

**INDEX  
(14 SEPTEMBER 2004)**

<b>ITEM</b>	<b>REPORT DESCRIPTION</b>	<b>PAGE</b>
<b>10.1 ENVIRONMENTAL AND DEVELOPMENT SERVICES</b>		
10.1.1	Further Report - No(s). 65 (Lot(s) 11 & Pt10) Clarence Street, Mount Lawley - Proposed Alterations, Garage and Store Additions to Existing Single House (Forrest Precinct) PRO1747 (00/33/2182)	142
10.1.2	Further Report - No(s). 19 (Lot(s) 3) Kingston Avenue, West Perth - Proposed Patio/Disability Covered Area Additions to Existing Single House (Cleaver Precinct) PRO2853 (00/33/2309)	99
10.1.3	Further Report-Nos. 300-304 (Lots 96 & 97) Charles Street (Cnr Albert Street), North Perth - Proposed Demolition of Existing Shop, Caretaker's Residence and Outbuildings, and Construction of Six (6) Multiple Dwellings and Associated Car Parking (Charles Centre Precinct) PRO1557 (00/33/2188)	154
10.1.4	No(s). 105 (Lot(s) 130) Zebina Street, East Perth - Proposed Carport Additions to Existing Single House (Banks Precinct) PRO2876 (00/33/2342)	16
10.1.5	No(s). 1 (Lot(s) 80) Cavendish Street, Highgate - Proposed Demolition of Existing Outbuildings and Construction of a Two-Storey Outbuilding (Shed), Deck, Swimming Pool, Retaining Walls and Landscaping, and Alterations and Additions to Fencing to Existing Single House (Hyde Park Precinct) PRO0351 (00/33/2300)	20
10.1.6	No(s). 5 (Lot(s) 72 & 71) Chamberlain Street, North Perth - Proposed Additional Two-Storey Grouped Dwelling to Existing Single House (Smith's Lake Precinct) PRO2877 (00/33/2343)	178
10.1.7	No(s). 163-171 (Lot(s) 13 and 17) Harold Street, Highgate - Proposed Retaining Walls Additions to Existing Single Residential Vacant Lots-Previously Associated with Sacred Heart Primary School (Hyde Park Precinct) PRO2925 (00/33/2330)	87
10.1.8	No(s). 93 (Lot(s) 74) Chelmsford Road, Mount Lawley - Proposed Partial Demolition of and Alterations, Two-Storey Additions and Garage to Existing Single House (Norfolk Precinct) PRO2204 (00/33/2003)	83
10.1.9	No(s). 158 (Lot(s) Y61 and Y62) Edward Street, Perth - Proposed Partial Demolition of and Alterations and Three-Storey Additions to Existing Warehouse and Office Building (Beaufort Precinct) PRO2817 (00/33/2257)	185
10.1.10	No(s). 335 (Lot(s) 10 & Y11) Oxford Street, Leederville - Proposed partial demolition of and alterations and additions to existing office and incidental showroom, and additional four (4) three storey multiple dwellings and associated undercroft carparking (Leederville Precinct) PRO0050 (00/33/2061)	123

10.1.11	No(s). 24 (Lot(s) 42) Galwey Street, Leederville - Proposed Demolition of Existing Single House and Construction of a Two-Storey Single House (Leederville Precinct) PRO2841 (00/33/2295)	117
10.1.12	No(s). 79 (Lot(s) 7) Hobart Street, Mount Hawthorn - Proposed Demolition of Existing Single House and Construction of a Two-Storey Single House and Outbuilding (Application for Retrospective Planning Approval) (Mt Hawthorn Precinct) PRO2831 (00/33/2281)	111
10.1.13	No(s). 41 (Lot(s) 8) Cleaver Street, West Perth - Proposed Demolition of Existing Single House and Construction of a Two-Storey Single House and Outbuilding (Shed) (Cleaver Precinct) PRO2460 (00/33/2040)	192
10.1.14	No(s). 2 (Lot(s) 86) Norham Street (Corner Fiore Lane), North Perth - Proposed Demolition of Existing Single House (North Perth Precinct) PRO2348 (00/33/2344)	25
10.1.15	No(s). 396 (Lot(s) Y116) Charles Street (Corner Mabel Street), North Perth - Proposed Change of Use from Shop, Office and Showroom to Shop (Beauty Salon) and Associated Signage (Application for Retrospective Approval) (North Perth Precinct) PRO2811 (00/33/2285)	95
10.1.16	No(s). 158A (Lot(s) 529) Vincent Street, North Perth - Proposed Change of Use from Photographic Studio to Office Building (Booking Escort Office Agency) (Application for Retrospective Approval) (Smith's Lake Precinct) PRO0654 (00/33/2271)	146
10.1.17	No(s). 69 (Lot(s) 551) Barlee Street, Mount Lawley - Proposed Temporary Change of Use from Single House to Office (Property Developer, Financial Planning and Architects) Building (Application For Retrospective Planning Approval) (Forrest Precinct) PRO1205 (00/33/2196)	133
10.1.18	No(s). 11 (Lot(s) 15) Egina Street, Mount Hawthorn - Proposed Two-Storey Single House (Mt Hawthorn Precinct) PRO2789 (00/33/2360)	90
10.1.19	No(s). 51 (Lot(s) 197) Lawler Street, North Perth - Proposed Carport Additions to Existing Single House (North Perth Precinct) PRO2786 (00/33/2219)	199
10.1.20	No(s). 47 (Lot(s) 56) Mary Street, Highgate - Proposed Three (3) Multiple Dwellings (Hyde Park Precinct) PRO2767 (00/33/2171)	106
10.1.21	No(s). 6A (Lot(s) 40, Strata Lot No. 2) Hutt Street, Mount Lawley - Proposed Additional Two-Storey Grouped Dwelling to Existing Single House (Norfolk Precinct) PRO1585 (00/33/2296) <b>WITHDRAWN AT THE REQUEST OF THE APPLICANT</b>	11
10.1.22	No(s). 30 (Lot(s) 161) Summers Street, East Perth - Proposed Three-Storey Mixed Use Development Comprising Two (2) Multiple Dwellings and Offices and Associated Car Parking - Determination of Town Planning Appeal Tribunal (Banks Precinct) PRO2507 (00/33/1975)	203
10.1.23	No(s). 41 (Lot(s) 4) Norfolk Street, North Perth - Patio Additions to Existing Single House (Request to Waive Retrospective Planning Fee) (Norfolk Precinct) PRO2676 (00/33/2104)	213

10.1.24	Mount Hawthorn Telephone Exchange at No. 129 (Lot 100) Scarborough Beach Road, Corner Oxford Street, Mount Hawthorn - Telecommunications Low - Impact Facility Notification (Mount Hawthorn Centre Precinct) PRO1181 & PLA0001	27
10.1.25	Western Australian Planning Commission: Metropolitan Region Scheme Proposed Amendment No.1082/33 - 'Bush Forever and Related Lands' and the Statement of Planning Policy No 2.8 - Bushland Policy for the Perth Metropolitan Region PLA0066	216
10.1.26	Draft Environmental Protection (Swan Coastal Plain Wetlands) Policy and Regulations 2004: Western Australian Local Government Association submission PLA0096	221
10.1.27	Tender No. 301/04 - Appointment of a Consultant Building Surveyor to Provide a Part Time Statutory Building and Inspection Service TEN0301/04	30
10.1.28	Office of the Gene Technology Regulator, Australian Government - Revised Draft Risk Analysis Framework Notification and Related Matters ENS0019	33

## **10.2 TECHNICAL SERVICES**

10.2.1	Alexander Drive - Proposed Bus Priority at the Walcott Street and Fitzgerald Street Intersection, North Perth (TES0178) North Perth Precinct	227
10.2.2	Tender for Recycling Collection Service - Tender No. 304/04 (TEN0250) All Precincts	36
10.2.3	Cancellation of 2004/05 Perth Criterium Cycling Series (TES0172 & CMS0033) Oxford Centre Precinct	42
10.2.4	Verge Parking Palmerston Street, Perth (PKG0057) Hyde Park Precinct	45
10.2.5	Proposed State Black Spot Improvement Project intersection of Lawley & Fitzgerald Streets, West Perth (TES0173/TES0130/ TES0513) Hyde Park Precinct	47

## **10.3 CORPORATE SERVICES**

10.3.1	Provisional Financial Statements as at 30 June 2004 (FIN0026)	234
10.3.2	Investment Report (FIN0005)	237
10.3.3	Authorisation of Expenditure (FIN0005)	51
10.3.4	Lease - Portion of Grandstand Mezzanine - Beatty Park Leisure Centre (CMS0014)	54
10.3.5	Lease - 13 Haynes Street, North Perth (CMS0024)	56
10.3.6	Cultural Development Seeding Grant Application (CMS008)	58

10.3.7	National Young Leaders' Day Sponsorship (CMS0023)	238
10.3.8	French and Mauritian Society of WA - Lease at Woodville Reserve (RES0010)	241
10.3.9	Harmony Week/Multicultural Celebrations (CMS0065)	60
10.3.10	Proposed Use of Les Lilleyman Reserve by Subiaco Football Club Community Consultation - Submissions (RES0001)	65

#### **10.4 CHIEF EXECUTIVE OFFICER**

10.4.1	Use of Common Seal (ADM0042)	63
10.4.2	Western Australian Local Government Association (WALGA) Survey - Date of Future Local Government Elections (ORG0030)	244
10.4.3	Town of Vincent Local Law Relating to Standing Orders - Amendment (LEG0019)	246
10.4.4	Members Equity Stadium, 310 Pier Street, Perth - Management Committee (RES0072)	249
10.4.5	Information Bulletin	254

#### **11. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.	256
------	-----

#### **12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES**

Nil.	256
------	-----

#### **13. URGENT BUSINESS**

#### **14. CLOSURE**

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 14 September 2004, commencing at 6.03pm.

**1. DECLARATION OF OPENING**

The Chief Executive Officer announced that Mayor Catania would be late due to the North Perth Community Bank being held up and as he is Chairperson he needed to be there.

Deputy Mayor, Cr Ian Ker assumed the Chair.

The Presiding Member, Deputy Mayor Cr Ian Ker, declared the meeting open at 6.03pm.

**2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE**

**(a) Apologies:**

Cr Maddalena Torre                      South Ward

**(b) Present:**

Mayor Nick Catania, JP                      Presiding Member (from 6.20pm)  
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 (Presiding Member until 6.20pm)  
Cr Sally Lake                                      South Ward

John Giorgi, JP                                  Chief Executive Officer  
Rob Boardman                                   Executive Manager, Environmental and  
Development Services  
Rick Lotznicher                                   Executive Manager, Technical Services  
Mike Rootsey                                    Executive Manager, Corporate Services  
Annie Smith                                      Executive Assistant (Minutes Secretary)

Matt Zis    Journalist – Guardian Express (from 6.15pm to  
8.45pm)

Joelene Waters                                    Journalist – Voice News (until 9.05pm)

Approximately 26 Members of the Public

**(c) Members on Leave of Absence:**

Nil.

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

The Presiding Member, Deputy Mayor – Cr Ian Ker advised that Item 10.1.21-No(s) 6A (Lot(s) 40, Strata Lot No 2.) Hutt Street, Mount Lawley – Proposed Additional Two-Storey Grouped Dwelling to Existing Single House has been WITHDRAWN at the request of the applicant.

1. Ms Judith Burrows of 70 Auckland Street, North Perth on behalf of the North Perth Precinct Group – Item 10.3.10 – Thanked Crs Doran-Wu, Chester, Cohen and Lake for attending their recent Precinct Group Meeting and particularly Cr Doran-Wu for addressing the residents regarding this issue. Believes that the comments submitted have been comprehensively addressed, however still feels that some items still need attention. Requested that consideration be given to; moving the starting and finishing times back by half an hour; displaying training times at the beginning of each season at the reserve and prohibited street parking in addition or prohibited verge parking in Gill Street. Requested that Council consider all the arguments and the best interests of all ratepayers and residents when making a final decision.
2. Ms Liliana Borovina of 93 Chelmsford Road, Mt Lawley – Item 10.1.8 – Requested Council support the application. Stated that they are retaining an authentic 1908 house and keeping alterations to a minimum. Also stated that they have taken into account their neighbours by following the 1.5 metre fall of the lot and that the additions will be no higher than the existing home. Requested support for the small variation to the setback to the lane.
3. Mr Jim Elliott of 32 Gill Street, North Perth – Item 10.3.10 – Referred to Council Minutes of June 2004 and Britannia Reserve. Stated that the administration commented that the objections were unsupportable but despite this the Council acknowledged community opposition and decided against the use of Britannia Reserve. Referred to a series of comments and recommendations in the agenda from the administration stating that most of the community's objections is unsupportable and again believes there is clear evidence that a substantial proportion of the community is opposed. While the Council did not have the same long consultation process, none the less in a short time over 200 users of the reserve voluntarily signed the petition opposing this proposal. The process of gathering these signatures went nowhere near covering the entire neighbourhood or community of users of the reserve yet a very high proportion of these people who had access to this petition are prepared to sign it. Believes that if the Council was prepared to discount its officers' recommendations in the case of the Britannia Reserve community it owes the same courtesy to the Les Lilleyman community. Stated that the community does not want the proposal to go ahead and strongly urged the Council to reject it. Stated that Subiaco's junior football recruitment zone centres on the suburbs of Carine, Greenwood, Duncraig and the like and notes that no proposal has been received from Carine High School. Believes that this would be a perfect solution as it is not public space, there is a change room, gym and swimming pool and it is in the recruitment zone. Believes that the proposal represents a loss of facilities to locals.
4. Mr David Barnao, Project Manager of 26 St Georges Tce, Perth – Item 10.1.7 – Spoke on the heights and lengths of the existing retaining walls. Stated that the only owner affected by the wall is the adjoining owner who has signed a letter supporting the development. Advised that the level of the land which is above the road by up to 1.5 metres has been created by virtue of the fact that the fill has been there for up to 70 years. Recent earthworks undertaken to remediate it has resulted in lowering the level by 0.6 metres. Requested Council to consider and accept that this is a long established level, not something that has taken place recently. Stated that

the zoning of the land is residential R80 which is a high density development and are not going to achieve a pristine single residential large lot development. Stated that they are hopeful that Council will support this application as the owners have recently spent almost \$6million on the refurbishment of the school and the convent and these properties are listed on the Town's Municipal Inventory and believe they play a significant part in the community. Advised that part of this cost is to be offset through the sale of this land.

5. Mr Colin Priddis of 9 Egina Street, Mt Hawthorn – Item 10.1.18 – Stated that with the late notice of this proposal, he has not viewed any of the building plans and has sent a short submission in via email. Believes that the main impact is going to be on their sunlight into the northern aspect. Requested Council to note that he has not had the opportunity to review the documents in sufficient detail.
6. Mr Dean Kellett of 25 Malba Crescent, Dianella – Item 10.1.15 – Requested that Council support the recommendation. Stated that they have been trading there for 12 years. Advised that they will fully comply with the carparking recommendations and the signage will be done in accordance with the by-laws.
7. Mr George Panayotou of 19 Kingston Avenue, West Perth – Item 10.1.2 – Thanked Councillors for deferring their decision on 24 August 2004 and giving the opportunity to address the disabled walkway. Also thanked Cr Torre and Ker for responding to his emails and Des Abel and Rob Boardman for their time in attending the site to discuss the walkway. Requested the Council approve the application.

**Mayor Catania entered the Chamber at 6.20pm and assumed the Chair.**

8. Mr Jim O'Donovan of 27 Harley Street, Highgate – Item 10.1.20 - Advised of the background of the block. Addressed the question whether Council has the discretion to approve this proposed development. Referred to concerns relating to setbacks and stated that no buildings in Mary Street has the setbacks that Council is requested. Believes the project should be approved because of the attractive features offered, such as underground parking for 6 carparking spaces and offer an internal elevator which will provide access for families, elderly couples, handicapped people to all floors. Requested that the item "*lay on the table*" for approximately a month so that Council's concerns can be addressed.
9. Mr Kim Williamson, General Manager, Subiaco Football Club – Item 10.3.10 – Provided a background on Subiaco's relocation to Leederville Oval. Stated that one of the conditions of the relocation was that the Town make available an alternative training ground. Advised that East Perth Football Club have an alternative training ground (Beatty Park). Stated that as part of the Users Working Party they worked cooperatively with the users. Believes that to have the situation replicating what happened at Britannia Reserve is disappointing. Stated that they came to the Town in good faith, have contributed in excess of \$1million to the Town's assets and have endeavoured to work cooperatively with the community. Appealed to the Council to be fair minded in considering the Club's use of Les Lilleyman Reserve in accordance with the terms and conditions in the report.

10. Mr Jasna Hodzic of 79 Hobart Street, Mt Hawthorn – Item 10.1.12 – Referred to clause (viii)(c) of the report. Requested that Council approve the variation to the setback as they would not be able to achieve an attractive front elevation without major redesign. Stated that there are 35 houses in Hobart Street where the house setbacks range from 2.1 to 5.2 metres.
11. Mr Peter Metropolis, Chairperson, Subiaco Football Club – Item 10.3.10 – Stated that the WAFL is a grass roots competition and the Colts range in ages from 16 – 18, most are studying. Believes starting later would be an issue with their study. Stated that they are very committed to youth development and are very happy to co-exist with other users.
12. Mr Robert Chambers, Architect of 15 Rosslyn Street, West Leederville on behalf of Mr Stevenson of Galwey Street – Item 10.1.11 – Stated that Mr Stevenson has faxed his objections to the proposal. Believes that there will be a loss of amenity and will be dwarfed by the development. Stated that Mr Stevenson has a well preserved colonial building with good light and amenity and their will be significant overlooking and loss of light to his residence and feels that the proposal is out of character with street and the scale of the street.
13. Mr Anthony Rechichi, Architect of 218 William Street, Northbridge – Item 10.1.10 – Stated that it is not an easy site to develop and there are issues that have had to be overcome and believes they have been successful in doing that. Advised that they have chosen not to exercise the right to a density bonus on the site because they are retaining the existing heritage listed building in favour of the correct number of units in terms of density but allowing larger units such that the amenity of those units are better. Stated that they have decided to step back the building from the right of way such that it appears that its rear streetscape is only a two storey building and that the bulk of the new building, that tucks in behind the original building that fronts Oxford Street, is obscured by the original building. Also stated that they do not want to overwhelm/overpower the existing building but want to reinterpret the existing building as a modern version of an old building. Requested that Council approve the application.
14. Mr Simon McLennan of Whelans Town Planning Consultants representing owners of 26 Galwey Street – Item 10.1.11 – Stated that his clients are extremely disappointed that the proposed development contravenes a number of the residential planning codes and Scheme requirements and little or no consideration has been given to their concerns raised in their letter of objection. Believes that the character of Galwey Street is rich in heritage and culture and is worthy of preservation and proposal has nothing in common with other structures in the street. Also believes the proposed development warrants the Town to undertake a heritage survey of the street to recognise the proposed development is not consistent with the existing streetscape and is not sympathetic to the character and scale of the existing buildings in the street. Stated that the continuation of the parapet wall past the existing parapet wall on 26 Galwey Street will deprive the house, specifically the master bedroom, of natural light for much of the day and the remainder of the structure will have a similar effect on other rooms.



Asked the Council if the applicant has been requested to provide overshadowing diagrams. Believes that the high walls on the western side of the development will have an effect on the air circulation of the rooms on the eastern side of 26 Galwey Street. Stated that 26 Galwey Street is not a commercial property. Requested that Council defer its consideration of the application at this time and require the applicant to demonstrate that the proposed development will not have a significant impact on the streetscape or amenity of Galwey Street.

15. Mr Ben Dudley of 18A Mary Street, Highgate representing the Marchmont Group – Item 10.1.17 – Thanked those Councillors who took the opportunity to visit the premises. Believes that as the building has been redeveloped as a house, condition (a) that requires the applicant to provide for disabled toilets for the temporary use is overly onerous. Stated that they will act on suggestions made regarding parking and will actively encourage and promote the use of the adjacent Barlee Street Carpark by anyone visiting the property. Requested that Council support the application.
16. Mr Jeff Lind, Football Manager, Subiaco Football Club – Item 10.3.10 – Stated that as part of the relocation, an alternative training venue for the Colts was considered as a high priority. Stated that they have looked at using school premises but in every instance the problems that came up were security, using public property out of school hours and there are no training lights provided at any schools. Stated that it is important that the Colts feel part of the Subiaco Football Club and they train in close proximity and use the same gym facilities as the senior club. Stated that the Subiaco Football Club has put a strong submission to the WA Football Commission requesting that the areas of Mt Hawthorn, Leederville and North Perth be reallocated to Subiaco Football Club immediately as part of their junior zone.
17. Ms Dawn Skeffington of 65 Clarence Street, Mt Lawley – Item 10.1.1 – Stated that the garage will be approximately 7 metres from the pavement and at present there is a galvanised iron gate stretching the width of the driveway where the proposed garage would be situated. Believes the proposed garage would improve the appearance of the house from the street. Requested that Council support the application.
18. Sr Noreen Kale, Sister of Mercy of 167 Chelmsford Road, North Perth – Item 10.1.16 – Stated that the original purpose of the building was a church and strongly disapproves of the proposal to change it to an escort agency.
19. Mr Nick ..... (indecipherable) of 21 Gill Street, North Perth – 10.3.10 – Referred to the consultation process undertaken and believes it is a fairly moot process as Council itself approached the football club to look at the facilities within North Perth. Referred to the Vision for Vincent recently discussed at the North Perth Precinct Group, some of the issues pointed out by the precinct group were the accessibility of local facilities and issue of non residential and taxpayer traffic. Believes the use of the reserve by SFC is certainly in contravention of this given the number of players that are actually non residents of the Town. Questioned where those 23 people in favour of the proposal reside, whether they are from the football team or if they are actually from the Town. Referred to the reason for training

times being 5.30 – 7.30pm because of study. Believes this issue is amplified for local residents who have children under 16 and need the access to the facilities before that time. Also believes the consultation period has been faulty, as the five residents along Gill Street and himself have not been heard in the consultation process and have been completely ignored.

20. Mr Dan O'Donovan, 1 Nanhob Street, Mt Lawley – Item 10.1.20 – Stated that the trees that are intended to be kept, completely obscure the proposed building and that the development only really exceeds the guidelines by the apex in the loft area and are asking for this concession to provide other amenity.

There being no further questions from the public, the Presiding Member closed Public Question Time at 6.50pm.

The Mayor apologised for his late arrival.

**(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

- 4.1 Cr Maddalena Torre for the Ordinary Meeting of Council to be held on 28 September 2004 to attend the Mainstreet Conference in Melbourne.
- 4.2 Cr Steed Farrell for the period 28 September to 12 October 2004 inclusive for work commitments.

**Moved Cr Ker, Seconded Cr Chester**

***That Council APPROVES Leave of Absence for:***

- (i) Cr Maddalena Torre for the Ordinary Meeting of Council to be held on 28 September 2004 to attend the Mainstreet Conference in Melbourne; and***
- (ii) Cr Steed Farrell for the period 28 September to 12 October 2004 inclusive for work commitments.***

**CARRIED (8-0)**

**(Cr Torre was an apology for the meeting.)**

**5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS**

- 5.1 The Chief Executive Officer advised that he had received a petition from Mr J Elliott of Gill Street, North Perth with 212 signatories opposing the proposal to use Les Lilleyman Reserve by the Subiaco Football Club (Colts).

*The Chief Executive Officer advised that this Item is on tonight's Agenda at Item 10.3.10.*

- 5.2 The Chief Executive Officer advised that he had received a petition from Ms K Alexander of Joel Terrace, Mt Lawley with 102 signatories opposing the proposed revised development at 128-130 Joel Terrace, Mt Lawley.

*The Chief Executive Officer advised that the petition would be forwarded to the Executive Manager Environmental and Developmental Services for investigation and report.*

**Moved Cr Ker, Seconded Cr Lake**

*That the petitions be received.*

**CARRIED (8-0)**

(Cr Torre was an apology for the meeting.)

## 6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

### 6.1 Ordinary Meeting of Council held on 24 August 2004

**Moved Cr Ker, Seconded Cr Lake**

*That the Minutes of the Ordinary Meeting of Council held on 24 August 2004 be confirmed as a true and correct record subject to the amendment for Item 10.1.3 – No(s) 18 (Lot(s) 889) Leake Street, North Perth – Proposed Two Storey Single House being amended to read as follows and the Council Decision being amended to reflect the amendment:*

*"That;*

1. *clause (j) be deleted and a new clause (j) included as follows:*

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

2. *clause (ii) being deleted.*

**AMENDMENT CARRIED (5-3)"**

**CARRIED (8-0)**

(Cr Torre was an apology for the meeting.)

## 7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Cr Lake departed the Chamber at 6.55pm.

- 7.1 Announcement Under Section 3.12(2) of the Local Government Act 1995 to Amend a Local Law - Item 10.4.3 on Tonight's Agenda

"It is advised that the Town of Vincent hereby gives public notice that it intends to amend the Town of Vincent Local Law Relating to Standing Orders, to delete Clause 4.7(2) which states;

*"All persons shall comply and observe the forum guidelines and procedures."*

This amendment is at the request of the Joint Standing Committee on Delegated Legislation who have advised the Town that this sub-clause does not comply with the requirements for Local Laws whereby guidelines cannot be legally enforced, unless they are adopted as part of the Local Law.

## **8. DECLARATION OF INTERESTS**

- 8.1 Mayor Catania declared a financial interest in Item 10.3.2 – Investment Report. The extent of his interest being that he is the Chairperson of the North Perth Community Bank.

### **Cr Lake returned to the Chamber at 6.56pm.**

- 8.2 Cr Ker declared a proximity interest in Item 10.1.8 – No(s) 93 Chelmsford Road, Mount Lawley – Proposed Partial Demolition of and Alterations, Two-Storey Additions and Garage to Existing Single House. The extent of his interest being that he resides and owns property in close proximity.
- 8.3 Cr Lake declared a financial interest in Item 10.1.21 – No(s) 6A (Lot(s) 40, Strata Lot No 2) Hutt Street, Mount Lawley – Proposed Additional Two-Storey Grouped Dwelling to Existing Single House. The extent of her interest being that she has an association with the Architect.
- 8.4 Cr Franchina declared a proximity interest in the following Items:
- Item 10.4.4 – Members Equity Stadium, 310 Pier Street, Perth – Management Committee. The extent of his interest being that his daughter owns property in close proximity.
  - Item 10.1.10 – No(s) 335 (Lot(s) 10 & Y11) Oxford Street, Leederville – Proposed Partial Demolition of and Alterations and Additions to Existing Office and Incidental Showroom, and Additional Four (4) Three Storey Multiple Dwellings and Associated Undercroft Carparking. The extent of his interest being that he owns property in close proximity.
- 8.5 Cr Chester declared an interest affecting impartiality in Item 10.1.7 – No(s) 163-171 (Lot(s) 13 and 17) Harold Street, Highgate – Proposed Retaining Wall Additions to Existing Single Residential Vacant Lots – Previously Associated with Sacred Heart Primary School. The extent of his interest being that his son attends Sacred Heart Primary School.
- 8.6 Cr Chester declared a proximity interest in Item 10.1.8 – No(s) 93 Chelmsford Road, Mount Lawley – Proposed Partial Demolition of and Alterations, Two-Storey Additions and Garage to Existing Single House. The extent of his interest being that this property is his primary residence.
- 8.7 Cr Lake declared an interest affecting impartiality in Item 10.3.10 – Proposed Use of Les Lilleyman Reserve by Subiaco Football Club – Community Consultation – Submissions. The extent of her interest being that her partner has previously made a submission on this matter.

- 8.8 Cr Farrell declared an interest affecting impartiality in Item 10.3.5 – Lease – 13 Haynes Street, North Perth. The extent of his interest being that his son attends this facility.

The Chief Executive Officer advised that Cr Doran-Wu has stated that the applicant for Item 10.1.4 – No(s) (Lot(s) 130) Zebina Street, East Perth – Proposed Carport Additions to Existing Single House is no relation to her.

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

Nil.

**10. REPORTS**

The Chief Executive Officer advised that there would be a late report tabled. The Presiding Member advised that this will be considered under "Urgent Business".

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 10.3.10, 10.1.8, 10.1.7, 10.1.18, 10.1.15, 10.1.2, 10.1.20, 10.1.12, 10.1.11, 10.1.10, 10.1.17, 10.1.1 and 10.1.16

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

Items 10.4.3 and 10.4.4

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 10.1.6, 10.1.22, 10.2.1 and 10.3.7
Cr Lake	Item 10.4.2
Cr Chester	Items 10.1.3, 10.1.9, 10.1.13, 10.1.23, 10.3.1, 10.3.8 and 10.4.5
Cr Doran-Wu	Nil
Cr Farrell	Nil
Cr Cohen	Items 10.1.19, 10.1.25 and 10.1.26
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:**

Items 10.1.8, 10.1.10, 10.3.2, 10.1.21 and 10.4.4

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

Items 10.1.4, 10.1.5, 10.1.14, 10.1.24, 10.1.27, 10.1.28, 10.2.2, 10.2.3, 10.2.4, 10.2.5, 10.3.3, 10.3.4, 10.3.5, 10.3.6, 10.3.9 and 10.4.1

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

Nil.

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

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

Items 10.1.4, 10.1.5, 10.1.14, 10.1.24, 10.1.27, 10.1.28, 10.2.2, 10.2.3, 10.2.4, 10.2.5, 10.3.3, 10.3.4, 10.3.5, 10.3.6, 10.3.9 and 10.4.1

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

Items 10.3.10, 10.1.8, 10.1.7, 10.1.18, 10.1.15, 10.1.2, 10.1.20, 10.1.12, 10.1.11, 10.1.10, 10.1.17, 10.1.1 and 10.1.16

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, 10.1.5, 10.1.14, 10.1.24, 10.1.27, 10.1.28, 10.2.2, 10.2.3, 10.2.4, 10.2.5, 10.3.3, 10.3.4, 10.3.5, 10.3.6, 10.3.9 and 10.4.1*

**CARRIED (8-0)**

**(Cr Torre was an apology for the meeting.)**

## Item withdrawn at the request of the applicant

**10.1.21 No(s). 6A (Lot(s) 40, Strata Lot No. 2) Hutt Street, Mount Lawley - Proposed Additional Two-Storey Grouped Dwelling to Existing Single House**

<b>Ward:</b>	South	<b>Date:</b>	7 September 2004
<b>Precinct:</b>	Norfolk; P10	<b>File Ref:</b>	PRO1585; 00/33/2296
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	L Mach		
<b>Checked/Endorsed by:</b>	R Rasiah , R Boardman	<b>Amended by:</b>	-

**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 Riley Hair on behalf of the owner SG Fragomeni & GN Lamb for proposed Additional Two-Storey Grouped Dwelling to Existing Single House, at No(s). 6A (Lot(s) 40, Strata Lot No. 2) Hutt Street, Mount Lawley, and as shown on plans stamp-dated 11 June 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 buildings on boundaries and setback requirements of the Residential Design Codes; and*
- (iv) consideration of the objections received.*

<b>Landowner:</b>	SG Fragomeni & GN Lamb
<b>Applicant:</b>	Riley Hair
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R40
<b>Existing Land Use:</b>	Grouped Dwelling
<b>Use Class:</b>	Grouped Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	521square metres

**COMPLIANCE:**

Requirements	Required	Proposed *
Density	2 dwellings R40	2 dwellings R38.4

\* 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.

<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>
Plot Ratio	N/A	N/A
Pedestrian Accessway	1.5 metres	1.25 metres
Setbacks:		
Ground floor		
- West	1.0 metre	Nil
- South	1.5 metres	Nil - 1.5 metres
- East	2.5 metres	Nil -1.5 metres
- East (garage)	at or behind the main building line	1.5 metres
First Floor		
- West	1.2 metres	Nil
- East (deck)	3.0 metres	Nil - 1.2 metres
- East	3.5 metres	Nil
- North	3.0 metres	2.3 metres
- South	2.1 metres	1.0 metre- 1.5 metres
Buildings on Boundaries	One boundary wall is permitted with an average height of 3.0 metres and a maximum height of 3.5 metres, for 66.6% length of boundary.	Three boundary walls proposed:  Western boundary wall has an average height of 4.61 metres and a maximum height of 6.25 metres, for 67.4% of boundary;  Eastern boundary wall has an average height of 4.9 metres and a maximum height of 6.0 metres, for 30.8 % of boundary; and  Southern boundary wall has an average height of 3.3 metres and a maximum height of 3.6 metres, for 27.5 % of boundary.

\* 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:**

At the Ordinary Meeting of Council held on 21 November 2000, the Council resolved to conditionally approve an application for an additional two storey grouped dwelling to rear of existing dwelling.

**SITE HISTORY:**

A privately owned right of way (ROW) exists to the rear of the subject lot. The ROW is sealed and has a width of 4 metres.



**DETAILS:**

Approval is sought for a two-storey grouped dwelling to an existing single house. The applicant has submitted two comprehensive letters of justification in support of the proposed non-compliances and development. The variations to the western wall and setbacks are of particular concern and the following points, as provided by the applicant, relating to the justification of these variations are noted:

- 50 per cent of this wall length is within the acceptable development standard of height of 3.5metres and the remainder of the wall will have an average height of 6 metres, with a maximum of 6.25 metres.
- The proposal makes effective use of space and amenity.
- The more inward orientation of the house will be very much to the benefit of the neighbours in terms of enhanced privacy.
- The adjacent property also has its own boundary wall on this common boundary. The two-storey section of the wall starts behind the neighbour's existing boundary wall, and extends only 2.5metres further along the boundary from this existing wall, thus minimising the visual bulk of the two-storey section.
- Any building on the building site will be required to be two floors. The minimisation of the end profile of the upper floor and its location to the south will minimise the apparent bulk to the western neighbour compared to the existing approved design. To this end, the upper floor is designed to provide a one-room wide profile to the courtyard of No. 6 Hutt Street, rather than the two-room wide double-storied elevation that the current approved design would present to the courtyard.
- The surface of the boundary walls can be adjusted to suit the requirements of the adjacent property if need be. For instance, it could be finished in a rendered manner and painted the same as the existing neighbours home if required.
- The two-storey section is located on the southern section of the boundary to minimise overshadowing of the western neighbour's courtyard during mornings. The previously supplied shadow diagrams show that the shadows cast from the wall will be similar to those of the existing approved design.
- The 9.00am sun diagrams show that the two-storey section of the house will not stop any sun from entering the rear windows/doors of the house in the mid-winter period, however the two-storey section of the current approved design does cause such an effect.
- The wall overshadows the adjacent property by only 3 per cent (7.5 square metres of 268 square metres) at midday on June 21<sup>st</sup> compared to the ADS maximum standard of 50 per cent.
- It should be noted that the approved setback of the balcony is only 1.5metres from the boundary (rather than 2.5 metres deemed to comply setback in the R Codes). This overlooking would have resulted in a serious loss of amenity to the neighbouring courtyard, which the new design completely overcomes.
- The new house design locates the house's proposed outdoor living area and all windows away from the existing outdoor living area of the western neighbour, providing acoustic privacy to the courtyard. The existing approved design would have had its outdoor living area and major living room windows adjacent to the western neighbour's outdoor living area.
- I have met with the neighbour at No. 6 Hutt Street on many occasions over a period of at least 6 months. This has resulted in some quite positive dialogue between the two parties, and some adjustments to the proposals. Adjustments have already been made in response to the neighbours concerns.
- I believe the currently proposal will deliver significantly improved amenity to him, relative to the currently approved design. On behalf of my clients, I look to Council for a fair assessment of the matters at hand, and provide support for the home's construction.

### **CONSULTATION/ADVERTISING:**

The Town has received three submissions during the advertising period. The matters and concerns raised in these submissions are summarised below:

- Overlooking into the north and north-eastern neighbours.
- Proposed garage will lead to increase usage of the right of way.
- Proposed two storey dwelling on the subject block is considered excessive.
- Size, bulk and setback of the west boundary wall.
- Building materials and workers cars parked will block access of the right of way.

### **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:**

#### **Response to Objections**

##### Overlooking into the north and north-eastern neighbours

In the event that Council approves the application, it is recommended that permanent screening be provided on the northern side of the deck to protect the privacy of the northern neighbour. In relation to overlooking into the north-eastern neighbour, the subject land abuts a four (4) metres wide ROW on the eastern side. Given this, there are no cone of vision encroachments in terms of privacy into the north-eastern property.

##### Proposed garage will lead to increase usage of the right of way

While the above comments regarding the usage of the sealed right of way is noted, the Town's Policies relating to Street Setbacks and Vehicular Access require access to on-site parking solely from a right of way, where available. The intent of the Town's Policies is to preserve the general streetscape, while promoting safety and security via casual surveillance of both the street and the right of way.

##### Proposed two storey dwelling on the subject block is considered excessive

The Town has limited ability to restrict the proposed development, in light of the current provisions of the Town's Town Planning Scheme No. 1 and associated Policies, which do not explicitly preclude two storey developments.

##### Size, bulk and setback of the west bounds wall

This is addressed below in the setbacks and 'building on boundaries' sub-sections.

##### Building materials and workers cars will block access of the right of way

Should Council grant the proposal approval, a standard condition will be placed on the Planning Approval requiring the right of way to be open at all times and not to be used to store building materials and or be obstructed in any way.

### **Pedestrian Accessway**

In accordance with the Town's policy relating to Vehicle Access to Dwellings via a Right of Way, the variation to the pedestrian accessway width of 1.25 in lieu of 1.5 metres is supported in this instance, as the site is constrained by an existing dwelling which is being retained.

### **Building on Boundaries**

The eastern and southern boundary wall is considered acceptable in this instance, as it is not considered to unduly impact on the amenity of the adjoining neighbours and no objections have been received by the Town in regards to this matter. It is further noted that the eastern boundary wall can be supported from a streetscape perspective due to the precedence of walls/buildings on the boundary along the subject right of way. To illustrate the existence of walls with a nil setback of other adjoining properties along this right of way, photographs of the adjoining and nearby properties have been provided as an attachment.

The western boundary wall however, is not considered acceptable in this instance due to the extent of the variation sought, its impact on the amenity of the western neighbour and the objection received by the Town. There is opportunity for redesign of the upper floor study to be setback away from the affected boundary.

### **Setbacks**

The southern and eastern setback variations are considered to be minor and are supported in light of no objections being received by the affected neighbours. The eastern setback variations is further supported as it abuts a right of way and is not regarded to unduly impact on the existing streetscape.

The reduced setbacks on the western side however, are generally not supported as it is considered to adversely impact the western neighbour's amenity and an objection has been received by Town.

### **Heritage**

The property at No. 6 Hutt Street, located in front of the proposed dwelling is included in the Town's Interim Heritage Database. The proposal is not considered to have a negative visual impact on the existing house and is therefore, considered acceptable from the heritage perspective.

### **Conclusion**

Generally, the variations sought by the applicant are considered to be within acceptable standards and are supported. The proposed western boundary wall however is not considered to be supportable in this instance, as it is considered to significantly depart from the setback and building on boundaries requirements of the R-codes. Accordingly, refusal for the proposal is recommended.

**10.1.4 No(s). 105 (Lot(s) 130) Zebina Street, East Perth - Proposed Carport Additions to Existing Single House**

<b>Ward:</b>	South	<b>Date:</b>	3 September 2004
<b>Precinct:</b>	Banks; P 15	<b>File Ref:</b>	PRO2876; 00/33/2342
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	G Snelling		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 G Houston on behalf of the owner BH Doran for the proposed Carport Additions to Existing Single House, at No(s). 105 (Lot(s) 130) Zebina Street, East Perth, and as shown on plans stamp-dated 7 July 2004, subject to;*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fence and gate adjacent to Zebina Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fence and gate being visually permeable, with a minimum 50 per cent transparency;*
- (iii) standard visual truncations, in accordance with the Town's Policies and to the satisfaction of the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised, at the applicant's/owner(s)' full expense;*
- (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) the materials and profile of the carport shall match those of the main dwelling;*
- (vi) all new crossover/s to allotments are subject to a separate approval by the Town's Technical Services Division and 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. Crossovers may be constructed by a private contractor provided they are constructed in accordance with the above specifications and a security bond of \$275 is paid prior to the crossover approval. Application for the refund of bond must be submitted in writing;*

- (vii) *a footpath, 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;*
- (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, all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (ix) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted); and*
- (x) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- 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 (8-0)**

**(Cr Torre was an apology for the meeting.)**

---

<b>Landowner:</b>	BH Doran
<b>Applicant:</b>	G Houston
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R20
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	491 square metres

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>
Plot Ratio	N/A	N/A
Open Space: Minimum total 50 percent of Open Space on the site.	245.5 square metres	228.62 square metres (46.56 percent)

\* 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, and an existing brick and metal roof shed with a nil setback to the rear boundary. The rear of the subject lot abuts a right of way, which is 4.02 metres in total width, unsealed and privately owned.

The site location of the proposed carport is currently being used as a garden area.

**DETAILS:**

The applicant proposes a carport to be located on the northern side of the lot with a 1.5 metres setback to the eastern front boundary, which incorporates a complying front fence. 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:

*"I wish to request permission to construct a double carport located within the front setback area, setback 1.5 metres from the front boundary, and setback 1.0 metre from the northern side of our property. My reasons for not utilising the existing shed at the rear of the property are as follows;*

*(a) my vehicle often gets bogged using the unsealed (sandy) right of way.*

*(b) I wish to use the existing shed for the storage of family materials, and as a workshop/studio.*

*The proposed double carport incorporates open fencing to the front boundary of our property and will not dominate or detract from the front elevation of the property."*

**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 satisfies the abovementioned Council's resolution, and the privately owned and unsealed right of way at the rear of the subject property, is not programmed to be sealed within the current, or subsequent, financial year.

A precedent exists in the immediate locality of Zebina Street, with three (3) carports constructed in the front setback area.

**Open Space:**

There are two existing structures on-site that contribute to the open space calculation, those being the existing single-storey house, and the existing shed at the rear of the property. The required minimum total open space for this subject property is 50 per cent. The resultant open space, inclusive of the proposed carport is 46.56 per cent.

The variation of the required open space area is not considered substantial and does not significantly conflict with the preservation of the amenities, and no objections have been received by the Town from the adjoining property owner/occupiers, therefore the above variation is supported.

**Conclusion**

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

**10.1.5 No(s). 1 (Lot(s) 80) Cavendish Street, Highgate - Proposed Demolition of Existing Outbuildings and Construction of a Two-Storey Outbuilding (Shed), Deck, Swimming Pool, Retaining Walls and Landscaping, and Alterations and Additions to Fencing to Existing Single House**

<b>Ward:</b>	South	<b>Date:</b>	7 September 2004
<b>Precinct:</b>	Hyde Park; P12	<b>File Ref:</b>	PRO0351; 00/33/2300
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M Bonini		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**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 owners A Sharp & A Chauvel for proposed Demolition of Existing Outbuildings and Construction of a Two-Storey Outbuilding (Shed), Deck, Swimming Pool, Retaining Walls and Landscaping, and Alterations and Additions to Fencing to Existing Single House, at No(s). 1 (Lot(s) 80) Cavendish Street, Highgate, and as shown on plans stamp-dated 14 June 2004, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) 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;*
- (iii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (iv) a road and verge security bond or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*
- (v) all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*



- (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 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;*
- (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 plumbing or sanitary facilities or fixtures shall be provided to or within the outbuilding structure without the prior approval of such by the Town;*
- (x) *the outbuilding structure shall not be used for industrial, commercial or habitable purposes and is for the sole personal use of the inhabitants of the dwelling only; and*
- (xi) *subject to first obtaining the consent of the owners of No. 5 Cavendish 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. 5 Cavendish Street in a good and clean condition;*

*to the satisfaction of the Chief Executive Officer.*

---

**COUNCIL DECISION ITEM 10.1.5**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Torre was an apology for the meeting.)**

---

<b>Landowner:</b>	A Sharp & A Chauvel
<b>Applicant:</b>	A Sharp & A Chauvel
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R80
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	344 square metres

**COMPLIANCE:**

Requirements	Required	Proposed *
<b>R Codes</b>		
Density	1 dwelling R80	1 dwelling R 29.06
Plot Ratio	Single House R60 - 0.65 (145.3 square metres)	Single House R60 - 0.40 (139.62 square metres)
Setbacks - Northern Side	1.0 metre (lower) 1.2 metres (upper)	Nil Nil
Western Side abutting ROW	1.0 metre (lower) 1.2 metres (upper)	Nil Nil
Parapet walls	In areas coded R30 and higher, wall not higher than 3.5m with an average of 3m for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.	A 4 metres long and 5.22 metres high parapet wall is proposed along the northern boundary, and a 4 metres long and 5.22 metres high parapet is proposed on the western boundary, abutting the right of way.
<b>Town's Policy</b>		
Outbuildings	Not attached to a dwelling Non habitable Greater than 10 square metres but not more than 30 square metres Does not exceed a wall height of 2.4 metres.	30.72 square metres 5.22 metres overall height

\* 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.

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

**SITE HISTORY:**

The subject lot is currently occupied by a single house. The lot is bound by two rights of way, which are each 3.01 metres wide, privately owned and unsealed.

**DETAILS:**

The current application involves the demolition of an existing shed and construction of a two-storey outbuilding and associated decking, swimming pool and retaining walls.

**CONSULTATION/ADVERTISING:**

The proposal has been advertised and one written submission has been received by the Town. The submission makes the following comments;

*"I am strongly opposed to this 5.47 metre structure as it would:*

- *exceed the council R30 zoning regulations of an average height of 3 metres by 83%*
- *greatly impact on the privacy of most houses in the immediate vicinity, particularly the living area in my house and back garden*
- *destroy an uninterrupted green and leafy vista from the main living area in my house*
- *create a structure totally out of character with the surrounding architecture*
- *detract from the value of my property should I decide to sell."*

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

- *"We propose that the louvered windows shown on the second level of the shed have obscured glass to reduce overlooking.*
- *The proposed parapet wall abuts an existing parapet wall of our neighbour's garage.*
- *The length (horizontal) of the proposed parapet wall is shorter, by approximately 2 metres, than the neighbour's garage parapet wall.*
- *The shed is located on the edge of our neighbour's southern boundary and does not over shadow their property.*
- *We propose to render the section of parapet above the neighbour's parapet subject to our neighbour allowing us access to their property."*

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Northern and Western Side Setbacks**

The subject application proposes two storey parapet walls on both the north and west boundaries in lieu of the required setbacks as per the Residential Design Codes. The northern elevation of the wall abuts a single storey boundary wall on the northern adjoining property. Due to the orientation of the lot, no undue overshadowing takes place. The west elevation of the wall abuts a privately owned unsealed right of way. It is considered that no undue negative impact occurs to adjoining properties as a result of its location on the rear boundary adjoining a right of way.

The proposed setbacks make effective use of area within the lot. It is considered that the impact of the two storey nature of the wall facing the north boundary is somewhat disguised and reduced by the existing garage located on the adjoining northern lot. On this basis, both walls are considered acceptable and therefore supported.

**Boundary Wall Development**

The R Codes permit boundary wall development on one side boundary with restrictions placed on the height and length of the boundary wall. These requirements relate to Acceptable Development in the R Codes. Boundary walls can also be assessed under Performance Criteria which allows buildings on boundaries based on the proposal making effective use of space, enhancing privacy, enhancing the amenity of the development, no significant adverse effect on the amenity of the adjoining property and ensures that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted. In this instance, the proposed development involves two, two storey boundary walls on the west boundary and north boundary. The proposed boundary walls are a deviation from the Acceptable Development requirements in relation to the proposed height and the total number of walls proposed. The proposed boundary walls are considered to be acceptable in this instance as they serve in maximising usable area on the lot. The walls are also considered to achieve the performance criteria of the R Codes. The boundary walls are therefore supported in this instance.

### **Outbuildings**

The proposed application is a variation to the requirements of Town's Policy relating to Ancillary Development in two areas. The outbuilding is slightly over the required area by 0.72 square metre and the wall height exceeds the requirement by 2.82 metres. In this instance, the height is considered acceptable due to the location of the walls not considered to directly impact unduly upon the surrounding properties. The north wall abuts a boundary wall which lessens the impact of its two storey nature and the west wall abuts a right of way, which provides a clearance of 3.01 metres from the rear neighbour. On this basis, the variations are considered to be acceptable and therefore supported.

The reason for the two storey nature of the outbuilding as provided by the applicant is as follows:

*"Our block is small and our primary motivation in renovating the rear is to maximise the amount of useable external landscape space. A small footprint assists us in getting meaningful landscape space for our family (with pool, vegetable garden, lawn etc). A double storey shed allows us to put storage on the ground floor and workshop above without impacting significantly on usable external space.*

*We also consider the rear laneway as being part of the amenity of the area and we wish to make it a safer place by allowing our recreational activity to occur in proximity to the laneway. By accommodating activity within the area (and allowing discrete overlooking of the laneway) it is possible to significantly improve the safety of the area through the principals of CPTED (Crime Prevention Through Environmental Design). The shed allows activity to be directly associated with the laneway."*

### **Parking**

At present, the subject lot does not accommodate any off street parking. There is opportunity for one parking bay to be accommodated at the rear with access from the right of way.

