkin for Proposed Retaining Walls on Vacant Residential Site, at No. 36 (Lot 379) Joel Terrace, East Perth, and as shown on plans stamp-dated 3 May 2004, subject to:*
- (a) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
 - (b) *a Certified Practising Consulting Engineer's certification as to the capability of the subject site and adequacy of the proposed retaining wall and foundations for the retaining wall, taking into account the hydrogeological composition, ground water movement through the site, and history of the site, shall be submitted to and approved prior to the issue of a Building Licence;*
 - (c) *subject to first obtaining the consent of the owners of No. 38 Joel Terrace for entry onto their land the owners of the subject land shall finish and maintain the surface of the retaining wall facing No. 38 Joel Terrace in a good and clean condition;*
 - (d) *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;*
 - (e) *a road and verge security deposit bond and/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;*
 - (f) *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);*
 - (g) *no development, including fill, building materials, rubbish or any other delirious matter shall be deposited on the Parks and Recreation Reserve;*

- (h) *before development commences, a site assessment shall be undertaken to the satisfaction of the Swan River Trust on advice from the Department of the Environment to determine whether acid sulphate soils are present on the land and if present, their extent and severity. If the site is found to contain acid sulphate soils, an acid sulphate soil management plan shall be submitted to and approved by the Swan River Trust on advice from the Department of the Environment; and*
- (i) *any subsequent proposed development on the property shall comply with the relevant development requirements of the Town's Town Planning Scheme No.1 and associated Policies and the Residential Design Codes, and it is not to be assumed that the Town will support variations to the requirements;*
- to the satisfaction of the Chief Executive Officer; and*
- (ii) *the Council ADVISES the applicant/owner of the subject property of all of the Town's Technical Services findings and comments detailed in this report.*

Moved Cr Lake, Seconded Cr Ker

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

"(i) (j) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating additional soakwell(s) being installed along the common access from Joel Terrace and the pavement to be designed with a 'v' cross section grading to enable stormwater run off to be captured in the additional soakwell(s). The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes (R Codes) and the Town's Policies."

Debate ensued.

Cr Lake departed the Chamber at 8.53pm.
Cr Lake returned to the Chamber at 8.54pm.

Cr Torre departed the chamber at 8.54pm.

CARRIED (6-2)

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

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

COUNCIL DECISION ITEM 10.1.1

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner BR Tonkin for Proposed Retaining Walls on Vacant Residential Site, at No. 36 (Lot 379) Joel Terrace, East Perth, and as shown on plans stamp-dated 3 May 2004, subject to:*
- (a) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
 - (b) *a Certified Practising Consulting Engineer's certification as to the capability of the subject site and adequacy of the proposed retaining wall and foundations for the retaining wall, taking into account the hydrogeological composition, ground water movement through the site, and history of the site, shall be submitted to and approved prior to the issue of a Building Licence;*
 - (c) *subject to first obtaining the consent of the owners of No. 38 Joel Terrace for entry onto their land the owners of the subject land shall finish and maintain the surface of the retaining wall facing No. 38 Joel Terrace in a good and clean condition;*
 - (d) *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;*
 - (e) *a road and verge security deposit bond and/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;*
 - (f) *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);*
 - (g) *no development, including fill, building materials, rubbish or any other delirious matter shall be deposited on the Parks and Recreation Reserve;*
 - (h) *before development commences, a site assessment shall be undertaken to the satisfaction of the Swan River Trust on advice from the Department of the Environment to determine whether acid sulphate soils are present on the land and if present, their extent and severity. If the site is found to contain acid sulphate soils, an acid sulphate soil management plan shall be submitted to and approved by the Swan River Trust on advice from the Department of the Environment;*

(i) *any subsequent proposed development on the property shall comply with the relevant development requirements of the Town's Town Planning Scheme No.1 and associated Policies and the Residential Design Codes, and it is not to be assumed that the Town will support variations to the requirements; and*

(j) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating additional soakwell(s) being installed along the common access from Joel Terrace and the pavement to be designed with a 'v' cross section grading to enable stormwater run off to be captured in the additional soakwell(s). The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes (R Codes) and the Town's Policies;*

to the satisfaction of the Chief Executive Officer; and

(ii) *the Council ADVISES the applicant/owner of the subject property of all of the Town's Technical Services findings and comments detailed in this report.*

ADDITIONAL INFORMATION:

The Executive Manager Technical Services and the applicant discussed the above matter on 9 August 2004. The applicant generally concurred with the above additional soakwell(s) condition.

The following is a copy of additional comments received from the applicant on 6 August 2004:

"Councillors,

I have a copy of the agenda and I am not happy with the inclusion of the added condition being extra to the Officer's Recommendation. I request that I speak with you and your TOV technical people about this, please. Please do not push your proposed amendment if it is intended change my intended access design. The proposal by the council staff is unworkable.

Your amendment was:

"the Council ADVISES the applicant/owner of the subject property of all of the Town's Technical Services findings and comments detailed in this report."

I have noted the comments of the technical officers and with respect I still refute them. If the intention of your amendment is that I am informed of their comment, I acknowledge that. If the intention is that I further amend the site levels of the existing access driveway then I am not happy to do that.

Regarding Technical Services Comments

I feel alienated by the processes of this council so far and I feel that my requests or comments have been heard. It seems from the notes that the council technical officers are proposing that I lower the majority of the existing driveway and provide additional 16m of retaining on the northern boundaries and potentially undermine the existing retaining walls on the southern side of that driveway to achieve a solution that provides a steeper driveway than existed on the lot in its natural state. Their solution suggests excavation of the whole driveway and retaining up to 0.65m in an area of existing driveway that is not proposed to be excavated or retained. That appears they suggested that rather than permit a retaining wall as I seek that is on average 1.2 metres high and has minimal impact on the adjacent northern property for 3 meters at 1 to 1.5 meters high. I advised all the councillors of my want to meet on site. You, and some other councillors, indicated they would meet me on the site and have done so. I think that you accepted my layout proposal, which was a 50% compromise on the original

proposal. I have reduced the original wall height by 1.4m resulting in a design for steepened access (considerably more than I think it should be) and now the technical officers without consulting me as to practicability have suggested that a redesigned access is possible. Anything is possible but they propose an impractical outcome and considerable additional expense proving that to be the case on the speculation of that consideration. I am a Civil Engineer and am interested in compromise for the sake of getting an optimal outcome that results in good design. This proposed change is not resulting in an improved design. It seems the people I speak to have sought to ameliorate the possible future concerns of the neighbour at #30 Joel Terrace losing views.

Common Access

Gary appears to have been consulted more on the designs on my lot than I have. The technical officers met Caroline Cowan on site recently in my driveway of #36. By coincidence, I was there with a potential purchaser for 10 minutes just prior to that expected appointment. I hoped to see the officers too but they had gone when I was looking to see them. I may not be able to make the council meeting as I have a meeting with the Institute of Surveyors in my role as National Board member of the Engineers Australia, Civil College. I see that I will need to cancel that appointment.

Driveway Gradient:

The natural surface level of the common access driveway from Joel Terrace falls toward the east at a gradient of approximately 1 in 8 (12.6 per cent) for the first 40 metres. The ground then falls away sharply at a gradient of about 1 in 3 (33 per cent) for approximately 6 metres. It is at the edge of this area that I am proposing some cut (0.8m) and fill (0.8m) and to place the retaining wall. The 1.8m height of retaining wall doesn't actually happen. The wall is partly in the ground so its effective height is less than its constructed height.

In any case the level of the wall on the northern boundary is as I showed to Councillors Simon Chester, Caroline Cowan and Sally Lake; it is approximately 1.4m at the high end. Where the ground then appears to flatten off again is actually at the bottom of the retaining wall. I strongly suggest that the existing level of the driveway at 1 in 8 be maintained (not made steeper). This driveway provides access path for services (the water, electricity lines and gas lines) from Joel Terrace into the three strata lots. Those lines have been common trenched centrally in the driveway by my plumber to service the lots and were placed as per the regulations below the previously existing driveway. (It had to be dug up to put in the services). The Technical Officer proposal that it is possible to lower the access will impinge the cover on those services. The lowering of the access will potentially undermine the existing adjacent retaining walls of the lot for 30 Joel Terrace.

My proposal is for the existing access driveway that was in place when I purchased the lot (it was brick but was too slippery to walk down) is to be replaced in concrete or bitumen. The existing (previously brick-paved) drive way was 28meters from Joel Terrace to the rear truncation (fence on retaining wall) of 30 Joel Terrace. The driveway design is to then steepen as requested and that slope will need to transition to meet the now lower level of the proposed access road platform fronting lots 1 & 2 (where the sewer, and drainage sumps currently are). The Technical officers not only suggest that the road can be made steeper (without acknowledging all of the flow on practical impediments) at added costs but suggest that the sumps used to drain this access be further excavated into the water table. That will be totally impractical and the result provides no worthwhile outcome for drainage. They suggest that sumps be placed in the existing access pathway. There is nowhere in the existing driveway to provide a sump. It will be of little value in collecting rainwater drainage even if located in the driveway. You have seen the access. It is effectively 2.6m wide and side curbs on the driveway will contain the water and channel it into the proposed sumps. There needs to be a level area at the base of the driveway in which to place the drainage pits. Transitions from the driveway gradients proposed will not work and make this a very steep dangerous

driveway access. I will not accept responsibility for the hazardous slope where the council's officers have directed that result.

An existing 230 millimetres diameter vitreous clay (VC) sewer runs north / south just 0.5m east of the lot 3 boundary. The manhole is located 3.5 meters west of the western boundary of Lot 1. That VC line is currently 0.3m below the current ground level. The inspection chamber that is provided on the sewer main is located within the common access driveway. A 150 millimetres diameter PVC pipe (concrete encased) sewer runs west from the inspection chamber centrally along the common access for approximately 15 metres providing a sewer connection for Lot 1000. It lies within the common services trench.

The Officers examined whether the gradient of the common access could be changed to reduce the height of the proposed retaining walls on the northern boundary of the common access and the western boundary of Lot 2. There is NO wall proposed on the western boundary of Lot 2!!! The retaining wall runs on the Northern boundary of lot 1 only for 1 metre. It runs a further 2 meters on the common Lot 4 northern boundary. I have proposed that the retaining wall return (inside lot 1) parallel to lot 1/ lot 2 boundary to provide side support to the driveway.

Officers say that the gradient of the common access could possibly be designed in such a way that the maximum finished level of the proposed retaining walls could be reduced. I suggest that this speculation is not sound design and reject changing from the finished RL 7.20.

As the Officers stated, their proposal however require the installation of additional retaining for approximately 16 metres on the northern boundary of the common access to a maximum height of approximately 0.65 metre where in my proposal that additional retaining is not needed.

The officers are not aware of the located existing services and their proposal as outlined compromises that adequate cover (now 0.75 metre) over the existing sewer with excessive driveway gradients resulting.

Drainage

Lowering the access levels as outlined will have implications with regard to the proposed soak wells located in the common turning area. The proposal by the officers implies them being excavated a further 0.5 metre into the natural ground and they are currently into the natural ground water. It does not need a qualified consultant to know that this will simply reduce the holding capacity of the tanks and areas for soakage.

Adding additional soak wells along the centre of the common access from Joel Terrace is not practicable and suggesting that the pavement be designed with a 'v' cross section grading to the centre is not needed to enable stormwater run off to be captured as at the current 1 in 8 slope the water will quickly find the lowest point on the pathway, particularly as there are proposed to be curbs to channel it into the currently positioned soak wells positioned at the level area of the driveway. The full length of the common access is in total 48 meters. That is far less than the distance between drains in any roadway where the runoff is far greater..

Manoeuvring of Vehicles

The applicant has indicated that the entrance to proposed Strata Lot 3 will be a minimum of 3 metres wide as requested. The applicant has advised that manoeuvring of vehicles will be accomplished within the proposed strata lots and common access to ensure vehicles leave in forward gear. That is something that will nevertheless be assessed at development approval stage for future developments on the strata lots."

The applicant submission received on 6 August 2004 is noted, and the previous Officer Recommendation remains unchanged.

FURTHER REPORT:

The Council at its Ordinary Meeting held on 13 July 2004 resolved to defer the application for proposed retaining walls to vacant residential site to address issues raised in debate including hydrology in relation to soakwells, retaining wall drainage details, driveway gradients and manoeuvring of vehicles.

Councillor Simon Chester also requested that the following condition/clause (ii) be added to the Officer Recommendation.

"the Council ADVISES the applicant/owner of the subject property of all of the Town's Technical Services findings and comments detailed in this report."

Technical Services Comments

Common Access Gradients

The natural surface level of the common access from Joel Terrace falls toward the east at a gradient of approximately 1 in 8 (12.6 per cent) for the first 40 metres. The ground then falls away sharply at a gradient of about 1 in 3 (33 per cent) for approximately 6 metres and then flattens off again at varying grades to the eastern boundary of the allotments 1 and 2.

