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  - (v) WALGA Member - WA Road Freight Council
  - (vi) WALGA Member - Regional Health Strategy Advisory Group (*Re-advertised*)
  - (vii) WALGA Deputy Member - Regional Health Strategy Advisory Group (*Re-advertised*)
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Nil 200

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Minutes of the Ordinary Meeting of the Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 26 August 2003, commencing at 6.02pm.

**1. DECLARATION OF OPENING**

The Presiding Member, Deputy Mayor Ian Ker declared the meeting open at 6.02pm.

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

**(a) Apologies:**

Rick Lotznicher	Executive Manager, Technical Services
Rob Boardman	Executive Manager, Environmental & Development Services

**(b) Present:**

Cr Ian Ker (Deputy Mayor)	Presiding Member (South Ward)
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 (until 8.44pm)
Cr Sally Lake	South Ward
Cr Maddalena Torre	South Ward

John Giorgi, JP	Chief Executive Officer
Mike Rootsey	Executive Manager Corporate Services
Des Abel	Manager Planning and Building Services, Environmental & Development Services
Craig Wilson	Manager Engineering Design Services, Technical Services
Debbie Winfield	Minutes Secretary

Alia Bath	Journalist - Voice News (in the public gallery)
Alison Bennett - Taylor	Journalist - The West (in the public gallery)
Andrea Tsovleas	Journalist – Guardian Express

Approximately 34 Members of the Public

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

Mayor Nick Catania, JP Presiding Member

**Cr Chester departed the Chamber at 6.03pm.**

The Chief Executive Officer advised that Cr Caroline Cohen had been incorrectly recorded in the Agenda as an apology, that Rob Boardman and Rick Lotznicher had personal and work commitments respectively, and that Mayor Nick Catania had applied for Leave of Absence for tonight's meeting.

**Cr Chester returned to the Chamber at 6.04pm.**

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

1. Ms Lucy McKay of 99A Alma Road, North Perth - Item 10.1.12. Stated she understood that it was a difficult site on which to build, and that the application was for a small home which complied with the Residential Design Codes. She also stated that two objections had been received in regard to a parapet wall and a tree, and that both of these matters had been addressed.
2. Mr Tony Grincerì of 10 Elizabeth Street, Cottesloe - Item 10.1.16. Stated that he was speaking on behalf of his mother, Maria Grincerì who owns the property and had applied for some minor variations as stated in the Agenda. He thanked Town Planning Officers for their assistance.
3. Ms June Hatwell of 12 Doris Street, North Perth - Item 10.1.3.

*The Presiding Member advised that this item had been withdrawn from the Agenda at the request of the applicant.*

Thanked Council for reconsidering some of the objections she previously raised, however, she believes that the privacy issues have not been addressed, and the windows overlooking her property need to be addressed.

4. Mr Craig Hutchinson of 742 Newcastle Street, Leederville - Item 10.1.4. Outlined the following actions that have been planned for the duration of the Extended Hours Trading Permit;
  1. The Council had agreed to open the Leederville Oval carpark to compensate for the use of the Leederville Hotel carpark.
  2. The hotel carpark area will only be used until midnight, with background music only.
  3. Additional security guards will be placed (at his expense) at the Leederville Oval carpark and Carr Street.
  4. Taxi rank outside the hotel will be maintained and people will be directed to the train and bus stops to keep people away from the residential areas.
  4. Nightly rubbish patrols of surrounding areas will be conducted by hotel staff and additional bins will be provided
  5. Risk management - met with local groups including the police and all parties have approved and put in place requirements.
5. Mr Mathew Reading of 27 Waugh Street, North Perth - Item 10.1.19. Tabled two photographs which were circulated to Council. Stated the carport at the front would enhance the appearance of the house and allow safer and easier access, and his reasons for not wanting access via the rear were that he considered the Right of Way was too narrow and there was a safety issue as it was not lit at night. He also stated that it would also require a very old peppermint tree to be cut down.
6. Ms Lorraine Vincisone of 73 Sydney Street, North Perth, from the North Perth Precinct Group - Items 10.1.21, 10.1.2, 10.1.15, 10.1.14, 10.1.6 and 10.1.7.

Stated that the Precinct Group were generally pleased with the outcome of Amendment No 11, but there were concerns that properties were excluded (Edinburgh Street and the corner of Sydney and Haynes Street), and with the three year time limit. She requested Council expedite gazettal of the amendment. She also asked;

Q1 What is the current status of the Town's Scheme Review and Residential Density Review?

Q2 Can a listing of all Eton Locality subdivision approvals that have not yet been cleared or developed be provided?

She also stated that Subdivisions and Development Applications for the Eton Locality should continue to be referred to Council and that the Precinct supported the Chief Executive Officer's recommendation in regard to Items 10.1.2, 10.1.5 and 10.1.8. Also stated that the Precinct Group had no objections to the development applications for Items 10.1.6 and 10.1.7. Also asked if the application for Item 10.1.5 was in the Eton Locality as it was a multi development.

*Mayor Ker responded that the Questions would be Taken on Notice.*

*Des Abel, Manager Planning and Building Services responded that the Scheme Review would take approximately two years and included the Community Visioning Process.*

7. Ms Denise Thomas of 187 Seventh Ave, Inglewood - Item 10.1.11. Stated that she was the owner of the property of the application. Requested some consideration on the site coverage requirement as other properties in the same subdivision had similar ratios to her development application.
8. Mr Cosi Schirripa, of 66 Auckland Street, North Perth from the North Perth Precinct Group - Items 10.1.2, 10.1.5, 10.1.14, 10.1.21. In regard to Items 10.1.2, 10.1.5 and 10.1.14, he requested Council to support the Chief Executive Officers' recommendations and to recommend to the Western Australian Planning Commission to refuse the applications based on the reasons in the Agenda report. In regard to Item 10.1.21 he requested the Council accept the Minister's decision and expedite gazettal of the Amendment No. 11.
9. Mr Steven Robinson of 26 Witchcliffe Way, Dianella - Item 10.1.1. He stated that the owner of the property, Mr Cerini had made a number of concessions in the application and did not object to a "sunset clause" being imposed.
10. Mr Andrew Parister of 12 Knutsford Street, North Perth -Item 10.1.12. Stated that he had been interstate and had not been available to object following advertisement, however, he had concerns with the setbacks which he believed should comply with the R Codes and that the development's proximity to his neighbouring property was unacceptable as was the shading that would occur. He requested Council to refuse the application as it did not comply.
11. Ms Nicole Wyburn of 14 Knutsford Street, North Perth - Item 10.1.12. Stated the application does not comply to the R Codes, with the development on two boundaries, and she wished to retain her current limestone wall. She also stated that she had not seen subsequent amended plans which had not been available, and requested Council to defer the application so that she could view amended plans of the proposed development. She also referred to a tree that would need to be half removed and that the species had been incorrectly identified.

12. Mr Eddie Van Etten of 14 Knutsford Street, North Perth - Item 10.1.12. Stated that he was representing Jenny Hawkins of 10 Ruby Street who was currently overseas and who had lodged an objection on 14 August 2003 which she believes was ignored, and that she had not been kept informed of the development. He outlined the following objections on her behalf.
1. Two storey house will be on a battle axe block of 216 square metres, however, the subdivision approval was based on a single storey developments only.
  2. Second storey has four windows overlooking her backyard, and two of the windows overlook her pool area.
  3. The development will overshadow her property.
13. Mr Tony Costa of 12 Sydney Street, North Perth - Item 10.1.12.  
Q1 Requested clarification of the Town's solicitor's advice in regard to decisions by Council.  
Stated that he had renovated the house on the property, however, prior to this he had received advice from the Town that this action would not affect a future subdivision application, and all of this action predated the issue of rezoning the Eton Locality. Also stated that he was a long time resident of North Perth and intended to stay.

*Chief Executive Officer's response:*

*Q1 Chief Executive Officer responded that while amendments affecting the Eton Locality zonings were in the process of being promulgated, the Town's solicitors had advised that Town Officers are required to assess development applications under the current zoning, however, the Chief Executive Officer, under the Local Government Act is required to provide the Council with full information, and an amendment that is going through, is a significant and relevant factor that can be considered, hence the Chief Executive Officers recommendation of refusal.*

14. Ms Carli McLeod of 19 Hurley Way, Hillarys - Item 10.1.14. Stated that she was speaking on behalf of the owners of 55 Hobart Street and that she believes the original Officer's recommendation should be approved. She stated that the application complies, and that there had been no objections. She requested Council to support the application on its individual merit and the enhancement of the streetscape and retention of a building with heritage significance.
15. Mr Tony Palermo of 284 Oxford Street, Leederville - Robinson Park Project. Asked the following questions;
- Q1 As owner of Lot 88, why has he not been kept informed of the Town of Vincent plans and not consulted about the subsequent amendments to the original plan?
  - Q2 Why was the original plan amended?
  - Q3 Will the proposed works be completed on the due date of 28 September 2003?
  - Q4 When will the railway end of Oxford Street, which is currently in a poor state, be upgraded?

*Chief Executive Officer's response:*

*Q4 Council approved a two stage upgrade of Oxford Street, and Stage one was completed last financial year, and stage two will be completed this financial year, and precise dates will be advised to Mr Palermo.*



*Q3 The Town was still in consultation regarding the improvement plan and completion was due in the next few months, and precise dates will be advised to Mr Palermo.*

*Deputy Mayor advised that the remaining Questions would be Taken On Notice.*

16. Mr Dudley Maier of 51 Chatsworth Street, Highgate - Item 10.1.21. Referred to an article 'Infills the Answer' in the 'Voice News' edition of 16 August 2003 which implied the Minister for Planning and Infrastructure supported the increase of density between Newcastle and Bulwer Streets. He stated that as a result, he received many calls in his capacity as Chairperson of Hyde Park Precinct Group and he sought further information from the Councillors and Chief Executive Officer. He asked the following questions.

Q1 Can a copy of the letter from the Minister be included in the next Information Bulletin?

Q2 Does the Chief Executive Officer know how Mr Nick Geronimos became aware of the Minister's letter prior to the Councillors?

Item 10.4.5 - Stated that in Information Bulletin 05, it appeared that information on 15 May 2003 Briefing Session had been omitted.

Q3 Can information on the Elected Members Briefing Session for 15 May 2003 be provided?

Item 10.4.5 - Stated that the policies need more work and should go out to the community. Items 11.1 and 11.2 - stated that he supported these motions and tabled a photo of a development which complied but which he believed was 'horrible'.

#### *Chief Executive Officers Response*

*Q1 Yes.*

*Q2 Already responded to Mr Maier in an email that it was a matter of conjecture and it appeared that a number of people seemed to have received information before the Chief Executive Officer received the letter.*

*Q3 The information for the Elected Members Briefing Session held on 15 May 2003 will be provided in the next Information Bulletin, if it had not been provided previously.*

There being no further questions from the public, Public Question Time was closed at 6.44pm.

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

IB06.

#### **4. APPLICATIONS FOR LEAVE OF ABSENCE**

The Chief Executive Officer advised that Mayor Nick Catania had requested Leave of Absence from 26 to 30 August 2003, as tonight he has an urgent family commitment and from 27 to 30 August 2003, he has work commitments in regard to the Local Government Superannuation Board, of which he is a member.

The Chief Executive Officer also advised that Cr Ian Ker had requested Leave of Absence for 23 September 2003, as he has business commitments.

**Moved Cr Lake, Seconded Cr Farrell**

*That Council approve Mayor Catania's request for Leave of Absence from 26 to 30 August 2003, and Cr Ker's request for Leave of Absence on 23 September 2003.*

**CARRIED (8-0)**

(Mayor Catania on approved leave of absence.)

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

Nil.

**6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**6.1 Ordinary Meeting of Council held on 12 August 2003.**

**Moved Cr Lake, Seconded Cr Torre**

*That the Minutes of the Ordinary Meeting of Council held on 12 August 2003 be confirmed as a true and correct record.*

**CARRIED (8-0)**

(Mayor Catania on approved leave of absence.)

**6.2 Ordinary Meeting of Council held on 12 August 2003.**

**Moved Cr Lake, Seconded Cr Farrell**

*That the Minutes of the Special Meeting of Council held on 19 August 2003 be confirmed as a true and correct record, with the following amendments.*

*That on page 5, the words "Moved Cr Ker, Seconded Cr Lake", be deleted and replaced with the words "Moved Cr Lake, Seconded Cr Ker".*

*That on page 7, the words "Moved Cr Lake, Seconded Cr Ker", be deleted and replaced with the words "Moved Cr Ker, Seconded Cr Lake".*

**CARRIED (8-0)**

(Mayor Catania on approved leave of absence.)

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

Nil

## 8. DECLARATION OF INTERESTS

- 8.1 Cr Ian Ker declared a proximity interest in Item 10.1.9 - No. 109 (Lots 81-83) (Survey Strata Lot 5) Chelmsford Road, Corner Norfolk Street, Mount Lawley – Proposed Two-Storey Single House. His interest being that he owns and resides in property in close proximity.
- 8.2 Cr Torre declared an impartiality interest in Item 10.2.2 - 2003 Gay Pride Parade - Temporary Closure of Brisbane Street Between Beaufort and William Streets and William Street Between Bulwer and Newcastle Streets, Perth. Her interest being that she is a member of Pride WA.
- 8.3 Cr Steed Farrell declared a financial interest in Item 10.1.20 - Food Safety - Revised Food Sampling Scheme. His interest being that he is closely related to a person who would be financially affected by the decision.

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

Nil.

## 10. REPORTS

The Agenda Items were categorised as follows:

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

Items 10.1.12, 10.1.16, 10.1.4, 10.1.19, 10.1.21, 10.1.2, 10.1.15, 10.1.14, 10.1.7, 10.1.6, 10.1.5, 10.1.11, 10.1.1, 10.4.5 and 10.4.4.

### 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:

Nil

Presiding Member, Deputy Mayor Ian Ker, requested Elected Members to indicate:

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

Cr Lake	10.1.17, 10.1.22
Cr Chester	10.1.10, 10.4.3
Cr Torre	Nil
Cr Doran-Wu	Nil
Cr Farrell	Nil
Cr Cohen	Nil
Cr Franchina	Nil
Deputy Mayor Ker	Nil

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

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

Items 10.1.9 and 10.1.20.

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

Items 10.1.8, 10.1.13, 10.1.18, 10.2.1, 10.2.2, 10.3.1, 10.3.2, 10.4.1 and 10.4.2.

- 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 10.1.8, 10.1.13, 10.1.18, 10.2.1, 10.2.2, 10.3.1, 10.3.2, 10.4.1 and 10.4.2.

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

Items 10.1.12, 10.1.16, 10.1.4, 10.1.19, 10.1.21, 10.1.2, 10.1.15, 10.1.14, 10.1.7, 10.1.6, 10.1.5, 10.1.11, 10.1.1, 10.4.5 and 10.4.4.

**Moved Cr Lake, Seconded Cr Chester**

*That the following unopposed items be moved en bloc;*

*Items 10.1.8, 10.1.13, 10.1.18, 10.2.1, 10.2.2, 10.3.1, 10.3.2, 10.4.1 and 10.4.2.*

**CARRIED (8-0)**

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

**10.1.8 No. 50 (Lot 63) Sydney Street, North Perth – Proposed Survey Strata Subdivision**

Ward:	North	Date:	19 August 2003
Precinct:	North Perth, P8	File Ref:	481-03
Attachments:	<a href="#">001</a>		
Reporting Officer(s):	S Crawford		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	John Giorgi

**CHIEF EXECUTIVE OFFICER'S RECOMMENDATION:**

**That:**

**(i) in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Residential Design Codes, the Council RECOMMENDS REFUSAL to the Western Australian Planning Commission for the proposed survey strata subdivision of No. 50 (Lot 63) Sydney Street, North Perth, and as shown on the plan stamp-dated 5 May 2003 (survey strata subdivision 481-03), for the following reasons:**

**(a) Amendment No.11 to the Town of Vincent Town Planning Scheme No.1 proposes to rezone the Eton Locality from R30 and R30/40 to R20. The Minister for Planning and Infrastructure in letter dated 7 August 2003, and the Western Australian Planning Commission in letter dated 12 August 2003, has conditionally approved Amendment No.11; and**

**(b) the proposed survey strata subdivision does not comply with the minimum and average site area requirements of the R20 code;**

**(ii) the Council requests the Western Australian Planning Commission and the Minister for Planning and Infrastructure to expedite the promulgation of Amendment No.11 to the Town of Vincent Town Planning Scheme No.1; and**

**(iii) the Council requests the Western Australian Planning Commission that if the Commission is inclined to approve the proposed survey strata subdivision the Town is further consulted to obtain the appropriate conditions of the Town that should apply to the proposed subdivision.**

**OFFICER RECOMMENDATION:**

**That:**

**in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Residential Design Codes, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission for the proposed survey strata subdivision of No. 50 (Lot 63) Sydney Street, North Perth, and as shown on the plan stamp-dated 5 May 2003 (survey strata subdivision 481-03), subject to:**

**(i) all buildings and effluent disposal systems, having the necessary clearance from the new boundaries as required under the relevant legislation;**

**(ii) support of the subdivision is not to be construed as support of the demolition of the existing building(s) and/or any development on the proposed lots;**

- ~~(iii) — if any portion of the existing building(s) is to be demolished to facilitate the proposed subdivision, a separate Planning Approval and/or Demolition Licence is to be obtained from the Town for the demolition of the existing building(s) prior to the clearance of the Diagram or Plan of Survey by the Town;~~
- ~~(iv) — all structures on proposed rear Lot 2, and all buildings and structures that have been granted Planning Approval and/or Demolition Licence for demolition being demolished and materials removed from the site and the site made good. A separate Planning Approval and/or Demolition Licence is required from the Town prior to the commencement of any demolition works;~~
- ~~(v) — the land being filled and/or drained at the subdivider's cost to the satisfaction of the Town and any easements and/or reserves necessary for the implementation thereof, being provided free of cost;~~
- ~~(vi) — the street verge tree(s) on Sydney Street adjacent to the subject land being retained and measures being taken to ensure their identification and protection to the satisfaction of the Town prior to commencement of site works;~~
- ~~(vii) — the applicant obtaining Planning Approval and/or Building Licence for the development of a house(s) on the lots less than 350 square metres in accordance with Clause 2.3.3 of the Residential Design Codes;~~
- ~~(viii) — a Management Statement being prepared and submitted in accordance with section 5C of the Strata Titles Act 1985, to include the following additions to the by-laws contained in Schedules 1 and 2 of the Strata Titles Act:~~
- ~~(a) — development or redevelopment on the survey strata lots must comply with an existing development approval issued by the Town of Vincent, or such alternative development approval as the Council may grant, which complies with the requirements of the Town of Vincent Town Planning Scheme; and~~
- ~~(b) — amendment to or repeal of the above provision cannot be effected without the Commission's agreement;~~
- ~~(ix) — the existing residence to comply with the requirements of the Residential Design Codes pertaining to grouped dwelling development to the satisfaction of the Town, including:~~
- ~~(a) — the provision and construction of two (2) on-site car parking bays and associated driveway and crossover;~~
- ~~(b) — the provision of a permanent enclosed storage area and adequate provision for the storage of garbage; and~~
- ~~(c) — the provision of an outdoor living area, with a minimum area of 20 square metres and with a minimum dimension of 4 metres; and~~
- ~~(x) — the provision of common property so as to comply with the grouped dwelling requirements of the Residential Design Codes;~~

~~to the satisfaction of the Chief Executive Officer.~~

**COUNCIL DECISION ITEM 10.1.8**

**Moved Cr Lake, Seconded Cr Chester**

*That the recommendation be adopted.*

**CARRIED (8-0)**

(Mayor Catania on approved leave of absence.)

*That;*

(i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Residential Design Codes, the Council RECOMMENDS REFUSAL to the Western Australian Planning Commission for the proposed survey strata subdivision of No. 50 (Lot 63) Sydney Street, North Perth, and as shown on the plan stamp-dated 5 May 2003 (survey strata subdivision 481-03), for the following reasons:*

(a) *Amendment No.11 to the Town of Vincent Town Planning Scheme No.1 proposes to rezone the Eton Locality from R30 and R30/40 to R20. The Minister for Planning and Infrastructure in letter dated 7 August 2003, and the Western Australian Planning Commission in letter dated 12 August 2003, has conditionally approved Amendment No.11; and*

(b) *the proposed survey strata subdivision does not comply with the minimum and average site area requirements of the R20 code;*

(ii) *the Council requests the Western Australian Planning Commission and the Minister for Planning and Infrastructure to expedite the promulgation of Amendment No.11 to the Town of Vincent Town Planning Scheme No.1; and*

(iii) *the Council requests the Western Australian Planning Commission that if the Commission is inclined to approve the proposed survey strata subdivision the Town is further consulted to obtain the appropriate conditions of the Town that should apply to the proposed subdivision.*

**NOTE:**

*The subject property is located within the Town's Eton Locality, which is subject to Amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. The Amendment with modifications is expected to be promulgated in the near future.*

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<b>LANDOWNER:</b>	M and P Burnaby, M Francoise and C and M Penheiro
<b>APPLICANT:</b>	Malcom Burnaby and Nominees
<b>ZONING:</b>	Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 – Residential R30/40 (R40 applies)
<b>EXISTING LAND USE:</b>	Single House

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
Minimum effective area for rear battle-axe lots	400 square metres	Total battle-axe lot area: 381 square metres
Use Class	Single House	
Use Classification	"P"	
Lot Area	680 square metres	

**SITE HISTORY:**

The site currently supports a single storey single house.

**DETAILS:**

The applicant seeks to survey strata subdivide the property into two lots, an existing house lot and a rear vacant strata lot, in accordance with the Residential R40 density code.

**Scheme Amendment No. 11**

The subject property is located within the Town's Eton Locality, which is subject to Amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. In letter dated 12 August 2003, the Western Australian Planning Commission (WAPC) advised that it *"has decided not to approve the above Amendment until such time as the following modifications are effected:*

1. *modifying the amending plan to delete those areas denoted in cross-hatching on the attached plan from the amendment area, as little or no evidence of support for the change proposed is in evidence in those areas; and*
2. *amending clause 20(4) of the Scheme to insert new provisions to specify the time period within which the proposed R20 density coding is to be applicable."*

Amendment No. 11 is not effective until all the following matters have been completed:

1. Agenda report to the Ordinary Meeting of Council in relation to the above matter.
2. Scheme amending documents to be modified.
3. The modified Scheme amending documents to be signed, sealed and endorsed by the Chief Executive Officer and the Mayor.
4. The modified endorsed Scheme amending documents forwarded to the WAPC and the Minister for Planning and Infrastructure for final approval.
5. Final approval by WAPC and the Minister.
6. Gazettal of final approval of Amendment No. 11.

In light of the above, Amendment No. 11 is not expected to be promulgated for another 2 to 3 months.

The Town's Solicitors have confirmed that it is the Town's understanding that the Town's Planning Officers are is required to determine any planning and subdivision application in accordance with the provisions of the Town Planning Scheme in force at the time the application comes to be determined. Therefore, the application should be determined in accordance with current density code, and not the proposed modifications the subject of Amendment No. 11.

**CONSULTATION/ADVERTISING:**

The proposal did not require advertising.



**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The proposed survey strata subdivision complies with the provisions of the Residential R40 density code in relation to lot size requirements. The R40 code permits a minimum lot size of 200 square metres with an average lot size of 220 square metres. Two lots are proposed as part of the subdivision, an existing house lot of 299 square metres and a vacant rear battle-axe lot of 381 square metres. In accordance with the provisions of the Residential Design Codes, it is necessary for the proposed strata subdivision to incorporate an element of common property in order that the rear battle-axe lot is considered as a grouped dwelling site and does not have to achieve an effective lot area of 400 square metres. An appropriate condition can be imposed to address this aspect.

The proposal is in accordance with the current density code and is therefore supported, subject to standard and appropriate conditions.

**CHIEF EXECUTIVE OFFICER'S COMMENT:**

**The Chief Executive Officer has amended this report and the changes are shown by ~~striketrough~~ where words are deleted and underlining where words have been added.**

**The Chief Executive Officer is to *"ensure that advice and information is available to the Council so that informed decisions can be made"*, (in accordance with the Local Government Act, Section 5.41(b)). The Chief Executive Officer has the authority to amend an Officer's report to ensure that the Council is fully informed.**

**The Town's solicitors have verbally advised the Chief Executive Officer that the proposed amendment is a "significant and relevant factor" which the Council can give due consideration to when considering this matter and making recommendations to the Western Australian Planning Commission. Accordingly, the Council can recommend refusal of such applications "during the interim period" whilst the amendment is being promulgated.**

**At previous meetings, the Council has indicated that it is of the opinion that subdivision applications in the Eton Locality should be REFUSED, whilst Amendment No. 11 to the Town Planning Scheme No. 1 is being promulgated. The Council has previously stated that it is basing its decision on the fact that the proposed subdivisions *"conflict with the intent of the Council and the Minister for Planning and Infrastructure's decision concerning the amendment"*.**

**10.1.13 No. 113 (Lot 207) Matlock Street, Corner Killarney Street, Mount Hawthorn - Proposed Two-Storey Single House to Existing Single House**

<b>Ward:</b>	North	<b>Date:</b>	18 August 2003
<b>Precinct:</b>	Mount Hawthorn, P1	<b>File Ref:</b>	PRO 2049; 00/33/1723
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	P Mastrodomenico		
<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 J-Corp Pty Ltd T/A Perceptions on behalf of the owner, E Ferrau, for the proposed two-storey single house to existing single house at No. 113 (Lot 207) Matlock Street, corner Killarney Street, Mount Hawthorn, and as shown on the plans stamp dated 10 July 2003, 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 front fences and gates adjacent to Matlock Street and Killarney Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (ii) detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (iii) all car-parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking";*
- (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) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (vi) a road and verge security deposit bond and/or bank guarantee of \$1100 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;*

- (vii) *the construction of crossovers shall be in accordance with the Town's specifications and be perpendicular to the road from the road carriageway to property boundary;*
- (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) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (x) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the deletion of the proposed carport and store to the existing dwelling. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
- (xi) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the portion of the window to bedroom 3 on the first floor level on the northern elevation within 7.5 metres of the eastern side boundary within a 45 degree 'cone of vision', shall be screened with a permanent obscure material and be non-openable to a minimum height 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. The whole window can be top hinged and the obscure portion of the window 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 window not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be a major opening as defined in the Residential Design Codes 2002;*

*to the satisfaction of the Chief Executive Officer.*

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**COUNCIL DECISION ITEM 10.1.13**

**Moved Cr Lake, Seconded Cr Chester**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

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

**COMPLIANCE:**

Requirements	Required	Proposed
Density	Two green title lots (average lot size 300 square metres and minimum lot size 270 square metres).	2 green title lots, with one lot size 257 square metres and the existing house on a 380 square metres size lot.
Side Setbacks - Northern Side (First Floor)	1.5 metres	1.0 metre

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

**SITE HISTORY:**

11 February 2003 The Council at its Ordinary Meeting considered an application for a similar proposal, and resolved to refuse the application 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 front setback and privacy requirements of the Residential Design Codes (R-Codes) and the Town's Policy relating to the 'Bondi' Locality;"*

**DETAILS:**

The applicant has addressed the issues raised at the Ordinary Meeting of Council held on 11 February 2003 by setting the first floor back to 6.0 metres from Killarney Street to comply with the street setback requirements of the "Bondi Locality", and all other issues including carparking, setbacks and privacy have been amended to comply with the requirements of the Residential Design Codes and the Town's Policies.

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

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

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

**CONSULTATION/ADVERTISING:**

No comments were received during the consultation period.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Density**

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

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

- *be no more than 5 percent less in area than that specified on Table 1; and*
- *facilitate the development of lots with separate and sufficient frontage to more than one public street...."*

**Side Setbacks**

The northern side setbacks are considered acceptable, as no objections were received from neighbouring properties and will not unduly adversely affect the amenity of the neighbouring properties.

**Carparking**

The applicant is proposing a two car bay uncovered hardstand parking area at the front of the existing dwelling fronting Matlock Street.