### **Response to Objections Received**

In relation to the point raised relating to the average height being exceeded, the R Codes allows applications to be assessed on a performance based approach. In this instance, it has been considered acceptable to support the height proposed as they are located at the rear of the lot and would not impact on the streetscape.

Privacy is not considered to be affected as a result of the development, as the windows proposed now comply with the privacy requirements as per the R Codes.

The final three points relating to disruption of views, undesirable design and reduced property values are not considered as valid planning concerns and therefore cannot be enforced.

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

**10.1.14 No(s). 2 (Lot(s) 86) Norham Street (Corner Fiore Lane), North Perth - Proposed Demolition of Existing Single House**

<b>Ward:</b>	North	<b>Date:</b>	3 September 2004
<b>Precinct:</b>	North Perth; P8	<b>File Ref:</b>	PRO2348; 00/33/2344
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	H Eames		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 P Henderson on behalf of the owner Paxhill Pty Ltd for proposed Demolition of Existing Single House, at No(s). 2 (Lot(s) 86) Norham Street (Corner Fiore Lane), North Perth, and as shown on plans stamp-dated 8 July 2004, subject to:*

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

*to the satisfaction of the Chief Executive Officer.*

**COUNCIL DECISION ITEM 10.1.14**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Torre was an apology for the meeting.)**

<b>Landowner:</b>	Paxhill Pty Ltd
<b>Applicant:</b>	P Henderson
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R30/40
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	835 square metres

**BACKGROUND:**

An application for the proposed demolition of the existing single house was previously submitted and determined by the Council at the Ordinary Meeting held on 2 December 2003. The Council's resolution at that time was to refuse the application for the reason "*That a redevelopment application is to be included with the demolition application*".

**SITE HISTORY:**

The site is occupied by a brick and tile dwelling that was constructed in circa 1915.

**DETAILS:**

Approval is sought for the demolition of existing single house.

**CONSULTATION/ADVERTISING:**

Demolition applications for properties not listed on the Town's Municipal Heritage Inventory are not required to be advertised.

**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:**

This application is the same as the previous application determined by the Council at the Ordinary Meeting held on 2 December 2003. The application is in accordance with the requirements of the Town Planning Scheme No.1 and associated Policies.

The Officer assessment and recommendation relating to the subject property remains unchanged. The Heritage Assessment is shown as an attachment to this report. In accordance with *Town of Vincent Policy 3.6.2 - Municipal Heritage Inventory*, the place does not meet the threshold for inclusion on the heritage list. The place is not considered to have any heritage value that would require the property to be retained.

Therefore, in light of the above, it is recommended that the application be approved, subject to standard conditions, which include the requirement for redevelopment to be approved prior to the issuing of a Demolition Licence.

**10.1.24 Mount Hawthorn Telephone Exchange at No. 129 (Lot 100) Scarborough Beach Road, Corner Oxford Street, Mount Hawthorn - Telecommunications Low - Impact Facility Notification**

<b>Ward:</b>	North	<b>Date:</b>	6 September 2004
<b>Precinct:</b>	Mount Hawthorn Centre; P2	<b>File Ref:</b>	PRO1181; PLA0001
<b>Attachments</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	K Batina		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*the Council SUPPORTS Option 1 of revised plans submitted by Telstra dated 5 August 2004, in favour of Option 2 of the revised design options for the screening of the Telecommunications Low - Impact Facility on the Mount Hawthorn Telephone Exchange at No. 129 (Lot 100) Scarborough Beach Road, corner Oxford Street, Mount Hawthorn, subject to:*

- (i) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the building setback areas to both Scarborough Beach Road and Oxford Street within the subject property, shall be submitted and approved by the Town. All such works shall be undertaken to the satisfaction of the Town's Parks Services and maintained thereafter by the owner(s)/occupier(s);*

*to the satisfaction of the Chief Executive Officer.*

---

**COUNCIL DECISION ITEM 10.1.24**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Torre was an apology for the meeting.)**

---

**BACKGROUND:**

The Council at its Ordinary Meeting held on 13 May 2003, resolved that:

*"The Council authorises the Chief Executive Officer to organise a meeting with representatives from Telstra and the Town's Elected Members and relevant Officers to discuss the design options for screening of the Telecommunications Low-Impact Facility on the Mount Hawthorn Telephone Exchange at No.129 (Lot 100) Scarborough Beach Road, corner of Oxford Street, Mount Hawthorn."*

On 16 June 2003, Telstra wrote to the Town of Vincent, confirming the outcome of an onsite meeting with Elected Members and relevant Town Officers to discuss design options for the proposed screening of the Telecommunications Low-Impact Facility on the Mount Hawthorn Telephone Exchange building. The design change agreed upon was *'to undertake a design to split the antennas and provide antennas on the Oxford Street frontage (left hand side) and the other antenna further across the building towards the right hand end of the building'*. As an interim measure to provide relief to the network while addressing this design change, Telstra advised that it would mount the antennas and install the already manufactured shrouding on the existing pod mount.

On 5 August 2004, an email was received from Telstra which included an electronic version of the engineering drawings prepared showing the alternative locations for the antennas. The drawings submitted reflected the exact arrangement as was agreed to on-site on 16 June 2003. Telstra further stated in the email the following matters:

*'The height of the replacement structures is controlled by the fact that the antennas transmit over roof areas on the respective buildings. This is an Occupational Health issue, as it is like having the potential of inexperienced people able to work in the area of the antennas at the top of a pole type installation, clearly in a normal circumstance that will not happen, however in this case the potential exists on the adjoining building in Oxford Street and on the roof of the telephone exchange, Telstra has a duty of care to ensure that such a situation cannot happen, hence the structures are higher than we all would like but this is to ensure that people on the roof of either building are not in the bore sight of the antennas'*.

#### **DETAILS:**

The purpose of this report is for Council to consider the revised designs submitted by Telstra in response to Council's 13 May 2003 resolution requesting that Telstra provide *'a more innovative alternative design'* for the proposed mounts to be installed on the Mount Hawthorn Exchange Building.

The revised plans received from Telstra on 5 August 2004 propose the removal of the existing low-impact telecommunication facility ("B") and its replacement with two (2) low impact telecommunications facilities ("A" and "C"), proposed to be situated at either end of the Mount Hawthorn Exchange Building. Copies of the plans are attached for reference and consideration.

There are two options available for consideration by the Council in making its final determination for the low impact telecommunication facilities, which are as follows:

- Option 1 - retain the original design submitted by Telstra relating to the existing low-impact telecommunications facility ("B") which is 5.3 metres above the roof top and which has now been built; or
- Option 2 - remove the existing low-impact telecommunications facility ("B"), which has now been built, and replace it with two (2) low-impact telecommunications facilities ("A" and "C"), which are each 4.5 metres in height above the roof top.



**COMMENTS:**

The Town's Officers have previously supported the design (Option 1) submitted by Telstra relating to the existing low-impact telecommunications facility ("B"), which has now been built as it complies with the intentions and principles outlined in the Town's Draft Telecommunications Facilities Strategy. It is therefore recommended that the Council supports the existing low-impact telecommunications facility and not Option 2 as it results in two (2) low-impact telecommunications facilities being erected, resulting in visual clutter. To date the Town has not received any objections from the community in relation to Option 1 which has now been erected for several months.

It is acknowledged that Telstra has proactively considered and addressed the visual impact of the telecommunications low-impact-facility and has provided the Town with four other design proposals. As the current proposal is a low-impact telecommunications facility, it is to be noted that planning approval is not required from the Town.

**10.1.27 Tender No. 301/04 - Appointment of a Consultant Building Surveyor to Provide a Part Time Statutory Building and Inspection Service**

<b>Ward:</b>	Both	<b>Date:</b>	3 September 2004
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	TEN0301/04
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	G Snelling		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman, M Rootsey	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council ACCEPTS the Tender submitted by Ian Lush and Associates for the Consultant Building Surveyor to provide a part-time statutory building and inspection service, in accordance with the specifications as detailed in Tender No. 301/04, for the hourly rate of \$47.00 (excluding GST).*

**COUNCIL DECISION ITEM 10.1.27**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Torre was an apology for the meeting.)**

**DETAILS:**

The Town of Vincent advertised in 'The West Australian' newspaper on 11 August 2004, for suitable organisations to tender for the Consultant Building Surveyor to provide a part-time statutory building and inspection service.

Tenders for undertaking the service closed at 2pm on Wednesday, 25 August 2004 and three (3) Tenders were received, which are "Laid on the Table". The prices (excluding GST) received from each of the Tenders are detailed below:

	<b>COMPANY</b>	<b>HOURLY RATE PRICING</b>
1.	Ian Lush and Associates	\$47.00
2.	ACB Consulting Pty Ltd	\$50.00
3.	Fire Safety Solutions Pty Ltd	\$53.00

In accordance with the evaluation criteria and associated weightings outlined in Section 5.0 of the Tender Document, the following scores have been applied to each of the Tender submissions:

	<b>COMPANY</b>	Knowledge, Technical Expertise and Relevant Experience  (50%)	Relevant oral and written communication experience  (30%)	Availability to respond to inspections/ enquiries/ correspondence and associated duties  (10%)	Total Cost  (10%)	<b>Total Score</b>  <b>(100%)</b>
1	Ian Lush and Associates	48%	27%	9%	10%	94%
2	ACB Consulting Pty. Ltd.	40%	20%	8%	9%	77%
3	Fire Safety Solutions Pty. Ltd.	45%	25%	9%	8%	87%

**CONSULTATION/ADVERTISING:**

Tender No. 301/04 - Consultant Building Surveyor to provide a part-time statutory building and inspection service was advertised in *'The West Australian'* newspaper on 11 August 2004 and submissions closed on 25 August 2004.

**FINANCIAL IMPLICATIONS:**

The current 2004/2005 Budget includes an amount of \$54,000 for a Consultant Building Surveyor.

**STRATEGIC IMPLICATIONS:**

Nil.

**LEGAL/POLICY:**

Nil.

**COMMENTS:**

Following the assessment of the Tender submissions, it is established that Ian Lush and Associates, is the most suitable to provide a part-time statutory building and inspection service for the Town of Vincent, and presented the best value for money. Ian Lush and Associates met all the required specific expertise, have substantial and relevant technical knowledge, ability to carry out all the associated duties, as well as having specific experience in working with the Town, which presented them as the most appropriate to carry out the Consultant Building Surveyor duties.

Total cost was allocated 10 per cent of the overall criteria weighting, and therefore was not a singular deciding factor when determining the successful Tender, however, Ian Lush and Associates presented the lowest Tender price in addition to meeting all the required criteria outlined in the Tender documents.

Verification of the Consultant's referees revealed a strong respect for the Consultant's work ethic, performance and ability to meet the objectives of the client, produce timely work in compliance with Building Control Legislation and relevant Town Planning requirements. Ian Lush and Associates have successfully carried out Contract Building Surveying work for the Town of Vincent from 1995 up to the present time, and has achieved exemplary results.

The Town's Planning and Building Services have discussed the concept of employing a full-time Building Surveyor. However, it is considered more cost effective and flexible to employ a consultant Building Surveyor for the following twelve (12) months, to continue to provide the necessary professional support to Building Services.

In light of the above, it is recommended that the Council accepts the Tender submitted by Ian Lush and Associates to provide a part-time statutory building and inspection service, within the Town of Vincent, in accordance with the specifications as detailed in Tender No. 301/04.

**10.1.28 Office of the Gene Technology Regulator, Australian Government - Revised Draft Risk Analysis Framework Notification and Related Matters**

<b>Ward:</b>	Both	<b>Date:</b>	7 September 2004
<b>Precinct:</b>	All	<b>File Ref:</b>	ENS0019
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	D Brits		
<b>Checked/Endorsed by:</b>	R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report relating to the revised Draft Risk Analysis Framework Notification received from the National Office of the Gene Technology Regulator (OGTR), Australian Government and as "Laid on the Table";*
- (ii) *NOTES that the OGTR remains fully responsible for assessments of Genetically Modified (GM) Organisms in the field;*
- (iii) *NOTES that the Food Standards Australia New Zealand (FSANZ) remains fully responsible for assessments of GM Foods for suitability and safety in the Australian food supply and this is a completely separate process and is not dependant on OGTR;*
- (iv) *NOTES that the testing and analysis of foods for compliance with GM labelling is a responsibility of the Australian Quarantine and Inspection Service (AQIS) in relation to imported foods; and*
- (v) *NOTES that the Office of the Principal Food Scientist, Applied Environmental Health Service, Department of Health, Government of Western Australia, will determine priorities as and when necessary after liaising with relevant Agencies and Local Government Environmental Health Officers concerning targeted GM food audits that may also include analysis of particular suspect foods on a collective State-wide basis.*

---

**COUNCIL DECISION ITEM 10.1.28**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Torre was an apology for the meeting.)**

---

**BACKGROUND:**

Food Standards Australia New Zealand (FSANZ) ensures safe food by developing effective food standards for Australia and New Zealand. FSANZ is an integral part of a strong food regulatory system operating between governments at all levels in Australia and New Zealand. The process of assessing the suitability of genetically modified **foods** for suitability and safety in the Australian food supply is made by FSANZ. They develop food standards with advice from other government agencies, input from stakeholders and food regulatory policies endorsed by the Australia and New Zealand Food Regulation Ministerial Council. Decisions are open and accountable, based on the rigorous scientific assessment of any risk to public health and safety. In Australia, they develop food standards for the entire food supply chain, from primary production through to manufactured food and retail outlets. At a local level, Environmental Health Officers are essential role-players in food safety and work with this bi-national body accordingly.

In ensuring the provision of a safe food supply, FSANZ is responsible for developing food regulatory measures in relation to the following:

- Food chemicals, additives, contaminants and naturally occurring compounds;
- Microbiological safety in order to prevent food borne illness;
- Food allergens that pose significant health risks to large sub-populations of the community, for example peanuts or gluten;
- New technologies, including GM foods, irradiated foods and novel foods; and
- Nutritional considerations, such as mandatory and voluntary fortification and a pilot folate health claim.

This is a completely separate process and is not dependant on the OGTR. The OGTR has been established within the Australian Government Department of Health and Ageing to provide administrative support to the Gene Technology Regulator in the performance of her functions under the *Gene Technology Act 2000*.

The *Gene Technology Act 2000*, which came into force on 21 June 2001, introduces a national scheme for the regulation of genetically modified organisms in Australia, in order to protect the health and safety of Australians and the Australian environment by identifying risks posed by or as a result of gene technology, and to manage those risks by regulating certain dealings with genetically modified organisms in the environment. (Website: <http://www.ogtr.gov.au/>)

The testing and analysis of foods for compliance with GM labelling is an issue for Australian Quarantine and Inspection Service (AQIS) with imported foods.

The Office of the Principal Food Scientist, Applied Environmental Health Service, Department of Health, Government of Western Australia, will determine priorities as and when necessary after liaising with relevant Agencies and Local Government Environmental Health Officers concerning targeted GM food audits that may also include expensive analysis of particular suspect foods on a collective State-wide basis for compliance of Australian and imported foods in the future. It should be borne in mind that the majority of the approved GM products in the marketplace do not require an advisory statement that they are derived from a GMO because they do not have residual GM material or do not have significantly altered characteristics. For example, GM canola that is herbicide resistant does not require the refined canola oil to be labelled as being GM canola oil.

The Chief Executive Officers of all Local Governments of Australia received correspondence dated 16 August 2004 from the OGTR requesting comment on the Revised Risk Analysis Framework. The documentation is "Laid on the Table".

### **INVITATION TO COMMENT:**

The invitation to comment on the draft revised risk analysis framework is as follows:

*'Australia's Gene Technology Regulator (the Regulator) is responsible for administering the national regulatory system that seeks to protect the health and safety of people and the environment by identifying risks posed by, or as a result of, gene technology and managing those risks. The Regulator invites written submissions from the public and interested organisations on the draft revised Risk Analysis Framework. The Risk Analysis Framework sets out the rationale and approach to risk analysis used by the Regulator in assessing licence applications seeking authorisation for dealings with genetically modified organisms (GMOs). It is a key document for the Regulator, staff of the OGTR, applicants, stakeholders, domestic and international regulatory bodies, and the Australian public. **The Risk Analysis Framework is being revised to take account of the experience gained from three years of operation of the gene technology regulatory system, including the assessment and issuing of 34 licences authorising the intentional release of GMOs into the environment.***

*Copies of the draft revised Risk Analysis Framework can be obtained from the OGTR website [www.ogtr.gov.au](http://www.ogtr.gov.au) (under 'What's New'), email [ogtr@health.gov.au](mailto:ogtr@health.gov.au), telephone 1800 181 030, fax (02) 6271 4202 or by writing to:*

*Office of the Gene Technology Regulator  
PO Box 100  
WODEN ACT 2606*

*Submissions should be forwarded to the Regulator by close of business on 8 October 2004.'*

### **DETAILS:**

In setting up a regulatory system for gene technology the Australian Government recognised both the potential of the technology to contribute to society and concerns in the community over the development and deployment of the new technology. In June 2001 the legislative scheme for the regulation of genetically modified organisms (GMOs) in Australia commenced with the Gene Technology Act 2000 (the Act) and the Gene Technology Regulations 2001 (the Regulations) and established the basis for corresponding State laws. The *'Risk Analysis Framework'* is being revised to take account of the experience gained from three years of operation of the gene technology regulatory system, including the assessment and issuing licences authorising the intentional release of GMOs into the environment.

Given the background provided to this issue, it is deemed appropriate for Council to receive the report relating to the revised Draft Risk Analysis Framework and to note the roles and responsibilities of the OGTR, FSANZ, AQIS, the Office of the Principal Food Scientist, Applied Environmental Health Service, Department of Health, Government of Western Australia, and the field support provided by local Environmental Health Officers.

**10.2.2 Tender for Recycling Collection Service - Tender No. 304/04**

<b>Ward:</b>	Both	<b>Date:</b>	30 August 2004
<b>Precinct:</b>	All	<b>File Ref:</b>	TEN0250
<b>Reporting Officer(s):</b>	R Lotznicher, R Morphett		
<b>Checked/Endorsed by:</b>	M Rootsey		
<b>Amended by:</b>	-		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on the Tender for Recycling Collection Services;*
- (ii) *ACCEPTS the tender submitted by Amcor Recycling for the Collection of Single Residential Recycling at \$164,000 per annum and Cleansweep for the Collection of Multi-Unit residential and commercial properties co-mingled glass/plastic/cans and paper products at \$17,445 and \$26,034 per annum respectively as detailed in the report and in accordance with the specifications as detailed in Tender No. 304/04; and*
- (iii) *RECEIVES a further report advising of the future options for the provision of an improved comprehensive recycling service to the Town's residents and ratepayers in light of the Mindarie Regional Council's decision at its meeting held on 1 July 2004.*

---

**COUNCIL DECISION ITEM 10.2.2**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Torre was an apology for the meeting.)**

---

**BACKGROUND:**

The Town currently provides a fortnightly recycling collection service to its residents and ratepayers. The existing service comprises the following:

**Single Residential Properties**

A fortnightly collection service is provided to all residential properties. Collection is restricted to normal domestic quantities with recyclable products separated into co-mingled glass/plastic/cans via a 50 litre crate and paper products in a stacked pile beside crate.

**Multi-Unit Residential and Commercial Properties**

A weekly / fortnightly service is provided to all multi-unit residential and commercial properties. Recyclable products are separated into co-mingled glass/plastic/cans and paper products and are collected in separate 240 litre mobile garbage bins (MGBs).



The current participation rate for the Town's recycling service is approximately 4,500 single residential (*50 litre crates*), 500 multi-unit residential and commercial co-mingled glass/plastic/cans (*240litre MGB*) and 900 multi-unit residential and commercial paper products.

### **Current Tender**

The Town's current tenderer is Amcor Recycling. The Tender which was awarded to Amcor in July 2002 was for a period of twelve (12) months, with an option to extend for a further one (1) or two (2) twelve (12) month periods.

The final 12 month option in the tender was due to commence in July 2004 and conclude in July 2005, however, Amcor advised the Town that due to changes in the glass recycling market in WA their cost to carryout the service would have to increase by approximately \$5,000 per month. Given this proposed change, the Town's administration decided to recall tenders for the Recycling Service for a period of twelve (12) months, with an option to extend for a further one (1) or two (2) twelve (12) month periods.

### **DETAILS:**

#### **Mindarie Regional Council**

A report titled *Waste Minimisation and Tender for Kerbside Recycling Collection Service* was presented to the Ordinary Meeting of Council held on 6 June 2001.

In the report the Council was advised that the Mindarie Regional Council (MRC) was currently proposing to build a Resource Recovery Facility (RRF) to become operational in 2005/6 and that until then, almost all of the member Councils had decided to continue with their current recycling regimes.

In line with this, tenders for the Town's Kerbside Recycling Collection Service were called in 2002 for a period of twelve (12) months, with an option to extend for a further one (1) or two (2) twelve (12) month periods.

#### **MRC Meeting 1 July 2004**

The MRC at its meeting held on 1 July 2004 considered a report on Domestic Waste Collection Systems in the region. The Bin Collection Summary Report which was the basis for the MCR report was presented by BSD consultants in June 2004.

Relevant issues discussed in the BSD report are as follows:

- The survey of community attitudes indicated that the community is very supportive of the concept of recycling.
- The proposed MRC, RRF will include waste separation technologies that will be able to effectively extract recyclables from the waste stream.
- Three (3) collection systems were assessed; 'one bin', 'two bin' and 'two bin' -organic waste & other waste.
- Advantages and disadvantages of all systems however the optimum collection system will be dependant on the priorities of individual member Council's.
- Survey of residents undertaken between April and June 2004 where a representative sample was asked 6 questions. The results indicated that 70% of community members preferred the traditional 'two bin' system.

- The survey results indicated that environmental issues such as minimising greenhouse gases, diverting waste from landfill and creating higher order products (i.e. paper fibre is recycled back into paper and not composted) were the most important.
- There is a strong likelihood that introducing a 'one bin' collection system in conjunction with a RRF, may undermine public support for the RRF.

The BSD report recommended as follows:

- The MRC does not require the member Councils to introduce a one bin collection system with the first stage of resource recovery.
- The MRC does not introduce a wet/dry bin system with the introduction of the first stage of resource recovery and that the MRC does not provide a materials recovery facility capable of separating packaging material from other dry waste in the RRF.

Note: Not every household will utilise a recycling bin and therefore even with a separate kerbside collection service there will still be a considerable quantity of recyclables present in the 'other bin'. The RRF will therefore be required to separate mainly traditional packaging recyclables from the organic waste stream irrespective of the collection system used. Sorting technologies will therefore have to be included in the RRF even though they may have limited ability to recover all the recyclable packaging such as glass, plastic and paper products.

#### Conclusions / Discussions

The results of the BSD survey indicated that the community supports recycling and is prepared to pay an additional fee for the service. The Town may choose to alter its recycling collection service in line with its community wishes and their willingness to pay, either now or in the future. If the Town wishes to increase the amount of recycling, it has the option of introducing a second bin.

Alternatively the status quo could be retained with the introduction of the RRF and a review of the recycling methods undertaken once the RRF is operational and the full costs and capabilities of the facility are better understood. One of the key tender requirements for the RRF will be the flexibility of the facility to treat a heterogeneous waste stream that may also change over time.

One of the principles of the resource recovery education strategy has been to build on the community's support of traditional recycling and expand that to include resource recovery. The community survey undertaken as part of the BSD study highlighted the requirement to broaden the community's views of recycling to extend beyond packaging materials.

The RRF has been promoted as being capable of capturing more recyclables. The expectation of the community and the member councils is that the RRF will be able to recycle more of the traditional packaging recyclables. Retaining the status quo in regards to the separate recyclable collection system will ensure that recycling rates are not worse than at present and will potentially improve with increased awareness of waste management through the introduction of resource recovery. The MRC will also be able to show that it is diverting organic waste from landfill and therefore increasing the amount of recycling undertaken in the region.

On 17 August 2004 the Town received a letter from the MRC advising as follows:

*"The Mindarie Regional Council, at its meeting held on 1 July 2004, resolved, inter alia, to advise member councils that:*

- *a unified waste collection service is not a requirement for the proposed Regional Resource Recovery Facility*
- *That member councils should continue to provide separate collection service for recyclable packaging, and sorting of this material should continue to be undertaken by parties other than the MRC*
- *Separate material recovery facility will not be provided in the RRF as part of Stage 1*
- *Flexibility of the RRF to process a variable waste stream and recover recycle packaging material will be a key tender requirement*

*The Council also recognised that any member participation agreement for the Regional Resource Recovery Facility would include specification of the minimum collection requirements for domestic waste."*

### **Tender**

The Town, as previously mentioned (*Background*), must maintain its current recycling service in the short term at least and to this end tenders for the Recycling Collection Service for a period of twelve (12) months, with an option to extend for a further one (1) or two (2) twelve (12) month periods, were called and closed at 2.00pm on 25 August 2004. Two (2) tenders were received.

The prices submitted are to be fixed for a twelve (12) month period. Beyond this, price adjustments for CPI and material increases/decreases may be negotiated.

### **Tender 304/04 Evaluation**

Details of all submissions received for Tender No. 304/04 are as follows:

				<i>Amcor Recycling</i>	<i>Cleansweep</i>
Item	Description	Service	Quantity	Rate \$/annum Incl. GST	Rate \$/annum Incl. GST
1	Single Residential	50L crate with loose paper products stacked alongside	13,000*	164,000.00	290,004.00
2	Multi-Unit Residential/Commercial Co-Mingle Glass/Plastic/Cans	240 L MGB	524**	78,000.00	17,445.00
3	Multi-Unit Residential/Commercial Paper Products	240 L MGB	917**	36,500.00	26,034.00
<b>TOTAL</b>				<b>278,500.00</b>	<b>333,483.00</b>

Note:     \*     Current participation rate for residential properties is approximately 35%.  
              \*\*     Based on previous years a possible additional 50 services for Items 2 & 3 above can be anticipated.

**Tender Evaluation**

The tenders were evaluated in accordance with the selection criteria as outlined in the tender documentation as follows:

- Contract price 65%
  - Past performance in similar project 15%
  - Adequate resources available to carry out works 10%
  - References 5%
  - Overall compliance with tender specification and requirements 5%
- 100%**

Single Residential Properties

Contractor	Contract Price	Past Performance	Resources	Reference	Compliance	Total
Amcor Recycling	65	14	10	5	5	99
Cleansweep	37	14	10	5	5	71

Multi-Unit Residential and Commercial Properties (co-mingled glass/plastic/cans)

Contractor	Contract Price	Past Performance	Resources	Reference	Compliance	Total
Amcor Recycling	15	14	10	5	5	49
Cleansweep	65	14	10	5	5	99

Multi-Unit Residential and Commercial Properties (paper products)

Contractor	Contract Price	Past Performance	Resources	Reference	Compliance	Total
Amcor Recycling	46	14	10	5	5	80
Cleansweep	65	14	10	5	5	99

**Comments**

The Tender indicated that:

“Council reserve the right to choose one single contractor to perform all services required, or to choose a contractor for each service Item as described in the Tender Schedule.”

Amcor has been the Town’s contractor for sometime now and has provided a good service. It is recommended that the Tender component for Single Residential Properties recycling collection be awarded to Amcor as their price is very competitive.

The price submitted by Cleansweep for the provision of a recycling service for Multi-Unit Residential and Commercial Properties is very competitive. A reference check of the company has revealed that they are capable of providing the required service.

It is recommended that the Tender component for Multi-Unit Residential and Commercial Properties co-mingled (glass/plastic/cans) and paper products be awarded to Cleansweep.

**CONSULTATION/ADVERTISING:**

Tender Number 304/04 was advertised for a minimum of fourteen (14) days in accordance with the Local Government (Function & General) Regulations 1996, Part 4 (15).

**LEGAL/POLICY:**

Nil.

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of Strategic Plan 2003-2008 – 1.1 Protect and enhance environmental sustainability and biodiversity. “j) *Develop a waste management strategy that is aligned with the Mindarie Regional Council’s Secondary Waste Treatment initiatives and has positive environmental outcomes.*”

**FINANCIAL/BUDGET IMPLICATIONS:**

\$200,000 (excluding GST) has been included in the 2004/2005 budget for the provision of the recycling service.

**COMMENTS:**

As mentioned in the report, the MRC has indicated that member Councils should decide what recycling collection service they will adopt.

It is considered that the Town should maintain the status quo for now and review its recycling method once the RRF is operational and the full costs and capability of the facility are better understood.

Amcor has been the Town’s contractor for some time now and has submitted a competitive price for the Tender component Single Residential Properties. The price submitted by Cleansweep for the provision of a recycling service for Multi-Unit Residential and Commercial Properties is very competitive. A reference check of the company has revealed that they are capable of providing the required service.

In taking into account the provision to split the Tender as described in the Tender Schedule, the ongoing service provided to the Town by Amcor and the competitive price offered by both companies, it is recommended that Amcor be awarded the Tender component for Single Residential Properties and Cleansweep be awarded the Tender component for Multi-Unit Residential and Commercial Properties co-mingled (glass/plastic/cans) and paper products.

Each Tender will be for a period of twelve (12) months, with an option to extend for a further one (1) or two (2) twelve (12) month periods as per Tender No. 300/04.

**10.2.3 Cancellation of 2004/05 Perth Criterium Cycling Series**

<b>Ward:</b>	South	<b>Date:</b>	7 September 2004
<b>Precinct:</b>		<b>File Ref:</b>	TES0172 & CMS0033
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	C Wilson		
<b>Checked/Endorsed by:</b>	R Lotznicher	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on the cancellation of the 2004/05 Perth Criterium Cycling Series;*
- (ii) *CONSIDERS carrying forward the allocated sponsorship funding of \$9,000 to the 2005/06 financial year on the understanding the Perth Criterium Cycling Series will resume in 2005/06;*
- (iii) *ADVISE the organisers that if the proposed major new tour event eventuates to complement or replace the Perth Criterium Cycling Series, that the Town requests the first right of refusal to stage an event in Leederville; and*
- (iv) *RECEIVES a further report if and when the new series is announced.*

**COUNCIL DECISION ITEM 10.2.3**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Torre was an apology for the meeting.)**

**BACKGROUND:**

Over the past nine (9) years the Town of Vincent has successfully hosted a leg of the Perth Criterium Cycling Series, with the Leederville event the only race to be held every year in which the series has run.

Note: The event lapsed for a year in 1998 as the result of financial difficulties encountered by the original organisers and in 2002 the event was shifted from early December to January 2003 resulting in a 13 month gap and essentially missing a calendar year.

On Monday 5 January 2004 the Town again staged a very successful event, boasting the largest crowd of the series.

After the success of the 2004 series, the organisers, Perth Criterium Series Pty Ltd, had intended, as in past years, to proceed with a "2005 Australian Open Men's Criterium Championship & 'Be Active - Cycle Instead' International Cycling Series", culminating in the proposed 2005 World Criterium Championships, with an anticipated announcement in mid 2004.

**DETAILS:**

However, Perth Criterium Series Pty Ltd has since advised that this did not eventuate and that they are currently negotiating with EventsCorp to stage a major new (World or Australian) Cycling Tour event, which they are not in a position to divulge at this time. However, as a result they (Perth Criterium Series Pty Ltd) have come to the conclusion there is insufficient time within which to organise the 2005 series.

Therefore, in anticipation that a new tour event / series will be announced in the latter part of 2004 Perth Criterium Series Pty Ltd has decided not to proceed with the 2005 series so that all their resources can be directed to the new and/or expanded series in 2006.

The Town of Vincent has on seven (7) previous occasions, January 1996 and 1997 and December 1999, 2000 and 2001 and January 2003 and 2004, hosted a leg of the Perth Criterium Cycling Series. All the events were judged a success in terms of public interest and spectator numbers.

As with the past five (5) series, 1999 - 2004, the series organisers Perth Criterium Series Pty Ltd, were again intending on holding a series in January 2006.

As an inducement to stage an event in the Oxford Centre Precinct, the Town has for each of the above years, provided both direct and in-kind sponsorship for the series.

At the conclusion of each series, Perth Criterium Series Pty Ltd has submitted a comprehensive analysis of the sponsorship benefits derived from the series and the level of exposure attained. In 2004 the Leederville race featured on commercial, public and cable television sport shows Australia wide.

In order to stage the event, Oxford Street café strip is closed early to traffic allowing the section of Oxford Street between Vincent and Newcastle Streets to operate as a temporary pedestrian mall. With crowds averaging four thousand (4,000) spectators, it provides an opportunity for the cafés and restaurants to temporarily expand their alfresco area, and thereby their custom, in what is traditionally a quiet trading period.

As previously reported to Council in September 2003, when approval for the 2004 Leederville race was sought, Perth Criterium Series Pty Ltd indicated at the time that they, in conjunction with the Western Australian Cycling Federation, Cycling Australia and EventsCorp, were negotiating with the world governing body to hold the inaugural World Criterium Championships in Perth in 2005, and if the series eventuated intended to stage a race within the Town.

However, Perth Criterium Series Pty Ltd have since advised that while they continue to hold on-going negotiations with the above bodies, terms and conditions are yet to be agreed as to what form the new series will take and therefore they are not in a position to proceed with the 2005 series.

At this time they are hoping to make an announcement in October / November 2004.

It is Perth Criterium Series Pty Ltd intention to keep the Town fully informed of the progress of these negotiations and to formally seek Council's support if and when their discussions come to fruition.

**CONSULTATION/ADVERTISING:**

It is proposed to advise the Leederville Community Action Group of the cancellation of the 2005 Leederville event and to liaise with the group if and when the proposed 2006 series eventuates.

**LEGAL/POLICY**

Nil.

**STRATEGIC IMPLICATIONS:**

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

and;

Key Result Area Three of the 2003-2008 Strategic Plan, Economic Development. Promote business opportunities in the Town. *"3.4 b) Promote tourist activity within the Town"*.

**FINANCIAL/BUDGET IMPLICATIONS:**

It is proposed that the direct sponsorship funding of \$9,000 currently allocated in the 2004/2005 budget be carried forward to the 2005/06 budget in anticipation of a 2006 Perth Cycling Criterium Series, or similar, proceeding.

**COMMENT:**

Over the past nine (9) years the Perth Criterium Cycling Series has provided some exciting action and focused local and national attention on the Town in general and the Oxford Centre Precinct specifically.

Further, since being switched to January it has provided a timely financial fillip for local traders in what has traditionally been a quiet period immediately after New Years Eve.

If, as anticipated, Perth Criterium Series Pty Ltd in conjunction with EventsCorp, are successful in securing either an officially sanctioned World or Australian Tour Event, the budget for series would be in the order of five (5) times that of the current Perth Cycling Criterium Series, providing an indication of scale.

Therefore, while it is regrettable that there will not be a 2005 Perth Criterium Cycling Series, if the proposed 2006 World or Australian Tour event does eventuate, there is an opportunity for the Town to significantly raise its profile by hosting an internationally significant sporting event with all its associated publicity and exposure.



**10.2.4 Verge Parking Palmerston Street, Perth**

<b>Ward:</b>	South	<b>Date:</b>	8 September 2004
<b>Precinct:</b>	Hyde Park Precinct P12	<b>File Ref:</b>	PKG0057
<b>Attachments:</b>	<a href="#">001;</a>		
<b>Reporting Officer(s):</b>	A Munyard		
<b>Checked/Endorsed by:</b>	R Lotznicher	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on the proposed NO PARKING ON VERGE restriction adjacent to Lots 1316 and 88 Palmerston Street, Perth;*
- (ii) *APPROVES IN PRINCIPLE the introduction of the restriction as illustrated in attached Plan 2295-PP-1;*
- (iii) *REVIEWS the necessity for the NO PARKING ON VERGE restriction once development of Lot 88 Palmerston Street has been implemented; and*
- (iv) *APPROVES a moratorium on issuing infringement notices for a period of two (2) weeks following the installation of the new parking restriction signs.*

**COUNCIL DECISION ITEM 10.2.4**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Torre was an apology for the meeting.)**

**BACKGROUND:**

A complaint has been received from an elected member regarding parking on the verge on the west side of Palmerston Street, Perth, near the intersection of Stuart Street. Problems associated with verge parking in Palmerston Street have been on-going, however the majority of residents have not supported the introduction of a restriction adjacent to their properties. It is now proposed that a NO PARKING ON VERGE restriction be implemented adjacent to the Town owned Lot 1316 (Robertson Park) and the development site, Lot 88.

**DETAILS**

In accordance with the Town's policy, parking is not permitted on verges without the consent of the adjacent property owner. However, once a NO PARKING ON VERGE restriction has been formally designated by signage, the Town's rangers must infringe all vehicles parked on the verge, even if they have been parked there at the invitation of the adjacent owner. For this reason, residents frequently do not support such a restriction, viewing it as a loss of amenity.

There is very strong demand on parking spaces in the section of Palmerston Street between Newcastle and Randell Streets. A combination of factors including development in the area, businesses located in the vicinity, and proximity to the CBD mean that Palmerston Street is a parking "hot spot". Recent works in the area have improved the parking facility in Stuart Street, where ticket parking is currently being introduced. Concurrently with the implementation of the ticket parking, a two (2) hour restriction has been approved for the surrounding (currently unrestricted) streets. This restriction will soon be active on the west side of Palmerston Street, with the east side already carrying a similar restriction.

Over the past two (2) years or more, complaints have been received regarding parking on the verge on the west side of Palmerston Street, however consultation with residents has shown that the implementation of a verge parking restriction is not generally supported. It is now proposed, that as a measure to improve both the aesthetic amenity of the street and as a safety measure, the restriction be introduced near the intersection of Stuart Street, but limited to that section adjacent to Robertson Park and the undeveloped Lot 88.

**CONSULTATION/ADVERTISING:**

With respect to the outcomes of previous consultations, it is not proposed to introduce a verge parking restriction adjacent to the residences in Palmerston Street at the present time. It is proposed that, should the Council approve the NO PARKING ON VERGE restriction adjacent to Robertson Park and Lot 88, that this restriction be reviewed once development of the lot has been implemented.

**LEGAL/POLICY:**

There is no legal impediment to the proposed parking restriction changes which will be enforced by the Town's Rangers when implemented.

**STRATEGIC IMPLICATIONS:**

In accordance with the Town's Strategic Plan 2003-2008 Key Result Area 1.4

- p) Develop a strategy for parking management in business, residential and mixed use precincts, that includes:*
  - parking facilities that are appropriate to public needs;*
  - a clear indication that it is the developer's responsibility to provide on-site parking;*
  - protection of the rights of local residents to park in their streets where limited off road parking is available*

**FINANCIAL/BUDGET IMPLICATIONS:**

The purchase and installation of necessary signage would be approximately \$250.00.

**COMMENTS:**

This section of Palmerston Street is subject to high demand for parking because of its location and also as a result of overflow from the angle parking in Stuart Street. A time restriction soon to be implemented will address this problem at kerb-side, however a verge parking restriction is necessary to discourage verge parking near the intersection.

**10.2.5 Proposed State Black Spot Improvement Project intersection of Lawley & Fitzgerald Streets, West Perth**

<b>Ward:</b>	South	<b>Date:</b>	8 September 2004
<b>Precinct:</b>	Hyde Park P12	<b>File Ref:</b>	TES0173, TES0130 & TES0523
<b>Attachments:</b>	<a href="#">001;</a>		
<b>Reporting Officer(s):</b>	C Wilson		
<b>Checked/Endorsed by:</b>	R Lotznicher	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on the proposed State Black Spot Improvement Project at the intersection of Lawley and Fitzgerald Streets, West Perth;*
- (ii) *APPROVES in principle the proposal as shown on attached Plan No 2097-C;*
- (iii) *REFERS the matter to the Town's Local Area Traffic Management Advisory Group for their consideration; and*
- (iv) *RECEIVES a further report on the proposed Black Spot Improvement once the Town's Local Area Traffic Management Advisory Group have considered the matter.*

**COUNCIL DECISION ITEM 10.2.5**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Torre was an apology for the meeting.)**

**BACKGROUND:**

Every year, for the past decade, Local Governments have received an accident 'Black Spot' list from Main Roads WA covering their area, which forms the primary basis for road safety improvement funding submissions. In established older areas, the Town Black Spots tend to be exclusively intersections while in the new outer suburbs Black Spots can also be sections or lengths of roads.

Each year the Town undertakes a number of Black Spot Improvement Projects ranging from large projects such as the Leederville Parade/Oxford Street roundabout to small localised projects such as the Curtis Street/Walcott Street half 'seagull island' preventing the right turn movement.

While the larger projects are generally well supported by the public, as people tend to recognise the greater good, the small projects can at times generate the most debate.

Currently the Town has State Black Spot funding to undertake improvements at the intersection of Lawley and Fitzgerald Streets, West Perth, to reduce or eliminate right turn accidents. The obvious solution is to install a raised central median island in Fitzgerald Street across Lawley Street, thereby eliminating the right turn into and out of Lawley. However, this will have a major impact on, not only the residents of Lawley and Gallop Streets, but also the adjacent Hyde Park Hotel whose drive-in bottleshop is off Lawley Street. The compromise solution, as endorsed by Main Roads WA, is to install a half 'seagull' island preventing the right turn out from Lawley Street (while retaining all the other movements) which would have eliminated a majority of the accidents.

**DETAILS:**

'Black Spots' are those locations which have a high accident recurrence rate resulting in significant personal and property damage. Locations designated 'Black Spots' are eligible for state and federal funding with which to undertake Main Roads WA endorsed improvements.

In regards the intersection of Lawley and Fitzgerald Streets, the following information is provided:

Location: Intersection of Lawley and Fitzgerald Streets, West Perth  
Site Description: 'T' intersection of District Distributor A Road (Fitzgerald Street) with terminating Access Road (Lawley Street).  
Request: Black Spot Improvement.  
Main accident types: Right angle and right angle through.  
Proposed Action: Install 1/2 'seagull' raised median island in Lawley Street to prevent the right turn movement out of Lawley Street into Fitzgerald Street.

Accident Statistics

- Period: Five (5) years, 1997-2001.
- Number: Eleven (11) reported accidents.
- Cost to community: \$108,000.
- Injuries sustained: Yes, 1 medical attention required.

Traffic Data

<i>Section</i>	<i>Volume (vpd)*</i>	<i>85% Speed (kph)</i>
• Fitzgerald Street (source MRWA).	16,500	N/A
• Lawley Street, Gallop to Fitzgerald.	722	37

\* Weekday averages

Classification:

- Fitzgerald Street District Distributor A
- Lawley Street Access Road

Budget: \$17,000

Designated Bicycle Routes: No

Proposed Walk Trails: Yes, Lawley Street.

Local Attractors: Hyde Park Hotel, corner Fitzgerald and Lawley Streets.

Speed Limits: The posted speed in Fitzgerald Street is 60 kph, while in Lawley Street it is 50kph.

### **Discussion**

The intersection of Fitzgerald and Lawley Streets is classified as a Black Spot based upon its five (5) year accident history, 1997-2001 (inclusive), and therefore qualifies for State Black Spot funding.

Of the eleven (11) reported accidents in this period, some 7 accidents or 64% were directly related to right angled and right angled through accidents, while another two (18%) were rear end accidents which anecdotally can be attributed to vehicles taking evasive braking action to avoid a vehicle turning right across them.

The most cost effective method to reduce and /or eliminate these types of accidents is to ban the straight through and right turn movement.

There is insufficient room within the existing road reserve to install right turn pockets in Fitzgerald Street at Lawley Street or to install other preventative measures.

Technical Services recognised that there were significant implications for the community and the surrounding road network if the works proceed, but the accident history could not be ignored.

### **Recommendation**

It is recommended that the above matter be referred to the Town's LATM Advisory Group for consideration and that a further report be presented to Council outlining the Group's findings and recommendation.

### **CONSULTATION/ADVERTISING:**

Once the matter has been considered by the LATM Advisory Group and is referred to the Council, consultation with the wider community will be recommended.

### **LEGAL/POLICY:**

Any resultant improvement proposal would be designed in accordance with relevant Australian and Main Roads WA Standards.

### **STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of the Strategic Plan 2003-2008 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *“(o) Investigate and implement traffic management improvements in liaison with the Local Area Traffic Management (LATM) Advisory Group.”*

### **FINANCIAL/BUDGET IMPLICATIONS:**

The 2004/2005 budget incorrectly lists the project as the intersection of Lord and Harold Streets, Highgate/Mt Lawley. The proposed Lord / Harold Streets Improvement Project did not proceed and the budget should have listed the Lawley / Fitzgerald Streets project with an allocation of \$17,000. Therefore, based upon the standard State funding arrangement of \$2 to every \$1 from Local Government, the maximum outlay by the Town of \$5,667.

**COMMENTS:**

While there is a strong case to install a half 'seagull' island in Lawley Street at its intersection with Fitzgerald Street, in order to reduce the accident recurrence rate, potentially it could have an impact upon the amenity of the surrounding residents and businesses. It is therefore recommended that the proposed Black Spot Improvement Project be referred to the Town's Local Area Traffic Management Advisory Group for their consideration and a further report be presented to the Council once the Town's Local Area Traffic Management Advisory Group has considered the matter.

**10.3.3 Authorisation of Expenditure for the Period 01 Aug - 31 Aug 2004**

<b>Ward:</b>	-	<b>Date:</b>	7 September 2004
<b>Precinct:</b>	-	<b>File Ref:</b>	FIN0005
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M Orchard		
<b>Checked/Endorsed by:</b>	Bee Choo Tan	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council CONFIRMS the;*

- (i) Schedule of Accounts for the period 1 August – 31 August 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 10.3.3*

**COUNCIL DECISION ITEM 10.3.3**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Torre was an apology for the meeting.)**

**DECLARATION OF INTEREST**

<b>Members/ Officers</b>	<b>Voucher</b>	<b>Extent of Interest</b>
------------------------------	----------------	---------------------------

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:

<b>FUND</b>	<b>CHEQUE NUMBERS/ PAY PERIOD</b>	<b>AMOUNT</b>
<b>Municipal Account</b>		
Town of Vincent Advance Account	EFT	\$2,940,283.29
<b>Total Municipal Account</b>		<b>\$2,940,283.29</b>
<b>Advance Account</b>		
Automatic Cheques	48426-48472, 48474-48497, 48499-48676, 48678-48710	\$749,400.16
Manual Cheques		\$0.00
Transfer of Creditors by EFT Batch 275-276, 278-281, 283-284, 286-288		\$750,062.96
Transfer of PAYG Tax by EFT	August 2004	\$142,670.05
Transfer of GST by EFT	August 2004	\$0.00
Transfer of Child Support by EFT	August 2004	\$491.54
Transfer of Superannuation by EFT City of Perth	August 2004	\$26,255.25
Local Government	August 2004	\$73,233.28
<b>Total Advance Account</b>		<b>\$1,742,113.24</b>
<b>Transfer of Payroll by EFT</b>	August 2004	<b>\$467,016.17</b>
<b>Bank Charges &amp; Other Direct Debits</b>		
Bank Charges – CBA		\$1,865.55
Lease Fees		\$1,550.69
Corporate Master Cards		\$2,258.62
Australia Post Lease Equipment		\$311.77
2 Way Rental		\$3229.60
Loan Repayment		\$0.00
B/Park ATM Cash Agreement		\$165.00
<b>Total Bank Charges &amp; Other Direct Debits</b>		<b>\$9,381.23</b>
<b>Less GST effect on Advance Account</b>		<b>-\$139,796.95</b>
<b>Total Payments</b>		<b>\$5,018,996.98</b>



**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 and are laid on the table.

**10.3.4 Lease - Portion of Grandstand Mezzanine - Beatty Park Leisure Centre**

<b>Ward:</b>	South Ward	<b>Date:</b>	11 August 2004
<b>Precinct:</b>	Smith's Lake Precinct	<b>File Ref:</b>	CMS0014
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	Paul Betts, Deb Vanallen		
<b>Checked/Endorsed by:</b>	Mike Rootsey	<b>Amended by:</b>	John Giorgi

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *APPROVES of a five (5) year lease with the Western Australian Swimming Association for a portion of the grandstand mezzanine at Beatty Park Leisure Centre subject to final satisfactory negotiations being carried out by the Chief Executive Officer; and*
- (ii) *NOTES that the propose lease will contain a specific clause relating to the possible future redevelopment of the facility and the right of the Council to terminate the lease if this eventuates.*

---

**COUNCIL DECISION ITEM 10.3.4**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Torre was an apology for the meeting.)**

---

**BACKGROUND**

The Western Australian Swimming Association (Inc) has leased a 180 square metre portion of the grandstand mezzanine at Beatty Park Leisure Centre since 18 December 1993 until 17 December 1998 and then renewed the lease from 18 December 1998 to 17 December 2003. The lease has been renewed monthly since the expiry date. The Western Australian Swimming Association uses the space as its administrative offices and wishes to continue with leasing its premises.