An existing 230 millimetres diameter vitreous clay (VC) sewer runs north / south just inside the western boundary of Lot 1 with an inspection chamber located on the sewer just south of the northern boundary of the common access. A 150 millimetres diameter PVC sewer runs west from the inspection chamber along the common access for approximately 15 metres providing a sewer connection for Lot 1000.

The Officers examined whether the gradient of the common access could be changed to reduce the height of the proposed retaining walls on the northern boundary of the common access and the western boundary of Lot 2.

After examining various scenarios, it is considered that the gradient of the common access could possibly be designed in such a way that the maximum finished level of the proposed retaining walls (mentioned above) could be reduced from RL 7.20 to RL 6.75, a reduction in height of 0.45 metre. This would however, require the installation of additional retaining for approximately 16 metres on the northern boundary of the common access to a maximum height of approximately 0.65 metre as this portion of the common access would need to be lowered to achieve the required gradient.

The proposal as outlined above ensures that adequate cover (greater than 0.75 metre) would be maintained over the existing sewer with acceptable driveway gradients achieved.

Drainage

Lowering the access levels as outlined may have implications with regard to the proposed soak wells located in the common turning area, as they would need to be excavated at least 0.5 metre into the natural ground and their effectiveness may be affected by natural ground water. This would need to be determined by a qualified consultant engaged by the applicant.

It is also suggested that a number of additional soak wells should be installed along the centre of the common access from Joel Terrace and that the pavement be designed with a 'v' cross section grading to the centre at approximately 2 to 3 per cent to enable stormwater run off to be captured by the additional soak wells positioned along the length of the common access. Again this would need to be determined by a qualified consultant engaged by the applicant.

The above suggestions are outlined on the attached sketch plans entitled '*Technical Services Response to Elected Members Comments*'.

Manoeuvring of Vehicles

The applicant has indicated that the entrance to proposed Strata Lot 3 will be a minimum of 3 metres wide as requested, and has further advised that manoeuvring of vehicles will be accomplished within the proposed strata lots and common access to ensure vehicles leave in forward gear. This will need to be further assessed at development approval stage for future developments on the strata lots.

Further Comments from the Applicant

The following is provided by the applicant in addressing the issues raised by Council at its Ordinary Meeting held on 13 July 2004:

"I note that the application for retaining walls on my property has been under consideration since January 2004. The current application is to construct retaining walls only, along the northern property boundary, and at a 1 metre setback from the proposed internal survey strata boundaries of lot 1 and the common lot 4. This will allow the common property area (driveway) to be constructed on site, as determined by the subdivision conditionally approved by the Western Australian Planning Commission on 22 January 2004. I have been seeking to comply with that approval since that time and with the advice of the Town of Vincent.

Proposed Retaining Wall from the River

Vincent staff have indicated that the retaining wall that runs parallel to the river has no visual impact from the river. The area permits potential development of two-storey dwellings on proposed lots 1 and 2 that will screen the retaining wall.

The height of the proposed retaining wall above natural ground level ranges from 0.2 metres to 1.7 metres. A two-storey dwelling up to 6 metres high to the top of the wall and 9 metres to the top of the roof pitch could be built on the subject land and comply.

Visual Impact of the Proposed Retaining Wall Along the Northern Boundary

The proposed retaining wall will be up to 1.8 metres high from the natural ground level on this boundary. The adjacent neighbour's garden area is at that level and is currently retained back from the boundary. The affected neighbour has not objected to the proposed retaining wall in this location. It is possible that the area between the two boundary retaining walls could be filled to eliminate the impact of there being any differences between the properties at the boundary.

The existing slope in this area is considered to be relatively steep, with a fall of 2.5 metres over an 8 metre distance. The height of the proposed retaining wall follows this slope and accordingly only a small portion of retaining wall is required at this maximum height of 1.8 metres. The height of retaining wall as proposed has been suggested as a compromise on what was initially proposed in January 2004.

TOV officers have already indicated that this retaining wall is supportable.

Swan River Trust Comments

The Swan River Trust recommendations are reflected in the TOV Officer Recommendation. The TOV officers have additionally imposed a condition requiring certification from a certified practising engineer that the proposed retaining walls will be adequate. The Engineer (Paul Terpkos) designed the retaining using geo-technical input from UTS (who provided a geo-technical report that included information in relation to the height of the ground water at the property). I note that all these items were submitted several times to TOV in relation to the retaining wall (Please find attached the report by UTS).

Technical Services Comments

The design of any potential new dwelling on the site will include consulting advice of an independent certified practising engineer. Before that can happen the strata subdivision will have to be approved and that rests with getting the services onto the land. In regard to the proposed retaining walls standard drainage details will be provided for the retaining wall at the time of building license, as is a standard condition of approvals. The level of the water table is evident from the plans and advice from UTS. The base of the wall will be above the water table. It is usual practice for subsurface drainage, and my consultant certified practising independent engineer would identify that. The proposed soak wells are well in excess of the required capacity for the driveway runoff.

In regard to the design of the future development on the proposed lots:

- The vehicular entrance to proposed strata Lot 3 will be a minimum of 3 metres wide; and*
- Manoeuvring of vehicles to be accomplished within the proposed strata lots and common property such that vehicles can leave the property in forward gear.*

The Town's Planning Officers have already stated that the height of the retaining walls within the common property can potentially facilitate appropriate car parking and development on proposed Lot 1 when designing any proposed dwelling and associated car-parking configuration.

When a Planning Application is received for the development of proposed strata Lot 1, it would be assessed on its merits in accordance with the R Codes and the Town's Policies applicable at that time.

Summary

Accordingly, the Town's Planning Officers recommended that the application be approved, subject to the standard conditions to address the above matters.

The issues raised in debate that you requested comment on included:

- a. Hydrology in relation to soak wells: The soak wells have to cater for run-off from common lot 4 only. They exceed the needed capacity. The two soak wells are 1.8 metres in diameter. and 2.4 metres deep with trafficable lids. The area of lot 4 is 190 sq. metres.*
- b. The retaining wall drainage details were initially designed for a wall of 2.7 metres in height. Geo-technical mesh, stone and piping will be used where appropriate and needed. As the proposed occupier of strata lot 1, I am very conservative about the retention capacity and drainage requirements of the wall.*
- c. The driveway gradients have taken the existing natural land gradient. While the gradient is significantly steeper than the initially rejected proposal it has been made to comply with the suggestion/ recommendations and requests previously made to me by TOV officers.*
- d. The issue of manoeuvring of vehicles is restricted somewhat by the previous driveway access of 3 metres approved for this lot where I would potentially be able to build group of 5 units that would be possible within the 955 sq. meters lot area at the existing R60 zoning.*
- e. Nothing has changed on the land since the previous owner who subdivided this vacant land at the rear of 30 Joel Terrace, East Perth. That owner's application for the access drive had been approved and I am seeking to use the land as intended within the TOV approved residential uses. The proposed 3 strata lot actually underdevelops the potential zoning of R60. All these matters are addressed in the recommendations of the TOV staff reports."*

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 13 July 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 APPROVES the application submitted by the owner BR Tonkin for Proposed Retaining Walls on Vacant Residential Site, at No. 36 (Lot 379) Joel Terrace, East Perth, and as shown on plans stamp-dated 3 May 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) a Certified Practising Consulting Engineer's certification as to the capability of the subject site and adequacy of the proposed retaining wall and foundations for the retaining wall, taking into account the hydrogeological composition, ground water movement through the site, and history of the site, shall be submitted to and approved prior to the issue of a Building Licence;*
- (iii) subject to first obtaining the consent of the owners of No. 38 Joel Terrace for entry onto their land the owners of the subject land shall finish and maintain the surface of the retaining wall facing No. 38 Joel Terrace in a good and clean condition;*
- (iv) 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;*
- (v) a road and verge security deposit bond and/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;*
- (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 all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (vii) no development, including fill, building materials, rubbish or any other delirious matter shall be deposited on the Parks and Recreation Reserve;*
- (viii) before development commences, a site assessment shall be undertaken to the satisfaction of the Swan River Trust on advice from the Department of the Environment to determine whether acid sulphate soils are present on the land and if present, their extent and severity. If the site is found to contain acid sulphate soils, an acid sulphate soil management plan shall be submitted to and approved by the Swan River Trust on advice from the Department of the Environment; and*
- (ix) any subsequent proposed development on the property shall comply with the relevant development requirements of the Town's Town Planning Scheme No.1 and associated Policies and the Residential Design Codes, and it is not to be assumed that the Town will support variations to the requirements;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted subject to the existing recommendation be renumbered to clause (1)(i) to (ix) and a new clause (2) inserted as follows:

"(2) the Council ADVISES the applicant/owner of the subject property of all of the Town's Technical Services findings and comments detailed in this report."

Cr Torre returned to the Chamber at 7.18pm.

Debate ensued.

Cr Farrell departed the Chamber at 7.20pm.

COUNCIL DECISION ITEM 10.1.9

Moved Cr Ker, Seconded Cr Doran-Wu

That the Item be DEFERRED to address issues raised in debate including hydrology in relation to soakwells, retaining wall drainage details, driveway gradients and manoeuvring of vehicles.

Debate ensued.

Cr Farrell returned to the Chamber at 7.23pm.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

ADDITIONAL INFORMATION:

Plans

Plans stamp dated 12 July 2004 are attached and indicates in more detail the height of the retaining walls, soak wells and finished ground levels (contours) that are proposed as part of this application.

Height of Proposed Retaining Wall Parallel to River/East Boundary

The top of the eastern retaining wall ranges from 1.7 metres to 1.8 metres above the existing ground level.

There is also a small retaining wall (twin side) proposed along the southern boundary of proposed Lot 2, which will have a maximum height of 0.6 metre above the existing ground level.

Height of Proposed Retaining Wall Along the Northern Boundary

The top of the northern retaining wall ranges from 0.2 metre to 1.7 metres above the existing ground level.

Height of Existing Soak Wells

The two (2) existing soak well structures currently protrude approximately 1.0 metre above the existing ground level (refer to attached photographs). A recent level check by the Town's Officers revealed that the finished level (FL) of the soak well lids will be approximately 0.20 metre below the FL of the proposed retaining walls.

<i>Landowner:</i>	<i>BR Tonkin</i>
<i>Applicant:</i>	<i>BR Tonkin</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R60</i>
<i>Existing Land Use:</i>	<i>Vacant Land</i>
<i>Use Class:</i>	<i>Single House</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>943 square metres</i>

COMPLIANCE:

<i>Requirements</i>	<i>Required</i>	<i>Proposed</i>
<i>Site Works</i>	<i>Excavation or fill to retain the visual impression of the natural ground level of a site as seen from public place or adjoining properties.</i>	<i>Retaining walls proposed on northern boundary and along internal proposed lot boundaries to a maximum height of 1.8 metres.</i>
	<i>Retaining walls designed or setback to minimise the impact on adjoining property.</i>	<i>Retaining wall proposed with nil setback to northern boundary.</i>

SITE HISTORY:

16 January 2004 A development application for a three storey grouped dwelling and retaining walls was received for the subject property.

22 January 2004 The Western Australian Planning Commission conditionally approved the subdivision of No. 36 (Lot Pt 379) Joel Terrace, East Perth, into three survey strata lots, two of the lots fronting the recreational reserve with proposed strata Lot 1 having a land area of 283 square metres, proposed strata Lot 2 having a land area of 285 square metres, and proposed strata Lot 3 being a square lot of 208 square metres, with a common property access leg of 167 square metres.

Advice notes from the Western Australian Planning Commission (WAPC) in relation to the subdivision are as follows:

- "1. This advice only relates to subdivision only. Any works such as retaining walls of (or) filling of the side (site) will require further consideration by the Swan River Trust.*
- 2. Future development of lots that are likely to impact the Swan River Trust management area will be subject to Swan River Trust development policies. This includes the Trust's development setback requirements in accordance with the Trust Policy SRT/D3, requiring 10 metres or 20% of the average depth of the lot, whichever is the lesser from the landward boundary of the Parks and Recreation reservation.*

3. *The Swan River Trust Stormwater Disposal Policy precludes the discharge of stormwater directly into the Swan River or into the Swan River Trust Management Area without the approval of the Trust."*

27 April 2004

The Council at its Ordinary Meeting resolved to refuse the application for proposed retaining walls and two-storey grouped dwelling at the subject site for the following reasons:

- "1. *Does not comply with bulk, scale and setbacks.*
2. *Complaints received.*
3. *Loss of amenity."*

4 May 2004

The Swan River Trust advised as follows:

"The Board resolved to advise the Town of Vincent that it supports their refusal of the Two Storey Single House and Associated Retaining Walls at Lot 379, 36 Joel Terrace East Perth WA 6004, as described in plans received by the Trust dated 6 April 2004 for the following reasons:

1. *The proposed development will detract from the amenity for the riverscape by virtue of its close proximity to the foreshore and the waters of the Swan River.*
2. *The proposed development is excessive in scale and bulk and will have detrimental visual impact on the adjacent foreshore and riverine environment."*

3 May 2004

Current application for retaining walls received by the Town.