**Overlooking**

The window to bedroom 3 on the upper floor appears to have a minimum sill height of 1.6 metres above the finished floor level. However, an appropriate screening condition should be applied to ensure compliance with the privacy requirements of the Residential Design Codes.

**Summary**

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

**10.1.18 No. 109 (Lots 81-83) (Strata Lot 3) Chelmsford Road, Corner Norfolk Street, Mount Lawley – Proposed Two-Storey Single House**

<b>Ward:</b>	South	<b>Date:</b>	14 August 2003
<b>Precinct:</b>	Norfolk P10	<b>File Ref:</b>	PRO2422; 00/33/1670
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	P Mastrodomenico		
<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 and having regard to the matters it is required to consider generally, and in particular:*

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the open space and setback requirements of the Residential Design Codes; and*
- (iii) consideration of the objection received;*

*the Council REFUSES the application submitted by APG Homes on behalf of the owner M McCoy for proposed two storey single house at No.109 (Lots 81-83) (Strata Lot 3) Chelmsford Road (corner Norfolk Street) Mount Lawley, and as shown on the plans stamp dated 4 June 2003.*

**COUNCIL DECISION ITEM 10.1.18**

**Moved Cr Lake, Seconded Cr Chester**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

**LANDOWNER:** M McCoy  
**APPLICANT:** APG Homes  
**ZONING:** Metropolitan Region Scheme: Urban Town Planning Scheme  
 No.1: Residential R40  
**EXISTING LAND USE:** Vacant land

**COMPLIANCE:**

Use Class	Single House
Use Classification	"p"
Lot Area	221 square metres

Requirements	Required	Proposed
<b>Setbacks-</b>		
West (ground floor)	1.0 metre	Nil
West (first floor)	1.2 metres	Nil
Open Space	45 percent	37 percent

**SITE HISTORY:**

The subject site is vacant and is surrounded by four vacant lots. The surrounding area is characterised by single and two storey dwellings.

**DETAILS:**

Approval is sought for a proposed two storey single house with its frontage to Norfolk Street. In a letter dated 10 August 2003, the applicant has provided the following information in support of the application;

*"It is considered that the design of the proposed residence generally complies with the provisions of the Town Planning Scheme and the acceptable development standards of the Residential Design Codes. There are minor setback, open space and visual privacy variations that require justification under the performance criteria of the Codes, and these are discussed below:*

*Eastern ground floor garage wall setback*

*The Codes allow building up to one boundary for properties zoned R40. In this instance, there is already a parapet wall located on the western boundary, so the garage presents a variation. However, the location of the wall on the boundary allows a small lot to be developed by facilitating maximum use of space.*

*Furthermore, the wall is only single storey in height and is only 6.0m long. It abuts existing sheds on the adjoining properties and therefore has no affect on amenity.*

*Eastern ground floor wall setback*

*This setback variation is for 0.3m, and relates to the entire wall length of 16.8m. The variation is minor and the wall is single storey only. The variation will not cause shadowing of northern sunlight that will affect the adjoining properties.*

*Western first floor wall setback*

*This wall is proposed on the western strata boundary of the site. The Codes allow ground floor boundary walls as acceptable development, and this wall represents a continuation of a portion of that wall.*

*The wall is only 6.35m long, and does not impact on access to northern light for the adjoining properties. Furthermore, the boundary wall causes no concern for privacy issues as there are no windows overlooking the neighbouring property.*

Open Space

*The open space has been calculated at 37%, however it is considered that this is sufficient to meet the needs of the owner and the performance criteria of the Codes. The residence maintains a large courtyard at the rear of the site (34.6m<sup>2</sup>), which will function as a location for outdoor entertaining and a smaller garden at the entrance.*

*The open space variation is proposed because the floor area at first floor level has been minimised to reduce the impact of bulk. Compliance will involve the addition of 18m<sup>2</sup> of floorspace to the first floor level, which will greatly increase the bulk of the building and the impact on the neighbours. The residence does not impact on the Chelmsford Road streetscape.*

Courtyard

*The Codes require the provision of a 20m<sup>2</sup> courtyard, with a minimum dimension of 4.0m and access from a habitable room for residences in the R40 zone. This development proposes a courtyard in excess of the requirements, with an area of 34.6m<sup>2</sup>. The minimum dimension of 3.4m is less than the Code requirement, however there is adequate room for the courtyard to fulfil a functional purpose.*

Visual privacy from first floor bedroom 2 window

*This window produces a minor overlooking incursion on the adjoining property to the north. The window faces south, so there is no direct view into the neighbour's property.*

*The intended view from the window is of the entrance to the proposed dwelling, providing passive surveillance for security purposes. The small area of overlooking occurs in the front garden of the adjoining site, not into a private area.*

Visual privacy from first floor study window

*This window also faces south, so there is only a non-direct and minor overlooking incursion into the adjoining property to the east. The window overlooks the roof of an existing shed on the neighbours property, not a private entertaining area.*

Site Cover

*Using half portion of Jack Marks Lane (20sqm) leaves a total of 241sqm for this site (less than 60% sitecover used). Considering the Town of Vincent has allowed approval for this small site we feel that some variance to sitecover is required.*

Front Setback

*APG Homes will be supplying photographs of surrounding construction showing garage set forward of the entry and remainder of house. We have been advised that the Town of Vincent does not support this manner of construction, however there are examples within the surrounding streets and this construction is off a laneway that has 'no through' access, not a main street."*

**CONSULTATION/ADVERTISING:**

There was one objection received during the advertising period. This was in relation to the setback variations to the west.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.



**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Setbacks**

The setback variations to the west are not supported as the parapet wall is 6.0 metres in height, and is considered to unduly impact the amenity of the affected western neighbours.

**Open Space**

The Residential Design Codes require a minimum of 45 percent open space. The development proposes 37 percent and, as such, does not comply with the Town's requirements, and would unduly adversely affect the amenity of the area.

**Summary**

The proposal is considered to depart from the relevant requirements of the Residential Design Codes. The variations are not supported and it is therefore recommended that the application be refused.

**10.2.1 Tender for the Supply and Delivery of Sand - Tender No. 269/03**

<b>Ward:</b>	Both	<b>Date:</b>	18 August 2003
<b>Precinct:</b>	All	<b>File Ref:</b>	TEN0279
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	R Lotznicher		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council ACCEPTS the tender submitted by Rocla Quarry Products for the supply and delivery of Sand in accordance with the specification as detailed in Tender No. 269/03.*

**COUNCIL DECISION ITEM 10.2.1**

**Moved Cr Lake, Seconded Cr Chester**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

**BACKGROUND:**

Tenders for the supply and delivery of sand for a three (3) year period closed on 13 August 2003 and two (2) tenders were received.

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

**DETAILS:**

Details of the submissions received are as follows:

Note: All prices are GST inclusive.

No.	Description	Rocla Quarry Products			Pond Plan Excavating		
		Silica \$/tonne	Fill \$/tonne	Brickies \$tonne	Silica \$/tonne	Fill \$/tonne	Brickies \$tonne
1.	Supply & Deliver to Works Depot at: Linwood Court Osborne Park 6021	15.29	6.01	8.70	16.50	12.50	17.00
2.	Supply onto Town's vehicle – ex pit	9.41	2.87	5.57	11.00	3.30	9.50
3.	Supply and deliver anywhere within the Town of Vincent	15.29	6.01	8.70	16.50	12.50	17.00

**CONSULTATION/ADVERTISING:**

Tender Number 269/03 was advertised for a minimum of fourteen (14) days in accordance with the Local Government (Function & General) Regulations 1996, Part 4 (15).

**LEGAL/POLICY:**

This tender was advertised and assessed in accordance with the Local Government (Functions and General) Regulations 1996 - Tender Requirements.

**STRATEGIC IMPLICATIONS:**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Will be funded from 2003/2004 Capital and Operating budgets.

**COMMENTS:**

The majority of the sand used by the Town will be used for backfilling behind kerb lines and for brickpaving or for top dressing on parks and reserves. In the case of backfilling behind kerbs, the sand will, in most cases, be delivered to the depot then transported to site using Council trucks.

In the case of top dressing on parks, sand will be delivered direct to the site.

In assessing the two (2) submissions received, the prices submitted by Rocla are the lowest. Rocla is the Town's current supplier of sand products and has provided good service and quality products for the last three (3) years.

In the case of top dressing on parks, sand will be delivered direct to site.

Therefore, for the reasons outlined in the report, it is recommended that the Council accepts the tender submitted by Rocla Quarry Products for the Supply and Delivery of Sand.

**10.2.2 2003 Gay Pride Parade - Temporary Closure of Brisbane Street Between Beaufort and William Streets and William Street Between Bulwer and Newcastle Streets, Perth**

<b>Ward:</b>	South	<b>Date:</b>	18 August 2003
<b>Precinct:</b>	Forrest P14; Beaufort P13 & Hyde Park P12	<b>File Ref:</b>	TES0027 & CMS0040
<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;*

- (i) *the Council APPROVES the closure of Brisbane Street between Beaufort and William Streets and William Street between Bulwer and Newcastle Streets, between 4.00pm and 10.00pm on Saturday, 1 November 2003, to facilitate the 2003 Gay Pride Parade;*
- (ii) *the Council APPROVES a Main Roads WA accredited Traffic Management contractor carry out the required road closures within the Town at the locations shown on attached Plan No. A4-00-063B;*
- (iii) *the estimated cost of the road closures of \$4,200 be funded from the 2003/2004 Parades and Festivals budget allocation;*
- (iv) *a temporary "No Parking" restriction be applied and enforced in the same area from 2.00 pm on Saturday, 1 November 2003;*
- (v) *the applicant contacts the Public Events section of the WA Police Service and completes an application for an Order for a Road Closure in accordance with the Road Traffic Act 1974;*
- (vi) *as in previous years, the applicant is required to liaise with the City of Perth regarding the placement of a notice of road closure in the West Australian and is required to reimburse the City of Perth for the cost of placing the notice, and*
- (vii) *as for previous such events, the Town of Vincent to be acknowledged as a sponsor in all publicity for the parade.*

**COUNCIL DECISION ITEM 10.2.2**

**Moved Cr Lake, Seconded Cr Chester**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

**BACKGROUND:**

Lesbian and Gay Pride has successfully been holding their annual Gay Pride Parade through the streets of Northbridge for a number of years. Last year's crowd was estimated to be in excess of 60,000 people, making the parade one of the largest public events in metropolitan Perth. Prior to 2000, the marshalling of the floats and participants had been restricted to Brisbane Street between William and Beaufort Streets. However, due to the continuing success of the parade and the ever-burgeoning number of floats, as of 2000 the event's marshalling area was expanded to include William Street between Bulwer and Brisbane Streets.

To safely accommodate the enlarged marshalling area and to reduce the impact upon residents specifically and traffic generally, the road closure requirements have become increasingly more complicated.

As a result of these changes, in 2000 the City of Perth confined its Parade related activities to within its own boundaries, with the Town assuming responsibility for all road closures north of Newcastle Street.

**DETAILS:**

As in 2002, the area to be temporarily closed to facilitate the 2003 parade is bounded by Lake, Bulwer, Beaufort and Newcastle Streets and includes some 17 intersections and 27 full and part road closures - refer attached Plan No. A4-00-063B.

If the road closures were to be undertaken by the Town's staff, it would be necessary to acquire or hire a significant number of new traffic signs and barricades to implement the closures as required. Closures would also need to be manned to assure compliance and the Town's outside work force would have to be deployed to set up, man and remove the barricades and signs. Given that the Parade preparations commence in the afternoon, staff would be on duty for approximately 8 hours from 2.00pm through to midnight.

While the City of Perth have chosen to revert to using its own staff for traffic management (south of and including Newcastle Street) for this year's event, it is proposed for the reasons outlined above for the Town to continue to use an accredited traffic management contractor. As Pride bear part of the cost for the road closures within the Town, the same contractor is engaged on behalf of both parties (the Town and Pride) to better coordinate the road closures. To this ends (in collaboration with the above parties) accredited Traffic Management Contractors will be invited to tender for the work, with the Town and Pride billed separately.

This methodology ensures that the road closures are implemented to the relevant Australian Standards and Main Roads WA Code of Practice. It is more cost effective, reduces the impact upon the Town's resources, minimises the Town's liability exposure, and is endorsed by the Police Service's Special Events section.

The Town's Rangers would still be involved in setting up temporary No Parking restrictions.

**CONSULTATION/ADVERTISING:**

As per clause (vi) of the Officer Recommendation, Pride will be requested to liaise with the City of Perth to ensure that the proposed road closures are advertised in accordance with the requirements of Road Traffic Act 1974.

## **LEGAL/POLICY**

The Town is responsible to ensure that road closures undertaken within its boundaries are in accordance with the relevant Australian Standards and Main Roads WA Code of Practice and, therefore, only suitably qualified and Main Roads WA accredited Traffic Management Contractors will be invited to tender for the road closure contract.

## **FINANCIAL/BUDGET IMPLICATIONS:**

Prior to 2000, the City of Perth supplied and installed all road closure signs and barricades for the Pride Parades. As of the 2000 event, the City withdrew this support requiring that the Town assume responsibility for all road closures north of Newcastle Street.

The estimated cost for the Town to carry out the road closures, including labour costs and purchasing/hiring new signs, etc., would be in excess of \$5,000.

While an accredited Traffic Management contractor is yet to be engaged, it is expected that the supply and installation of all signage and traffic control devices for the 27 road closures, provision of sufficient staff (accredited traffic controllers) for a period of eight hours (including mobilisation and demobilisation, set up and pack up), will cost an estimated \$4,200.

## **STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area Two of the Draft Plan 2002-2007 – 2.1 Celebrate and acknowledge the Town's cultural diversity. “b) Develop and organise community events that engage the community and celebrate the cultural diversity of the Town”.

## **COMMENTS:**

Traffic Management for large public events is fast becoming a specialised field. An accredited Traffic Management contractor is more cost effective and better able to provide the level of service required to comply with relevant Australian and Main Roads WA standards than tying up Council resources. Hence most government agencies (including Main Roads WA) and Local Government Authorities, no longer undertake large-scale road closures and traffic management. Any tender price submitted by the preferred contractor will encompass an approved traffic management plan, all signage and barricades and traffic control personnel.

It is therefore recommended that the Council approve the temporary closure of streets as outlined in the report to accommodate the 2003 Gay Pride Parade.

**10.3.1 Request for a donation - Rotary Club of West Perth**

<b>Ward:</b>	Both	<b>Date:</b>	11 August 2003
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0008
<b>Attachments:</b>	Nil		
<b>Reporting Officer(s):</b>	A Hope		
<b>Checked/Endorsed by:</b>	J Anthony/ M Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That Council approves a donation of \$500 to the Rotary Club of West Perth to enable ten (10) disadvantaged children from the Town of Vincent to attend the Association's annual World Festival of Magic in November 2003.*

**COUNCIL DECISION ITEM 10.3.1**

**Moved Cr Lake, Seconded Cr Chester**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

**DETAILS:**

The above organisation has requested financial assistance to enable less fortunate and disadvantaged children to attend its annual "World Music Festival" in November 2003.

The organisation is hosting the festival at the Regal Theatre in Subiaco as its major fundraising project. The proceeds will be donated to children's cancer research projects, neuromuscular diseases research and other community projects supported by Rotary.

Tickets are \$50 each inclusive of GST.

The organisation was given a donation of \$500 in July 2002 and \$385 in August 2000 to assist with similar fundraising events.

**STRATEGIC IMPLICATIONS:**

Draft Strategic Plan 2002 – 2007 - Key Result Area 2.1: *“Celebrate and acknowledge the Town’s social diversity”*.

**FINANCIAL/BUDGET IMPLICATIONS:**

An amount of \$500 would be drawn from the donations account.

**COMMENTS:**

The Rotary Club of West Perth is an established organisation that under takes a number activities each year that benefit members of the Vincent community.

**10.3.2 Loftus Recreation Centre – “Cardio Theatre” Proposal**

<b>Ward:</b>	South	<b>Date:</b>	19 August 2003
<b>Precinct:</b>	Oxford Centre	<b>File Ref:</b>	ORG0053
<b>Attachments:</b>	Nil		
<b>Reporting Officer(s):</b>	M Rootsey		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council ENDORSES the Vincent Community Recreation Association's approval of the conversion of the circuit room to a “Cardio Theatre” project at the Loftus Recreation Centre, as detailed in the report.*

**COUNCIL DECISION ITEM 10.3.2**

**Moved Cr Lake, Seconded Cr Chester**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

**BACKGROUND:**

The Loftus Recreation Centre is a multi use recreational facility owned by the Town of Vincent. The Centre’s governing body, the Vincent Community Recreation Association Inc, has engaged LeisureCo Pty Ltd to manage the Centre under the terms of a management contract due for renewal on 31 December 2006.

The Centre was constructed in 1988 with the health club relocating from the Circuit Room to its current location in 1991.

Program space consists of 6701 square metres, of which 388 square metres is dedicated to the gymnasium. Facilities at the Centre include a two court main stadium, one court minor stadium, outdoor court, health and fitness suite, group fitness area, kiosk, meeting rooms, function hire and crèche.

This submission provides information to the Town of Vincent to support the capital-funding request made by the Vincent Community Recreation Association Inc (VCRA) and LeisureCo Pty Ltd, the Management Service Provider (MSP), for the 2003/04 financial year.

The VCRA and the MSP has identified a requirement to fund the following items for the conversion of the circuit room to a “Cardio Theatre”:-

Electronic Cardiovascular Exercise Equipment	\$198,078
Audio Visual Equipment	\$ 5,900
Building Modifications ( <i>electrical work not included</i> )	\$ <u>4,330</u>
 Total (inc GST)	 \$208,308



The capital expenditure of around \$208K represents an estimate of costs associated with the project. The opportunity exists to complement the Centre's extensive range of services, improve utilisation, gain additional revenue and resolve issues related to overcrowding during peak times in the gymnasium. Further, this proposal aims to aid the compensation of rising costs in public liability insurance, and labour costs (due to the State Government decision to rescind Collective Work Place Agreements).

The "Cardio Theatre" concept has changed the face of the traditional gymnasium that has catered for the predominantly male 18-28 year old body builder. The target group for a Health Club with a "Cardio" element is both males and females 20-60 years of age, with the benefit of use both being weight loss and muscle tone.

The demand for health club facilities within the area is currently greater than supply. This is consistent with current Australia wide industry trends where the emphasis on health and fitness and more professional management, has seen remarkable growth within this sector of the industry. Within the industry, health club facilities are acknowledged as being high-income generated, non-labour intensive areas.

Feedback from users indicates that the main health club is extremely over crowded during peak times. The circuit room is currently under utilised with very little programmed activity offering limited and very old equipment. The increased availability of cardiovascular equipment would promote use of this equipment by the older age groups and in particular, females. This in turn will also make more space available in the main health club, as the majority of members who prefer cardio will utilise the "Cardio Theatre" room.

2002/2003 was an exceptional year for the Centre financially, recording a record surplus of \$176 (estimated). Unfortunately 2003/2004 has seen two costs spiral outside of management's control. Firstly public liability increased by 105%, and secondly the decision by the State Government to rescind Collective Workplace Agreements, have a combined effect on the Centre's operating costs of \$160K. In order to compensate for these increased costs the Centre must find new ways to increase revenues. Currently sports programmes are at capacity with a wait-list of over 30 teams. The gymnasium has also reached saturation point at peak times with memberships fluctuating between 1300 and 1550 due to overcrowding.

The Town of Vincent are currently completing an analysis on the future expansion of the Loftus Recreation Centre to cater for increased demand. The "Cardio Theatre" proposal will enable the Centre to grow its membership base to 2000 in readiness for the expansion. All equipment and improvements proposed will be able to be fully utilised in the facility upgrade. It is anticipated that all costs associated with this proposal will be paid back before the redevelopment, thus reducing new equipment costs at that time.

#### **DETAILS:**

The proposal for capital funding centres around the establishment of a "Cardio Theatre" in the existing Circuit Room. The "Cardio Theatre" is an exercise room with electronic exercise equipment – treadmills, bikes, cross-trainers and rowing machines.

Implementation of the proposal would require the following actions:-

1. Remove existing fittings from circuit room and installation of wall mirrors
2. Upgrade electrical wiring to accommodate electronic cardio equipment and cardio theatre
3. Install new cardio vascular equipment
4. Install new projector screen and cardio theatre

5. Convert storeroom to second appraisal room
6. Installation of security monitoring
7. Erect signage
8. Marketing and promotion

The implementation of the recommendations from this proposal will result in benefits to the Vincent community in the form of:

- Increased access to health and fitness equipment and activities
- Access to the latest technologically advanced exercise equipment
- Higher net revenues
- Increased centre utilisation and potentially improved health of the community

A variety of cardiovascular equipment is now available in the market place. Three suppliers (HF Industries, TFG and Gym Care) were asked to quote on the following items:

- 10 treadmills
- 6 cross trainers or similar
- 6 upright bikes
- 4 recumbent bikes
- 3 rowers

#### Summary of Quotes for Cardio Vascular Equipment

Supplier	3 Yr Warranty	3 Yr Servicing	Trade In	Discount	Other	Equipment Quality	Price (inc GST)	Overall Rank
<b>Gym Care</b>	Parts & Labour on site	Bi monthly	\$1650	\$34,010	Life Fitness Range. TR9000, CT 8500HR, LC8500R, LC8500, CII. Power requirements to treadmills only. 10 amps dedicated.	1	\$213,631	<b>3</b>
<b>TFG</b>	Part & Labour	Quarterly	\$2,250	\$64,422	Stairmaster Range. Treadmills 510, 5600ESS, 340CE, 3800RC. Free runners & treadmills require 10 amp dedicated circuit	3	\$198,078	<b>2</b>
<b>HF</b>	Parts & Labour	Quarterly	In discount	\$85,980	Star Trac 450, & Nordic Track Trainers, NR Pro+, RB-Pro, UB-Pro, CCII.	2.	\$198,000	<b>1</b>

To provide the atmosphere for the “Cardio Theatre” room quotes were sought to install either televisions or a giant screen projector to play music, DVD’s, television and other forms of audiovisual entertainment.

Given the proposed future redevelopment of the Loftus Recreation Centre, building modifications have been kept to an absolute minimum.

A security camera is required to monitor the “Cardio Theatre” room patrons from gym reception. This is a cheaper alternative than operating with a gym instructor fulltime in the room. When two instructors are rostered on, the second instructor will cover the “Cardio Theatre” room, particularly in peak times.

Electrical work including additional power requirements, cabling, television antenna and lighting are required for the room.



**Summary of Projected Annual Income and Expenditure if “Cardio Theatre” is approved.**

	Approved Budget	Estimate Budget "Cardio Theatre"		
	2003/2004	2003/2004	2004/2005	2005/2006
<b>Operating Income</b>	\$ 1,519,651	\$ 1,589,481	\$ 1,696,475	\$ 1,776,249
<b>Operating Expenditure</b>	\$ 1,460,211	\$ 1,482,863	\$ 1,547,796	\$ 1,614,077
<b>Sinking Fund</b>	\$ 42,000	\$ 42,000	\$ 43,000	\$ 44,000
<b>Loan Repayments Interest</b>		\$ 4,000	\$ 4,000	\$ 4,000
<b>Total Surplus/Deficit</b>	<b>\$ 17,692</b>	<b>\$ 60,618</b>	<b>\$ 101,679</b>	<b>\$ 114,172</b>

The current contract allows for provision of \$28K to \$30K annually to fund replacement equipment in later years. In addition the accumulated cash surplus could also be used for this purpose if desired.

Please note, only interest repayments have been included on the above P&L Statement. Principal repayments are made from members retained funds.

Funding for the capital purchases and building modifications is exclusive of GST. The amount sourced is outlined below:

Total Capital Purchases	\$208,308
Less GST	\$ <u>18,937</u>
Total funding sought :	\$189,371

For the purpose of this evaluation, it is assumed that the funds for the building modifications and equipment of approximately \$198K will come from the VCRA retained funds in the first instance with the balance being sourced from a loan either from the Council, banking institution or other financier.

**Loan Repayments – Principal & Interest**

Amount	Term of Loan	Bank Rate	Principal Payment	Interest Payment	Total Repayment
\$88K	36 months	7.5%	\$30K/year	\$4K/year	\$34K/year

**FINANCIAL/BUDGET IMPLICATIONS:**

The upgrade of the current circuit room to “Cardio Theatre” with the purchase of the associated equipment has no financial impact on the Town. The upgrade is to be funded with the retain funds of the VCRA and a short-term loan, guaranteed by the VCRA. The only requirement for the Town is the electrical work planned which will be funded from the Loftus Recreation Centre Reserve.

**LEGAL/POLICY:**

Nil

**STRATEGIC IMPLICATIONS:**

Draft Strategic Plan 2002-2007

Key Result Area Three

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

a) Review leases and commercial contracts to ensure the best return for the Town.

**COMMENT:**

The implementation of this proposal will accommodate the increasing demands of the membership of the facility, which will in turn provide positive financial returns for the Centre. The initiative of LeisureCo Pty Ltd in proposing this project is to be both commended and supported.

**10.4.1 Appointment of Public Interest Disclosure Officer - Public Interest Disclosure Act 2003**

<b>Ward:</b>	-	<b>Date:</b>	20 August 2003
<b>Precinct:</b>	-	<b>File Ref:</b>	
<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) *APPOINTS the Executive Manager Corporate Services as the Public Interest Disclosure Officer under the Public Interest Disclosure Act 2003; and*
- (ii) *ADOPTS the 'Guidelines on Internal Procedures under the Public Interest Disclosure Act 2003', as circulated to Elected Members and 'Laid on the Table'.*

**COUNCIL DECISION ITEM 10.4.1**

**Moved Cr Lake, Seconded Cr Chester**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

**BACKGROUND:**

As a result of the Royal Commission in 1992 a Public Interest Disclosure Bill was considered by Parliament in May 2002. At this stage the name of the proposed Bill was changed to the Whistleblower Bill. At a later stage the Bill was renamed again back to the Public Interest Disclosure Bill and was passed by Parliament in May 2003.

The Bill became effective from the 1<sup>st</sup> July 2003.

The Public Interest Disclosure Act 2003 facilitates the disclosure of public interest information, and provides protection for those making such disclosures and those who are the subject of disclosures. The Act provides a system for matters disclosed to be investigated and for appropriate action to be taken.

**DETAILS:**

The aim of the Public Interest Disclosure Act is:

- To facilitate the making of public interest disclosures
- To protect informants against reprisals
- To take into account the interests and rights of people who are the subject of disclosures.

A public interest disclosure can be made if the informant believes, on reasonable grounds, that the information is true, or believes on reasonable grounds that the information may be true.

A public interest disclosure involves information that tends to show that in relation to the performance of a public function, a public authority, a public officer or a public sector contractor is, has been or proposes to be involved in any of the following activities: –

- Improper conduct
- An act or omission that constitutes an offence under written laws
- An unauthorised use of public resources
- An act done or omitted that involves a substantial and specific risk of injury to public health, of prejudice to public safety or of harm to the environment.

The Act requires that an informant must disclose to an appropriate authority and that the appropriate authority must investigate the matter, take appropriate action and advise the informant on the progress.

The Act requires that authorities must nominate a person to receive disclosures (may be more than one person). Where practicable the Public Interest Disclosure Officer ought not be the Principle Executive Officer of the public authority.

The Act also provides protection for the Informant, requires that information provided by the Informant must remain confidential and also provides protection to the person subject to the disclosure.

A copy of the Act is available from the Chief Executive Officer.

Public Disclosures made to local government will mainly comprise of community members disclosing against the conduct or behaviour of Council staff, Elected Members or Contractors working for the local government or internally from staff or Elected Members about the conduct or behaviour of other staff or Elected Members.

It is recommended that the Executive Manager Corporate Services receive the public disclosure from the informant, investigate any matters relating to the conduct of staff and investigate matters relating to the conduct of Elected Members and Contractors and the Chief Executive Officer.