**DETAILS:**

It is recommended that Council commences lease negotiations with the Western Australian Swimming Association (Inc). A five (5) year lease period will be offered.

**CONSULTATION/ADVERTISING:**

N/A

**LEGAL/POLICY:**

The Town's Policy No. "1.2.8 Terms of Lease", which specifies a five year term, to a maximum of ten years.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2003-2008 - Key Result Area 2.1 (a) *"Seek community initiatives and involvement in the development of programs and provide facilities and other recreational resources appropriate to the Town's needs."*

- *Key Result Area 3.2 (a) Review leases and commercial contracts to ensure the best return for the Town.*

**FINANCIAL/BUDGET IMPLICATIONS:**

The Town currently receives \$3,780.00 per annum in lease fees.

**COMMENTS:**

The Western Australian Swimming Association are a key stakeholder in the swimming and aquatic industry in Western Australia. Although the operation of the Association operates quite separately to Beatty Park Leisure Centre there are numerous benefits in them being located on-site.

The Town is currently carrying out a feasibility study for Beatty Park Leisure Centre. Future development may take place and therefore the proposed lease should contain a specific clause which allows the Council to terminate the lease, if this eventuates.

**10.3.5 Lease - 13 Haynes Street, North Perth**

<b>Ward:</b>	North Ward	<b>Date:</b>	30 September 2004
<b>Precinct:</b>	Mount Hawthorn	<b>File Ref:</b>	CMS0024
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	Paul Betts		
<b>Checked/Endorsed by:</b>	Mike Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council APPROVES the granting of a monthly lease for the period 1 October 2004 until 31 December 2004 to Kidz Galore for the child care centre at 13 Haynes Street, North Perth.*

**COUNCIL DECISION ITEM 10.3.5**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Torre was an apology for the meeting.)**

**BACKGROUND**

The facility at 13 Haynes Street has been leased by the Education Department since 25 September 2000 with the lease due to expire on September 30 2004 after the Education Department requested an early lease termination date.

Kidz Galore have sub-leased 13 Haynes Street from the Education Department since 1 April 2002 and have requested Council grant them a short term lease until the end of the December 2004.

**DETAILS:**

It is recommended that a monthly lease from 1 October 2004 until 31 December 2004 be granted to Kidz Galore for the premises at 13 Haynes Street. The Education Department lease for the premises expires on 30 September 2004 and Kidz Galore can no longer sub-lease and must be granted a short term lease by the Town of Vincent. Kidz Galore have requested this lease so as to avoid the problem of having to find alternative child care for three months for the forty (40) children who currently attend 13 Haynes Street. Kidz Galore have advised that they are interested in the long term lease of the premises which will be subject to tender in the future. The Local Member for Yokine, Bob Kucera MLA, has recently written to the Town giving his support for Kidz Galore.

**CONSULTATION/ADVERTISING:**

N/A

**LEGAL/POLICY:**

The Town's Policy No. "1.2.1 Terms of Lease", which specifies a five year term, to a maximum of ten years.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2003-2008 - Key Result Area 2.1 (a) *"Seek community initiatives and involvement in the development of programs and provide facilities and other recreational resources appropriate to the Town's needs."*

**FINANCIAL/BUDGET IMPLICATIONS:**

The Town currently receives \$2304 per annum in lease payments from the Education Department (\$192 per month).

**COMMENTS:**

It is recommended Kidz Galore be granted a monthly lease for 13 Haynes Street from 1 October 2004 until 31 December 2004. This is to avoid Kidz Galore administrators having to relocate in the middle of the year the forty (40) children attending the centre to another child care centre.

**10.3.6 Cultural Development Seeding Grant Applications**

<b>Ward:</b>	Both	<b>Date:</b>	2 September 2004
<b>Precinct:</b>	All	<b>File Ref:</b>	CMS 0008
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	D Spurgeon		
<b>Checked/Endorsed by:</b>	J Anthony, M Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That Council APPROVES the applications of;*

*(i) The Seniors Recreation Council of WA Inc for \$300; and*

*(ii) Meerilinga for \$1,000;*

*under the Cultural Development Seeding Grants Programme.*

**COUNCIL DECISION ITEM 10.3.6**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Torre was an apology for the meeting.)**

**DETAILS:**

**Seniors Recreation Council**

The Seniors Recreation Council of WA Inc is holding a range of activities at the Loftus Community Centre as part of the Be Active Games for Senior's in Care event. The Games will incorporate twenty two (22) different care agencies for a day of modified competitions and social interaction.

In particular the funding will go towards venue hire of Loftus Community Centre for the event. The Be Active Games for Senior's in Care will be open to all seniors in care regardless of their gender, sexual preference or physical and intellectual ability.

**Meerilinga**

Meerilinga is a non profit young children's foundation, aimed at improving the quality of life for children in Western Australia. They are located in West Leederville. Meerilinga is running a range of free children's activities and entertainment for their Closing Ceremony for Children's Week on Sunday 31 October 2004. The event will be held from 9:00am to 3:30pm at Hyde Park, Perth and will include activities such as face painting, play dough and an animal farm. A copy of their proposal is attached at Appendix 10.3.6.

The event is open to everyone and will be advertised in local papers as well as through a local newsletter drop. There is plenty of parking nearby, including ACROD bays, and the venue, Hyde Park, is accessible to public transport. The event will be open to everyone irrespective of race, religion, gender, sexual preferences physical or intellectual disability.

If successful, the Cultural Development Seeding Grant for \$1000 will be used towards the project production costs, in particular venue hire and purchase of materials for the event.

**STRATEGIC IMPLICATIONS:**

The Cultural Development Seeding Grants and the submitted applications address the following section of the Town's Strategic Plan 2003-08:

*2.1 Celebrate and acknowledge the Town's cultural diversity.*

*Action Plans to implement this strategy include:*

*a) Where appropriate, financially support and promote community initiated events.*

**FINANCIAL/BUDGET IMPLICATIONS:**

The Budget 2004-05 contains an amount of \$5,000 budgeted for this item.

**COMMENTS:**

**Seniors Recreation Council**

The Be Active Games for Senior's in Care, organised by the Seniors Recreation Council of WA Inc, and is an event that will benefit many of the seniors within the Town of Vincent. By funding this event, the Town is contributing towards programs for senior residents.

The Seniors Recreation Council of WA Inc will acknowledge the Town's support during the Be Active Games with Town of Vincent signs or banners to be displayed.

**Meerilinga**

The Closing Ceremony to Children's week, organised by Meerilinga, will benefit the community by providing an enjoyable, fun day out that fosters community involvement while promoting culturally diverse experiences.

Both of these applications meet the criteria to make them eligible for a Cultural Development Seeding Grant. Acquittal forms will be completed by the Seniors Recreation Council of WA Inc, and Meerilinga, detailing how their respective Cultural Development Seeding Grants were expended. Successful applicants must acknowledge the Town of Vincent's support of their project by displaying the Town's logo on all promotional material such as flyers and posters.

**10.3.9 Harmony Week / Multicultural Celebrations**

<b>Ward:</b>	Both	<b>Date:</b>	6 September 2004
<b>Precinct:</b>	All	<b>File Ref:</b>	CMS 0065
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	S Jarman		
<b>Checked/Endorsed by:</b>	J Anthony, M Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *APPROVES the proposal to celebrate National Harmony Week with a week long series of events as detailed in this report; and*
- (ii) *NOTES that the Chief Executive Officer will provide an evaluation report on the event to Council.*

**COUNCIL DECISION ITEM 10.3.9**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Torre was an apology for the meeting.)**

**BACKGROUND:**

The Town of Vincent has a rich Multicultural history and a diverse population of various cultures living within the Town. Over the past four years the Town has celebrated this diversity by participating in Harmony Week celebrations and hosting an annual multicultural festival.

The Town of Vincent has participated in Harmony Week celebrations for the past four years. Harmony Week is an annual event which is a part of the Commonwealth Government's Living in Harmony initiative. It provides the opportunity for Australians to celebrate our diverse cultural heritage. Harmony Week is a well-known and well publicised Commonwealth event, celebrated on a large scale by most local governments and government departments. In 2004 this Commonwealth initiative extended from Harmony Day celebrations to Harmony Week celebrations. For the past two years the Town has been celebrated Harmony Week with a small concert in the North Perth Multicultural Gardens.

The Town has facilitated Multicultural Festivals since 2001 with 'Viva Vincent' for two years and 'Culture Shock' held in 2003.

Multicultural celebrations highlight the coming together of a variety of multicultural community groups, performers and family groups from and around the Town. The events provide a relaxing and enjoyable setting where the community can learn about, share, appreciate and enjoy different aspects of the variety of cultures represented within the Town. In the short term, the events give a vibrant and different experience for residents and their families. In the long term events such as these strengthen the sense of community and create a better understanding and tolerance for people with difference beliefs and cultures. Together various cultures form the foundation of the Town's multicultural society which enables residents to have the diverse lifestyle which all can enjoy.



**DETAILS:**

The proposal for 2005 is for the Town to also extend the celebrations by hosting Harmony Week events. This keeps with the format of government departments and other local governments. The objectives for the Harmony Week are:

- To celebrate the diverse cultures represented within the Town;
- To promote and increase community awareness of the cultural diversity within the Town;
- To provide enjoyable and educational activities which will be relevant to various groups within the community;
- To provide a vibrant and colourful events in the local community.

Celebrations would consist of events run throughout the week using various locations within the Town, a range of initiatives and local community groups.

Some of the programme would involve activities such as:

- multicultural storytelling sessions (in association with the library);
- multicultural fashion parade and social evening (in association with Tamil Association and TAFE);
- Multicultural film viewings at the Luna Cinema;
- Multicultural Dolls picnic (highlighting the Multicultural floor games at the Multicultural gardens) (in association with the Ethnic Child Care Resource Centre);
- multicultural banner competition (incorporating local primary schools);
- Information session and morning tea for carers from Culturally and Linguistically Diverse Backgrounds (CALD) backgrounds (in association with Carers WA);
- Free 'come and try' sessions with multicultural groups hiring the Town's facilities.

**CONSULTATION/ADVERTISING:**

The Town of Vincent Community Development Officers have an extensive network with multicultural community groups, specific multicultural agencies, agencies which deal with people from CALD backgrounds and individuals from CALD backgrounds. Therefore they are aware of the issues faced, the sense of pride within the groups and support requested. Through community consultation there has been a strong sense gained of the ongoing need for community awareness and education in regards to multicultural issues and celebration. This consultation and networking has lead to forming the basis of the Harmony Week proposal of events for 2005.

For promotion a flyer will be widely distributed to residents, multicultural agencies and available at local community centres and the library. Advertisements will be placed in the Voice News and the Guardian Express. Also notices placed on various appropriate website, including the Town of Vincent and Office of Multicultural Interests.

**LEGAL/POLICY:**

Nil.

**STRATEGIC IMPLICATIONS:**

Harmony Week celebrations addresses the following section of the Town's Strategic Plan 2003-2008:

“Key Result Area Two: Community Development

2.1 Celebrate and acknowledge the Town's cultural diversity.

- a) seek community initiatives and involvement in the development of programs and provide facilities and other recreational resources appropriate to the Town's needs;*
- b) develop and organise community events that engage the community and celebrate the cultural diversity of the Town;*

2.4 Provide a range of community programs.

- d) support and implement multicultural programs.”*

**FINANCIAL/BUDGET IMPLICATIONS:**

In 2004/2005 budget allocated funds of \$18,000 for the multicultural festival and \$3,500 for Harmony week. It is intended to reallocate the funds for the multicultural festival for the Harmony Week events at the first budget review of the year at the end of September 2004. A grant application, for \$6000, will also be submitted to the Office of Multicultural Interest as apart of their Harmony Week funding opportunities.

**COMMENTS:**

Continuing multicultural events demonstrates to the community the Town's commitment to celebrating its diversity, highlighting the importance of living in harmony, sharing knowledge and experiences. Multicultural events fit well with the Town of Vincent's mission statement of "Enhancing and Celebrating our Diverse Community", which we strive to do through a range of initiatives.

Whereas the Town has traditionally held a multicultural festival at the end of the year, for 2004 the Town is providing in-kind and financial support to three external groups that are facilitating multicultural festivals during this time. The Leederville Action Group is running the 'Leederville Street – Cultural Shock Festival' on 5 December. Meerilinga are holding the closing of Children's Week in Hyde Park with a multicultural theme on 31 October. The Italian Club are holding their '70 years Community Fair and Carnival' on 31 October.

These proposals are a new initiative which will be trialled for 2004 / 2005. The Town's in kind support to the Leederville Festival 2004 in organising multicultural stage, and the series of events organised as part of the Harmony Week 2005, will be evaluated based on outcomes outlined in the Strategic Plan. This evaluation report will be reported back to Council in May 2005.

**10.4.1 Use of the Council's Common Seal**

<b>Ward:</b>	-	<b>Date:</b>	7 September 2004
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0042
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	M McKahey		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

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

**COUNCIL DECISION ITEM 10.4.1**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Torre was an apology for the meeting.)**

**BACKGROUND:**

The Chief Executive Officer is responsible for the day-to-day management of the Town and other responsibilities and functions in accordance with Section 5.41 of the Local Government Act. This includes the signing of documents and use of the Council's Common Seal for legal documents. The Town of Vincent Local Law relating to Standing Orders Clause 5.8 prescribes the use of the Council's Common Seal. The CEO is to record in a register and report to Council the details of the use of the Common Seal.

At the Ordinary Meeting of Council held on 14 May 2002, the Council authorised the Chief Executive Officer to use the Common Seal, in accordance with Clause 5.8 of the Town of Vincent Local Law relating to Standing Orders, subject to a report being submitted to Council each month (or bi-monthly if necessary) detailing the documents which have been affixed with the Council's Common Seal.

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

<b>Date</b>	<b>Document</b>	<b>No of copies</b>	<b>Details</b>
30/7/04	Withdrawal of Caveat	1	Town of Vincent and Minter Ellison Lawyers, Central Park, 152 St Georges Terrace, Perth re: Nos. 434-446 (Lot 1) Lord Street
30/7/04	Withdrawal of Caveat	1	Town of Vincent and Minter Ellison Lawyers, Central Park, 152 St Georges Terrace, Perth re: No. 39 (Lot 140) West Parade, Mount Lawley
05/8/04	Contract of Employment	3	Contract of Employment for Town of Vincent Chief Executive Officer, John Giorgi
16/8/04	Local Law - Amendment	1	Town of Vincent Parking Facilities Local Law - Amendment
16/8/04	Restrictive Covenant	2	Town of Vincent and C.G. Mullaney of 132 London Street, Mount Hawthorn re: No. 132 (Lot 4025) London Street, Mount Hawthorn

<b>Date</b>	<b>Document</b>	<b>No of copies</b>	<b>Details</b>
17/8/04	WA Road Traffic Code 2000 Regulation 297(2) - Instrument of Authorisation	2	Town of Vincent and the Commissioner of Main Roads
19/8/04	Local Law	1	Town of Vincent Health Local Law 2004 and Explanatory Memorandum
19/8/04	Local Law	1	Town of Vincent Health (Eating House) Local Law 2004 and Explanatory Memorandum
07/9/04	Deed of Licence	1	Town of Vincent and Allia Holdings Pty Ltd of Unit 25, 257 Balcatta Rd, Balcatta and Total Event Management of Total House, Cnr Belmont Avenue and Fulham St, Belmont re: Social Club Function on 8/9/04 at Members Equity Stadium

**10.3.10 Proposed use of Les Lilleyman Reserve by Subiaco Football Club  
Community Consultation - Submissions**

<b>Ward:</b>	North	<b>Date:</b>	23 August 2004
<b>Precinct:</b>	Mt Hawthorn P1	<b>File Ref:</b>	RES0001
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M Rootsey, R Lotznicher, John Giorgi		
<b>Checked/Endorsed by:</b>		<b>Amended by:</b>	

**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 football oval area marked on the reserve on a maximum of three (3) nights per week (Monday-Friday) between the hours of 5.00-7.30pm with the specified nights where possible to be identified and displayed at the reserve;*
  - (b) *the use of the designated area of the reserve by SFC Colts only (up to 30-40 persons) being limited between March-October inclusive;*
  - (c) *the use of the designated area 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 and the current verge prohibition signage to be upgraded;*
  - (e) *any traffic issues that may arise 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 6000m<sup>2</sup> being specifically created to accommodate dogs on the training nights;*
  - (g) *notes that dogs off leash will be permitted on the entire reserve at all times during non training times The proposed 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 only;*
  - (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 the Council's approval;*
  - (m) *notes that dogs on leash will still be permitted outside of the football oval area during football training time;*
  - (n) *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;*
  - (o) *the playground at Les Lilleyman Reserve being upgraded and fenced and this work to be carried out between October-November 2004 (\$35,000 has been included in the 2004/05 budget for this project);*
  - (p) *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 with park users will be notified of any changes;*
  - (q) *the use of any casual booking of the reserve by SFC be restricted to "once off" events;*
  - (r) *the lighting of the Gill Street car park and additional seating for Les Lilleyman Reserve be listed for consideration on the 2005/06 Draft Budget; and*
- (ii) *ADVISES the respondents and Subiaco Football Club of the Council's decision.*

---

**Moved Cr Doran-Wu, Seconded Cr Chester**

*That the recommendation be adopted.*

**Debate ensued.**

**Moved Cr Chester, Seconded Cr Lake**

*That a new clause (s) be inserted as follows:*

*"(s) no later than the month of February each year, a notice will be displayed in a public place on the reserve identifying the three nights of the week Subiaco Colts will utilise the reserve."*

**AMENDMENT CARRIED (8-0)**

**Debated ensued.**

**Moved Cr Chester, Seconded Cr Cohen**

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

*"(i) (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 subject to a further report to Council;"*

**AMENDMENT CARRIED (8-0)**

**MOTION AS AMENDED CARRIED (7-1)**

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

(Cr Torre was an apology for the meeting.)

**COUNCIL DECISION ITEM 10.3.10**

*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 football oval area marked on the reserve on a maximum of three (3) nights per week (Monday-Friday) between the hours of 5.00-7.30pm with the specified nights where possible to be identified and displayed at the reserve;*
  - (b) *the use of the designated area of the reserve by SFC Colts only (up to 30-40 persons) being limited between March-October inclusive;*
  - (c) *the use of the designated area 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 and the current verge prohibition signage to be upgraded;*
  - (e) *any traffic issues that may arise 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 6000m<sup>2</sup> being specifically created to accommodate dogs on the training nights;*
  - (g) *notes that dogs off leash will be permitted on the entire reserve at all times during non training times The proposed 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 only;*
  - (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 subject to a further report to Council;*
  - (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 the Councils approval;*
  - (m) *notes that dogs on leash will still be permitted outside of the football oval area during football training time;*
  - (n) *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;*
  - (o) *the playground at Les Lilleyman Reserve being upgraded and fenced and this work to be carried out between October-November 2004 (\$35,000 has been included in the 2004/05 budget for this project);*
  - (p) *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 with park users will be notified of any changes;*
  - (q) *the use of any casual booking of the reserve by SFC be restricted to "once off" events;*
  - (r) *the lighting of the Gill Street car park and additional seating for Les Lilleyman Reserve be listed for consideration on the 2005/06 Draft Budget;*
  - (s) *no later than the month of February each year, a notice will be displayed in a public place on the reserve identifying the three nights of the week Subiaco Colts will utilise the reserve; and*
- (ii) **ADVISES** the respondents and Subiaco Football Club of the Council's decision.

**ADDITIONAL INFORMATION:**

Les Lilleyman Submissions

The following is a breakdown (by streets) of the submissions received:

AGAINST	Street Name	FOR	Street Name
1	Eton St	4	Email
4	Email	1	Galway St
2	Highland Rd	1	Shakespeare St
2	Dunedin St	1	Burges St
1	Selden St	1	Baden St
1	Gill St	1	Coogee St
2	Shakespeare St	1	Hobart St
2	Fairfield St	2	Selden St
1	Haynes St	3	Toorak Rise
1	Bourke St	1	Scarborough Beach Rd
		1	Dunedin St
		1	Vincent St



AGAINST	Street Name	FOR	Street Name
		2	Auckland St
		2	Loch St
		1	Chamberlain St
<b>17</b>		<b>23</b>	

**BACKGROUND:**

At the Council meeting of 10 August 2004 the following resolution was adopted.

*“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 4000m<sup>2</sup> 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 4,000m<sup>2</sup> 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."*

**DETAILS:**

In accordance with clause (i) (q) of the Council's decision at its Ordinary Council meeting held on 10 August 2004, approximately 1,500 letters were distributed to residents in the area bounded by Charles, Hobart, Edinboro and Green Streets. The public consultation period closed on Friday 3 September 2004.

At the close of the community consultation, forty (40) submissions had been received as follows:

- 23 in favour of the proposal
- 17 against the proposal

In addition, a petition with two hundred and twelve (212) signatures was received, opposing the proposal.

## Summary – "In Support" Submissions

A summary of the points raised by those in favour include:

- Retain the existing use of the reserve as a sporting oval (as it was for many years)
- Supporting the participation rate of young people in sport
- Sharing of the facility with the community is supported
- Encouraging healthy activity has benefits for all involved
- Supporting the commitment that the SFC and EPFC have made to the Town of Vincent
- Available space on the reserve is considered adequate to accommodate all users
- Using the reserve to its full potential is considered beneficial to the whole community

## "In Support" Submissions

1. Retain the existing use of the reserve as a sporting oval.

*Officer's Comment:*

*Les Lilleyman Reserve has been an active sporting reserve ever since it was created in 1942. It has been home for various football clubs, over the years. The clubs have either ceased or relocated and the reserve has been used for passive recreation and dog exercise area for several years.*

2. Supporting the participation rate of your people in sport.

*Officer's Comment:*

*It is acknowledged that the lack of sport being played by young people is endemic and a major concern to health professionals and sports administrators. The use of a sporting facility will assist in providing sports with young people – the SFC Colts are predominantly teenagers. A letter has been received from the Minister for Sport highlighting this problem and supporting initiatives to encourage young people to be active.*

3. Sharing of the facility with the community.

*Officer's Comment:*

*Most of the submissions believe that the large area is of sufficient size to adequately accommodate all users.*

*Les Lilleyman Reserve comprises a large active sports reserve of approximately 35,000m<sup>2</sup> and has a usable play area of approximately 20,000m<sup>2</sup>. 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).*

4. Encouraging healthy activity has benefits for all involved.

*Officer's Comment:*

*This is acknowledged and is self explanatory. The increased use of the reserve by young people has positive benefits.*

5. Supporting the commitment that SFC and EPFC have made to the Town of Vincent.

*Officer's Comment:*

*Both the SFC and EPFC have made long term commitments to be part of the Town of Vincent community. Their co-location on Leederville Oval is the first of its kind in Western Australia. It has the full support of the Western Australian Football Commission, WA Football League and the Department of Sport and Recreation. Both clubs has made financial contributions to the facilities and in the case of SFC, they have spent approximately \$1.75 - \$2 million to build new clubrooms and offices. Both clubs are strong supporters of the Vincent business proprietors, which no doubt benefits the Vincent economy.*

6. Available space on the reserve is considered adequate to accommodate all users.

*Officer's Comment:*

*The proposed football training area will comprise approximately 10,000m<sup>2</sup> leaving approximately 10,000m<sup>2</sup> for general use during the hours when the approved sports training is in progress. A review of the dogs 'off leach' area has been undertaken and the boundary has been moved north to line up with the extension of the northern kerb line of Woodstock Street. This will result in an area of approximately 6,000m<sup>2</sup> for dogs 'off leash' whereby the area outside of this (4,000m<sup>2</sup>) will still be available for dogs 'on leash' during sports training. Outside of sports training times the entire usable play area of approximately 20,000m<sup>2</sup> will be for dogs 'off leash' and general use.*

7. Using the reserve to its full potential is considered beneficial to the whole community.

*Officer's Comment:*

*The reserve is currently underutilised in terms of organised sports or active recreational uses. The use of the reserve for training by the Colts players is an appropriate use (considering the limited hours of their use.)*

### **Summary – "Not In Favour" Submissions**

The major issues of concern identified in the submissions opposing the proposal were:

- Removal of community use of the reserve
- Additional noise levels
- Traffic problems
- Parking issues in surrounding streets
- Restricted times for use of the reserve
- Consultation process
- Training nights not fixed
- SFC recruitment area not in the Town of Vincent

### **"Not In Favour" Submissions**

The details of the points raised in the petition have been included below together with the officer's comments.

1. Many users object to the use of the terms “exclusive use” and “priority use” in this proposal. These terms are interpreted to mean that the Subiaco Football Club would have authority to tell local park users to move off the designated area. This is perceived as an unacceptable intrusion into traditional free use of the Reserve.

*Officer's Comment:*

*The officers have amended the terms of the use to be limited to the football oval (to be marked on the reserve).*

*The terms of “exclusive use” and “priority use” are terms noted in reference to any other organised activities, by sporting clubs or organisations that may wish to book the reserve or use on a casual basis not other users who have responsibility during these periods.*

*The terms do not allow SFC to assume any control over other users of the reserve, this will remain with the Town at all times.*

2. There have been comments that Les Lilleyman Reserve is under-utilised. Our observations are that whilst the Reserve rarely appears crowded, there is a continual turnover of users during after-school hours. People often drop in for 30 minutes or so to run a few laps, kick a ball around, throw a Frisbee or exercise their dog. It is a misunderstanding of the pattern of this usage to label it “under-utilisation”. The number of local users of the Reserve is significantly larger than the football squad of 30-40 persons, and it undemocratic to discount the rights of the majority in this manner.

*Officer's Comment:*

*The reference to Les Lilleyman being under utilised was in terms of organised sporting activities. The reserve had no booking for the winter season. However, observations of the usage by the community would suggest that the football club and the community use could reasonably co-exist on the reserve.*

3. The 4000 square metre off-leash dog area is regarded as inadequate to meet the needs of dog owners and other users of the reserve. An area of this size sounds large, but in fact amounts to a rectangle of 40m x 100m. This is quite small, especially for dog users who exercise their animals by throwing balls and other objects to be retrieved. Further, many users of the park approach from the Ellesmere Street, London Street and Loch Street ends of the ground, which immediately would place them in an area reserved for football. It is believed that this very small area will lead to conflicts amongst dogs, children and adult users of the area.

*Officer's Comment:*

*The matter was reviewed following comments received.*

*Les Lilleyman Reserve comprises a large active sports reserve of approximately 35,000m<sup>2</sup> and has a usable play area of approximately 20,000m<sup>2</sup>. 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 proposed football training area will comprise approximately 10,000m<sup>2</sup> leaving approximately 10,000m<sup>2</sup> for general use during the hours when the approved sports training is in progress.*

*A review of the dogs 'off leash' area has been undertaken and the boundary has been moved north to line up with the extension of the northern kerb line of Woodstock Street. This will result in an area of approximately 6,000m<sup>2</sup> for dogs 'off leash' whereby the area outside of this (4,000m<sup>2</sup>) will still be available for dogs 'on leash' during sports training. Outside of sports training times the entire usable play area of approximately 20,000m<sup>2</sup> will be for dogs 'off leash' and general use.*

4. Members of the community object to the misleading use of statistics in promoting this proposal. It has been said that the proposal is seeking only 6 out of 168 hours of hours of the Reserve per week. This is a clearly deceptive of figures. Obviously, the entire 168 hours per week are not available to anyone – no-one is training in the Reserve in the middle of the night! The issue with the current proposal is that the particular 6 hours sought are high priority times.

*Officer's Comment:*

*Seven and a half hours a week out of daylight hours is still only a small percentage. During the six hours high priority times, the Subiaco Football Club will be restricted to the football oval area. The community will have access to the remainder of the oval. In addition the floodlighting will be retained for an additional hour to provide the community with more access to the reserve.*

5. Les Lilleyman Reserve is one of very few off-leash dog exercise areas in the vicinity, and dog-owners from further away than the immediate surrounding streets are frequent users of the Reserve. Dog owners express concern that as time passes by, footballers will complain about the impact of dog use and that there may be pressure to discontinue off-leash exercise. We observe that the Subiaco Football Club has published an anonymous letter from a Leederville resident on their website which is very scathing towards dog-owners, and carries the clear implication of an intention for greater access to Les Lilleyman Reserve. This gives us no confidence in the future goals of the Subiaco Football Club.

*Officer's Comment:*

*Any proposal for changes to the existing proposal will require the Council's approval.*

6. There is a lack of predictability of the nights when the oval is proposed to be in use by the football club. Users of the park complain that they will not have sufficient notice, and then will have limited access when exclusive use of the reserve is provided to the Subiaco Football Club.

*Officer's Comment:*

*The Subiaco Colts training regime is dictated to by their playing fixture dates.*

7. Park users are deeply sceptical of the expectation that parking and traffic problems will be effectively managed. Requiring football club users to use the car park potentially will lead other patrons to park on the street. Locals also wish to avoid no-parking signage on the street verge, and are concerned that the situation may escalate to a point where local residents will find themselves penalised for parking on their own street verge. If indeed the situation is to be managed more diligently by the frequent presence of Council staff, there is concern about the added cost impact. With the current casual booking of the Reserve, we have already seen traffic problems. For example, on August 24 a parent was seen to drop off her son and then drive across two front verge lawns of private residences in carrying out a U-turn.

*Officer's Comment:*

*The Town has committed that the Rangers will strictly monitor the parking arrangements at the Reserve during SFC training times.*

8. There is strong scepticism that the proposed end of season review process will be meaningless. It is expected that once money has been spent on upgrading lights and facilities, there will be pressure to increase use by the football club. It is strongly believed that this proposal is the “thin end of the wedge”, and that park users will lose more access to the park in future. For example, there has already been discussion in the Voice News of August 14-21 (quoting the vice-president of the Subiaco Football Club) of introducing “Auskick” to this reserve.

*Officer's Comment:*

*The end of season review will include community members, North Perth Precinct Group, Subiaco Football Club and the Town of Vincent officers. The Town is not aware of any expansion of usage. Furthermore, if any additional usage is suggested it would require Council approval.*

9. Residents have become aware that there was some discussion of the football club using school facilities. In particular, Carine Senior High School has been mentioned. It is understood that the Principal of the school is open to the idea and if the club approached him he would consider it. Footballers would have access to the pool, gym change rooms and oval. They also would not have to travel far as the club's recruitment zone is in this area. Whether or not this particular school is involved, the use of school facilities is an option worthy of further investigation, with potential gains for both the Subiaco Football Club and the school involved. There has also been a suggestion that the park associated with Kyilla Primary School be investigated as an option.

*Officer's Comment:*

*The Town has not been contacted by Carine Senior High School and the SFC are not aware of any offer. SFC have not expressed an interest in this possible training venue as the Town of Vincent is committed to provide a training venue in the Town through the Council resolution of October 2001. The suggested use of Kyilla Primary School is not supported and has not been pursued by the Town. The school oval is small and there are no changeroom or parking facilities.*

10. Many local residents do not accept that the Town's commitment to the Subiaco Football Club must necessarily involve finding a training facility located within the Town of Vincent itself. It has been noted that the Perth recruiting zones for the Subiaco Football Club are the suburbs of Sorrento, Duncraig, Marmion, Waterman, Carine, Karrinyup, Gwelup, Kingsley, Greenwood, Warwick, Hamersley, Balcatta, Stirling and Tuart Hill – none of which are in the Town of Vincent. It is thought that the Subiaco Football Club should be seeking facilities for junior footballers within their own recruitment zone.

*Officer's Comment:*

*The Town is currently committed to Subiaco Football Club in providing a training facility located within the Town of Vincent by a Council resolution of 30 October 2001 on the Leederville Oval Redevelopment. Local Government facilities (whether a park, reserve, library, pool or recreation centre) are available for the use by everyone, and are not just for ratepayers and residents. There are numerous facilities in the Town which are used by those other than ratepayers and residents.*

11. Residents are angered that the park facilities are in a state of disrepair whilst significant funds apparently will be spent on facilities for the Subiaco Football Club. Notwithstanding the objections to the current proposal, local residents suggest such improvements as improving the cricket nets, a basketball practice area at the southern end of the reserve, and additional seating at various locations within the reserve.

*Officer's Comments:*

*The comment that the park facilities are in a state of disrepair are not supported. A recent assessment by the Parks Services officers revealed the following:*

*Cricket Practice Nets - In good condition, these two (2) nets were completely rewired around 18 months ago, the synthetic surfacing is also in good condition with one small hole at the batting crease end to be repaired. This repair will be undertaken prior to the commencement of the cricket season.*

*Centre Cricket Wicket - in good condition with no holes or any other damage evident. (Match ready)*

*Basket Ball Hoop - in good condition overall, however the back board has one of the corners missing. This has been arranged for repair (ASAP), the concrete pad surrounding the hoop is in good condition with no major cracks evident. The park light next to the hoop was disconnected at the request of the residents due to anti social behaviour and people playing basketball late at night.*

*Stairs To The Park - (eastern side of the reserve adjoining Loch Street) these were resurfaced and the footpath leading to them was replaced by the Town in 2003. There is one hand rail that has come away from the concrete support pillar. Repairs have been arranged.*

*Playground - This equipment is still in reasonably good condition. The Town has arranged to have this equipment re - powder coated and reinstated in the pit. A new limestone retaining wall and garden kerbing (two blocks high, on the southern side of the pit) has been scheduled to be built within the next three weeks. Rubber Surfacing and fencing is also planned for the renovation of the playground.*

*Club Rooms - A new colour bond roof was fitted recently with other improvements relation to these buildings.*

*Turf Surface - The overall turf surface on the reserve is in a sound healthy state with a good even coverage, it could do with a fertilise to green it up a bit, this will be undertaken during our Fertilising Program for the reserves which will commence in October 2004.*

*There is mulch that has been dumped on the western side of the reserve this has been scheduled to be spread out under the trees along the London Street frontage of the reserve within the next week.*

*The Oleander hedge on the Ellesmere street frontage was also pruned and tidied recently.*

*The Town has not been provided with complaints by residents on the state of disrepair of facilities. However any suggestions for improvement may be included in the Towns forward planning programme and considered in the budget process.*

*As part of its playground upgrade program the Council allocated funds of \$35,000 in 2004/05 for the upgrade of the playground equipment at Les Lilleyman Reserve. This work is planned for October/November.*

12. There is a strong belief that the proposed use of the reserve is incompatible with current community use. It has been observed that the Les Lilleyman Reserve was originally designed for use as a sports oval. However, the demographics of the surrounding area have changed substantially, especially in recent years. Contemporary community needs are more aligned with informal uses of the public space rather than organised sports.



*Officer's Comment:*

*This is subject to Les Lilleyman is a reserve for recreational use in the Town and is available for use by sporting organisations. See previous comment about use of facilities.*

**Other issues raised by those opposing the proposal are:**

**Additional Noise Levels**

Concerns have been raised regarding the possible increase in noise levels.

*Officer's Comment:*

*This comment cannot be supported. However, it is acknowledged that additional people will be using part of the reserve. The increase on noise levels will not cause a nuisance. The players will be sufficiently away from the residents. The use of whistles is not proposed and all training will be carried out under supervision of the SFC.*

**Consultation Process**

Considerable comment has been made regarding the Town's consultation as being inadequate in this matter.

*Officer's Comment:*

*This comment cannot be supported. The Town has carried out consultation in accordance with its Consultation Policy. This consultation has identified that there are persons who object and also persons who support the proposal. As with most proposals there are differing views within the community. The role of the Council is to consider any submissions. This has occurred with this proposal.*

A submission was received from the North Perth Precinct Group which outlined a number of points as improvements to the current proposal. The points are listed below:

1. This is the part of the proposal that nearly all residents are most unhappy with:  
Item (a) - Residents do not want the nights to be open to alteration from week to week and we therefore request that the 3 nights per week be either fixed up front so that residents know when the oval is being used or alternatively that the Subiaco Football Club sets its training nights at the beginning of each season once the fixtures have been set. At that time we request they notify the Council and residents be informed of the nights the oval will be in use possibly by means of a public notice board at the reserve or by way of a mail out or both. Alteration to these dates/times only to be allowed upon application to Council and residents.

*Officer's Comment:*

*SFC has indicated that wherever possible they will advertise the proposed training nights in advance. However it would be unworkable to enforce a rigid schedule on the club.*

2. An additional clause in the Memorandum of Understanding stating that the residents will have exclusive rights to the oval 4 nights a week.

*Officer's Comment:*

*In accordance with the Deed of Trust the Town of Vincent is the registered proprietor of the land and holds the land in trust for the purpose of recreation for the people and reserve unto itself the right to exercise all or any of its powers under the Local Government Act.*

*The reserve will remain available for use at all times by the residents. The SFC will be limited to the use of the football oval. The reserve will remain under the control of the Council, therefore it is unnecessary to specify a condition which is already the right of the Council and other users.*

3. “No Parking in Street or Verge” signs along Gill Street adjacent to the Les Lilleyman Reserve. Parking along Gill Street is a very serious traffic problem that has the potential to result in a tragic even fatal accident unless parking here is prohibited.

*Officer’s Comment:  
Signage is already in place. Additional signage will be reviewed and installed wherever required.*

4. Item (a) - Training hours to be altered to 5.00 - 7.30pm, allowing local children usage of the oval before dusk. I have previously spoken to Subiaco Football Club as outlined in our previous submissions and they have suggested a 5.30pm start is very workable.

*Officer’s Comment:  
The original request from SFC was for 4.30pm. The residents have suggested 5.30pm, a 5.00pm start is therefore a reasonable compromise.*

5. Priority be given to fencing off the playground at the southern end of the reserve to protect young children from off leash dogs and the soft fall area from refuse.

*Officer’s Comment:  
This will be completed as part of the playground upgrade works to be undertaken in October/November 2004.*

6. The “Dog Off Leash” area to be clearly identified for residents and if possible the area to be extended to line up with the northern side of Woodstock Street.

*Officer’s Comment:  
A review of the dog “off leash area” has been undertaken and the boundary has been moved north to line up with the extension of the northern kerb line of Woodstock Street. This will result in an expanded dogs “off leash area” at training times of 6,000m<sup>2</sup>.*

7. Funding for lighting in the Gill Street car park to be allocated in the next budget to ensure security and safety for those using the car park, this will also encourage parking in this area instead of street parking.

*Officer’s Comment:  
The Town recently installed two (2) powerwatch lights on the east and west of the car park. A recent night time inspection revealed that the lights have markedly improved night time visibility in the car park. However, an item will be included for consideration on the Draft 2005/06 Budget.*

8. We request the park on the corner of Ellesmere and Eton Street be used as an off leash dog exercise area on the nights when Les Lilleyman Reserve is in use by the Subiaco Colts. This will ease the congestion on the Reserve and hence less likelihood of negative interaction between players and dogs, etc.

*Officer's Comment:*

*The Town's officers will investigate other parks and reserves in the area for possible use for dog exercise areas.*

9. Bollards to be installed between the reserve driveway and neighbouring residents to ensure vehicles leaving the reserve are not being driven over their verge. This has already been an issue.

*Officer's Comment:*

*This is not supported. The installation of bollards in road reserves is discouraged, however the matter will be investigated and an alternative deterrent will be considered.*

10. More bench seating to be provided at the reserve, particularly at the playground end of the park.

*Officer's Comment:*

*This is supported and will be undertaken subject to available funding. This item will be listed for consideration on the 2005/06 Budget.*

Another submission by the Mount Hawthorn Precinct Group summarised the key issues as follows:

1. The potential conflict between footballers, dog owners and other park users insofar as the proposed dog area/public area is extremely small at 4000m<sup>2</sup>, and greatly increases the chances of accidents/issues between user groups.

*Officer's Comment:*

*See previous comment.*

2. Potential traffic issues, particularly with relation to traffic on Ellesmere Street, which has already been addressed in our earlier correspondence, dated 24 August 2004.

*Officer's Comment:*

*The Town's officers do not support the comments received regarding traffic issues.*

*Ellesmere Street*

*This street is classified as an Access Road in accordance with the Metropolitan Functional Road Hierarchy. In accordance with its classification the road should carry less than 3000 vehicles per day, have a maximum posted speed of 50kph and its main purpose is to provide access to residential properties.*

*The section of Ellesmere Street between London and Charles Street services 13 residential properties including the Charles Hotel, directly, and 48 residential properties, indirectly.*

*Based on the number of properties serviced (both directly and indirectly) it would be expected that approximately 100 to 130 vehicle trips per day could be generated directly and possibly 200 to 300 vehicle trips per day could be generated indirectly from immediate adjoining residential streets. Vehicle trips generated from the hotel is difficult to estimate and could vary from 50 to 150+ Vehicle trips depending on activities at the hotel. Therefore the section of Ellesmere Street in question could have between 350 to 580+ vehicle trips per day. This excludes the occasional through traffic and traffic from other residential streets not considered above.*

*Vehicle classifiers were deployed in Ellesmere Street between Auckland and London Streets in August 2004. The results are as follows:*

- Average Daily Traffic = 695 vehicles per day*
- 85% speed = 47 kph*
- Average Speed = 40.5 kph*
- Commercial vehicle content = 1.36%*
- AM peak flow (8.00am - 9.00am) = 69 vehicles per hour*
- PM peak flow (4.00pm -5.00pm) = 68 vehicles per hour*

*Given Ellesmere Street's geographic location, its classification, the expected traffic and the results of the traffic assessment no intervention measures in Ellesmere Street are recommended as the road functions within the acceptable parameters for its classification.*

*Gill Street*

*This street is also classified as an Access Road in accordance with the Metropolitan Functional Road Hierarchy. In accordance with its classification the road should carry less than 3000 vehicles per day have a maximum posted speed of 50kph and its main purpose is to provide access to residential properties. Gill Street directly services 34 residential properties and a large number of residential properties, indirectly.*

*Vehicle classifiers were also deployed in Gill Street between Auckland and London Streets in August 2004. The results are as follows:*

- Average Daily Traffic = 593 vehicles per day*
- 85% speed = 40 kph*
- Average Speed = 34.5kph*
- Commercial vehicle content = 1.90%*
- AM peak flow (8.00am - 9.00am) = 43 vehicles per hour*
- PM peak flow (4.00pm -5.00pm) = 62 vehicles per hour*

*Given Gill Street's geographic location in the local road network, its classification and the results of the traffic assessment no intervention measures in Gill Street are required or recommended as this road also functions within the acceptable parameters for its classification.*

3. The readily available funds for providing lighting and other facilities for the use of Subiaco Football Club, whether at Les Lilleyman, Britannia or elsewhere, when there are many park facilities that are used by ratepayers and residents that are in dire need of financial injections to bring them up to scratch.

*Officer's Comment:*

*These comments are not supported. The Town since its inception has been actively improving its parks and reserves through the various adopted programs. In 1996 a 5 year Automatic Reticulation Program was adopted by the Council. The program was completed in 2001/2002 and all reserves now have Automatic Reticulation.*

*A ten year Playground upgrade program is currently in progress (Les Lilleyman Play Ground 2004-2005) In addition extensive upgrades of existing Parks have been undertaken, new parks have been created Loton Park, Venables Park (Leederville Oval Reserve soon to be commenced) other Parks have been extended and upgraded, Oxford Street Reserve, Ivy Park, Robertson Park (nearing completion) and it is intended that upgrades will be implemented at Brentham Street Reserve, Smiths Lake Reserve Stage 2 in the near future.*

*Other ongoing improvements include but are not limited to parks Furniture replacement, annual parks landscaping and planting programs, pine log fence replacement, signage upgrades. Extensive annual parks maintenance is carried out on all parks and reserves to ensure they are continually maintained to the highest standards.*

4. The process in general, whether looking at Les Lilleyman, Britannia or elsewhere, that has seen public consultation as the final stage after a deal appears to have struck, rather than one of the initial stages before deciding on what the Town would agree to.

*Officer's Comment:*

*The consultation process has been conducted in accordance with the Town's Consultation Policy.*

**CONSULTATION/ADVERTISING:**

A total of 1,500 local residents in the area bounded by Charles, Hobart, Edinboro and Green Streets have been advised by an information sheet of the content of the Council recommendation.

A notice appeared in the Guardian Express on 24 August 2004 seeking community comments.

**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-1A.

**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.

An amount of \$35,000 is included in the 2004/05 Budget for the upgrade of playground equipment at Les Lilleyman Reserve.

The Council has a policy whereby it does not charge juniors for use of its reserves. However, 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 taken cognisance of the comments received as a result of the community consultation. This proposal has engendered considerable debate within the community.

The recommendation provides a position which will allow the SFC Colts and the community to co-exist on the reserve during the winter season.

The reserve itself will benefit from upgraded works with other works listed for consideration on next year's budget.

The management of the usage of the reserve including traffic and parking will be controlled by the Town. The Town is committed to reacting quickly to any parking or traffic issues that may arise.

An end of season review with the parties will ensure that the management of the reserve will be subject to review and provide a forum for issues to be discussed and resolved.

This proposal has been extensively canvassed and investigated. As with all proposals, there are those members of the community in support and those who do not support it. All comments received have been thoroughly investigated, as detailed in this report and amendments made where appropriate to the Council's previous *"in-principle"* decision.

It is therefore recommended that the proposal be supported as detailed in this report.

Mayor Catania advised that Crs Chester and Ker had declared a proximity interest in this Item. Crs Chester and Ker departed the Chamber at 7.15pm and did not speak or vote on the matter.

**10.1.8 No(s). 93 (Lot(s) 74) Chelmsford Road, Mount Lawley - Proposed Partial Demolition of and Alterations, Two-Storey Additions and Garage to Existing Single House**

<b>Ward:</b>	South	<b>Date:</b>	6 September 2004
<b>Precinct:</b>	Norfolk; P10	<b>File Ref:</b>	PRO2204; 00/33/2003
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	L Mach		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 S Chester on behalf of the owner L Borovina & S Chester for proposed Partial Demolition of and Alterations, Two-Storey Additions and Garage to Existing Single House, at No(s). 93 (Lot(s) 74) Chelmsford Road, Mount Lawley, and as shown on plans stamped 6 August 2004, subject to:*

- (i) prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title or Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (ii) a right of way security bond and/or bank guarantee for \$880.00 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (iii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (iv) a road and verge security bond and /or bank guarantee of \$550.00 shall be lodged prior to the issue of a Building License and be held until all works have been completed and/or any damage to existing Town's assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing.*
- (v) subject to first obtaining the consent of the owners of No. 91 (Lot 73) Chelmsford Road, Mount Lawley for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 91 (Lot 73) Chelmsford Road, in a good and clean condition;*

- (vi) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (vii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Chelmsford shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*
- (viii) *standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular access ways to ensure that the safety of pedestrians and other road users is not compromised;*

*to the satisfaction of the Chief Executive Officer.*

**COUNCIL DECISION ITEM 10.1.8**

**Moved Cr Lake, Seconded Cr Cohen**

*That the recommendation be adopted.*

**CARRIED (6-0)**

(Cr Torre was an apology for the meeting. Crs Chester and Ker were absent from the Chamber and did not vote.)

<b>Landowner:</b>	L Borovina & S Chester
<b>Applicant:</b>	S Chester
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R40
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	463 square metres

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>
Plot Ratio	N/A	N/A
Ground Floor - West - South (secondary street)	1.5 metres 1.0 metre	1.2 -2.865 metres 0.75 metre
1st Floor - West	1.3 metres	1.15 metres
Wall Height	7 metres	7.028 -7.2 metres
Vehicle Manoeuvring Depth	6 metres	5.75 metres
Buildings on Boundaries	One boundary wall is permitted with an average height of 3 metres and a maximum height of 3.5 metres, for 66.6% length of boundary.	Garage/storage boundary wall (eastern) has a average height of 3.40 metres and a maximum height of 3.769 metres, for 36.3 % of boundary.



\* 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:**

An application for alterations and two-storey additions to and partial demolition of existing dwelling was granted conditional approval under delegated authority from the Council on 30 January 2003.

### **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 Town owned and 5.0 metres in total width.

### **DETAILS:**

The applicant has submitted revised plans to a proposal previously determined and conditionally approved by the Town under delegated authority.

The amended plans involve certain variations to the Residential Design Codes (R-Codes) and the Town's Policies and is therefore referred to Council for determination.