19 May 2004

Application referred to the Swan River Trust and the Department for Planning and Infrastructure for comment.

3 June 2004

Community Consultation commenced for a two week period.

DETAILS:

The current application is to construct retaining walls only, along the northern property boundary, and along the proposed internal survey strata boundaries. This will allow the common property area (driveway) to be constructed on site, as determined by the subdivision conditionally approved by the Western Australian Planning Commission on 22 January 2004.

CONSULTATION/ADVERTISING:

The proposal was advertised for a two week period in accordance with the Residential Design Codes and the Town's Community Consultation Policy.

One objection was received regarding the proposal, raising concerns regarding the level of the common property that the retaining walls will be supporting, and the impact of that level for any future development occurring on the proposed survey strata Lots 1 and 2.

The submission also raised concerns that the soak wells and manhole to the sewer main have already been installed, and that this will be taken into account when determining the appropriate level for the retaining walls.

The proposal was also referred to the Swan River Trust for comment. The Swan River Trust advised that they have no objection to the proposed retaining walls subject to the following conditions:

1. *No development including fill, building materials, rubbish or any other deleterious matter shall be deposited on the Parks and Recreation reserve.*
2. *Stormwater drainage shall be contained on site or connected to the local government drainage system in accordance with Swan River Trust Stormwater Disposal Policy (SRT/D4).*
3. *The Swan and Canning river systems have been identified as having potential acid sulphate soils. Before development commences, a site assessment shall be undertaken to the satisfaction of the Swan River Trust on advice from the Department of the Environment to determine whether acid sulphate soils are present on the land and if present, their extent and severity. If the site is found to contain acid sulphate soils, an acid sulphate soil management plan shall be submitted to and approved by the Swan River Trust on advice from the Department of the Environment."*

The Swan River Trust also provided advice to the Town of Vincent as follows:

"The Town is advised that Water and Rivers Commission consultant engineers have highlighted the issue concerning groundwater flow being impeded by the water proof membrane on the riverside retaining wall and also the affect this aspect may have on the stability and integrity of the retaining wall. Further information should be obtained regarding this issue and that of groundwater drainage on the site."

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:

Visual Impact of the Proposed Retaining Wall from the River

In this instance, the retaining wall that runs parallel to the river is unlikely to have any visual impact from the river, as the potential development of two-storey dwellings on proposed lots 1 and 2 will screen the retaining wall.

The height of the proposed retaining wall above natural ground level ranges from 0.2 metre to 1.7 metres. An average two-storey dwelling can be up to 6 metres high to the top of the wall and 9 metres to the top of the roof pitch, therefore the retaining wall will not be visible.

Visual Impact of the Proposed Retaining Wall Along the Northern Boundary

The proposed retaining wall will be up to 1.8 metres high from the natural ground level on this boundary. This will be adjacent to the neighbour's garden area. The affected neighbour has not objected to the proposed retaining wall in this location.

The existing slope in this area is considered to be relatively steep, with a fall of 2.5 metres over a 8 metres distance. The height of the proposed retaining wall follows this slope and accordingly only a small portion of retaining wall is required at this maximum height of 1.8 metres.

Accordingly, this retaining wall is considered supportable.

Swan River Trust Comments

The conditions provided by the Swan River Trust are noted, and accordingly, they are reflected in the Officer Recommendation.

It is also recommended that a specific condition be imposed requiring certification from a certified practising engineer that the proposed retaining walls will be adequate, particularly in relation to potential ground water movement through the property, and potential accumulation behind the retaining wall.

Technical Services Comments

The Town's Technical Services have advised that due to the constraints of the site, including, slope and water table, the design of any potential new dwelling, need to occur in cooperation with the Town and will need the expertise of an independent certified practising engineer.

In regard to the proposed retaining walls, the Town's Technical Services advises that no drainage details are identified for the retaining wall, and there may be the need for subsurface drainage, or other method as identified by a certified practising independent engineer, to be incorporated into the design, taking into account potential ground water movement through the property,

The Town's Technical Officers advise that the proposed soak wells may not work due to the level of the ground water in the area, and alternative means of storm water disposal may need to be investigated.

The Town's Technical Services advise the following preliminary advice in regard to the design of the future development on the proposed lots:

- The vehicular entrance to proposed strata Lot 3 needs to be increased to a minimum of 3 metres wide; and*
- Manoeuvring of vehicles to be accomplished within the proposed strata lots and/or common property in accordance with the current standards, or alternative measures, such as easements for vehicular access may be necessary to facilitate so that vehicles can leave the property in forward gear.*

Objector's Comments

The concerns of the objector are noted. However, it is not considered appropriate that the application for retaining walls be refused on the grounds that future development on proposed survey strata Lot 1 may not be appropriate.

The Town's Officers believe that the height of the retaining walls within the common property, can potentially facilitate appropriate car parking and development on proposed Lot 1 without requiring variations to building height requirements of the Residential Design Codes (R Codes) and the Town's Policies, provided they consult and comply with the requirements of the Town's Technical Services and Planning and Building Services when designing any proposed dwelling and associated car parking configuration.

When a new Planning Application is received for the development of proposed strata Lot 1, it will be assessed on its merits in accordance with the R Codes and the Town's Policies applicable at that time.

Summary

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

10.1.5 Unit 1 No(s). 495 (Lot(s) Y72, Strata Lot No. 1) Charles Street, North Perth - Proposed Patio Additions to Existing Grouped Dwelling

Ward:	North	Date:	2 August 2004
Precinct:	North Perth; P8	File Ref:	PRO1174; 00/33/2220
Attachments:	001		
Reporting Officer(s):	T Durward		
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 provisions of the Metropolitan Region Town Planning Scheme Act 1959, the Council RECOMMENDS SUPPORT to the Western Australian Planning Commission, the application submitted by Poulter Installations on behalf of the owner S Stennett for proposed Patio Additions to Existing Grouped Dwelling, at Unit 1 No(s). 495 (Lot(s) Y72, Strata Lot No. 1) Charles Street, North Perth, and as shown on plans stamp-dated 4 May 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. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (iii) the patio shall be one hundred (100) per cent open on all sides and at all times, except where it abuts the existing grouped dwelling; and*
- (iv) 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;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.5

Cr Torre returned to the Chamber at 9.00pm.
Cr Franchina departed the Chamber at 9.00pm.

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (7-1)

For
Mayor Catania
Cr Cohen
Cr Doran-Wu
Cr Farrell
Cr Ker
Cr Lake
Cr Torre

Against
Cr Chester

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

Landowner:	S Stennett
Applicant:	Poulter Installations
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R60
Existing Land Use:	Grouped Dwelling
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	549 square metres

COMPLIANCE:

Requirements	Required	Proposed *
Plot Ratio	N/A	N/A
Outdoor Living Areas	Minimum dimension of 4 metres	Dimension of 1.36 metres
Outdoor Living Areas	At least 2/3 (67 per cent) without permanent roof cover	44 per cent
Street Setback (Patio)	4 metres	1.36 metres

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

BACKGROUND:

26 June 2001 Application for proposed patio addition to grouped dwelling granted conditional approval at the Ordinary Meeting of Council held on 26 June 2001.

30 April 2004 Application submitted for development approval - proposed patio addition to grouped dwelling.

DETAILS:

The subject site is occupied by three brick and tile grouped dwellings. Approval is sort for a patio addition to the courtyard within the primary street setback area of the front grouped dwelling (Unit 1). The subject site is located within Planning Control Area No. 54: Charles Street, North Perth. This application therefore requires the approval of the Town under Town Planning Scheme No. 1, the approval of the Western Australian Planning Commission under the Metropolitan Region Town Planning Scheme Act 1959.

CONSULTATION/ADVERTISING:

No objections were received during the advertising period. Two (2) letters of support (from the owners of Units 2 and 3 No. 495 Charles Street) were submitted with the application.

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:

Charles Street Setback

The variation in the front setback area is considered supportable as the premise on the adjoining property to the north is a shop front with a nil setback to the street alignment. The building to the south is setback approximately 25 metres from Charles Street. The patio will be obscured by an existing front fence and is not considered that it will have an undue negative impact on the amenity of the streetscape and surrounding area.

Outdoor Living Areas

The variations to the courtyard area requirements are considered supportable as the patio provides shade to an otherwise limited inhabitable area for most of the day due to the proximity of the area to the sun. If the minimum dimension was enforced on this property, it would not be feasible to build a patio as there is no room at the rear of the property; where the carport and storeroom are located. There are also constraints caused and therefore variations to the Residential Design Code requirements with regard to building in the front setback area. The front setback is 3.640 to 5.6 metres, and as outlined above, building the patio within this area is not considered to negatively impact on the surrounding area. The front setback area is the only available outdoor living area available to the applicant to build a patio, and as the subject site still complies with the requirement for 16 square metres of outdoor living area, in this instance, it is considered a supportable variation to the Residential Design Codes.

Summary

The proposed patio addition subject to this application is of the same dimension, height and shape as previously approved by the Council at its Ordinary Meeting held on 26 June 2001. On the above basis, the patio is considered acceptable development, subject to standard and appropriate conditions to address the above matters.

10.1.7 No(s). 742 (Lot (s) 30) Newcastle Street & Vincent Street, Leederville - Proposed Demolition of Existing Canopy, Alterations and Additions to Existing Hotel

Ward:	South	Date:	3 August 2004
Precinct:	Oxford Centre, P4	File Ref:	PRO0630; 00/33/2169
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	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 Gage Roads Management on behalf of the owner Pent Pty Ltd & Others for proposed Demolition of Existing Canopy, Alterations and Additions to Existing Hotel, at No(s). 742 (Lot(s) 30) Newcastle Street and Vincent Street, Leederville, and as shown on site plan and area schedule dated 1 April 2004, and the revised elevations and floor plans stamp-dated 16 June 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) a detailed management plan that addresses the control of noise, traffic, car parking, litter and antisocial behaviour (to reasonable levels) associated with the exiting, proposed development and associated usage of the balconies shall be submitted and approved prior to the first occupation of the development, and thereafter implemented and maintained;*
- (iii) prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) reduction in the overall floor space proposed by 1.2 square metres; and*
 - (b) one (1) additional door opening permitted to the ground floor facing Newcastle Street frontage.*

The revised plans shall not result in any greater variation to the requirements of the Town Planning Scheme No.1 and the Town's Policies;

- (iv) the balcony supports along the Newcastle Street verge frontage shall be 0.6 metre from the kerb face;*
- (v) no live or amplified entertainment/music/noise shall occur in the balcony area;*
- (vi) no increase in the overall maximum accommodation numbers as a result of the proposed reconfiguration of public floor area, including the proposed balconies;*

- (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 with all cost associated the removal and replacement shall be borne by the applicant/owner(s);*
- (viii) *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; and*
- (ix) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction and traffic access via Newcastle Street and Vincent Street, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (x) *all practicable measures are to be taken to minimise sharps being discarded in the car park areas, surrounding areas and from the balconies;*
- (xi) *doors and windows and adjacent floor areas fronting Newcastle Street shall maintain an active and interactive relationship with this street;*
- (xii) *a quality archival documented record of the place including photographs, floor plans and elevations), for the Town's Historical Archive Collection shall be submitted to the satisfaction of the Town and approved prior to the issue of a Demolition Licence and or Building Licence;*
- (xiii) *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;*
- (xiv) *compliance with all relevant Environmental Health, Engineering and Building requirements, including provision of access, car parking and facilities for people with disabilities;*
- (xv) *a road and verge security bond or bank guarantee of \$6930 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;*
- (xvi) *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;*
- (xvii) *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*

- (xviii) *owners obtaining the necessary approval from the Department For Planning and Infrastructure in relation to the balcony extensions within the Newcastle Street Road Reserve, prior to the issue of a Building Licence;*
- (xix) *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"; and*
- (xx) *a detailed landscaping and floodlighting plan for the car parking area, including a schedule of shade trees with a minimum of 1 semi-mature tree per 4 car bays and appropriate floodlighting in accordance with the Australian Standards and the Town's Local Law relating to Floodlighting, 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);*
- (xxi) *The hours of operation for the balcony area shall be limited to as follows:*
- Monday-Thursday: midday to midnight;
Friday: 11am – midnight;
Saturday: midday – midnight; and
Sunday: midday to 10pm.*
- However, should justifiable complaints be received, the hours of operation may be further restricted to an appropriate time;*
- to the satisfaction of the Chief Executive Officer.*
-

Moved Cr Lake, Seconded Cr Ker

That the recommendation be adopted subject to:

1. *clauses (iv) and (xviii) being amended to read as follows:*
 - "(iv) the balcony ~~supports~~ along the Newcastle Street verge frontage shall be a minimum of 0.6 metre from the kerb face;*
 - ~~(xviii) owners obtaining the necessary approval from the Department For Planning and Infrastructure in relation to the balcony extensions within the Newcastle Street Road Reserve, prior to the issue of a Building Licence;~~
 - (a) prior to the issue of a Building Licence, the written approval of the Minister for Lands or the Western Australian Planning Commission, whichever is appropriate, for the encroachment of the structure(s) over the adjacent Crown land, including roads, shall be obtained and submitted to and approved by the Town;*
 - (b) Any agreement(s) or arrangement(s) between the property owner(s) and the Minister for Lands or the Western Australian Planning Commission shall indemnify and keep indemnified the Town from and against all actions, claims, costs, proceedings, suits and demands whatsoever in relation to the structure(s) encroaching over the adjacent Crown land, including roads; and*

(c) Should the proposed balconies within the road reserve no longer be provided, then the revised Building Licence application plans shall be submitted and approved demonstrating the provision of continuous awnings over the Newcastle Street footpath in accordance with the Town's 'Oxford Centre' Policy;"

2. a new clause (xxii) being added as follows:

"(xxii) the development and any openings to the balconies 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;"

Debate ensued.