The Act also requires that Council adopt internal procedures relating to the City's obligations under the Public Interest Disclosure Act. The Commissioner for Public Sector Standards has prepared a model set of procedures. These procedures are circulated to Elected Members and "*Laid on the Table*".

#### **CONSULTATION/ADVERTISING:**

It is disappointing to note that little consultation has occurred in the development and introduction of this Act and how it will impact on local government. Whilst the Office of the Public Sector Standards Commissioner has conducted several workshops on various aspects of the Act, this should not be considered as consultation with local government.

#### **LEGAL/POLICY:**

The purpose of this report is to confirm Council's obligations under the Public Interest Disclosure Act 2003.

It is recommended that Council adopt, as detailed in the Officers Recommendation Internal Procedures relating to the Public Interest Disclosure Act 2003.

**STRATEGIC IMPLICATIONS:**

The intent of the Public Interest Disclosure Act supports Council's strategic objective of establishing an organisation that is open, accountable and committed to customer service.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

Local Government already has in place several authorities to whom improper conduct can be reported and this may be further expanded if the proposed changes to the Local Government Act are introduced relating to the Code of Conduct. Since its creation in 1994, there have been no "whistleblowing" reports relating to the Town.

As a result it is expected that the Town will not receive many disclosures under this Act.



**10.4.2 Department of Sport and Recreation Office Building, 246 Vincent Street, Leederville - Agreement to Lease and Lease Documents**

<b>Ward:</b>	South	<b>Date:</b>	14 August 2003
<b>Precinct:</b>	Oxford Centre, P4	<b>File Ref:</b>	RES0062
<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) *APPROVES of the Agreement to Lease and Lease Documents between the State Government of Western Australia represented by the Minister for Works and the Town of Vincent for the proposed Office Building to be constructed at 246 Vincent Street, Leederville for the Department of Sport and Recreation (DSR), as "Laid on the Table";*
- (ii) *AUTHORISES the Chief Executive Officer (in liaison with the Mayor) to make minor variations to the Agreement to Lease and Lease Documents, which may arise during the finalisation of the documents; and*
- (iii) *AUTHORISES the Mayor and the Chief Executive Officer to sign the Agreement to Lease and Lease Documents and affix the Common Seal.*

**COUNCIL DECISION ITEM 10.4.2**

**Moved Cr Lake, Seconded Cr Chester**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

**BACKGROUND:**

At the Ordinary Meeting of Council held on 12 August 2003, Council considered the submissions on the Major Land Transaction to Construct an Office Building to accommodate the Department of Sport and Recreation (DSR) – Leederville Oval, No. 246 Vincent Street, Leederville and resolved as follows;

*"That the Council;*

- (i) *RECEIVES the report and considers the submissions on the Major Land Transaction for the construction of an Office Building to accommodate the Department of Sport and Recreation (DSR) - Leederville Oval, No. 246 Vincent Street, Leederville; and*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to proceed with the Major Land Transaction, and notes the Chief Executive Officer will be submitting a further report detailing;*

- (a) *the financial arrangement/loan for the Council's consideration and approval;*
- (b) *the necessary Agreement to Lease and Lease documents; and*
- (c) *an asset management/maintenance report and its recommendations to Council and that information be provided on the amount of monies appropriate to contribute to a Building Sinking (Reserve) Fund over the life cycle of the building."*

In order to progress the matter it will be necessary for the Town to sign the Agreement to Lease Document and Lease Document (at the appropriate time). These documents formalise the contractual arrangements between the State Government (Minister for Works) and the Town.

**FINANCIAL/BUDGET IMPLICATIONS:**

N/A.

**LEGAL/POLICY IMPLICATIONS:**

The Agreement to Lease and Lease Documents have been checked by the Chief Executive Officer and the Town's Solicitors. The Terms and Conditions are in keeping with the Town's tender which have been previously reported to the Council. These include;

**AGREEMENT TO LEASE DOCUMENT**

**1. Dictionary**

*This defines the terms used in the Agreement.*

**2. Grant of Lease**

*This prescribes the requirements for the preparation of the proposed lease document.*

**3. Landlord's Works**

*This prescribes the details of the landlord's works to be in accordance with the Request for Tender document. It also prescribes requirements for the tenant's fitout works.*

**4. Variations**

*This prescribes the parameters of any variations which can be claimed by either parties.*

**5. Insurance**

*This prescribes the necessary insurance requirements to be in place for the duration of the works.*

**6. Assignment**

*This Clause specifies that both parties cannot assign or dispose with their rights under the Agreement.*

**7. Default**

*The Agreement contains a default provision and this has been checked by the Town's solicitors and is considered to be acceptable.*

**8. Representations**

*This prescribes the necessary obligations which are to be performed by the landlord and tenant.*

**9. Survey**

*This Clause prescribes the need for the Town to accurately survey the site and the proposed building when completed.*

**10. Costs**

*This Clause prescribes that each party will bear their own costs with regard to preparation of the Agreement and that the tenant will pay all stamp duty if required.*

**11. Notices**

*This prescribes the procedure for the service and delivery of any notices which may require to be issued.*

**12. General**

*This Clause contains standard legal requirements relating to rights, indemnities and assurances.*

**13. Law**

*This prescribes that laws in Western Australia apply to this Agreement.*

**14. Arbitration**

*This Clause prescribes that both parties must use their best endeavours in good faith to resolve any disagreements and the procedure to be taken for arbitration, if it is required.*

**15. Goods and Services Tax**

*This specifies the normal GST requirements.*

**LEASE DOCUMENT**

**1. Definitions and Interpretation**

*These are standard definitions which are referred to in the document.*

**2. Term and Holding Over**

*This Clause refers to the lease term which is prescribed in the lease.*

**3. Rent and Rent Reviews**

*This Clause prescribes the rent reviews and increases which have been negotiated and are applicable.*

**4. Outgoings**

*This prescribes the outgoings which the tenant must pay the landlord and the procedure for late payment.*

**5. Outgoings Adjustment**

*This prescribes for outgoings to be adjusted in the event that they vary.*

**6. Services**

*This prescribes that the tenant is responsible for payment of all services (e.g. electrical, water, telephone, gas).*

**7. Use of the Premises**

*This prescribes that the building must only be used for office purposes.*

**8. Maintenance and Repair**

*This prescribes the procedure for repairs, maintenance and cleaning.*

**9. Alterations**

*This prescribes that the tenant must not alter the building without the landlord's consent.*

**10. Legal Obligations**

*This prescribes that the tenant must comply with all laws in place at the time.*

**11. Management of the Building by the Landlord**

*This Clause prescribes the procedure for the management of the building and the rights to carry out inspection.*

**12. Tenant's Rights in Relation to use of Building**

*This prescribes the access, cabling and naming rights which are applicable to the tenant.*

**13. Assignment and Sub-letting**

*This prescribes that the Minister for Land's approval is required, prior to sub-leasing or sub-letting any part of the building.*

**14. Indemnity**

*This is a standard indemnification Clause which indemnifies the State Government.*

**15. Carpets**

*This prescribes that the landlord is not required to replace the carpet more than once every ten (10) years (except where it is due to excessive wear and tear).*

**16. Landlord's Obligations concerning Premises and Building**

*This prescribes that the landlord must maintain the building, the structure, sewerage pipes and drains and the like. It places obligations on the landlord with respect to ensuring the building is free of any hazards during construction.*

**17. Landlord's Obligations concerning Services**

*This prescribes the requirements for maintaining air conditioning systems and lifts - it should be noted that the tenant is required to pay for the maintenance and service contracts for these items.*

**18. Landlord's General Obligations**

*This prescribes that the landlord must keep the building properly insured - it should be noted that the tenant is required to pay for the insurance policies.*

**19. Default and Termination**

*The Agreement contains a default provision and this has been checked by the Town's solicitors and is considered to be acceptable.*

**20. Termination of Term**

*This prescribes the tenant's obligations upon termination of the Agreement.*

**21. Damage and Destruction**

*This prescribes the procedure to be taken if the building is severely damaged or destroyed.*

**22. Miscellaneous**

*This prescribes the procedure for the service of any notices which may be issued.*

**23. GST**

*This specifies the normal GST requirements.*

**24. Option to Extend**

*This prescribes for the first, second and third option periods which may be exercised after the initial lease of fifteen (15) years.*

**25. Carparking**

*This prescribes the tenant's obligations to ensure that carparks are used and kept in a clean and tidy condition at all times.*

**ADVERTISING/COMMUNITY CONSULTATION:**

Not applicable.

**PRINCIPAL ACTIVITIES PLAN:**

This is included in the Town's Principal Activities Plan 2003-2007, Page 68 – *“Major Capital Works – Land and Buildings”*.

**STRATEGIC IMPLICATIONS:**

This project is in keeping with the Town's Strategic Plan 2000-2002, Key Result Area 3 - The Physical Infrastructure - *“3.5 - Develop and implement strategies to improve the Town's physical infrastructure, including buildings and land”*; and *“3.6 - Develop and implement strategies to improve the Town's Parks and Reserves”*.

This project is in keeping with the Town's Draft Strategic Plan 2003-2008, Key Result Area 4 – *“Economic Development - Clause 3.3(a) - Explore Federal, State and Local Government opportunities for investment and effective service delivery”* and *“Clause 3.4 – Investigate relationships at the State, Inter-State and International level to attract investment to the Town”*.

The construction of an office building on Leederville Oval to accommodate the DSR will provide a focus for the numerous sporting facilities within the Town. Furthermore, it will bring an additional 120 employees into the area and this will result in increased patronage to the Leederville and surrounding areas business proprietors.

**COMMENT:**

The approval of the Agreement to Lease and Lease documents will formalise the agreement between the Town and the State Government and allow the project to be progressed.

Accordingly, it is recommended that the Council approves the recommendation.

**10.1.12 No. 12A (Lot 88) (Survey Strata Lot 2) Knutsford Street, North Perth - Proposed Two-Storey Single House**

<b>Ward:</b>	North	<b>Date:</b>	18 August 2003
<b>Precinct:</b>	Norfolk; P8	<b>File Ref:</b>	PRO1979; 00/33/1713
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	P Mastrodomenico		
<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 the owner L C McKay for proposed two-storey single house at No. 12A (Lot 88) (Survey Strata Lot 2) Knutsford Street, North Perth, and as shown on plans stamp dated 11 August 2003, 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 deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (iii) the construction of crossovers shall be in accordance with the Town's specifications;*
- (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) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (vi) 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;*
- (vii) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (viii) subject to first obtaining the consent of the owners of No. 12 Knutsford Street and No.14 Knutsford Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls and/or pillars facing No. 12 Knutsford Street and No.14 Knutsford Street in a good and clean condition;*

- (ix) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the windows to bedroom 2 and bedroom 3 on the first floor level on the eastern elevation shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. 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 a major opening as defined in the Residential Design Codes 2002;*
- (x) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the deletion of the proposed store to the dwelling. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
- (xi) *no compaction is to occur within a 2.0 metres radius of the existing Eucalyptus tree (listed on the Town's Significant Tree Database - Reference) on No.14 Knutsford Street as recommended by the Arboriculturist;*

*to the satisfaction of the Chief Executive Officer.*

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**Moved Cr Cohen, Seconded Cr Torre**

*That the recommendation be adopted.*

*Debate ensued.*

**COUNCIL DECISION ITEM 10.1.12**

**Moved Cr Cohen, Seconded Cr Lake**

*That this item be DEFERRED so that a further report be provided to Council to clarify the species of tree and the impact of retention of that species of tree in regard to this application.*

*Debate ensued.*

**CARRIED (7-1)**

**For**

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

**Against**

Cr Torre

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



**FURTHER REPORT:**

A copy of a site plan showing the location of the subject Eucalyptus gomphocephala (Tuart) tree on No. 14 Knutsford Street was submitted by the applicant on 26 August 2003. This plan is attached to this Further Report for consideration by the Council.

**LANDOWNER:** L C McKay  
**APPLICANT:** L C McKay  
**ZONING:** Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 - Residential R30/40  
**EXISTING LAND USE:** Vacant  
**COMPLIANCE:**

Use Class	Single House
Use Classification	"P"
Lot Area	320 square metres

Requirements	Required	Proposed
<b>Setbacks-</b>		
West (ground floor)	1.5 metres	Nil (carport)
North (ground floor)	1.0 metre	Nil

**SITE HISTORY:**

- 3 November 2000 Approval was granted for the amalgamation of Lots Pt49 and Pt50 to create Lot 88 Knutsford Street, North Perth.
- 27 November 2000 The Western Australian Planning Commission approved a diagram of survey for the survey strata subdivision of the land, creating a rear lot of 320 square metres, with an effective lot area (excluding the accessway) of approximately 216 square metres. The subject rear survey strata Lot 2 has been created on a certificate of title.
- 11 December 2000 Planning Approval was granted for an additional single-storey grouped dwelling to the existing dwelling at No. 12 (Lots Pt49 and Pt50) Knutsford Street, North Perth subject to conditions. This dwelling has not been built.
- 14 May 2002 The Council at its Ordinary Meeting, refused an application for the proposed two-storey grouped dwelling to existing dwelling at No. 12A (Lot 88) Knutsford Street, North Perth for the following reasons:
1. *Consideration of the petition received relating to objections.*
  2. *Lack of privacy caused by this application.*
  3. *The infringement on the amenity of the area caused by this development.*
- 16 July 2002 The Town was advised that an appeal had been lodged with the Minister for Planning and Infrastructure against the decision of the Town to refuse the application for a two-storey grouped dwelling to existing dwelling at No. 12A Knutsford Street, North Perth.

9 August 2002            The Town's Planning Officers met with a representative of the Minister's Appeals Office.

27 August 2002        The Council at its Ordinary Meeting, refused an application for the proposed two-storey grouped dwelling to existing dwelling at No. 12A (Lot 88) Knutsford Street, North Perth for the following reasons:

*Reasons:*

1.        *Consideration of objections received.*
2.        *Lack of privacy caused by the application.*
3.        *The infringement on the amenity of the area caused by this development.*
4.        *The non-compliance with Residential Planning Codes.*

11 February 2003      The Minister for Planning and Infrastructure dismissed the appeal.

**DETAILS:**

The two-storey dwelling is proposed at the rear of an existing house with access via a battleaxe access leg. A Eucalyptus tree is located within the property boundaries of adjoining No. 14 Knutsford Street, which is listed on the Town's Significant Tree Data Base - Reference.

**CONSULTATION/ADVERTISING:**

One submission was received during the consultation period. Concerns were raised of the loss of privacy, the proposed parapet wall and the impact on the existing tree listed on the Town's Significant Tree Database - Reference, which borders the subject property's northern boundary.

**COMMENTS:**

**Site Constraints**

The subject lot has a number of constraints which limit the design and effective use of the lot. The design of the survey strata subdivision provides access from a battleaxe driveway. A 2.42 metres to 3.16 metres wide sewerage easement is located along the rear of the lot, which effectively can not be built upon. In addition, the survey strata lot is reasonably narrow and therefore, car parking areas and vehicular movements are relatively restricted. The applicant has submitted revised plans to address the Town's concerns relating to manoeuvring of vehicles so that vehicles can exit the property in forward gear.

**Setbacks**

The northern side setback variation (parapet wall) is considered supportable as it single storey in height and relatively short in length, 6.2 metres. As such, the parapet wall is not considered to have an unreasonable adverse effect on the adjacent properties and is considered supportable, as it complies with Clause 3.3.2 (A2) (iii) of the Residential Design Codes.

The western side setback variation (carport) is considered supportable, as the carport is visually permeable and is constructed of three posts located on the boundary, and as such is not considered to have an unreasonable adverse effect on the adjacent western property.

### **Significant Tree**

The applicant has employed an Arboriculturist to assess the Eucalyptus tree on No. 14 Knutsford Street. The entire report is included as an attachment to this report, and the report's conclusions are outlined as follows;

*"...This consultant's inspection of the tree in question revealed that to accommodate future incremental growth of the multi-stemmed trunk, the boundary wall has been curved around the stem, and although there was some evidence of slight structural movement of the wall adjacent to the tree, this is mostly likely attributed to the structure of the wall and not direct physical action from the tree in question.*

*As previously confirmed although the multi-stemmed main trunk was found to be predominantly in a mechanically structurally sound condition, the major northern stem has recently fractured and failed from its mechanically weak point of compression forking, which has subsequently resulted in the retention of a deep inverted jagged wound.*

*This consultant confirms that compression forks can be defined as two or more stems, which are increasingly pressed together by the formation of reactive wood. As the stems increase in incremental growth the bark tissue becomes enclosed, of which in conjunction with the inability for compression forks to carry tensile loads and particularly during times of excessive asynchronous lateral movement the fork subsequently fractures and fail as was evident upon the fork in question.*

*However, although it was clearly evident that the fork had gradually fractured over a period of time, due to the extent of discolouration upon its upper section, the depth of resultant inverted jagged wound in conjunction with the extent of loading and internal tensile stresses being placed upon the wound have substantially reduced the mechanical structural strength and the stability of the remaining southern stem, rendering the stem liable to future fracture and failure, therefore a high level of risk to the property known as No: 12a Knutsford Street.*

*Although it is feasible to reduce some of the loading being placed upon the lower inverted wound by selective limb reduction, such an operation is short term only, with the wound gradually decaying over a period of time and the limbs increasing in extension growth.*

*Therefore this consultant would recommend that the southern stem be reduced back to source based upon safety grounds.*

*An inspection of the remaining canopy revealed that it was found to be in a mechanically structurally sound condition with no evidence of weak forking or excessive limb loading and therefore does not represent a high level of risk to property or persons.*

*This consultant confirms that although epicormic growth was developing upon the periphery of a few sporadic branch stubs, resultant from previous limb failure the regrowth was insignificant in size at this time to represent a risk factor to the property known as No: 12a Knutsford Street. However, taking into consideration the propensity for epicormic limbs to fail as they increase in physical loading, it would be advisable to remove the lower southern branch stubs back to source, based upon safety grounds.*

*It was clearly evident that the tree is located within close proximity to the southern boundary wall of No: 14 Knutsford Street, with the topography of the site sloping in a southerly direction, subsequently resulting in root encroachment into the property known as No: 12a Knutsford Street.*

*However, taking into consideration the root plate zonal area of this specimen (overall root radius), and the root plate morphology of the species, it would be advisable that the construction of a dwelling at 12a Knutsford Street be located at a minimum distance of 2m away from the base of the tree.*

*This consultant recommends that any roots, which are exposed with a diameter exceeding 50mm diameter be cleanly severed, and where feasible compaction is kept to a minimum, particularly in respect to the construction of paving.*

*This consultant is of the opinion that on condition that a 2m-protection zone is maintained from the base of the tree, the proposed construction of a dwelling at No: 12a Knutsford Street will not be detrimental to the future health or to the mechanical structure of the tree...."*

The applicant has submitted amended plans, which depict the northern wall at a reduced length of 6.0 metres (as opposed to the 7.8 metres previously proposed), which results in the proposed building being greater than 2.0 metres from the base of the subject existing tree, as recommended by the Arboriculturist.

### **Overlooking**

With regard to the potential for unreasonable overlooking from bedrooms 2 and 3 windows on the first floor eastern elevation, it is considered necessary that a relevant screening condition is applied to ensure that these openings comply with the privacy requirements of the Residential Design Codes.

### **Summary**

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

**10.1.16 No. 228-232 (Lots 17 & 18) Carr Place, Leederville - Proposed Three Storey Mixed Use Development Comprising Of One (1) Eating House, Two (2) Shops, Two Floors of Offices and Associated Carparking**

<b>Ward:</b>	South	<b>Date:</b>	18 August 2003
<b>Precinct:</b>	Oxford Centre, P4	<b>File Ref:</b>	PRO 1308; 00/33/1712
<b>Attachments:</b>	<a href="#">001</a> , <a href="#">002</a>		
<b>Reporting Officer(s):</b>	R Rasiah		
<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, the Council APPROVES the application submitted by Birch Architecture & Design on behalf of the owner M Grinceru for proposed three-storey mixed use development comprising of one (1) eating house, two (2) shops, two floors of offices and associated carparking at Nos 228-232 (Lots 17 and 18 ) Carr Place, Leederville, and as shown on plans stamp dated 1 July 2003, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (iii) 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";*
- (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, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$8 000) shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services Section with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (vi) a footpath security deposit bond and/or bank guarantee of \$3 300 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;*

- (vii) *prior to the first occupation of the building, seven (7) class 1 or 2 and five (5) class three bicycle parking facilities shall be provided at locations 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 installation;*
- (viii) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (ix) *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);*
- (x) *subject to first obtaining the consent of the owners of No. 742 Newcastle Street and No. 226 Carr Place for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing west and east respectively, in a good and clean condition;*
- (xi) *prior to the issue of the Building Licence, the applicant/landowner shall pay a cash-in-lieu contribution of \$12,925 for the equivalent value of 5.17 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's 2003/2004 Budget;*
- (xii) *the gross floor area of the office component shall be limited to a maximum of 1000 square metres, the gross floor area of the shop component shall be limited to 223 square metres, and the public area of the eating house component shall be limited to 90 square metres;*
- (xiii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (xiv) *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;*
- (xv) *the windows, doors and adjacent floor area facing Carr Place shall maintain an active and interactive frontage to Carr Place;*
- (xvi) *prior to the first occupation of the development, the full length and width of the right of way from the western most boundary to the eastern most boundary abutting the subject land shall be resurfaced to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;*
- (xvii) *a bond and/or bank guarantee for \$2,200 for the upgrade of the right of way shall be lodged prior to the issue of a Building Licence; and*
- (xviii) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*

*to the satisfaction of the Chief Executive Officer.*

**Moved Cr Torre, Seconded Cr Lake**

*That the recommendation be adopted.*

*Debate ensued.*

**Moved Cr Lake, Seconded Cr Cohen**

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

*"(xix) 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 by the Town;"*

**AMENDMENT CARRIED (8-0)**

(Mayor Catania on approved leave of absence.)

**MOTION AS AMENDED CARRIED (8-0)**

(Mayor Catania on approved leave of absence.)

**COUNCIL DECISION ITEM 10.1.16**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1, the Council APPROVES the application submitted by Birch Architecture & Design on behalf of the owner M Grincerì for proposed three-storey mixed use development comprising of one (1) eating house, two (2) shops, two floors of offices and associated carparking at Nos 228-232 (Lots 17 and 18 ) Carr Place, Leederville, and as shown on plans stamp dated 1 July 2003, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (iii) 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";*
- (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, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$8 000) shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services Section with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (vi) *a footpath security deposit bond and/or bank guarantee of \$3 300 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;*
- (vii) *prior to the first occupation of the building, seven (7) class 1 or 2 and five (5) class three bicycle parking facilities shall be provided at locations 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 installation;*
- (viii) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (ix) *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);*
- (x) *subject to first obtaining the consent of the owners of No. 742 Newcastle Street and No. 226 Carr Place for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing west and east respectively, in a good and clean condition;*
- (xi) *prior to the issue of the Building Licence, the applicant/landowner shall pay a cash-in-lieu contribution of \$12,925 for the equivalent value of 5.17 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's 2003/2004 Budget;*
- (xii) *the gross floor area of the office component shall be limited to a maximum of 1000 square metres, the gross floor area of the shop component shall be limited to 223 square metres, and the public area of the eating house component shall be limited to 90 square metres;*
- (xiii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (xiv) *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;*
- (xv) *the windows, doors and adjacent floor area facing Carr Place shall maintain an active and interactive frontage to Carr Place;*



- (xvi) *prior to the first occupation of the development, the full length and width of the right of way from the western most boundary to the eastern most boundary abutting the subject land shall be resurfaced to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;*
- (xvii) *a bond and/or bank guarantee for \$2,200 for the upgrade of the right of way shall be lodged prior to the issue of a Building Licence;*
- (xviii) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s); and*
- (xix) *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 by the Town;*

*to the satisfaction of the Chief Executive Officer.*

**FURTHER REPORT:**

The plans dated 14 May 2002 attached to the Agenda Report, relate to the previous development that was approved by the Council at its Ordinary Meeting of Council held on 14 May 2002.

The current plans for the proposal the subject of this Agenda Report, which are stamped dated 1 July 2003, were inadvertently not included in the Agenda. Copies of these plans are attached for consideration by the Elected Members.

**LANDOWNER:** M Grincer  
**APPLICANT:** Birch Architecture & Design  
**ZONING:** Metropolitan Region Scheme: Urban Town Planning Scheme No.1: District Centre  
**EXISTING LAND USE:** One (1) eating house and two (2) shops

**COMPLIANCE:**

Requirements	Required	Provided
Landscaping	10 percent of the site	Nil
Use Class	Eating house, office building, shop	
Use Classification	P,P,P	
Lot Area	1074 square metres for 2 lots.	

**SITE HISTORY:**

Nos. 228-232 Carr Place is located on the northern side of Carr Place adjacent to the junction of Carr Place and Newcastle Street in the Oxford District Centre. The subject property abuts the Leederville Hotel to the west and a two storey commercial building to the east. An existing Town dedicated and sealed right of way abuts the northern boundary of the property.

8 November 1999 At its Ordinary Meeting, the Council conditionally approved the Planning Application for a mixed use building comprising one eating house, two shops, 3 offices and 4 grouped dwellings.

- 11 April 2000 At its Ordinary Meeting, the Council conditionally approved revised drawings that replaced the residential component of the mixed use development with offices.
- 23 April 2002 At its Ordinary Meeting, the Council deferred an application to demolish the existing building and construct a three storey mixed use development incorporating an eating house and two shop tenancies at the ground floor/pedestrian level, 3 office tenancies on the first floor and an office (with the potential to create further tenancies) on the second floor, to clarify carparking requirements.
- 14 May 2002 At its Ordinary Meeting , the Council conditionally approved the proposed demolition of the existing building and construction of a three storey mixed use development comprising one eating house, two shops, two floors of offices and associated carparking.

The applicant has also obtained a Demolition Licence from the Town on 29 May 2003 for the demolition of the existing building on site.

#### **DETAILS:**

The applicant seeks approval for minor variations to the existing 14 May 2002 approval for the construction of a three-storey mixed use development comprising one (1) eating house, two (2) shops, two floors of offices and associated carparking. The applicant has proposed the changes to the existing approval due to instructions from the client and leasing agents based on market demands.

The reconfiguration of the floor space will not result in a gain or loss in floor area. The areas previously approved and currently proposed are as follows:

<b>Uses</b>	<b>Approved floor area</b>	<b>Proposed floor area</b>
Shop-ground floor	307 square metres	223 square metres
Eating house- ground floor	90 square metres	90 square metres
Office- first and second floors	916 square metres	1000 square metres
<b>Total</b>	<b>1313 square metres</b>	<b>1313 square metres</b>

The depth of the ground floor units have been reduced in depth, with the area added on to the second floor. The first floor has resulted in the reconfiguration of the floor area and the deck.

On the second floor, the deck area had been modified to sit directly over the floor below. This would ensure more natural light to penetrate the deck below. The proposed balcony over the street verge has been removed and replaced with an awning.

The development site is on two lots. The applicant has lodged an amalgamation application with the Western Australian Planning Commission.

All vehicular access proposed is via the rear right-of-way.

In support of the application, the applicant has provided a detailed submission, which is provided as Appendix 10.1.16 (a). One of the issues raised by the applicant is the previous requirement that the right-of-way (ROW) at the rear of the lot be resealed/draind at the applicant's/owner's full expense. As the ROW is currently owned by the Town, the applicant is of the view that the responsibility to upgrade the ROW should be the Town's responsibility.

**CONSULTATION/ADVERTISING:**

The proposal was advertised in accordance with the Town's Community Consultation Policy. No submissions were received during the public consultation period.

**LEGAL/POLICY:**

Town of Vincent Town Planning Scheme No1, and associated Policies.

**FINANCIAL/ BUDGET IMPLICATIONS:**

Nil.

**STRATEGIC IMPLICATIONS**

Nil.

**COMMENTS:**

The site falls within the Oxford Precinct. The proposed uses are "P" permitted uses within the District Centre Zone.