The applicant has submitted the attached letter of justification in support of the proposed development. From this letter, it is noted that the applicant seeks a variation for the vehicle manoeuvring depth for the following reason:

- *"The right of way at the rear is a lane not a secondary street and as such the 1.5 m setback stipulated is unfounded and excessive.*
- *The reduced setback proposed provides greater accessibility to the rear of the vehicles when the garage door is closed and increased capacity for storage and as such makes higher and better use of land that would otherwise be given over to a single lower order use of vehicular accessory.*
- *To maximise accessibility a wider than standard garage door is proposed at 5.32m, the door being setback . 940m from the gateway boundary*
- *The setback proposed would allow any future widening to 6.0m (0.5m from each side of the lane) should that be required in the future.*
- *The sketch below (see attachment) clearly demonstrates the proposal is viable, the car shown is a large family car, a Holden Commodore, with a kerb to kerb turning circle of 11.5 m, the outside arc of the front bumper and the inside arc of the car body are shown and demonstrate clear and unimpeded access to garage.*
- *In an item to Council on 14 June 1999 concerning the development of 7 dwellings at 2 Hyde St (now numbered 73-79 Chelmsford Rd), 4 of which address the same Right of Way, the officer reported on a proposed nil set back to the Right of Way:- "While the Residential Planning Codes state that carports and garages may be built at a nil setback to a right of way where there is sufficient space for vehicles to enter and leave the garage, it is considered that 5 metres is insufficient for this purpose. Accordingly, a 0.5metre setback from the rear boundary should be required as a condition of approval."*
- *The adjacent garage at 91 Chelmsford Rd is setback 0.690 metres from the Right of Way, and this garage limits the effectiveness of the Town's previously imposed condition (i)"*

**CONSULTATION/ADVERTISING:**

The proposal is not required to be advertised as the neighbours affected by the proposed variations has signed plans, indicating they have no objections.

**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:**

**Setbacks and Building on Boundaries**

The setback and building on boundaries variations, as highlighted in the above Compliance Table, are considered minor and are supported in light of no objections being received by the Town.

**Wall Height**

Whilst the proposed wall height is a deviation from the requirements of the R Codes, the variation in this instance is considered to be minor, regarded to be keeping in character with the existing house and surrounding areas, and not considered to unduly affect the privacy or the amenity of the adjoining neighbours. It is noted that the height variation is exacerbated due to the slope of the land and that the applicant has demonstrated consideration of the Residential Design Codes (R-Codes) requirements through dropping the finished floor level of the proposed addition from the finished floor level of the existing house. With this in mind, the variation in height is considered acceptable in this instance.

**Vehicle Manoeuvring Depth**

The proposal indicates that the garage will be set back 0.75 from the edge of the existing Right of Way which is 5.0 metres in width, drained and sealed, providing a total reversing length of 5.75 metres. The required width is normally 6.0 metres however, this can be reduced if the parking bay width is increased. In the case of this development, the double garage width is wide enough to accommodate the 5.75 metres reversing length and complies with AS 2890.1-1993 'layout for angle parking spaces'. The 0.75 setback will also match into the adjoining garage which also has a 0.75 metres setback.

**Conclusion**

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

Cr Ker returned to the Chamber at 7.16pm.

**10.1.7 No(s). 163-171 (Lot(s) 13 and 17) Harold Street, Highgate - Proposed Retaining Walls Additions to Existing Single Residential Vacant Lots- Previously Associated with Sacred Heart Primary School**

<b>Ward:</b>	South	<b>Date:</b>	6 September 2004
<b>Precinct:</b>	Hyde Park; P12	<b>File Ref:</b>	PRO2925; 00/33/2330
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Rasiah, M Bonini		
<b>Checked/Endorsed by:</b>	R Boardman	<b>Amended by:</b>	-

**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 EJC Civil on behalf of the owner Roman Catholic Archbishop for proposed Retaining Walls Additions to Existing Single Residential Vacant Lots Previously Associated with Sacred Heart Primary School at No(s). 163-171 (Lot(s) 13 and 17) Harold Street, Highgate, and as shown on plans stamp-dated 8 July, 26 August and 1 September 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) no additional fill is to be added to the above site;*
- (iv) a road and verge security bond or bank guarantee of \$550 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing; and*
- (v) 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);*

*to the satisfaction of the Chief Executive Officer.*

**COUNCIL DECISION ITEM 10.1.7**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

Cr Chester returned to the Chamber at 7.17pm

Debate ensued.

**Cr Doran-Wu departed the Chamber at 7.18pm.  
Cr Doran-Wu returned to the Chamber at 7.19pm.**

**Moved Cr Ker, Seconded Cr Lake**

***That the Item be DEFERRED to allow further investigation and to include the following matters:***

- 1. Assess elements of the design, configuration and levels of the land.***
- 2. Determine level of the pre-existing school playing fields, and fill on Lot 17.***
- 3. Impact of the proposed levels on the bulk and scale of future development, as well as the streetscape.***
- 4. Safety and interface issues relating to vehicle access from Harold Street, including driveway gradients.***

**CARRIED (8-0)**

**(Cr Torre was an apology for the meeting.)**

<b>Landowner:</b>	Roman Catholic Archbishop
<b>Applicant:</b>	EJC Civil
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R80
<b>Existing Land Use:</b>	Educational Establishment - (Newly created vacant residential lots).
<b>Use Class:</b>	Educational Establishment
<b>Use Classification:</b>	"AA"
<b>Lot Area:</b>	8029 square metres

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>
Plot Ratio	N/A	N/A
Fill/Retaining	Fill not to exceed 0.5 metre above natural ground level	Fill proposed between 0.479 to 1.34 metres above natural ground level on Lot 17  Fill proposed at a maximum of 0.694 metre above natural ground level on Lot 13

\* 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 application relates to the vacant residential lots adjoining the Sacred Heart Primary School site. The subject lots where the fill and retaining is to take place are vacant lots that are in the process of being disposed by the Sacred Heart School.

**DETAILS:**

The proposed fill and retaining is to occur on the western boundary of Lot 13 and the eastern boundary of Lot 17. The lots were formerly part of the Sacred Heart Primary School, which have been subdivided and are to be sold to the public. The proposed retaining walls are to contain the existing fill levels within the respective lots.

**CONSULTATION/ADVERTISING:**

The proposal was not advertised as the affected landowner to the eastern side of the retaining wall for Lot 17 Harold Street has signed on the plans and also submitted a letter of non-objection to the proposed retaining wall. No other landowners are affected by the proposed retaining walls.

**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:**

**Fill /Retaining**

The proposed fill on Lot 17 ranges from 0.479 to 1.34 metres above natural ground level. The fill proposed will result in a land level closely matching with that of the adjoining lots to the west side of the subject site. The finished ground level will therefore become 26.05 relative level (RL) from the original level of 26.00RL, which has been the natural ground level for the sites. The Town's Policy on retaining restricts fill to a maximum height of 0.5 metre, however, in this instance the extra fill is required to reach a consistent level across Lots 13 to 17. Furthermore, the adjoining affected neighbour has consented to the proposed fill. The proposal is therefore considered to be acceptable and supported.

The fill intended on Lot 13 reaches a maximum of 0.694 metre. The fill exceeds the requirement by 0.194 metre. This is considered to be minimal and is not deemed to cause undue detrimental impact to the adjoining affected lot, which is the playing field for the Sacred Heart Primary School, which also owned by the same organization. The variation is considered to be acceptable and therefore supported.

The Town's Heritage Officers have advised that the proposed retaining walls would not have an impact on the heritage aspect associated with the Sacred Heart Primary School, which is listed in the Town's Municipal Inventory.

It is therefore recommended that the application be approved, subject to standard and appropriate conditions to address the matters discussed above.

**10.1.18 No(s). 11 (Lot(s) 15) Egina Street, Mount Hawthorn - Proposed Two-Storey Single House**

<b>Ward:</b>	North	<b>Date:</b>	8 September 2004
<b>Precinct:</b>	Mt Hawthorn; P1	<b>File Ref:</b>	PRO2789; 00/33/2360
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	L Mach		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**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 Philip Cousins Designer Builder on behalf of the owner G, D & D Christou for proposed Two-Storey Single House, at No(s). 11 (Lot(s) 15) Egina Street, Mount Hawthorn, and as shown on plans stamp-dated 26 July 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 Policies relating to Vehicular Access; and*
- (iii) consideration of the objections received.*

---

**COUNCIL DECISION ITEM 10.1.18**

**Moved Cr Lake, Seconded Cr Cohen**

*That the recommendation be adopted.*

Debate ensued.

**Moved Cr Lake, Seconded Cr Cohen**

*That the Item be DEFERRED to allow for further investigation and report*

**CARRIED (5-4)**  
**ON THE CASTING VOTE OF THE MAYOR**

**For**

\*Mayor Catania  
Cr Chester  
Cr Cohen  
Cr Farrell  
Cr Lake

**Against**

Mayor Catania (initial vote)  
Cr Doran-Wu  
Cr Franchina  
Cr Ker

\*Mayor Catania used a casting vote to make the vote (5-4).

(Cr Torre was an apology for the meeting.)

**ADDITIONAL INFORMATION:**

**Consultation/Advertising**

The Town has received a letter from the owner of the northern neighbour (No. 13 Egina Street) on 9 September 2004, stating no objections to the subject proposal.

**Setbacks**

The first floor setbacks contained in the Compliance Table of the previous Agenda Report includes a typographical error; therefore it should be amended to read as follows:

Requirements	Required	Proposed *
Setbacks:		
1st Floor	2.1 metres	1.2-3.0 metres
- South	2.4 <u>2.1</u> metres	1.5-2.13 <u>1.2-3.0</u> metres
- North	2.4 metres	1.5-2.13 metres

<b>Landowner:</b>	G, D & D Christou
<b>Applicant:</b>	Philip Cousins Designer Builder
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R30
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	425 square metres

**COMPLIANCE:**

Requirements	Required	Proposed *
Plot Ratio	N/A	N/A
Wall Height	6 metres	5.5-6.5 metres
Vehicular Access	Vehicular access from right of way, where possible	Vehicular access from primary street
Overshadowing	35%	39%
Setbacks:		
Ground floor		
- South (laundry/store)	1.7 metres	1.5-3.0 metres
- South (kitchen)	1.1 metres	1.0 metre
- North (garage)	1.0 metre	Nil
- North (alfresco)	1.5 metres	Nil
- North(main)	1.5 metres	1-1.5 metres
1st Floor		
- South	2.1 metres	1.2-3.0 metres
- North	2.4 metres	1.5-2.13 metres
Fill	0.5 metre	0.66 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 site is occupied by a single storey single house. On 28 June 2004, the Town granted conditional approval under delegated authority from the Council for the demolition of existing single house on the subject lot.

There is a 5.03 metres wide unsealed right of way at the rear of the property which is owned by the Town. The Town's Technical Services have advised that the subject right of way is programmed to be sealed in the next financial year (2005/2006).

**DETAILS:**

The applicant seeks approval for the proposed two-storey single house and garage, which is located at the front of the house and accessed from Egina Street.

The applicant has requested that the application be referred to the Council for consideration of the variations proposed.

**CONSULTATION/ADVERTISING:**

The proposal has been advertised for 14 days from between 26 August to 9 September 2004. One written submission from the southern neighbour was received by the Town during this time. The submission objected to the wall height, setback, overshadowing variations and the effect it would have on any future proposed development on the southern neighbouring lot.

**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:**

**Vehicular Access**

The Town's Policies relating to Vehicular Access require vehicular access to be from the right of way, where there is opportunity to utilise the right of way (ROW). In this case, there is sufficient room for vehicular access and for the garage to be located at the rear of the lot. The intent of the Town's Policies is to maintain the front aspect of the existing house and to preserve the general streetscape, while promoting safety and security via casual surveillance of both the street and the right of way.

It is noted that the Council at its Ordinary Meeting held on 27 April 2004 approved 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 the Policies. 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 variations allowed 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 ROW is available to the property, where certain criteria were met to the satisfaction of the Town. The Town's Technical Services have advised that the subject ROW is programmed to be sealed in the next financial year (2005/2006) and as such, it is considered appropriate that the vehicular access be from the ROW in this instance.

The proposed vehicular access from the primary street is considered to depart from the relevant requirements of the Town's Policies and is therefore not supported, as it would create an undesirable precedent for the Town and would contribute to the Town finding it more difficult to achieve its intended objective of getting vehicles to access off ROW's rather the gaining access off the primary street.

#### **Fill**

The variation in relation to fill requirements is considered minor, as the height of the fence would screen any potential overlooking on the southern side. This variation is therefore supported.

#### **Wall Height**

Whilst the proposed wall height is a variation from the requirements of the R Codes, the variation in this instance is considered to be minor and in keeping with the character of the surrounding areas. It is also considered not to unduly affect the privacy or the amenity of the adjoining neighbours. It is noted that the height variation is exacerbated due to the slope of the land and that the applicant has demonstrated consideration of the Residential Design Codes (R-Codes) requirements through dropping the finished floor level of the house where the land slopes at the rear. With this in mind, the variation in height is considered acceptable in this instance.

#### **Northern Setbacks**

The northern setback variations are considered to be minor and are supported in light of no objections being received by the Town.

**Southern Setbacks, Overshadowing and Response to objections**

The setback and overshadowing variations, as highlighted in the above Compliance Table may be considered providing the adjoining affected landowner do not object to the particular issues. In this instance, the adjoining landowner has not given their consent and therefore, should Council grant approval, it is recommended that the proposal be amended to comply with the Residential Design Codes setbacks and overshadowing requirements.

In light of the above, refusal for the proposal is recommended.

**10.1.15 No(s). 396 (Lot(s) Y116) Charles Street (Corner Mabel Street), North Perth - Proposed Change of Use from Shop, Office and Showroom to Shop (Beauty Salon) and Associated Signage (Application for Retrospective Approval)**

<b>Ward:</b>	North	<b>Date:</b>	3 September 2004
<b>Precinct:</b>	North Perth; P8	<b>File Ref:</b>	PRO2811; 00/33/2285
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M Bonini		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by D Kellett on behalf of the owner D & D Kellett for proposed Change of Use from Shop, Office and Showroom to Shop (Beauty Salon) and Associated Signage (Application for Retrospective Approval), at No(s). 396 (Lot(s) Y116) Charles Street (Corner Mabel Street), North Perth, and as shown on plans stamp-dated 14 June 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 ground based sign shall be displayed only during the normal business hours of the business to which the sign relates;*
- (iv) 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;*
- (v) the signage shall not have flashing or intermittent lighting;*
- (vi) all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (vii) the signage shall be located entirely within the property boundaries; and*
- (viii) 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;*

*to the satisfaction of the Chief Executive Officer.*

**COUNCIL DECISION ITEM 10.1.15**

**Moved Cr Cohen, Seconded Cr Farrell**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Torre was an apology for the meeting.)**

<b>Landowner:</b>	D & D Kellett
<b>Applicant:</b>	D Kellett
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R60
<b>Existing Land Use:</b>	Shop, Office, Showroom
<b>Use Class:</b>	Shop
<b>Use Classification:</b>	"SA"
<b>Lot Area:</b>	392 square metres

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>
Plot Ratio	N/A	N/A
Car Parking	12 bays	4 bays
Signage: Standard Requirements	The total signage not to exceed 10 per cent of the total area of the building wall in which that sign is located	Mabel Street elevation 16 per cent Charles Street elevation 34 per cent
Projecting Signs attached to the fascia of a verandah or the like	Not to exceed a vertical dimension of 600 millimetres	1.645 metres in vertical dimension

\* 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 applicants are seeking a retrospective planning approval to operate a beauty salon from the subject site. The site was previously approved for office, shop and showroom in 1988.

**DETAILS:**

The applicant seeks retrospective Planning Approval to change the current approved uses of office, shop and showroom to shop (beauty salon). The applicant also proposes signage at the site. Access to the site is via Mabel Street. The applicant has submitted the following information which is summarised as follows;

*"We have been operating as a retail beauty salon at 396 Charles Street North Perth for almost 12 years. We are primarily a retailer of cosmetics and skincare products..."*

*Our equipment includes an IPL unit, wax pots, steamers, a spray tan unit and the like. I have 2 full-time staff, 3 part-time staff and 3 casuals. We see an average of 20-25 clients per day in the warmer months and less when it's cooler.*

*Our shop hours are 9am to 5.30pm Monday, Wednesday and Friday, 9am to 7.30/8pm Tuesday and Thursday and 8am to 3pm on Saturdays.*

*There is on-site parking for 6 cars at the rear of our premises plus paved-verge parking for another 7 cars.*

*Please also note that we have applied for permission to upgrade our signage to dramatically improve the appearance of the shop."*

**CONSULTATION/ADVERTISING:**

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

**LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies.

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Car Parking**

**Car Parking Calculation**

Car parking requirement (nearest whole number)	12 car bays
-Beauty Therapist - 180.81 square metres - requires 12 bays	
-Office - 14.02 square metres - requires 0.2 bay	
Apply the adjustment factors.	( 0.85 )
▪ 0.85 (within 400 metres of a bus stop)	10.2 car bays
Minus the car parking provided on-site	4 car bays
Plus the most recently approved on-site car parking surplus.	6.5 car bays
Resultant surplus	0.3 car bay

The car parking surplus as represented in the above Table is 0.3 car bay when applying the adjustment factors, accounting for the provided car parking bays on-site and including the most recently approved on-site car parking surplus. The proposal adequately meets the required car parking requirements. The Mabel Street Verge is paved and able to accommodate additional parking separate from the parking provided on-site. Given that there is a surplus in the car parking, the car parking provision is considered acceptable and therefore supported.

**Signage**

The proposed signage does not comply in two areas being the total area it occupies on the respective walls and also in the vertical length of the signage attached to the fascia of the verandah. The above roof sign is an existing sign and is considered to be acceptable. The Mabel Street elevation signage occupies 16 percent of that wall, relating to the projecting sign of the verandah. There is no associated lighting with the proposed signage and it is considered to be tastefully done, presenting well to the street. The Charles Street elevation signage occupies 34 percent of that wall. The nature of the signage is not considered to be obtrusive and given that the frontage is towards Charles Street the variation is considered to be acceptable in this instance.

The other variation relates to the vertical dimension of the projecting sign. The existing vertical dimension is 0.745 metre. The applicant proposes to extend the vertical element by 0.9 metre. Whilst it is a considerable deviation from the requirements of the Town's Policy, it does not result in other variations occurring or a visually detrimental outcome.

The application for retrospective planning approval is considered acceptable and would not result in any undue impact on the amenity of the surrounding area. The application is therefore supported, subject to standard and appropriate conditions to address the above matters.

**10.1.2 Further Report - No(s). 19 (Lot(s) 3) Kingston Avenue, West Perth - Proposed Patio/Disability Covered Area Additions to Existing Single House**

<b>Ward:</b>	South	<b>Date:</b>	2 September 2004
<b>Precinct:</b>	Cleaver, P5	<b>File Ref:</b>	PRO2853; 00/33/2309
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	B Tran, D Abel, R Boardman		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**FURTHER 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 P & V Panayotou for proposed Patio/Disability Covered Area Additions to Existing Single House, at No(s). 19 (Lot(s) 3) Kingston Avenue, West Perth, and as shown on the structural engineering plans stamp dated 16 June 2004 and amended site plan stamp dated 27 August 2004, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements, particularly the requirements of Part 3.7.1-Fire Separation of the Building Code of Australia;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iii) 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);*
- (iv) 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;*
- (v) a road and verge security deposit bond and/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;*
- (vi) 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 Kingston Avenue shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the new front fences and gates being visually permeable, with a minimum 50 per cent transparency;*

(vii) *the proposed structure ("patio/disability covered area") shall be one hundred (100) per cent open on at least two (2) sides and at all times; and*

(viii) *the tree proposed to be planted adjacent to the western side of the proposed patio/disability covered area additions shall be a minimum height of two (2) metres when planted. This tree shall be planted prior to the commencement of use of this proposed structure and maintained thereafter by the applicants/owners;*

*to the satisfaction of the Chief Executive Officer.*

---

#### **COUNCIL DECISION ITEM 10.1.2**

**Moved Cr Lake, Seconded Cr Farrell**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Torre was an apology for the meeting.)**

**Cr Chester requested that it be recorded in the Minutes that his support was given due to the profound disability of one of the occupants of the subject dwelling.**

---

#### **FURTHER REPORT:**

At the Ordinary Meeting held on 24 August 2004, the Council resolved to defer determination of the previous application for the proposed patio/disability covered area, to enable the Town's Officers to liaise with the applicants to achieve a suitable application that could be recommended for approval.

On 27 August 2004, the Town's Executive Manager Environmental and Development Services (EMEDS) and Manager Planning and Building Services (MPBS) had an on-site meeting with the owner/applicant of No. 19 Kingston Avenue, West Perth and the applicant's son to discuss the proposed patio/disability covered area on the subject property.

During the meeting, it was agreed that the proposal would be recommended for conditional approval to the Council provided the following amendments were made to the application:

1. The width of the proposed patio/covered area being reduced to the existing pier above the letter box (along the existing driveway) - This will allow adequate weather protection to/from the letter box from/to the front door and verandah for the unwell owner;
2. The colour of the proposed patio/covered area to be of a neutral colour to match the colour of the existing brick piers and side wall and dwelling facade, say a sandstone colour; and
3. The planting of a tree in the front courtyard adjacent to the proposed patio/covered area.

Subsequently, revised plans that reflect the above amendments signed by applicants were submitted to and received by the Town later in the morning of 27 August 2004.



## Compliance

Requirements	Required	Proposed *
Side Setbacks: Eastern Western Front Setback (Northern)	1.0 metre 1.0 metre 4.0 metres	0.3 metre 5.30 metres 0.36 metre
Patio Location	Other than "open" carports no substantial structures allowed within street setback area	Patio within street setback area
Plot Ratio	0.65 or 176.15 square metres	N/A (not relevant to this application)

\* 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.

## Comments

The subject land is zoned R80. In accordance with Table 1 of the Residential Design Codes 2002 (the R Codes), all the requirements of minimum setbacks, open space, outdoor living area, etc. are as per R60 for single houses zoned R80 to R160.

### Setbacks

The proposed 0.36 metre front street setback of the structure represents a significant variation from the required minimum primary street setback of 4.0 metres of Table 1 of the R Codes.

In terms of planning performance, and there being no objection from the adjacent land owners, the proposed reduced side setback of 0.3 metre to the eastern side boundary is supportive. However it is imperative to advise Council that a 0.3 metre clearance from the side boundary conflicts with the Deemed-To-Satisfy provision of the Building Code of Australia (BCA). Part 3.7.1.6 of the BCA that requires a minimum fire separation of not less than 0.9 metre from an allotment boundary.

### Outdoor Living Area

The R Codes requires that residential dwellings provide a private outdoor living area that provides the following:

- *"In accordance with Table 1;*
- *Behind the street setback area;*
- *Directly accessible from a habitable room of a dwelling;*
- *With a minimum length and width dimension of 4 metres; and*
- *To have at least 2/3 of the required area without permanent roof cover."*

The proposed structure does not affect the required minimum outdoor living area. The existing space at the rear of the property provides adequate outdoor area.

### Streetscape

Clause 7 Other Structures of the Town's Policy relating to Street Setbacks provides the following:

*"Other than carports no substantial structures are allowed within street setback areas. Structures which may be allowed are:*

- *fences or walls;*
- *landscape or sculptural structures, such as fountains, to enhance relationship between street and house; and*
- *appropriately scaled archways or gateways, in character with the streetscape."*

The proposal still conflicts with the above Town's Policy.

### **Conclusion**

In light of the above, the application, including the revised plans, would normally be refused. The proposed structure as located is not appropriate and undesirable in terms of visual impact on the streetscape. The approval of such a proposed structure within the front primary setback area, would compromise the objectives of the Town's Policy, the Residential Design Codes and non-compliance with the deemed-to-satisfy provision of the BCA.

However, the applicants have endeavoured to lessen the impact of the proposed structure by reducing its frontage width, incorporating neutral finished colour and planting of a tree within the existing courtyard. Having consideration of the owner's physical condition/disability and the special circumstances of this application, approval is recommended for the proposal, subject to standard and appropriate conditions to address the above matters.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 24 August 2004:

#### *"OFFICER RECOMMENDATION:*

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by P & V Panayotou for proposed Patio/Disability Covered Area Additions to Existing Single House, at No(s). 19 (Lot(s) 3 ) Kingston Avenue, West Perth, and as shown on plans stamp-dated 16 June 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; and*
- (ii) the non-compliance with the Residential Design Codes and the Town's Policy relating to Street Setbacks.*

---

*Moved Cr Lake, Seconded Cr Farrell*

*That the recommendation be adopted.*

*Debate ensued.*

#### *COUNCIL DECISION ITEM 10.1.10*

*Moved Cr Chester, Seconded Cr Franchina*

*That the matter be DEFERRED to enable the Town's Officers to liaise with the applicants to achieve a suitable application recommended for approval.*

*CARRIED (7-1)*

*(Mayor Catania on approved leave of absence).*

#### *For*

*Deputy Mayor Cr Ker  
Cr Chester  
Cr Cohen  
Cr Doran-Wu  
Cr Farrell  
Cr Franchina  
Cr Torre*

#### *Against*

*Cr Lake*

<i>Landowner:</i>	<i>P &amp; V Panayotou</i>
<i>Applicant:</i>	<i>P &amp; V Panayotou</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R80</i>
<i>Existing Land Use:</i>	<i>Single House</i>
<i>Use Class:</i>	<i>Single House</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>271 square metres</i>

*COMPLIANCE:*

<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>
<i>Setbacks: Side Setback (Eastern) Front Setback (Northern)</i>	<i>1.0 metre 4.0 metres</i>	<i>0.3 metre 0.36 metre</i>
<i>Patio Location</i>	<i>Other than "open" carports no substantial structures allowed within street setback area</i>	<i>Patio within street setback area</i>
<i>Plot Ratio</i>	<i>0.65 or 176.15 square metres</i>	<i>N/A (not relevant to this application)</i>

*\* 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:*

*An application for Approval to Commence Development dated 14 April 2004 was submitted to and received by the Town on 5 July 2004 for a patio/carport additions to existing single house.*

*The application was presented to the Town's Development Assessment Team (DAT) for an initial assessment of the application. Subsequently, the Town's Technical Services advised that the proposal does not meet the minimum vehicular manoeuvring space as required under the Australian Standard (AS 2890.1).*

*A letter was then posted to advise the above matter to both the owners/applicants and builder (Heritage Outdoor) accordingly. The matter has also been discussed with the applicants' son during several telephone conversations.*

*A further letter dated 10 August 2004 submitted by the applicants highlights various reasons to support their application. The applicants also altered the description of the proposed development to "Patio/Disability Covered Area" instead of "Patio/Carport".*

*SITE HISTORY:*

*The subject site is occupied by a single house, an attached existing garage on the eastern side boundary with access via Kingston Street and a steel patio at the rear of the property.*

*The property abuts an existing sealed private 2.66 metres wide lane way, it is labelled as "Entrance" on the Certificate of Title. This "Entrance" is one of the existing vehicular access points to a block of flats, known as No. 572 (Lot 8) Newcastle Street, West Perth.*

*DETAILS:*

*The applicants seek approval for a flat metal roof patio style structure, described on the application as "Patio/Disability Covered Area" to an existing single house. There will be no alteration to the existing ground levels. The proposal measures approximately 21.74 square metres.*

*The proposed structure is located within the front setback area of the subject dwelling's existing front courtyard and driveway. It is setback 0.3 metre from the eastern side boundary, and 0.36 metre from the street/front boundary (northern side) and 4.16 metres (scaled) to the western side. The roof height as depicted on the submitted plans is 2.8 metres.*

*The applicants' son, on behalf of the applicants, submitted the following justification in support of the proposed variations, and it can be summarised as follows:*

*"... My mother has recently become disabled with a degenerative disease that has left her unable to walk without assistance of either a walking stick or a walking frame. My father is now her registered carer. To walk from her front door to either the letter box or to the car normally takes my mother anywhere between fifteen to twenty minutes depending on how she is feeling and the weather conditions. On many occasions through winter my mother got very wet and with summer coming up soon, she feels that she will not cope with this daily struggle in the searing heat.*

*...proposing is not a carport at the front of their house but rather a covered walkway... I understand the Town of Vincent has become very aggressive in its policy to help people with disabilities so we urge you and the council to consider the plans as a disability walkway. The neighbours on either side of the property have also signed and approved the plans..."*

*CONSULTATION/ADVERTISING:*

*The applicants for this proposal have provided comments from the affected adjoining neighbours. The owners have indicated that they do not object to the proposed structure.*

*LEGAL/POLICY:*

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

*STRATEGIC IMPLICATIONS:*

*Nil.*

*FINANCIAL/BUDGET IMPLICATIONS:*

*Nil.*

*COMMENTS:*

*The subject land is zoned R80. In accordance with Table 1 of the Residential Design Codes 2002 (the R Codes), all the requirements of minimum setbacks, open space, outdoor living area, etc. are as per R60 for single houses zoned R80 to R160.*

*Setbacks*

*The proposed 0.36 metre front street setback of the structure represents a significant variation from the required minimum primary street setback of 4.0 metres of the Table 1 of the R Codes.*

*In terms of planning performance, and there being no objection from the adjacent land owners, the proposed reduced side setback of 0.3 metre to the eastern side boundary is supportive. However it must be stressed that a 0.3 metre clearance from the side boundary conflicts with the Deemed-To-Satisfy provision of the Building Code of Australia (BCA). Part 3.7.1.6 of the BCA requires a minimum fire separation of not less than 0.9 metre from an allotment boundary.*

#### *Outdoor Living Area*

*The R Codes requires that residential dwellings provide a private outdoor living area that provides the following:*

- *"In accordance with Table 1;*
- *Behind the street setback area;*
- *Directly accessible from a habitable room of a dwelling;*
- *With a minimum length and width dimension of 4 metres; and*
- *To have at least 2/3 of the required area without permanent roof cover."*

*The proposed structure does not affect the required minimum outdoor living area. The existing space at the rear of the property provides adequate outdoor area.*

#### *Streetscape*

*Clause 7 Other Structures of the Town's Policy relating to Street Setbacks provides the following:*

*"Other than carports no substantial structures are allowed within street setback areas. Structures which may be allowed are:*

- *fences or walls;*
- *landscape or sculptural structures, such as fountains, to enhance relationship between street and house; and*
- *appropriately scaled archways or gateways, in character with the streetscape."*

*The proposal conflicts with the above Town's Policy.*

*In light of the above, the applicant's circumstances are acknowledged; however, it is recommended that the proposal be refused. The proposed structure as located is not appropriate and undesirable in terms of visual impact on the streetscape.*

*The approval of such a proposed structure within the front primary setback area, would compromise the objectives of the Town's Policy and the Residential Design Codes."*

**10.1.20 No(s). 47 (Lot(s) 56) Mary Street, Highgate - Proposed Three (3) Multiple Dwellings**

<b>Ward:</b>	South	<b>Date:</b>	3 September 2004
<b>Precinct:</b>	Hyde Park; P12	<b>File Ref:</b>	PRO2767; 00/33/2171
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M Bonini		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**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 D O'Donovan on behalf of the owner J & LA O'Donovan for proposed Three (3) Multiple Dwellings, at No(s). 47 (Lot(s) 56) Mary Street, Highgate, and as shown on plans stamped 9 July 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 and precinct area;*
- (ii) the non-compliance with streetscape, building setbacks, building height, plot ratio, manoeuvring, buildings on boundaries and density requirements of the Residential Design Codes;*
- (iii) the non-compliance with the density requirements of the Policy relating to St Albans Locality and the Hyde Park Precinct;*
- (iv) multiple dwellings are not permitted in the St Albans Locality and Hyde Park Precinct;*
- (v) consideration of the objections received; and*
- (vi) the non-compliance with site works requirements of Town's Policy.*

**COUNCIL DECISION ITEM 10.1.20**

**Moved Cr Lake, Seconded Cr Ker**

*That the recommendation be adopted.*

Debate ensued.

**CARRIED (7-1)**

<b><u>For</u></b>	<b><u>Against</u></b>
Cr Chester	Mayor Catania
Cr Cohen	
Cr Doran-Wu	
Cr Farrell	
Cr Franchina	
Cr Ker	
Cr Lake	
(Cr Torre was an apology for the meeting.)	

<b>Landowner:</b>	J & LA O'Donovan
<b>Applicant:</b>	D O'Donovan
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R80
<b>Existing Land Use:</b>	Vacant Land
<b>Use Class:</b>	Multiple Dwelling
<b>Use Classification:</b>	"P" (not permitted in St Albans Precinct)
<b>Lot Area:</b>	427square metres

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>
Density	R80 (3 dwellings)	R70 (3 dwellings)
Plot Ratio	1.0 (427 square metres)	1.23 (526.6 square metres)
Setbacks - Eastern side	2.5 metres (first floor) 3.9 metres (second floor) 6.0 metres (third floor)	1 metre 1 metre 1 metre
Western Side	2.5 metres (first floor) 3.9 metres (second floor) 6.0 metres (third floor)	1 metre 1 metre 1 metre
Manoeuvring from the right of way	6 metres from the garage to the nearest impediment.	Town's records show ROW is 3.02 metres wide + 1.5 metre setback = 4.52, therefore inadequate manoeuvring area.
Site Works	Retaining walls designed or setback to minimise the impact on adjoining property	Retaining walls up to 3.6 metres high proposed on eastern and western boundaries
Boundary Walls	3 metres average with maximum of 3.5 metres on one side boundary	3.6 metres maximum height on two side boundaries
Building Height	Two storeys permitted - top of external roof to be maximum height of 7 metres	Maximum height of 15.0 metres
Town's Policies:		
Town's Policy relating to the St Albans Locality Plan 26	Height: a general height limit of two-storeys can be considered provided...the amenity of the area is protected in terms of privacy, scale and bulk	Effectively a four storey building is proposed (including undercroft car park)
Multiple Dwellings	Not permitted	Multiple dwellings proposed

\* 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 site is currently vacant. A right of way abuts the lot on the southern side. According to Town records, the right of way is sealed and privately owned with a width of 3.02 metres.

**DETAILS:**

The applicant seeks approval for three multiple dwellings.

**CONSULTATION/ADVERTISING:**

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

*"I...oppose the development for the following reasons:*

- *The house I occupy would lose significant loss of privacy with the development of effectively a four storey dwelling.*
- *The development would devalue my property over which the proposed development overlooks which is unacceptable.*
- *The potential noise coming from three dwellings plus 6 cars.*
- *Given that I am directly south of the proposed development it would block out a large percentage of winter sun.*
- *The proposed development is in breach of almost every acceptable development criteria;*  
*i.e. density, height, plot ratio, car parking and setbacks.*

*The Council has a duty to protect the rights and interests of its rate payers and to uphold its own development requirements and in this case for the Council to approve the proposal would breach not only the Council's own development guidelines but it would also negatively impact on the quality of life (through lack of privacy) and financial interests of long standing ratepayers."*

**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:**

**Setbacks**

The applicant has provided the following comments in relation to the setback variations proposed.

*"The Residential codes are intended to be used as a guide for sustainable development. However, they cannot be used as a blanket policy for unique sites such as 47 Mary Street. This sloping and narrow-fronted site needs to be addressed specifically in order to meet the objectives of the codes. Not a single dwelling on Mary St currently meets the required setbacks. The proposed 1 metre setback is consistent with the code's intention of providing both light and ventilation."*



The setbacks proposed for the eastern and western elevations fall short of the requirements by a significant amount. The building itself is not staggered, this results in significant variations relating particularly to the second and third floors. The first floor is non-compliant by 1.5 metres. The setback variations are not considered acceptable as it clearly demonstrates that a development of this nature on a reasonably small lot cannot accommodate adequate setbacks.

The variations proposed are not supported in this instance.

### **Manoeuvring**

The applicant has provided the following comments in relation to this matter:

*"The Residential codes require a 6 metre clearance from the garage to the nearest impediment. However this clearance is based on the standard width of a carpark entry. In order to meet the required turning circles without a 6 metre clearance, the proposal has widened the carpark entry from 2.5 metres to 4.45 metres. The resulting manoeuvring meets the council guidelines based on the turning circle transparency provided by the council's Building Engineer. The 1.5 metre setback from the ROW is intended to meet the council's long term objective of widening the ROW from 3 metres to 6 metres (1.5 metres from each side of the ROW)."*

The development proposal does not comply with the required manoeuvring distance as well as the ramp width. The rear wall has been setback 1.5 metres from the rear boundary and the right of way is a maximum of 3.02 metres wide. This achieves a total of 4.52 metres of manoeuvring distance in lieu of the required 6 metres. The ramp width is a maximum of 4.6 metres as opposed to required width of 5.5 metres. Both variations do not achieve a functional outcome and therefore cannot be supported.

### **Site Works**

The applicant has made the following comments in support of the retaining walls:

*"The retaining walls in the proposal are intended to meet the council's desire for adequate off-street parking. At the moment there is a real problem with available carparking in and around the site. The proposal provides 6 bays of underground parking at the rear of the property. The retaining walls do not have a major negative impact on the adjoining properties as they are below street level. There are several carports of similar scale and bulk currently off the ROW. The sloping site prevents any impact on the city views of neighbouring properties."*

The applicant proposes boundary retaining walls to a maximum height of 3.6 metres on both the eastern and western side boundaries. Town's Policy requires that retaining walls be setback from common boundaries in accordance with the setback provisions of the Residential Design Codes. Further to the requirements of Town's Policy, the proposal does not comply with the provisions in the R Codes relating to Buildings on Boundary. The R Codes permit boundary wall development on one side boundary with restrictions placed on the height and length of the boundary wall. In this instance, the proposed development involves boundary walls on the west and east side boundaries which both reach a maximum height of 3.6 metres at the rear of the lot. The variations proposed are excessive and not considered acceptable and therefore not supported.

### **Building Height**

The applicant has provided the following comments of justification in relation to this matter:

*"The proposed 3 storey development does not have any negative impact on the local precinct or streetscape. There is a variety of building heights along Mary St which are intended to take advantage of the spectacular city views. The large Moreton Bay Fig trees which are 3 storeys high and 6 metres wide, almost completely obscures the dwelling from the street and prevents any perception of bulk and scale. There are already 3 storey properties at 9,15,57,59 and 61 Mary Street. These have little or no impact on the streetscape. There is also a grand 4 storey school and church directly opposite the site."*

The Town's Policy relating to St Albans Locality states the following;

*"A general height limit of two storeys (including loft) can be considered provided the second storey (including loft) is generally setback from the street and the amenity of the area is protected in terms of privacy, scale and bulk."*

The Town's Policy relating to Building Scale goes on to stipulate the maximum heights permitted for two storey residences. The maximum height limit for a concealed roof is 7 metres. The maximum height proposed exceeds this requirement significantly in proposing a maximum height of 15 metres. This is considered to be a gross overdevelopment of the site and does not promote the intentions of the policy in maintaining amenity and protection of the area in terms of privacy, scale and bulk. The variation to height is not considered to be acceptable and therefore not supported.

#### **Density**

The applicant has provided the following comments of justification in relation to this matter:

*"The proposed density of 3 dwellings is well within the R80 density provisions of 3.42 dwellings."*

The Town's Policy relating to the Hyde Park Precinct and St Albans Locality both stipulate clearly that multiple dwellings are not permitted in these areas. This is represented in the Policy as well as the Town's Town Planning Scheme for the Hyde Park Precinct. The proposal has been based on the R 80 zoning resulting in a three multiple dwelling development. Based on the requirements of the Town in relation to density, the development is not supported. It is considered that the development promotes an undesirable precedence if permitted in an area that has been specifically recognised and protected from further multiple dwelling development. Any multiple dwellings that currently do exist occurred prior to the legislation that applies today.

#### **Plot Ratio**

The applicant provides the following comments in relation to plot ratio:

*"The proposed plot ratio (not including balconies) is 0.95. This is consistent with the R80 plot ratio provision of 1.00. Balconies are generally exempt from Plot Ratio calculations unless they are enclosed on three sides. The proposed balconies are enclosed on three sides in order to maintain privacy."*

The plot ratio for the R80 zoning is 1.00. The applicant requests a plot ratio of 1.23. This exceeds the requirement by over 23 per cent. A variation in plot ratio of this degree is not considered to be acceptable and indicates an over development of the site. The variation to plot ratio is therefore not supported.

In view of the above, it is recommended that the proposal be refused due to the nature and extent of variations involved and that multiple dwellings are not permitted in the Hyde Park Precinct and St Albans Locality Plan.

**10.1.12 No(s). 79 (Lot(s) 7) Hobart Street, Mount Hawthorn - Proposed Demolition of Existing Single House and Construction of a Two-Storey Single House and Outbuilding (Application for Retrospective Planning Approval)**

<b>Ward:</b>	North	<b>Date:</b>	6 September 2004
<b>Precinct:</b>	Mt Hawthorn; P1	<b>File Ref:</b>	PRO2831; 00/33/2281
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	T Durward		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**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 owners M & J Hodzic for proposed Demolition of Existing Single House and Construction of a Two-Storey Single House and Outbuilding (Application for Retrospective Planning Approval), at No(s). 79 (Lot(s) 7) Hobart Street, Mount Hawthorn, and as shown on plans stamp-dated 3 June 2004 and amended plans stamp-dated 17 August 2004, subject to:*

- (i) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Hobart Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (ii) compliance with all Building, Environmental Health and Engineering requirements;*
- (iii) 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;*
- (iv) all new crossover/s to allotments are subject to a separate approval by the Town's Technical Services Division and 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. Crossovers may be constructed by a private contractor provided they are constructed in accordance with the above specifications and a security bond of \$275 is paid prior to the crossover approval. Application for the refund of bond must be submitted in writing;*

- (v) *standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular access ways to ensure that the safety of pedestrians and other road users is not compromised;*
- (vi) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted with all cost associated the removal and replacement shall be borne by the applicant/owner(s);*
- (vii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating that;*
  - (a) *the overall width of the driveway does not occupy more than 40 per cent, being 5.2 metres, of the frontage of the property;*
  - (b) *the driveway being no closer than 0.5 metre to the eastern boundary; and*
  - (c) *the garage complies with the setback requirements of the Residential Design Codes and the Town's Policy, being setback 6 metres from the street or behind the front main building wall; alternatively, amend the garage so that it is a carport, open on all sides except where it abuts the main building and includes a design feature on the rear wall parallel to the street setback line.*

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

- (viii) *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;*
- (ix) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (x) *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.*

---

**Moved Cr Farrell, Seconded Cr Chester**

*That the recommendation be adopted.*

**Cr Ker departed the Chamber at 7.48pm.**

**Moved Cr Doran-Wu, Seconded Cr Farrell**

*That clause (vii)(c) be deleted.*

**AMENDMENT CARRIED (4-3)**

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

(Cr Torre was an apology for the meeting. Cr Ker was absent from the Chamber and did not vote.)

**MOTION AS AMENDED CARRIED (7-0)**

(Cr Torre was an apology for the meeting. Cr Ker was absent from the Chamber and did not vote.)

**COUNCIL DECISION ITEM 10.1.12**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners M & J Hodzic for proposed Demolition of Existing Single House and Construction of a Two-Storey Single House and Outbuilding (Application for Retrospective Planning Approval), at No(s). 79 (Lot(s) 7) Hobart Street, Mount Hawthorn, and as shown on plans stamp-dated 3 June 2004 and amended plans stamp-dated 17 August 2004, subject to:*

- (i) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Hobart Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (ii) compliance with all Building, Environmental Health and Engineering requirements;*
- (iii) 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;*

- (iv) *all new crossover/s to allotments are subject to a separate approval by the Town's Technical Services Division and 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. Crossovers may be constructed by a private contractor provided they are constructed in accordance with the above specifications and a security bond of \$275 is paid prior to the crossover approval. Application for the refund of bond must be submitted in writing;*
- (v) *standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular access ways to ensure that the safety of pedestrians and other road users is not compromised;*
- (vi) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted with all cost associated the removal and replacement shall be borne by the applicant/owner(s);*
- (vii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating that;*
- (a) *the overall width of the driveway does not occupy more than 40 per cent, being 5.2 metres, of the frontage of the property; and*
- (b) *the driveway being no closer than 0.5 metre to the eastern boundary;*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (viii) *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;*
- (ix) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (x) *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.*

---

<b>Landowner:</b>	M & J Hodzic
<b>Applicant:</b>	M & J Hodzic
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R20
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	501 square metres

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>
Plot Ratio	N/A	N/A
Density	R20 (1 dwelling)	R19.96 (1 dwelling)
Driveway Width	Not to occupy more than 40 per cent of the frontage of a property	43 per cent
Front Setback (Garage)	6 metres or setback behind the front main building wall.	5.4 - 6.5 metres and not behind the front main building wall.

\* 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.

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

**SITE HISTORY:**

The site is occupied by a single storey single house which fronts Hobart Street that is proposed to be demolished.

**DETAILS:**

An application has been received for the demolition of the existing single storey dwelling and construction of a two-storey dwelling fronting Hobart Street. An existing brick and iron workshop at the rear of the property is to be retained, which has been erected without the necessary approvals. This unauthorised structure was brought to the attention of the Town's Officers by the public.

**CONSULTATION/ADVERTISING:**

Two objections were received during the advertising period. Relevant planning issues raised by the objectors include:

- That the variation to the street setback will negatively impact on the amenity and streetscape of the area.
- The proposed two-storey dwelling will create unnecessary bulk on a street of predominately single storey dwellings.

**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**

A detailed Heritage Assessment of the existing dwelling is included as an attachment to this report.

The subject property is a single storey, inter-war, fibro and iron dwelling. It is located on Hobart Street which is predominately single-storey residential area. The subject property is situated directly opposite Mount Hawthorn Masonic Hall.

The subject property retains many of its original features such as 5 inch timber floor boards, wide timber skirts, decorative cornices and original 'Metters' stove, but it has also been considerably altered with the enclosure of part of the front verandah, removal of internal walls and a rear skillion addition.

The subject property is not listed on the Town's Municipal Heritage Inventory or Interim Heritage Data Base and is considered to have little cultural heritage significance.

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.

**Front Setback**

A front setback variation is proposed for the garage facing the Hobart Street frontage. The setback requirement as per the Town's Policy is 6 metres. The garage is proposed at a setback of 5.4 - 6.5 metres. This variation is not considered to be supportable, and therefore a recommended condition of approval is included in this report. The applicant is advised to reduce the depth of the garage so that it complies with the 6 metres setback, as required by the Residential Design Codes or amend the garage so that it is a carport, open on all sides except where it abuts the main building and includes a design feature on the rear wall parallel to the street setback line.

**Driveway**

The driveway comprises 43 per cent of the frontage of the lot and therefore does not comply with the Acceptable Development component of the Residential Design Codes. As such, a condition has been applied for the driveway to comply with the requirements of the Residential Design Codes.

**Response to Objections Received**

The concerns raised in the objection letters relating to the negative affect on the amenity and streetscape from the proposed variation has been addressed above. In light of objector's comments and the provisions of the Residential Design Codes as outlined above, the proposed variation is not supportable and relevant conditions have been added to the Officer Recommendation. It is noted the applicant has submitted revised plans and increased the front setback since the objection letters were received by the Town on 17 August 2004.

Concern was also raised regarding the bulk of the proposed development with reference to the height of the two-storey dwelling. The second storey is setback according to the requirements of the Residential Design Codes, and the proposed development complies with the height requirements of the Eton Locality Plan (two storeys including loft).

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



**10.1.11 No(s). 24 (Lot(s) 42) Galwey Street, Leederville - Proposed Demolition of Existing Single House and Construction of a Two-Storey Single House**

<b>Ward:</b>	North	<b>Date:</b>	3 September 2004
<b>Precinct:</b>	Leederville; P3	<b>File Ref:</b>	PRO2841; 00/33/2295
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	T Durward		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**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 Philip McAlister Architect on behalf of the owner GA Hay for proposed Demolition of Existing Single House and Construction of a Two-Storey Single House, at No(s). 24 (Lot(s) 42) Galwey Street, Leederville, and as shown on plans stamp-dated 11 June 2004 and amended plans stamp-dated 2 September 2004, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (iii) subject to first obtaining the consent of the owners of 26 Galwey Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing 26 Galwey Street in a good and clean condition;*
- (iv) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Galwey 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;*
- (v) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the windows on the upper levels facing both east and west (including stairwell windows) shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed;*
- (vi) detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (vii) 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;*

- (viii) *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.*
- (ix) *all new crossover/s to allotments are subject to a separate approval by the Town's Technical Services Division and 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. Crossovers may be constructed by a private contractor provided they are constructed in accordance with the above specifications and a security bond of \$275 is paid prior to the crossover approval. Application for the refund of bond must be submitted in writing;*
- (x) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xi) *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;*
- (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); and*
- (xiii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Galwey Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

*to the satisfaction of the Chief Executive Officer.*

---

**COUNCIL DECISION ITEM 10.1.11**

**Moved Cr Cohen, Seconded Cr Lake**

*That the recommendation be adopted.*

Debate ensued.

Cr Ker returned to the Chamber at 7.50pm.

**Moved Cr Cohen, Seconded Cr Lake**

*That the Item be DEFERRED to address various concerns including setbacks, overshadowing and loss of light on adjacent properties.*

**CARRIED (6-2)**

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

**(Cr Torre was an apology for the meeting.)**

<b>Landowner:</b>	GA Hay
<b>Applicant:</b>	Philip McAlister Architect
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R30
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	299 square metres

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>
Plot Ratio	N/A	N/A
Setbacks - Eastern Side	1.5 metres (lower) 2.1 metres (upper)	1.2 metres to 3.0 metres 1.2 metres
Western Side	1.5 metres (lower) 2.1 metres (upper)	Nil to 1.0 metre 1.0 metre to 1.9 metres
Southern Side - Balcony	6 metres (upper)	4 metres
Sightlines	Walls and fences truncated or no higher than 0.75 metre within 1.5 metres of where walls and fences adjoin vehicle access points where a driveway meets a public street and where two streets interact.	Front fence abuts adjoining neighbour's (east) vehicle access point, and no truncation has been provided.