CARRIED (8-0)

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

COUNCIL DECISION ITEM 10.1.7

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Gage Roads Management on behalf of the owner Pent Pty Ltd & Others for proposed Demolition of Existing Canopy, Alterations and Additions to Existing Hotel, at No(s). 742 (Lot(s) 30) Newcastle Street and Vincent Street, Leederville, and as shown on site plan and area schedule dated 1 April 2004, and the revised elevations and floor plans stamp-dated 16 June 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) a detailed management plan that addresses the control of noise, traffic, car parking, litter and antisocial behaviour (to reasonable levels) associated with the exiting, proposed development and associated usage of the balconies shall be submitted and approved prior to the first occupation of the development, and thereafter implemented and maintained;***
- (iii) prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the following:***
 - (a) reduction in the overall floor space proposed by 1.2 square metres; and***
 - (b) one (1) additional door opening permitted to the ground floor facing Newcastle Street frontage.***

The revised plans shall not result in any greater variation to the requirements of the Town Planning Scheme No.1 and the Town's Policies;

- (iv) the balcony along the Newcastle Street verge frontage shall be a minimum of 0.6 metre from the kerb face;*
- (v) no live or amplified entertainment/music/noise shall occur in the balcony area;*
- (vi) no increase in the overall maximum accommodation numbers as a result of the proposed reconfiguration of public floor area, including the proposed balconies;*
- (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 with all cost associated the removal and replacement shall be borne by the applicant/owner(s);*
- (viii) 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; and*
- (ix) prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction and traffic access via Newcastle Street and Vincent Street, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (x) all practicable measures are to be taken to minimise sharps being discarded in the car park areas, surrounding areas and from the balconies;*
- (xi) doors and windows and adjacent floor areas fronting Newcastle Street shall maintain an active and interactive relationship with this street;*
- (xii) a quality archival documented record of the place including photographs, floor plans and elevations), for the Town's Historical Archive Collection shall be submitted to the satisfaction of the Town and approved prior to the issue of a Demolition Licence and or Building Licence;*
- (xiii) 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;*
- (xiv) compliance with all relevant Environmental Health, Engineering and Building requirements, including provision of access, car parking and facilities for people with disabilities;*
- (xv) a road and verge security bond or bank guarantee of \$6930 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;*
- (xvi) 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;*

- (xvii) *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*
- (xviii) (a) *prior to the issue of a Building Licence, the written approval of the Minister for Lands or the Western Australian Planning Commission, whichever is appropriate, for the encroachment of the structure(s) over the adjacent Crown land, including roads, shall be obtained and submitted to and approved by the Town;*
- (b) *Any agreement(s) or arrangement(s) between the property owner(s) and the Minister for Lands or the Western Australian Planning Commission shall indemnify and keep indemnified the Town from and against all actions, claims, costs, proceedings, suits and demands whatsoever in relation to the structure(s) encroaching over the adjacent Crown land, including roads; and*
- (c) *Should the proposed balconies within the road reserve no longer be provided, then the revised Building Licence application plans shall be submitted and approved demonstrating the provision of continuous awnings over the Newcastle Street footpath in accordance with the Town's 'Oxford Centre' Policy;"*
- (xix) *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";*
- (xx) *a detailed landscaping and floodlighting plan for the car parking area, including a schedule of shade trees with a minimum of 1 semi-mature tree per 4 car bays and appropriate floodlighting in accordance with the Australian Standards and the Town's Local Law relating to Floodlighting, 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);*
- (xxi) *The hours of operation for the balcony area shall be limited to as follows:*
- Monday-Thursday: midday to midnight;*
Friday: 11am – midnight.;
Saturday: midday – midnight; and
Sunday: midday to 10pm.
- However, should justifiable complaints be received, the hours of operation may be further restricted to an appropriate time; and*

(xxii) *the development and any openings to the balconies 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;*

to the satisfaction of the Chief Executive Officer.

Landowner:	Pent Pty Ltd & Others
Applicant:	Gage Roads Management
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: District Centre
Existing Land Use:	Hotel
Use Class:	Hotel
Use Classification:	"SA"
Lot Area:	2683 square metres

COMPLIANCE:

Requirements	Required	Proposed
Car parking	383 car bays	81 car bays

Requirements	Required	Proposed *
Plot Ratio	N/A	N/A

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

BACKGROUND

- 23 August 1999 Council at its Ordinary Meeting conditionally approved the additions of eating house and tavern to existing hotel and alterations and additions to existing bottle shop (Leederville Hotel).
- 12 December 2001 Council at its Ordinary Meeting approved alterations and additions to the existing hotel, tavern, eating house and bottle shop.
- 28 May 2002 Council at its Ordinary Meeting refused an application for alfresco dining on the footpath within the Newcastle Street Road Reserve.
- 25 June 2002 Council at its Ordinary Meeting conditionally approved alterations and additions to the existing hotel and associated car parking.
- 7 October 2003 Council at its Ordinary Meeting resolved to support the Leederville Hotel written submission for Extended Trading Permit, not support on-going extended trading hours, and that the Director of Liquor Licensing be advised that due consideration be given to the objection received by the Town.

22 June 2004 Council at its Ordinary Meeting resolved to amend the "Land Use Parking Requirement Table" which involved increasing the car parking requirements for hotel from 1 car bay per 4.5 square metres of gross public assembly floor area to 1 space per 3.8 square metres of public floor area or 1 space per 4.5 persons of maximum number of persons approved for the site, whichever is greater.

SITE HISTORY:

The Leederville 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 for development was granted at the Ordinary Meeting of Council held on 25 June 2002 for proposed additions and alterations and associated car parking to existing hotel. Car parking at that time was assessed as follows:

Requirements	Required	Proposed
Car parking	395 car bays*	85 car bays

**In accordance with the former Minister for Planning determination dated 22 September 1996, the existing historic car parking shortfall is 366 bays and has been taken into account in determining the car parking requirements for the proposed development.*

Following is a verbatim copy of the officer comments from the report to the Ordinary Meeting of Council on 25 June 2002 (Item 10.1.10).

"Parking

In 1996, the (former) Minister for Planning considered an appeal against the Council's refusal of proposed alterations and additions to the existing hotel. In a letter dated 22 September 1996 the Minister determined that the hotel has a historic car parking shortfall of 366 bays, and consequently upheld the appeal and approved that proposal."

DETAILS:

The applicant seeks approval for the alterations and additions to improve the internal and external appearance of the hotel. The applicant has submitted the following information (attached) in support of the proposal, which is summarised as follows:

- Refurbishment of the ground floor interiors, which will complement redecorations completed on the first floor. Involves reconfiguration of existing patron areas and to ensure overall patron areas are not increased. The intent is to upgrade facilities for patrons.
- Construction of new male and female toilets.
- Removal of the existing canopy along the Newcastle Street frontage. Re-attachment of balconies on the Newcastle façade and the other to the rear garden area of the hotel. The balconies have been designed to improve and enhance the streetscape and retail strip of Leederville. The Department for Planning and Infrastructure have advised that they are satisfied with the balcony along Newcastle Street, which is over the street verge. However, prior to signing the MRS Form, the DPI have advised that they will require the Town's determination before entering into a commercial agreement with the owners of the above site.
- No increase to the number of patrons is proposed with this application.
- There are no rooms currently being used for hotel accommodation.

- The balconies are to be used in association with the current operating hours of the Hotel, which are :
Monday – Thursday: midday to midnight;
Friday: 11am – midnight in beer garden, (11am to 1am inside);
Saturday: midday – midnight in beer garden, (midday to 1am inside); and
Sunday: midday to 10pm in beer garden, (midday to 1am inside).
The extended hours are in brackets, and are approved until 11 March 2006.

AREA SCHEDULE	Deleted area (m ²)	Extra area (m ²)
Ground floor		
New stairs	12.4	
New amenities	80.0	
New toilets	26.0	
New floor space		34.4
New safe room	10.3	
Total	128.7 square metres	34.4 square metres
Total net reduction 94.3 square metres		
First floor		
Front balcony		57.4
Removed balcony	35.5	
De-licenced area	36.6	
Back Balcony		110.2
Total	72.1 square metres	167.6 square metres
Total net addition 95.5 square metres		
Total net alterations = 1.2 square metres		

CONSULTATION/ADVERTISING:

The proposal was advertised for 21 days as part of the "SA" advertising requirements. No submissions were received during the advertising period.

The applicant has consulted with Officers from the Department For Planning and Infrastructure (DPI) in relation to one of the two proposed balconies which is to be constructed over the Newcastle Street Road Reserve. A copy of the DPI's letter dated 24 March 2004 to the applicant (attached) is summarised as follows:

- DPI would be supportive of the balcony subject to acceptance of a commercial lease agreement, with all cost borne by the owners.; and
- DPI would sign the MRS Form 1 once the Town has confirmed support of the proposal.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Heritage

Leederville Hotel was entered into the Town's Municipal Heritage Inventory in 1995. The interior is considered to have low to moderate authenticity due to incremental changes. The external facade is considered to have a greater level of authenticity. Fenestration and details, though obscured by unsympathetic paint layers, has remained largely intact. The orientation and original appeal of the hotel, being a prominent open corner presence, has also been diminished with the infill of adjacent buildings and services.

The proposed works involved the removal of the box canopy and the construction of a steel and glass balcony to the Newcastle Street elevation. Some internal demolition works to toilet services and other service areas are also proposed, though these are not considered to affect the significance of the building.

The applicant was dissuaded from proposing new openings in the form of bi-folding doors to the ground level. This was considered to affect the integrity of the original symmetry and Federation design of the building. The alterations to the upper storey fenestration to facilitate access onto the balcony is considered an acceptable compromise. The balcony design itself does not replicate a conjectural design but provides a relatively lightweight, transparent structure. The revised plans showing the adaptation of the existing windows along the front facade at ground level of the hotel is not supported. Significant alterations to the first floor fenestration, new balcony and other incremental changes have previously been supported on the basis that the original facade and its fenestration should remain intact. Given that the primary original entrance at the truncated corner of the building is now somewhat obscured as a result of subsequent adjacent building, it is recommended that one(1) additional opening to the ground floor facade may be permitted, with the location and design being approved by the Town prior to the issuing of a Building Licence.

The proposed works are therefore considered acceptable subject to standard conditions including quality archival photographs and drawings.

Parking

The current proposal requires the provision of 383 car bays to be provided, based on the current Parking and Access Policy 3.7.1. The total number of car bays and provided on-site is 81 car bays resulting in a car parking shortfall of 302 car bays (without the application of the adjustment factors), which is less than the previously established historic parking shortfall of 366 bays.

However, if the car parking were to be based on the Draft Car Parking Requirements adopted by the Council on 22 June 2004, which are currently being advertised, then the car parking required based on floor area would be 452 car bays and 470 car bays if based on maximum patron numbers.

It is recommended that the reconfigured floor space be reduced by 1.2 square metres, thereby resulting in no additional increase in floor space with the current proposal. Furthermore, it is to be noted that the above proposal was received by the Town on 12 March 2004. On the above basis, the provision of car parking bays is considered acceptable.

It is also advised that the Town has received a recent complaint regarding the general condition of the car park, the numerous potholes and not having adequate drainage, with litter, bottles and other objects being discarded in the car park, allegedly with no attempt being under taken by the Leederville Hotel management to address the above issues. The Town will be writing to the owners of the Leederville Hotel in relation to the above matters. Appropriate conditions have been recommended to reinforce the above concerns.

Health and Building

The Town's Health Services and Building Surveyors have advised that the proposal generally complies with the relevant health and Building Code of Australia (BCA) standards. The current number of patrons permitted is as follows:

- 240 persons on the ground floor internal bar;
- 275 persons upstairs bar/function room; and
- 1600 persons in the beer garden.