**Car Parking Requirements**

Requirements as per Parking and Access Policy	Required No. of Carbays
Car Parking Requirements:- Retail: 1 car bay per 15 square metres of gross floor area (proposed 223 square metres). Office: 1 car bay per 50 square metres gross floor area (proposed 1000 square metres). Restaurant: 1 car bay per 4.5 square metres of public area (proposed 90 square metres). Total:	14.87 car bays 20.0 car bays 20.0 car bays 54.87 car bays
Total car parking required before adjustment factors (nearest whole number)	55 car bays
Apply the parking adjustment factors. <ul style="list-style-type: none"> <li>▪ 0.80 (within 400 metres of a rail station)</li> <li>▪ 0.85 (within 400 metres of a bus stop)</li> <li>▪ 0.85 (within 400 metres of one or more public car parks in excess of 50 spaces)</li> <li>▪ 0.90 (proposed development is within a district centre zone)</li> <li>▪ 0.95 (parking facilities for bicycle users)*</li> </ul>	(0.494) 27.17 car bays
Car parking provided on site	22 car bays
Resultant shortfall	5.17 car bays

\*This adjustment factor reflects clause/condition (vii) in terms of the provision of bicycle parking facilities.

Cash-in-lieu for carparking is to be considered where non-residential uses have a shortfall in carparking as required by the Town. The applicant is prepared to pay cash in lieu for the 5.17 car bays shortfall. In this instance, the cash-in-lieu payment is considered acceptable.

Under the previous application considered by Council on 14 May 2002, the carparking requirement was 28 carbays (after the application of the adjustment factors) and 22 carbays were provided. The resultant shortfall of 6 carbays was accepted and approved in the form of cash in lieu.

**Bicycle Parking Facilities**

Requirements	Required	Provided
<b>Restaurant</b> 1 per 100 square metres of public area (proposed 90 square metres) for employees (class 1 or 2).	0.90 space	Bicycle parking on street verge shown on plans
2 plus 1 space per 100 square metres of public area (proposed 90 square metres) for visitors (class 3).	2.90 spaces	

Requirements	Required	Provided
<b>Office</b> 1 per 200 square metres of gross floor area (proposed 1000 square metres) for employees (class 1 or 2).	5 spaces	
1 space per 750 square metres over 1000 square metres for visitors.	N/A	
<b>Retail</b> 1 per 300 square metres (proposed 223 square metres) for employees (class 1 or 2).	0.74 space	
1 per 200 square metres (proposed 223 square metres) for visitors (Class 3)	1.12 space	

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 seven (7) class 1 or 2 and five (5) class 3 bicycle parking facilities. 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 Centre Precinct states the minimum height for buildings is two storeys. The proposed building is three (3) storeys. The height of the building proposed is similar to the previous height approved by the Council on 14 May 2002. The development is also similar in height to the other developments in the immediate area.

**Landscaping**

In accordance with the 'Oxford Centre' Precinct Policy, the variation to the landscaping requirement is considered acceptable as the development will be required to incorporate public art and is required to have a nil setback to Carr Place.

**Engineering , Building and Environmental Health Services**

The Town's Engineering Services have advised that the proposal is generally supported subject to standard conditions. The ROW is currently sealed and is used by landowners abutting this ROW. Engineering Services are of the view that the ROW will require an upgrade, due to the increased usage as a result of the proposed development. There is no planned upgrade of the ROW by the Town at the current point in time.

The Town's Building Services have advised that the proposal will have to comply with the relevant requirements of the Building Code of Australia, particularly in terms of fire protection.

The Town's Health Services have advised that the location of the bin storage areas as shown on the plans are acceptable. The proposal generally complies with the all other relevant health requirements.

**Trees**

There are no significant trees on-site. All verge trees are to be retained.

**Awnings/Verandahs**

In place of balconies over the footpath, the applicant has proposed a continuous awning along the front of the building.

**Summary**

The proposal is supported as it is not considered to unreasonably affect the streetscape and the amenity of the adjacent or surrounding properties. The proposal would contribute to the changing streetscape in the area and further indicates investor confidence within the Town. Accordingly, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters and the scale and nature of a mixed use development.

**10.1.4 Leederville Hotel, No. 742 (Lot 30) Newcastle Street, Leederville - Application for Extended Trading Permit for Rugby World Cup**

<b>Ward:</b>	South	<b>Date:</b>	20 August 2003
<b>Precinct:</b>	Oxford Centre, P4	<b>File Ref:</b>	ENS0053 & PRO 0630
<b>Attachments:</b>	<a href="#">001</a> , <a href="#">002</a>		
<b>Reporting Officer(s):</b>	A Bosworth, D Brits		
<b>Checked/Endorsed by:</b>	R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*the Council APPROVES the application by the Leederville Hotel, No. 742 (Lot 30) Newcastle Street, Leederville, to host as part of the 2003 Rugby World Cup, the South African Rugby Tour and supporters, and the subsequent Extended Trading Permit, subject to compliance with the following:*

- (i) the Venue Risk Management Plan be developed in conjunction with the Town's Officers and the Police Services detailing foreseen risks and treatments, including Public Liability Insurance Cover, Noise Control, Litter Control, Anti-social and Crowd Control, as "Laid on the Table";*
- (ii) limiting the one-off Temporary Extended Trading Permit to the period of 8 to 20 October 2003 inclusive;*
- (iii) the removal of all temporary structures no later than seven (7) days after the expiration of the Building Permit;*
- (iv) limiting the late night hours to:*
  - (a) Monday and Tuesday evenings - no extension granted;*
  - (b) Wednesday and Thursday evenings - extension to 1.00am;*
  - (c) Friday and Saturday nights - extension to 2.00am;*
  - (d) Sunday nights - extension to 11pm; and*
  - (e) Temporary extended area - no late night extended trading hours; and*

*subject to final conditions determined by the WA Police Service, Department Racing, Gaming and Liquor, Fire and Emergency Services, and the Hotel's Crowd Control Service Provider; and*
- (v) requiring the Leederville Hotel to advertise the temporary Extended Trading Period with relevant conditions and after-hours mobile and landline contact numbers for nearby ratepayers to contact the Duty Manager in relation to any unreasonable noise, anti-social behaviour, or other problems, in both local newspapers and on an on-site notice board facing Vincent and Newcastle Streets appropriately located prior to commencement;*

*to the satisfaction of the Chief Executive Officer.*

**Moved Cr Chester, Seconded Cr Franchina**

*That the recommendation be adopted with additional new clauses (vi) and (vii) as follows:*

*"(vi) requiring the Leederville Hotel to conduct a further letter drop in the 200 metres zone around the premises to inform residents and ratepayers of:*

- (a) the conditions imposed by the Council;*
- (b) measures to be taken by the Leederville Hotel to maintain the amenity of the area during the Rugby World Cup; and*
- (c) mobile and landline contact details for the day and night Duty Managers for the relevant period; and "*

*"(vii) requiring the Leederville Hotel to arrange on-site WA Police Service presence at the temporary "Bok Town" in relation to Springbok Rugby Union games, particularly on Saturday, 11 October 2003 (South Africa versus Uruguay), and Saturday, 18 October 2003 (South Africa versus England)."*

*Debate ensued.*

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

**Moved Cr Chester, Seconded Cr Lake**

*That in new clause (vii) the words "at the Leederville Hotel's expense," be inserted after the word "presence", as follows:*

*"(vii) requiring the Leederville Hotel to arrange on-site WA Police Service presence at the Leederville Hotel's expense, at the temporary "Bok Town" in relation to Springbok Rugby Union games, particularly on Saturday, 11 October 2003 (South Africa versus Uruguay), and Saturday, 18 October 2003 (South Africa versus England)."*

**AMENDMENT CARRIED (8-0)**

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

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

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

**Against**  
Cr Lake

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

**COUNCIL DECISION ITEM 10.1.4**

*That;*

*the Council APPROVES the application by the Leederville Hotel, No. 742 (Lot 30) Newcastle Street, Leederville, to host as part of the 2003 Rugby World Cup, the South African Rugby Tour and supporters, and the subsequent Extended Trading Permit, subject to compliance with the following:*

- (i) the Venue Risk Management Plan be developed in conjunction with the Town's Officers and the Police Services detailing foreseen risks and treatments, including Public Liability Insurance Cover, Noise Control, Litter Control, Anti-social and Crowd Control, as "Laid on the Table";*
- (ii) limiting the one-off Temporary Extended Trading Permit to the period of 8 to 20 October 2003 inclusive;*
- (iii) the removal of all temporary structures no later than seven (7) days after the expiration of the Building Permit;*
- (iv) limiting the late night hours to:*
  - (a) Monday and Tuesday evenings - no extension granted;*
  - (b) Wednesday and Thursday evenings - extension to 1.00am;*
  - (c) Friday and Saturday nights - extension to 2.00am;*
  - (d) Sunday nights - extension to 11pm; and*
  - (e) Temporary extended area - no late night extended trading hours; and*

*subject to final conditions determined by the WA Police Service, Department Racing, Gaming and Liquor, Fire and Emergency Services, and the Hotel's Crowd Control Service Provider;*
- (v) requiring the Leederville Hotel to advertise the temporary Extended Trading Period with relevant conditions and after-hours mobile and landline contact numbers for nearby ratepayers to contact the Duty Manager in relation to any unreasonable noise, anti-social behaviour, or other problems, in both local newspapers and on an on-site notice board facing Vincent and Newcastle Streets appropriately located prior to commencement;*
- (vi) requiring the Leederville Hotel to conduct a further letter drop in the 200 metres zone around the premises to inform residents and ratepayers of:*
  - (a) the conditions imposed by the Council;*
  - (b) measures to be taken by the Leederville Hotel to maintain the amenity of the area during the Rugby World Cup; and*
  - (c) mobile and landline contact details for the day and night Duty Managers for the relevant period; and*



- (vii) *requiring the Leederville Hotel to arrange on-site WA Police Service presence at the Leederville Hotel's expense, at the temporary "Bok Town" in relation to Springbok Rugby Union games, particularly on Saturday, 11 October 2003 (South Africa versus Uruguay), and Saturday, 18 October 2003 (South Africa versus England).*

*to the satisfaction of the Chief Executive Officer.*

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#### **BACKGROUND:**

At the Ordinary Meeting of Council on held 12 August 2003, during Public Questions and Submissions Time, Craig Hutchinson of No. 742 Newcastle Street, Leederville addressed Council on Item 10.1.22. He stated that he was the Manager of the Leederville Hotel and that during the Rugby World Cup in Perth early October 2003, the South African Springboks would be based at the Leederville Hotel, and called 'Boktown'. He also stated that the application was to cater for the increased level of mature aged patrons during this time, and that it was an excellent opportunity for the Town and for local businesses.

Council debated the application, which was refused for the following reasons at the time:

1. Extent of increase in licence capacity;
2. Impact on surrounding area;
3. Loss of car parking area; and
4. Inadequate information and lack of clarity of information in application.

The Department of Racing, Gaming and Liquor, and WA Police Service indicated their willingness to consent to the application upon viewing the proposed application and Risk Management Plan for the temporary period of 8 to 20 October 2003 inclusive.

The Rugby (Union) World Cup 2003 is hosted by Australia this year, and would significantly boost local businesses if embraced, and could also positively affect tourism with the potential for images of Vincent and Western Australia being viewed by audiences worldwide.

#### **DETAILS:**

The applicant has subsequently met with the Town's Mayor, Chief Executive Officers and Executive Manager Environmental and Developmental Services. He has agreed to address all issues. The application requests approval to grant extended trading during the Rugby World Cup series for a mature age crowd (estimated to range between 18 and 60 years), whereby five matches will be held at Subiaco Oval. The South African Rugby Pty Ltd has approached the Leederville Hotel requesting use of the venue during the period between 8 October and 20 October 2003. Specific details have not been finalised as yet, however the Extended Trading Permit incorporates a portion of the private car park at the rear defined on the attached plan. The proposed extended hours for the above temporary one-off period are detailed as follows:

- Monday – Saturday from 12 midnight to 2.00am; and
- Sundays – 10.00pm to 12 midnight.

In an initial working group meeting conducted at the Town's Administration and Civic Centre, the Leederville Hotel expressed an interest in working in conjunction with the Town and the Leederville Police Services to upgrade the existing '*Premises Management and Harm Minimisation Plan for the Leederville Hotel*' to include the car park area, extended trading hours after midnight and relevant contingency planning and resolution action. A copy is "*Laid on the Table*".

The Sections relating to control of noise, traffic, car parking, litter and anti-social behaviour have been upgraded accordingly and a copy provided to the Town.

Concerns raised have been addressed as follows:

**1. Extent of increase in licence capacity**

The extent of increase in licence capacity is one-off, occasional (for a world event) and limited to the period: 8 to 20 October 2003 inclusive.

**2. Impact on surrounding area**

The purpose of the Risk Management Plan is to identify foreseeable likely risks and to apply appropriate treatments so as to minimise impact on the residents and ratepayers of Vincent. Complaints or justifiable concerns raised with the Applicant, Town, WA Police Services and State Agencies will be addressed accordingly. A permanent on-site Duty Manager with mobile telephone contact is a requirement. Security guard patrols will be carried out in the surrounding streets.

**3. Loss of car parking area**

Any loss of car parking area, is proposed to be minimised by the Council availing the Leederville Oval on-site parking to the public, provided that constant monitoring is undertaken by a security service contracted by the Leederville Hotel. The Applicant agreed to comply with Council's requirements in this regard at their expense.

**4. Inadequate information and lack of clarity of information in application**

The initial report was submitted based on available information, limited by a timeframe for response to the DRGL on the Town's position. Upon consent being granted, condoning authorities like the WA Police Services, FESA, and DRGL, together with the Applicant will conduct frequent meetings to expand on arrangements and conditions, in the interest of Public Safety and Health, and so as to effectively manage the situation. However, additional information has been forthcoming in relation to proposed security arrangements as follows:

- "1. We will meet with the police as soon as possible to have the Risk Management Plan formally approved.*
- 2. We would like to confirm that we will provide a security guard to monitor the Leederville Football Oval car park.*
- 3. We would like to confirm that we will provide a security guard to monitor Carr St activity (mobile security service).*
- 4. The Leederville Hotel Management is meeting with our security company, to complete a layout of security postings within the venue and surrounding area."*

**CONSULTATION/ADVERTISING:**

**Planning and Building Services Comment**

The applicants on 10 July 2003 advised as follows:

- The extended trading permit is only for the period 8 October 2003 to 20 October 2003, inclusive.
- The activities does not involve the use of amplified music.
- The proposal does not involve any alterations to the existing building fabric, and the structures to be erected during the above period will be of a temporary nature only.

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

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

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

**Leederville Police Services Comment**

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

**Perth Alcohol & Drug Advisor, WA Police Services Comment**

The WA Drug and Alcohol Office will be determining appropriate conditions, and raised concern regarding the need for extended trading hours on “*non-game nights*”, in particular the extension of time from 12 midnight to 2.00 am on a Monday and Tuesday night in the car park area is questioned.

**Department of Racing, Gaming and Liquor Comment**

The Department of Racing, Gaming and Liquor have required the Leederville Hotel to do a letter drop to residents in a 200 metres radius. A copy of this letter has been attached to this Agenda report. Following this, the Town has received two calls from residents expressing their concern regarding the extended hours. All were requested to put their concerns in writing, and two responses have been received by the Town. The residents raised the following issues that may be exacerbated by later trading: parking problems, noise problems, increased traffic in surrounding streets, and public safety concerns. In liaison with the Town, the Department of Racing, Gaming and Liquor was forwarded a copy of the two complaints from residents.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2000 – 2002 - Key Result Area 2.1: “*Publicly celebrate and promote the Town’s diversity*”. In addition, this proposal is in keeping with the Town’s Draft Strategic Plan 2002-2007, Key Result Area 4 – “*Economic Development - Clause 3.4 – Investigate relationships at the State, Inter-State and International level to attract investment to the Town*”. This proposal will attract mature aged tourists to the Town’s Oxford Centre businesses and boost economic activities accordingly.

**COMMUNITY CONSULTATION/ADVERTISING:**

No further advertising is required, as the Director of Liquor Licensing has already required advertising. However, the Applicant will advertise and do a letter drop to nearby residents, as required by the Town.

**FINANCIAL IMPLICATIONS:**

No extraordinary costs are foreseen.

**COMMENTS:**

It is considered appropriate that the application for this major World event be supported and that the additional measures agreed by the Applicant will address any issues which may arise. Close liaison with the Town and other relevant agencies will be undertaken during the world event.

**10.1.19 No. 27 (Lot 14) Waugh Street, North Perth – Proposed Carport and Front Fence Additions to Existing Single House**

<b>Ward:</b>	North	<b>Date:</b>	19 August 2003
<b>Precinct:</b>	North Perth, P8	<b>File Ref:</b>	PRO 2421; 00/33/1720
<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:*

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

- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (b) *the non-compliance with the Town's Policies relating to Street Setbacks and Vehicular Access;*

*the Council REFUSES the application submitted by the owners M and G Reading for proposed carport addition to existing single house on No. 27 (Lot 14) Waugh Street, North Perth, as shown on the plans stamp-dated 8 July 2003; and*

(ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners M and G Reading for the proposed fence addition to existing single house on No. 27 (Lot 14) Waugh Street, North Perth, and as shown on the plans stamp-dated 8 July 2003, 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 Waugh Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the new front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*
- (d) *the proposed gates shall not open over the footpath/road reserve.*

*to the satisfaction of the Chief Executive Officer.*

Councillor Doran-Wu requested that an alternative recommendation be considered. The Presiding Member ruled that as it negated the Officer Recommendation, it would only be considered if the Officer Recommendation was lost.

The Presiding Member also ruled that the Officer Recommendation parts (i) and (ii) would be voted on separately.

**COUNCIL DECISION ITEM 10.1.19**

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

*That recommendation (i) be adopted.*

*Debate ensued.*

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

<b><u>For</u></b>	<b><u>Against</u></b>
Deputy Mayor Ker (2 votes)	Cr Cohen
Cr Farrell	Cr Doran-Wu
Cr Chester	Cr Franchina
Cr Lake	Cr Torre

(Mayor Catania on approved leave of absence.)

**COUNCIL DECISION ITEM 10.1.19**

*That recommendation (ii) be adopted.*

*Debate ensued.*

**CARRIED (8-0)**

(Mayor Catania on approved leave of absence.)

<b>LANDOWNER:</b>	M and G Reading
<b>APPLICANT:</b>	As above
<b>ZONING:</b>	Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 - Residential R30/40
<b>EXISTING LAND USE:</b>	Single House
<b>COMPLIANCE:</b>	

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
Carport Location	Car parking is to be accessible from existing rights of way where (legally) available.	Car Parking is proposed from primary street within the front setback area.
Use Class	Single House	
Use Classification	"P"	
Lot Area	491 square metres	

**SITE HISTORY:**

No.27 Waugh Street is occupied by a single storey single house. A Town owned right of way exists to the rear of the lot. The right of way is sealed with a total width of 3.6 metres.

**DETAILS:**

The applicant seeks approval for the proposed front boundary fence and the carport addition to the existing single house at No. 27 Waugh Street. The carport is proposed in the front setback area of the lot with access from Waugh Street. The site currently accommodates no formal off street parking.

The owner has submitted a letter in support of the proposal. The letter states the following;

*"The drawings will show that the proposed carport matches the existing dwelling the roof structure of the carport will match the design and height of the existing roof structure and our vehicles are presently parked in the space, which we propose that the carport will be built.*

*We are proposing that the carport will be built using four posts and will not be an enclosed structure as such the front of the house will not be obstructed from the street as such the street scape will be maintained.*

*It is not feasible to have a garage built at the rear of the property for the following reasons.*

- *The laneway at the rear of the property is not lit and as such we feel it is not safe at night.*
- *Burglaries have occurred at adjoining premises whereby access was gained from the rear of the premises.*
- *We do not wish to access from the rear of the property so as to allow passers-by access to our backyard.*
- *The laneway at the rear is very narrow and due to the size of our vehicles damage could result to our neighbours fences and our vehicles.*

**43REDFERN STREET, NORTH PERTH**

*The initial concept of the carport at the front of the property was prompted by a similar design at 43 Redfern St, North Perth, which has a carport built at the front of the premises.*

*The carport at 43 Redfern Street is a recent addition to the premises."*

**CONSULTATION/ADVERTISING:**

The proposal was advertised and no written submissions were received by the Town.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The Town's Policies relating to Street Setbacks and Vehicular Access disallow carports to be located in the front setback area, where there is opportunity to utilise the right of way and there is enough area at the rear of the lot to accommodate the carport structure. It is considered that in this instance, the carport can be accommodated at the rear of the lot. This ensures that the intent of Town's Policy is achieved, which is to maintain the front aspect of the existing house and to preserve the general streetscape, whilst promoting safety and security via casual surveillance of both the street and right of way.

The proposed front fence is compliant with the Town's Policy relating to Street Walls and Fences. However, the gates are proposed to open over the footpath and road reserve. This is not permitted and therefore must be amended to comply accordingly. This is represented in the above conditions.

In response to the comments provided by the applicant, safety in rights of ways is achievable through its utilisation by the majority of residences that abut it. This leads to better lighting and subsequent safer conditions in rights of ways. The subject right of way is a total of 3.6 metres in width as indicated in the Town's records. The width is not considered to be unreasonably narrow to preclude its use. Furthermore, the carport structure would require a necessary setback distance from the rear boundary to achieve a 6 metres manoeuvring distance for egress and ingress.

The proposed carport is considered to depart from the relevant requirement of the Town's Policies. This variation is not supported and it is therefore recommended that the carport be refused. The proposed fence is supported and recommended for conditional approval, as it satisfies the requirements of the Town's Policy relating to Street Walls and Fences.

**10.1.21 Modification to the Town of Vincent Town Planning Scheme No. 1 – Amendment No. 11: Rezoning the land contained in the “Eton – Locality Plan 7”**

<b>Ward:</b>	North	<b>Date:</b>	19 August 2003
<b>Precinct:</b>	Mount Hawthorn P1; North Perth P8	<b>File Ref:</b>	PLA0101
<b>Attachments:</b>	<a href="#">Amend No. 7 Eton 001</a> <a href="#">Amend No. 7 Eton 002</a>		
<b>Reporting Officer(s):</b>	Y Scheidegger		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the decision from the Hon Minister for Planning and Infrastructure and the Western Australian Planning Commission, as contained in letter dated 12 August 2003, relating to the modifications required to Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1;
- (ii) **RESOLVES** pursuant to Town Planning Regulations 21 (2) and 25 that Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1, with modifications as required by the Hon Minister for Planning and Infrastructure and the Western Australian Planning Commission, in accordance with its letter dated 12 August 2003 and accompanying Schedule of Modifications, as follows:

*"Schedule of Modifications Required by the Hon. Minister For Planning and Infrastructure to the Town of Vincent Amendment No. 11 to Town of Vincent Town Planning Scheme No. 1.*

*The Hon Minister requires that the Council modify the Amendment documents in the following manner before final approval is given:*

1. *Modifying the amending plan to delete those areas denoted in cross-hatching on the attached plan from the amendment area, as little or no evidence of support for the change proposed is in evidence in those areas.*
2. *Modifying clause 20(4) of the Scheme to insert new provision as follows:*
  - a) *Inserting sub-clause 20(4)(c)(i) and (ii), as follows:*
    - (i) *Dual Coding: Within the area coded R30/40, the development will only be permitted to R40 standards where the existing house is retained and where criteria specified in the precinct document is satisfied.*
    - (ii) *After 1 July 2006 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct.*
  - b) *Inserting sub-clause 20(4)(h)(i), as follows:*
    - (h) *Mount Hawthorn Precinct P 1,*



- (i) *After 1 July 2006 development and subdivision of land coded R20 will be determined in accordance with the R30 code and shall be subject to all provisions relevant to that coding in the Mount Hawthorn Precinct."*

***BE ADOPTED FOR FINAL APPROVAL;***

- (iii) *AUTHORISES the Mayor and Chief Executive Officer to execute and affix the Town of Vincent common seal to Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1 modified amending documents reflecting the Council's endorsement of final approval;*
- (iv) *ADVISES the Hon Minister for Planning and Infrastructure, Western Australian Planning Commission (WAPC), Environmental Protection Authority, and those who made submissions as outlined in the Minutes of the Ordinary Meeting of Council held on 17 December 2002, of clauses (i), (ii) and (iii) above; and*
- (v) *FORWARDS the relevant executed modified amending documents to and requests the Hon Minister and Western Australian Planning Commission to adopt for final approval and Gazettal, Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1.*

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**Moved Cr Lake, Seconded Cr Cohen**

*That the recommendation be adopted.*

*Debate ensued.*

Cr Torre departed the Chamber at 7.23pm.

*Debate ensued.*

Cr Torre returned to the Chamber at 7.26pm.

**Moved Cr Cohen, Seconded Cr Farrell**

*That a new clause (vi) be added as follows:*

- "(vi) REQUESTS from the Minister for Planning and Infrastructure detailed reasons for the exclusion of lots from Amendment No. 11 of the Town of Vincent Planning Scheme No. 1.*

**AMENDMENT CARRIED (8-0)**

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

*Debate ensued.*

**MOTION AS AMENDED CARRIED (8-0)**

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

**COUNCIL DECISION ITEM 10.1.21**

*That the Council;*

- (i) *RECEIVES the decision from the Hon Minister for Planning and Infrastructure and the Western Australian Planning Commission, as contained in letter dated 12 August 2003, relating to the modifications required to Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1;*
- (ii) *RESOLVES pursuant to Town Planning Regulations 21 (2) and 25 that Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1, with modifications as required by the Hon Minister for Planning and Infrastructure and the Western Australian Planning Commission, in accordance with its letter dated 12 August 2003 and accompanying Schedule of Modifications, as follows:*

*"Schedule of Modifications Required by the Hon. Minister For Planning and Infrastructure to the Town of Vincent Amendment No. 11 to Town of Vincent Town Planning Scheme No. 1.*

*The Hon Minister requires that the Council modify the Amendment documents in the following manner before final approval is given:*

1. *Modifying the amending plan to delete those areas denoted in cross-hatching on the attached plan from the amendment area, as little or no evidence of support for the change proposed is in evidence in those areas.*
2. *Modifying clause 20(4) of the Scheme to insert new provision as follows:*
  - a) *Inserting sub-clause 20(4)(c)(i) and (ii), as follows:*
    - (i) *Dual Coding: Within the area coded R30/40, the development will only be permitted to R40 standards where the existing house is retained and where criteria specified in the precinct document is satisfied.*
    - (ii) *After 1 July 2006 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct.*
  - b) *Inserting sub-clause 20(4)(h)(i), as follows:*
    - (h) *Mount Hawthorn Precinct P 1,*
      - (i) *After 1 July 2006 development and subdivision of land coded R20 will be determined in accordance with the R30 code and shall be subject to all provisions relevant to that coding in the Mount Hawthorn Precinct.";*

***BE ADOPTED FOR FINAL APPROVAL;***

- (iii) *AUTHORISES the Mayor and Chief Executive Officer to execute and affix the Town of Vincent common seal to Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1 modified amending documents reflecting the Council's endorsement of final approval;*

- 
- (iv) ***ADVISES the Hon Minister for Planning and Infrastructure, Western Australian Planning Commission (WAPC), Environmental Protection Authority, and those who made submissions as outlined in the Minutes of the Ordinary Meeting of Council held on 17 December 2002, of clauses (i), (ii) and (iii) above;***
- (v) ***FORWARDS the relevant executed modified amending documents to and requests the Hon Minister and Western Australian Planning Commission to adopt for final approval and Gazettal, Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1; and***
- (vi) ***REQUESTS from the Minister for Planning and Infrastructure detailed reasons for the exclusion of lots from Amendment No. 11 of the Town of Vincent Planning Scheme No. 1.***
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**SITE HISTORY:**

- 26 February 2002 At its Ordinary Meeting, the Council resolved to initiate Scheme Amendment No. 11.
- 12 March 2002 The Western Australian Planning Commission (WAPC) and the Environmental Protection Authority (EPA) were advised of the resolution to initiate Amendment No. 11.
- 26 March 2002 Correspondence received from the EPA stating that the proposed amendment does not require an environmental assessment.
- 23 April 2002 WAPC advise the Town that further information is required to support the Amendment in relation to a land use plan and existing and proposed development potential.
- 13 May 2002 The Town sends response to WAPC.
- 11 September 2002 WAPC advises the Town that consent to advertise has been granted, subject to an alternate amendment being included in the proposal.
- 25 September 2002 The Town sends correspondence to WAPC seeking clarification on the WAPC's advice with regard to the alternate amendment and providing a simplified submission form.
- 22 October 2002 The Town received clarification from WAPC with regard to the alternate amendment and providing a simplified submission form.
- 30 October 2002 Servicing Authorities, affected Government Authorities, Local Authorities and property owners and occupiers, and Precinct Groups sent notice of the Amendment.
- 30 October 2002 Amendment advertised in the 'West Australian' newspaper.
- 2 November 2002 Amendment advertised in the 'Voice News' newspaper.
- 10 December 2002 Advertising period completed. 287 submissions lodged with the Town.
- 17 December 2002 At its Ordinary Meeting, the Council resolved the following:

*"That the Council;*

- (i) resolves pursuant to Town Planning Regulation 17(1), to receive the three hundred and four (304) submissions and further resolve pursuant to Town Planning Regulation 17(2), that Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1 be adopted for final approval, as per Option No.2 - Rezoning the land contained in the Eton - Locality Plan 7 from "Residential R30" and "Residential R30/40" to "Residential R20";*
- (ii) authorises the Mayor and Chief Executive Officer to execute and affix the Town of Vincent common seal to Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1 documents reflecting the Council's endorsement of final approval; and*
- (iii) advises the Hon. Minister for Planning and Infrastructure, Western Australian Planning Commission (WAPC), Environmental Protection Authority, and those who made submissions as outlined in (i) above, and forwards the relevant executed documents to and requests the Hon. Minister and WAPC to adopt for final approval and Gazettal, Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1."*

8 April 2003

The Council at its Ordinary Meeting, via a Notice of Motion, resolved the following:

*"That the Council authorises the Chief Executive Officer to write urgently by close of business 10 April 2003 to the Minister for Planning and Infrastructure and the Local Member for Yokine to reinforce the Council's strong support and, in turn, request their support for Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1, to reflect – Rezoning the land contained in the Eton – Locality Plan 7 from “Residential R30” and “Residential R30/40” to “Residential R20”."*

20 June 2003

Meeting held with representatives of the Hon Minister for Planning and Infrastructure, Department for Planning and Infrastructure and Town of Vincent Officers and Elected Members regarding Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1 (TPS No. 1).