\* 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 site currently occupied by a single storey single house.

**DETAILS:**

The applicant seeks approval for proposed demolition of existing single house and construction of a two-storey single house. The proposal is considered to comply with the requirements of the Residential Design Codes and the Town's Town Planning Scheme No.1 and associated Policies with the exception of the above non-compliances.

**CONSULTATION/ADVERTISING:**

The proposal has been advertised and two submissions were received during the two week period. Both submissions object to the subject proposal. It is noted that the western neighbours (tenants only) have signed off on the plans as submitted 11 June 2004, however, the owners of this same property have objected to the proposal. A summary of the reasons for objection are as follows:

- The proposal does not protect the amenity of the locality, nor preserve the existing character;
- The setback variations being sought on both the eastern and western boundaries will result in an increased impact on neighbouring properties in terms of bulk and scale, and is inconsistent with the Town's Policy 3.2.8 (Building Scale);
- The front fence and street walls proposed as part of this development do not comply with the Town's Policy in relation to street walls and fences; the Street Walls and Fences Policy allows a maximum front wall height of 1.8 metres (solid to a maximum height of 1.2 metres);
- Site levels do not comply with Town's Policy 3.2.7 (Site Levels) which requires site levels not to be altered significantly as a result of development, with the maximum fill permitted being 0.3 metre. The proposal indicates a 0.5 metre level of fill at the front of the property;
- The development will result in overlooking into adjoining properties from the terrace and living areas located on the upper level;
- The use of zincalume metal cladding on the external facades will seriously affect the amenity of neighbouring properties.

**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 subject dwelling is a single storey brick and tile house of relatively recent construction, which conforms to the traditional setbacks and overall size and scale of the houses predominant along the street. It is not listed on the Town of Vincent Municipal Heritage Inventory or Interim Heritage Data Base. As such the demolition is supported.

### **Setbacks**

The applicant is seeking variations to the south, west and east setback requirements.

The setback on the eastern ground floor is considered minor and therefore considered supportable. A nil setback on the western boundary is proposed for the garage. It cannot be considered under the provisions of the Residential Design Codes Policy 3.2.1 (Buildings on Boundary) as it is non-compliant with the minimum height requirements. The nil setback will have no undue impact on the residential amenity of the adjoining area, as there is an existing parapet wall located where the proposed parapet wall is to be built.

The first floor setback variations are not considered to impinge on the amenity of the surrounding residents. The openings on the eastern and western elevations are not considered major openings as they are less than one square metre in area, are constructed with frosted or translucent glass or screened, or have a sill height above 1.6 metres. The impact of the reduced setbacks is therefore not considered to unduly impact on the privacy and overshadowing effect on adjoining properties.

Overall, the setback variations are not considered to unduly compromise the privacy of adjoining neighbours or unduly affect the amenity of the area. In light of the above, the setback variations proposed are considered supportable.

### **Response to Objectors**

It is noted that the applicant has submitted revised plans addressing some of the issues outlined by the objectors. The following is provided by the applicant in response to the objections received:

#### *"Amenity and Character of the Locality*

*This new residence is part of a street with a wide range of housing styles, ages and setbacks. The design of this new residence is unashamedly contemporary, but its scale and design complement, and I believe contribute to the existing diverse streetscape of Galwey Street. The residence has been designed to meet the requirement of 21st century contemporary living with strong emphasis on being an energy sustainable home.*

#### *Setback Variations*

*The set back to Eastern boundary is 1.2m. The length of internal courtyard has been revised to 4m therefore the walls on the east facade are interpreted as two separate walls. The set back of 1.2 metres complies with Table 2A of the R-Codes.*

*The setback to west boundary has been revised (1.5 metres for lower wall and 2.1 metres for upper wall) to meet Residential Design Code requirement. However I request the variation to be approved regarding proposed parapet wall. The building on Lot 41 has a parapet boundary wall on the shared boundary with Lot 42. The planning of the house includes a new boundary parapet wall abutting the neighbours boundary wall and continuing north from it. The property is commercial use. They have signed a copy of the proposal indicating they have seen and have no objections to the proposed boundary parapet wall (tenants only). Subsequently drawing SK4a has been developed to reduce area and cost of the residence, however, the relationship between the proposed house, west boundary and neighbour's property remains the same.*

#### *Bulk and Scale*

*The proposed double story residence in my opinion does not impose greatly on the existing streetscape. It has been designed with variable set backs to the front and side elevations to minimize the impact on the street and neighbouring properties.*

*The Second story has been set back from the street 6-8m and side elevation setbacks comply with the R-codes with the exception of the parapet wall.*

Front Fence

*The front fence has been revised as shown on attached drawing to provide truncation to Lot 9 No. 22 as per your comment. The entry gate has been removed and the fence redesigned with 1.8m high piers and open timber panels between the piers.*

Site Levels

*The main house level has been revised to 25.80m ADH to meet Town's Policy 3.2.7 of maximum of 0.3m fill to the front of proposed residence.*

Privacy and Overlooking

*The east, west and south sides of the proposed terrace have been designed with a timber screen to prevent overlooking and retain privacy for both my client and the neighbour.*

*The east courtyard glass wall incorporate the obscure glazing 2.1 metres from the ground floor level to 1.65 metres above first floor level as shown on east elevation.*

External Finishes

*The query regarding cladding indicates a misunderstanding that the facade would have a "zincalume" cladding which would be shiny. This is incorrect. We plan to use a product called "VM Zinc" cladding from Europe. This is a naturally matt zinc cladding fixed in panels. This is the material recently used to clad the curved section of the new Perth Convention Centre. I attach a copy of the material brochure for your information."*

**Summary**

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

Mayor Catania advised that Cr Franchina had declared a proximity interest in this Item. Cr Franchina departed the Chamber at 8.01pm and did not speak or vote on the matter.

**10.1.10 No(s). 335 (Lot(s) 10 & Y11) Oxford Street, Leederville - Proposed partial demolition of and alterations and additions to existing office and incidental showroom, and additional four (4) three storey multiple dwellings and associated undercroft carparking**

<b>Ward:</b>	North	<b>Date:</b>	2 September 2004
<b>Precinct:</b>	Leederville; P3	<b>File Ref:</b>	PRO0050; 00/33/2061
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Rasiah		
<b>Checked/Endorsed by:</b>	R Boardman	<b>Amended by:</b>	-

**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 Rechichi Architects on behalf of the owner J & V Spaseski Family Trust for proposed partial demolition of and alterations and additions to existing office and incidental showroom, and additional four (4) three storey multiple dwellings and associated undercroft carparking, at No(s). 335 (Lot(s) 10 & Y11 ) Oxford Street, Leederville, and as shown on revised plans stamp-dated 6 August 2004, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements, including access, carparking and facilities for people with disabilities;*
- (ii) all new crossover/s to allotments are subject to a separate approval by the Town's Technical Services Division and 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. Crossovers may be constructed by a private contractor provided they are constructed in accordance with the above specifications and a security bond of \$275 is paid prior to the crossover approval. Application for the refund of bond must be submitted in writing;*
- (iii) 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;*
- (iv) subject to first obtaining the consent of the owners of No. 337 (Lot 11) Oxford 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. 337 (Lot 11) Oxford Street in a good and clean condition;*
- (v) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*

- (vi) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Oxford 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;*
- (vii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (viii) *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;*
- (ix) *prior to the first occupation of the development, two (2) class- one or two bicycle parking facilities shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (x) *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;*
- (xi) *a interpretive plaque shall be installed by the applicant at the cost of the applicant, recognizing the former use and history of the site, which is to be visible to the public along the Oxford Street frontage. The plaque or other interpretive medium shall be approved by the Town prior to first occupation.*
- (xii) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (xiii) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*
- (xiv) *existing doors and windows and adjacent floor areas fronting Oxford Street shall maintain an active and interactive relationship with the street;*
- (xv) *prior to the first occupation of the development, a total of nine (9) car parking spaces provided for the residential component of the development, inclusive of one (1) visitor carparking bay, shall be clearly marked and signposted for the exclusive use of the residents and visitors, respectively, of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*



- (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) *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;*
- (xviii) *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.*
- (xix) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (xx) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (xxi) *a 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;*
- (xxii) *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;*
- (xxiii) *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;*

(xxiv) *a detailed landscaping plan, including a list of plant species 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);*

(xv) *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;*

(xxvi) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that:*

*"the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development";*

(xxvii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development:*

(a) *the eastern and western side of the south facing balconies of unit 3 on the 3rd floor and the northern facing balconies on the northern side for unit 4 on the 2nd and 3rd storeys;*

(b) *the south facing balcony of unit 3 on the 2nd floor ; and*

(c) *the north facing balcony of unit 2;*

*shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed; and*

(xxviii) *the maximum floor space for the office use shall be limited to 299 square metres of gross floor area, unless adequate car parking is provided for the changes in floor area use or floor space area;*

*to the satisfaction of the Chief Executive Officer.*

---

**COUNCIL DECISION ITEM 10.1.10**

**Moved Cr Lake, Seconded Cr Cohen**

*That the recommendation be adopted.*

**Debate ensued.**

**CARRIED (5-2)**

**For**  
**Mayor Catania**  
**Cr Doran-Wu**  
**Cr Farrell**  
**Cr Ker**  
**Cr Lake**

**Against**  
**Cr Chester**  
**Cr Cohen**

**(Cr Torre was an apology for the meeting. Cr Franchina was absent from the Chamber and did not vote.)**

<b>Landowner:</b>	J & V Spaseski Family Trust
<b>Applicant:</b>	Rechichi Architects
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R60
<b>Existing Land Use:</b>	Office Building and Incidental Showroom
<b>Use Class:</b>	Office Building, Multiple Dwellings
<b>Use Classification:</b>	"SA&P"
<b>Lot Area:</b>	688m2 square metres

**COMPLIANCE:**

<b>Acceptable Development Criteria</b>	<b>Required</b>	<b>Proposed</b>
R Codes:		
Plot Ratio*	0.70 (481 square metres)	0.73 (505 square metres)
Density*	R60 (4.14 multiple dwellings)	R58.13 (4 multiple dwellings)
Overshadowing	50 percent	52 percent
Height of concealed wall-north	7 metres	10 metres
Height of concealed wall-south	7 metres	8.4 metres
Height of concealed wall-west ,rear	7 metres	9.5 metres
Setbacks-ground floor rear-west	3.1 metres	Nil
First floor-rear-west	4.9 metres	4.35 metres
First floor-north	Height to be less than 6 metres for 2/3rd length of boundary (30.17 metres)	Average height of 7.5 metres for 2/3 of length of boundary (17.5 metres)
Second floor-north	1.9 metres	Nil to 1.7 metres
Town's Policy		
No of storeys-residential	2 storeys	3 storeys and part basement car park

\* 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.

\* 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.

**DETAILS:**

The applicant seeks approval for the proposed part demolition of existing office and incidental showroom and construction of four (4) multiple dwellings and associated undercroft car parking off the ROW and from Oxford Street. The total amount of existing office gross floor area proposed to be retained is 299 square metres.

The immediate adjacent lots to the south and to the north of the subject property along Oxford Street are also zoned Residential R60. The existing building on the site, which is an office and incidental showroom, has ceased operating.

The current access to the site is via a sealed Town owned rear right-of way (ROW), which is 5 metres wide from Bennelong Place to Britannia Road.

The applicant has provided a comprehensive submission (attached) which is summarised as follows:

- Part of the variations incurred is partly due to the retention of the existing building, which is listed in the Town's Municipal Heritage Inventory. Only minor modifications are proposed to the front and the rear of the building.
- The overshadowing has been reduced to 50 per cent as required by the R codes.
- Plot ratio has been reduced to 0.688 (473 square metres) to comply with the 0.70 (481 square metres) requirement.
- A further 0.172 has been reduced from the overall height of the buildings. The proposed heights and floor levels are at the minimum, and any further reduction would impact negatively on the amenity of the development. The majority of the increased height is toward the rear of the building, towards the ROW. The Leederville Precinct allows for the consideration of a 3rd storey
- The residential area equates to 376 square metres and the open space provided is 172 square metres (46 per cent), which serves both the residential and commercial component. The R Codes state that the open space requirement is "nil" for mixed use developments.
- Access is also proposed from Oxford Street and the rear ROW.

**CONSULTATION/ADVERTISING:**

In accordance with the Town's Community Consultation Policy, the proposal was advertised for a period of 14 days, with one submission being received. The concerns raised in the submission are as follows:

- Height of building proposed will result in entire adjoining property in complete shadow, all year round. Proposed overshadowing of 52 per cent in lieu of 50 per cent.
- Overlooking from proposed balcony to the south. The 1.5 metres wooden slats does not protect current and future privacy. This is similar to the balcony facing the west. If approved, the balcony should be screened to a height of 1.8 metres, with fixed obscure material.
- Overshadowing partly caused by the over height concealed walls of 10 metres in lieu of 7 metres.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The site falls within the Leederville Precinct, and within the Oxford Locality Plan 10. The Locality Plan states *"one of the most important imperatives for the future character of the Locality is to maintain the rhythm of frontages along Oxford Street, and possibly at a slightly greater height, depending on the individual development."* Also stated is that *"additionally, priority will be given to ensuring that new development does not result in an undue loss of privacy or amenity for existing residents."* Adequate car parking is also to be provided on-site.

Where mixed use developments are proposed on the same site, they should be compatible so as to function without undue interference from one another so that the amenity of all uses is safeguarded.

**Heritage**

The Town's Heritage Officers have advised that the place, which is the former Returned Soldiers Hall, was constructed in circa 1939 and is included on the Town's Municipal Heritage Inventory. It is therefore afforded protection under the Town of Vincent Town Planning Scheme No.1 and associated policies and guidelines.

The land on which the building is located was owned by the Mount Hawthorn branch of the Returned Soldiers League. In 1936, the building now referred to as the Soldiers Memorial Hall was constructed at a cost of one thousand pounds. It continued in this use until 1956 when it was converted to squash courts and other commercial purposes.

The level of significance is medium, owing largely to the extent of past alterations, and should be treated with appropriate consideration. During the 1980s, the place underwent a substantial alteration and an application for a Building Licence dated July 1986 indicates that this was undertaken by Richard Szklarz Architect. To date, historical information relating to the building's original facade has not been located. The result of these accumulative changes is a considerable alteration to the original construction and purpose of the building. This has reduced the authenticity and integrity of the building, however its historic value remains significant.

Given the above, it is considered appropriate that a condition requiring further detailed specifications in the form of a Schedule of Finishes for the former hall facade be approved by the Town prior to the issuing of a Building Licence. It is also considered appropriate that the applicant provide reference to the former use of the site by means of an interpretive plaque visible to the public along Oxford Street.

In light of the above comments, it is considered the proposal is supportable subject to the above conditions.

**Residential Car Parking Requirements**

Car parking requirements for the residential component of the development have been calculated using the requirement for grouped and multiple dwellings from the Residential Design Codes (R Codes). The residential component requires 9 car bays, inclusive of 1 visitor car bay. It is considered appropriate that a minimum of 1 visitor's car bay is made available for visitors use, which is to be marked and sign posted on-site accordingly, even though there would be the potential availability of after hours additional car bays set aside for the commercial tenancies.

A total of 13 car bays have been provided for the entire development, therefore resulting in 4 car bays available for the commercial component.

**Commercial Car Parking Requirements**

Requirements as per Parking and Access Policy	Required No. of Car bays
Office: 1 car bay per 50 square metres gross floor area (proposed 299 square metres).	5.98 car bays
Total car parking required before adjustment factor (nearest whole number)	6 car bays
Apply the parking adjustment factors. <ul style="list-style-type: none"> <li>▪ 0.80 (mix of uses with greater than 45 percent of the gross floor area is residential)</li> <li>▪ 0.85 (within 400 metres of a bus stop)</li> </ul>	(0.68) 4.08 car bays
Car parking provided on-site for commercial component	4 car bays
Resultant deficit	0.08 car bay

If the resultant shortfall in car parking is less than or equal to 0.5 bay, no parking bays or cash-in-lieu is required for the shortfall.

**Bicycle Parking Facilities:**

Requirements	Required	Provided
<b>Office</b> 1 per 200 (proposed 299) square metres public area for employees (class 1 or 2).	1.495 spaces	No bicycle parking shown on plans

The Town's Parking and Access Policy requires the provision of bicycle parking facilities for relevant commercial uses. The proposed commercial component of the development requires the provision of two (2) class 1 or 2 spaces. As such, an appropriate condition should be applied accordingly.

No end of trip facilities is required pursuant to the Town's Policy relating to Parking and Access.

**Height**

The Town's Policy relating to the Oxford Locality Plan 10 - Building Height permits a maximum height of 2 storeys, including a loft. In this instance, a three-storey development with undercroft car parking is proposed. The existing building on-site is already a significant structure, and so too is the adjoining lot to the north of the subject site. The site slopes significantly from the Oxford Street verge towards the rear of the site, with a fall of approximately 4.3 metres. The applicant has undertaken to further cut into the site to accommodate the undercroft car park and, which also contributes to the reduction of the overall height of the proposal. Other constraints affecting the site is the location of the existing heritage listed building, which poses difficulty is spreading out the residential development, resulting in the option of going higher. The existing single house to the south is also likely to be redeveloped in the future. On the above grounds, the height variations are considered acceptable in the context of the height, scale and nature of surrounding buildings.

**Setbacks**

The applicants have sought side setback variations to the northern, southern and western sides. The applicant has altered the plans to address some of the concerns of the neighbours relating to overlooking. The reduced setbacks do not result in any undue overshadowing issues.

In light of the above, the variations are considered acceptable in the context that the building is to be retained, with minor acceptable modifications and that there would be some expectation that to develop the lot would involve some variations to setbacks.

In light of the above, the proposal is not considered to create an undue, adverse effect on the adjoining neighbours, and the setback variations are supported.

Part of the front façade that was recently added onto the original building is to be demolished. The front setback to the new mezzanine floor of 4.9 metres is considered acceptable, as it provides additional area for landscaping and car parking.

The applicant has also proposed an awning within the front setback area along Oxford Street, which is considered to enhance and contribute positively to the streetscape. The awning is within the setback area of the existing part of the building to be demolished.

#### **Privacy**

In the initial application, objection was raised in terms of potential overlooking from balcony openings on the first and second floors on the south and western elevations, which are closer than 7.5 metres. The applicants have indicated fixed obscure screening to 1.6 metres from the finished floor level for the balconies to units 1 and 3 on the southern boundaries so as to comply with the privacy requirements of the Residential Design Codes. A condition relating to additional privacy along the northern and southern side balconies is also recommended.

#### **Plot Ratio**

Under the R60 applying to the site for residential development, the plot ratio is 0.7. The plot ratio proposed for the residential development is 0.69 (475 square metres), and the plot ratio for the mezzanine floor is 0.04 or (30 square metres), resulting in a total plot ratio of 0.73. The above plot ratio excludes the ground floor commercial area, which is allowed in the R Codes. The variation to the plot ratio is considered minor, as the increase is partly due to the existing mezzanine floor area.

#### **Open Space**

The R-Codes only require each multiple dwellings to be provided with a balcony area of 4 square metres and open space can be reduced to "nil", in mixed use developments. The proposal complies with the mixed use development requirements of the R Codes.

The residential area proportionately equates to 376 square metres and the open space provided is 172 square metres (46 per cent), which serves both the residential and commercial component. In situations where there are multiple dwellings provided on top of a mixed use development, only balcony space is required. The multiple dwellings proposed in this proposal are separate to the commercial use, and as such should be treated in the same manner. As such, the open space proposed is considered acceptable.

#### **Overshadowing**

The revised plan submitted complies with the solar access requirements as indicated in the Residential Design Codes, with most of the shadowing over the lot to the south.

#### **Traffic and Access**

A new crossover access is proposed off Oxford Street. The Town's Technical Services have no objection to the access off Oxford Street, as proposed. The existing ROW is also to be used as the principal ingress and egress to the site.

#### **Health and Building Services**

The Town's Health Services have advised that it is satisfied with the location of the residential and commercial bin storage area as shown on the submitted plans.

Matters relating to building issues, such as exits, fire related matters under the Building Code of Australia requirements can be addressed at the Building Licence stage.

**Summary**

Although a significant amount of variations are proposed, most of them are considered minor, and the majority of the variations are considered to adequately address the relevant performance criteria in the R-Codes, except the height of the proposal and the number of storeys proposed. It should be highlighted that the R-Codes were developed to be performance based, and to allow a flexible approach to development, if the applicants can demonstrate that the proposal meets the relevant performance criteria under each section of the R-Codes. The R-Codes were not developed to restrict development to comply solely with the acceptable development requirements. The main issues raised in terms of privacy have been adequately addressed by way of screening to prevent overlooking.

Clause 27 of TPS No.1 allows the Council where desirable to facilitate the conservation of a heritage place listed on the Heritage List, to vary any site or development requirements of the Scheme, if Council is of the view that the variations are likely to affect any owners or occupiers. The proposal has also been advertised and the comments of the adjoining landowners have been reported above.

The proposal is supported as it is not considered to unreasonably affect the amenity of the adjacent or surrounding properties. It is therefore recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters and the nature of a mixed use development.



Cr Franchina returned to the Chamber at 8.15pm.

**10.1.17 No(s). 69 (Lot(s) 551) Barlee Street, Mount Lawley - Proposed Temporary Change of Use from Single House to Office (Property Developer, Financial Planning and Architects) Building (Application For Retrospective Planning Approval)**

<b>Ward:</b>	South	<b>Date:</b>	7 September 2004
<b>Precinct:</b>	Forrest; P14	<b>File Ref:</b>	PRO1205; 00/33/2196
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	B Mckean		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**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 Marchmont Group Pty Ltd, for proposed Temporary Change of Use From Single House to Office (Property Developer, Financial Planning and Architects) Building (Application for Retrospective Planning Approval) at No. 69 (Lot 551) Barlee Street, Mount Lawley, subject to:*
- (a) *compliance with all relevant Environmental Health, Engineering and Building requirements, including the provision of toilet facilities and a car parking space for people with disabilities in accordance with the Building Code of Australia (BCA) and Disability Discrimination Act;*
  - (b) *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;*
  - (c) *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;*
  - (d) *the hours of operation shall be restricted to the following times: 8am to 6pm Monday to Friday and 8am to 1pm on Saturday, inclusive;*
  - (e) *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;*
  - (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) *this approval for a Change of Use is for a period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use;*

- (h) *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 on Barlee Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the new front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (i) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Barlee 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);*
- (j) *the office component shall be limited to 185 square metres; and*
- (ii) *the Council ADVISES the owner and applicant that they are required to pay the outstanding fees of \$600 for the above planning application for retrospective Planning Approval, within 14 days of the notification by the Town; and*
- (iii) *the applicant / owner be advised that the Town is unlikely to favourably support a permanent office use at the above site,*
- to the satisfaction of the Chief Executive Officer.*
- 

**Moved Cr Lake, Seconded Cr Cohen**

*That the recommendation be adopted.*

Debate ensued.

Cr Farrell departed the Chamber at 8.20pm.  
Cr Farrell returned to the Chamber at 8.22pm.

**Moved Cr Ker, Seconded Cr Lake**

*That clause (i)(a) be deleted and the remaining clauses renumbered.*

**AMENDMENT CARRIED (6-2)**

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

(Cr Torre was an apology for the meeting.)

**MOTION AS AMENDED CARRIED (6-2)**

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

(Cr Torre was an apology for the meeting.)

**COUNCIL DECISION ITEM 10.1.17**

*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 Marchmont Group Pty Ltd, for proposed Temporary Change of Use From Single House to Office (Property Developer, Financial Planning and Architects) Building (Application for Retrospective Planning Approval) at No. 69 (Lot 551) Barlee Street, Mount Lawley, subject to:*
- (a) *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;*
  - (b) *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;*
  - (c) *the hours of operation shall be restricted to the following times: 8am to 6pm Monday to Friday and 8am to 1pm on Saturday, inclusive;*
  - (d) *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;*
  - (e) *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);*
  - (f) *this approval for a Change of Use is for a period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use;*
  - (g) *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 on Barlee Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the new front fences and gates being visually permeable, with a minimum 50 per cent transparency;*

- (h) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Barlee 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);*
- (i) *the office component shall be limited to 185 square metres; and*
- (ii) *the Council ADVISES the owner and applicant that they are required to pay the outstanding fees of \$600 for the above planning application for retrospective Planning Approval, within 14 days of the notification by the Town; and*
- (iii) *the applicant / owner be advised that the Town is unlikely to favourably support a permanent office use at the above site,*
- to the satisfaction of the Chief Executive Officer.*

<b>Landowner:</b>	Virium Pty Ltd
<b>Applicant:</b>	Marchmont Group Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R50
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Office Building
<b>Use Classification:</b>	"SA"
<b>Lot Area:</b>	469 square metres

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>
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.

**SITE HISTORY:**

The site is occupied by an existing building which previous uses included a church, hall and private club. Surrounding land uses include the Town owned car park at the corner of Beaufort Street and Barlee Street, and residential properties to the south, east and north.

18 June 1973                      The Council of the City of Perth conditionally approved a change of use from Salvation Army church/hall to headquarters of Cracovia Soccer Club, specifically for the following uses;

- "(a) *holding committee meetings;*
- (b) *display and storage of Club's trophies and movable property;*
- (c) *assembly of club juniors for purpose of voluntary youth work, such as screening of films, talks and similar activities;*
- (d) *conducting small socials for the players; and*

(e) *holding various other meetings in relation to Club activities;*

*subject to the Club's activities being conducted in such a way that there is no cause for complaint from nearby residents."*

- 1 February 1977 The City of Perth advised the owners of the property that they had no objection to the proposed amalgamation of Nos. 67 and 69 (Lots 51 and 54) Barlee Street.
- 12 December 1977 The Council of the City of Perth resolved to refuse an application to the extension of the existing hall used by a sporting club, including a games/dining area, licensed bar and store, for the following reason:
- "1. The proposed extension to the hall be refused under Clause 30 of the Metropolitan Region Scheme on the grounds that the general disturbance caused by its use and lack of parking facilities would prejudice both the orderly and proper planning of the locality and the amenities of the locality."
- Use of the caretaker's residence for administration purposes was approved subject to it being conducted in such a way that it does not prejudice interests of nearby residents.
- 29 April 1988 The Town received a complaint from an adjoining property owner regarding preliminary plans for the use of the property as a community recreation centre, with concerns that the parking problems in the street would be compounded.
- 14 June 1999 The Council at its Ordinary Meeting conditionally approved two storey additions and alterations to the existing dwelling. It would appear that these additions were not undertaken.
- 17 July 2002 The Town received a complaint regarding the use of the existing building for martial arts classes and use by the subject dance company, relating to noise and vibration, hours of operation, and parking.
- 15 October 2002 The applicants advised that the dance company would be performing overseas and returning in December 2002 and would apply for Planning Approval at that stage. They also advised that the martial arts company, which had previously been a source of complaint due to noise during training, had relocated to a different premise.
- 14 January 2003 The dance company (Skadada) lodged a planning application for a change of use from residential to recreational facility. Two written objections were received in regard to the proposal.
- 25 February 2003 Council decided that the item be deferred at the request from the Applicant.
- 11 March 2003 Council decided that the unauthorised recreational facilities use of the existing building at No. 69 Barlee Street, Mount Lawley shall cease within fourteen days of notification.

- 13 August 2003 An application for approval to commence development on partial demolition of an alterations and additions, including mezzanine level to existing single house and free standing garage was lodged.
- 16 October 2003 Application to commence development on partial demolition of an alterations and additions, including mezzanine level to existing single house and free standing garage was approved under delegated authority.
- 26 November 2003 Building License issued.
- 9 February 2004 The Town received a complaint regarding the alleged unauthorised home occupation use at No. 69 Barlee Street.
- 20 February 2004 The Town sent a letter to Virium Pty Ltd advising that the unauthorised use must cease immediately.
- 5 May 2004 Marchmont Group Pty Ltd (Owner Virium Pty Ltd) submitted an application for approval to commence development for a temporary change of use from residential to office.
- 12 August 2004 The Town received an objection to the above application for temporary change of use.
- 26 August 2004 A site visit confirmed that No. 69 Barlee Street is already operating as an office. There is currently a property developing business and architectural business and a financial planning business operating in the building. This is an unauthorised use and as such the retrospective planning application fee of a balance of \$600 is payable.

**DETAILS:**

The subject proposal involves a temporary change of use from Residential R50 to office for a period of 12 - 18 months. The applicant / owner intends to use the property as a temporary office for approximately 12 - 18 months so that on completion of a mixed-use development in Hay Street, Subiaco by an associated entity, the activity requiring the temporary office will relocate to its permanent location in the Hay Street development. It is to be noted that the office is made up of three business entities, with the applicant and the owner operating the Property Development Business (Marchmont Pty Ltd). The subject property situated on Barlee Street has a sealed right of way on the western and southern boundaries and the subject property is adjacent to the Town's Barlee Street Car Park.

**CONSULTATION/ADVERTISING:**

The proposal was advertised in accordance with the 'SA' advertising requirements of the Town Planning Scheme, which included a sign on-site, a notice in a local newspaper and letters to adjoining property owners. During the 21 days advertising period, one letter of objection was received from a resident within the immediate area of the subject site.

The following is a summary of the concerns raised in the objection letter:

- An office building by virtue of its commercial nature is in direct conflict with the residential zoning and amenity of the street.

- It has been operating illegally as an office for some time, so objections are based on reality and practical experience.
- Traffic on the street has increased and the objector has problems with parking across their driveway.
- The hours of operation are of concern. The premises are used seven days a week and have been occupied anywhere between 7am and Midnight.
- Sets an undesirable precedent for further commercial development and operation in a street that is residential.
- Had on-going issues with non-conforming uses of the premises by the same owner who appears to have complete disregard for the Town of Vincent's Town Planning Scheme No. 1.
- Sceptical about the notion of the property being 'temporary' when it appears past development was carried out with intentions for the property to operate as an office.

**LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies.

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

An office building use is classified 'SA' in the Residential zone as per the Town's Town Planning Scheme No.1. The Scheme defines 'SA' as follows;

*"means that the use is not permitted unless the Council has exercised its discretion by granting planning approval after giving special notice in accordance with Clause 37."*

The Scheme and Metropolitan Region Scheme does not list an office use as a prohibited use within a residential area. The Brigatti Locality Statement does not provide detail as to where other uses other than residential may be appropriate within a residential area.

The Brigatti Locality Statement states that *"a limited number of non-residential uses which serve the day-to-day needs of local residents (such as local shops and child care facilities) are also appropriate where they are not likely to cause any significant disturbance to adjacent residences."* The proposed temporary change of use is for an office that includes a property development business, an architectural business and a financial planning business. These are not considered to serve the day-to-day needs of local residents, however it is believed the proposal could be supported as the change of use is temporary (18 months) and the property is in close proximity to Beaufort Street which is zoned Commercial and District Centre in which an office is a permitted use. If the use was to be permanent in nature, it would be unlikely to be supported by the Town's Officers.

It must also be noted that the Brigatti Locality Statement states that *"the retention and restoration of existing buildings which are indicative of the era in which the area was developed and generally contribute to the character of the Locality will be encouraged."* The owner of No. 69 Barlee Street has significantly restored and upgraded the property maintaining the existing character of the building and locality.

### Car Parking

Requirements	Required No. of Car bays
Office: 1 car bay per 50 square metres gross floor area (185 square metres).	3.7 car bays
Total car parking required before adjustment factor (nearest whole number)	4 car bays
Apply the parking adjustment factors.	(0.85)
▪ 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)	3.4 bays
Car parking provided on-site	5 car bays
Resultant surplus	1.6 car bays

The proposal requires the provision of 4 car parking bays on-site, based on an office area of 185 square metres. Four car bays are provided at the rear of the property, with an additional bay being located to the eastern side of the building, thereby complying with car parking requirements.

One of the concerns lodged in the submission was that traffic in the Barlee Street has increased and that parking across driveways has become a problem. The proposed office at No. 69 Barlee Street should not be the cause of these concerns, as the property has more than the car parking bays required and is adjacent to the Town of Vincent's Barlee Street Car Park. This car park contains approximately 46 general parking bays and one disabled bay. The four car parking bays at the rear of the building have access off the adjoining right of way, thus providing parking that will not conflict with Barlee Street parking. Any illegal parking in the street is a matter that is controlled by the Town's Law and Order Services.

### Traffic

The Forrest Precinct Policy states the following that is relevant to this proposal:

#### *"5) Traffic, Parking and Access*

*The Town of Vincent is to endeavour to manage traffic flow in accordance with its functional road hierarchy and, in particular, the Town of Vincent is to discourage the movement of commercial traffic into adjacent residential streets."*

The subject property is situated on the corner of Barlee Street and has a right of way on the western and southern boundaries. The traffic associated with the proposal will not negatively affect the adjacent residential houses as it will be limited to a small section of Barlee Street and the right of way. It must be noted again that the subject property is adjacent to the Town of Vincent Barlee Street Car Park.

### Objections

Concern was expressed as an office by virtue of its commercial nature is in direct conflict with the residential zoning and amenity of the street. The proposed change of use is temporary for a period of 18 months. As the owner of No. 69 Barlee Street has restored and upgraded the building in 2003, it is considered that the proposal does not affect the amenity of the street but rather contributes to the amenity of the street.



Concern that the property has been operating illegally as an office for some time is valid. The owner has now submitted a planning application for retrospective planning approval for the determination of Council. A fee of \$600, being the balance in the planning application fee, has been included in the Officer Recommendation.

The hours of operation were raised in the objections. A condition has been proposed that the office use be limited to operate between the hours of 8am to 6pm weekdays and 8am to 1pm on Saturdays. This will minimise any undue impact on surrounding residents.

It is recommended that the temporary office be limited to a twelve month period to ascertain whether the use is suitable and compatible, and the applicant be advised that should they wish to continue the temporary use, then a new planning application will be required for further consideration.

The temporary use office application is considered acceptable, subject to standard and appropriate conditions to address the above matters.

**10.1.1 Further Report - No(s). 65 (Lot(s) 11 & Pt10) Clarence Street, Mount Lawley - Proposed Alterations, Garage and Store Additions to Existing Single House**

<b>Ward:</b>	South	<b>Date:</b>	6 September 2004
<b>Precinct:</b>	Forrest; P14	<b>File Ref:</b>	PRO1747; 00/33/2182
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M Bonini		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**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 DL Skeffington on behalf of the owner DL Skeffington for proposed Alterations, Garage and Store Additions to Existing Single House, at No(s). 65 (Lot(s) 11 & Pt10) Clarence Street, Mount Lawley, and as shown on plans stamp-dated 6 April 2004, for the following reasons:*

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the building setback requirements of the Residential Design Codes;*
- (iii) the non-compliance with the Town's Policies - Street Setbacks and Vehicular Access; and*
- (iv) consideration of the objection received.*

---

**COUNCIL DECISION ITEM 10.1.1**

**Moved Cr Cohen, Seconded Cr Ker**

*That the recommendation be adopted.*

Debate ensued.

**CARRIED (5-3)**

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

**(Cr Torre was an apology for the meeting.)**

---

**FURTHER REPORT:**

The Council at its Ordinary Meeting held on 27 July 2004, resolved to defer the subject application at the request of the applicant.

The applicant has provided the following comments in favour of the application;

*"I am writing this letter in support of my Application for a Garage to be built on the side of my existing house at the above address.*

*There is ample room for this to happen in the area I have stipulated, plus there is already in place a concrete driveway which has been there for about 30 years.*

*At present there is a galvanised iron gate stretching the width of the driveway where I want to install the garage. Besides the existing gate being an eyesore - there is also the question of security, as this gate does not present very much. I will therefore be replacing this with a Sectional Door to the garage.*

*Vincent Town Council approved the building of this garage in the requested area in year 2001. Unfortunately I had an operation that year, and the plans were not acted upon.*

*I don't want the garage entrance from the back lane, because as I have already mentioned, there is a ready made area for the garage to be on the side of the house. Also I have plans to subdivide the back area, and build a Unit, therefore the back area is out of the question."*

The above comments are noted, however, given the comments contained in the previous report, the previous Officer Recommendation for refusal remains unchanged.

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 REFUSES the application submitted by DL Skeffington on behalf of the owner DL Skeffington for proposed Alterations, Garage and Store Additions to Existing Single House, at No(s). 65 (Lot(s) 11 & Pt10) Clarence Street, Mount Lawley, and as shown on plans stamp-dated 6 April 2004, for the following reasons:*

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the building setback requirements of the Residential Design Codes;*
- (iii) the non-compliance with the Town's Policies - Street Setbacks and Vehicular Access; and*
- (iv) consideration of the objection received.*

<i>Landowner:</i>	<i>DL Skeffington</i>
<i>Applicant:</i>	<i>DL Skeffington</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R50</i>
<i>Existing Land Use:</i>	<i>Single House</i>

<i>Use Class:</i>	<i>Single House</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>708 square metres</i>

*COMPLIANCE:*

<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>

*\* 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.*

<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>
<i>Setbacks:</i> <i>South (Garage)</i>	<i>1 metre</i>	<i>0 metre</i>
<i>Boundary Wall Development</i>	<i>3 metres average height, 3.5 maximum height on one side boundary not occupying more than 2/3 of the boundary length behind the street setback line.</i>	<i>Average and maximum height is 3.2 metres.</i>
<i>Garage Location</i>	<i>Car parking is to be accessible from existing rights of way where (legally) available and sealed.</i>	<i>Car Parking is proposed from the primary street.</i>

*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 3.05 metres in total width.*

*DETAILS:*

*The applicant proposes a garage and store to be located on the southern side of the lot with a nil setback to the south boundary.*

*CONSULTATION/ADVERTISING:*

*The proposal has been advertised and one written submission has been received by the Town. The letter makes the following comments;*

*"I would like to ensure that any development is at least 1.0 metre from the fence line. Owing to the construction of my own residence I would lose light in my own carport and into my house if any construction/building is right next to the fence."*

*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:*

*Boundary Wall Development*

*The R Codes permit boundary wall development on one side boundary with restrictions placed on the height of the boundary wall. In this instance, the proposed development involves a boundary wall on the south side boundary of single storey nature. A variation exists in relation to the proposed average and maximum height of 3.2 metres. Given that the wall height is slightly over the requirement it would be considered appropriate for the height to be reduced in order to comply, in this instance.*

*Garage*

*The garage 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 garage does not satisfy point (a) of Council's resolution. The right of way at the rear of the subject property is sealed and resumed and vested in the Town.*

*Response to Objections Received*

*The comments made by the adjoining affected neighbour, relate to the loss of light to a carport and also into the house. The boundary wall is slightly over height and does not comply with the provisions for boundary wall development within the R Codes. Given that there has been concern raised over the boundary wall, it is considered appropriate that the wall height be modified to comply.*

*In view of the above, it is recommended that the proposal be refused due to the nature of the variations involved."*

**10.1.16 No(s). 158A (Lot(s) 529) Vincent Street, North Perth - Proposed Change of Use from Photographic Studio to Office Building (Booking Escort Office Agency) (Application for Retrospective Approval)**

<b>Ward:</b>	South	<b>Date:</b>	9 September 2004
<b>Precinct:</b>	Smith's Lake; P6	<b>File Ref:</b>	PRO0654; 00/33/2271
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	L Mach		
<b>Checked/Endorsed by:</b>	R Rasiah	<b>Amended by:</b>	R Boardman, John Giorgi

**CEO AND EMEDS RECOMMENDATION:**

***That the Council;***

- (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 R Paolucci on behalf of the owner R & S Paolucci for proposed Change of Use from Photographic Studio to Office Building (Booking Escort Office Agency) (Application for Retrospective Approval), at No(s). 158A (Lot(s) 529) Vincent Street, North Perth, and as shown on plans stamp-dated 27 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 and precinct area;***
- (b) ***the business is unauthorised as it is operating without Council approval;***
- (c) ***the application is for Retrospective Approval;***
- (d) ***consideration of the objections received; and***
- (e) ***the creation of an undesirable precedent in the locality;***
- (ii) ***ADVISES the owner and occupier of No(s). 158A (Lot(s) 529) Vincent Street, North Perth, that the unauthorised use, "booking escort office agency" currently being conducted at this property is to cease operation within 14 days of the date of notification by the Town;***
- (iii) ***AUTHORISES the Chief Executive Officer to investigate the alleged unauthorised use of this property, including liaising with the Western Australian Police Service, and to commence legal proceedings against the owner and occupier, in the event of non-compliance; and***
- (iv) ***WRITES again to the Western Australian Government Premier and Minister for Police, Emergency Services; Justice; Community Safety seeking urgent introduction of relevant legislation to adequately address and control prostitution, brothels, massage parlours and escort agencies.***

**COUNCIL DECISION ITEM 10.1.16**

**Moved Cr Farrell, Seconded Cr Doran-Wu**

*That the recommendation be adopted.*

**CARRIED (8-0)**

**(Cr Torre was an apology for the meeting.)**

---

***CEO AND EMEDS REPORT:***

The CEO and EMEDS have changed the Officer Recommendation for the following reasons:

1. The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality and precinct area

The zoning for these premises is currently Residential R60. Investigations by the Town's Officers reveal that the previous use as a dance studio was never approved by the Council. In February 1996, the Council approved a change of non-conforming use to photographic studio, however this business ceased sometime ago and the property has since been vacant.

The property is located along Vincent Street near the corner of Fitzgerald Street, to the west of the property is a right of way and adjoining the right of way are residences.

The Monastery Locality Plan states; "a limited number of non-residential uses which serve the day-to-day needs of residents (such as local shops, local parks and child care facilities) are appropriate if they are not likely to cause any significant disturbance to adjacent residents". The proposed use is not considered to serve the day-to-day needs of the locality residents and therefore does not need to be located on this site. Due to the extensive hours requested, namely 7pm to 8am, and given that the adjoining right of way is the sole access and egress for the high number of escort vehicles to be used, it is considered that the vehicle operations of this business will have an undue impact on the amenity of the immediate residents and the surrounding area.

Furthermore, this type of business is not in keeping with the Town's future vision for this locality, as reflected by the residential zoning for this site under the Town of Vincent Town Planning Scheme No 1. In addition, the buildings on the site could potentially be adapted for residential purposes, as has been the case in other former industrial/institutional buildings within the Town.

The carparking requirements for this business, as detailed in the report, only just comply with the adjustment factor for a public carpark specified in the Town's Policy. The nearest public carpark is behind the Italian Club along Fitzgerald Street, Perth, with access off Lawley Street. It is on the outer limits of the 400 metres radius, when measured in a direct line between the carpark and the subject site. It is highly unlikely that any staff (and visitors) to the proposed office would utilise this carpark. Accordingly, the adjustment factor (0.85) applied within the Carparking Table is arguable. If this argument is supported, the carparking surplus would be further reduced to 1.9 carbays.

Most of the objections submitted from the residents have been on the basis that an erosion of the residential amenity of the area will occur and this type of business will encourage an encroachment of further businesses into a residential area. These objections are therefore supported.

The on-site female employees are not fulfilling on-site office duties as such and therefore their activities do not fall within the definition of "*office building*". The definition of "*office building*" in the Town of Vincent Town Planning Scheme No 1 is:

*"office building means premises used for:*

- (a) the conduct of the administration requirements or the secretarial or accounting services of a business or industry;*
- (b) the practice of a profession; or*
- (c) the provision of business services."*

Whilst the applicant has submitted a letter and references concerning the proposed activities, it is acknowledged that the premises will operate for the purpose of a Booking Escort Office Agency. Consideration should also be given to the fact that these activities are considered to be a "grey" area within the State's current legislation which controls prostitution, brothels and escort agencies. The CEO is of the opinion that the Council should not be approving these types of activities, until legislation is enacted by the State Government.

Furthermore, the Council will be required to investigate any complaints which may be lodged concerning the premises. Previous experience has demonstrated that these types of complaints involve considerable resources, both from staff involvement and also with carrying out investigations and obtaining legal advice. It is not prudent to therefore approve this type of premises, knowing that ratepayer funds will then be used to investigate complaints. In many instances, after lengthy investigation the complaints cannot proceed to legal action due to the need to obtain crucial evidence.

If the State Government wishes to legitimise these activities, the appropriate legislation should be enacted. It should not be left to the Town and local government to try and control these on the basis of the current inadequate legislation.

Cognisance should also be given to the fact that these premises are located along a main road, in close proximity to residents and will become well known to clients that these premises exist. The potential for complaints is therefore extremely high, as evidenced by the objections received. The matter was also the subject of an article in "*The West Australian*" newspaper on 4 August 2004 (see attached).

2. The business is unauthorised as it is operating without Council approval

The Council has previously taken a strong stance with applicants who commence business or developments without receiving prior Council approval. In this case, the applicant has previously been in business and would therefore be aware that Council approval is required before commencing operations.

It is most probable, given that the applicant has acknowledged in writing that whilst "*Escort Office Agencies*" are not illegal, that the State Government has previously attempted to introduce legislation to control these types of activities.



3. The application is for retrospective approval

It is considered that the applicant has commenced activities on the basis that the Council may simply approve the proposal, and legitimise their current unauthorised use.

4. Consideration of the objections received

Considerable ratepayer and resident objection has been received, including ten (10) written submissions and one petition with twenty-one (21) signatories. The Council should give strong consideration to these objections. As noted in the reporting officer's details, a number of the objections are on the basis that the premises is "counter productive to works undertaken in the area" , "an endangerment to the community" and "it is a front for illegal activities – prostitution". These objections are difficult to substantiate, however, they are valid. Until the State Government legally addresses these activities, the residents' objections and views are supportable.

5. The creation of an undesirable precedent in the locality

The Town of Vincent has a number of these types of activities within its boundaries. It has previously written to the State Government on a number of occasions, in fact the last occasion was following the Ordinary Meeting of Council held on 24 August 2004, requesting appropriate legislation to control these activities. Over the years, numerous complaints have been received about their activities.

The applicant for a recent application for a similar type of business stated that they relocated to the Town of Vincent because of other similar establishments operating in the Town and they believed (erroneously) that the Town would be sympathetic and approve their application. It is acknowledged that these premises currently exist, however their operations were established prior to the creation of the Town on 1 July 1994. To approve this application will, in the CEO's opinion create an undesirable precedent.

It is considered unacceptable for Councils to continue approving these types of premises without the appropriate State Government legislation.

Accordingly, it is recommended that the Council refuse the application and authorise the CEO to commence legal proceedings against the owner and applicant for operating without Council's approval.

***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 R Paolucci on behalf of the owner R & S Paolucci for proposed Change of Use from Photographic Studio to Office Building (Booking Escort Office Agency) (Application for Retrospective Approval), at No(s). 158A (Lot(s) 529) Vincent Street, North Perth, and as shown on plans stamp dated 27 May 2004, subject to:***

- (i) — compliance with all relevant Environmental Health, Engineering and Building requirement, including provisions for access, parking and toilet facilities for people with disabilities;***

- ~~(ii) — all existing non-related signage to be removed and no new signage relating to the approved use shall be erected;~~
- ~~(iii) — all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;~~
- ~~(iv) — a maximum of one (1) manager, one(1) receptionist, three (3) drivers and eight (8) employees during the hours of 7pm to 7am and a maximum of one(1) receptionist, one (1 ) driver and two (2) employees during the hours of 10am to 5pm are permitted to be at the premises at any one time;~~
- ~~(v) — no clients are permitted to visit the premises at any time;~~
- ~~(vi) — the hours of operation shall be restricted to 7pm to 7am and 10am to 5pm, Monday to Sunday, inclusive;~~
- ~~(vii) — approval for the office (Booking Escort Office Agency) is for a period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use;~~
- ~~(viii) — use of the office shall be restricted to the employees only;~~
- ~~(ix) — no massage activity of any kind shall occur at the premises;~~
- ~~(x) — no bedding shall be provided at the premise; and~~
- ~~(xi) — a detailed management plan that addresses the control of noise, traffic and anti-social behaviour (to reasonable levels) associated with the development shall be submitted and approved within 14 days of the date of the development approval issued, and thereafter implemented and maintained;~~

~~to the satisfaction of the Chief Executive Officer.~~

<b>Landowner:</b>	R & S Paolucci
<b>Applicant:</b>	R Paolucci
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R60
<b>Existing Land Use:</b>	Photographic Studio
<b>Use Class:</b>	Office Building
<b>Use Classification:</b>	"SA"
<b>Lot Area:</b>	438 square metres

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>
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.