TOTAL: 2115 Persons

Facilities for people with disabilities and the external stairways to the rear balcony are to be in accordance with the BCA requirements, which can be provided at the Building Licence stage.

Balcony

The proposed balcony extensions are considered acceptable. The applicant/owner will be required to obtain the necessary approvals from the DPI with regard to the balcony proposed within the Newcastle Road Reserve.

It is also recommended that the hours of operation for the balcony be limited as follows, to avoid future potential complaints from nearby residents:

Monday – Thursday: midday to midnight;
Friday: 11am – midnight;
Saturday: midday – midnight; and
Sunday: midday to 10pm.

However, should justifiable complaints be received, the hours of operation may be further considered and limited appropriately.

Technical

The Town's Technical Services have no objection to the balcony within the Road Reserve, subject to the balcony supports along the Newcastle Street verge being 0.6 metre from the kerb face.

Summary

The proposed balcony along the Newcastle Street frontage is considered to project the visual interest along this streetscape. The proposal is considered to further positively upgrade the Oxford Street Precinct and is supported, subject to standard and appropriate conditions.

10.1.2 Further Report-No. 35 (Lot 36) Fairfield Street, Mount Hawthorn - Proposed Additional Two-Storey Grouped Dwelling to and Partial Demolition of Existing Single House

Ward:	North	Date:	3 August 2004
Precinct:	Mt Hawthorn; P1	File Ref:	PRO2835; 00/33/2288
Attachments:	001		
Reporting Officer(s):	K Batina		
Checked/Endorsed by:	R Rasiah, 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 APPROVES the application submitted by Manica Developments Pty Ltd for a proposed Additional Two-Storey Grouped Dwelling to and Partial Demolition of Existing Single House, at No. 35 (Lot 36) Fairfield Street, Mount Hawthorn, and as shown on plans stamp-dated 8 June 2004 and overshadowing plan and floor plan dated 2 August 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) prior to the issue of a Building Licence, where vehicular access to the property is via a right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate of Title or Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town.*
- (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) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (v) 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.*

- (vi) *all new crossover/s to the allotment shall be constructed in accordance with the Town's standard Crossover Specification/s which, in particular, specify that the portion of the existing footpath traversing the proposed crossover, subject to the existing footpath being in a good condition as determined by the Town's Technical Services Division, must be retained such that it forms a part of the proposed crossover and the proposed crossover levels shall match the level/s of the existing footpath;*
- (vii) *prior to the issue of a Building Licence the applicant shall pay a \$250 crossover bond to ensure the crossover is constructed to comply with the Town's standard crossover specification/s. Application for the refund of the bond must be submitted in writing;*
- (viii) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (ix) *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 Residential Design Codes;*
- (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 Fairfield 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) *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;*
- (xii) *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);*
- (xiii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Fairfield 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); and*
- (xiv) *the 1.2 metres wide pedestrian access leg to be clear of any pipe-work, hot water systems or other such projections associated with the existing dwelling;*
- (xv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved and demonstrating the following:*
 - (a) *the existing front dwelling being provided with a store, not visible from the adjacent street(s), accessible from the outside, and of a minimum area of 4 square metres and a minimum dimension of 1.5 metres;*

- (b) *the proposed sites/lots having "common property" in order to satisfy the requirements for grouped dwelling under the Residential Design Codes; and*
- (c) *a truncation of 1.5 metres by 1.5 metres at the intersection of the two rights of way abutting the site to the north and west shall be indicated on plans and provided at the owners cost.*

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 10.1.2

Moved Cr Chester, Seconded Cr Farrell

That the recommendation be adopted.

Cr Franchina returned to the Chamber at 9.05pm.

Debate ensued.

Moved Cr Chester, Seconded Cr Torre

That the Item be DEFERRED to allow the applicants to provide plans that are compliant with information required in the Town's Planning and Building Services policies.

CARRIED (6-3)

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

ADDITIONAL INFORMATION

The Council at its Ordinary Meeting held on 27 July 2004 resolved that the item be deferred to allow for further information to be obtained.

The applicant has now submitted further information in relation to the proposed additional two storey grouped dwelling to and partial demolition of existing single house. The additional information requested by the Council was in relation to the overshadowing diagram provided and confirmation of the width of the pedestrian access leg being 1.2 metres.

The Town Officers have had discussions with the applicant on 30 July 2004 relating to the width of the pedestrian access leg and the overshadowing diagram. An on-site meeting was held on 2 August 2004 with the applicant and Town Officers.

The applicant has submitted revised plans dated 2 August 2004 showing a revised overshadowing diagram and a finished floor level for the proposed two storey grouped dwelling.

Overshadowing

The applicant was advised that the overshadowing diagram provided as part of the original plans was incorrect. The applicant has subsequently submitted revised plans that depict an accurate overshadowing diagram.

The Residential Design Codes (R Codes) allow a maximum area equivalent to 35% of the adjoining property's total site area to be overshadowed by any new development located in an area coded R30. The proposed two storey grouped dwelling will overshadow the equivalent of 18% (106 square metres) of the total site area of the adjoining lot. This area is within the acceptable development standards prescribed by the Codes and can be supported.

Width of Pedestrian Access Leg

The width of the pedestrian access leg was measured and confirmed to have a minimum width of 1.2 metres, as measured from the boundary fence to the face wall of the existing dwelling. This width is consistent with the access leg width depicted on the plans. However, an additional condition has been included as part of the revised Officer's Recommendation requiring that the access leg be clear of any projections into the 1.2 metres wide access leg including clearing of any pipe-work, hot water systems or other such projections associated with the existing dwelling; refer condition/clause (xiv).

On the above basis, the previous Officer Recommendation remains mostly unchanged, except for changes to conditions relating to the requirement that the pedestrian access leg be clear of any intrusions, and that a visual truncation be included on the corner of the lot where the two abutting rights of way intersect. The previous condition requesting that the finished floor level be indicated on the Building Licence plans, has been removed following the submission of revised plans which indicate a FFL of 32.1 for the proposed two storey grouped dwelling.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 27 July 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 APPROVES the application submitted by Manica Developments Pty Ltd for a proposed Additional Two-Storey Grouped Dwelling to and Partial Demolition of Existing Single House, at No. 35 (Lot 36) Fairfield Street, Mount Hawthorn, and as shown on plans stamp-dated 8 June 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) prior to the issue of a Building Licence, where vehicular access to the property is via a right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate of Title or Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town.*

- (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) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (v) *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.*
- (vi) *all new crossover/s to the allotment shall be constructed in accordance with the Town's standard Crossover Specification/s which, in particular, specify that the portion of the existing footpath traversing the proposed crossover, subject to the existing footpath being in a good condition as determined by the Town's Technical Services Division, must be retained such that it forms a part of the proposed crossover and the proposed crossover levels shall match the level/s of the existing footpath;*
- (vii) *prior to the issue of a Building Licence the applicant shall pay a \$250 crossover bond to ensure the crossover is constructed to comply with the Town's standard crossover specification/s. Application for the refund of the bond must be submitted in writing;*
- (viii) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (ix) *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 Residential Design Codes;*
- (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 Fairfield 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) *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;*
- (xii) *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);*

- (xiii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Fairfield 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); and*
- (xiv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved and demonstrating the following:*
- (a) *the existing front dwelling being provided with a store, not visible from the adjacent street(s), accessible from the outside, and of a minimum area of 4 square metres and a minimum dimension of 1.5 metres;*
 - (b) *the pedestrian access way/ side pathway being a minimum width of 1.5 metres, except where it abuts an existing house to be retained;*
 - (c) *the proposed sites/lots having "common property" in order to satisfy the requirements for grouped dwelling under the Residential Design Codes; and*
 - (d) *as advised by the applicant, Manica Developments Pty Ltd, on 20 July 2004, the finished ground floor level of the proposed grouped dwelling not being more than 100 millimetres above the natural ground level.*

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

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.7

Moved Cr Chester, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Doran-Wu

That the Item be DEFERRED to allow for further information to be obtained.

CARRIED (7-0)

(Cr Torre on approved leave of absence. Cr Farrell was an apology.)

<i>Landowner:</i>	<i>Manica Developments Pty Ltd</i>
<i>Applicant:</i>	<i>Manica Developments Pty Ltd</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R30</i>
<i>Existing Land Use:</i>	<i>Single House</i>
<i>Use Class:</i>	<i>Grouped Dwelling</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>594 square metres</i>

COMPLIANCE:

<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>
<i>Density</i>	<i>1 dwelling R 30</i>	<i>2 dwellings R 33.67 1.01 per cent density bonus</i>
<i>Setbacks:</i>		
<i>North (lower)</i>	<i>1.5 metres</i>	<i>1.0 metre</i>
<i>North (upper)</i>	<i>1.8 metres</i>	<i>1.0 metre</i>
<i>East (store)</i>	<i>1.0 metre</i>	<i>Nil</i>
<i>Store</i>	<i>4 square metre store per dwelling</i>	<i>No store shown for existing dwelling.</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>
<i>Pedestrian Accessway</i>	<i>1.5 metres (minimum width)</i>	<i>1.2 metres</i>

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

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

SITE HISTORY:

The site is occupied by a single storey single house. Rights of way, each being 5.03 metres wide, sealed and Town owned, abut the property on both the northern and eastern boundaries.

Council at its Ordinary Meeting on 18 November 2003 refused an application for a two lot green title subdivision for the following reasons:

- "(a) The proposed subdivision did not comply with the average site area per dwelling/lot size requirement of 300 square metres as per the Residential R30 density code;*
 - (b) The proposed green title subdivision cannot benefit from consideration of the performance criteria provision and would therefore result in the development being inconsistent with the orderly and proper planning and preservation of the amenities of the locality;*
 - (c) Proposed Lot 2 is not provided with a gazetted road frontage; and*
 - (d) Approval of the proposed subdivision would create an undesirable precedent for subdivision of lots with similar sizes within the area; 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."*

On 3 December 2003, the above subdivision application was refused by the Western Australian Planning Commission for the following reasons:

- "1. The proposed subdivision does not comply with the Commission's Policy DC 1.1 - Subdivision of Land, a provision of Planning Policy No.1 - State Planning Framework, by reason of the proposed lots being below the average area of lot per dwelling indicated for single houses under the R30 Residential Planning Code.*
- 2. The proposed subdivision does not comply with the Town of Vincent Town Planning Scheme No.1 by reason of the proposed strata lots being below the average area of lot per dwelling required by the R30 Coding in the Town of Vincent Town Planning Scheme No.1.*

3. *Approval to the subdivision would result in the creation of a lot not having frontage to a gazetted road.*
4. *The proposed subdivision does not comply with the Commission's Policy DC2.2, a provision of Statement of Planning Policy No.1, by reason of the proposed rear lot being provided with inadequate vehicular, pedestrian and bicycle access in accordance with the standards in the Western Australian Planning Commission's Planning Bulletin No.33.*
5. *Approval of subdivision would set an undesirable precedent for the further subdivision of surrounding lots in a similar manner."*

DETAILS:

The applicant seeks to construct a two storey grouped dwelling at the rear of the existing single storey house. The two storey dwelling will comprise a combined living, dining and kitchen area, a laundry and a courtyard on the ground floor and three bedrooms and two bathrooms on the upper floor.

A 1.2 metres wide access leg is proposed along the southern boundary, providing pedestrian access to the site, from Fairfield Street.

CONSULTATION/ADVERTISING:

No written submissions were received during the advertising period.

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:

Heritage

The proposal to add a two storey grouped dwelling to the rear of the existing house at No.35 Fairfield Street, requires the removal of the rear laundry and a small amount of building fabric from the existing dwelling, which is not considered to compromise the authenticity of the place. Although the subject place is not listed on the Town of Vincent Municipal Heritage Inventory or the Interim Heritage Database, the Locality Statement for the Anzac Locality encourages the retention and/or restoration of existing houses which contribute to the overall character of the Locality. The retention of the existing dwelling and proposed application for a density bonus are therefore generally supported subject to general provisions of the Town Planning Scheme No.1 and associated Policies.

Density

The subject site has a density of R30. The minimum site area permitted is 270 square metres and the minimum average site area requirement is 300 square metres. The proposed site

areas are 324 square metres (Lot 1) and 270 square metres (Lot 2), achieving an average of 297 square metres. The proposal involves a variation to the maximum permissible R30 density and a 1.01 percent variation to the average lot area requirements outlined in the Residential Design Codes. These variations can be applied and accepted under the provisions of Clause 20 of the Town's Town Planning Scheme No.1, which allows for variations to the Residential Design Codes under certain circumstances, including a proposal that involves an existing dwelling worthy of retention being conserved or enhanced.

Setbacks (north side)

The setback variations to the upper and lower level to the northern boundary are considered acceptable for the following reasons:

- The subject site abuts a 5.03 metres wide right of way, which adjoins a public car park for use by the patrons of the Paddington Alehouse. The reduced setbacks will not impinge on the amenity of any nearby residential properties;
- The reduced setback will still enable adequate manoeuvring distance for vehicular access and egress;
- The openings on the north elevation, predominantly have raised sill heights; and
- No objections were received relating to the reduced setback.