**DETAILS:**

The Town received a letter dated 12 August 2003 from the WAPC advising of the Hon Minister for Planning and Infrastructure's (Hon Minister) decision relating to Amendment No. 11 to the TPS No. 1. The contents of that letter are summarised as follows:

*"I refer to your letter of 16 January 2003 and advise that the Hon Minister for Planning and Infrastructure noted the submissions supporting/opposing the Amendment, and has decided not to approve the above Amendment until such time as the following modifications are effected:*

1. *modifying the amending plan to delete those areas denoted in cross-hatching on the attached plan from the amendment area, as little or no evidence of support for the change proposed is in evidence in those areas; and*
2. *amending clause 20(4) of the Scheme to insert new provisions to specify the time period within which the proposed R20 density coding is to be applicable.*

*The modifications required by the Hon Minister are more fully drawn on the attached Schedule of Modifications.*

*The Hon Minister has resolved not to direct the Council to re-advertise the modified Amendment, as these modifications are considered to be insubstantial in the context of the Amendment proposed.*

*Would you please arrange for three sets of amending documents to be prepared and executed in accordance with the modifications required and submit them for the Hon Minister's endorsement of final approval.*

*In accordance with the provisions of Regulations 21 (2) and 25 of the Town Planning Regulations, 1967 (as amended), Council is required to return the executed modified amendment documents to the Commission within 42 days of being notified of the Hon Minister's decision...*

*...Schedule of Modifications*

*Schedule of Modifications Required by the Hon. Minister For Planning and Infrastructure to the Town of Vincent Amendment No. 11 to Town of Vincent Town Planning Scheme No. 1.*

*The Hon Minister requires that the Council modify the Amendment documents in the following manner before final approval is given:*

1. *Modifying the amending plan to delete those areas denoted in cross-hatching on the attached plan from the amendment area, as little or no evidence of support for the change proposed is in evidence in those areas.*
2. *Modifying clause 20(4) of the Scheme to insert new provision as follows:*
  - a) *Inserting sub-clause 20(4)(c)(i) and (ii), as follows:*
    - (i) *Dual Coding: Within the area coded R30/40, the development will only be permitted to R40 standards where the existing house is retained and where criteria specified in the precinct document is satisfied.*
    - (ii) *After 1 July 2006 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct.*
  - b) *Inserting sub-clause 20(4)(h)(i), as follows:*
    - (h) *Mount Hawthorn Precinct P 1,*
      - (i) *After 1 July 2006 development and subdivision of land coded R20 will be determined in accordance with the R30 code and shall be subject to all provisions relevant to that coding in the Mount Hawthorn Precinct."*

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

Nil.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2000 – 2002 Key Results Area 1, The Physical Environment Strategies and Action Plans:

*“1.1 Implement Town Planning Scheme No. 1 and associated policies and guidelines.”*

Draft Strategic Plan 2002-2007 Key Results Area 1, The Environment and Infrastructure Strategies and Action Plans:

*“1.3 Develop, implement and promote sustainable urban design.*

*Action Plans to implement this strategy include:*

- c) Review the Town Planning Scheme to:  
encourage diversity throughout the Town;  
encourage hubs or centres of community within the Town;  
review residential densities;  
review zoning”.*

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The areas required by the Hon Minister to be deleted from Amendment No. 11 are detailed in Appendices 10.1.21(a) and (b) to this Report.

In light of the above resolution from the Hon Minister, it is recommended that the Council prepare, execute and forward the relevant modified scheme amending documentation to the WAPC and the Hon Minister for endorsement of final approval.

**10.1.2 Further Report - Nos. 12 & 14 (Lots 72 and 71) Sydney Street, North Perth - Proposed Survey Strata Subdivision**

Ward:	North	Date:	19 August 2003
Precinct:	North Perth, P8	File Ref:	393-03
Attachments:	<a href="#">001</a>		
Reporting Officer(s):	P Mastrodomenico		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	John Giorgi

**CHIEF EXECUTIVE OFFICER'S RECOMMENDATION:**

That;

(i) in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Residential Design Codes, the Council RECOMMENDS REFUSAL to the Western Australian Planning Commission for the proposed survey strata subdivision of Nos. 12 and 14 (Lots 72 and 71) Sydney Street, North Perth., and as shown on the plan stamp-dated 1 August 2003. (survey strata subdivision 393-03), for the following reasons:

(a) Amendment No.11 to the Town of Vincent Town Planning Scheme No.1 proposes to rezone the Eton Locality from R30 and R30/40 to R20. The Minister for Planning and Infrastructure in letter dated 7 August 2003, and the Western Australian Planning Commission in letter dated 12 August 2003, has conditionally approved Amendment No.11; and

(b) the proposed survey strata subdivision does not comply with the minimum and average site area requirements of the R20 code;

(ii) the Council requests the Western Australian Planning Commission and the Minister for Planning and Infrastructure to expedite the promulgation of Amendment No.11 to the Town of Vincent Town Planning Scheme No.1; and

(iii) the Council requests the Western Australian Planning Commission that if the Commission is inclined to approve the proposed survey strata subdivision the Town is further consulted to obtain the appropriate conditions of the Town that should apply to the proposed subdivision.

**FURTHER OFFICER RECOMMENDATION:**

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Residential Design Codes, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission for the proposed survey strata subdivision of Nos. 12 and 14 (Lots 72 and 71) Sydney Street, North Perth, and as shown on the plan stamp-dated 1 August 2003 (survey strata subdivision 393-03), subject to:

(i) all buildings and effluent disposal systems, having the necessary clearance from the new boundaries as required under the relevant legislation;

(ii) support of the subdivision is not to be construed as support of the demolition of the existing building(s) and/or any development on the proposed lots;

- ~~(iii) — if any portion of the existing building(s) is to be demolished to facilitate the proposed subdivision, a separate Planning Approval and/or Demolition Licence is to be obtained from the Town for the demolition of the existing building(s) prior to the clearance of the Diagram or Plan of Survey by the Town;~~
- ~~(iv) — all buildings and structures that have been granted Planning Approval and/or Demolition Licence for demolition being demolished and materials removed from the site and the site made good. A separate Planning Approval and/or Demolition Licence is required from the Town prior to the commencement of any demolition works;~~
- ~~(v) — the land being filled and/or drained at the subdivider's cost to the satisfaction of the Town and any easements and/or reserves necessary for the implementation thereof, being provided free of cost;~~
- ~~(vi) — the street verge tree on Sydney Street adjacent to the subject land being retained and measures being taken to ensure its identification and protection to the satisfaction of the Town prior to commencement of site works;~~
- ~~(vii) — the applicant obtaining Planning Approval and/or Building Licence for the development of a house(s) on the lots less than 350 square metres in accordance with Clause 2.3.3 of the Residential Design Codes. Any proposed development shall comply with the requirements of the Residential Design Codes and the Town's Town Planning Scheme No. 1 and associated Policies including the Policy relating to the Eton Locality, which includes the provision that development is to respect and maintain the existing character of the area, and this is considered to be predominantly detached dwellings with no boundary/parapet walls;~~
- ~~(viii) — a Management Statement being prepared and submitted in accordance with section 5C of the Strata Titles Act 1985, to include the following additions to the by-laws contained in Schedules 1 and 2 of the Strata Titles Act:~~
- ~~(a) — development or redevelopment on the survey strata lots must comply with an existing development approval issued by the Town of Vincent, or such alternative development approval as the Council may grant, which complies with the requirements of the Town of Vincent Town Planning Scheme; and~~
- ~~(b) — amendment to or repeal of the above provision cannot be effected without the Commission's agreement; and~~
- ~~(ix) — the existing residences to comply with the requirements of the Residential Design Codes to the satisfaction of the Town, including:~~
- ~~(a) — the provision and construction of two (2) on-site car parking bays and associated driveway and crossover, for each dwelling;~~
- ~~(b) — the provision of a permanent enclosed storage area and adequate provision for the storage of garbage; for each dwelling; and~~
- ~~(c) — the provision of a 20 square metres courtyard, with a minimum dimension of 4 metres, for each dwelling;~~
- ~~to the satisfaction of the Chief Executive Officer.~~



**NOTE:**

*The subject property is located within the Town's Eton Locality, which is subject to Amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. The Amendment with modifications is expected to be promulgated in the near future.*

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**COUNCIL DECISION ITEM 10.1.2**

**Moved Cr Lake, Seconded Cr Torre**

*That the Chief Executive Officer's recommendation be adopted.*

*Debate ensued.*

**CARRIED (6-2)**

**For**

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

**Against**

Cr Lake  
Cr Torre

(Mayor Catania on approved leave of absence.)

*That;*

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Residential Design Codes, the Council RECOMMENDS REFUSAL to the Western Australian Planning Commission for the proposed survey strata subdivision of Nos. 12 and 14 (Lots 72 and 71) Sydney Street, North Perth., and as shown on the plan stamp-dated 1 August 2003. (survey strata subdivision 393-03), for the following reasons:*
- (a) *Amendment No.11 to the Town of Vincent Town Planning Scheme No.1 proposes to rezone the Eton Locality from R30 and R30/40 to R20. The Minister for Planning and Infrastructure in letter dated 7 August 2003, and the Western Australian Planning Commission in letter dated 12 August 2003, has conditionally approved Amendment No.11; and*
- (b) *the proposed survey strata subdivision does not comply with the minimum and average site area requirements of the R20 code;*
- (ii) *the Council requests the Western Australian Planning Commission and the Minister for Planning and Infrastructure to expedite the promulgation of Amendment No.11 to the Town of Vincent Town Planning Scheme No.1; and*
- (iii) *the Council requests the Western Australian Planning Commission that if the Commission is inclined to approve the proposed survey strata subdivision the Town is further consulted to obtain the appropriate conditions of the Town that should apply to the proposed subdivision.*

### **FURTHER REPORT:**

The site currently supports two single storey single houses each contained on its own lot.

The Council at its Ordinary Meeting held on 8 July 2003 considered an application for a similar proposal, and resolved that *"That this item be DEFERRED, to allow the applicant to address on site carparking concerns, and to consider the ROW access."*

The applicant has addressed the issues raised at the above Ordinary Meeting of Council in amended plans dated 1 August 2003, which proposes two hard stand car parking bays at the front of No.12 Sydney Street (proposed front Lot 1). The parking is proposed at the front of the property as the owner has undertaken extensive work to the outdoor living area at the rear of the property.

With regard to right of way access, this is not considered applicable as the right of way to the rear of No.12 Sydney Street only abuts approximately 2 metres of the eastern boundary, which does not have sufficient room for vehicular access onto the properties.

### **Scheme Amendment No. 11**

The subject property is located within the Town's Eton Locality, which is subject to Amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. In letter dated 12 August 2003, the Western Australian Planning Commission (WAPC) advised that it *"has decided not to approve the above Amendment until such time as the following modifications are effected:*

1. *modifying the amending plan to delete those areas denoted in cross-hatching on the attached plan from the amendment area, as little or no evidence of support for the change proposed is in evidence in those areas; and*
2. *amending clause 20(4) of the Scheme to insert new provisions to specify the time period within which the proposed R20 density coding is to be applicable."*

Amendment No. 11 is not effective until all the following matters have been completed:

1. Agenda report to the Ordinary Meeting of Council in relation to the above matter.
2. Scheme amending documents to be modified.
3. The modified Scheme amending documents to be signed, sealed and endorsed by the Chief Executive Officer and the Mayor.
4. The modified endorsed Scheme amending documents forwarded to the WAPC and the Minister for Planning and Infrastructure for final approval.
5. Final approval by WAPC and the Minister.
6. Gazettal of final approval of Amendment No. 11.

In light of the above, Amendment No. 11 is not expected to be promulgated for another 2 to 3 months.

The Town's Solicitors have confirmed that it is the Town's understanding that the Town's Planning Officers are ~~is~~ required to determine any planning and subdivision application in accordance with the provisions of the Town Planning Scheme in force at the time the application comes to be determined.

Therefore, the application should be determined in accordance with current density code, and not the proposed modifications the subject of Amendment No. 11.

The proposed survey strata subdivision complies with the provisions of the Residential R40 density code in relation to lot size requirements. The R40 code permits a minimum lot size of 200 square metres with an average lot size of 220 square metres. Four (4) lots are proposed as part of the subdivision. The existing houses are proposed to be retained.

The lot sizes proposed are 324 square metres and 300 square metres for the lots that will accommodate the retained existing dwellings, and two vacant lots of 255 square metres and 275 square metres to the rear, and a central common property of 153 square metres.

The proposal is in accordance with the current density code and is therefore supported. Therefore, the previous conditional support recommendation remains unchanged, except for the preamble now referring to the amended plan stamp dated 1 August 2003, and the "note" being updated to reflect the WAPC's and Minister's decision.

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

*"RECOMMENDATION:*

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Residential Design Codes, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission for the proposed survey strata subdivision of Nos. 12 and 14 (Lots 72 and 71) Sydney Street, North Perth, and as shown on the plan stamp-dated 11 April 2003 (survey strata subdivision 393-03), subject to:*

- (i) all buildings and effluent disposal systems, having the necessary clearance from the new boundaries as required under the relevant legislation;*
- (ii) support of the subdivision is not to be construed as support of the demolition of the existing building(s) and/or any development on the proposed lots;*
- (iii) if any portion of the existing building(s) is to be demolished to facilitate the proposed subdivision, a separate Planning Approval and/or Demolition Licence is to be obtained from the Town for the demolition of the existing building(s) prior to the clearance of the Diagram or Plan of Survey by the Town;*
- (iv) all buildings and structures that have been granted Planning Approval and/or Demolition Licence for demolition being demolished and materials removed from the site and the site made good. A separate Planning Approval and/or Demolition Licence is required from the Town prior to the commencement of any demolition works;*
- (v) the land being filled and/or drained at the subdivider's cost to the satisfaction of the Town and any easements and/or reserves necessary for the implementation thereof, being provided free of cost;*
- (vi) the street verge tree on Sydney Street adjacent to the subject land being retained and measures being taken to ensure its identification and protection to the satisfaction of the Town prior to commencement of site works;*

- (vii) *the applicant obtaining Planning Approval and/or Building Licence for the development of a house(s) on the lots less than 350 square metres in accordance with Clause 2.3.3 of the Residential Design Codes. Any proposed development shall comply with the requirements of the Residential Design Codes and the Town's Town Planning Scheme No. 1 and associated Policies including the Policy relating to the Eton Locality, which includes the provision that development is to respect and maintain the existing character of the area, and this is considered to be predominantly detached dwellings with no boundary/parapet walls;*
- (viii) *a Management Statement being prepared and submitted in accordance with section 5C of the Strata Titles Act 1985, to include the following additions to the by-laws contained in Schedules 1 and 2 of the Strata Titles Act:*
- (a) *development or redevelopment on the survey strata lots must comply with an existing development approval issued by the Town of Vincent, or such alternative development approval as the Council may grant, which complies with the requirements of the Town of Vincent Town Planning Scheme; and*
  - (b) *amendment to or repeal of the above provision cannot be effected without the Commission's agreement; and*
- (ix) *the existing residences to comply with the requirements of the Residential Design Codes to the satisfaction of the Town, including;*
- (a) *the provision and construction of two (2) on-site car parking bays and associated driveway and crossover, for each dwelling;*
  - (b) *the provision of a permanent enclosed storage area and adequate provision for the storage of garbage; for each dwelling; and*
  - (c) *the provision of a 20 square metres courtyard, with a minimum dimension of 4 metres, for each dwelling;*

*to the satisfaction of the Chief Executive Officer.*

**NOTE:**

*The subject property is located within the Town's Eton Locality which is subject to Amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. The Amendment is currently with the Western Australian Planning Commission and Minister for Planning and Infrastructure for final approval.*

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Moved Cr Doran-Wu, Seconded Cr Cohen

*That the recommendation be adopted.*

*Debate ensued.*

COUNCIL DECISION ITEM 10.1.3

Moved Cr Doran-Wu, Seconded Cr Ker

*That this item be DEFERRED, to allow the applicant to address on site carparking concerns, and to consider the ROW access.*

CARRIED (9-0)

LANDOWNER: L M and C Costa  
APPLICANT: Oracle Surveys  
ZONING: Metropolitan Region Scheme: Urban  
Town Planning Scheme No.1: Residential R30/40 (R40 applies)

EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Single House
Use Classification	"P"
Lot Area	1307 square metres

SITE HISTORY:

The site currently supports two single storey single houses each contained on its own lot.

Scheme Amendment No. 11

It should be noted that the subject property is located within the Town's Eton Locality which is subject to Amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. The Amendment is at present with the Western Australian Planning Commission and Minister for Planning and Infrastructure for final determination. Elected Members have requested that all subdivision proposals within the Eton Locality be referred to Council for determination.

DETAILS:

The applicant seeks to survey strata subdivide the property in accordance with the Residential R40 density code, to create four (4) lots.

CONSULTATION/ADVERTISING:

The proposal did not require advertising.

COMMENTS:

The proposed survey strata subdivision complies with the provisions of the Residential R40 density code in relation to lot size requirements. The R40 code permits a minimum lot size of 200 square metres with an average lot size of 220 square metres. Four (4) lots are proposed as part of the subdivision. The existing houses are proposed to be retained.

The lot sizes proposed are 324 square metres and 300 square metres for the lots which will accommodate the retained existing dwellings, and two vacant lots of 255 square metres and 275 square metres to the rear, and a central common property of 153 square metres.

The proposal is in accordance with the current density code and is therefore supported, subject to standard condition."

**CHIEF EXECUTIVE OFFICER'S COMMENT:**

The Chief Executive Officer has amended this report and the changes are shown by ~~strikethrough~~ where words are deleted and underlining where words have been added.

The Chief Executive Officer is to *"ensure that advice and information is available to the Council so that informed decisions can be made"*, (in accordance with the Local Government Act, Section 5.41(b)). The Chief Executive Officer has the authority to amend an Officer's report to ensure that the Council is fully informed.

The Town's solicitors have verbally advised the Chief Executive Officer that the proposed amendment is a "significant and relevant factor" which the Council can give due consideration to when considering this matter and making recommendations to the Western Australian Planning Commission. Accordingly, the Council can recommend refusal of such applications "during the interim period" whilst the amendment is being promulgated.

At previous meetings, the Council has indicated that it is of the opinion that subdivision applications in the Eton Locality should be REFUSED, whilst Amendment No. 11 to the Town Planning Scheme No. 1 is being promulgated. The Council has previously stated that it is basing its decision on the fact that the proposed subdivisions *"conflict with the intent of the Council and the Minister for Planning and Infrastructure's decision concerning the amendment"*.

**10.1.15 No. 10 (Lot 330) Dunedin Street, Mount Hawthorn – Proposed Additional Two Storey Grouped Dwelling to Existing Single House**

<b>Ward:</b>	North	<b>Date:</b>	18 August 2003
<b>Precinct:</b>	Mount Hawthorn P1	<b>File Ref:</b>	PRO 1516; 00/33/1709
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	J Barton		
<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 the owners O and S Douglas for proposed additional two storey grouped dwelling to existing single house at No. 10 (Lot 330) Dunedin Street, Mount Hawthorn, and as shown on the plans stamp-dated 1 July 2003, subject to:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iii) a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (iv) the construction of crossovers shall be in accordance with the Town's specifications;*
- (v) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (vi) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (vii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
  - (a) a portion of the front porch being removed and/ or residence to enable sufficient manoeuvring space to and from the garage; and*
  - (b) the verandah being setback a minimum of 1.5 metres from the southern 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) *subject to first obtaining the consent of the owners of No. 12 Dunedin Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing the existing dwelling at No. 12 Dunedin Street, in a good and clean condition;*
- (ix) *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; and*
- (x) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the western facing windows to the lounge on the upper floor, 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. 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 a major opening as defined in the Residential Design Codes 2002;*
- (xi) *no new front 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 Dunedin Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*
- (xii) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Dunedin 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.*

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**COUNCIL DECISION ITEM 10.1.15**

**Moved Cr Farrell, Seconded Cr Cohen**

*That the recommendation be adopted.*

*Debate ensued.*

Cr Doran-Wu departed the Chamber at 7.45pm.

**CARRIED (7-0)**

(Cr Doran-Wu was absent from the Chamber and did not vote. Mayor Catania on approved leave of absence.)

Cr Doran-Wu returned to the Chamber at 7.46pm.



**LANDOWNER:** O and S Douglas  
**APPLICANT:** O and S Douglas  
**ZONING:** Metropolitan Region Scheme: Urban Town Planning Scheme  
 No.1: Residential R30  
**EXISTING LAND USE:** Single House

**COMPLIANCE:**

Use Class	Grouped Dwelling
Use Classification	"P"
Lot Area	683 square metres

Requirement	Required	Proposed
<b>Setbacks</b> <u>Proposed Dwelling at the rear</u> Southern Elevation- Ground Floor.	1.5 metres	1.02 metres
<b>Cone of Vision Encroachment</b> Upper Floor Lounge- Northern Boundary	6 metres	4 metres
<b>Buildings on Boundary</b> Parapet Wall-Northern Elevation.	Boundary walls not higher than 3 metres average height, and 3.5 metres maximum height.	3.3 metres average height

**SITE HISTORY:**

The site currently supports a single storey single house.

**DETAILS:**

The applicant seeks approval to construct an additional two storey grouped dwelling to the rear of the existing residence.

**CONSULTATION/ADVERTISING:**

The proposal was advertised from 22 July 2003 to 5 August 2003.

Two objections were received during the advertising period. These are summarised below;

- The northern neighbour advised that they have no objections to the parapet wall exceeding the Residential Design Codes (R-Codes) acceptable height requirements, however, they object to the cone of vision encroachment from the lounge on the upper floor. However, this objection can be addressed via a standard screening condition.

- The southern neighbour objects to the proposed setback variation on the southern elevation, as it will restrict light into their living areas. This issue has been addressed in the relevant section below.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Setbacks – Proposed Rear Dwelling**

**Southern Side-Ground Floor**

The applicants are seeking a setback variation to 1.02 metres, in lieu of 1.5 metres to the ground floor on the southern side. The proposal almost complies with the R-Codes setback requirements, however, the wall encompassing the walk in robe, ensuite, lounge/study and verandah is over 9 metres in total length, therefore a 1.5 metres setback is required.

Although the above mentioned reduced setback is minor, in this instance, it is not considered appropriate due to the undue, adverse effect on the southern neighbour. Additionally, the affected neighbour has specifically objected on the grounds of overshadowing and loss of light to their living areas, notwithstanding that the extent of overshadowing complies with the R-Codes.

In light of the above, a condition has been recommended for the verandah to be setback 1.5 metres from the southern boundary, thus bringing the proposal into compliance with the R-Codes setback requirements.

**Cone of Vision Encroachment**

A cone of vision encroachment of 4 metres, in lieu of the required 6 metres, is proposed from the lounge on the upper floor (western elevation) to the northern side boundary. This non-compliance issue has been addressed through a standard privacy condition.

**Buildings on Boundary**

The proposal also includes a variation to the height of the parapet wall to the garage on the northern side, as the wall is 3.3 metres in average height, in lieu of 3 metres. However, given that the proposed boundary wall does not overshadow the adjoining neighbours, and the affected neighbours specifically advised that they raise no objection to the height of wall, the proposal is therefore not considered to unduly impact on the amenity of the adjoining neighbours.

**Conclusion**

Given that the proposal has been brought into closer compliance with the R-Codes in order to address the neighbours' objections, and that the proposal complies with the R-Codes overshadowing requirements, it is considered that the proposal will generally have no unreasonable detrimental impact on the amenity of the area.

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

**10.1.14 No. 55 (Lot 458) Hobart Street Corner London Street, North Perth – Proposed Partial Demolition of and Alterations, Additions, and Carport to Existing Single House and Construction of Two (2) Two-Storey Single Houses**

Ward:	North	Date:	20 August 2003
Precinct:	North Perth P8	File Ref:	PRO2350; 00/33/1628
Attachments:	<a href="#">001</a>		
Reporting Officer(s):	P Mastrodomenico		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	John Giorgi

**CHIEF EXECUTIVE OFFICER'S RECOMMENDATION:**

That;

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

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality as Amendment No.11 to the Town of Vincent Town Planning Scheme No.1 proposes to rezone the Eton Locality from R30 and R30/40 to R20, and the Minister for Planning and Infrastructure in letter dated 7 August 2003, and the Western Australian Planning Commission in letter dated 20 August 2003, has conditionally approved Amendment No.11; and
- (ii) the proposed development does not comply with the housing density requirements of the R20 code;

the Council REFUSES the application submitted by Birch Architecture and Design on behalf of the owners The Girls Brigade Western Australia Inc for proposed partial demolition of and alterations, additions, and carport to existing single house and construction of two (2) two-storey single houses at No.55 (Lot 458) Hobart Street, (corner London Street,) North Perth and as shown on the plan stamp-dated 20 August 2003.