### **SITE HISTORY:**

It has been brought to the Town's attention that the previous use of the subject site was a dance studio. The applicant has indicated on his application for approval to commence development that the subject property previous use was residential. The Town however, has no record of any planning approval for a residential use or dance studio on the subject site. The Town's records indicate that the most recently approved use on the site was granted on 26 February 1996, where Council at its Ordinary Meeting conditionally approved a change of non-conforming use to photographic studio. It is further noted that the Town's records do not show any record of the subject site ever being used/approved for residential.

### **DETAILS:**

The applicant seeks retrospective planning approval for a change of use to Office Building (Booking Escort Office Agency). The applicant has submitted the attached 2 reference letters from the businesses previous neighbours and another letter detailing the proposal. The details of the proposal is summarised below:

- the use is a office, not a brothel;
- no clients attend the premises;
- once staff is on shift, they are not allowed to leave the premises unless they are being escorted by a driver to go to a clients home;
- only rostered staff are allowed in the premises;
- the majority of business is undertaken between the hours of 7pm to 7/8am;
- there is nil activity outside the premises, apart from the driver and a staff member leaving the premises to enter a car;
- drivers car are parked at rear laneway, approximately 0.5 metre from the entrance used;
- there is a zero tolerance drug rule;
- the majority of staff are picked up and dropped off by drivers prior and after their shift; and
- there has been only one complaint in the 5 months of operation.

The subject lot abuts a 5.0 metres wide, sealed and Town owned right of way along the western side.

### **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, 10 written submissions and one petition with 21 signatures, objecting to the proposal, were received. The main issues and concerns raised in the submissions are summarised as follows:

- the increased incidence of criminal activity and endangerment to the community and in particular, children as a result of the type of clientele that may be attracted to the proposed use;
- the potential decrease in the value of surrounding properties;
- the increased amount of traffic and noise to the immediate area;
- the proposed change of use is not consistent with the current zoning of the subject property of 'residential' and the established neighbourhood in general;
- the use is currently trading illegally; and
- the use is counterproductive to the 'security/policing' undertaken around Hyde Park and proposed upgrade to Fitzgerald Street.

### **LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies.

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Use**

The subject land is zoned 'Residential R60' under the Town of Vincent Town Planning Scheme No.1 (TPS No.1). Under the Residential zone, an office is a 'SA' use.

The Town's Development Liaison Officer has undertaken a site inspection of the subject property and has confirmed the proposed use as a legitimate office use. This can be further verified by two reference letters (attached) from the proposed business's previous neighbours.

The Monastery Locality Plan state " *a limited number of non-residential uses which serve the day-to-day needs of residents (such as local shops, local parks and child care facilities) are appropriate if they are not likely to cause any significant disturbance to adjacent residents*". While the proposed use is not considered to serve the day-to-day needs of the residents, the proposal is not regarded to have an undue impact on the amenity of the surrounding area.

It is noted that the proposed hours of operation are considered extensive, however, being located in an inner city area, adjacent to a major transport route, having commercial uses in proximity (including 24 hour petrol station) and due to the nature of the proposal, with no clients/customers visiting the premises, the impact to the area caused by the proposal is considered negligible in this instance.

There are no external changes to signage proposed to the building and therefore, the character of the building and existing streetscape will be maintained.

On the above basis, and taking into consideration that there are presently a number of commercial operations within close proximity to the subject site, the proposed use is considered supportable.

**Car Parking**

Car parking requirement (nearest whole number) -Office (Proposed) - 284 square metres - requires 6 bays	6 car bays
Apply the adjustment factors.	(0.722)
<ul style="list-style-type: none"> <li>▪ 0.85 (within 400 metres of one or more existing public car parking places with in excess of a total of 75 car parking spaces)</li> <li>▪ 0.85 (within 400 metres of a bus stop)</li> </ul>	4.335 car bays
Minus the car parking provided on-site	7 car bays
Resultant surplus	2.665 car bays

The car parking surplus as represented in the above table is 2.665 car bays when applying the adjustment factors and accounting for the provided car parking bays on-site. The proposal adequately meets the required car parking requirements. Given that there is a surplus in the car parking calculation, the car parking provision is considered acceptable and therefore supported.

### **Response to Objections**

At the present time, comments relating to the use being counterproductive to works undertaken in area, an endangerment to the community and an attraction for criminal activity are considered to be speculative as there is no evidence to substantiate that the proposed use will result in these outcomes. These concerns raised are noted and accordingly, a condition requesting a premise management plan be submitted to the Town to address the protection of the amenity of the surrounding area, including noise, traffic and anti-social behaviour has been included in the Officer Recommendation.

It is noted that the proposal does not entail customers/clients visiting the premises and therefore, there will be no significant change in the traffic levels in the street. In relation to concerns regarding noise, noise levels from the proposed development would be required to comply with the Environmental Protection (Noise) Regulation 1997, and would be monitored by the Town's Health Services in the event a complaint is received.

With regard to concerns relating to the devaluation of properties, this matter is not considered to be a planning issue and therefore has not been taken into account when considering the application.

The comments relating to the proposal being inconsistent with the zoning and established area has been addressed in the previous section. A condition has been placed in the Officer Recommendation to ensure that the use be restricted to office and that no massaging or bedding is to be provided on the premises.

A site inspection by the Town indicated there was little activity around the premises and that the applicant has demonstrated a desire to remain discreet through not advertising on-site. To ensure the proposal causes minimal disturbance to the surrounding area, it is conditioned that signage relating to the use is prohibited, that the number of employees be restricted and that no clients/customers are to visit the premises.

### **Summary**

In general, an office use is considered as an acceptable use for the subject site. The nature of the office use however, has generated a considerable number of significant objections. Notwithstanding this, the applicant has demonstrated that the use is a legitimate office use that is discreetly operated and unobtrusive to the surrounding area. Therefore, it is considered that impartiality should be exercised and approval is recommended, subject to a one year review and renewal, standard conditions and appropriate conditions to address the above matters.

**10.1.3 Further Report-Nos. 300-304 (Lots 96 & 97) Charles Street (Cnr Albert Street), North Perth - Proposed Demolition of Existing Shop, Caretaker's Residence and Outbuildings, and Construction of Six (6) Multiple Dwellings and Associated Car Parking**

<b>Ward:</b>	North	<b>Date:</b>	2 September 2004
<b>Precinct:</b>	Charles Centre; P7	<b>File Ref:</b>	PRO1557; 00/33/2188
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Rasiah, H Eames		
<b>Checked/Endorsed by:</b>	R Boardman	<b>Amended by:</b>	-

*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 Scheme, the Council RECOMMENDS SUPPORT to the Western Australian Planning Commission, the application submitted by Cameron Chisholm & Nicol Pty Ltd on behalf of the owner Sovereign Investment Group Pty Ltd for proposed demolition of existing shop, caretaker's residence and outbuildings, and construction of six (6) multiple dwellings and associated car parking, at Nos. 300-304 (Lots 96 & 97) Charles Street, corner Albert Street, North Perth, and as shown on site plans and elevations dated 8 April 2004, Charles Street elevation for location of plaque and balcony screening dated 17 June 2004, and overshadowing plans dated 6 July 2004, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements, including access and carparking;*
- (ii) detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (iii) a quality archival documented record of the place and an acceptable interpretive proposal forming part of the redevelopment of the site (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. All such interpretive works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iv) 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;*
- (v) 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.*
- (vi) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
  - (a) visitor car bay No.11 being a minimum of 1.0 metre from the eastern lot boundary to accommodate for the future widening of the adjacent right-of-way, and is to be marked and sign posted on-site;*

- (b) *design features being incorporated into the eastern elevation wall of Unit 6 facing the right-of-way and the northern elevation wall of Units 1 and 2, to reduce the visual impact of these walls; and*
- (c) *the ground floor setback to the northern side being increased to a minimum of 1.1 metres.*

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

- (vii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (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 all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (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 Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking;*
- (x) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (xi) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (xii) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that:*  
  
*"the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development";*
- (xiii) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*

- (xiv) *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;*
- (xv) *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 Charles and Albert Streets 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;*
- (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) *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;*
- (xviii) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land facing Charles Street is to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$4440 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
- (xix) *all new crossover/s to allotments are subject to a separate approval by the Town's Technical Services Division and 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. Crossovers may be constructed by a private contractor provided they are constructed in accordance with the above specifications and a security bond of \$275 is paid prior to the crossover approval. Application for the refund of bond must be submitted in writing;*
- (xx) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (xxi) *a 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;*



- (xxii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Charles Street and Albert Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xxiii) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (xxiv) *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 expenses; and*
- (xxv) *a road and verge security bond or bank guarantee of \$1100 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*

*to the satisfaction of the Chief Executive Officer.*

---

**Moved Cr Chester, Seconded Cr Lake**

*That the recommendation be adopted subject to clause (iii) being amended as follows:*

- "(iii) a quality archival documented record of the place ~~and an acceptable interpretive proposal forming part of the redevelopment of the site~~ (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. A detailed on-site heritage interpretation proposal such as a feature wall or artwork, shall be developed by the applicant that is visible from the public domain which recognises the history of the site and ~~All such interpretive works shall be submitted to and approved by the Town prior to the issue of a Building or Demolition Licence, whichever occurs first, and will be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);"~~*

Debate ensued.

Cr Doran-Wu departed the Chamber at 8.35pm.

**CARRIED (4-3)**

<b><u>For</u></b>	<b><u>Against</u></b>
Mayor Catania	Cr Chester
Cr Farrell	Cr Cohen
Cr Franchina	Cr Lake
Cr Ker	

(Cr Torre was an apology for the meeting. Cr Doran-Wu was absent from the Chamber and did not vote.)

**COUNCIL DECISION ITEM 10.1.3**

*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 Scheme, the Council RECOMMENDS SUPPORT to the Western Australian Planning Commission, the application submitted by Cameron Chisholm & Nicol Pty Ltd on behalf of the owner Sovereign Investment Group Pty Ltd for proposed demolition of existing shop, caretaker's residence and outbuildings, and construction of six (6) multiple dwellings and associated car parking, at Nos. 300-304 (Lots 96 & 97) Charles Street, corner Albert Street, North Perth, and as shown on site plans and elevations dated 8 April 2004, Charles Street elevation for location of plaque and balcony screening dated 17 June 2004, and overshadowing plans dated 6 July 2004, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements, including access and carparking;*
- (ii) detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (iii) 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. A detailed on-site heritage interpretation proposal such as a feature wall or artwork, shall be developed by the applicant that is visible from the public domain which recognises the history of the site and all such interpretive works shall be submitted to and approved by the Town prior to the issue of a Building or Demolition Licence, whichever occurs first, and will be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iv) 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;*
- (v) 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.*
- (vi) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
  - (a) visitor car bay No.11 being a minimum of 1.0 metre from the eastern lot boundary to accommodate for the future widening of the adjacent right-of-way, and is to be marked and sign posted on-site;*
  - (b) design features being incorporated into the eastern elevation wall of Unit 6 facing the right-of-way and the northern elevation wall of Units 1 and 2, to reduce the visual impact of these walls; and*

- (c) *the ground floor setback to the northern side being increased to a minimum of 1.1 metres.*

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

- (vii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (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 all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (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 Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking;*
- (x) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (xi) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (xii) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that:*
- "the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development";*
- (xiii) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*

- (xiv) *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;*
- (xv) *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 Charles and Albert Streets 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;*
- (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) *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;*
- (xviii) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land facing Charles Street is to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$4440 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
- (xix) *all new crossover/s to allotments are subject to a separate approval by the Town's Technical Services Division and 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. Crossovers may be constructed by a private contractor provided they are constructed in accordance with the above specifications and a security bond of \$275 is paid prior to the crossover approval. Application for the refund of bond must be submitted in writing;*
- (xx) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (xxi) *a 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;*

- (xxii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Charles Street and Albert Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xxiii) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (xxiv) *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 expenses; and*
- (xxv) *a road and verge security bond or bank guarantee of \$1100 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing;*

*to the satisfaction of the Chief Executive Officer.*

---

**FURTHER REPORT:**

The above proposal was deferred at the Ordinary Meeting of Council held on 13 July 2004 to allow for information to be obtained from the Western Australian Planning Commission (WAPC) to seek an urgent resolution of the Charles Street Reservation.

In relation to the Charles Street Planning Control Area (PCA), the Integrated Transport Planning Directorate of the Department for Planning and Infrastructure (DPI) have responded to the Town in their letter dated 11 August 2004 (attached), which states in part is as follows:

- *"PCA No.54 arose from the possible need to widen Charles Street to deliver better transport planning outcomes including increasing efficiency and safety on the existing local road network as well as the need to include other road users such as pedestrians, cyclist and public transport (buses).*
- *The need for PCA No.54 is still required for future road planning in the locality.*
- *DPI is currently undertaking a planning study to confirm the ultimate land requirements needed to protect adequate land for future improvements to Charles Street. Until this time, all applications to be determined will need to be mindful of this PCA."*

Based on the above advice from the DPI, the road widening requirement is still relevant until such time the DPI rescinds the PCA affecting Charles Street.

In light of the above additional information, the Officer Recommendation remains unchanged, except for a minor changes to reflect updated conditions.

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.

*"The CEO amended this report by giving the Council the option of either recommending refusal of the application to the Western Australian Planning Commission taking cognisance of the Council's decision of 4 November 2003 or alternatively recommending support of the application taking cognisance of the amendments that have been carried out by the applicant.*

*AMENDED OFFICER RECOMMENDATION:*

*That;*

- (i) in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1, the Council REFUSES, and in accordance with the provisions of the Metropolitan Region Scheme, the Council RECOMMENDS REFUSAL to the Western Australian Planning Commission, the application submitted by Cameron Chisholm & Nicol Pty Ltd on behalf of the owner Sovereign Investment Group Pty Ltd for proposed demolition of existing shop, caretaker's residence and outbuildings, and construction of six (6) multiple dwellings and associated car parking, at Nos. 300-304 (Lots 96 & 97) Charles Street, corner Albert Street, North Perth, and as shown on site plans and elevations dated 8 April 2004, Charles Street elevation for location of plaque and balcony screening dated 17 June 2004, and overshadowing plans dated 6 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 with respect to the visual amenity of the locality by virtue of the demolition of the existing building; and*
- (b) the existing place has cultural heritage significance in terms of its historic and representative values and is entered in the Town's Municipal Heritage Inventory;*

*OR ALTERNATIVELY;*

*in the event that the Council supports the demolition of the existing shop, caretaker's residence and the outbuildings, and the construction of six (6) multiple dwellings, at the above site, the following recommendation is proposed:*

*That;*

- (i) 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 Scheme, the Council RECOMMENDS SUPPORT to the Western Australian Planning Commission, the application submitted by Cameron Chisholm & Nicol Pty Ltd on behalf of the owner Sovereign Investment Group Pty Ltd for proposed demolition of existing shop, caretaker's residence and outbuildings, and construction of six (6) multiple dwellings and associated car parking, at Nos. 300-304 (Lots 96 & 97) Charles Street, corner Albert Street, North Perth, and as shown on site plans and elevations dated 8 April 2004, Charles Street elevation for location of plaque and balcony screening dated 17 June 2004, and overshadowing plans dated 6 July 2004, subject to:*
- (i) compliance with all relevant Environmental Health, Engineering and Building requirements, including access and carparking;*

- (ii) *detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (iii) *a quality archival documented record of the place and an acceptable interpretive proposal forming part of the redevelopment of the site (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. All such interpretive works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iv) *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;*
- (v) *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.*
- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
  - (a) *visitor car bay No.11 being a minimum of 1.0 metre from the eastern lot boundary to accommodate for the future widening of the adjacent right-of-way, and is to be marked and sign posted on-site;*
  - (b) *design features being incorporated into the eastern elevation wall of Unit 6 facing the right-of-way and the northern elevation wall of Units 1 and 2, to reduce the visual impact of these walls; and*
  - (c) *the ground floor setback to the northern side being increased to a minimum of 1.1 metres.*

*The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (vii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (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 all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (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 Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking;*

- (x) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (xi) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (xii) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that:*
- "the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development";*
- (xiii) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (xiv) *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;*
- (xv) *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 Charles and Albert Streets 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;*
- (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) *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;*
- (xviii) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land facing Charles Street is to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$4440 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
- (xix) *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;*
- (xx) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (xxi) *a 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;*
- (xxii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Charles Street and Albert Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xxiii) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (xxiv) *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 expenses;*
- (xxv) *a road and verge security bond or bank guarantee of \$1100 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing; and*

(xxvi) *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;*

*to the satisfaction of the Chief Executive Officer.*

Moved Cr Doran-Wu, Seconded Cr Torre

*That the Item be received.*

Moved Cr Franchina, Seconded Cr Torre

*That:*

- (i) *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 Scheme, the Council RECOMMENDS SUPPORT to the Western Australian Planning Commission, the application submitted by Cameron Chisholm & Nicol Pty Ltd on behalf of the owner Sovereign Investment Group Pty Ltd for proposed demolition of existing shop, caretaker's residence and outbuildings, and construction of six (6) multiple dwellings and associated car parking, at Nos. 300-304 (Lots 96 & 97) Charles Street, corner Albert Street, North Perth, and as shown on site plans and elevations dated 8 April 2004, Charles Street elevation for location of plaque and balcony screening dated 17 June 2004, and overshadowing plans dated 6 July 2004, subject to:*
- (i) *compliance with all relevant Environmental Health, Engineering and Building requirements, including access and carparking;*
  - (ii) *detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
  - (iii) *a quality archival documented record of the place and an acceptable interpretive proposal forming part of the redevelopment of the site (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. All such interpretive works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
  - (iv) *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;*

- (v) *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.*
- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *visitor car bay No.11 being a minimum of 1.0 metre from the eastern lot boundary to accommodate for the future widening of the adjacent right-of-way, and is to be marked and sign posted on-site;*
  - (b) *design features being incorporated into the eastern elevation wall of Unit 6 facing the right-of-way and the northern elevation wall of Units 1 and 2, to reduce the visual impact of these walls; and*
  - (c) *the ground floor setback to the northern side being increased to a minimum of 1.1 metres.*

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

- (vii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (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 all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (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 Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking";*
- (x) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (xi) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (xii) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that:*

*"the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development";*

- (xiii) prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (xiv) 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;*
- (xv) 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 Charles and Albert Streets 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;*
- (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) 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;*
- (xviii) in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land facing Charles Street is to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$4440 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
- (xix) 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;*

- (xx) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (xxi) *a 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;*
- (xxii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Charles Street and Albert Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xxiii) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (xxiv) *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 expenses;*
- (xxv) *a road and verge security bond or bank guarantee of \$1100 shall be lodged with the Town prior to the issue of a Building Licence and be held until all building / development works have been completed and/or any disturbance of, or damage to, the Town's infrastructure, including street verge trees, has been repaired / reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security bond or bank guarantee must be made in writing; and*
- (xxvi) *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;*

*to the satisfaction of the Chief Executive Officer.*

*Debate ensued.*

*Cr Torre departed the Chamber at 7.15pm.*

COUNCIL DECISION ITEM 10.1.13

Moved Cr Chester, Seconded Cr Lake

*That the item be DEFERRED to allow for information to be obtained from the Western Australian Planning Commission.*

CARRIED (6-1)

For

Cr Chester  
Cr Doran-Wu  
Cr Farrell  
Cr Franchina  
Cr Ker  
Cr Lake

Against

Mayor Catania

(Cr Cohen on approved leave of absence. Cr Torre was absent from the Chamber and did not vote.)

SUBSEQUENT MOTION

Moved Cr Ker, Seconded Cr Lake

That the Town approach the Western Australian Planning Commission and the Department for Planning and Infrastructure to seek urgent resolution of the reservation on Charles Street.

CARRIED (7-0)

(Cr Cohen on approved leave of absence. Cr Torre was absent from the Chamber and did not vote.)

Landowner:	Sovereign Investment Group Pty Ltd
Applicant:	Cameron Chisholm & Nicol Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Commercial
Existing Land Use:	Shop and caretaker's residence
Use Class:	Multiple Dwelling
Use Classification:	"AA"
Lot Area:	810 square metres for 2 lots

COMPLIANCE:

Requirement	Required	Proposed
<i>Setbacks:</i>		
West side first floor facing Charles Street	6.0 metres	5.2 metres to balcony
North side ground floor	1.1 metres	1.0 metre
North side first floor	6.5 metres	5.8 metres
South side ground floor facing Albert Street	2.5 metres	1.8 metres
South side first floor facing Albert Street	6.0 metres	2.5 metres to balcony
South side first floor facing Albert Street	6.0 metres	2.5 metres to 3.63 metres to main dwellings
Balcony	2.0 metres minimum dimension and 10 square metres in area.	1.705 metres minimum dimension and 4.19 square metres in area.
Open space	60 percent (486 square metres)	50 percent (405 square metres)
Communal Open Space	16 square metres , with 4.0 metres dimensions	14 square metres , with 1.8 metres dimension

<i>Requirement</i>	<i>Required</i>	<i>Proposed</i>
<i>Carparking</i>	<i>11 car bays</i>	<i>10 car bays (11th bay is within the future widening of Right Of Way )</i>
<i>Heritage: Demolition of shop and caretakers building which is on the Town's Municipal Heritage Inventory</i>	<i>Retention</i>	<i>Demolition</i>
<i>Density</i>	<i>R 80 (6.48 multiple dwellings)</i>	<i>R 74.07 (6 multiple dwellings)</i>
<i>Plot Ratio</i>	<i>1.0 (810 square metres)</i>	<i>0.69 (558.9 square 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 property is located on the east side of Charles Street, on the corner of Charles Street and Albert Street. The dwelling is of a modest scale with an attached shop. Portions of the lots are within the Charles Street Planning Control Area No.54. The adjacent lots to the north of the above property along Charles Street is also zoned commercial with the lots to the east and to the south being residential zoned lots. The existing building on the site, which is a shop, has ceased operation.

26 September 2000: At its Ordinary Meeting, the Council refused an application to demolish the existing dwelling and attached shop for the following reasons:

- "(i)(a) is not consistent with the orderly and proper planning and the preservation of the amenities of the locality with respect to the visual amenity of the locality by virtue of the demolition of the existing building; and
- (b) the existing place has cultural heritage significance in terms of its historic and representative values;

The Council also resolved to advise the landowner of the following matters:

- "(ii) notify the owner of No. 300 (Lot 96) Charles Street, North Perth of the intention to include the place on the Town of Vincent Municipal Heritage Inventory and give the owners the right of reply and comment within 28 days of notification;
- (iii) the Council further consider the proposed listing of the place on the Town of Vincent Municipal Heritage Inventory should the owners of the places submit objections to the proposed listings; and
- (iv) the landowner be advised that the Council is prepared to give consideration to a development proposal which includes the retention and upgrading of the existing dwelling and shop on the site."

26 February 2002: *At its Ordinary Meeting, the Council refused an application to demolish the existing dwelling and shop for the following reasons:*

*"(i) (a) is not consistent with the orderly and proper planning and the preservation of the amenities of the locality with respect to the visual amenity of the locality by virtue of the demolition of the existing building; and*

*(b) the existing place has cultural heritage significance in terms of its historic and representative values and is entered in the Town's Municipal Heritage Inventory."*

*The Council also resolved to advise the landowner that it was prepared to give consideration to a development proposal which includes the retention and upgrading of the existing dwelling and shop on the site.*

27 August 2002: *At its Ordinary Meeting, the Council recommended conditional approval to the Western Australian Planning Commission for the proposed alterations and loft additions to the existing caretaker's residence and shop and construction of additional seven (7) two-storey with loft multiple dwellings. The Western Australian Planning Commission has still not determined the above application considered by Council on 27 August 2002.*

4 November 2003: *At its Ordinary Meeting, the Council refused [vote (0-7) Crs Torre and Franchina absent] the proposed alterations and additions to existing shop and caretaker's residence, change of use from shop and caretaker's residence to office, and construction of eight (8) two and three-storey multiple dwellings with part undercroft car parking. The reasons for refusal were stated as follows:*

*"Reasons:*

- 1. The development is not consistent with the orderly and proper planning and preservation of the amenities of the area.*
- 2. Non-compliance with the open space, building height, streetscape, boundary setbacks, privacy, incidental development (store), and access and car parking requirements of the Residential Design Codes.*
- 3. Non-compliance with the Town's policy relating to the Charles Street Precinct.*
- 4. Non-compliance with the Town's policy relating to Parking Access.*
- 5. Consideration of the objection received."*

7 January 2004: *The Western Australian Planning Commission refused the application considered by the Council on 4 November 2003 for the following reasons:*

*"1. The proposed development is contrary to the purpose of Planning Control Area No.54 published in the Government Gazette dated 7 August 2001, which is to safeguard land for future widening of Charles Street.*



2. *The development constitutes one development of the site and is not consistent with the orderly and proper planning of the locality and the amenities of the locality. In particular, development that does not comply with setbacks, open space and stores standards of the Residential Design Codes and the density, height and car parking standards of the Town of Vincent and Policies."*

*"Advise to Applicant:*

1. *It should not be taken by reason of the determination of the Commission to refuse the development application that the land is unsuitable for the type of development proposed. Should the Commission receive a further application to develop the land demonstrating compliance with the Planning Control Area No.54 and general compliance with the R80 standards of the Residential Design Codes it would likely be considered favourably."*

*DETAILS:*

*The applicant seeks approval for the demolition of the existing shop and caretakers residence and for the construction of six (6) two-storey multiple dwellings, of which 2 of the 6 units are single bedroom multiple dwellings.*

*Vehicular access to the site is via the 4 metres wide sealed right-of-way (ROW), which has been resumed and vested in the Town as a public ROW.*

*CONSULTATION/ADVERTISING:*

*The proposal has been forwarded to the Western Australian Planning Commission (WAPC), as portion of the existing shop is within the Planning Control Area No 54, and requires the determination of the WAPC, under the Metropolitan Region Scheme (MRS).*

*The application was advertised in accordance with the Town's Community Consultation Policy. No submission was received at the end of the advertising period.*

*The applicant has submitted the following information (attached) which is summarised in support of the proposal:*

- *Adequate carparking as per the R-Codes.*
- *Provision of screening.*
- *Communal open space of 20 square metres as shown on the attached plans.*
- *Previously Town's Officers have supported open space of 54.4 percent in lieu of 60 percent. The shortfall is due to the car bays being covered.*
- *Prepared to set back the ground floor to the northern boundary to 1.1 metres.*
- *Even though the balconies do not comply, there is adequate courtyards provided for units 1,3,4,5 and 6.*
- *It is acknowledged that the site contains a building on the Town's Heritage Register. In order to satisfy the WAPC and the Town and to resolve the impasse, demolition is requested "(bearing in mind its value is historical, not aesthetic) and to record its existence by fixing a polished brass plaque approximately 500 x 400 high with the plan, elevations and a short history etched in black into the plate. A copy of the proposed plaque is enclosed. The plate is to be fixed in a prominent position."*

*LEGAL/POLICY:*

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

*STRATEGIC IMPLICATIONS:*

*Nil.*

*FINANCIAL/BUDGET IMPLICATIONS:*

*Nil.*

*COMMENTS:*

*The site falls within the Charles Centre Precinct. The Town's Policy relating to the Charles Centre Precinct for the Commercial zoned areas state that the new buildings are to be generally low-scale and setback from the street, a distance compatible with the existing development. New development should enhance the commercial area and does not adversely impact upon the residential uses. Site layout and design to ensure that noise is minimised, and a high level of visual amenity and privacy is provided for residences. Adequate on-site car parking should also be provided. Two storeys are encouraged and a third storey can be considered, provided the amenity of the adjoining residential area is protected in terms of privacy, scale and bulk.*

*Multiple Dwellings*

*Under the Residential Design Codes (R Codes), the definition of multiple dwellings is as follows: "a dwelling in a group of more than one dwelling on a lot where any part of a dwelling is vertically above part of any other but does not include a grouped dwelling". The proposed residential component complies with the above definition of multiple dwellings. The areas of overlap have been indicated in dotted lines on the ground floor plans.*

*Car Parking*

*Car parking requirements have been calculated using the requirement for multiple dwellings from the Residential Design Codes (R Codes). The development requires 10 car bays, which is inclusive of 1 visitor car bay, which is to be marked and sign posted on-site accordingly.*

*A total of 11 carbays have been proposed, which includes one of the bays, which is located within the ROW widening area. The carbay No.11 will not conform with the width requirement for a car bay if the ROW takes place. On the above basis, it has been conditioned that the setback to the visitor car bay be at least 1 metre from the adjacent ROW.*

*Height*

*The Town's Policy relating to the Charles Centre Precinct (Building Height) permits a maximum height of three-storeys, including a loft. In this instance, a two-storey development is considered acceptable in the context of the height, scale and nature of surrounding commercial and residential properties, especially to the northern boundary of the above site.*

*Privacy and cone of vision*

*The applicant has included visual screening in the form of translucent glass to a height of 1.6 metres for the north facing balcony of Unit 2, thereby generally complying with the cone of vision requirements of the R Codes.*

*Plot Ratio*

*Under the R80 applying to the site for residential development, the plot ratio is 1.0. The total plot ratio proposed for the development is 0.69.*

*Demolition*

*The initial heritage assessment of the existing building prepared as part of the proposed demolition application of the building on-site, considered by Council at its Ordinary Meeting held on 26 February 2002, forms part of the attachments.*

*The existing shop-house at No.300 Charles Street, corner Albert Street, was included on the Town's Municipal Heritage Inventory on 26 September 2000, after an application for demolition was refused. The place has some historic value as a residence with a corner shop attached servicing a main road in and out of Perth, along the old Wanneroo Road at the beginning of the 20<sup>th</sup> century. It is also representative of the accelerated residential development that occurred in North Perth during the first decade of the 20<sup>th</sup> century and the growing service requirements of the population of North Perth and the surrounding suburbs.*

*It also relates well historically to the existing Brownes Dairy and associated residential buildings. The building has been identified as primarily having some historic value.*

*Notwithstanding the above, in light of the nature of the circumstances surrounding this building (its level and nature of significance, its location, road widening, reduced authenticity and generally poor condition), it is considered appropriate that the demolition of the shop-house listed on the Municipal Heritage Inventory be considered and approved, subject to the applicant providing the Town with a quality archival record and an acceptable interpretive proposal forming part of the redevelopment of the site, to the Town's satisfaction prior to the issue of the Building or Demolition Licence, whichever comes first.*

*The applicant has agreed to provide a polished brass plaque to record the existence of the buildings to be fixed in a prominent position in front of the building facing Charles Street. The plaque will include the plan form and location, its appearance and a short history (sample attached). The above is considered acceptable in this particular circumstance.*

#### *Density*

*Should the above commercial zoned site be solely developed for residential purposes, the residential density applying to the site as stated in the Charles Centre Precinct is R80. The existing building on-site is proposed to be demolished. The proposal complies with the density applying to the site, and is considered to be a significant reduction in terms of intensity, bulk and scale from the previous applications considered by the Council.*

#### *Overshadowing*

*The proposal complies with the solar access requirements as indicated in the Residential Design Codes, with most of the shadowing over Albert Street.*

#### *Setbacks*

*The existing building has a nil front setback to Charles Street. There is currently a 3.66 metres wide Planning Control Area (No. 54) requirement along Charles Street. The proposal also requires referral to the WAPC for determination under the MRS. The proposed 5.2 metres setback in lieu of 6 metres for the upper floor along Charles Street is also supported, as the encroaching balcony structure is unroofed with open style balustrading.*

*The setbacks for the ground and first floors along the northern boundary and the setbacks along the southern boundary along Albert Street are supported, as there is no undue impact on the amenity of the area. Moreover, the building bulk has been reduced by way of increased setback from the boundaries.*

*The other setback variations proposed are within acceptable limits. The north face of Unit 2 balcony has been adequately screened in accordance with the R-Code (attached). The applicant has also taken steps not to have any buildings on the lot boundaries.*

#### *Open Space*

*The proposed open space is 50 percent (405 square metres) in lieu of 60 percent (486 square metres) for a residential development. The reduction in the open space is due to the carparking spaces being covered as opposed to open carbays. The carbays are open on the sides and would reduce the sense of confinement. The adjacent two streets and the ROW also provides the development with a sense of openness. On the above basis, the variation is supported.*

#### *Communal Open Space*

*Four of the multiple dwellings have been provided with a ground floor courtyard areas and balconies, directly accessible from a habitable room. The ground floor single bedroom Unit 1 has a courtyard and the upper floor single bedroom Unit 2 has a balcony.*

*Table 1 of the R-Codes is ambiguous, as it could be interpreted to read that one communal area of 16 square metres for the entire development, or 16 square metres per dwelling or even 16 percent of the whole site. It is considered that 96 square metres (6 units x 16 square metres) of communal open space is considered excessive for a development of this scale, especially given that 50 per cent (405 square metres) of open space has been provided.*

*In light of the above and that each unit has its own outdoor area, or balcony, for entertaining, the proposed communal open space area is considered adequate enough to meet the future needs of the residents in terms of dwellings size.*

#### *Balconies*

*Clause 3.4.3 of the R-Codes performance criteria state that balconies or equivalent outdoor areas which provide open space appurtenant to the dwelling can be provided, as an alternative to balconies with a minimum dimension of 2 metres and an area of 10 square metres. The applicant has proposed courtyards for 5 of the 6 units, which are approximately 14 square metres and over, which are considered acceptable in this instance.*

#### *Wall Design*

*It is recommended that the walls for Unit 1 and 2 facing the northern boundary and the wall to Unit 6 facing the ROW to the eastern side being designed with architectural features to "break up" the blank walls proposed and provide visual relief.*

#### *Traffic and Access*

*The Town's Technical Services have advised that the parking layout complies with the Town's standards. The footpath paving adjacent to the site should be at the same level and upgraded to the Town's specifications. A 1.0 metre setback is required for future widening of the ROW, which has been generally allowed for in this proposal. The widening requirement has been put on hold awaiting further investigation.*

#### *Health and Building*

*The Town's Health and Building Services have advised that the proposal generally complies with the relevant Health and Building Code of Australia standards.*

#### *Summary*

*The applicant has considered the various constraints affecting the site, including the road widening requirement of the WAPC. The current proposal has been reduced in scale, bulk and intensity, compared to the proposal considered by the Council at its Ordinary Meeting held on 4 November 2003. It is considered that the proposal will not have an undue adverse impact on the amenity of the area. It is therefore recommended that the application be supported, subject to standard and appropriate conditions to address the above matters.*

*The Council's decision is also required to be forwarded to the Western Australian Planning Commission for determination under the MRS.*

*CHIEF EXECUTIVE OFFICER COMMENTS:*

*The Council has consistently refused planning applications involving demolition of the existing dwelling and attached shop, as detailed in 'Site History' above. The main reason for these refusals was that the existing building had cultural and heritage significance in terms of historic and representative values and on the above basis was therefore included in the Town's Municipal Heritage Inventory. The Council has on previous occasions also advised the landowner that it was prepared to give consideration for a development proposal which included the retention of the existing building.*

*However, it is also acknowledged that the Western Australian Planning Commission is not prepared to consider favourably any application for the development of the site, which retain the existing building as it is located within the Charles Street Planning Control Area.*

*However, due to the heritage and cultural values of the buildings and their significance to the Town and the wider community, the above development proposal which includes the demolition of the building is not supported.*

*The final determination for this application is the Town Planning Appeal Tribunal, if the applicant is aggrieved by either the Council or Western Australian Planning Commission decision."*

**10.1.6 No(s). 5 (Lot(s) 72 & 71) Chamberlain Street, North Perth - Proposed Additional Two-Storey Grouped Dwelling to Existing Single House**

<b>Ward:</b>	North	<b>Date:</b>	7 September 2004
<b>Precinct:</b>	Smith's Lake; P6	<b>File Ref:</b>	PRO2877; 00/33/2343
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	T Durward		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by APG Homes on behalf of the owner I Basei & J Lane for proposed Additional Two-Storey Grouped Dwelling to Existing Single House, at No(s). 5 (Lot(s) 72 & 71) Chamberlain Street, North Perth, and as shown on plans stamp-dated 8 July 2004, subject to:*

- (i) standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular access ways to ensure that the safety of pedestrians and other road users is not compromised;*
- (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) a road and verge security bond or bank guarantee of \$550.00 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;*
- (iv) 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;*
- (v) 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);*
- (vi) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (vii) subject to first obtaining the consent of the owners of No. 3 Chamberlains 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. 3 Chamberlain Street in a good and clean condition;*

- (viii) *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;*
- (ix) *all new crossover/s to allotments are subject to a separate approval by the Town's Technical Services Division and 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. Crossovers may be constructed by a private contractor provided they are constructed in accordance with the above specifications and a security bond of \$275 is paid prior to the crossover approval. Application for the refund of bond must be submitted in writing;*
- (x) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the window to Bedroom 3 on the northern elevation on the first floor shall be screened with a permanent obscure material to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The obscure portion of the window shall be fixed in a closed position and any higher part may be openable, or the whole window be top hinged and the obscure portion of the window openable to a maximum of 20 degrees;*
- (xi) *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 Parking and Access Policy and Australian Standards AS2890.1 - "Off Street Parking";*
- (xii) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (xiii) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the landscaping on the western boundary adjacent to car-parking bays 1 and 2 for the existing dwelling being removed to facilitate the manoeuvring of vehicles. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
- (xiv) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*

*to the satisfaction of the Chief Executive Officer.*

**Moved Cr Ker, Seconded Cr Chester**

*That the recommendation be adopted subject to clause (xiii) being amended as follows:*

*"(xiii) prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating that:*

*(a) the landscaping on the western boundary adjacent to car-parking bays 1 and 2 for the existing dwelling being removed to facilitate the manoeuvring of vehicles; and*

*(b) vehicular access to the rear dwelling being provided only from the right of way. There is to be no vehicular access to the rear dwelling from Chamberlain Street;*

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

Debate ensued.

Cr Cohen departed the Chamber at 8.37pm.

Cr Cohen returned to the Chamber at 8.38pm.

**CARRIED (7-0)**

(Cr Torre was an apology for the meeting. Cr Doran-Wu was absent from the Chamber and did not vote.)

**COUNCIL DECISION ITEM 10.1.6**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by APG Homes on behalf of the owner I Basei & J Lane for proposed Additional Two-Storey Grouped Dwelling to Existing Single House, at No(s). 5 (Lot(s) 72 & 71) Chamberlain Street, North Perth, and as shown on plans stamp-dated 8 July 2004, subject to:*

- (i) standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular access ways to ensure that the safety of pedestrians and other road users is not compromised;*
- (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) a road and verge security bond or bank guarantee of \$550.00 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;*



- (iv) *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;*
- (v) *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);*
- (vi) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (vii) *subject to first obtaining the consent of the owners of No. 3 Chamberlains 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. 3 Chamberlain Street in a good and clean condition;*
- (viii) *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;*
- (ix) *all new crossover/s to allotments are subject to a separate approval by the Town's Technical Services Division and 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. Crossovers may be constructed by a private contractor provided they are constructed in accordance with the above specifications and a security bond of \$275 is paid prior to the crossover approval. Application for the refund of bond must be submitted in writing;*
- (x) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the window to Bedroom 3 on the northern elevation on the first floor shall be screened with a permanent obscure material to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The obscure portion of the window shall be fixed in a closed position and any higher part may be openable, or the whole window be top hinged and the obscure portion of the window openable to a maximum of 20 degrees;*
- (xi) *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 Parking and Access Policy and Australian Standards AS2890.1 - "Off Street Parking";*
- (xii) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*

(xiii) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating that:*

- (a) *the landscaping on the western boundary adjacent to car-parking bays 1 and 2 for the existing dwelling being removed to facilitate the manoeuvring of vehicles; and*
- (b) *vehicular access to the rear dwelling being provided only from the right of way. There is to be no vehicular access to the rear dwelling from Chamberlain Street;*

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

(xiv) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*

*to the satisfaction of the Chief Executive Officer.*

<b>Landowner:</b>	I Basei& J Lane
<b>Applicant:</b>	APG Homes
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R30
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	718 square metres

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>
Plot Ratio	N/A	N/A
Density	R30 (2 grouped dwellings)	R27.85 (2 grouped dwellings)
Southern Setback (First Level, Bedroom 3)	3.0 metres	1.5 metres
Southern Setback (First Level, Sitting Room)	3.2 metres	2.2 metres - 4.7 metres
Southern Setback (First Level, Balcony)	3 metres	2.2 metres - 2.7 metres
Western Setback (First Level, Sitting Room)	2.8 metres	2.2 metres
Eastern Setback (First Level, Bedroom Room)	1.9 metres	1.5 metres
Retaining Wall Height (Southern Boundary to ROW)	0.5 metre	0.6 metre - 0.8 metre
Privacy: Cone of Vision (Bedroom 3)	4.5 metres	2.8 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.

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

**SITE HISTORY:**

The site is currently occupied by a single storey house. The rear right of way to the subject property has been resumed and vested in the Town. The right of way is sealed and has a width of 5 metres.

**DETAILS:**

The applicant seeks approval for an additional two-storey grouped dwelling to an existing single house with access to the dwelling via an access leg along the western boundary. The proposal is considered to comply with the requirements of the Residential Design Codes and the Town's Town Planning Scheme No.1 and associated Policies with the exception of the above non-compliances.

**CONSULTATION/ADVERTISING:**

The proposal has been advertised and no submissions were received during the two week 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:**

**Setbacks**

The applicant is seeking variations to the south, west and east setback requirements. The following justification is provided by the applicant:

*"A setback variation to the eastern first floor level wall has occurred due to the length (15.7 metres) however the wall has been designed to have a minimal impact on the amenity of the neighbouring property. The wall contains no major openings and as such there is no overlooking of the adjoining site. Furthermore, only a portion of the wall is non-compliant with the setback requirements."*

*"The setback variations to the southern first floor balcony and wall affect the right of way at the rear of the subject site. Whilst there are no major openings in the structure, any overlooking is of the public right of way and not private space. Any building bulk generated by the variation is offset by the additional distance the right of way affords between properties."*

Overall, the setbacks are not considered to unduly compromise the privacy of adjoining neighbours or affect the amenity of the area, especially when considering that most of the setback variations are facing the right of way.

In light of the above, the setback variations proposed are considered supportable.

**Retaining Wall Height**

The applicant is seeking variations to the retaining wall height on the southern boundary. These proposed variations are considered minor and the southern boundary abuts the right of way and no objections have been received by the Town. Accordingly, these variations are considered supportable.

**Privacy**

In the northern elevation, the window from bedroom three (3) on the first floor level has overlooking implications for the residents on the adjoining property. This has been alleviated with a recommended condition of approval that the window be glazed with an obscure material.

**Summary**

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

**10.1.9 No(s). 158 (Lot(s) Y61 and Y62) Edward Street, Perth - Proposed Partial Demolition of and Alterations and Three-Storey Additions to Existing Warehouse and Office Building**

<b>Ward:</b>	South	<b>Date:</b>	3 September 2004
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	PRO2817; 00/33/2257
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M Bonini		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 Treadgold & Perkin on behalf of the owner SJ Jones for proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Warehouse and Office Building at No(s). 158 (Lot(s) Y61 and Y62) Edward Street, Perth, and as shown on plans stamp-dated 21 May 2004 and amended plans 10 August 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) 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;*
- (iv) a detailed landscaping plan, including a schedule of plant species, 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);*
- (v) 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;*
- (vi) 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;*

- (vii) *all new crossover/s to allotments are subject to a separate approval by the Town's Technical Services Division and 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. Crossovers may be constructed by a private contractor provided they are constructed in accordance with the above specifications and a security bond of \$275 is paid prior to the crossover approval. Application for the refund of 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) *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; and*
  - (x) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the 2 undercover car parking bays in the warehouse area being removed;*  
*The revised plans shall not result in any greater variation to the requirements of Town's Policies;*
  - (xi) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
  - (xii) *detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
  - (xiii) *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;*
  - (xiv) *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 Parking and Access Policy and Australian Standards AS2890.1 – "Off Street Parking";*
  - (xv) *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*
  - (xvi) *the maximum floor area of the office shall be limited to 153 square metres;*
- to the satisfaction of the Chief Executive Officer.*

Cr Doran-Wu returned to the Chamber at 8.40pm.

**Moved Cr Chester, Seconded Cr Lake**

*That the recommendation be adopted subject to clause (x) being amended as follows:*

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

*(a) 2 undercover car parking bays in the warehouse area being removed;*

*(b) the front car parking bay adjacent to the reception area being deleted; and*

*(c) a minimum of three (3) car parking bays being provided at the rear of the property and all car-parking bays complying with the minimum specifications and dimensions specified in the Town's Parking and Access Policy and Australian Standards AS2890.1 – "Off Street Parking".*

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

**CARRIED (8-0)**

(Cr Torre was an apology for the meeting.)

**COUNCIL DECISION ITEM 10.1.9**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Treadgold & Perkin on behalf of the owner SJ Jones for proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Warehouse and Office Building at No(s). 158 (Lot(s) Y61 and Y62) Edward Street, Perth, and as shown on plans stamp-dated 21 May 2004 and amended plans 10 August 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) 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;*
- (iv) a detailed landscaping plan, including a schedule of plant species, 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);*

- (vii) *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;*
- (viii) *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;*
- (vii) *all new crossover/s to allotments are subject to a separate approval by the Town's Technical Services Division and 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. Crossovers may be constructed by a private contractor provided they are constructed in accordance with the above specifications and a security bond of \$275 is paid prior to the crossover approval. Application for the refund of 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) *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; and*
- (x) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *2 undercover car parking bays in the warehouse area being removed;*
  - (b) *the front car parking bay adjacent to the reception area being deleted; and*
  - (c) *a minimum of three (3) car parking bays being provided at the rear of the property and all car-parking bays complying with the minimum specifications and dimensions specified in the Town's Parking and Access Policy and Australian Standards AS2890.1 – "Off Street Parking".*

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



- (xi) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (xii) *detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (xiii) *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;*
- (xiv) *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 Parking and Access Policy and Australian Standards AS2890.1 – "Off Street Parking";*
- (xv) *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*
- (xvi) *the maximum floor area of the office shall be limited to 153 square metres;*
- to the satisfaction of the Chief Executive Officer.*

<b>Landowner:</b>	S J Jones
<b>Applicant:</b>	Treadgold & Perkins
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential-Commercial R80
<b>Existing Land Use:</b>	Office Building, Warehouse
<b>Use Class:</b>	Office Building, Warehouse
<b>Use Classification:</b>	"AA", "SA"
<b>Lot Area:</b>	372 square metres

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>
Plot Ratio	N/A	N/A
Residential Component	66 per cent of the existing or approved floor space	Nil

\* 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 currently supports a warehouse and office development.

**DETAILS:**

The subject application proposes an additional two-storey of office above the existing entry and car parking bays contained at the front of the building. This will result in a three-storey outcome to the development. Additional car parking is also proposed at the rear of the lot with access to be gained from the rear right of way. The right of way is privately owned and sealed with a maximum width of 3 metres.

**CONSULTATION/ADVERTISING:**

The proposal was advertised for the period of 14 days. No written submissions were received in this 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:**

**Residential/Commercial Zoning**

The land is zoned Residential-Commercial with the immediate area characterised by significant purpose-built commercial buildings. The Town's Policy relating to the "Beaufort Precinct" provides that:-

*"Commercial uses will not be permitted to develop independently of residential uses. Mixed-use developments proposing the integration of, or close relationship between work and residence, will be favoured where acceptable levels of residential amenity can be maintained."*

The clear objective of the Residential-Commercial zone is to transform the bulk of the area bounded by Lord, Bulwer, Beaufort and Parry Streets from predominantly commercial into an area of "compatible residential and commercial uses". By virtue of the firmly commercial amenity immediately adjoining and surrounding the subject site, enforcing a residential component on the subject site is not considered reasonable in this instance.

It is noted that the Council has on numerous occasions, where considered appropriate, supported proposals which effectively do not meet the requirements for 66 per cent of the floor area to be residential in this zone, on the grounds that the mixed-use requirement may be more effective in the short term in streets and neighbourhoods where the predominant use is residential, rather than the higher yielding commercial uses.

The proposal represents an extension at the frontage of an already established building with no undue negative impact to the streetscape. The nature and scale of the proposal is considered supportable.

### Three Storey Development

The resultant height of the proposed development will match that of the eastern building abutting the subject property and southern building directly opposite. The applicants have provided street elevations relevant to the north-east and south-west giving a representation of the height of the development in relation to the immediate streetscape. There are large-scale developments that occur along the boundary of Edward Street. The proposed development is not deemed to cause undue negative impact to the amenity of the immediate and surrounding area, given that there is a predominance of such developments in existence. The proposal is considered to enhance the streetscape and represents an improvement to a building that is currently lacking street appeal.

The proposed height is therefore considered to be justified given the nature of the existing streetscape and is therefore supported.