Setback (east side)

A nil setback on the eastern boundary is proposed for the store, which forms part of the double carport proposed as part of this development. The nil setback will have no undue impact on the residential amenity of the existing residential property at the front of the subject site, and is considered acceptable.

Store

The Residential Design Codes require that for grouped dwelling developments, each grouped dwelling be provided with an enclosed, lockable storage area, with a minimum dimension of 1.5 metres with an internal area of 4 square metres. The submitted plans do not show any store for the existing dwelling. This store should be provided accordingly.

Pedestrian Access Way

A pedestrian access way measuring 1.2 metres in width is proposed alongside the existing house, on the southern boundary, providing access to the rear portion of the lot. Grouped dwelling developments such as that proposed require that the rear lot be provided with access to a gazetted road. The Town requires that pedestrian access ways afford a minimum width of 1.5 metres, unless it abuts an existing residence, whereby the width can be reduced to a minimum of 1 metre. The proposed 1.2 metres wide pedestrian access way can be supported.

Finished Floor Level

The plans submitted do not indicate a finished floor level for the proposed dwelling. Notwithstanding this, the applicant has provided the Town with verbal and electronic mail confirmation that the finished floor level for the ground floor of the proposed dwelling will not exceed 100 millimetres above the natural ground level. A condition stipulating that this requirement be met is included in the Officer Recommendation.

Conclusion

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

10.2.3 2004 / 2005 Footpath Replacement Program

Ward:	Both	Date:	2 August 2004
Precinct:	All	File Ref:	TES0174
Attachments:	001:		
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *ADOPTS the first year, 2004/2005, of the 2004/2005 to 2008/2009 Footpath Replacement Program as outlined in Attachment 10.2.3; and*
- (ii) *NOTES that the remaining four years, 2005/2006 to 2008/2009, of the above program are preliminary only and will be subject to change.*

COUNCIL DECISION ITEM 10.2.3

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

Cr Farrell departed the Chamber at 9.15pm.

Debate ensued.

Cr Farrell returned to the Chamber at 9.16pm.

CARRIED (9-0)

BACKGROUND:

The Council in 1996 resolved to adopt a long term Footpath Replacement Program to ensure the Town's footpath infrastructure is maintained at an acceptable level of service and safety.

To ensure that the program is dynamic in reflecting changing circumstances, including development activity, other capital improvement projects, residents' requests and changing conditions, it was considered appropriate to review and update the program annually and request that only the first year of each respective program be adopted by the Council.

DETAILS:

The first year of the program, as outlined in this report, relates to the 2004/2005 financial year.

As outlined in detail in the report presented to Council on 12 August 1996, this program was initially developed by assessing the condition and locality of all existing paths in the Town and by prioritising paths to be upgraded accordingly.

The program has been revised and updated based on the revised condition of some paths, requests received, footpaths listed in the current program either brought forward or deferred, and footpaths on the current program being already upgraded by either service authorities or developers.

The Five Year Footpath Replacement Program is outlined in attachment 10.2.3.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY

The Town is responsible for the care control and management of approximately 280 km of footpaths.

FINANCIAL/BUDGET IMPLICATIONS:

The 2004/2004 Capital Works Budget includes funds of \$350,000 for year 8 of footpath replacements.

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. *“d) Continue to develop footpath upgrade programs appropriate to the Town’s needs.”*

COMMENTS:

At the special meeting of Council held on 13 July 2004, Council adopted the 2004/2005 budget. The purpose of this report is to obtain Council’s approval for the allocation of funds allowed for in the 2004/2005 budget to specific projects in the 2004/2005 Footpath Replacement Program.

The Chief Executive Officer advised that Mayor Catania had declared a financial interest in this Item. The Mayor departed the Chamber at 9.16pm and did not speak or vote on the matter. Deputy Mayor, Cr Ian Ker, assumed the Chair.

Cr Cohen departed the Chamber at 9.16pm.

10.3.1 Investment Report

Ward:	-	Date:	2 August 2004
Precinct:	-	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	J Wearing		
Checked/Endorsed by:	N Russell	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 31 July 2004 as detailed in Appendix 10.3.1.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Lake, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (7-0)

(Mayor Catania and Cr Cohen were absent from the Chamber and did not vote.)

BACKGROUND:

The purpose of this report is to advise the Council of the level of funds available, the distribution of surplus funds in the short term money market and the interest earned to date. Details are attached in Appendix 10.3.1. Interest from investments is a significant source of funds for the Town, where surplus funds are deposited in the short term money market for various terms.

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

DETAILS:

Total Investments for the period ended 31 July 2004 were \$9,101,514 compared with \$8,951,514 at 30 June 2004. At 31 July 2003, \$7,605,692 was invested.

Total accrued interest earned on Investments as at 31 July 2004:

	Budget	Actual	%
	\$	\$	
Municipal	300,000	16,093	5.36
Reserve	297,300	32,227	10.84

COMMENT:

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

10.4.2 Adoption of Forum Guidelines - Public Submissions

Ward:	-	Date:	3 August 2004
Precinct:	-	File Ref:	ADM0016
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the public submissions received concerning the Draft Forum Guidelines; and*
- (ii) *ADOPTS the Forum Guidelines subject to the following amendments:*
 - (a) *clause 3.2, paragraph 3 being amended to read as follows:*

"Deputations by developers will be considered in this category. The relevant precinct groups and affected ratepayers and residents will also be invited able to make a presentation to present the community's view. Where there is no established precinct group covering the area of the proposed development, any affected ratepayer or resident will be able to present their views."; and
 - (b) *clause 7, dot point one being amended to read as follows:*
 - *"Elected Members, Council's employees and Council appointed consultants and other participants shall disclose their financial and conflicts of interest in matters to be discussed."*

Moved Cr Chester, Seconded Cr Lake

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

"(ii) (c) a new clause 8.6 being added as follows:

"8.6 - Presentations and Deputations -

The Chief Executive Officer, in consultation with the Mayor, shall determine the most appropriate time period to be allocated for each presentation and/or deputation. (However, as a guide, the following is to be used;)

<i>Item</i>	<i>Presentation</i>	<i>Questions & Answers</i>
<i>Small Developments</i>	<i>10 minutes</i>	<i>5 minutes</i>
<i>Medium Size Developments</i>	<i>15 minutes</i>	<i>15 minutes</i>
<i>Large/Complex Developments</i>	<i>30 minutes</i>	<i>30 minutes</i>
<i>Concept Forum Items</i>	<i>At the determination of CEO and Mayor</i>	
<i>Public Interest Forum Items</i>	<i>At the determination of CEO and Mayor"</i>	

Debate ensued.

Cr Cohen returned to the Chamber at 9.20pm.

CARRIED (8-0)

(Mayor Catania was absent from the Chamber and did not vote.)

COUNCIL DECISION ITEM 10.4.2

That the Council;

(i) **RECEIVES** the report on the public submissions received concerning the Draft Forum Guidelines; and

(ii) **ADOPTS** the Forum Guidelines subject to the following amendments:

(a) clause 3.2, paragraph 3 being amended to read as follows:

"Deputations by developers will be considered in this category. The relevant precinct groups and affected ratepayers and residents will also be ~~invited~~ able to make a presentation to present the community's view. Where there is no established precinct group covering the area of the proposed development, any affected ratepayer or resident will be able to present their views.";

(b) clause 7, dot point one being amended to read as follows:

- *"Elected Members, Council's employees and Council appointed consultants ~~and other participants~~ shall disclose their financial and conflicts of interest in matters to be discussed."; and*

(c) a new clause 8.6 being added as follows:

"8.6 - Presentations and Deputations -

The Chief Executive Officer, in consultation with the Mayor, shall determine the most appropriate time period to be allocated for each presentation and/or deputation. (However, as a guide, the following is to be used;)

<i>Item</i>	<i>Presentation</i>	<i>Questions & Answers</i>
<i>Small Developments</i>	<i>10 minutes</i>	<i>5 minutes</i>
<i>Medium Size Developments</i>	<i>15 minutes</i>	<i>15 minutes</i>
<i>Large/Complex Developments</i>	<i>30 minutes</i>	<i>30 minutes</i>
<i>Concept Forum Items</i>	<i>At the determination of CEO and Mayor</i>	
<i>Public Interest Forum Items</i>	<i>At the determination of CEO and Mayor</i>	

BACKGROUND:

At the Ordinary Meeting of Council held on 8 June 2004, the Council considered the matter of forums and resolved as follows:

"That;

- (i) *the Council ADOPTS the draft Forum Guidelines as shown in Appendix 10.4.3 subject to the third paragraph of clause 3.2 of Guidelines being amended to read as follows:*

"Deputations by developers will ~~also~~ be considered in this category. The relevant precinct groups will also be invited to make a presentation to present the community's view."

- (ii) *forums be held on the 3rd Tuesday of each month (except for December 2004 when it will be held on 2nd Tuesday) at 6.00pm in the Administration and Civic Centre;*
- (iii) *the Council further reviews the Forum Guidelines and Procedures in December 2004 and a report be submitted to the Council with any recommendations for changes;*
- (iv) *the Council APPROVES to amend its draft 2004/05 Budget by increasing the following cost centres to allow for the forums to be held:*
- (a) *Meals and Refreshments: \$4,400*
 - (b) *Administration Centre Cleaning & setup costs: \$1,200;*
 - (c) *Administration Centre - electricity costs: \$1,100; and*
- (v) *AUTHORISES the Chief Executive Officer to:*
- (a) *advertise the proposed the Draft Forum Guidelines for a period of twenty one (21) days, seeking public comment; and*
 - (b) *report back to Council with any public comments received."*

DETAILS:

On 11 June 2004, a letter with the draft Guidelines was sent to all Precinct Groups. The draft Guidelines were advertised in a local newspaper and on the Town's webpage on 22 June 2004. At the close of submissions, two submissions were received as follows:

1. Forrest Precinct Group

"The Forrest Precinct Group thanks you for the opportunity to comment on the adoption of Forum Guidelines.

We agree with the resolutions put forward by Council and applaud the inclusion of Precinct Groups in Agenda Forums.

The only comment we would make on this is to request that where there is no established Precinct Group in an area, that any representative Community Deputation be invited to represent the local community. This on occasion also happens where there is Precinct Group, eg. the residents of McCarthy St in regards to the Civic Rise development. We believe that where a street, or group of residents take the trouble to band together on a matter that concerns them, they should be given a voice."

CEO's Comment

The request is supported and the Guidelines have been amended to reflect the change. The Chairperson of the Forrest Precinct Group supports the proposed re-wording of clause 3.2.

2. Smith's Lake Precinct Group

A Summary of the items raised are as follows:

"Smith's Lake Precinct Group (SLPG) welcomes Council's initiative in establishing Forums as part of the processes for the conduct of the Town's business. We wish to comment on some aspects of the Draft Forum Guidelines that we think need further clarification and development. These mainly concern issues relating to conflict of interest and the rights of parties to participate in Forums.

Throughout the Guidelines the rights of participants to even participate are severely constrained by the need to declare their financial conflicts of interest relating to the issues under discussion. ...

We ask Council to clarify with residents, precinct and community groups what are the provisions on conflict of interest in the Local Government Act ...

Similar remarks apply to the role of Forums when dealing with proposals under the Town Planning Scheme where, in addition, provisions under State planning legislation apply. Again we would like clarification on the relevant provisions in legislation as it would effect the conduct of Forums. ..."

CEO's Comment

The draft Guidelines have been amended to clarify the interest provisions. On 12 July 2004 a letter was sent to the precinct groups as follows:

1. Forums

The title of *"forums"* is new and replaces the Town's previous *"Elected Member Briefings"*. The title of *"forums"* has been recommended by the Department of Local Government.

The Forum Guidelines are necessary to formalise the practices and procedures for the orderly conduct and management of these sessions. Whilst these were previously in place, they were informal and undocumented.

2. Interest Provisions

The current interest provisions apply to Elected Members, officers, consultants and *"other participants"*. They do not apply to residents or ratepayers. Accordingly the Guidelines will be amended to reflect that interest provisions apply to Elected Members, Council employees and Council appointed consultants.

3. Information at Forums

Forums are to provide information only, no decisions are permitted as this would be breach of the Local Government Act 1995. The matter of Third Party Appeals and the Administrative Appeals Act do not apply to the Town's forums.

CONSULTATION/ADVERTISING:

The draft Forum Guidelines were advertised for a period of 21 days in accordance with the Town's Community Consultation Policy.

LEGAL/POLICY:

The Town of Vincent Local Law relating to Standing Orders has been amended and approved at the Ordinary Meeting held on 8 June 2004. A new Clause has been inserted into the Standing Orders to give power for the Council to prepare guidelines and procedures and for these to be observed by all persons.