**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 Birch Architecture and Design on behalf of the owners The Girls Brigade Western Australia Inc for proposed partial demolition of and alterations, additions, and carport to existing single house and construction of two (2) two-storey single houses at No.55 (Lot 458) Hobart Street, (corner London Street,) North Perth, and as shown on the plans stamp dated 20 August 2003, subject to:

- (i) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;

- ~~(ii) — no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Hobart Street and London Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the new front fences and gates being visually permeable, with a minimum 50 per cent transparency;~~
- ~~(iii) — subject to first obtaining the consent of the owners of No. 53 Hobart 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. 53 Hobart Street in a good and clean condition;~~
- ~~(iv) — to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development;~~
- ~~(a) — the windows to bedroom 2 and bedroom 3/study/sitting room on first floor level on the northern elevation of the northern new dwelling; and~~
- ~~(b) — the windows to bedroom 2 on the first floor level on the southern elevation of the southern new dwelling;~~
- ~~shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor levels. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002;~~
- ~~(v) — street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);~~
- ~~(vi) — 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;~~
- ~~(vii) — all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;~~
- ~~(xiii) — a road and verge security deposit bond and/or bank guarantee of \$1100 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;~~
- ~~(ix) — the construction of crossovers shall be perpendicular to the road and be in accordance with the Town's specifications;~~
- ~~(x) — prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;~~

- ~~(xi) — compliance with all relevant Environmental Health, Engineering and Building requirements;~~
- ~~(xii) — a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Hobart Street and London 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);~~
- ~~(xiii) — prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the western, northern and southern elevations of the carports to the new dwellings each being visually permeable with a minimum of 50 percent transparency. 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.~~

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**Moved Cr Cohen, Seconded Cr Torre**

*That the recommendation be adopted.*

*Debate ensued.*

**COUNCIL DECISION ITEM 10.1.14**

**Moved Cr Cohen, Seconded Cr Franchina**

*That this item be DEFERRED so that a further report be provided to Council to clarify the heritage value of the existing building on the property.*

**CARRIED (5-3)**

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

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

**FURTHER REPORT:**

**Heritage Comments**

The Agenda Report states the following in relation to the heritage aspect of the existing place:

*"The applicant has provided the following information in support of the application;*

*"Currently the site is owned by the Girls Brigade of Western Australia Inc. and operates as one of their agencies. It has been operating as a Girl's Brigade since the 1980's. Prior to this the building was the local corner store, with combined residence, and this was the original use of the site. We have no information on exactly when the building was constructed however Mr Peake moved into 57 Hobart Street (directly across London Street) in 1928 and the corner store was already built and operating....."*

*From inspecting the building it appears that additions and alterations have been made at approximately three different stages. These additions are proposed to be removed as they have no significance to the original building. It also shows that the corner store was one of the first buildings constructed on Hobart Street.*

*The site has always played a role in the local community, originally operating as a local corner store for over 50 years and more recently changing to a Girl's Brigade... the original building still stands with the same basic exterior profile and has been an important part of the local community for at least 75 years, and possibly considerably longer. The proposed conversion of the building to a dwelling fits the Town of Vincent's residential coding and by working with the original historic fabric it ensures the streetscape that has evolved around the corner store is maintained.*

*This building is of significant local heritage value and should be maintained. The proposal is sympathetic to the original style of the building and includes replacing two aluminium framed sliding windows in the Hobart St façade with four timber framed double hung windows to match the original windows found in the side and rear elevations. The water pipe currently supporting the original verandah will be replaced with timber posts as they originally were, and the chocolate brick balustrade to the verandah will be replaced with a picket fence as seen in the old photograph of the site. Essentially the renovation of the existing building will ensure the style, form, bulk and scale of the original building is maintained and the streetscape remains as it began pre-1928." ...*

#### *Partial Demolition*

*The existing dwelling (former shop) at No.55 (Lot 458) forms part of the original streetscape and although substantially altered, it represents the general scale and style of dual shop-houses, which once operated amongst the growing suburban streets. The applicant has provided historical documentation and oral accounts of the former uses of the existing dwelling to support the development application. Based on this information, and the retention and upgrade of the existing dwelling, the proposed additional development is considered acceptable."*

#### **Additional Heritage Comments**

Located in the area of Workers Homes Board housing in Mount Hawthorn, this building serviced the working and increasing middle class community as a dual shop house for over 50 years. The City of Perth Building License records indicate that alterations to the building occurred in 1927, 1929 and 1935. An oral history account with Mr Harold Peake, neighbour, indicates that the shop was fully operational in 1928 when he moved into No. 57 Hobart Street on the corner opposite the shop.

In 1976, a Building License was approved for rendering the original red brick at the subject building. The Certificate Of Title shows the property as registered to the Girls Brigade Australia Ltd on 19 October 1979, although it is uncertain as to exactly when the building ceased to be used as a shop. Mr Peake recalls an interim period of time where the property was used solely as a residence, upon the death of the elderly lady who lived there.

When the Girls Brigade became the owners of the property, some of the original internal walls were removed to open the building for practical use as a hall. The ceiling in the main body of the building is original, and the wide jarrah floorboards also remain, although they are covered by carpet. The front verandah appears to have been extended to meet the built extension on the east side of the building. The original chimney appears to have been removed when the rear brick extension, occupying toilets and office space, was added to the building.

As a place formerly associated with the new-wave Workers Homes Board development following World War One, the former dual shop-house is likely to have some social and historical significance.

**Amendment No. 11**

If Amendment No. 11, as modified by the Minister for Planning and Infrastructure and the Western Australian Planning Commission, is promulgated, the subject property will be zoned Residential R20. Consequently, Town Planning Scheme No. 1 will have no specific requirement to retain the existing building, however, any application for demolition of the existing building will still require Planning Approval to applied to and granted by the Town, and a detailed heritage assessment will be prepared at the demolition application stage for consideration by the Council.

**LANDOWNER:** The Girls' Brigade Western Australia Inc  
**APPLICANT:** Birch Architecture and Design  
**ZONING:** Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R30/40  
**EXISTING LAND USE:** Single House

**COMPLIANCE:**

Use Class	Single House
Use Classification	"P"
Lot Area	668 square metres

Requirements	Required	Proposed
Side Setback (East)		
-Ground Floor	1.5 metres	Nil - 1.275 metres
-First Floor	1.9metres	Nil - 1.3 metres

**SITE HISTORY:**

The subject site is occupied by a single storey character dwelling, which is owned and used by the Girls Brigade. The surrounding area is characterised by single residential and grouped dwellings of one and two storeys.

An application to create three survey strata lots has been made to the Western Australian Planning Commission.

The Council at its Ordinary Meeting held on 27 May 2003 resolved to recommend refusal of the survey strata application on the site. On 21 July 2003, the Western Australian Planning Commission resolved to defer the subdivision application pending the determination of a development application by the Town of Vincent.

**CONSULTATION/ADVERTISING:**

There were no objections received during the advertising period.

**DETAILS:**

Approval is sought for proposed partial demolition of and alterations, additions, and carport to existing single house and construction of two (2) two-storey single houses. The applicant has provided the following information in support of the application;

*"Currently the site is owned by the Girls Brigade of Western Australia Inc. and operates as one of their agencies. It has been operating as a Girl's Brigade since the 1980's. Prior to this the building was the local corner store, with combined residence, and this was the original use of the site. We have no information on exactly when the building was constructed however Mr Peake moved into 57 Hobart Street (directly across London Street) in 1928 and the corner store was already built and operating..... From inspecting the building it appears that additions and alterations have been made at approximately three different stages. These additions are proposed to be removed as they have no significance to the original building. It also shows that the corner store was one of the first buildings constructed on Hobart Street.*

*The site has always played a role in the local community, originally operating as a local corner store for over 50 years and more recently changing to a Girl's Brigade... the original building still stands with the same basic exterior profile and has been an important part of the local community for at least 75years, and possibly considerably longer. The proposed conversion of the building to a dwelling fits the Town of Vincent's residential coding and by working with the original historic fabric it ensures the streetscape that has evolved around the corner store is maintained.*

*This building is of significant local heritage value and should be maintained. The proposal is sympathetic to the original style of the building and includes replacing two aluminium framed sliding windows in the Hobart St façade with four timber framed double hung windows to match the original windows found in the side and rear elevations.*

*The water pipe currently supporting the original verandah will be replaced with timber posts as they originally were, and the chocolate brick balustrade to the verandah will be replaced with a picket fence as seen in the old photograph of the site. Essentially the renovation of the existing building will ensure the style, form, bulk and scale of the original building is maintained and the streetscape remains as it began pre-1928."*

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

Partial Demolition

The existing dwelling (former shop) at No.55 (Lot 458) forms part of the original streetscape and although substantially altered, it represents the general scale and style of dual shop-houses, which once operated amongst the growing suburban streets.



The applicant has provided historical documentation and oral accounts of the former uses of the existing dwelling to support the development application. Based on this information, and the retention and upgrade of the existing dwelling, the proposed additional development is considered acceptable.

#### **Side Setbacks**

The eastern side setback variations (parapet wall) is considered supportable, as it abuts an existing 3.5 metres high parapet wall on the neighbouring property, and no objections were received from the affected neighbours. As such, the parapet wall is not considered to have an unreasonable adverse effect on the adjacent properties.

#### **London Street - Other Regional Road Reserve**

The Town has referred this application to the Department for Planning and Infrastructure (DPI) for their comments and recommendation in relation to the Metropolitan Region Scheme "Other Regional Roads" (ORR) reservation of London Street.

The DPI has provided the following recommendation, *"it is recommended that, vehicular access to proposed lot 2 and lot 3 be provided via one driveway."* The proposed development complies with the DPI's recommendation and as such is supported.

#### **Scheme Amendment No. 11**

The subject property is located within the Town's Eton Locality, which is subject to Amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. In letter dated 12 August 2003, the Western Australian Planning Commission (WAPC) advised that it *"has decided not to approve the above Amendment until such time as the following modifications are effected:*

1. *modifying the amending plan to delete those areas denoted in cross-hatching on the attached plan from the amendment area, as little or no evidence of support for the change proposed is in evidence in those areas; and*
2. *amending clause 20(4) of the Scheme to insert new provisions to specify the time period within which the proposed R20 density coding is to be applicable."*

Amendment No. 11 is not effective until all the following matters have been completed:

1. Agenda report to the Ordinary Meeting of Council in relation to the above matter.
2. Scheme amending documents to be modified.
3. The modified Scheme amending documents to be signed, sealed and endorsed by the Chief Executive Officer and the Mayor.
4. The modified endorsed Scheme amending documents forwarded to the WAPC and the Minister for Planning and Infrastructure for final approval.
5. Final approval by WAPC and the Minister.
6. Gazettal of final approval of Amendment No. 11.

In light of the above, Amendment No. 11 is not expected to be promulgated for another 2 to 3 months.

The Town's Solicitors have confirmed that it is the Town's understanding that the Town's Planning Officers are is required to determine any planning and subdivision application in accordance with the provisions of the Town Planning Scheme in force at the time the application comes to be determined. Therefore, the application should be determined in accordance with current density code, and not the proposed modifications the subject of Amendment No. 11. The proposed development is in accordance with the R40 density code.

**Summary**

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

**CHIEF EXECUTIVE OFFICER'S COMMENT:**

The Chief Executive Officer has amended this report and the changes are shown by ~~striketrough~~ where words are deleted and underlining where words have been added.

The Chief Executive Officer is to *"ensure that advice and information is available to the Council so that informed decisions can be made"*, (in accordance with the Local Government Act, Section 5.41(b)). The Chief Executive Officer has the authority to amend an Officer's report to ensure that the Council is fully informed.

The Town's solicitors have verbally advised the Chief Executive Officer that the proposed amendment is a "significant and relevant factor" which the Council can give due consideration to when considering this matter and making recommendations to the Western Australian Planning Commission. Accordingly, the Council can recommend refusal of such applications "during the interim period" whilst the amendment is being promulgated.

At previous meetings, the Council has indicated that it is of the opinion that subdivision/development applications in the Eton Locality should be REFUSED, whilst Amendment No. 11 to the Town Planning Scheme No. 1 is being promulgated. The Council has previously stated that it is basing its decision on the fact that the proposed subdivisions/developments *"conflict with the intent of the Council and the Minister for Planning and Infrastructure's decision concerning the amendment"*.

**10.1.7 No. 4 (Lot 67 and Pt Lot 1) Haynes Street, North Perth – Proposed Survey Strata Subdivision**

<b>Ward:</b>	North	<b>Date:</b>	19 August 2003
<b>Precinct:</b>	North Perth, P8	<b>File Ref:</b>	899-03
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	S Crawford		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	John Giorgi

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Residential Design Codes, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission for the proposed survey strata subdivision of No. 4 (Lot 67 and Pt Lot 1) Haynes Street, North Perth, and as shown on the plan stamp-dated 29 July 2003 (survey strata subdivision 899-03), subject to:*

- (i) all buildings and effluent disposal systems, having the necessary clearance from the new boundaries as required under the relevant legislation;*
- (ii) support of the subdivision is not to be construed as support of the demolition of the existing building(s) and/or any development on the proposed lots;*
- (iii) if any portion of the existing building(s) is to be demolished to facilitate the proposed subdivision, a separate Planning Approval and/or Demolition Licence is to be obtained from the Town for the demolition of the existing building(s) prior to the clearance of the Diagram or Plan of Survey by the Town;*
- (iv) all buildings and structures that have been granted Planning Approval and/or Demolition Licence for demolition being demolished and materials removed from the site and the site made good. A separate Planning Approval and/or Demolition Licence is required from the Town prior to the commencement of any demolition works;*
- (v) the land being filled and/or drained at the subdivider's cost to the satisfaction of the Town and any easements and/or reserves necessary for the implementation thereof, being provided free of cost;*
- (vi) the street verge tree(s) on Sydney Street adjacent to the subject land being retained and measures being taken to ensure their identification and protection to the satisfaction of the Town prior to commencement of site works;*
- (vii) the existing residence to comply with the requirements of the Residential Design Codes pertaining to single house development to the satisfaction of the Town, including;*
  - (a) the provision and construction of two (2) on-site car parking bays and associated driveway and crossover; and*
  - (b) the provision of an outdoor living area, with a minimum area of 20 square metres and dimension of 4 metres;*

- (viii) *a 1.5 metres by 2.0 metres truncation being provided at the north west corner of proposed front Lot 1;*
- (ix) *prior to the clearance of the diagram of survey for the proposed lot which has a depth less than 15 metres, the following criteria shall be met to the satisfaction of the Town of Vincent;*
- (a) *the Town of Vincent has approved a Planning Approval and/or Building Licence for the development of a dwelling on the subject lot; and*
  - (b) *the perimeter walls of the approved dwelling, including the garage walls and carport walls/pillars, have been constructed to plate height; and*
- (x) *a Management Statement being prepared and submitted in accordance with section 5C of the Strata Titles Act 1985, to include the following additions to the by-laws contained in Schedules 1 and 2 of the Strata Titles Act;*
- (a) *development of redevelopment on the survey strata lots must comply with an existing development approval issued by the Town of Vincent, or such alternative development approval as the Council may grant, which complies with the requirements of the Town of Vincent Town Planning Scheme; and*
  - (b) *amendment to or repeal of the above provision cannot be effected without the Commission's agreement;*

*to the satisfaction of the Chief Executive Officer.*

**NOTE:**

*The subject property is located within the Town's Eton Locality, which is subject to Amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. The Amendment with modifications is expected to be promulgated in the near future. However, Lot 67 and Pt Lot have been deleted from Amendment No. 11 and therefore will retain the current Density Coding of R30/40.*

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**Moved Cr Chester, Seconded Cr Franchina**

*That the recommendation be adopted.*

**Moved Cr Chester, Seconded Cr Lake**

*That a new clause (vii)(c) be added as follows:*

*"(vii) (c) the provision of a permanent enclosed storage area and adequate provision for the storage of garbage;"*

*Debate ensued.*

**AMENDMENT CARRIED (8-0)**

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

**MOTION AS AMENDED CARRIED (8-0)**

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

**COUNCIL DECISION ITEM 10.1.7**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Residential Design Codes, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission for the proposed survey strata subdivision of No. 4 (Lot 67 and Pt Lot 1) Haynes Street, North Perth, and as shown on the plan stamp-dated 29 July 2003 (survey strata subdivision 899-03), subject to:*

- (i) all buildings and effluent disposal systems, having the necessary clearance from the new boundaries as required under the relevant legislation;*
- (ii) support of the subdivision is not to be construed as support of the demolition of the existing building(s) and/or any development on the proposed lots;*
- (iii) if any portion of the existing building(s) is to be demolished to facilitate the proposed subdivision, a separate Planning Approval and/or Demolition Licence is to be obtained from the Town for the demolition of the existing building(s) prior to the clearance of the Diagram or Plan of Survey by the Town;*
- (iv) all buildings and structures that have been granted Planning Approval and/or Demolition Licence for demolition being demolished and materials removed from the site and the site made good. A separate Planning Approval and/or Demolition Licence is required from the Town prior to the commencement of any demolition works;*
- (v) the land being filled and/or drained at the subdivider's cost to the satisfaction of the Town and any easements and/or reserves necessary for the implementation thereof, being provided free of cost;*
- (vi) the street verge tree(s) on Sydney Street adjacent to the subject land being retained and measures being taken to ensure their identification and protection to the satisfaction of the Town prior to commencement of site works;*
- (vii) the existing residence to comply with the requirements of the Residential Design Codes pertaining to single house development to the satisfaction of the Town, including;*
  - (a) the provision and construction of two (2) on-site car parking bays and associated driveway and crossover;*
  - (b) the provision of an outdoor living area, with a minimum area of 20 square metres and dimension of 4 metres; and*
  - (c) the provision of a permanent enclosed storage area and adequate provision for the storage of garbage;*
- (viii) a 1.5 metres by 2.0 metres truncation being provided at the north west corner of proposed front Lot 1;*
- (ix) prior to the clearance of the diagram of survey for the proposed lot which has a depth less than 15 metres, the following criteria shall be met to the satisfaction of the Town of Vincent;*

- (a) *the Town of Vincent has approved a Planning Approval and/or Building Licence for the development of a dwelling on the subject lot; and*
- (b) *the perimeter walls of the approved dwelling, including the garage walls and carport walls/pillars, have been constructed to plate height; and*
- (x) *a Management Statement being prepared and submitted in accordance with section 5C of the Strata Titles Act 1985, to include the following additions to the by-laws contained in Schedules 1 and 2 of the Strata Titles Act;*
  - (a) *development of redevelopment on the survey strata lots must comply with an existing development approval issued by the Town of Vincent, or such alternative development approval as the Council may grant, which complies with the requirements of the Town of Vincent Town Planning Scheme; and*
  - (b) *amendment to or repeal of the above provision cannot be effected without the Commission's agreement;*

*to the satisfaction of the Chief Executive Officer.*

**NOTE:**

*The subject property is located within the Town's Eton Locality, which is subject to Amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. The Amendment with modifications is expected to be promulgated in the near future. However, Lot 67 and Pt Lot have been deleted from Amendment No. 11 and therefore will retain the current Density Coding of R30/40.*

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**LANDOWNER:** F and C Bianchini  
**APPLICANT:** ABC Design Services  
**ZONING:** Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 – Residential R30/40 (R40 applies)  
**EXISTING LAND USE:** Single House

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>
Use Class	Single House
Use Classification	"P"
Lot Area	925 square metres

**SITE HISTORY:**

The site currently supports a two storey single house.

**DETAILS:**

The applicant seeks to subdivide the property into two lots, an existing house lot and a rear vacant battle-axe lot, in accordance with the Residential R40 density code.

A concurrent freehold subdivision application has been submitted to the Western Australian Planning Commission under reference 121767, which is subject to a separate report on this Agenda.

**Scheme Amendment No. 11**

The subject property is located within the Town's Eton Locality, which is subject to Amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. In letter dated 12 August 2003, the Western Australian Planning Commission (WAPC) advised that it *"has decided not to approve the above Amendment until such time as the following modifications are effected:*

1. *modifying the amending plan to delete those areas denoted in cross-hatching on the attached plan from the amendment area, as little or no evidence of support for the change proposed is in evidence in those areas; and*
2. *amending clause 20(4) of the Scheme to insert new provisions to specify the time period within which the proposed R20 density coding is to be applicable."*

Amendment No. 11 is not effective until all the following matters have been completed:

1. Agenda report to the Ordinary Meeting of Council in relation to the above matter.
2. Scheme amending documents to be modified.
3. The modified Scheme amending documents to be signed, sealed and endorsed by the Chief Executive Officer and the Mayor.
4. The modified endorsed Scheme amending documents forwarded to the WAPC and the Minister for Planning and Infrastructure for final approval.
5. Final approval by WAPC and the Minister.
6. Gazettal of final approval of Amendment No. 11.

In light of the above, Amendment No. 11 is not expected to be promulgated for another 2 to 3 months.

It is the Town's understanding that the Town is required to determine any planning and subdivision application in accordance with the provisions of the Town Planning Scheme in force at the time the application comes to be determined. Therefore, the application should be determined in accordance with current density code, and not the proposed modifications the subject of Amendment No. 11.

Lot 67 and Pt Lot 1 have been deleted from Amendment No. 11 and therefore will retain the current density coding of R30/40.

**CONSULTATION/ADVERTISING:**

The proposal did not require advertising.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The proposed survey strata subdivision complies with the provisions of the Residential R40 density code in relation to lot size requirements. The R40 code permits a minimum lot size of 200 square metres with an average lot size of 220 square metres, with rear battle-axe lots required to be 400 square metres in size.

Two lots are proposed as part of the subdivision, an existing house lot of 495 square metres and a vacant rear battle-axe lot of 430 square metres. The proposed lot sizes of the subdivision are in excess of the density permissible for the site and are therefore supported. In addition, a battle-axe leg should not represent more than 20 per cent of the area of the rear lot, and in this instance only represents 17.44 per cent. Furthermore, the proposed 3.0 metres access width is permissible when achieving the retention of the existing dwelling. As such, all aspects of the proposal are compliant.

The proposal is in accordance with the current density code and is therefore supported, subject to standard and appropriate conditions.

**Chief Executive Officer's Comment**

The Chief Executive Officer amended this report by adding the underlined words on page 39 of the Agenda.



**10.1.6 No. 4 (Lot 67 and Pt Lot 1) Haynes Street, North Perth – Proposed Subdivision**

<b>Ward:</b>	North	<b>Date:</b>	19 August 2003
<b>Precinct:</b>	North Perth, P8	<b>File Ref:</b>	122767
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	S Crawford		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	John Giorgi

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Residential Design Codes, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission for the proposed subdivision of No. 4 (Lot 67 and Pt Lot 1) Haynes Street, North Perth, and as shown on the plan stamp-dated 16 July 2003 (subdivision 122767), subject to:*

- (i) all buildings and effluent disposal systems, having the necessary clearance from the new boundaries as required under the relevant legislation;*
- (ii) support of the subdivision is not to be construed as support of the demolition of the existing building(s) and/or any development on the proposed lots;*
- (iii) if any portion of the existing building(s) is to be demolished to facilitate the proposed subdivision, a separate Planning Approval and/or Demolition Licence is to be obtained from the Town for the demolition of the existing building(s) prior to the clearance of the Diagram or Plan of Survey by the Town;*
- (iv) all buildings and structures that have been granted Planning Approval and/or Demolition Licence for demolition being demolished and materials removed from the site and the site made good. A separate Planning Approval and/or Demolition Licence is required from the Town prior to the commencement of any demolition works;*
- (v) the land being filled and/or drained at the subdivider's cost to the satisfaction of the Town and any easements and/or reserves necessary for the implementation thereof, being provided free of cost;*
- (vi) the street verge tree(s) on Sydney Street adjacent to the subject land being retained and measures being taken to ensure their identification and protection to the satisfaction of the Town prior to commencement of site works;*
- (vii) the existing residence to comply with the requirements of the Residential Design Codes pertaining to single house development to the satisfaction of the Town, including;*
  - (a) the provision and construction of two (2) on-site car parking bays and associated driveway and crossover; and*
  - (b) the provision of an outdoor living area, with a minimum area of 20 square metres and dimension of 4 metres;*

- (viii) *prior to the clearance of the diagram of survey for the proposed lot which has a depth less than 15 metres, the following criteria shall be met to the satisfaction of the Town of Vincent;*
- (a) *the Town of Vincent has approved a Planning Approval and/or Building Licence for the development of a dwelling on the subject lot; and*
  - (b) *the perimeter walls of the approved dwelling, including the garage walls and carport walls/pillars, have been constructed to plate height; and*
- (ix) *a 1.5 metres by 2.0 metres truncation at the north west corner of the proposed front Lot 1;*

*to the satisfaction of the Chief Executive Officer.*

**NOTE:**

*The subject property is located within the Town's Eton Locality, which is subject to Amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. The Amendment with modifications is expected to be promulgated in the near future. However, Lot 67 and Pt Lot 1 have been deleted from Amendment No. 11 and therefore will retain the current Density Coding of R30/40.*

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**Moved Cr Chester, Seconded Cr Lake**

*That the recommendation be adopted.*

Cr Torre departed the Chamber at 7.55pm.

**Moved Cr Chester, Seconded Cr Lake**

*That a new clause (vii)(c) be added as follows:*

*"(vii) (c)the provision of a permanent enclosed storage area and adequate provision for the storage of garbage;"*

**AMENDMENT CARRIED (7-0)**

(Cr Torre was absent from the Chamber and did not vote. Mayor Catania on approved leave of absence.)

**MOTION AS AMENDED CARRIED (5-2)**

**For**  
Cr Chester  
Cr Doran-Wu  
Cr Farrell  
Cr Franchina  
Cr Lake

**Against**  
Deputy Mayor Ker  
Cr Cohen

(Cr Torre was absent from the Chamber and did not vote. Mayor Catania on approved leave of absence.)

**COUNCIL DECISION ITEM 10.1.6**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Residential Design Codes, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission for the proposed subdivision of No. 4 (Lot 67 and Pt Lot 1) Haynes Street, North Perth, and as shown on the plan stamp-dated 16 July 2003 (subdivision 122767), subject to:*

- (i) all buildings and effluent disposal systems, having the necessary clearance from the new boundaries as required under the relevant legislation;*
- (ii) support of the subdivision is not to be construed as support of the demolition of the existing building(s) and/or any development on the proposed lots;*
- (iii) if any portion of the existing building(s) is to be demolished to facilitate the proposed subdivision, a separate Planning Approval and/or Demolition Licence is to be obtained from the Town for the demolition of the existing building(s) prior to the clearance of the Diagram or Plan of Survey by the Town;*
- (iv) all buildings and structures that have been granted Planning Approval and/or Demolition Licence for demolition being demolished and materials removed from the site and the site made good. A separate Planning Approval and/or Demolition Licence is required from the Town prior to the commencement of any demolition works;*
- (v) the land being filled and/or drained at the subdivider's cost to the satisfaction of the Town and any easements and/or reserves necessary for the implementation thereof, being provided free of cost;*
- (vi) the street verge tree(s) on Sydney Street adjacent to the subject land being retained and measures being taken to ensure their identification and protection to the satisfaction of the Town prior to commencement of site works;*
- (vii) the existing residence to comply with the requirements of the Residential Design Codes pertaining to single house development to the satisfaction of the Town, including:
  - (a) the provision and construction of two (2) on-site car parking bays and associated driveway and crossover;*
  - (b) the provision of an outdoor living area, with a minimum area of 20 square metres and dimension of 4 metres; and*
  - (c) the provision of a permanent enclosed storage area and adequate provision for the storage of garbage;**
- (viii) prior to the clearance of the diagram of survey for the proposed lot which has a depth less than 15 metres, the following criteria shall be met to the satisfaction of the Town of Vincent;
  - (a) the Town of Vincent has approved a Planning Approval and/or Building Licence for the development of a dwelling on the subject lot; and*
  - (b) the perimeter walls of the approved dwelling, including the garage walls and carport walls/pillars, have been constructed to plate height; and**

(ix) *a 1.5 metres by 2.0 metres truncation at the north west corner of the proposed front Lot 1;*

*to the satisfaction of the Chief Executive Officer.*

**NOTE:**

*The subject property is located within the Town's Eton Locality, which is subject to Amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. The Amendment with modifications is expected to be promulgated in the near future. However, Lot 67 and Pt Lot 1 have been deleted from Amendment No. 11 and therefore will retain the current Density Coding of R30/40.*

**LANDOWNER:** F and C Bianchini  
**APPLICANT:** ABC Design Services  
**ZONING:** Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 – Residential R30/40 (R40 applies)  
**EXISTING LAND USE:** Single House

**COMPLIANCE:**

Requirements	Required
Use Class	Single House
Use Classification	"P"
Lot Area	925 square metres

**SITE HISTORY:**

The site currently supports a two storey single house.