### Setbacks

The proposed setbacks comply with the Town's Policy relating to Mixed Residential/Commercial Development. The Policy refers to meeting setbacks as per residential requirements where there are *"windows, doors and similar openings in non-residential buildings..."* In this instance, the addition does not include major openings. Furthermore, the Town's Beaufort Precinct Policy states the following: *"All other buildings are to be setback from the street alignment such distance as is generally consistent with building setback on adjacent land and in the immediate locality, and buildings are not required to have any other setbacks except as required by the Policy relating to Non-Residential Development Uses in/or Adjacent to Residential Areas."* The building is established and the proposal represents a vertical addition following existing setbacks and the setbacks of the adjoining buildings. The area is zoned Residential-Commercial and characterised by predominant commercial uses. In this instance, the proposed setbacks are deemed to comply with Town's requirements.

### Car Parking

Car parking requirement (nearest whole number) -Warehouse (Existing) - requires 3 bays -Office (Existing and Proposed) - 176 square metres - requires 3 bays	6 car bays
Apply the adjustment factors. ▪ 0.85 (within 400 metres of one or more existing public car parking places with in excess of a total of 75 car parking spaces) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 800 metres of a rail station)	(0.614)  3.684 car bays
Minus the car parking provided on site	4 car bays
Plus the most recently approved on-site car parking surplus.	0 car bays
Resultant surplus	0.316 car bay

The car parking surplus as represented in the above table is 0.316 car bay when applying the adjustment factors and accounting for the provided car parking bays on-site. The proposal adequately meets the required car parking requirements. Given that there is a surplus in the car parking calculation, the car parking provision is considered acceptable and therefore supported.

On the above basis, the proposal is considered acceptable and it is recommended that the application be approved, subject to standard and appropriate conditions to address the matters discussed above.

**10.1.13 No(s). 41 (Lot(s) 8) Cleaver Street, West Perth - Proposed Demolition of Existing Single House And Construction of a Two-Storey Single House and Outbuilding (Shed)**

<b>Ward:</b>	South	<b>Date:</b>	6 September 2004
<b>Precinct:</b>	Cleaver; P5	<b>File Ref:</b>	PRO2460; 00/33/2040
<b>Attachments:</b>	<a href="#">001</a> <a href="#">002</a> <a href="#">003</a>		
<b>Reporting Officer(s):</b>	M Bonini		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**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 Huynh on behalf of the owner BT & TA Le-Tran for proposed Demolition of Existing Single House and Construction of a Two-Storey Single House and Outbuilding (Shed), at No(s). 41 (Lot 8) Cleaver Street, West Perth, and as shown on plans stamp-dated 21 July 2004, subject to:*

- (i) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Cleaver Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (ii) compliance with all Building, Environmental Health and Engineering requirements;*
- (iii) 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;*
- (iv) subject to first obtaining the consent of the owners of No. 43 Cleaver Street and No.116 to 118 Carr Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing in a good and clean condition;*
- (v) all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (vi) standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular access ways to ensure that the safety of pedestrians and other road users is not compromised;*
- (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 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; and*
- (ix) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (x) *all new crossover/s to allotments are subject to a separate approval by the Town's Technical Services Division and 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. Crossovers may be constructed by a private contractor provided they are constructed in accordance with the above specifications and a security bond of \$275 is paid prior to the crossover approval. Application for the refund of bond must be submitted in writing;*
- (xi) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the window to Master bedroom on the northern elevation, on the first floor, shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002;*
- (xii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the north side of the balcony shall be screened with a permanent obscure glazing and non-openable to a minimum height of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (xiii) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the walls of the proposed single house and south wall, which shall be a maximum height of 1.8 metres; and*
- (xiv) *a detailed landscaping plan prepared in consultation with the Town's Parks Services Section (including a schedule of plant species, the removal and replacement of the existing street trees located on the Cleaver Street verge adjacent to the subject property, and the landscaping and reticulation of the Cleaver Street verge adjacent to the subject property) shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s);*

*to the satisfaction of the Chief Executive Officer.*

**COUNCIL DECISION ITEM 10.1.13**

**Moved Cr Lake, Seconded Cr Farrell**

*That the recommendation be adopted.*

**CARRIED (6-2)**

<b><u>For</u></b>	<b><u>Against</u></b>
Mayor Catania	Cr Chester
Cr Doran-Wu	Cr Cohen
Cr Farrell	
Cr Franchina	
Cr Ker	
Cr Lake	
(Cr Torre was an apology for the meeting.)	

***ADDITIONAL INFORMATION:***

The heritage assessment and photographs of the existing single house proposed for demolition was inadvertently omitted from the printed Agenda. A hard copy of the heritage assessment and photographs, as shown in the electronic attachments for Item 10.1.13, is attached.

The plan (PA05) showing the rear (north west) elevation of the proposed single house was inadvertently omitted from the printed Agenda. Therefore, a hard copy of this plan is attached.

<b>Landowner:</b>	BT & TA Le-Tran
<b>Applicant:</b>	A Huynh
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R80
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	250 square metres

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>
Density	R 80 (1 dwelling)	R 40 (1 dwelling)
Plot Ratio	0.65 (163 square metres)	0.65 (163 square metres)
Setbacks:		
<u>Ground floor</u>		
Front	4.0 metres	2.3 metres to 6 metres
Side -(North)	1.5 metres	Nil to 1.2 metres
Side (South)	1.5 metres	1.2 metres
<u>Upper floor</u>		
Front		
- House	6.0 metres	4.5 metres at closest to 6.0 metres
-Balcony	6.0 metres	3.0 metres at closest to 6.5 metres
North	2.0 metres	1.2 metres at closest point to 2.4 metres at furthest
South	2.2 metres	1.2 metres

Requirements	Required	Proposed *
South, West, East - Store	1 metre	Nil
Carport	4.5 metres	2.0 metres at closest point to 5.0 metres.
Privacy - Cone of Vision Encroachment Balcony (rear)	7.5 metres or privacy screening to R Codes requirements	1.7 metres to north boundary, 2.1 metres to south boundary.
Boundary Wall:		
Store and Lounge	3 metres average with maximum of 3.5 metres on one side boundary and not to occupy more than 2/3 of boundary length behind the setback line	4 boundary walls proposed
Carport Width	No greater than 50 per cent of total frontage width	Occupies 61 per cent of total frontage width

\* 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 currently supports a single storey single house.

#### **DETAILS:**

The subject lot is irregular in shape. The applicant proposes to demolish the existing house and to erect a two storey single house.

#### **CONSULTATION/ADVERTISING:**

The proposal has been advertised, and one written submission has been received by the Town. The letter states the following comments;

##### *"Brick Boundary Wall*

*We believe that it is proposed to build a brick wall on the north boundary. From the submitted plans as viewed, it was difficult to ascertain the height of the proposed brick wall on the boundary. We would expect that this brick wall should not be less than 1.8 metres in height.*

##### *Windows*

*We note that the proposed dwelling has five windows facing the north boundary; our comment is that no windows should face the north boundary. If windows must face the north boundary then the windows should be totally obscured or screened.*

##### *Balconies*

*The balconies to meet the building code requirements in terms of clearance and to be adequately screened from the north boundary.*

##### *Retaining Wall*

*The ground level on the north boundary has not been altered, if the ground level is to be changed a retaining wall should be built to ensure the existing north boundary fence receives the required support."*

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

- *"We have addressed the setback issue by the lowering of the North and South maximum wall height to under 6 metres.*
- *Balconies overlooking issues are addressed with privacy screens as indicated on the drawings.*
- *In general, the main challenge for both of us, planner and designer, has been the irregular site shape and form, and how narrow the site is in relation to satisfying the clients brief."*

**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 contained in an attachment to this report.

The subject dwelling at No. 41 Cleaver Street, West Perth is a brick and iron dwelling, constructed in 1898-1899. The dwelling is one room wide and features one bedroom with a lounge room addressing Cleaver Street. The kitchen and bathroom located in the rear skillion area have both been refitted and some internal fittings and features have been replaced. The front façade of the dwelling has been rough cut stucco rendered and painted.

The place is considered to be of little aesthetic, scientific or social value. The place is considered to have *little to some historic value* in terms of it belonging to the early building stock of the Town, however additions and alterations are considered to have diminished the authenticity of the place, and it is therefore considered unreasonable to justify the retention of the existing house on these grounds. The subject dwelling contributes to the streetscape in terms of traditional setbacks and building style but it is not a particularly outstanding example of its type, and no specific links of historical importance have been established. In light of the low authenticity of the place, it is recommended that the application to demolish the place be approved, subject to standard conditions.

**Front Setbacks**

The ground floor front setback varies only in relation to the carport. The main building is setback adequately from the front boundary. The carport is proposed to be open on all available sides, that is, front and north, and the applicant has incorporated a design feature into the wall of the main building facing the street.

The first floor setback variation relates to the master bedroom and the balcony that both sit directly above the carport. The balcony proposed assists in providing passive surveillance and promotes adequate interaction between the dwelling and the street. The lot is irregular in shape due to there being a significant indent affecting the south boundary and is also narrow in nature. This caused for a significant portion of the lot towards the rear to be virtually unusable.



The variations pertaining to the front first floor elevation are as a result of the constraints of the lot. The variations proposed for both the ground floor and first floor are considered to be acceptable and also achieve a good design outcome to the development. The variations are therefore supported.

#### **North and South Side Setbacks**

The ground floor and upper floor side setbacks on the north and south elevations vary from the requirements of the R Codes. The ground floor setbacks do not comply by a maximum of 1.5 metres on the north boundary (due to there being a small boundary wall) to 0.3 metre and the first floor varies from the requirement by a maximum of 1 metre. Whilst the applicant has maintained clearances from the boundaries for most of the building, they do not meet the required setbacks as stipulated in the R Codes. The nature of the subject lot significantly limits standard setback requirements to apply as the subject lot is considered to be significantly narrow. The overall impact upon the adjoining lots is considered to be minimal. The setback variations are supported in this instance.

#### **Privacy Setbacks**

One privacy setback variation is proposed and it relates to the rear boundary. The north, south and part of the west facing elevations of the balcony have been screened. The area of overlooking occurs from the west facing elevation of the balcony. The area of overlooking is to the rear corner of both adjoining properties where there is no noticeable outdoor living area. Due to there being no neighbour consent received from the neighbour, the variation is considered acceptable on the condition that the balcony be screened to achieve setback compliance.

#### **Carport**

The proposed carport is setback 2.3 metres to 6 metres from the front boundary and occupies 61 per cent of the total frontage width. The Town's Policy requires that carports be located behind the street setback line in accordance with the Residential Design Codes and not to exceed 50 per cent of the total frontage width. The subject carport does represent a variation however, there is provision in Town's Policy to support carports in the front setback area provided that it maintains unobstructed views between the street and house at ground level. The carport could be supported in this instance due to the narrow nature of the lot. Furthermore, the applicant has included a design feature into the wall of the main building facing the street. The immediate streetscape is characterised by a mix of uses. The uses noted range from commercial, aged care and single houses. The single houses on the same side and in the immediate area as the subject lot are predominantly with reduced front setbacks to the main building wall. In this instance, the main building wall is setback significantly and on the ground floor discretion is sought only for the carport. The carport is therefore supported in this instance.

#### **Boundary Wall Development**

The R Codes permit boundary wall development on one side boundary with restrictions placed on the height and length of the boundary wall. In this instance, the proposed development involves four single storey boundary walls on the east side boundary and to the west side boundary accommodating a store. The store is located on the west side in an area of the lot where the boundary has been modified to create a portion of land where three side boundaries take effect. The land in this location is considered to be unusable and the placement of a store helps to make effective use of this space. The walls are all within the height restrictions and are also considered minor in nature. The proposed boundary walls are considered to be acceptable in this instance, as they serve in maximising usable area on a lot restricted by its narrow and unusual nature. The boundary walls are therefore supported in this instance.

**Response to Objections Received**

In response to the issues raised in the objection letter, the north boundary wall is over 1.8 metres and within the requirements of the R Codes. The windows and balconies facing north and south are screened to the required height as per the R Codes to control the potential for overlooking.

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

**10.1.19 No(s). 51 (Lot(s) 197) Lawler Street, North Perth - Proposed Carport Additions to Existing Single House**

<b>Ward:</b>	North	<b>Date:</b>	6 September 2004
<b>Precinct:</b>	North Perth; P8	<b>File Ref:</b>	PRO2786; 00/33/2219
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M Bonini		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 MK Rook on behalf of the owner MK Rook for proposed Carport Additions to Existing Single House, at No(s). 51 (Lot(s) 197) Lawler Street, North Perth, and as shown on plans stamp-dated 30 April 2004 for the following reasons:*

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) the non-compliance with the Town's Policies - Street Setbacks and Vehicular Access.*

---

**COUNCIL DECISION ITEM 10.1.19**

**Moved Cr Cohen, Seconded Cr Lake**

*That the recommendation be adopted.*

Debate ensued.

**LOST (0-8)**

(Cr Torre was an apology for the meeting.)

**Reasons:**

1. The proposal is consistent with the proper and orderly planning.
2. The proposal is fully compliant.
3. Circumstances of the applicant.
4. The small amount of open space to the rear of the property.

**ALTERNATIVE RECOMMENDATION:**

**Moved Cr Cohen, Seconded Cr Doran-Wu**

*That the following alternative recommendation be adopted.*

*"That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by MK Rook on behalf of the owner MK Rook for proposed Carport Additions to Existing Single House, at No(s). 51 (Lot(s) 197) Lawler Street, North Perth, and as shown on plans stamp-dated 30 April 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) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the verandah of the existing house;*
- (iv) *all new crossover/s to allotments are subject to a separate approval by the Town's Technical Services Division and 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. Crossovers may be constructed by a private contractor provided they are constructed in accordance with the above specifications and a security bond of \$275 is paid prior to the crossover approval. Application for the refund of bond must be submitted in writing;*
- (v) *proposed crossovers shall be positioned in consultation with and as directed by the Town's Technical Services Division;*
- (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) *compliance with all relevant Environmental Health, Engineering and Building requirements; and*
- (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 Lawler 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;*

*to the satisfaction of the Chief Executive Officer."*

**CARRIED (8-0)**

**(Cr Torre was an apology for the meeting.)**

<b>Landowner:</b>	MK Rook
<b>Applicant:</b>	MK Rook
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R30/40
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	460 square metres

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>
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.

\* 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 Town owned, unsealed right of way, which is 5 metres in total width. The right of way is programmed for upgrading in the 2005/2006 financial year.

**DETAILS:**

The applicant proposes a double carport to be located within the front setback of the lot.

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

*"In support of my application, could you please also take into account the following:*

1. *The property does not currently have any off-street parking. My car is parked on the road or verge.*
2. *27 of the 33 residences in the block (81%) have off street parking at the front of the residence, and 16 (48) have a carport of garage.*
3. *There is not enough spare room in the back yard for parking. I have a handicapped child, and a dog, and the back yard is needed for them. It is not possible for them to use the front yard without constant supervision.*
4. *My house is within 100 yards of the Charles Hotel, and the security of off-street parking is required for my car insurance. Stolen cars are often abandoned in the street, and I have had break-ins of my car, in one case resulting in \$1500 worth of damage done in order to steal \$15 worth of parking meter money.*

5. *I have recently purchased a new car, and am keen to have off-street parking as soon as possible, before it is vandalised."*

**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:**

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 programmed to be upgraded in the 2005/2006 financial year.

The applicant's personal circumstances are acknowledged, however, in view of the above, it is recommended that the proposal for the carport be refused.

**10.1.22 No(s). 30 (Lot(s) 161) Summers Street, East Perth - Proposed Three-Storey Mixed Use Development Comprising Two (2) Multiple Dwellings and Offices and Associated Car Parking - Determination of Town Planning Appeal Tribunal**

<b>Ward:</b>	South	<b>Date:</b>	3 September 2004
<b>Precinct:</b>	Banks; P15	<b>File Ref:</b>	PRO 2507; 00/33/1975
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	T Durward		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in light of the Town Planning Appeal Tribunal decision on 25 August 2004 to uphold an appeal and approve the application submitted by Pinnington Investment Trust on behalf of the owner DJ & TR Pinnington for Proposed Three-Storey Mixed Use Development Comprising Two (2) Multiple Dwellings and Offices and Associated Car Parking at No(s). 30 (Lot(s) 161) Summers Street East Perth, and as shown on amended plans stamp-dated 15 March 2004 and 6 April 2004, the Council APPLIES the following conditions to this proposed development:*

- (i) a detailed landscaping plan, including a schedule of plant species, the provision of shade trees and the landscaping and reticulation of the Summers Street 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);*
- (ii) 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;*
- (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) prior to the first occupation of the development, the full length and width of the right of way from the existing sealed section to the eastern most boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;*
- (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) *a bond and/or bank guarantee for \$8640 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence;*
- (vii) *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";*
- (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) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (x) *standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular access ways to ensure that the safety of pedestrians and other road users is not compromised;*
- (xi) *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;*
- (xii) *subject to first obtaining the consent of the owners of No. 32 Summers Street and No.28 Summers Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing east and west in a good and clean condition;*
- (xiii) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*
- (xiv) *prior to the first occupation of the development, the car parking spaces provided for the residential component of the development, shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (xv) *prior to the first occupation of the development, two (2) class 1 or 2 bicycle parking facilities shall be provided at locations convenient to the entrance of the office adjacent to Summers Street. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (xvi) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*



- (xvii) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$2360) shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services Section with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xviii) *compliance with all relevant Environmental Health, Engineering and Building requirements, including the provision of a parking space for people with disabilities;*
- (xix) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that:*
- "the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development";*
- (xx) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (xxi) *the gross floor area of the office component shall be limited to a maximum of 275 square metres;*
- (xxii) *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;*
- (xxiii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town; and*
- (xxiv) *doors and windows and adjacent floor areas fronting Summers Street shall maintain an active and interactive relationship to this street;*
- (xxv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the reduction of the western wall on the boundary to a maximum height of 9.85 metres from the natural ground level, to reduce the visual impact on the adjacent single storey building. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*

(xxvi) *all new crossover/s to allotments are subject to a separate approval by the Town's Technical Services Division and 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. Crossovers may be constructed by a private contractor provided they are constructed in accordance with the above specifications and a security bond of \$275 is paid prior to the crossover approval. Application for the refund of bond must be submitted in writing;*

*to the satisfaction of the Chief Executive Officer.*

---

**Moved Cr Ker, Seconded Cr Cohen**

*That the recommendation be adopted subject to clauses (i) and (vi) being amended to read as follows:*

"(i) *a detailed landscaping plan, including a ~~schedule of plant species~~ list of plants, the provision of shade trees and the landscaping and reticulation of the Summers 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*

"(vi) *a bond and/or bank guarantee for ~~\$8640~~ \$2,500 for the full upgrade of the right of way extending east from the existing paved and drained right of way to the eastern-most boundary of the property shall be lodged prior to the issue of a Building Licence;"*

Debate ensued.

**Moved Cr Ker, Seconded Cr Lake**

*That clause (xxv) be deleted and the remaining clause renumbered.*

Debate ensued.

**AMENDMENT CARRIED (6-2)**

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

(Cr Torre was an apology for the meeting.)

**Moved Cr Cohen, Seconded Cr Ker**

*That a new clause (xxvi) be added as follows:*

*"(xxvi) that prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the deletion of the triangular pediment surmounting the top of the building above the height of 11.0 metres. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies."*

Debate ensued.

**AMENDMENT CARRIED (5-3)**

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

(Cr Torre was an apology for the meeting.)

**MOTION AS AMENDED CARRIED (8-0)**

**COUNCIL DECISION ITEM 10.1.22**

*That;*

*in light of the Town Planning Appeal Tribunal decision on 25 August 2004 to uphold an appeal and approve the application submitted by Pinnington Investment Trust on behalf of the owner DJ & TR Pinnington for Proposed Three-Storey Mixed Use Development Comprising Two (2) Multiple Dwellings and Offices and Associated Car Parking at No(s). 30 (Lot(s) 161) Summers Street East Perth, and as shown on amended plans stamp-dated 15 March 2004 and 6 April 2004, the Council APPLIES the following conditions to this proposed development:*

- (i) a detailed landscaping plan, including a list of plants, the provision of shade trees and the landscaping and reticulation of the Summers 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);*
- (ii) 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;*
- (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) *prior to the first occupation of the development, the full length and width of the right of way from the existing sealed section to the eastern most boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;*
- (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) *a bond and/or bank guarantee for \$2,500 for the full upgrade of the right of way extending east from the existing paved and drained right of way to the eastern-most boundary of the property shall be lodged prior to the issue of a Building Licence;*
- (vii) *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";*
- (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) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (x) *standard visual truncations, in accordance with the Town's Policies and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular access ways to ensure that the safety of pedestrians and other road users is not compromised;*
- (xi) *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;*
- (xii) *subject to first obtaining the consent of the owners of No. 32 Summers Street and No.28 Summers Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing east and west in a good and clean condition;*
- (xiii) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*

- (xiv) *prior to the first occupation of the development, the car parking spaces provided for the residential component of the development, shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (xv) *prior to the first occupation of the development, two (2) class 1 or 2 bicycle parking facilities shall be provided at locations convenient to the entrance of the office adjacent to Summers Street. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (xvi) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (xvii) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$2360) shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services Section with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xviii) *compliance with all relevant Environmental Health, Engineering and Building requirements, including the provision of a parking space for people with disabilities;*
- (xix) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that:*
- "the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development";*
- (xx) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (xxi) *the gross floor area of the office component shall be limited to a maximum of 275 square metres;*
- (xxii) *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;*

- (xxiii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town; and*
- (xxiv) *doors and windows and adjacent floor areas fronting Summers Street shall maintain an active and interactive relationship to this street;*
- (xxv) *all new crossover/s to allotments are subject to a separate approval by the Town's Technical Services Division and 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. Crossovers may be constructed by a private contractor provided they are constructed in accordance with the above specifications and a security bond of \$275 is paid prior to the crossover approval. Application for the refund of bond must be submitted in writing; and*
- (xxvi) *that prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the deletion of the triangular pediment surmounting the top of the building above the height of 11.0 metres. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies.*

*to the satisfaction of the Chief Executive Officer.*

**ADDITIONAL INFORMATION:**

The Town is required to formulate a set of conditions that will allow the development proposal to proceed. The conditions to be applied by the Town on the approved development should not result in a significant alteration to the development. If there are any disputes, the matter will be referred to the Town Planning Appeal Tribunal (TPAT) for arbitration/determination.

The conditions contained in the Officer Recommendation have been reviewed. It is considered that Clause/Condition (xxv) would result in a significant alteration to the development approved by the TPAT, and in accordance with Clause 65 of the Town Planning and Development Act (as amended), the appellant and the TPAT may consider the Town to be behaving *"unreasonably, vexatiously or frivolously in relation to the appeal"*. In such cases, the TPAT is likely to award costs against the Town for such behaviour. In light of the above, Clause (xxv) should be deleted.

<b>Landowner:</b>	DJ & TR Pinnington
<b>Applicant:</b>	Pinnington Investment Trust
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Commercial
<b>Existing Land Use:</b>	Vacant
<b>Use Class:</b>	Multiple Dwelling & Office Building
<b>Use Classification:</b>	"AA & P"
<b>Lot Area:</b>	476 square metres

**SITE HISTORY:**

- 13 April 2004            The Council, at its Ordinary Meeting, resolved to refuse the application for the proposed three-storey mixed use development comprising two (2) multiple dwellings and offices and associated car parking.
- 30 April 2004            The applicant lodged an appeal with the Town Planning Appeal Tribunal against the Council's refusal.
- 21 May 2004             Directions hearing at the Town Planning Appeal Tribunal.
- 27 May 2004             The Town lodged the Respondent Statement with the Town Planning Appeal Tribunal.
- 25 June 2004            The appeal hearing was held at the Town Planning Appeal Tribunal.
- 25 August 2004         The Town Planning Appeal Tribunal upheld the appeal, and requested the Town to formulate standard approval conditions.

**CONSULTATION/ADVERTISING:**

No formal consultation or advertising is required for such matters.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

The total legal expenses, including planning consultant fees, incurred by the Town in relation to the subject appeal are \$2,428.55.

**DETAIL/COMMENTS:**

In a letter dated 25 August 2004, the Town Planning Appeal Tribunal (TPAT) upheld the proposed development. The TPAT letter dated 25 August 2004, and accompanying Reasons for Decision, are included as an attachment to this report. Extracts from the Reasons for Decision are as follows:

- "42.    *On evidence I am satisfied that the Development as proposed would be consistent with orderly and proper planning.*
43.    *For the above reasons the appeal is allowed.*
44.    *The Respondent is given 21 days in which to formulate conditions that will allow the Development to proceed. If parties agree the conditions, a Minute of Consent Orders will be filed with the Tribunal giving effect to that outcome. In the event that the parties fail to agree conditions the matter can be brought back to the Tribunal for determination."*

The proposed development approved by the TPAT, is identical to the previous plans refused by the Council for a two (2) multiple dwellings and offices and associated car parking.

The Town is required to formulate a set of conditions that will allow the development proposal to proceed. The conditions to be applied by the Town on the approved development should not result in a significant alteration to the development. If there are any disputes, the matter will be referred to the TPAT for arbitration/ determination.

In light of the above, it is recommended that the Council apply the conditions to the subject development, as detailed in the Officer Recommendation. These conditions are identical to those applied in the Officer Recommendation contained in the report to the Ordinary Meeting of Council held on 13 April 2004, and has been amended to reflect updated conditions.



**10.1.23 No(s). 41 (Lot(s) 4) Norfolk Street, North Perth - Patio Additions to Existing Single House (Request to Waive Retrospective Planning Fee)**

<b>Ward:</b>	South	<b>Date:</b>	30 August 2004
<b>Precinct:</b>	Norfolk; P10	<b>File Ref:</b>	PRO2676; 00/33/2104
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	N Wellington		
<b>Checked/Endorsed by:</b>	R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council WAIVES the outstanding fee of \$300 for the planning application for retrospective Planning Approval submitted by the owners J & T Nikoloski for patio additions to existing single house, at No(s). 41 (Lot(s) 4) Norfolk Street, North Perth, as approved at the Ordinary Meeting of Council held on 27 July 2004.*

**COUNCIL DECISION ITEM 10.1.23**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

Debate ensued.

**LOST (2-6)**

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

(Cr Torre was an apology for the meeting.)

**Reasons:**

1. Undesirable precedent will be set.
2. Reference to Council's policy on retrospective applications.

**ALTERNATIVE RECOMMENDATION:**

**Moved Cr Ker, Seconded Cr Farrell**

*That the following alternative recommendation be adopted.*

*"That the Council;*

- (i) *does NOT APPROVE the request from owners J & T Nikoloski for the Council to waive the \$300 planning application fee for retrospective approval for patio additions to existing single house at No(s). 41 (Lot(s) 4) Norfolk Street, North Perth, as approved at the Ordinary Meeting of Council held on 27 July 2004; and*

- (ii) *AUTHORISES the Chief Executive Officer to make arrangements for the applicants to pay the application fee in instalments.*"

**CARRIED (6-2)**

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

(Cr Torre was an apology for the meeting.)

**COMMENT:**

The waivering of this retrospective application fee is not supported, as it will create an unnecessary and undesirable precedent.

<b>Landowner:</b>	J & T Nikoloski
<b>Applicant:</b>	J & T Nikoloski
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R40
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	453 square metres

**BACKGROUND:**

At the Ordinary Meeting of Council held on 27 July 2004, the Council resolved as follows:

*"That;*

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners J & T Nikoloski for Patio Additions To Existing Single House (Application for Retrospective Planning Approval), at No(s). 41 (Lot(s) 4) Norfolk Street, North Perth, and as shown on plans stamp-dated 4 March 2004, subject to:*
- (a) *compliance with all Building, Environmental Health and Engineering requirements;*
- (b) *a road and verge security deposit bond and/or bank guarantee of \$220 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (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 Norfolk 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;*

- (d) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (e) *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;*
- (f) *the patio shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the front elevation of the existing dwelling;*
- (g) *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;*
- (h) *the structure shall be unroofed;*  
*to the satisfaction of the Chief Executive Officer; and*
- (ii) *the Council ADVISES the owner/applicant that they are required to pay the outstanding fees of \$300 for the above planning application for retrospective Planning Approval , within 14 days of notification by the Town."*

Following a referral from the Office of John Hyde, MLA, the Executive Manager Environmental and Development Services met with Mrs Nikoloski on 17 August 2004. Mrs Nikoloski was distressed at having to pay an additional fee of \$300 for retrospective planning approval.

On 18 August 2004, the Town received a letter from Mr and Mrs Nikoloski advising that the structure had existed on-site since they began living at No. 41 Norfolk Street in 1981. The applicants recently replaced some of the defective materials to make improvements to the structure. They were not aware of the requirement to obtain approval and apologise for not doing so.

The adjoining owners at No. 52 Wasley Street, North Perth have provided a letter stating they have no objections to the structure and confirm it having been there for many years.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Variation to Town of Vincent Budget 2004-05 (Fees and Charges).

**COMMENTS:**

It is recommended that the Council waive the outstanding fee of \$300 on this occasion due to the circumstances detailed above.

**10.1.25 Western Australian Planning Commission: Metropolitan Region Scheme Proposed Amendment No.1082/33 - 'Bush Forever and Related Lands' and the Statement of Planning Policy No 2.8 - Bushland Policy for the Perth Metropolitan Region**

<b>Ward:</b>	Both	<b>Date:</b>	6 September 2004
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0066
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	K Batina		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) RECEIVES the correspondence dated 6 August and 12 August 2004 and accompanying documentation from the Western Australian Planning Commission and subsequent additional information relating to the Metropolitan Region Scheme (MRS) proposed Amendment No. 1082/33 – 'Bush Forever and Related Lands' and the Statement of Planning Policy No.2.8- Bushland Policy for the Perth Metropolitan Region, as 'Laid on the Table'; and*
- (ii) advises the Western Australian Planning Commission that the Council SUPPORTS the proposed Amendment No.1082/33 and the Statement of Planning Policy No.2.8 - Bushland Policy for the Perth Metropolitan Region.*

---

**Moved Cr Cohen, Seconded Cr Doran-Wu**

*That the recommendation be adopted.*

Cr Franchina departed the Chamber at 9.14pm.

Debate ensued.

**Moved Cr Cohen, Seconded Cr Chester**

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

*"(iii) encourages the State Government, through the Western Australian Planning Commission, to protect greater than 10% of each vegetation complex within the 'Bush Forever' study area."*

**AMENDMENT CARRIED (7-0)**

(Cr Torre was an apology for the meeting. Cr Franchina was absent from the Chamber and did not vote.)

**MOTION AS AMENDMENT CARRIED (7-0)**

(Cr Torre was an apology for the meeting. Cr Franchina was absent from the Chamber and did not vote.)

**COUNCIL DECISION ITEM 10.1.25**

*That the Council;*

- (i) RECEIVES the correspondence dated 6 August and 12 August 2004 and accompanying documentation from the Western Australian Planning Commission and subsequent additional information relating to the Metropolitan Region Scheme (MRS) proposed Amendment No. 1082/33 – 'Bush Forever and Related Lands' and the Statement of Planning Policy No.2.8- Bushland Policy for the Perth Metropolitan Region, as 'Laid on the Table';*
- (ii) advises the Western Australian Planning Commission that the Council SUPPORTS the proposed Amendment No.1082/33 and the Statement of Planning Policy No.2.8 - Bushland Policy for the Perth Metropolitan Region; and*
- (iii) encourages the State Government, through the Western Australian Planning Commission, to protect greater than 10% of each vegetation complex within the 'Bush Forever' study area.*

---

**BACKGROUND:**

Perth is part of one of the most biological diverse regions in the world. Bush Forever seeks to protect 51,200 hectares of regionally significant bushland for protection, covering 26 vegetation complexes. In doing so, it identifies 18 per cent of the remaining 28 per cent remnant vegetation on the Swan Coastal Plain portion of the Perth Metropolitan Region (PMR). The plan aims to protect at least 10 per cent of each vegetation complex within the *Bush Forever* study area. The majority of the landholdings are in Government ownership, with only about 9 per cent owned by private landowners.

Bush Forever Protection Areas (BFPA's) are proposed in an amendment to the Metropolitan Region Scheme and a Draft Statement of Planning Policy. Both documents are designed to implement and give statutory effect to *Bush Forever*, which was released by the Government of Western Australia in December 2000.

The Town of Vincent does not have any identified Bush Forever Protection Areas within its municipal boundaries.

**DETAILS:**

*Metropolitan Region Scheme Amendment No.1082/33 - 'Bush Forever and related lands'*

The Town of Vincent received a letter dated 6 August 2004 and accompanying documentation from the Western Australian Planning Commission (WAPC) relating to the Metropolitan Region Scheme (MRS) proposed Amendment No. 1082/33 – 'Bush Forever and related lands', requesting that the Town display the documentation for the advertising period from 10 August 2004 to 12 November 2004.

An extract of the amendment report is as follows:

*“Purpose*

*The purpose of this major amendment is to:*

- *Create a Special Control Area (Bush Forever Protection Area) and related provisions in the Metropolitan Region Scheme Text;*
- *Establish a Special Control Area (Bush Forever Protection Area) in the Metropolitan Region Scheme (MRS) over all Bush Forever sites; and*
- *Reserve a number of Bush Forever sites for Parks and Recreation within the MRS."*

The Amendment report identifies the areas to be included within the Bush Forever Protection Areas and Parks and Recreation Reserves. It also presents to government agencies and the public a discussion of the rationale for the proposed reservations and associated issues. In addition to the MRS Amendment, changes to the Metropolitan Region Scheme Text are also proposed. A copy of the proposed changes to the MRS Text is attached to this report.

Resulting from this amendment, there will be the creation of Bush Forever Protection Areas (BFPA's) as a planning tool to ensure future land use and development on sites identified in *Bush Forever* is compatible with bushland protection and management. Measures such as this proposed as part of the MRS Amendment will significantly implement the *Bush Forever*, give recognition to the high conservation values of *Bush Forever* sites and will provide opportunities for lands to remain in private ownership.

The majority of the Amendment report relates to over 94 sites identified as *Bush Forever* sites that are Crown Reserves being rezoned from their existing zones (including such MRS zones as Urban, Urban Deferred, Rural, Public Purpose, State Forest reservations, Water Protection Zones) to 'Parks and Recreation' reservation zone. These proposals relate to numerous locations within the Perth Metropolitan Region, including State Forests. The total area of reservation subject to this amendment is 20,690 hectares (19,489ha of vegetated land). The breakdown of the various Bush Forever sites to be rezoned are tabulated below:

<b>Bush Forever Implementation Recommendation</b>	<b>Vegetated Area (in Hectares) proposed for Parks and Recreation</b>
Proposed Parks & Recreation	1,007
Other Government Lands	7,176
Local Town Planning Scheme Reserves	49.7
Some Existing Protection	11,078
Urban/Urban Deferred/Industrial Negotiated Planning Solutions	127
Strategic Negotiated Solutions	3.3
Rural Complementary	48
<b>Total Number of Hectares</b>	<b>19,489</b>

The significant outcomes of this amendment are that 79 per cent of the vegetated land area within Bush Forever sites will be reserved for Parks and Recreation and 100 per cent of Bush Forever sites will be protected within a Bush Forever Protection Area.

The above amendment is a major implementation initiative for *Bush Forever* and will provide increased planning security for Bush Forever sites. It provides a framework for the long term protection and management of Bush Forever sites through a consistent decision making process documented in the *Statement of Planning Policy No.2.8: Bushland Policy for the Perth Metropolitan Region*.

*Bushland Policy for the Perth Metropolitan Region Statement of Planning Policy 2.8*

The Statement of Planning Policy 2.8 (the SPP) functions as a supplementary document to the MRS Amendment Report for Amendment 1082/33 - 'Bush Forever and related lands'.

The SPP will perform six main functions:

- Identify specific land use controls;
- Identify bushland and planning uses requiring special consideration;
- Identify a range of implementation mechanisms;
- Identify specific information requirements and planning assessments decision-making criteria;
- Identify site implementation categories based on site opportunities and constraints as identified within the SPP; and
- Support the preparation of local bushland strategies (as part of local biodiversity strategies or similar).

The SPP will be divided into six parts, summarised as follows;

Part One (Citation) states that the SPP has been prepared under S.5AA of the *Town Planning and Development Act 1928*. It may be cited as the *Draft Statement of Planning Policy No 2.8: Bushland Policy for the Perth Metropolitan Region*.

Part Two (Introduction and background) provides an outline of the Policy aims, a synopsis on the regional and national significance of Perth's bushland and the general policy context within which this SPP was prepared.

Part Three (Application of the policy) identifies the relevant areas of bushland affected by the proposed measures, which will be affected by the provisions of the SPP, such as the Bush Forever Protection Areas and the local bushland.

Part Four (Policy Objectives) states the three policy objectives, which in summary are:

1. To establish a conservation system that is comprehensive, adequate and representative of ecological communities of the Swan Coastal Plain portion of the PMR.
2. To seek to protect and manage bushland within the PMR, through a range of mechanisms based on site opportunities and constraints and as a collective and shared responsibility and general duty of care on the part of government, landowners and the community;
3. To provide a policy and implementation framework for bushland areas of significance that are identified for protection and management in the PMR to assist planning assessment, and decision-making process and to ensure a transparency of procedure, integrated and balanced environmental, social and economic outcomes, recognition of existing planning and environmental commitments and development and land uses compatible with bushland protection being supported and incorporated best-practice-performance based planning, design and management outcomes.

Part Five (Policy Measures) outlines the policy measures in the SPP that identify specific information requirements, issues requiring special consideration and more specifically, planning assessment and decision making criteria and processes that are required to be implemented through the SPP. Within this section of the SPP, the policy measures discussed include the:

- creation of Bush Forever Protection Areas, of which include 5 site implementation categories;
- application of the local bushland policy measures outside the Bush Forever Protection Areas within the PMR.

Part Six (Implementation) states that implementation of this policy will occur on a day to day process of decision making on strategic plans, conservation and management strategies, statutory schemes and subdivision and development applications. There will be no impact of the policy on existing lawful land uses and development.

The policy will be monitored on an ongoing basis and reviewed as required or at least within five years of its operation.

**COMMENTS:**

The proposed amendment to the Metropolitan Region Scheme and the associated Statement of Planning Policy will provide the statutory framework within which to implement the State Government released *Bush Forever* document released in 2000. Such measures proposed to be introduced to implement this will be through the creation of the Bush Forever Protection Areas and the rezoning of some Crown Reserves identified as *Bush Forever* sites, from their current MRS zoning to 'Parks and Recreation' Reserves.

While the provisions of the MRS Amendment and the Statement of Planning Policy do not impact any areas within the Town of Vincent, it will provide a concise and accessible document to use as a reference, to better understand the measures and tools that can be implemented within the Town of Vincent.



**10.1.26 Draft Environmental Protection (Swan Coastal Plain Wetlands) Policy and Regulations 2004: Western Australian Local Government Association submission**

<b>Ward:</b>	Both	<b>Date:</b>	6 September 2004
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0096
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	K Batina, C Mooney		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the documents "Explanatory Document" and "Draft Environmental Protection (Swan Coastal Plain Wetlands) Policy and Regulations 2004", dated July 2004, as 'Laid on the Table'; and*
- (ii) *ADVISES the Western Australian Local Government Association (WALGA) that the Council generally SUPPORTS IN PRINCIPLE the content and intent of the "Draft Environmental Protection (Swan Coastal Plain Wetlands) Policy 2004" by the Environmental Protection Authority, and the comments by Western Australian Local Government Association relating to "Draft Environmental Protection (Swan Coastal Plain Wetlands) Policy 2004", and that the following action should be addressed in their submission to the Environmental Protection Authority:*

*"Encourage greater co-operation between State Government Agencies and Local Governments to ensure protection of wetlands and that regular monitoring by the Environmental Protection Agency occurs".*

---

**Moved Cr Cohen, Seconded Cr Chester**

*That the recommendation be adopted.*

**Moved Cr Cohen, Seconded Cr Chester**

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

*"(iii) encourages the State Government agencies to expand on areas to protect increased areas of wetland and coastal plain."*

Debate ensued.

**AMENDMENT CARRIED (7-0)**

(Cr Torre was an apology for the meeting. Cr Franchina was absent from the Chamber and did not vote.)

**Moved Cr Cohen, Seconded Cr Ker**

*That a new clause (iv) be added as follows:*

*"(iv) writes to the Government agencies and stakeholders advising of the existence of wetlands within the Town of Vincent."*

Debate ensued.

Cr Franchina returned to the Chamber at 9.18pm.

Cr Chester departed the Chamber at 9.19pm.

Cr Chester returned to the Chamber at 9.22pm.

**AMENDMENT CARRIED (8-0)**

(Cr Torre was an apology for the meeting.)

**MOTION AS AMENDED CARRIED (8-0)**

(Cr Torre was an apology for the meeting.)

**COUNCIL DECISION ITEM 10.1.26**

*That the Council;*

- (i) *RECEIVES the documents "Explanatory Document" and "Draft Environmental Protection (Swan Coastal Plain Wetlands) Policy and Regulations 2004", dated July 2004, as 'Laid on the Table';*
- (ii) *ADVISES the Western Australian Local Government Association (WALGA) that the Council generally SUPPORTS IN PRINCIPLE the content and intent of the "Draft Environmental Protection (Swan Coastal Plain Wetlands) Policy 2004" by the Environmental Protection Authority, and the comments by Western Australian Local Government Association relating to "Draft Environmental Protection (Swan Coastal Plain Wetlands) Policy 2004", and that the following action should be addressed in their submission to the Environmental Protection Authority:*  
  
*"Encourage greater co-operation between State Government Agencies and Local Governments to ensure protection of wetlands and that regular monitoring by the Environmental Protection Agency occurs";*
- (iii) *encourages the State Government agencies to expand on areas to protect increased areas of wetland and coastal plain; and*
- (iv) *writes to the Government agencies and stakeholders advising of the existence of wetlands within the Town of Vincent.*

---

**BACKGROUND:**

The *Draft Environmental Protection (Swan Coastal Plain Wetlands) Policy and Regulations 2004* (Draft Wetlands EPP) has evolved from the original 1999 statutory review of the *Environmental Protection (Swan Coastal Plain Lakes) Policy 1992* and the Government endorsed 1997 *State Wetlands Policy of Western Australia*. The Draft Wetlands EPP was originally released for public comment in November 1999. The resultant *Revised Draft Environmental Protection (Swan Coastal Plain Wetlands) 1999* was remitted by the Minister for the Environment under section 31(c) of the Environmental Protection Act (the Act) in October 2003. The reason for its remittance was related to the proposed amendments to the original draft policy being significant enough to warrant a recommencement of the EPP process at the public consultation stage.

The redrafted 'Draft Environmental Protection (Swan Coastal Plain Wetlands) Policy and Regulations 2004' and supporting 'Explanatory Documentation' has now been referred to the Town of Vincent for comment from the Environmental Protection Authority (EPA) on 20 July 2004 with submissions due by 24 September 2004.

In regard to the above, WALGA has written to all Local Governments advising that the Association will present a written submission of the above matter on behalf of all Local Governments. Comment to WALGA is required to be forwarded by 17 September 2004.

#### **DETAILS:**

The purpose of this report is to provide an outline of the *Draft Environmental Protection (Swan Coastal Plain Wetlands) Policy and Regulations 2004* (Draft Wetlands EPP) in terms of its aims and objectives, implementation strategies and the implications of this policy in a local context, specific to the Town of Vincent.

It is estimated that more than 80 per cent of the original wetlands on the Swan Coastal Plain have been either lost or seriously degraded due to filling, clearing and other land use impacts since early European Settlement. The pressure on remaining Swan Coastal Plain Wetlands continues mostly due to urban development and changes in rural land use.

The main goals of the *Draft Environmental Protection (Swan Coastal Plain Wetlands) Policy 2004* (Draft Wetlands EPP) is two fold. Primarily, the aim is to protect the further degradation of the remaining wetlands by identifying and protecting the environmental values of certain wetlands on the Plan. Secondly, the Draft Wetlands EPP aims to prevent and control the pollution of and environmental harm to those wetlands. The EPP will provide the statutory environmental protection framework within which these goals can be achieved.

The *Explanatory Document* identifies four major components comprising the Draft EPP. These components are the Wetlands Register, Amendments to the Register, Private Landowner Involvement in Wetland Registrations and Voluntary Changes to the Register.

#### Wetlands Register

The 2004 Draft Register Wetlands on the Swan Coastal Plain is compiled from data sets for the 1992 Lake EPP and Conservation Category Wetlands. As a result of the amalgamated data, the total area represented in the Draft Register is approximately 46,000 hectares, half of which was identified in private land and the other half in Crown land. A small portion of this land is also already under some form of protection (that is, *Bush Forever*). This identified area only represents 5 per cent of the total 870,000 hectares total for the Swan Coastal Plain.

The Draft Wetlands Register is to have within it all the registered wetlands on the Swan Coastal Plain, which (shortly after gazettal) would consist of:

- the Swan Coastal Plains Lakes protected under the 1992 Lakes EPP; and
- all Conservation Category Wetlands on the Swan Coastal Plan (but not part of watercourses *per se*) identified by the Department of Environment, as at 6 February 2004.

Any wetlands nominated by landowners, whether for private or Crown land (and EPA approved) would also be added to the register. Landowners could also voluntarily submit new wetland areas to be added to the register which would be guided by an EPA assessment process that included reference to and necessary compliance with environmental quality criteria.

To enable future updating and corrections that might need to be made to the wetlands mapping database, an amendment procedure is also outlined as part of the Draft Wetlands EPP.

The Draft Register will retain the status of draft until following the gazettal of the Draft Wetlands EPP, when it will be approved as a Register by the EPA.

#### Private Landowner Involvement in Wetland Registrations

The role of the private landowner in the wetland registrations component of the Draft Wetlands EPP is also outlined. Any wetlands added to the register would firstly need to meet the environmental quality criteria as set out by the EPA, and landowners as well as others that could be materially affected by the registration would have to be consulted by the EPA.

#### Voluntary Changes to the Register

The voluntary changes to the register component of the Draft Wetlands EPP detail the process for landowner(s) to voluntarily submit new wetlands to be added to the register through an assessment process overseen by the EPA.

The *Explanatory document* goes on to describe the program measures to be implemented to protect these identified wetlands. Such measures will involve the listing of prohibited activities and the associated penalties, the role of public authorities, schedule showing the boundaries of the EPP area and ensuring a mandatory review of the EPP takes place on a regular basis.

#### Prohibited Activities

Section 8 of Draft Wetlands EPP identifies and lists prohibited activities that are considered as to have the potential for environmental harm and are regarded as primary threats to the conservation of wetlands. The activities identified as having environmental harm (that is, activities resulting in the alteration of a registered wetland) in the Draft Wetlands EPP are:

- (a) *filling in the wetland with soil or any other material;*
- (b) *dumping soil, waste or any other substance or thing in or on the wetland;*
- (c) *carrying out mining operations as defined in section 8(1) of the Mining Act 1978, or carrying out any other excavation, on or in the wetland;*
- (d) *discharging water into or taking water from, the wetland to an extent that results in environmental harm to the wetland;*
- (e) *taking groundwater from beneath the wetland;*
- (f) *removing, killing or destroying native vegetation in the wetland;*
- (g) *severing or ringbarking the trunks or stems or native vegetation in the wetland;*
- (h) *burning native vegetation in the wetland, or in any other way clearing native vegetation from the wetland;*
- (i) *directly or indirectly disposing of or discharging waste material from industrial premises into the wetland;*
- (j) *bringing any fauna into the wetland except -*
  - (i) *fauna of a species indigenous to the wetland or its immediate surroundings;*
  - (ii) *fauna of a migratory species some of which migrate to or pass through the wetland or its immediate surroundings from time to time; or*
  - (iii) *flora of a species indigenous to the wetland or its immediate surroundings;*
- (k) *taking from the wetland -*
  - (i) *fauna of a species indigenous to the wetland or its immediate surroundings;*  
*or*
  - (ii) *fauna of a migratory species some of which migrate to or pass through the wetland or its immediate surroundings from time to time;*

### The role of Public Authorities

The Draft Wetlands EPP states that public authorities both at State and Local Government levels must make decisions and take actions that are consistent with the protection of registered wetlands. The EPP will also require the administering of each of the relevant Public Authorities own related Acts so to control the potential negative impacts activities might have on registered wetlands.

### Mandatory review of the EPP

Under statutory provisions in the Act, following gazettal of the Draft Wetlands EPP, it will be reviewed every seven (7) years to ensure successful protection of wetlands on the Swan Coastal Plain. This time frame has been nominated as a suitable timeframe as it is likely that within this timeframe, the roles and names of various agencies and authorities referred to within the EPP would have changed.

As a final part of the *Explanatory Document*, the methods by which the EPP will be implemented and administered thereafter are also outlined. Such measures referred to included:

- further defining the roles of relevant principal government agencies (who have changed in the last seven years), with the principal government agency being the Department of Environment.
- The provision of a guide to Biodiversity Incentives being prepared to assist landowners in protecting and managing wetlands and other biodiversity on the Swan Coastal Plain. Incentives such as providing direct assistance to landowners, which will be regularly updated, are accessible in a detailed through list of current programs.
- using the Wetlands Register in the Environmental Assessment Process in conjunction with the existing 1992 Lakes EPP and the formalising of the Draft Register into a Register following gazettal of the Draft Wetlands EPP and subsequent approval of the Draft Register by the EPA.