STRATEGIC IMPLICATIONS:

This matter is in keeping with the Town's Strategic Plan 2003-2008, Key Result Area 4.3, *"Develop a constructive and co-operative team approach between Mayor, Councillors, staff and community"*, and in particular, 4.3(a) *"Develop guidelines and policies to facilitate the interaction of all parties"* and 4.3(e) *"Increase and promote community participation in Council activities."*

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The recommended Guidelines will provide for the Council to hold Forums in a variety of formats, including those open to the public. The inclusion of Forum Guidelines in the Standing Orders will ensure that the conduct at these sessions will be in accordance with the Standing Orders Local Law.

Mayor Catania returned to the Chamber at 9.22pm and assumed the Chair.

10.4.3 2004 National Mainstreet Conference

Ward:	-	Date:	3 August 2004
Precinct:	-	File Ref:	ADM0031
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Chief Executive Officer, Executive Manager Technical Services and up to one Elected Member (to be nominated) be authorised to attend the 2004 Mainstreet Conference to be held in Melbourne from 26-29 September 2004 at an estimated cost of \$2,097 each.

COUNCIL DECISION ITEM 10.4.3

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Moved Cr Torre, Seconded Cr Doran-Wu

That motion be amended to read as follows:

That the Chief Executive Officer, Executive Manager Technical Services and Cr Torre (if available) be authorised to attend the 2004 Mainstreet Conference to be held in Melbourne from 26-29 September 2004 at an estimated cost of \$2,097 each.

AMENDMENT CARRIED (9-0)

MOTION AS AMENDED CARRIED (9-0)

BACKGROUND:

The 2004 National Mainstreet Conference is to be held in Melbourne from Sunday 26 September to Wednesday 29 September 2004. The Conference was previously held in 1995, 1997 and 1999.

The Conference will have 24 concurrent sessions in the broad streams relating to;

- Streetscape revitalisation
- Community and business partnerships
- Mainstreet branding
- Community safety and access
- Performance indicators and measures of success
- Social perspectives management
- Visual merchandising and marketing
- Tourism, festivals and events
- City, regional and suburban case studies

Key note speakers include: Peter Kenyon, Founder and Director, Bank of I.D.E.A.S.; Cathy Coleman, Executive Director, Downtown Norfolk Council (USA); Dr Craig Shepherd, Principal Economist, National Institute of Economic & Industry Research; Stephen Ogden Barnes, Program Director, Australian Centre for Retail Studies, Monash University; Dr John Montgomery, Managing Director, Urban Cultures Ltd and Sylvia Bradshaw, General Manager, Leader Newspaper Group.

A copy of the Conference Program is "Laid on the Table". Various field trips to precincts which are considered successful will form a part of the program.

FINANCIAL IMPLICATIONS:

	Costs
Conference Registration	\$770.00
Accommodation (3 nights) (\$180 per night)	\$540.00
Airfare (economy class) *	\$495.00
Expenses allowance	\$292.00
	<hr/>
	\$2,097.00

* *Economy Fare - approximate and subject to flight availability*

LEGAL POLICY:

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

- "(i) When it is considered desirable that the Council be represented at an interstate conference, up to a maximum of one Elected Member and one Officer may attend;*
- "(ii) In certain circumstances (for example where the Conference is of a technical nature) and where an Elected Member is not attending the CEO may recommend that two (2) officers attend, in lieu of the Elected Member. In this instance, the CEO will specify reasons in the report to the Council."*

The attendance of two Senior Officers at an interstate conference (together with an Elected Member) is a variation to the Council policy. However, in view of the importance of the matter, the CEO believes it is justified for the following reasons:

1. The Council will be upgrading its shopping precincts progressively over the next few years and this conference, which is specific to Mainstreet matters, will provide important information.
2. Economic development is an important aspect of these projects and the CEO will benefit from attending the Conference.
3. The conference is only held every 2-5 years, with the last conference held in 1999.

It is therefore recommended that the Executive Manager Technical Services also attend, as he will be primarily responsible for the infrastructure upgrade.

Previous Attendance - Policy 4.1.13 - Clause 1.2

This is the first occasion that a person from the Town has applied to attend a National Mainstreet Conference.

STRATEGIC IMPLICATIONS:

Attendance at the National Mainstreet Conference is an excellent opportunity for the Town to be appraised of issues relating to streetscapes and commercial precincts and to network with colleagues and view actual examples of successful projects.

The Town's Strategic Plan 2003-2008, Key Result Area 1.4 *"Maintain and enhance the Town's infrastructure to provide a safe, healthy, aesthetic and functional environment"* and Key Result Area 3.4 - *"Promote the Town of Vincent as a place for investment appropriate to the vision for the Town."*

The Council has approved of the William Street upgrade during 2004-2005. This will cost approximately \$750,000 to over \$1 million (depending upon the undergrounding of power). Concept plans are currently being progressed with the aim to reporting to Council in late 2004. The Council has also approved of a review of the Oxford Business Precinct, with the aim to investigate a pedestrian mall. The information from this conference will be most beneficial.

COMMENT:

It is requested that approval be granted for the Chief Executive Officer, Executive Manager Technical Services and up to one Elected Member to attend the 2004 National Mainstreet Conference.

10.4.4 Strategic Plan 2003-2008 - Progress Report for the Period 1 April 2004 - 30 June 2004

Ward:	Both	Date:	3 August 2004
Precinct:	All	File Ref:	ADM0038
Attachments:	001		
Reporting Officer(s):	Managers, Executive Managers, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES the progress report on the Strategic Plan 2003-2008 for the period 1 April 2004 - 30 June 2004 as shown in Appendix 10.4.4.

Moved Cr Chester, Seconded Cr Farrell

That the recommendation be adopted subject to the existing recommendation being numbered (i) and a new clause (ii) be inserted as follows:

"That the Council;

- (i) RECEIVES the progress report on the Strategic Plan 2003-2008 for the period 1 April 2004 - 30 June 2004 as shown in Appendix 10.4.4; and*
- (ii) REVIEWS its Strategic Plan 2003-2008 during 2004/05 and requests the Chief Executive Officer, in liaison with the Mayor, to determine the most appropriate time for this to be carried out."*

Debate ensued.

Moved Cr Chester, Seconded Cr Lake

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

- "(ii) REVIEWS its Strategic Plan 2003-2008 during 2004/05 concurrent with the CEO's performance review (2005) as recommended during the 2003 review and requests the Chief Executive Officer, in liaison with the Mayor, to determine the most appropriate time for this to be carried out."*

AMENDMENT CARRIED (9-0)

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION ITEM 10.4.4

That the Council;

- (i) RECEIVES the progress report on the Strategic Plan 2003-2008 for the period 1 April 2004 - 30 June 2004 as shown in Appendix 10.4.4; and*
- (ii) REVIEWS its Strategic Plan 2003-2008 during 2004/05 concurrent with the CEO's performance review (2005) as recommended during the 2003 review and requests the Chief Executive Officer, in liaison with the Mayor, to determine the most appropriate time for this to be carried out.*

BACKGROUND:

At the Ordinary Meeting of Council held on 9 September 2003, the Council approved and adopted its Strategic Plan 2003-2008.

Progress reports are reported to Council for each quarter as follows:

Period	Report to Council
1 January - 31 March	April
1 April - 30 June	July
1 July - 30 September	October
1 October - 31 December	February

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

It is not a legal requirement to have a Strategic Plan, however, it is considered "*Best Practice*" management that a Strategic Plan be adopted to complement and be linked and aligned to both the Principal Activities Plan and Annual Budget.

STRATEGIC IMPLICATIONS:

The Strategic Plan provides the elected Council and administration with its aims, goals and objectives (key result areas) for the next five (5) years.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The progress report for the Strategic Plan indicates that the Town's administration is progressing the various strategies in accordance with the Council's adopted programs and adopted budget.

10.4.5 Proposed Town of Vincent Health Local Law 2004 and Town of Vincent Health (Eating House) Local Law 2004 - Adoption and Gazettal

Ward:	Both	Date:	3 August 2004
Precinct:	All	File Ref:	LEG0049
Attachments:	001 (A) , 002 (B)		
Reporting Officer(s):	D Brits		
Checked/Endorsed by:	R Boardman, J Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That;

(i) *pursuant to Sections 3.12 to 3.15 of Subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995 and the powers conferred by the Health Act 1911 (Sections 134, 172, 199, 207, 249 and 342) the Council APPROVES BY A SPECIAL MAJORITY to adopt the Town of Vincent Health Local Law 2004 and Town of Vincent Health (Eating House) Local Law 2004 as shown in Appendix 10.4.5 and "Laid on the Table" subject to the following amendments:*

(b) **TOWN OF VINCENT HEALTH LOCAL LAW 2004**

- *In subclause 4 (1), deleting the superfluous definition of “fee”.*
- *In subclause 4 (1), in the definition of “water”, inserting the word “Council” after the word “Research”.*
- *Subclause 4 (4) being deleted.*
- *In subclause 15 (3) deleting the word “specifically” and inserting the word “by” before the word “Council”.*
- *Clause 20(l) being deleted.*
- *In the title of clause 32 replacing the word “Registration” with the word “Licensing”.*
- *In subclause 32 (1) replacing the word “registered” with the word “licensed”.*
- *In subclause 32 (2) replacing the word “registration” with the word “licensing”.*
- *In subclauses 32 (3) and (4) replacing the words “Certificate of Registration” with the words “Certificate of Licence”.*
- *In subclause 32 (3) replacing the word “registration” with the word “licence”.*
- *Subclause 32 (5) being deleted.*
- *In subclause 52 (1) (a) (ii) inserting the word and comma “sealed,” before the word “welded”.*
- *In subclause 52 (1) (b) the word “metal” being deleted and replaced with the words “ , durable and impervious”.*
- *In clause 55, inserting subclause “(2)”.*
- *In subclause 76 (1) changing the reference to “sections 75 and 79” to “clauses 73 and 75”.*
- *In subclauses 76 (1) and (2), replacing the words “the Environmental Health Officer” with the words “an Environmental Health Officer”.*
- *In subclause 77 (2) replacing the word “the” before the word “Council” with “a” and inserting word “made” before the word “under”.*
- *In subclause 87 (3) deleting the word “Officer” after “Council”.*
- *In the title of clause 105 replacing the word “Nest” with the word “Nests”.*
- *In clause 107 changing the title to “Approval Required to Keep Bees”.*

- *In clause 107, deleting subclause (1) and renumber the existing subclause (2) to subclause (1) and inserting a new subclause (2) as follows:
“(2) The Council may grant or refuse, with or without conditions, an application for consent to keep bees.”*
- *In clause 107 deleting subclause (4).*
- *In clause 112(a) deleting the word “dwelling”.*
- *In clause 117, paragraphs (a) and (b), replacing the words “the Environmental Health Officer” with the words “an Environmental Health Officer”.*
- *In subclause 124 (1), in the definition of “recreational campsite”, replacing the word “lodge” with the word “lodger”.*
- *In subclause 132 (3) changing the reference to “subclause (1)” to “subclause (2)”.*
- *In subclause 133 (1), paragraph (c) deleting the word “copper”.*
- *In subclause 141 (1) changing the reference to “clause 156” to “clause 155”.*
- *In subclause 143 (1) in paragraphs (b)(ii), (c), (d), (e) and (f), inserting the words “and recreational campsites” after the words “short term hostels”.*
- *In subclause 143 (2), inserting the words “or recreational campsite” after the words “short term hostel”.*
- *In clause 156, in the definition of “offensive trade” deleting paragraph (f).*
- *In Schedule 8 replacing the word “REGISTRATION” with the word “LICENSING” and the word “register” with the word “license”.*
- *In Schedule 9 replacing the word “REGISTRATION” with the word “LICENCE” and the word “registered” with the word “licensed”.*

(b) "TOWN OF VINCENT HEALTH (EATING HOUSE) LOCAL LAW 2004

- *In clause 2, deleting the superfluous definition of “fee”.*
- *In clause 2 changing the definition of “lodging house” to the definition of the term used in clause 124 (1) of the draft Town of Vincent Health Local Law 2004.*
- *In subclause 11 (1) replacing the word “a” before the word “Council” with the word “the”.*
- *In clause 14, changing the reference to “clause 16” to “clause 15”.*

(ii) three (3) copies of the Town of Vincent Health Local Law 2004 and Town of Vincent Health (Eating House) Local Law 2004 signed by the Mayor and Chief Executive Officer be submitted FOR CONSENT to the Executive Director Public Health and Department of Health, Government of Western Australia; and

(iii) the new local laws be published in the Government Gazette.