**DETAILS:**

The applicant seeks to subdivide the property into two lots, an existing house lot and a rear vacant battle-axe lot, in accordance with the Residential R40 density code.

A concurrent survey strata subdivision application has been submitted to the Western Australian Planning Commission under reference 899-03, which is subject to a separate report on this Agenda.

**Scheme Amendment No. 11**

The subject property is located within the Town's Eton Locality, which is subject to Amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. In letter dated 12 August 2003, the Western Australian Planning Commission (WAPC) advised that it *"has decided not to approve the above Amendment until such time as the following modifications are effected:*

- 1. modifying the amending plan to delete those areas denoted in cross-hatching on the attached plan from the amendment area, as little or no evidence of support for the change proposed is in evidence in those areas; and*
- 2. amending clause 20(4) of the Scheme to insert new provisions to specify the time period within which the proposed R20 density coding is to be applicable."*

Amendment No. 11 is not effective until all the following matters have been completed:

1. Agenda report to the Ordinary Meeting of Council in relation to the above matter.
2. Scheme amending documents to be modified.

3. The modified Scheme amending documents to be signed, sealed and endorsed by the Chief Executive Officer and the Mayor.
4. The modified endorsed Scheme amending documents forwarded to the WAPC and the Minister for Planning and Infrastructure for final approval.
5. Final approval by WAPC and the Minister.
6. Gazettal of final approval of Amendment No. 11.

In light of the above, Amendment No. 11 is not expected to be promulgated for another 2 to 3 months.

It is the Town's understanding that the Town is required to determine any planning and subdivision application in accordance with the provisions of the Town Planning Scheme in force at the time the application comes to be determined. Therefore the application should be determined in accordance with current density code, and not the proposed modifications the subject of Amendment No. 11.

Lot 67 and Pt Lot 1 have been deleted from Amendment No. 11 and therefore will retain the current Density Coding of R30/40.

**CONSULTATION/ADVERTISING:**

The proposal did not require advertising.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The proposed subdivision complies with the provisions of the Residential R40 density code in relation to lot size requirements. The R40 code permits a minimum lot size of 200 square metres with an average lot size of 220 square metres, with rear battle-axe lots requiring a minimum area of 400 square metres. Two lots are proposed as part of the subdivision, an existing house lot of 495 square metres and a vacant rear battle-axe lot of 430 square metres. The proposed lot sizes of the subdivision are in excess of the density permissible for the site and are therefore supported. In addition, a battle-axe leg should not represent more than 20 per cent of the area of the rear lot, and in this instance only represents 17.44 per cent. Furthermore, the proposed 3.0 metres access width is permissible when achieving the retention of the existing dwelling. As such, all aspects of the proposal are compliant.

The proposal is in accordance with the current density code and is therefore supported, subject to standard and appropriate conditions.

**Chief Executive Officer's Comment**

The Chief Executive Officer amended this report by adding the underlined words on page 35.

**10.1.5 No. 49 (Lots 228 & 229) Hobart Street, North Perth – Proposed Survey Strata Subdivision**

Ward:	North	Date:	19 August 2003
Precinct:	North Perth, P8	File Ref:	548-03
Attachments:	<a href="#">001</a>		
Reporting Officer(s):	R. Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	John Giorgi

**CHIEF EXECUTIVE OFFICER'S RECOMMENDATION:**

That:

(i) in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Residential Design Codes, the Council RECOMMENDS REFUSAL to the Western Australian Planning Commission for the proposed survey strata subdivision of No. 49 (Lots 228 and 229) Hobart Street, North Perth and as shown on the plan stamp-dated 19 May 2003 (survey strata subdivision 548-03), for the following reasons:

(a) Amendment No.11 to the Town of Vincent Town Planning Scheme No.1 proposes to rezone the Eton Locality from R30 and R30/40 to R20. The Minister for Planning and Infrastructure in letter dated 7 August 2003, and the Western Australian Planning Commission in letter dated 12 August 2003, has conditionally approved Amendment No.11; and

(b) the proposed survey strata subdivision does not comply with the minimum and average site area requirements of the R20 code;

(ii) the Council requests the Western Australian Planning Commission and the Minister for Planning and Infrastructure to expedite the promulgation of Amendment No.11 to the Town of Vincent Town Planning Scheme No.1; and

(iii) the Council requests the Western Australian Planning Commission that if the Commission is inclined to approve the proposed survey strata subdivision the Town is further consulted to obtain the appropriate conditions of the Town that should apply to the proposed subdivision.

**OFFICER RECOMMENDATION:**

That:

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Residential Design Codes, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission for the proposed survey strata subdivision of No. 49 (Lots 228 and 229) Hobart Street, North Perth, and as shown on the plan stamp-dated 19 May 2003 (survey strata subdivision 548-03), subject to:

(i) all buildings and effluent disposal systems, having the necessary clearance from the new boundaries as required under the relevant legislation;

(ii) support of the subdivision is not to be construed as support of the demolition of the existing building(s) and/or any development on the proposed lots;

- ~~(iii) — if any portion of the existing building(s) is to be demolished to facilitate the proposed subdivision, a separate Planning Approval and/or Demolition Licence is to be obtained from the Town for the demolition of the existing building(s) prior to the clearance of the Diagram or Plan of Survey by the Town;~~
- ~~(iv) — all buildings and structures that have been granted Planning Approval and/or Demolition Licence for demolition being demolished and materials removed from the site and the site made good. A separate Planning Approval and/or Demolition Licence is required from the Town prior to the commencement of any demolition works;~~
- ~~(v) — the land being filled and/or drained at the subdivider's cost to the satisfaction of the Town and any easements and/or reserves necessary for the implementation thereof, being provided free of cost;~~
- ~~(vi) — the street verge tree(s) on Hobart Street adjacent to the subject land being retained and measures being taken to ensure their identification and protection to the satisfaction of the Town prior to commencement of site works;~~
- ~~(vii) — prior to the clearance of the diagram of survey for the proposed lots which have a depth less than 15 metres and/or having an awkward shape, the following criteria shall be met to the satisfaction of the Town of Vincent:~~
- ~~(a) — the Town of Vincent has approved a Planning Approval and/or Building Licence for the development of a dwelling on each of the subject lots; and~~
- ~~(b) — the perimeter walls of the approved dwellings, including the garage walls and carport walls/pillars, have been constructed to plate height;~~
- ~~(viii) — a Management Statement being prepared and submitted in accordance with section 5C of the Strata Titles Act 1985, to include the following additions to the by-laws contained in Schedules 1 and 2 of the Strata Titles Act:~~
- ~~(a) — development or redevelopment on the survey strata lots must comply with an existing development approval issued by the Town of Vincent, or such alternative development approval as the Council may grant, which complies with the requirements of the Town of Vincent Town Planning Scheme; and~~
- ~~(b) — amendment to or repeal of the above provision cannot be effected without the Commission's agreement; and~~
- ~~(ix) — provision of 2.0 metres by 2.0 metres truncation at the south east corner of the proposed middle lot;~~

~~to the satisfaction of the Chief Executive Officer.~~

**NOTE:**

*The subject property is located within the Town's Eton Locality, which is subject to Amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. The Amendment with modifications is expected to be promulgated in the near future.*

**COUNCIL DECISION ITEM 10.1.5**

**Moved Cr Lake, Seconded Cr Farrell**

*That the recommendation be adopted.*

*Debate ensued.*

Cr Torre returned to the Chamber at 7.58pm.

*Debate ensued.*

Cr Franchina departed the Chamber at 7.59pm.

**CARRIED (7-0)**

(Cr Franchina was absent from the Chamber and did not vote. Mayor Catania on approved leave of absence.)

*That;*

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Residential Design Codes, the Council RECOMMENDS REFUSAL to the Western Australian Planning Commission for the proposed survey strata subdivision of No. 49 (Lots 228 and 229) Hobart Street, North Perth and as shown on the plan stamp-dated 19 May 2003 (survey strata subdivision 548-03), for the following reasons:*
- (a) *Amendment No.11 to the Town of Vincent Town Planning Scheme No.1 proposes to rezone the Eton Locality from R30 and R30/40 to R20. The Minister for Planning and Infrastructure in letter dated 7 August 2003, and the Western Australian Planning Commission in letter dated 12 August 2003, has conditionally approved Amendment No.11; and*
  - (b) *the proposed survey strata subdivision does not comply with the minimum and average site area requirements of the R20 code;*
- (ii) *the Council requests the Western Australian Planning Commission and the Minister for Planning and Infrastructure to expedite the promulgation of Amendment No.11 to the Town of Vincent Town Planning Scheme No.1; and*
- (iii) *the Council requests the Western Australian Planning Commission that if the Commission is inclined to approve the proposed survey strata subdivision the Town is further consulted to obtain the appropriate conditions of the Town that should apply to the proposed subdivision.*
- 

<b>LANDOWNER:</b>	M J Boswood
<b>APPLICANT:</b>	Oracle Surveys Licenced Surveyors
<b>ZONING:</b>	Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 – Residential R30/40 (R30 applies)
<b>EXISTING LAND USE:</b>	Single House



**COMPLIANCE:**

Use Class	Single House
Use Classification	"P"
Lot Area	907 square metres

**SITE HISTORY:**

The site currently supports a single house.

**DETAILS:**

The applicant seeks to survey strata subdivide the property into three lots with one common property for vehicular access in accordance with the Residential R30 density code. The existing house is to be demolished.

**Scheme Amendment No. 11**

The subject property is located within the Town's Eton Locality, which is subject to Amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. In letter dated 12 August 2003, the Western Australian Planning Commission (WAPC) advised that it *"has decided not to approve the above Amendment until such time as the following modifications are effected:*

- 1. modifying the amending plan to delete those areas denoted in cross-hatching on the attached plan from the amendment area, as little or no evidence of support for the change proposed is in evidence in those areas; and*
- 2. amending clause 20(4) of the Scheme to insert new provisions to specify the time period within which the proposed R20 density coding is to be applicable."*

Amendment No. 11 is not effective until all the following matters have been completed:

1. Agenda report to the Ordinary Meeting of Council in relation to the above matter.
2. Scheme amending documents to be modified.
3. The modified Scheme amending documents to be signed, sealed and endorsed by the Chief Executive Officer and the Mayor.
4. The modified endorsed Scheme amending documents forwarded to the WAPC and the Minister for Planning and Infrastructure for final approval.
5. Final approval by WAPC and the Minister.
6. Gazettal of final approval of Amendment No. 11.

In light of the above, Amendment No. 11 is not expected to be promulgated for another 2 to 3 months.

The Town's Solicitors have confirmed that it is the Town's understanding that the Town's Planning Officers are is required to determine any planning and subdivision application in accordance with the provisions of the Town Planning Scheme in force at the time the application comes to be determined. Therefore, the application should be determined in accordance with current density code, and not the proposed modifications the subject of Amendment No. 11.

**CONSULTATION/ADVERTISING:**

The proposal did not require advertising.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The proposed survey strata subdivision complies with the provisions of the Residential R30 density code in relation to lot size requirements. The R30 code permits a minimum lot size of 270 square metres with an average lot size of 300 square metres. The three lots proposed are 270, 270, 271 square metres, with the common property being 96 square metres. The average lot size proposed is 302.33 square metres.

The existing house is not listed on the Municipal Heritage Inventory or the Interim Heritage Data Base.

The proposal is in accordance with the current density code and is therefore supported, subject to standard and appropriate conditions to address the above matters.

**CHIEF EXECUTIVE OFFICER'S COMMENT:**

**The Chief Executive Officer has amended this report and the changes are shown by ~~striketrough~~ where words are deleted and underlining where words have been added.**

**The Chief Executive Officer is to *"ensure that advice and information is available to the Council so that informed decisions can be made"*, (in accordance with the Local Government Act, Section 5.41(b)). The Chief Executive Officer has the authority to amend an Officer's report to ensure that the Council is fully informed.**

**The Town's solicitors have verbally advised the Chief Executive Officer that the proposed amendment is a "significant and relevant factor" which the Council can give due consideration to when considering this matter and making recommendations to the Western Australian Planning Commission. Accordingly, the Council can recommend refusal of such applications "during the interim period" whilst the amendment is being promulgated.**

**At previous meetings, the Council has indicated that it is of the opinion that subdivision applications in the Eton Locality should be REFUSED, whilst Amendment No. 11 to the Town Planning Scheme No. 1 is being promulgated. The Council has previously stated that it is basing its decision on the fact that the proposed subdivisions *"conflict with the intent of the Council and the Minister for Planning and Infrastructure's decision concerning the amendment"*.**

**10.1.11 No. 33 (Lot 231) Plunkett Street, Highgate – Proposed Two-Storey Single House**

<b>Ward:</b>	South	<b>Date:</b>	18 August 2003
<b>Precinct:</b>	Forest, P14	<b>File Ref:</b>	PRO2375; 00/33/1665
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	P Mastrodomenico		
<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 Perceptions behalf of the owner D Thomas for proposed two storey single house at No.33 (Lot 231) Plunkett Street, Highgate, and as shown on the plans stamp dated 10 July 2003 and 12th August 2003, subject to:*

- (i) subject to first obtaining the consent of the owners of No. 31 (Lot 230) Plunkett Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing of No. 31 (Lot 230) Plunkett Street in a good and clean condition;*
- (ii) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (iii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iv) a road and verge security deposit bond and/or bank guarantee of \$1100 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (v) the construction of crossovers shall be in accordance with the Town's specifications;*
- (vi) 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) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (viii) standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised; and*

- (ix) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any front fences and gates adjacent to Plunkett Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*
- (x) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the site coverage not exceeding 60 percent of the site area as outlined in the Highgate Design Guidelines. 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.*

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**COUNCIL DECISION ITEM 10.1.11**

**Moved Cr Lake, Seconded Cr Cohen**

*That the recommendation be adopted.*

*Debate ensued.*

**Cr Franchina returned to the Chamber at 8.04pm.**

**CARRIED (8-0)**

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

**AMENDED COMMENTS:**

**Amend the Comments - Open Space section** of the previous Agenda Report to read as follows:

**"COMMENTS:**

***Open Space***

*The Town's Highgate Design Guidelines require that site coverage shall be a maximum of 60 per cent of the lot area. The development proposes 35.83 percent open space, which represents 64.17 per cent site coverage. Whilst the provision of open space in this instance is considered generally satisfactory, given that the plans depict compliance with the Guidelines in terms of 40 square metres in total for the front and side courtyards, the Town has consistently not supported variations to the Guidelines in this respect. Compliance with this requirement is therefore considered appropriate in this instance, and amended plans should be submitted and approved prior to the issue of a Building Licence."*

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<b>LANDOWNER:</b>	D Thomas
<b>APPLICANT:</b>	Perceptions
<b>ZONING:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R80
<b>EXISTING LAND USE:</b>	Vacant land

**COMPLIANCE:**

Use Class	Single House
Use Classification	"P"
Lot Area	194 square metres

Requirements	Required	Proposed
Open Space	40 percent	35.83 percent

**SITE HISTORY:**

The subject site is vacant. The surrounding area is characterised by two storey dwellings.

The Council at its Ordinary Meeting held on 12 June 2001 resolved to refuse an application for a three storey single house on the site.

**DETAILS:**

Approval is sought for a proposed two storey single house with its main frontage to Plunkett Street.

**CONSULTATION/ADVERTISING:**

There were no objections received during the advertising period.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Open Space**

The Town's *Highgate Design Guidelines* require that site coverage shall be a maximum of 60 per cent of the lot area. The development proposes 35.83 percent open space, which represents 64.17 per cent site coverage. Whilst the provision of open space in this instance is considered generally satisfactory, given that the plans depict compliance with the Guidelines in terms of 40 square metres in total for the front and side courtyards, the Town has consistently not supported variations to the Guidelines in this respect. Compliance with this requirement is therefore considered appropriate in this instance, and amended plans should be submitted and approved prior to the issue of a Building Licence.

**Summary**

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

**10.1.1 Further Report- Nos. 596-598 (Lot 116) Newcastle Street, Corner Loftus Street, West Perth - Proposed Signage (Billboards) and Associated Retaining Walls and Landscaping**

<b>Ward:</b>	South	<b>Date:</b>	19 August 2003
<b>Precinct:</b>	Cleaver, P5	<b>File Ref:</b>	PRO 0799; 00/33/1562
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	J Barton		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman, R Lottznicher	<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 and having regard to the matters it is required to consider generally, and in particular:*

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality with respect to the protection and enhancement of the social, physical and cultural environment of Newcastle Street, Loftus Street and the Cleaver Precinct; and*

- (ii) the non-compliance with the Town's Policy relating to 'Signs and Advertising;*

*the Council REFUSES the application submitted by WA Billboards on behalf of the owner G Cerini, for the proposed signage (billboards) and associated retaining walls and landscaping at Nos. 596-598 (Lot 116) Newcastle Street, corner Loftus Street, West Perth, as shown on the plans stamp-dated 28 March 2003.*

**COUNCIL DECISION ITEM 10.1.1**

**Moved Cr Torre, Seconded Cr Lake**

*That the recommendation be adopted.*

*Debate ensued.*

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

**For**

Cr Chester  
Cr Doran-Wu  
Cr Farrell  
Cr Lake

**Against**

Deputy Mayor Ker (2 votes)  
Cr Cohen  
Cr Franchina  
Cr Torre

(Mayor Catania on approved leave of absence.)

**Reasons:**

1. Difficulty in developing the site.
2. Improve safety with regard to the line of sight.
3. Reduce the capacity for anti-social activities.
4. Improve the site.

**ALTERNATIVE MOTION:**

**Moved Cr Lake, Seconded Cr Franchina**

*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 WA Billboards on behalf of the landowners G Cerini, for the proposed signage (billboards) and associated retaining walls and landscaping at Nos. 596-598 (Lot 116) Newcastle Street, corner Loftus Street, West Perth, as shown on the plans stamp-dated 28 March 2003, subject to:*

- (i) the application is considered a special case and approval should not be considered a precedent for allowing billboards within the Town of Vincent;*
- (ii) the signage shall not have flashing or intermittent lighting;*
- (iii) compliance with all relevant Environmental Health, Engineering and Building requirements, including the relevant Australian Standards and noise regulations;*
- (iv) a detailed landscaping plan, including a schedule of plant species, shall be submitted and approved prior to the issue of a Building/Sign Licence. The landscaping shall include drought resistant waterwise grass and local Australian plants to be recommended by the Town of Vincent. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) all signage, and subsequent 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 shall include details of the contents, colours and finishes of all signage;*
- (vi) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (vii) a road and verge security deposit bond and/or bank guarantee of \$880 shall be lodged prior to the issue of a Building/Sign 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;*
- (viii) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (ix) details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (x) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (xi) the construction of crossovers shall be in accordance with the Town's specifications;*

- (xii) *proposed crossovers shall be positioned in consultation with and as directed by the Town's Technical Services Division;*
- (xiii) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building/Sign Licence;*
- (xiv) *the applicant/owner shall provide adequate setback from the motorists' line of sight through the traffic signals to the nearest edge of the billboards to the satisfaction of Main Roads Western Australia and the Town;*
- (xv) *the billboards shall not display advertising which by virtue of colour or content may confuse the motorist or imitate the traffic signals or road signs to the satisfaction of Main Roads Western Australia and the Town;*
- (xvi) *advertising content shall not contain material (by reasonable definition) that may be offensive to the public or cause unacceptable levels of distraction to the satisfaction of Main Roads Western Australia and the Town;*
- (xvii) *billboard sizes shall be in keeping with standard industry sizes and are found by Main Roads and the Town to be suitable for this site to the satisfaction of Main Roads Western Australia and the Town; and*
- (xviii) *prior to the issue of a Building Licence, details of the access arrangements to and from the subject site for the maintenance of the development and change of signage, shall be submitted to and approved by the Town, and Main Roads Western Australia (if required);*

*to the satisfaction to the Chief Executive Officer.*

*Debate ensued.*

**Moved Cr Cohen, Seconded Cr Lake**

*That a new clause (xix) be added as follows:*

*"(xix) this approval for billboards (signage) is for a period of 3 years 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 the continuation of use;"*

*Debate ensued.*

**AMENDMENT CARRIED (5-3)**

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

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



**Moved Cr Chester, Seconded Cr Cohen**

*That a new clause (xx) be added as follows:*

*"(xx) the Council write to the Department of Housing and Works outlining the potential of the site and its Government ownership, highlighting Council's recent approval of the Department's development on the corner of Loftus and Vincent Streets, and the Town's potential to consider a similar application favourably."*

**AMENDMENT CARRIED (8-0)**

(Mayor Catania on approved leave of absence.)

*Debate ensued.*

**MOTION AS AMENDED CARRIED ON THE CASTING VOTE OF  
THE PRESIDING MEMBER (5-4)**

<b><u>For</u></b>	<b><u>Against</u></b>
Deputy Mayor Ker (2 votes)	Cr Chester
Cr Cohen	Cr Doran-Wu
Cr Franchina	Cr Farrell
Cr Torre	Cr Lake

(Mayor Catania on approved leave of absence.)

**COUNCIL DECISION ITEM 10.1.1**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by WA Billboards on behalf of the landowners G Cerini, for the proposed signage (billboards) and associated retaining walls and landscaping at Nos. 596-598 (Lot 116) Newcastle Street, corner Loftus Street, West Perth, as shown on the plans stamp-dated 28 March 2003, subject to:*

- (i) the application is considered a special case and approval should not be considered a precedent for allowing billboards within the Town of Vincent;*
- (ii) the signage shall not have flashing or intermittent lighting;*
- (iii) compliance with all relevant Environmental Health, Engineering and Building requirements, including the relevant Australian Standards and noise regulations;*
- (iv) a detailed landscaping plan, including a schedule of plant species, shall be submitted and approved prior to the issue of a Building/Sign Licence. The landscaping shall include drought resistant waterwise grass and local Australian plants to be recommended by the Town of Vincent. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (v) *all signage, and subsequent 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 shall include details of the contents, colours and finishes of all signage;*
- (vi) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (vii) *a road and verge security deposit bond and/or bank guarantee of \$880 shall be lodged prior to the issue of a Building/Sign 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;*
- (viii) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (ix) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (x) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (xi) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (xii) *proposed crossovers shall be positioned in consultation with and as directed by the Town's Technical Services Division;*
- (xiii) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building/Sign Licence;*
- (xiv) *the applicant/owner shall provide adequate setback from the motorists' line of sight through the traffic signals to the nearest edge of the billboards to the satisfaction of Main Roads Western Australia and the Town;*
- (xv) *the billboards shall not display advertising which by virtue of colour or content may confuse the motorist or imitate the traffic signals or road signs to the satisfaction of Main Roads Western Australia and the Town;*
- (xvi) *advertising content shall not contain material (by reasonable definition) that may be offensive to the public or cause unacceptable levels of distraction to the satisfaction of Main Roads Western Australia and the Town;*
- (xvii) *billboard sizes shall be in keeping with standard industry sizes and are found by Main Roads and the Town to be suitable for this site to the satisfaction of Main Roads Western Australia and the Town;*
- (xviii) *prior to the issue of a Building Licence, details of the access arrangements to and from the subject site for the maintenance of the development and change of signage, shall be submitted to and approved by the Town, and Main Roads Western Australia (if required);*

- (xix) *this approval for billboards (signage) is for a period of 3 years 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 the continuation of use; and*
- (xx) *the Council write to the Department of Housing and Works outlining the potential of the site and its Government ownership, highlighting Council's recent approval of the Department's development on the corner of Loftus and Vincent Streets, and the Town's potential to consider a similar application favourably.*

*to the satisfaction to the Chief Executive Officer.*

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#### **FURTHER REPORT:**

The Council at its Ordinary Meeting held on 24 April 2003 deferred its consideration of the above development application for the following reason:

*"That this item be DEFERRED for further investigation and report, with regard to alternative options including the options of access via Newcastle Street, and requesting Main Roads WA to approve access via the rear of the lot".*

In light of the above resolution, the proposal was referred to both the Department for Planning and Infrastructure, and Main Roads WA, for comment.

The comments from the above-mentioned Departments, both dated 31 July 2003, have been summarised below:

- The Department for Planning and Infrastructure reiterated its previous comments of non-objection to the proposed signage. However, it was reluctant to comment on any alternative access arrangements, as the development application does not relate to such a proposal, and plans have not been submitted depicting proposed access options.
- *" Main Roads WA has reviewed the request with regard to its responsibility for the traffic signals at the intersection of Loftus Street and Newcastle Street, West Perth. Main Roads WA does not allow driveways within 25m from the tangent point of the corner curve or equivalent curve associated with the channelisation, or from the end of the standard truncation, whichever is greater"*

#### **Technical Services Comments**

Located at Nos. 596 and 598 (Pt. Lot 116) Newcastle Street, West Perth, on the north-eastern corner of the intersection of Loftus and Newcastle Streets, is a derelict and boarded up semi-detached dwelling. The property which has been vacant for approximately four (7) years and currently has no crossover onto either Newcastle Street or Loftus Street.

The property has remained in a state of disrepair for some time as a consequence of a former dispute between the owner and Main Roads Western Australia (MRWA), where the owner considered MRWA should have acquired the entire property as part of the previous Loftus Street Duplication project.

At the time, both parties attempted to draw the Town into the dispute, which to some extent occurred with the serving of notices on the property owner in respect of the condition of the dwelling and partially collapsed retaining wall in Newcastle Street.

Also at the time, a crucial issue appeared to be whether vehicle access to the property could or should be accommodated. It was the owner's position that MRWA created a situation where a safe access could not be provided, while MRWA contend that a vehicle access could be granted if conditioned accordingly. The implication at the time was that the decision rested with the Town.

When the Loftus Street Duplication Project was first muted in 1995/96, the Ministry for Planning had already commenced the land acquisition process. This involved the Ministry purchasing several properties on the eastern side of Loftus Street between Carr Street and Newcastle Street for road widening purposes. On having assumed responsibility for the project in 1997, MRWA also took over all outstanding land matters, including the proposed purchase of the property.

To facilitate the construction of the new eastern carriageway of Loftus Street, between Kingston Avenue and Newcastle Street, the Ministry for Planning purchased in whole, or part, four (4) properties. The adjacent property immediately to the western boundary, formerly No. 600 (Pt. Lot 115) Newcastle Street, was purchased in whole and amalgamated with the road reserve effectively making Nos. 596 and 598 (Pt. Lot 116) Newcastle Street a corner lot.

The property in question has never had a vehicle access.

MRWA acquired a portion of approximately 18 square metres of the property as a truncation on the south-western corner adjacent to the intersection to accommodate a dual use path as part of the duplication works. This process also involved constructing a retaining wall along the western boundary of Pt. Lot 116.

The Loftus Street Duplication works resulted in the full use of the road reserve with the dual use path on the eastern side being located adjacent to the new cadastral boundary. As a consequence, Pt. Lot 116 ended up with minimal verge on either frontage with the footpath at the truncation and along the Newcastle Street frontage being 1.8 metres wide.

The existing property is elevated with both road frontages supported by retaining walls.

At the time, as the owner of the property asserted that MRWA should have purchased the whole of the property based upon safety issues relating to access in May 2000. The Town's Officers sought legal advice as to whether the Town could deny vehicle access to a property on safety grounds and if so what would the implications be.