### **The Draft Environmental Protection (Swan Coastal Plain Wetlands) Policy 2004**

The *Draft Environmental Protection (Swan Coastal Plain Wetlands) Policy 2004* consists of four parts. These are 'Preliminary', 'Registration of the wetlands that are to be protected', 'The Swan coastal plain wetlands register' and 'Notices for purposes of land register'.

Part One of the Draft EPP 'Preliminary' outlines the purpose of the policy, the relationship of the policy with regulations, the terms used in the policy, the Swan coastal plain, the environmental quality criteria and public and local government access to plans and records.

The main purpose of the Draft Wetland EPP is outlined in Part One - Preliminary under Clause 2(2) and Clause 2(3). This purpose is for the protection of the ecosystem health conditions of wetlands in the Swan coastal plain that meet the environmental quality criteria and of certain other wetlands, including the protection of the ecological structure, ecological function and ecological processes of those wetlands. The Draft EPP also encourages the protection of the beneficial uses of those wetlands, including the use of the wetlands for study, education, recreation, aesthetic enjoyment and the benefit of the public generally.

Part Two of the Draft Wetland EPP is 'Registration of the wetland that are to be protected'. This part outlines the registration of wetlands that meet environmental quality criteria, the registration of wetlands at the owner's request and public consultation about the registration of wetlands.

Part Three of the Draft Wetlands EPP is 'The Swan coastal plain wetlands register'. This part outlines the Swan coastal plain wetlands register, register procedure, amendment of particulars of registration and the cancellation of registration.

Part Four of the Draft Wetlands EPP is 'Notices for purposes of land titles register' which outlines the notification of Registrar of Titles and the notification of interested parties.

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2003-2008 - Key Result Areas: 1.1 *"Protect and enhance the environment and biodiversity."* and 1.3 *"Develop, implement and promote sustainable urban design."*

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The Town of Vincent supports a number of wetlands (existing and former) throughout the Town such as Hyde Park, Robertson Park, Charles Veryard Reserve, and Smiths Lake Reserve.

The Town considers the protection of wetlands imperative to the future environmental sustainability of the wetlands on the Swan Coastal Plain. The Draft EPP will effectively protect the wetlands if co-operation between the various governing authorities exist and regular monitoring of the EPP occurs. It is essential that the protection of these wetlands is carried out at a 'grass-roots' level for successful on-going protection of the wetlands. The Draft EPP offers incentives to private landowners to protect their wetlands which the Town believes is an effective mechanism to encourage the protection of the wetlands. The Town considers it vital to protect existing ecosystems so that future generations may enjoy the economic, environmental, recreational and aesthetic benefits the wetlands provide.

In light of the above, it is recommended that the Council receives the report relating to the *Draft Environmental Protection (Swan Coastal Plain Wetlands) Policy 2004* and advises WALGA that the Town generally supports in principle the document and comment by WALGA, as reflected in the Officers Recommendations.

**10.2.1 Alexander Drive - Proposed Bus Priority at the Walcott Street and Fitzgerald Street Intersection, North Perth**

<b>Ward:</b>	North	<b>Date:</b>	30 August 2004
<b>Precinct:</b>	North Perth P8	<b>File Ref:</b>	TES0178
<b>Attachments:</b>	<a href="#">001:</a>		
<b>Reporting Officer(s):</b>	R Lotznicher		
<b>Checked/Endorsed by:</b>	-		

**RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on Alexander Drive Proposed Bus Priority at the Walcott Street and Fitzgerald Street Intersection North Perth;*
- (ii) *APPROVES in principle the proposal called Option 2 as outlined on attached Plan "Figure 2"; and*
- (iii) *RECEIVES a progress report on the proposal as further information is presented to the Town.*

Moved Cr Ker, Seconded Cr Lake

*That the recommendation be adopted subject to clause (ii) being deleted and a new clause (ii) being inserted as follows:*

- "(ii) *APPROVES in principle the proposal called Option 2 as outlined on attached Plan "Figure 2" subject to:*
  - (a) *cyclists being legally allowed to use the bus lane;*
  - (b) *a cycle safety audit of the final proposal being carried out; and*
  - (c) *buses having an advance phase in the traffic signals;"*

Debate ensued.

**CARRIED (8-0)**

(Cr Torre was an apology for the meeting.)

**COUNCIL DECISION ITEM 10.2.1**

*That the Council;*

- (i) *RECEIVES the report on Alexander Drive Proposed Bus Priority at the Walcott Street and Fitzgerald Street Intersection North Perth;*
- (ii) *APPROVES in principle the proposal called Option 2 as outlined on attached Plan "Figure 2" subject to:*
  - (a) *cyclists being legally allowed to use the bus lane;*
  - (b) *a cycle safety audit of the final proposal being carried out; and*
  - (c) *buses having an advance phase in the traffic signals; and*
- (iii) *RECEIVES a progress report on the proposal as further information is presented to the Town.*

## **BACKGROUND:**

On 9 August 2004, a letter was received from the Public Transport Authority (PTA) advising the Town that concepts had been prepared for modifications to the Alexander Drive, Walcott Street and Fitzgerald Street intersection to accommodate a proposed bus priority lane.

The PTA have requested that prior to commencing with the preparation of a detailed design they would like to obtain formal approval of the preferred option from the stakeholders, including the Town of Vincent.

## **DETAILS:**

### **Scope**

Consultants, Sinclair Knight Merz were commissioned by the PTA to carrying out the following:

- Develop concept sketches for a queue jump bus priority facility on the northern approach of Alexander Drive to Walcott Street.
- Undertake required analysis and investigation to ensure practical and feasible operation of the facility.
- Consult with the City of Stirling, Town of Vincent, Main Roads Western Australia and Transperth and, if possible, obtain their preliminary agreement to the proposed concept plan.

The works outlined above are intended as a precursor to preparation of detailed design and documentation.

### **Existing Intersection Layout**

The Alexander Drive approach to the Walcott Street intersection is flared to provide for three (3) through south bound lanes and a separate right turn and left turn lane on the approach to the intersection. One (1) of the through southbound lanes is also a shared through and left turn lane into Walcott Street.

South of Walcott Street the three (3) through lanes taper to form to two (2) lanes in Fitzgerald Street through a very short taper which occurs on a left-hand bend.

The existing intersection layout, including linemarking, is shown on the attached Main Roads WA drawing LM058.

### **Traffic and Bus Flow Data**

Traffic flow data on all approach lanes to the intersection was obtained by the consultants. From this data it was found that the morning peak hour for the major flows was between 7.30 am and 8.30 am.

The number of buses travelling south in the morning peak period were obtained from Transperth and verified by on-site counts. Sixteen (16) buses per hour travel south on Alexander Drive during the morning peak period.



The following morning peak hour estimate of demand for the southbound movements along Alexander Drive at Walcott Street were determined:

- Left turn - 272
- Through buses - 16
- Through other traffic - 1,689
- Right turn - 174

The percentage of southbound people travelling along Alexander Drive was determined as:

- By car - 73%
- By public transport - 27%

#### **On-site Observations of Traffic Flow**

The following observations were made at a site meeting attended by Path Transit, Transperth and Sinclair Knight Mertz personnel.

- There is more than sufficient capacity in the left turn approach lane along Alexander Drive to accommodate the demand for that movement.
- The downstream merge for southbound traffic in Fitzgerald Street, south of Walcott Street results in significant inefficiency. After a period of 15 to 20 seconds flow, traffic movement is slowed at the merge point and traffic backs up through the intersection. For the most part, the right through lane is unaffected but the occasional vehicle from the centre lane crosses into the right turn lane, resulting in some small loss of capacity. There is considerable loss of capacity in the two left through lanes that are designed to merge. This is confirmed by the peak hour volume on the right hand lane compared with the combined volume on the other two lanes.
  - Right through lane - 820 vehicles
  - Total of through traffic in other two lanes - 885 vehicles
- The intersection operates on a long total phase time of about 150 seconds. At the tail end of the Alexander Drive through phase, there was some drop off in flow, resulting in some wasted capacity. It is assumed the longer phase time has been employed by Main Roads to minimise stops and maximise traffic signal linking under SCATS. However, it can also increase overall delay and increase queue lengths.
- The average queue length on Alexander Drive was about 180 to 200 metres and generally only for a short period during each phase. In all cases, the queued vehicles on Alexander Drive dissipated during the next phase.
- On occasions there were some queues of 200-300 metres on the Walcott Street (West) approach which took two to three phases to clear the traffic signals at the middle of the peak period. This showed that the Main Roads SCATS system was giving priority to the dominant flow - Alexander Drive.
- The bus stop on Alexander Drive is positioned just north of the bend near Woodlands Street on the two-lane section of Alexander Drive, causing some vehicles to change lane to travel around stopped buses.

### **Bus Lane Concept Option Description**

On the basis of the on-site observations of traffic conditions, behaviour and preliminary analysis of traffic data, the two options (Figure 1 - Option 1 and Figure 2 - Option 2) were developed (refer attached plans).

The two (2) options are similar except for the entrance treatment at the northern end of the proposed bus lane.

The operation of the Alexander Drive / Walcott Street intersection and the lane configuration along Alexander Drive from Rookwood Street to Walcott Street is the same for both options. Proposed key changes from the existing situation are:

- A bus lane would be provided along the current shared (second from left) lane.
- Left turning vehicles would be confined to the left lane at Walcott Street.
- Left turning traffic into Rookwood Street from Alexander Drive would need to use the bus lane.
- Through (southbound) traffic would be confined to two exclusive through lanes as shown. This means there would be no downstream merging, except on the few occasions (less than one bus per phase on average) when a bus would need to merge with traffic in the centre through lane.
- There would be no change to the existing fairly narrow lane widths on Alexander Drive between Rookwood and Walcott Streets.
- The bus stop would be moved from opposite Woodlands Street to within the bus lane just north of Rookwood Street.
- The at-grade, partially constructed pedestrian crossing point between Rookwood Street and Woodlands Street would be removed.

Option 2 differs from Option 1 in terms of the treatment to the entrance to the bus lane. Option 1 requires no physical road widening, whereas some minor road widening would be required for Option 2 (within the City of Stirling).

The effect of the road widening with Option 2 would be to lengthen the usable bus lane in instances when the traffic queue banks up back to the bend in Alexander Drive near Woodlands Street. Option 2 would permit buses to bypass the vehicle queue of about 180 metres whereas, with Option 1, a vehicle queue of more than 150 metres would impede entrance to the bus lane. It is considered that an additional usable length of 30 metres of bus lane would be significant as the average vehicle queues bank back about 180 metres from Walcott Street in the morning peak hour.

### **Traffic Capacity Analysis**

The SIDRA analysis undertaken showed that both the existing layout and the bus lane proposal layout would operate at a satisfactory level of service for an inner city intersection during the peak period. The SIDRA summary and phasing diagram for both the existing layout at the bus lane option are "*laid on the table*".

Some of the key observations from the analysis were:

- There is no requirement to alter the existing traffic signal phasing sequence at the intersection.
- The optimal cycle time for minimising delay is about 120 seconds.

- There is little difference with the degree of saturation along Alexander Drive (southbound) in the morning peak hour with the proposed bus lane and with the existing saturation.
- The 95th percentile queue length is about 300 metres for both the existing and the bus lane proposal. However, observations on site showed a queue of this length was extremely rare and generally cleared during the next signal phase.

### **Advantages and Disadvantages of Bus Lane Concept**

Overall there appears to be a net benefit from introduction of the bus lane concept.

#### Advantages:

- **Reduced Delay and Improved Reliability for Buses**  
The short bus lane would enable buses to bypass queuing traffic and get to the head of the queue.
- **Removal of the Difficult and Potentially Dangerous Merge**  
The merge from three to two lanes in Fitzgerald Street on a left-hand bend just south of Walcott Street, currently results in poor operating conditions and additional stress for all drivers. Provision of two through lanes for southbound traffic and limitation of the merge to buses would make driving easier and potentially safer.
- **Removal of Bus Stop from Through Lane**  
The removal of the bus stop from the through lane (near Woodlands Street) to the bus lane just north of Rookwood Street would reduce the amount of lane changing by traffic passing stationery buses.

#### Disadvantages

- Traffic turning left from Alexander Drive to Walcott Street would need to enter and cross the bus lane. This would not be difficult but some driver education may be necessary. There are no known identical situations in Western Australia although these treatments are fairly common in the UK. Similar treatments also exist in Melbourne (e.g. Hoddle Street approach to Victoria Street) and in Sydney (northern approaches to Sydney Harbour Bridge).
- Drivers turning left from Rookwood and travelling south through the Walcott Street intersection would need to cross the bus lane.

Overall, the disadvantages will affect far fewer people and are minor when compared to the advantages.

### **Conclusions and Recommendations**

The PTA recommends that a bus priority lane for southbound travel on Alexander Drive on the approach to Walcott Street should be supported for the following reasons:

- The proposed bus lane would result in reduced delay and improved reliability for buses, whilst resulting in only marginal change to delay for other traffic.
- The removal of the merge from three lanes to two lanes for southbound traffic in Fitzgerald Street (other than for buses), would improve traffic operations and safety.
- The relocation of the bus stop from Alexander Drive near Woodlands Street into the proposed bus lane would reduce lane changing and improve traffic operations.

The PTA further recommends that the Option 2 concept plan (as shown in Figure 2) be adopted as the preferred option, as it would facilitate the longer bus lane and provide greater opportunity to bypass queuing traffic and that the bus lane be delineated with red coloured demarcation spray, as is used in Sydney and signed and line marked as required by Main Roads. Main Roads has supported the use of this type of spray for bus lanes following discussions that have been held with the Road Traffic Authority (RTA) in NSW. Main Roads have advised they would envisage the spray lasting for at least three years before a re-application is required. A local example of the application can be seen on West Coast Highway in Scarborough, where it has been used to delineate bicycle lanes.

**CONSULTATION/ADVERTISING:**

N/A

**LEGAL/POLICY:**

N/A

**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. *“o) Investigate and implement traffic management improvements.”*

**FINANCIAL/BUDGET IMPLICATIONS:**

N/A

**COMMENTS:**

The existing road configuration - south bound lanes Fitzgerald Street just south of Walcott Street has been an issue for many years. Currently, as outlined in the report there are three traffic (3) lanes, which over a very short distance through a bend, merge into two traffic (2) lanes. It is considered that the designation of one of these traffic lanes to a 'bus only lane' will improve safety and traffic flow as the number of vehicles merging into the two (2) lanes from the third lane will dramatically reduce i.e. this will only comprise busses.

The data provided by the consultant indicates that there are 16 busses which will use this dedicated bus lane during the peak period compared with over 1600 'other vehicles' travelling south during the same period.

The consultants report also indicates that there is no requirement to alter the existing traffic signal phasing sequence at the intersection. There was a brief discussion at a recent LATM Advisory group meeting that bus priority measures may possibly need to be introduced however this has not been included as part of the proposal. Also it has been suggested that a similar arrangement may be prudent on Fitzgerald Street north bound where three (3) existing north bound traffic lanes also merge into two (2) traffic lanes some distance north of Walcott Street.

On examining the north bound configuration it is considered that a similar treatment i.e. the creation of a 'bus only lane' is not so critical at this location and may not be as effective for the following reasons:

- It may be difficult for busses to enter the 'bus lane' during peak periods due the que lengths.
- The three (3) traffic lanes north of Walcott St merge into two (2) traffic lanes over a longer distance and on a straight.
- The existing inner straight through traffic lane provides access via Dumbarton Cres into the adjoining residential area (City of Stirling).
- Vehicles exiting from the existing service station located at the south west corner of Walcott/Fitzgerald are required to use the existing inner straight through traffic lane to head north.

It is therefore recommended that the Council receives the report on the Alexander Drive Proposed Bus Priority at the Walcott Street and Fitzgerald Street Intersection North Perth, approves in principle the proposal called Option 2 as outlined on attached Plan "Figure 2", and receives a further report on the proposal as further information becomes available.

### 10.3.1 Provisional Financial Statements as at 30 June 2004

<b>Ward:</b>	Both	<b>Date:</b>	3 September 2004
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0026
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	N Russell		
<b>Checked/Endorsed by:</b>	M Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council RECEIVE the Provisional Financial Reports for the year ended 30 June 2004 as shown in Appendix 10.3.1.*

---

**COUNCIL DECISION ITEM 10.3.1**

**Moved Cr Chester, Seconded Cr Ker**

*That the recommendation be adopted.*

Debate ensued.

**CARRIED (8-0)**

**(Cr Torre was an apology for the meeting.)**

---

**BACKGROUND:**

The Local Government Act and Local Government (Financial Management) Regulations 1996 require monthly reports and quarterly financial reports to be submitted to Council. The Financial Statements attached are provisional copies for the year ended 30 June 2004.

As stated above, the financial reports as presented are provisional copies to provide an estimate of the year end position. There are still a number of year end transactions, and adjustments that need to be prepared before the year end accounts can be finalised.

The final accounts together with detailed variance comments on items with a value greater than \$10,000 and with more than a 10% variance will be presented at a later date. It is anticipated that the final accounts will be available at the first Council meeting in October.

**DETAILS:**

The Financial Statements comprise:

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

## **Operating Statement and Detailed Summary of Programmes/Activities**

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

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

### **Operating Revenue**

Operating revenue is currently showing 99.96% of the Budget received to date.

### **General Purpose Funding (Page 1)**

General Purpose Funding is showing 99.8% of the budget received to date, this is due to rates being levied.

### **Health (Page 4)**

Health is showing 101%. This is due to Health Licences being issued.

### **Community Amenities (Page 6)**

Community Amenities is showing 119% of the budget received to date. Increase in recycling rebate and distribution from the Mindarie Regional Council.

### **Recreation & Culture (Page 9)**

Recreation and Culture is under budget by 4 % due to Beatty Park not meeting target.

### **Other Property and Services (Page 13)**

Economic Services is showing 118% of the budget received to date. Workers compensation claims have been higher than expected.

### **Operating Expenditure**

Operating expenditure for the year is slightly over budget (104.5%).

### **Other Property and Services (Page 13)**

Salaries and other associated employee costs are higher than expected.

## **Capital Expenditure Summary (Pages 17 to 27)**

The Capital Expenditure summary details projects included in the 2003/04 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure for the year to date of \$19,975,154 which is 71% of the budget.

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

This statement is in essence the Balance Sheet of the Town as at 30 June 2004 and shows current assets of \$14,608,930 less current liabilities of \$2,146,611 for a current position of \$12,462,319. Total non-current assets amount to \$112,433,439 for total net assets of \$112,360,154.

## **Restricted Cash Reserves (Page 30)**

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

Transfer of interest occurs as it is earned and investments mature. The amounts funded for the Municipal Fund are transferred on a monthly basis. Contributions received, which are transferred to Reserves occur at the end of month during which the cash contribution is received. To the 30 June 2004, interest of \$379,141 was transferred. Transfers to Reserves totalled \$1,037,961 and transfers from Reserves amounted to \$2,343,942. Restricted cash reserves total \$6,306,577 at the end of June 2004.

### **Debtors and Rates Financial Summary**

#### **General Debtors (Page 31)**

Other Sundry Debtors are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts. Sundry Debtors of \$3,846,294 are outstanding at the end of June. Of this \$3,349,115 (87%) relates to debts outstanding for over 60 days. The majority of the debt is \$2,659,250 for WA Treasury Corporation which is the remainder of the loan that is to be received by the Town. The Debtor Report identifies significant balances that are well overdue.

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

#### **Rate Debtors (Page 32)**

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

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

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

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

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

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

#### **Beatty Park – Provisional Financial Position Report (Page 33)**

As at 30 June 2004 the operating deficit for the Centre was \$989,285 in comparison to the budgeted annual deficit of \$262,839.

The cash position showed a current cash deficit of \$579,083 in comparison to the annual budget estimate of a cash surplus of \$216,008. The cash position is calculated by adding back depreciation to the operating position.



The Chief Executive Officer advised that Mayor Catania had declared a financial interest in this Item. Mayor Catania departed the Chamber at 9.40pm and did not speak or vote on the matter. Deputy Mayor, Cr Ian Ker, assumed the Chair.

**10.3.2 Investment Report**

<b>Ward:</b>	-	<b>Date:</b>	31 August 2004
<b>Precinct:</b>	-	<b>File Ref:</b>	FIN0005
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	J Wearing		
<b>Checked/Endorsed by:</b>	N Russell	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Investment Report for the month ended 31 August 2004 as detailed in Appendix 10.3.2.*

**COUNCIL DECISION ITEM 10.3.2**

**Moved Cr Chester, Seconded Cr Farrell**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Cr Torre was an apology for the meeting. Mayor Catania was 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 August 2004 were \$11,101,514 compared with \$9,151.514 at 31 July 2004. At 31 August 2003, \$7,355,692 was invested.

Total accrued interest earned on Investments as at 31 August 2004:

	Budget	Actual	%
	\$	\$	
Municipal	300,000	30,025	10.01
Reserve	297,300	67,060	22.56

**COMMENT:**

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

Mayor Catania returned to the Chamber at 9.41pm and assumed the Chair.

**10.3.7 National Young Leaders' Day Sponsorship**

<b>Ward:</b>	Both	<b>Date:</b>	6 September 2004
<b>Precinct:</b>	All	<b>File Ref:</b>	CMS0023
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	P Flinn		
<b>Checked/Endorsed by:</b>	J Anthony, M Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That Council APPROVES the sponsorship of fifteen (15) secondary students to attend the National Young Leaders' day at the Perth Convention and Exhibition Centre on 12 November 2004 at a cost of \$750.*

Moved Cr Ker, Seconded Cr Lake

*That the recommendation be adopted.*

Cr Farrell departed the Chamber at 9.44pm.

Debate ensued.

Cr Farrell returned to the Chamber at 9.45pm.

Moved Cr Ker, Seconded Cr Cohen

*That the existing recommendation be numbered clause (i) and a new clause (ii) be inserted as follows:*

*"(ii) in addition to the fifteen (15) places mentioned in clause (i), two places each also be offered to Mercedes College, Trinity College, Chisholm College, Perth College and Churchlands Senior High School on the same basis, at an additional cost of \$500."*

The Chief Executive Officer advised that he would declare an impartiality interest in this matter as his son attends Chisholm College. Mayor Catania and Cr Ker declared an impartiality interest as their sons attend Trinity College.

**AMENDMENT CARRIED (8-0)**

(Cr Torre was an apology for the meeting.)

Cr Lake departed the Chamber at 9.50pm.

Cr Lake returned to the Chamber at 9.51pm.

Moved Cr Ker, Seconded Cr Doran-Wu

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

*"(iii) Council's policy relating to funding school students to attend such opportunities be reviewed to ensure that it is on a more equitable basis and to include a more active role for the Town."*

**AMENDMENT CARRIED (8-0)**

(Cr Torre was an apology for the meeting.)

**MOTION AS AMENDED CARRIED (8-0)**

(Cr Torre was an apology for the meeting.)

**COUNCIL DECISION ITEM 10.3.7**

*That;*

- (i) *Council APPROVES the sponsorship of fifteen (15) secondary students to attend the National Young Leaders' day at the Perth Convention and Exhibition Centre on 12 November 2004 at a cost of \$750.*
- (ii) *in addition to the fifteen (15) places mentioned in clause (i), two places each also be offered to Mercedes College, Trinity College, Chisholm College, Perth College and Churchlands Senior High School on the same basis, at an additional cost of \$500; and*
- (iii) *Council's policy relating to funding school students to attend such opportunities be reviewed to ensure that it is on a more equitable basis and to include a more active role for the Town.*

---

**BACKGROUND:**

Each year thousands of secondary students from across Australia attend The National Leaders' Days. These annual leadership training days, organised by the Young Leaders Foundation, are held in November each year. They target top young leaders, such as school captains, prefects, SRC representatives, sporting captains and young community leaders. The objectives of the Young Leaders' Day are to:

- Inspire students to make a positive contribution to their school
- Motivate students to be great leaders in their area of influence
- Empower students with the practical skills of balancing study, school commitments and social life, as well as managing the stress in these areas
- Promote the value of inspirational and positive role models as examples to others, by exposing students to a diverse range of leaders and their views of leadership
- Connect students with other students from other schools and develop long term support networks
- Educate students about the need to grow in knowledge and practical skills in the areas of excellence and leadership

The National Leaders' Day brings together the emerging young leaders of our nation to hear from an older generation of national and international leaders.

**DETAILS:**

It is recommended that the Town of Vincent can sponsor a total of fifteen (15) secondary students to attend the Young Leaders' Day. Five (5) students will be selected from each of the three main schools in the Vincent and surrounding area:

Aranmore Catholic College  
Perth Modern  
Mount Lawley Senior High School

The students who attend the day will be invited to attend a Youth Advisory Council meeting after the event in order to share their experiences and what they learnt from the day.

**CONSULTATION/ADVERTISING:**

Principals at the above mentioned high schools will be contacted and each asked to select five (5) students that they believe would be suitable candidates to attend the event. To be eligible, these students will need to be residents of the Town.

**STRATEGIC IMPLICATIONS:**

The sponsorship of secondary students to attend the National Leaders' Day in November is in keeping with the Town of Vincent Strategic Plan 2003 - 2008. Key Result Area 2 – Community Development

2.4c) *“Provide a range of community programs”.*  
*(Support and implement youth development programs)*

**FINANCIAL/BUDGET IMPLICATIONS:**

The Young Leaders Day tickets are \$49.00 each for students and \$15.00 for Youth Officer. It is expected that \$750 will be expended from the Promotion of Youth Services account.

**COMMENTS:**

This initiative is a great opportunity to strengthen links with schools, parents and young people. It is also a great opportunity for young people to develop their leadership skills and improve confidence. It is hoped that the Young Leaders' Day will leave a lasting and positive impression for the young people who attend.

**10.3.8 French and Mauritian Society of WA - Lease at Woodville Reserve**

<b>Ward:</b>	North Ward	<b>Date:</b>	28 July 2004
<b>Precinct:</b>	North Perth	<b>File Ref:</b>	RES 0010
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	D Spurgeon		
<b>Checked/Endorsed by:</b>	J Anthony, M Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *APPROVES a lease, to the French and Mauritian Society of WA, for a trial period of two years, to be reviewed thereafter for the area that is within the fence line as outlined in the attached Plan NO 2280-PP-1;*
- (ii) *APPROVES the erection of the fence by the French and Mauritian Society of WA on the fallow green, off Farmer Street at Woodville Reserve for a trial period of two years; and*
- (iii) *AUTHORISES the Chief Executive Officer to negotiate the terms and conditions of the proposed lease.*

---

**COUNCIL DECISION ITEM 10.3.8**

**Moved Cr Chester, Seconded Cr Doran-Wu**

*That the recommendation be adopted.*

Debate ensued.

**Moved Cr Chester, Seconded Cr Lake**

*That a new clause (iv) be inserted as follows:*

*"(iv) REQUESTS a report to be provided on the proposed carpark."*

**AMENDMENT CARRIED (8-0)**

(Cr Torre was an apology for the meeting.)

**MOTION AS AMENDED CARRIED (8-0)**

(Cr Torre was an apology for the meeting.)

*That the Council;*

- (i) *APPROVES a lease, to the French and Mauritian Society of WA, for a trial period of two years, to be reviewed thereafter for the area that is within the fence line as outlined in the attached Plan NO 2280-PP-1;*

- (ii) ***APPROVES the erection of the fence by the French and Mauritian Society of WA on the fallow green, off Farmer Street at Woodville Reserve for a trial period of two years;***
  - (iii) ***AUTHORISES the Chief Executive Officer to negotiate the terms and conditions of the proposed lease; and***
  - (iv) ***REQUESTS a report to be provided on the proposed carpark.***
- 

#### **BACKGROUND:**

At the Ordinary Meeting of Council on the 8 October 2002, Item 10.3.4 Community Sporting and Recreation Facility Fund (CSRFF), the following recommendation was adopted.

*"The proposal by the French and Mauritian society of WA to build petanque rinks or lanes fits into the Woodville Reserve: Optimal Facility Utilisation and Management report, under Recommendation 1,*

*The fallow bowling green can be used for 6 lanes of Petanque rinks (28.5m by 15m) for the North Perth Bowling Club and the French – Mauritius Society of WA. Both the North Perth Bowling Club and French-Mauritius Club are willing to contribute towards a portion of the costs. North Perth Bowling Club would like the petanque rinks to be included as part of their lease.*

*This proposal will increase the usage of Woodville Reserve and make the facility more multi-purpose."*

A CSRFF grant was approved for the construction of the petanque rinks, volleyball courts and a children's playground.

#### **SITE HISTORY:**

This site belongs to the Town of Vincent and is not currently leased. The site has been vacant for a number of years apart from a pile of rubble in the North East and South East Corners. Users of the North Perth Tennis Club, North Perth Multicultural Day Centre and the North Perth Bowling Club have been using this area as a car park as well as a drop off and pick up area for the North Perth Multicultural Day Centres' small bus.

#### **DETAILS:**

In October 2002 the French and Mauritian Society of WA was successful in receiving Town of Vincent's support to apply for a CSRFF grant to carry out works at Woodville Reserve in North Perth.

The Department of Sport and Recreation approved a grant for these works involving the construction of petanque rinks, volleyball courts and children's play area, as well as fencing surrounding the area.

Following the recommendations from the Woodville Reserve Optimal Facility Utilisation report the French and Mauritian Society of WA erected fencing on the fallow green, on Farmer Street at Woodville Reserve, without realising that they needed Council approval to do so.

The French and Mauritian Society therefore seek approval to be granted for the fence and it is recommended that this section of the reserve is leased directly to the French and Mauritian Society of WA for a trial period of two years. At the end of this two year period the needs of the users at Woodville reserve will be assessed, as well as the usage of the area by the French and Mauritian Society of WA, to determine whether the area should be re leased to the society.

Community Development and Technical Services had recently proposed that this area be developed for the use of car parking and a bus turning circle for the North Perth Migrant Resource Centre. Excluding the area that has been fenced, there is now room for 28 additional parking bays as well as a bus turning circle (see attached map).

It is recommended that at least half of the 28 parking bays, at the Northern end, are designated as 'North Perth Migrant Resource Centre Parking Only' bays, as many of the clients that attend the centre are elderly. There are 79 bays off Farmer and Namur Streets nearby that can also be used, by users of North Perth Tennis Club, North Perth Bowling Club and the petanque rinks built by the French and Mauritian Society of WA.

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

Nil.

**STRATEGIC IMPLICATIONS:**

Key Result Area Two: Community Development

**2.2 *Celebrate and acknowledge the Town's cultural diversity.***

*a) seek community initiatives and involvement in the development of programs and provide facilities and other recreational resources appropriate to the Town's needs.*

**FINANCIAL/BUDGET IMPLICATIONS:**

The erection of the fencing and the courts will not impact on the Town of Vincent financially beyond the CSRFF funds that have already been budgeted for. The lease will hold the Society responsible for the ongoing maintenance of the fenced area for a period of two years. It is suggested that a nominal fee of \$200 per annum be charged, with annual CPI indexation, giving recognition to their financial contribution of \$5,926, which has been made.

**COMMENTS:**

It is recommended that approval for the use of the area by the French and Mauritian Society should be granted for a trial lease period of two years to be reassessed at the completion of this period. The inclusion of the society and the associated facilities serve to enhance the leisure opportunities of the local community.

**10.4.2 Western Australian Local Government Association (WALGA) Survey -  
Date of Future Local Government Elections (ORG0030)**

<b>Ward:</b>	-	<b>Date:</b>	7 September 2004
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0030
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council ADVISES the Western Australian Local Government Association (WALGA) that it;*

- (i) does not support a change of election date to the third Saturday in October, every two years; and*
- (ii) favours a revised date for Local Government elections in late March/early April to allow new Elected Members to make informed decisions about budgets.*

---

**COUNCIL DECISION ITEM 10.4.2**

**Moved Cr Lake, Seconded Cr Ker**

*That the recommendation be adopted.*

Debate ensued.

**CARRIED (7-1)**

**(Cr Torre was an apology for the meeting.)**

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

---

**BACKGROUND:**

WALGA recently wrote to the Town advising of their findings of a recent survey about proposed election dates. The findings are as follows;

"Responses were received from in excess of 100 member Councils and whilst there was not a specific date indicated it was clear from the consultation that over 60 members supported a broad change to the September/October period.

In working through the likely scenarios of a suitable date for the elections, a number of points were considered including the following;



- Federal Elections - can be held anytime during this period but more often are held in November;
- School holidays - generally including the last Saturday in September for two weeks;
- Long weekend and Royal Show during the last week of September or the first week of October;
- AFL Grand Final on the last Saturday in September. It is also likely that during the later part of September many people are involved in the finals of various sporting events, which could impact on interest in the election process;
- If the election is held in September many candidates and sitting Councillors will be campaigning during the budget process and from an administration view point the electoral function will impact significantly upon Councils who may already be under pressure to complete the budget in a timely way. From an elected member point of view they may feel uncomfortable in standing for election immediately after adopting a budget, which may be causing concern in the community;
- A change to early September will still not overcome one of the main stated reasons for change being proposed and that is to be able to deal with the budget process."

A response is required by 15 October 2004.

At the Ordinary Meeting of Council held on 27 April 2004, Council considered this matter and resolved as follows;

*"That the Council ADVISES the Western Australian Local Government Association (WALGA) that it favours a revised date for Local Government elections in late March / early April to allow new Elected Members to make informed decisions about budgets."*

Under Section 4.7 of the *Local Government act 1995*, elections for a Mayor or President are to be held on the first Saturday in May each four years and in regard to the election of councillors on the first Saturday in May every two years, with one half of the seats (or as near to) being filled for a four year term. The next election for Councillors is due in 2005.

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

The Local Government Act prescribes elections to be held every two years for Councillors and every four years for Mayors or Presidents.

**STRATEGIC IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The Council previously considered this matter and determined its position. The reasons provided by WALGA are acknowledged, however the Council's current decision is favoured.

Should the election dates change to October, it would not unduly impact on the Council or Town's operations.

**10.4.3 Town of Vincent Local Law Relating to Standing Orders - Amendment**

<b>Ward:</b>	-	<b>Date:</b>	6 September 2004
<b>Precinct:</b>	-	<b>File Ref:</b>	LEG0019
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>		<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report relating to the proposed amendment to the Town of Vincent Local Law Relating to Standing Orders;*
- (ii) *pursuant to Section 3.12 to 3.17 of Subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995 the Council APPROVES BY A SPECIAL MAJORITY to amend the Town of Vincent Local Law Relating to Standing Orders gazetted on 11 September 2001 as follows:*

*LOCAL GOVERNMENT ACT 1995 (as Amended)*

*TOWN OF VINCENT*

*LOCAL LAW RELATING TO STANDING ORDERS*

*In pursuance of the powers conferred upon it by Section 3.12 of the Local Government Act 1995, the above-mentioned Local Law and all other powers enabling it, the Council of the Town of Vincent HEREBY RECORDS having resolved on ..... 2004 to amend the Town of Vincent Local Law Relating to Standing Orders published in the Government Gazette on 11 September 2001 as follows:*

- 1. *Clause 4.7(2) - Forums be deleted; and*

- (iii) *advertises the proposed amendment to the Local Law for statewide public comment for a period of six (6) weeks and the Council to consider any submissions received from the public.*

---

**COUNCIL DECISION ITEM 10.4.3**

**Moved Cr Ker, Seconded Cr Doran-Wu**

*That the recommendation be adopted.*

**CARRIED BY A SPECIAL MAJORITY (8-0)**

**(Cr Torre was an apology for the meeting.)**

---

**BACKGROUND:**

At the Ordinary Meeting of Council held on 8 June 2004 the Council resolved *inter alia* to amend its Local Law Relating to Standing Orders as follows:

"9. (a) *the title "PART 4 - COMMITTEES" be retitled "PART 4 - COMMITTEES AND FORUMS";*

(b) *the following new clause 4.7 be inserted:*

*"4.7 Forums*

*(1) The Council may prescribe guidelines and procedures for the management of forums.*

*(2) All persons shall comply and observe the Forum's Guidelines and Procedures.;"*

The amendment to the Local Law was gazetted on 25 June 2004 and the Joint Standing Committee on Delegated Legislation was advised as part of the process.

The Joint Standing Committee on Delegated Legislation wrote to the Town on 25 August 2004 requesting the deletion of Clause 4.7(2) for the following reasons:

*"When clauses 4.7(2) and 5.9(1) are read together, any breach of the Guidelines would be treated as if it were a breach of the principal local law and could be penalised with a fine of between \$200 and \$5,000. In other words, clause 4.7(2) has the effect of giving legislative effect to what is essentially a policy document."*

#### **DETAILS:**

The matter has been discussed with the Committee's Advisory Officer. The need for persons to observe and comply with the Forum Guidelines was also discussed in detail. Methods of ensuring compliance with the Forum Guidelines include:

1. The Chairperson to retain control of the Forum;
2. The Chairpersons to ask persons to comply with the Guidelines;
3. In the event that non-compliance is achieved the offending person can be asked to not participate and/or also leave the premises.

This method of controlling the Forum is recommended. An alternative method is for the Town to formally publish the Forum Guidelines in the Government Gazette and these would become part of the Local Law.

This is not recommended due to the legal complications which arise in the event that a prosecution for non-compliance is taken by the Council.

#### **CONSULTATION/ADVERTISING:**

The proposed amendment will be required to be advertised for a statutory period of 6 weeks and the Council to consider any submissions received.

#### **LEGAL/POLICY:**

The Town of Vincent Local Law Relating to Standing Orders was gazetted on 11 September 2001 and amended on 25 June 2004.

#### **STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

As there are alternative methods of controlling behaviour at Forums, it is recommended that Clause 4.7(2) - Forums be deleted from the Town of Vincent Local Law Relating to Standing Orders and the Joint Standing Committee on Delegated Legislation be advised of Council's decision.

Mayor Catania advised that Cr Franchina had declared a proximity interest in this Item. Cr Franchina departed the Chamber at 10.00pm and did not speak or vote on the matter.

**10.4.4 Members Equity Stadium, 310 Pier Street, Perth - Management Committee**

<b>Ward:</b>	South	<b>Date:</b>	7 September 2004
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	RES0072
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council APPROVES BY AN ABSOLUTE MAJORITY;*

- (i) pursuant to Section 5.9(2)(c) of the Division 2, Part No. 5 of the Local Government Act 1995, to establish a Committee for the management of the Stadium (known as "Members Equity Stadium") and land known as "Perth Oval";*
- (ii) in accordance with the Heads of Agreement signed on 14 July 2003, to APPOINT the Mayor and Chief Executive Officer to the Committee; and*
- (iii) to delegate the following functions to the Committee;*
  - (a) to establish and review the Heads of Agreement (HOA) Key Performance Indicators (KPIs) in conjunction with Allia;*
  - (b) to assess whether each proposed Licensing Agreement is consistent with the KPIs and the provisions of the HOA and to approve the proposed Licensing Agreement if it is consistent;*
  - (c) to supervise the performance of the Services by Allia and to ensure that Allia performs the Services in accordance with the KPIs and the HOA;*
  - (d) to receive and consider Performance Reports;*
  - (e) to advise the Council on Capital Improvements required for the Stadium and to make recommendations to the Council about the use of the Reserve Fund;*
  - (f) to review Naming Signage; and*
  - (g) to review the Risk Management Plan;*

*(For the purpose of avoidance of doubt, it is acknowledged that the Committee's functions do not include carrying out any of the Operational Management Services which are to be provided by Allia).*

**Moved Cr Ker, Seconded Cr Farrell**

*That the recommendation be adopted.*

Debate ensued.

**Moved Cr Ker, Seconded Cr Cohen**

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

*"(ii) in accordance with the Heads of Agreement signed on 14 July 2003, to APPOINT the Mayor and Chief Executive Officer to the Committee and Deputy Mayor – Cr Ian Ker as Deputy; and*

**AMENDMENT CARRIED (7-0)**

(Cr Torre was an apology for the meeting. Cr Franchina was absent from the Chamber and did not vote.)

**Moved Cr Chester, Seconded Cr Lake**

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

*(iii) (a) to establish and review the Heads of Agreement (HOA) Key Performance Indicators (KPIs) in conjunction with Allia subject to final approval of the Council;*

**AMENDMENT CARRIED (7-0)**

(Cr Torre was an apology for the meeting. Cr Franchina was absent from the Chamber and did not vote.)

**MOTION AS AMENDED CARRIED  
BY AN ABSOLUTE MAJORITY (7-0)**

(Cr Torre was an apology for the meeting. Cr Franchina was absent from the Chamber and did not vote.)

**COUNCIL DECISION ITEM 10.4.4**

*That the Council APPROVES BY AN ABSOLUTE MAJORITY;*

*(i) pursuant to Section 5.9(2)(c) of the Division 2, Part No. 5 of the Local Government Act 1995, to establish a Committee for the management of the Stadium (known as "Members Equity Stadium") and land known as "Perth Oval";*

*"(ii) in accordance with the Heads of Agreement signed on 14 July 2003, to APPOINT the Mayor and Chief Executive Officer to the Committee and Deputy Mayor – Cr Ian Ker as Deputy; and*

*(iii) to delegate the following functions to the Committee;*

*(a) to establish and review the Heads of Agreement (HOA) Key Performance Indicators (KPIs) in conjunction with Allia subject to final approval of the Council;*

*(b) to assess whether each proposed Licensing Agreement is consistent with the KPIs and the provisions of the HOA and to approve the proposed Licensing Agreement if it is consistent;*

- (c) to supervise the performance of the Services by Allia and to ensure that Allia performs the Services in accordance with the KPIs and the HOA;*
- (d) to receive and consider Performance Reports;*
- (e) to advise the Council on Capital Improvements required for the Stadium and to make recommendations to the Council about the use of the Reserve Fund;*
- (f) to review Naming Signage; and*
- (g) to review the Risk Management Plan;*

*(For the purpose of avoidance of doubt, it is acknowledged that the Committee's functions do not include carrying out any of the Operational Management Services which are to be provided by Allia).*

---

#### **BACKGROUND:**

At the Special Meeting of Council held on 1 July 2003, the Council approved of the Heads of Agreement which included the operational management rights, provision of catering services, and selling of Naming Rights to Allia Holdings Pty Ltd.

The Heads of Agreement cover all aspects of the Stadium and as Elected Members are aware, between February and July 2004 various clauses were disputed by Allia Holdings Pty Ltd and these resulted in the Council approving further legal documents on 12 July 2004.

The Heads of Agreement specify that the Town and Allia agree that a Committee will be established *"to supervise the ongoing use of the land, including the Stadium"*. The Committee will not be involved in the "day-to-day" operations of the Stadium.

The current users of the Stadium at this point of time are soccer and rugby league (although currently in dispute with Allia concerning costs).

#### **FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

#### **LEGAL/POLICY IMPLICATIONS:**

The Local Government Act Section 5.8 gives the Council the power to establish "Committees".

Section 5.9(2)(c) gives the Council the power to establish a "Committee" with "Council Members, Employees and other persons".

Section 5.10 requires a Council to approve by an absolute majority to appoint "persons to the Committee".

Section 5.16 gives the Council the power to delegate any of its powers and duties to the Committee.

Section 5.17(1)(c) states that where a Committee comprises of "members, employees and other persons" that Committee can only be responsible for the "proper management of the local government's property".

The Heads of Agreement specify the following;

**Establishment of Committee**

- (a) The Town shall establish a committee under section 5.9(2)(c) of the Local Government Act (LGA) to supervise the ongoing use of the Land, including the Stadium.
- (b) The Committee shall comprise the following persons;
  - The Mayor of the Town.
  - The Town's Chief Executive Officer.
  - A representative of PGSC
  - A representative of a Stadium user other than PGSC.
  - Other persons (if any) deemed appropriate by Council.
- (c) A representative of the Department shall be entitled to attend Committee meetings in the capacity of an observer only.
- (d) It is acknowledged by the Parties that the Mayor shall have the casting vote in the instance of a tied vote by the Committee.

**Allia to comply with Committee's Directions**

- (a) If Allia (acting reasonably) disagrees with a decision made by the Committee, then:
  - (i) within one week of the decision being made, Allia and the Committee must conduct discussions in good faith to seek to resolve the dispute;
  - (ii) if the dispute is not resolved within one week, then within a further period of 14 days, Allia may refer the matter for resolution to a nominated legal practitioner and must notify the Committee or the Committee's nominated representative in writing of that reference within one week of the reference being made.
- (b) Allia will lose its right to refer a matter if it does not refer the matter within the period referred to in that provision and in this case Allia will be bound by the original decision of the Committee.
- (c) The adjudicator's decision with respect to a matter that is referred will be binding on Allia, the Town and the Committee.
- (d) Without incurring any liability to Allia, the Town may refuse to enter into a Licensing Agreement.

**Performance Reports**

- (a) Not less than once each Quarter (but on a monthly basis if the Committee so requires) Allia's Chief Executive Officer or his or her representative must attend before the Chief Executive Officer of the Town to give Performance Reports to the Chief Executive Officer of the Town and to supply oral answers to any reasonable questions asked by the Chief Executive Officer of the Town at the time.
- (b) Allia shall not charge a fee for providing the Performance Report.



**ADVERTISING/COMMUNITY CONSULTATION:**

N/A.

**PRINCIPAL ACTIVITIES PLAN:**

N/A.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the Town's Strategic Plan 2003-2008, Key Result Area 3.2 - *"Develop business strategies that provide a positive triple bottom line return for the Town"*, and 3.2(e) *"Maintain separate costs centres for Perth Oval and Leederville Oval and other business units."*

**COMMENT:**

The establishment of a Committee, as detailed in this report, is a requirement of the Heads of Agreement and is necessary to ensure that the Council retains control of this facility and to supervise the performance of its Managing Agent, whilst at the same time not being involved in the day-to-day operations and management.

### 10.4.5 Information Bulletin

<b>Ward:</b>	-	<b>Date:</b>	8 September 2004
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	A Smith		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Information Bulletin dated 14 September 2004 as distributed with the Agenda, be received.*

**COUNCIL DECISION ITEM 10.4.5**

**Moved Cr Chester, Seconded Cr Ker**

*That the recommendation be adopted.*

**Cr Franchina returned to the Chamber at 10.05pm.**

**Debate ensued.**

**CARRIED (8-0)**

**(Cr Torre was an apology for the meeting.)**

**The Council referred to the items on the Forum Agenda for 21 September 2004 and agreed that if time does not permit, Item 4.3.1 – Review of Discretionary Clauses and Delegated Authority may be held over to the next Forum.**

**DETAILS:**

The items included in the Information Bulletin dated 14 September 2004 are as follows:

ITEM	DESCRIPTION
IB01	Letter from Heritage Council of Western Australia -Assessment Program Preliminary Review - No. 57 Lincoln Street, Highgate, No. 159 Oxford Street (Corner Vincent Street), Leederville, No. 359 Beaufort Street, Perth and No. 13 Glebe Street, North Perth
IB02	Western Australian Planning Commission - Development Control Policy 1.2 Development Control - General Principles
IB03	Letter to Town Planning Appeal Tribunal - Appeal 82 of 2004 - Binocular Telescope and Optical World v Town of Vincent, at No. 159A Scarborough Beach Road, Corner Flinders Street, Mount Hawthorn
IB04	Letter from Minter Ellison Lawyers - C & F Stoinis Pty Ltd v Town of Vincent - Town Planning Appeal Tribunal No. 142 of 2002
IB05	Letter from Town Planning Appeal Tribunal - Appeal No. 101 of 2004 -No. 196 Anzac Road, Mount Hawthorn - Reasons for Decision

<b>ITEM</b>	<b>DESCRIPTION</b>
IB06	Town Planning Appeal Register
IB07	Letter from East Perth Redevelopment Authority - Briefing: East Perth Power Station
IB08	Register of Petitions - Progress Report - September 2004
IB09	Register of Notices of Motion - Progress Report - September 2004
IB10	Register of Reports to be Actioned - Progress Report - September 2004
IB11	Forum Notes - 17 August 2004
IB12	Notice of Forum - 21 September 2004

**11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES**

Nil.

**13. URGENT BUSINESS**

At 10.08pm Moved Cr Ker, Seconded Cr Farrell

*That the meeting proceed behind closed doors to discuss a matter of a confidential nature as it contains legal information.*

**CARRIED (8-0)**

1 Member of the public departed the Chamber and the Council "*proceeded behind closed doors*".

At 10.16pm Moved Cr Ker, Seconded Cr Doran-Wu

*That an open meeting be resumed.*

**CARRIED (8-0)**

**14. CLOSURE**

The Presiding Member, Mayor Catania JP, declared the meeting closed at 10.16pm 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
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 Assistant (Minutes Secretary)

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 14 September 2004.

Signed: ..... Presiding Member  
Mayor Nick Catania, JP

Dated this ..... day of ..... 2004