COUNCIL DECISION ITEM 10.4.5

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED BY A SPECIAL MAJORITY (9-0)

BACKGROUND:

At the Ordinary Meeting of Council held on 11 May 2004, the Council resolved as follows:

"That the Council;

- (i) RECEIVES the report relating to the proposed Town of Vincent Health Local Law 2004 and Town of Vincent Health (Eating House) Local Law 2004;*
- (ii) APPROVES BY A SPECIAL MAJORITY pursuant to Section 3.12 to 3.15 of the Local Government Act 1995 as amended and the powers conferred by the Health Act 1911 (Sections 134, 172, 199, 207, 249 and 342), to adopt the Town of Vincent Health Local Law 2004 and Town of Vincent Health (Eating House) Local Law 2004 as shown in Appendix 10.4.4 and as 'Laid on the Table';*
- (iii) ADVERTISES the proposed Town of Vincent Health Local Law 2004 and Town of Vincent Health (Eating House) Local Law 2004 on a state-wide basis (for six weeks) indicating where and when the proposed local laws may be viewed and seeking public comment; and*
- (iv) NOTES that a further report will be submitted after the public and community comment period for the Council's consideration."*

DETAILS:

As required, Public Notice was advertised State-wide in *The West Australian* Newspaper on Monday 24 May 2004 and locally in the *Guardian Express* Community Newspaper, May 25-31, 2004, for general community and public comment. In addition, Public Notification occurred on Council's Official Notice Board. Furthermore, comment was requested from the Director, Environmental Health Directorate of the Department of Health, Government of Western Australia, and the Department of Local Government and Regional Development.

It is advised that no public submissions were received during the notice period. A brief comment was received from the Department of Local Government and Regional Development's Legislation Officer on 8 July 2004 requesting confirmation that the Department of Health, Government of Western Australia will be requested to comment and consent to the proposed Town of Vincent Health Local Law 2004 and Town of Vincent Health (Eating House) Local Law 2004.

In relation to the Department of Health, Government of Western Australia, minor amendments were received dated 28 June 2004, which do not significantly alter the intent. The Town's Manager Health Services has no objection to all the minor amendments being approved. The recommended details are as follows:

TOWN OF VINCENT HEALTH LOCAL LAW 2004

The above health local law has been reviewed and the following recommendations are being made:

In subclause 4 (1), delete the superfluous definition of "fee".

In subclause 4 (1), in the definition of "water" the word "Council" is missing from after the word "Research".

Subclause 4 (4) is advice, not a local law provision. This is not the appropriate location for such advice. Subclause 4 (4) must be deleted.

There are grammatical problems with subclause 15 (3) and it needs to be redrafted. The word "specifically" is not required and should be deleted and the word "by" is missing from before the word "Council". It may be better to consider deleting subclause 15 (3) and using Section 81, Division 2 of Part IV of the Act to require sanitary connections to the sewer.

There are problems with paragraph (l) in clause 20. Unauthorised occupation of a dwelling house does not necessarily lead to the creation of a health nuisance. I do not believe there is a head of power to make this provision. Part V, Division 1 – Houses unfit for occupation, in the Health Act can be used to remove any health nuisance associated with an unclean or unsound dwelling house. Unless it can be properly justified, paragraph (l) should be deleted.

In the title of clause 32 the word "Registration" should be "Licensing" to conform to the use of that word in the head of power contained in subsection 134 (45) of the Health Act.

In subclause 32 (1) the word "registered" should be "licensed".

In subclause 32 (2) the word "registration" should be "licensing".

In subclauses 32 (3) and (4) the words "Certificate of Registration" should be "Certificate of Licence".

In subclause 32 (3) the last word "registration" should be "licence".

Subclause 32 (5) is erroneous and superfluous and should be deleted. There is no "fee under section 44C" and there is already a 'licence fee' applied by subclause 32 (2) (b) (i).

The word and comma "sealed," is missing from before the word "welded" in subclause 52 (1) (a) (ii).

Metal is not the only acceptable material. The word "metal" in subclause 52 (1) (b) should be deleted and replaced with " , durable and impervious".

In clause 55, subclause (2) is missing.

In subclause 76 (1) the reference to "sections 75 and 79" should be a reference to "clauses 73 and 75".

In subclauses 76 (1) and (2), the words "the Environmental Health Officer" should be either "the Manager of Environmental Health Services" or the words "an Environmental Health Officer".

In subclause 77 (2) the word "the" before "Council" should be "a" and the word "made" is missing from before the word "under".

In subclause 87 (3) delete the word "Officer" after "Council" as the use of the word "Council" in this context includes the local government and its employees.

In the title of clause 105 the word "Nest" should be "Nests".

Council's modification of clause 107 means the clause now has no reference to 'numbers of hives'. Therefore, change the title to "Approval Required to Keep Bees".

In clause 107, subclause (1) has become irrelevant and should be deleted. The existing subclause (2) should become subclause (1) and a new subclause (2) inserted as follows: "(2) The Council may grant or refuse, with or without conditions, an application for consent to keep bees."

In clause 107, subclause (4) repeats subclause (3) and therefore is superfluous and should be deleted.

In paragraph (a) of clause 112, Council may wish to consider removing the word "dwelling" as the Health Act gives the power [S.249 (1)] to apply this provision to all houses.

In clause 117, paragraphs (a) and (b), both contain the words "the Environmental Health Officer" which should be either "the Manager of Environmental Health Services" or the words "an Environmental Health Officer".

In subclause 124 (1), in the definition of "recreational campsite", the word "lodge" in paragraph (b) should be the word "lodger".

In subclause 132 (3), the reference to "subclause (1)" should be a reference to "subclause (2)".

In subclause 133 (1), is the reference in paragraph (c) to "copper" still required?

In subclause 141 (1) the reference to "clause 156" should be a reference to "clause 155".

In subclause 143 (1) in paragraphs (b)(ii), (c), (d), (e) and (f), the words "and recreational campsites" are missing from after the words "short term hostels".

In subclause 143 (2), the words "or recreational campsite" are missing from after the words "short term hostel".

In clause 156, in the definition of "offensive trade", paragraph (f) must be deleted as local governments no longer have the power to make such determinations.

In Schedule 8 the word "REGISTRATION" should be "LICENSING" and the word "register" should be "license".

In Schedule 9 the word "REGISTRATION" should be "LICENCE" and the word "registered" should be "licensed"."

"TOWN OF VINCENT HEALTH (EATING HOUSE) LOCAL LAW 2004

The above health local law has been reviewed and the following recommendations are being made:

In clause 2, delete the superfluous definition of "fee".

The definition of "lodging house" in clause 2 is inadequate. Replace it with the definition of the term used in clause 124 (1) of the draft Town of Vincent Health Local Law 2004.

In subclause 11 (1) change the word "a" before the word "Council" to the word "the".

In clause 14, the reference to "clause 16" should be a reference to "clause 15".

The updated Town of Vincent Health Local Law 2004 and Town of Vincent Health (Eating House) Local Law 2004 are "Laid on the Table".

CONSULTATION/ADVERTISING:

As required, Public Notice was advertised State-wide in *The West Australian* Newspaper on Monday 24 May 2004 and locally in the *Guardian Express* Community Newspaper, May 25-31, 2004, for general community and public comment. In addition, Public Notification occurred on Council's Official Notice Board. A copy was provided to all Elected Members and no comments were received. Furthermore, comment was requested from the Director, Environmental Health Directorate of the Department of Health, Government of Western Australia, and the Department of Local Government and Regional Development. It is advised that no public submissions were received during the notice period.

LEGAL/POLICY:

The adoption and gazettal of the proposed Town of Vincent Health Local Law 2004 and Town of Vincent Health (Eating House) Local Law 2004 will be progressed in accordance with Sections 3.12 to 3.15 of the Local Government Act 1995 (as amended) and Sections 134, 172, 199, 207, 249 and 342, of the Health Act 1911 (as amended). The existing Town of Vincent Health Local Laws 1997 will be repealed automatically pursuant to Clause 2 in the proposed Town of Vincent Health Local Law 2004.

National Competition Policy

As the Draft Local Laws are based on the State's Model Health Local Laws, and no substantial modifications are being made, it is deemed that a National Competition Policy Public Benefit Test is not required.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

The review of the Council's Health Local Laws is in keeping with the Town of Vincent Strategic Plan 2003-2008, Key Result Area 2.5 *"Develop and implement community programs for law, order and safety"*, and the Council's *"Vision"* which states:

*"We will continue to be a **safe and healthy inner city area**, rich in heritage and cultural diversity..."*

COMMENTS:

It is recommended that the proposed local laws be adopted subject to the amendments being approved.

10.4.6 Information Bulletin

Ward:	-	Date:	4 August 2004
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 10 August 2004 as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.6

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

CARRIED (9-0)

DETAILS:

The items included in the Information Bulletin dated 10 August 2004 are as follows:

ITEM	DESCRIPTION
IB01	Department of Health - Changes to Smoking in Enclosed Public Places Regulations
IB02	Western Australian Planning Commission - No. 25 (Lot 16) Anzac Road, Leederville - Proposed Subdivision
IB03	Town Planning Appeal Tribunal - Appeal No. 82 of 2004 - Binocular Telescope and Optical World v Town of Vincent
IB04	Statistical Information regarding the Area Surrounding Members Equity Stadium
IB05	East Perth Redevelopment Authority - Lot 609 and 611, No. 20 Lindsay Street, Northbridge - Upgrading of Existing House and Conversion of 'Flour Mill' to Office Building for EPRA
IB06	Letter from Department of Local Government and Regional Development - Reimbursement of Elected Members for Child Care Expenses
IB07	Letter from Department of Industry and Tourism - Tourism and Conservation Partnerships Initiative Expression of Interest - Hyde Park Lakes Restoration
IB08	Minister for Local Government and Regional - Circular No 01-2004 - Progress on Local Government Amendment

ITEM	DESCRIPTION
IB09	Rangers' Statistics for April, May and June 2004
IB10	Register of Petitions - Progress Report - August 2004
IB11	Register of Notices of Motion - Progress Report - August 2004
IB12	Register of Reports to be Actioned - Progress Report - August 2004
IB13	Notice of Forum - 17 August 2004
IB14	Forum Notes – 20 July 2004

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Notice of Motion – Mayor Nick Catania - Changing of Town of Vincent Entry Statement Signage

That the Council;

- (i) *CONSIDERS that the current wording "Nuclear Free Zone" on the Town's Entry Statement signage, (erected in 1996) may no longer be relevant, as State Government Legislation is now in place to control nuclear waste material;*
- (ii) *NOTES the State Government Legislation - "Nuclear Waste Storage and Transportation (Prohibition) Act 1999" prohibits the establishment of a nuclear waste storage facility in this State, the use of any place in this State for the storage or disposal of nuclear waste and the transportation in this State of nuclear waste, and the "Nuclear Activities Regulation Act 1978" makes provision for protecting the health and safety of the people of the State, and the environment, from possible harmful effects associated with nuclear activities;*
- (iii) *APPROVES the Entry Statement sign to be changed by deleting the words "Nuclear Free Zone"; and*
- (iv) *REPLACES the Entry Statement signage words, at an estimated cost of \$3,000, to reflect the Town's diversity, from one of the following;*
 - (a) *"Nurturing our Diverse Community"; or*
 - (b) *"Celebrating our Diverse Community"; or*
 - (c) *"Promoting our Diverse Community".*



Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted subject to:

1. *new clauses (iv)(d) and (e) being added follows:*

- "(iv) (d) "Supporting our Diverse Community"; or*
- (e) "Racism Free Town"; and" and*

2. *a new clause (v) be added as follows:*

"(v) prior to the final determination of any new or additional signage, SEEKS the advice of the Town's Ethnic Communities to assist in selecting the appropriate expression of support for the community in our Town."

Debate ensued.

Moved Cr Ker, Seconded Cr Torre

That;

1. *clauses (i), (ii) and (iii) be deleted and the remaining clauses renumbered; and*
2. *the word "replaces" in the existing clause (iv) be deleted and replaced with the words "adds to".*

AMENDMENT CARRIED (7-2)

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

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION ITEM 11.1

That the Council;

- (i) *ADDS to the Entry Statement signage words, at an estimated cost of \$3,000, to reflect the Town's diversity, from one of the following;*
 - (a) *"Nurturing our Diverse Community"; or*
 - (b) *"Celebrating our Diverse Community"; or*
 - (c) *"Promoting our Diverse Community".*
 - (d) *"Supporting our Diverse Community"; or*
 - (e) *"Racism Free Town"; and*
 - (ii) *prior to the final determination of any new or additional signage, SEEKS the advice of the Town's Ethnic Communities to assist in selecting the appropriate expression of support for the community in our Town.*
-

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

14. CLOSURE

The Presiding Member, Mayor Catania JP, declared the meeting closed at 9.50pm 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 Ian Ker (Deputy Mayor)	South Ward
Cr Sally Lake	South Ward
Cr Maddalena Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental & Development Services
Mike Rootsey	Executive Manager, Corporate Services
Rick Lotznicher	Executive Manager, Technical Services
Annie Smith	Executive Secretary (Minutes Secretary)

1 Member of the Public.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 10 August 2004.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2004