The Town's solicitors provided the following legal advice:

*"The Local Government (Uniform Local Provisions) Regulations 1996 confers power on the Town to control crossings from public thoroughfares to private land. The relevant provision is regulation 12 which states that:*

- (1) *"Upon the application of the sole owner, or a majority of the owners, of private land the local government may, subject to regulation 145(2) –*
  - (a) *approve the construction, under the supervision of, and to the satisfaction of, the local government, of a crossing giving access from a public thoroughfare to –*
    - (i) *the land; or*
    - (ii) *a private thoroughfare serving the land; or*
  - (b) *agree to construct for the applicant a crossing...."*

*Regulation 12 authorises the Town to control access between private land and a public thoroughfare. The Town may impose conditions on the construction, design and location of a crossing. However, the Regulations do not allow the Town to entirely prevent access from a public thoroughfare to private land."*

The following comments were provided in a report presented to the Council on 23 May 2003:

*"The discussions with both parties to date have centred on Council approving a development with a vehicle access. Other than the hypothetical proposal submitted by MRWA, Council is yet to be presented with a genuine development proposal by either party. Therefore, at this time it is a moot point as to whether or not Council can or will approve a vehicle access. Obviously the scope and form of any development will have a large bearing on Council's decision and any application would be considered on its merits.*

*The Town finds itself in an awkward position in that both Mr Cerini and MRWA are seeking a favourable determination from Council, with regard to approving a crossover, to strengthen their position in the current negotiations. There is an undeniable safety issue involved if an access is granted. While the location of a crossover can never comply with the relevant design standards, any future development application must be conditioned to ensure that vehicle and pedestrian safety in the vicinity of Nos. 596 and 598 Newcastle Street is paramount."*

The Council subsequently adopted the following resolution, at its Ordinary Meeting held on 23 May 2000:

*"That;*

- (i) the Council receives the report on vehicle access and associated matters to Nos. 596 and 598 (Pt. Lot 116) Newcastle Street, West Perth, as outlined on Plan No. A4 0028 attached;*
- (ii) the Council notes the advice received from its solicitors that the Town may impose conditions on the construction, design and location of a crossing, however, the Local Government (Uniform Local Provisions) Regulations 1995 do not allow the Town to entirely prevent access from a public thoroughfare to private land;*
- (iii) the Council writes to the Minister for Transport and the Commissioner of Main Roads Western Australia seeking an assurance from them that the issue will be resolved without prejudicing the Town in any way;*
- (iv) the Council further advise the Commissioner of Main Roads that:
  - (a) the provision of a vehicle crossover to Nos. 596 and 598 Newcastle Street from Loftus Street is not possible due to the significant difference in level between the property and existing road pavement;*
  - (b) the provision of a vehicle crossover to Nos. 596 and 598 Newcastle Street from Newcastle Street would not be supported on safety grounds as its proposed location would not comply with Australian Standard AS.2890.1-1993;**
- (v) upon resolution of negotiations between the landowner, Mr Cerini and Main Roads Western Australia, the retaining wall and footpath along the Newcastle Street frontage of the above property must be reinstated to restore pedestrian access and safety to the satisfaction of the Chief Executive Officer; and*
- (vi) the Council also advise Mr Cerini of its resolution."*

Given the above previous resolution of Council, and the recent comments from Main Roads WA (MRWA), it is apparent that vehicular access via Newcastle Street was previously not supported by Council, and would not comply with Main Roads WA requirements. However, it is unclear at this stage as to whether the property owners at the rear of the subject land would allow alternative means of access to Kingston Avenue, as the landowners, the Department for Planning and Infrastructure, do not wish to comment on the proposal until detailed plans have been provided depicting the proposed access arrangements.

In relation to MRWA comments regarding not allowing driveways within 25 metres from the tangent point of the corner curve, there are many examples in the metropolitan area where this has not been adhered to, such as Service Stations. It is considered that a driveway access may be able to be accommodated off Newcastle Street on the eastern boundary of the allotment subject to the application of stringent development conditions to ensure that adequate sight lines are maintained. This would require considerable "re engineering" at the site.

In light of the above, a decision can not be made regarding alternative access options from the rear of the subject land until plans have been submitted proposing such access arrangements. Given this, and that the current development application only relates to the proposed signage, the previous 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 24 June 2003:

*"OFFICER RECOMMENDATION:*

*That;*

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

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality with respect to the protection and enhancement of the social, physical and cultural environment of Newcastle Street, Loftus Street and the Cleaver Precinct; and*
- (ii) the non-compliance with the Town's Policy relating to 'Signs and Advertising; the Council REFUSES the application submitted by WA Billboards on behalf of the owner G Cerini, for the proposed signage (billboards) and associated retaining walls and landscaping at Nos. 596-598 (Lot 116) Newcastle Street, corner Loftus Street, West Perth, as shown on the plans stamp-dated 28 March 2003.*

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*Moved Cr Cohen, Seconded Cr Doran-Wu*

*That the recommendation be adopted.*

*Debate ensued.*

*COUNCIL DECISION ITEM 10.1.16*

*Moved Cr Cohen, Seconded Cr Lake*

*That this item be DEFERRED for further investigation and report, with regard to alternative options including the options of access via Newcastle Street, and requesting Main Roads WA to approve access via the rear of the lot.*

*Debate ensued.*

*CARRIED (6-2)*

For  
Mayor Catania  
Cr Chester  
Cr Cohen  
Cr Farrell  
Cr Franchina  
Cr Lake

Against  
Cr Doran-Wu  
Cr Torre

(Cr Ker on approved leave of absence.)

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LANDOWNER(S): G Cerini  
APPLICANT(S): WA Billboards  
ZONING: Metropolitan Region Scheme - Urban  
Town Planning Scheme No. 1 - Commercial  
EXISTING LAND USE: Vacant Single House

COMPLIANCE:

Use Class	Signage
Use Classification	'Unlisted'
Lot Area	641 square metres

SITE HISTORY:

The subject land has been the subject of a dispute between the landowner, and the then Main Roads Western Australia and Ministry for Planning. A portion of the property was resumed by Main Roads Western Australia as part of the Loftus Street Duplication Project.

24 February 1997 A Health Notice was served on the subject property declaring the house unfit for human habitation.

19 November 2002 Council at its Ordinary Meeting resolved to grant conditional Planning Approval for the demolition of the existing house and refused the Planning Application for signage (billboards) and associated retaining walls and landscaping on the subject property.

26 November 2002 The applicant submitted a new application for the proposed retaining walls, landscaping and signage. The proposal was similar to the previous application refused by the Council on 19 November 2002, however, the applicant submitted an addendum to the application.

17 December 2002 Council resolved to refuse the abovementioned proposal for the same reasons as the previous application.

28 March 2003 Subject application received.

DETAILS:

The applicant seeks approval to erect two billboards, including the associated site excavation, retaining walls and landscaping, at the corner of Vincent Street and Loftus Street.

The proposal will result in the creation of two billboards being 12.0 metres by 3.0 metres, which will be attached to limestone retaining walls approximately 5.0 metres high, created by demolition of the building and excavation of the site to approximate street level. The balance of the property will be landscaped, grassed and reticulated.

*The subject proposal is similar to that refused by the Council at its Ordinary Meeting held on 17 December 2002, however, the size of the larger billboard has been reduced from 18 metres by 4 metres, to 12 metres by 3 metres, and the bulk and size of the limestone retaining walls have also been reduced, or replaced by visually permeable fencing. Additionally, the applicants also propose to retain the existing mature trees onsite, and plant new trees behind the proposed signage to provide a green backdrop.*

*The Applicant provided the following (summarised) information in support of the new proposal:*

- *Lot Pt 116 still has a resumption order outstanding on the lot, although Main Roads WA may drop this at a later stage. No time frame has been advised to the owner.*
- *The site currently has no vehicular access to the lot and access to the north of the site has been refused by the Department of Planning and Infrastructure, the current owners of the land.*
- *The redevelopment of the site is an interim proposal until the final road development and land resumption is finalised.*
- *Main Roads WA supports the redevelopment as it will bring the intersection back into line with their current policies on viewing lines thru intersection.*
- *The Cleaver Precinct Action Group has viewed the plans and now support the new proposal.*
- *The adjoining landowner advised that they have no objection.*
- *WA Billboards will maintain the signs, gardens and grounds for the life of the project.*
- *A new boundary fence in heritage style and colours will be erected, final colours and styles to be selected in consultation with the Cleaver Precinct Action Group.*

#### *CONSULTATION/ADVERTISING:*

*The application was advertised to the adjoining landowners, for a period of 14 days, from 14 April 2003 to 28 April 2003.*

*Two submissions were received during the advertising period. These submissions are summarised below.*

*The Health Department of Western Australia raised concerns over the potential damage to the adjoining property as a result of the associated excavation and retaining works.*

*The Department of Planning and Infrastructure raises no objection to the proposal, as the proposal does not encroach within the Other Regional Roads Reservation, or result in the provision of vehicular access to/from Loftus Street.*

*The Cleaver Precinct Action Group previously objected to the proposed billboards, as the proposed signage would set a precedent in the area, distract drivers and detrimentally impact on the amenity of the area. However, given that the applicants have reduced the size of the signs and retaining walls, and increased the provision of landscaping on-site, three quarters of the Cleaver Precinct Action Group support the revised proposal.*

*The applicant previously submitted correspondence from Main Roads Western Australia dated 17 July 2002 in response to the proposal. The following information was contained within that response:*

*"All considered, Main Roads is prepared to support the concept provided that:*

- *The applicant/owner provides adequate setback from the motorists line of sight through the traffic signals to the nearest edge of the billboard.*



- *The billboards do not display advertising which by virtue of colour or content may confuse the motorist or imitate the traffic signals or road signs.*
- *Advertising content shall not contain material (by reasonable definition) that may be offensive to the public or cause unacceptable levels of distraction.*
- *Billboard sizes are in keeping with standard industry sizes and are found by Main Roads and Council to be suitable for this site.*

*The specifics of this indicative approval will be subject to review once the Town of Vincent has been approached and if Council formally approves the application."*

**COMMENTS:**

*The subject signage is proposed to be utilised by outside parties and is not in any way related to the use of the subject site. The sign constitutes a billboard and is considered to be a form of bill posting. The proposed signage does not comply with the Town's Policy relating to 'Signs and Advertising' as billboards/bill posting is not permitted and as it exceeds more than 10 percent of the total area of the wall in which that signage is located. The Policy states that "no signage is permitted on fences, walls or the like structures which do not form an integral part of the building". It follows that signage is not permitted as the predominant use of the land, and should be associated with and be ancillary and incidental to, the predominant use of the land.*

*It is acknowledged that the development possibilities of the site are limited and that any future development on the site should encourage excavation in order to improve vehicular sight lines.*

*However, the site forms an effective 'gateway' into the Town and there is a concern that the presence of such signage within the Town and in particular, on a prominent entry point into the Town, imposes an undesirable and inaccurate image of the municipality.*

*Although the applicants have reduced the size of one of the signs, the proposed signage is still considered large and obtrusive, does not complement the area and will create a significant adverse impact on the amenity of the streetscape and the area generally.*

*Accordingly, it is recommended that the proposed signage and associated excavation, retaining and landscaping again be refused for the reasons outlined above.*

*This resolution reflects and reiterates the Town's consistent approach and strong position in recent years, including favourable Town Planning Appeal Tribunal outcomes, in relation to billboard signage within the Town"*

**10.4.5 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	6 August 2003
<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>	J Giorgi	<b>Amended by:</b>	-

**RECOMMENDATION:**

*That the Information Bulletin dated 26 August 2003, as distributed with the Agenda, be received.*

**COUNCIL DECISION ITEM 10.4.5**

**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation be adopted.*

*Debate ensued.*

**CARRIED (8-0)**

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

**DETAILS:**

The items included in the Information Bulletin dated 26 August 2003 are as follows:

ITEM	DESCRIPTION
IB01	Letter from Town Planning Appeal Tribunal regarding 31 Mabel Street, North Perth, Appeal No. 132 of 2003, M L Holzherr v Town of Vincent,
IB02	Town Planning Appeal Statement by respondent, Town of Vincent regarding Nos 475-481 Beaufort Street, corner of Chatsworth Road, Highgate, Appeal No. 217 of 2003,
IB03	Town Planning Appeal Statement by respondent, Town of Vincent regarding Appeal No. 202 of 2003
IB04	National General Assembly of Local Government 2002 - Report
IB05	Elected Members Briefing Sessions - Information
IB06	Letter to Ms K Hall, 327 Pier Street, Perth – Response to Questions Taken on Notice asked at the Ordinary Meeting of Council – 12 August 2003
IB07	Infopage from Western Australian Local Government Association regarding the Prostitution Control Bill

- IB08 Letter from Gene Technology Regulator regarding Notification of Decision on Licence Application Dir 021/2002 from Bayer Cropscience Pty Ltd - Commercial Release of Genetically Modified In Vigor Canola
- IB09 Letter from Minister for Planning and Infrastructure - No. 10 (Lot 27) Dangan Street, Perth - Dismissal of Appeal
- IB10 Letter from Department of Local Government and Regional Development - Certificate of Recognition

#### 10.4.4 Review of Policies

<b>Ward:</b>	-	<b>Date:</b>	20 August 2003
<b>Precinct:</b>	-	<b>File Ref:</b>	ORG0023
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	John Giorgi, R Lotznicher		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council APPROVES of the following;*

- (i) *Policies to be amended as shown in Appendix 10.4.4:*
- (a) *2.1.1 - Maintenance - Naturally Vegetated Areas of Public Open Space*
  - (b) *2.1.5 - Memorial or Commemorative Planting of Trees and Erection of Plaques in Public Reserves*
  - (c) *2.2.2 - Verge Maintenance and Cleaning*
  - (d) *2.2.3 - Grading of Verges to Building Line*
  - (e) *2.2.4 - Footpaths - Upgrading of*
  - (f) *2.2.7 - Reinstatement of Roads and Footpaths*
  - (g) *2.2.8 - Crossovers*
  - (h) *2.2.9- Visual Sight Line Truncations - Driveways and Rights of Way (ROW's)*
  - (i) *2.2.10 - Corner Truncations at Street Intersections*
  - (j) *2.2.16 - Stormwater Drainage Connections*
  - (k) *2.2.18 - Directional Signs*
  - (l) *2.2.19 - Erection of Signs - Service Clubs - Combine with 2.2.18*
  - (m) *2.2.21 - Street Lighting*
  - (n) *2.2.27 - Street Parties*
  - (o) *3.9.8 - Residential and Visitors Parking Permits*
  - (p) *4.1.11 - Purchase of Fax Machines and Mobile Phones by Retiring Elected Members*
- (ii) *Policies to be deleted:*
- (a) *2.2.17 - Street Gullies - Recovery of Lost Property*
- (iii) *Policies recommended for re-adoption without any changes:*
- (a) *1.2.10 - Percent for Art Scheme*
  - (b) *1.3.3 - Parent and Citizens' Associations - Financial Assistance*
  - (c) *1.3.4 - Valuation of Property with a Non-Conforming Use*
  - (d) *2.1.4 - Existing Street Verge Trees Adjacent to Property Developments*
  - (e) *2.1.6 - Street Trees - Planting, Pruning and Removal - Amalgamated with Policies 2.1.2 and 2.1.3*
  - (f) *2.1.7 - Line Marking on Sporting and Recreation Grounds*
  - (g) *2.2.1 - Memorial Footpath Plaques - Laying of*
  - (h) *2.2.5 - Plant Containers on Commercial Paved Areas*
  - (i) *2.2.6 - Footpath Protection Adjacent to Open Car Sales Yards*
  - (j) *2.2.11 - Waste Management - Amalgamated with Policies 2.2.12, 2.2.13, 2.2.14 & 2.2.15*
  - (k) *2.2.20 - Electricity Supply - Undergrounding of Supply Cables*
  - (l) *2.2.22 - Rights of Way - Amalgamated with Policies 2.2.23, 2.2.25 & 2.2.26*
  - (m) *4.1.3 - Meeting of Ratepayers, Community/Precinct Groups - Attendance of Council Officers.*

**Moved Cr Lake, Seconded Cr Chester**

*That the recommendation be adopted.*

*Debate ensued.*

**Moved Cr Lake, Seconded Cr Cohen**

*That a new clause (iv) be added as follows:*

*"(iv) All Policies be advertised for public comment for the standard period of time of 21 days, and in the event that no public comment is received on a policy, that policy will automatically be incorporated into the Policy Manual, and in the event that public comment is received on a policy, that policy will be reported to Council for review."*

**AMENDMENT CARRIED (8-0)**

(Mayor Catania on approved leave of absence.)

**MOTION AS AMENDED CARRIED (8-0)**

(Mayor Catania on approved leave of absence.)

**COUNCIL DECISION ITEM 10.4.4**

*That the Council APPROVES of the following;*

- (i) *Policies to be amended as shown in Appendix 10.4.4:*
- (a) *2.1.1 - Maintenance - Naturally Vegetated Areas of Public Open Space*
  - (b) *2.1.5 - Memorial or Commemorative Planting of Trees and Erection of Plaques in Public Reserves*
  - (c) *2.2.2 - Verge Maintenance and Cleaning*
  - (d) *2.2.3 - Grading of Verges to Building Line*
  - (e) *2.2.4 - Footpaths - Upgrading of*
  - (f) *2.2.7 - Reinstatement of Roads and Footpaths*
  - (g) *2.2.8 - Crossovers*
  - (h) *2.2.9- Visual Sight Line Truncations - Driveways and Rights of Way (ROW's)*
  - (i) *2.2.10 - Corner Truncations at Street Intersections*
  - (j) *2.2.16 - Stormwater Drainage Connections*
  - (k) *2.2.18 - Directional Signs*
  - (l) *2.2.19 - Erection of Signs - Service Clubs - Combine with 2.2.18*
  - (m) *2.2.21 - Street Lighting*
  - (n) *2.2.27 - Street Parties*
  - (o) *3.9.8 - Residential and Visitors Parking Permits*
  - (p) *4.1.11 - Purchase of Fax Machines and Mobile Phones by Retiring Elected Members*
- (ii) *Policies to be deleted:*
- (a) *2.2.17 - Street Gullies - Recovery of Lost Property*
- (iii) *Policies recommended for re-adoption without any changes:*

- (a) *1.2.10 - Percent for Art Scheme*
  - (b) *1.3.3 - Parent and Citizens' Associations - Financial Assistance*
  - (c) *1.3.4 - Valuation of Property with a Non-Conforming Use*
  - (d) *2.1.4 - Existing Street Verge Trees Adjacent to Property Developments*
  - (e) *2.1.6 - Street Trees - Planting, Pruning and Removal - Amalgamated with Policies 2.1.2 and 2.1.3*
  - (f) *2.1.7 - Line Marking on Sporting and Recreation Grounds*
  - (g) *2.2.1 - Memorial Footpath Plaques - Laying of*
  - (h) *2.2.5 - Plant Containers on Commercial Paved Areas*
  - (i) *2.2.6 - Footpath Protection Adjacent to Open Car Sales Yards*
  - (j) *2.2.11 - Waste Management - Amalgamated with Policies 2.2.12, 2.2.13, 2.2.14 & 2.2.15*
  - (k) *2.2.20 - Electricity Supply - Undergrounding of Supply Cables*
  - (l) *2.2.22 - Rights of Way - Amalgamated with Policies 2.2.23, 2.2.25 & 2.2.226*
  - (m) *4.1.3 - Meeting of Ratepayers, Community/Precinct Groups - Attendance of Council Officers; and*
- (iv) *All Policies to be advertised for public comment for the standard period of time of 21 days, and in the event that no public comment is received on a policy, that policy will automatically be incorporated into the Policy Manual, and in the event that public comment is received on a policy, that policy will be reported to Council for review.*
- 

#### **BACKGROUND:**

The Council's Policy Manual contains various policies which provide guidance to the Town's Administration and also to Elected Members for day to day management issues and also decision making.

The policies are amended from time to time as the need arises. It is "best practice" to review policies at a regular interval and the Town undertakes this every five years. As the policy manual contains a large number of policies a program of review has been prepared for the matter to be considered between July and December 2003. The Town's Administration has commenced the process and has provided the comments as outlined in this report.

Copies of the policies to be amended, deleted or recommended for re-adoption were circulated to Elected Members on 28 July 2003 requesting comments by 15 August 2003. Comments were received from Councillors Chester, Ker and Lake and these have been incorporated into the various policies.

The following policies are to be amended.

- (i) 2.1.1 - Maintenance - Naturally Vegetated Areas of Public Open Space

*CEO's Comment*

*This policy was amended by deleting redundant paragraphs. In addition, the words giving preference to local indigenous species were included. Cr Chester submitted comment requesting the word "naturally" be substituted with the word "native".*

- (ii) 2.1.5 - Memorial or Commemorative Planting of Trees and Erection of Plaques in Public Reserves

CEO's Comment

*This policy was substantially amended to reflect the Town's current practice. A major change now prohibits plaques to be placed in Parks. A new clause relating to the distribution of deceased persons ashes has been included.*

*Cr Lake provided input into the wording of this amended policy.*

- (iii) 2.2.2 - Verge Maintenance and Cleaning

CEO's Comment

*This policy was amended to reflect the Town's current practice (e.g. mowing of verges on major roads).*

- (iv) 2.2.3 - Grading of Verges to Building Line

CEO's Comment

*This policy was amended by deleting "Council" and inserting "Town" and also a new clause to reflect the Town's current practice of not excavating verges to facilitate paving.*

- (v) 2.2.4 - Footpaths - Upgrading of

CEO's Comment

*Minor amendments were made to various words. Otherwise the policy is substantially unchanged.*

- (vi) 2.2.7 - Reinstatement of Roads and Footpaths

CEO's Comment

*This policy was substantially amended to reflect the Town's current practice.*

- (vii) 2.2.8 - Crossovers

CEO's Comment

*Minor amendments were made to the policy in addition clarification has been inserted to allow discretion of the EMTS with regard to crossovers.*

- (viii) 2.2.9- Visual Sight Line Truncations - Driveways and Rights of Way (ROW's)

CEO's Comment

*Minor amendments were made to the policy in addition, clarification has been inserted to allow discretion of the EMTS with regard to sight lines and allow lesser truncations in certain circumstances.*

- (ix) 2.2.10 - Corner Truncations at Street Intersections

CEO's Comment

*Measurements have been amended to reflect the Town's current practice. Otherwise the policy is unchanged.*

- (x) 2.2.16 - Stormwater Drainage Connections

CEO's Comment

*Minor amendments have been made to reflect the Town's current practice.*

- (xi) 2.2.18 - Directional Signs

CEO's Comment

*Minor amendments have been made to reflect the Town's current practice and a new clause has been inserted requiring the applicant to bear the cost of the signs and their replacement.*

- (xii) 2.2.19 - Erection of Signs - Service Clubs - **Combine with 2.2.18**

CEO's Comment

*Minor amendments have been made to delete reference to specific clubs.*

- (xiii) 2.2.21 - Street Lighting

CEO's Comment

*This policy has been substantially amended to reflect the Town's current practice and incorporate the street lighting program. Specific reference has been included to lighting on the various road categories.*

- (xiv) 2.2.27 - Street Parties

CEO's Comment

*Minor amendments have been made to clarify legislative matters relating to the road traffic code. Cr Chester requested clause (10) be amended - in this case the CEO is to give direction for the provision of rubbish bins and clean up requirements.*

- (xvi) 3.9.8 - Residential and Visitors Parking Permits

CEO's Comment

*This policy has been amended at the request of Cr Ker to clarify the Town's current practice of providing permits in multiple dwellings.*

- (xvii) 4.1.11 - Purchase of Fax Machines and Mobile Phones by Retiring Elected Members

CEO's Comment

*This policy has been amended to reflect the change to the Elected Members Allowance policy - which allows home office furniture to be purchased during the term of the Elected Member and for these items to be purchased at the end of an Elected Members term.*

2. Policy to be deleted:

- (i) 2.2.17 - Street Gullies - Recovery of Lost Property



*CEO's Comment*

*This policy is no longer required - any requests for assistance will be provided by the Town's Technical Services staff.*

A large number of policies are recommended for re-adoption without any changes. These are listed in the recommendation and no further explanation is required.

**CONSULTATION/ADVERTISING:**

The Council has a policy of advertising for a period of 21 days seeking comments from the public. However, as the proposed policy changes are relatively minor or of an administrative nature, it is recommended that this not be carried out, in this instance. This will provide costs savings to the Council.

**LEGAL/POLICY:**

Policies are not legally enforceable, they provide guidance to the Town's Administration and Elected Members when considering various matters. The Independent Organisational Review identified the need for the Town's Policy Manual to be reviewed (Recommendation Number 11).

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The Town's Policy Manual will be progressively reviewed and amended over the forthcoming six months. This is the second group of policies to be reviewed. These will reflect the Council's position and also any community attitude changes which have occurred over the previous five years.

Deputy Mayor Ker announced that he had declared a proximity interest in this item and requested a nomination for a Presiding Member during his absence.

**10.1.9 No. 72 (Lot 149) Vincent Street, Mount Lawley- Proposed Partial Demolition of and Alterations and Additions to existing Single House**

<b>Ward:</b>	South	<b>Date:</b>	14 August 2003
<b>Precinct:</b>	Norfolk P10	<b>File Ref:</b>	PRO2395; 00/33/1686
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	J Barton		
<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 B Schenk on behalf of the owner Rookpark Pty Ltd for the proposed partial demolition of and alterations and additions to existing single house at No.72 (Lot 149) Vincent Street, Mount Lawley, and as shown on plans dated 19 June 2003, 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 deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (iii) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s); and*
- (iv) compliance will all relevant Environmental Health, Engineering and Building requirements;*
- (v) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (vi) 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;*

- (vii) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division; and*
- (ix) *no new front 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 Vincent Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*

*to the satisfaction of the Chief Executive Officer.*

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**Moved Cr Franchina, Seconded Cr Lake**

*That Cr Cohen be elected Presiding Member while Deputy Mayor Ker is absent from the Chamber.*

**CARRIED (8-0)**

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

Deputy Mayor Ker departed the Chamber at 8.30pm and did not speak or vote on the item, and Cr Cohen assumed the Chair.

**COUNCIL DECISION ITEM 10.1.9**

**Moved Cr Lake, Seconded Cr Chester**

*That the recommendation be adopted.*

*Debate ensued.*

**CARRIED (7-0)**

**(Deputy Mayor Ker was absent from the Chamber and did not vote. Mayor Catania on approved leave of absence.)**

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<b>LANDOWNER:</b>	<b>Rookpark Pty Ltd</b>
<b>APPLICANT:</b>	<b>B Schenk</b>
<b>ZONING:</b>	<b>Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R40</b>
<b>EXISTING LAND USE:</b>	<b>Single House</b>

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
<b>Setbacks</b>		
Western Side- Upper Floor	2 metres	1.5 metres
<b>Car Parking Provisions</b>	2 bays	1 bay (existing car parking provisions = 1 bay)
<b>Building Height</b>	6 metres to eaves.	7 metres to eaves on the western side.
Use Class	Single House	
Use Classification	'P'	
Lot Area	463 square metres	

**SITE HISTORY:**

The subject site is occupied by a single storey single house with its primary street frontage to Vincent Street. There is an existing 1.8 metres high brick wall along Vincent Street.

The subject land abuts a rear 4.5 metres wide, Town owned, sealed right of way.

**DETAILS:**

The applicant seeks approval for partial demolition of and alterations and additions to the existing single storey dwelling.

**CONSULTATION/ADVERTISING:**

The application was advertised to the adjoining neighbours from 29 July 2003 to 12 August 2003.

No submissions were received during the advertising period.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Heritage**

The subject property is included on the Town's Interim Heritage Data Base. The proposed development is not considered to be sensitive to the original house, in terms of the forward-setting of the additional storey. However, in the absence of any policy deterring this form of two-storey addition, the proposal is considered acceptable and should be subject to general provisions of the Town Planning Scheme and associated Policies.

### **Setback Variation**

A side setback variation of 1.5 metres, in lieu of 2 metres, is proposed to the upper floor on the western side. However, given that the proposal does not overlook or overshadow the adjoining property, and that the affected neighbours did not raise any objections to the proposed development, the proposal is therefore not considered to unduly impact on the adjoining property, or the area generally.

### **Building Scale and Height**

A small portion of the second storey towards the front along the eastern and western elevations exceed the Residential Design Codes (R-Codes) acceptable development requirements, as a total height of 6.5 metres, and 7 metres respectively, is proposed to the eaves, in lieu of the required 6 metres. This variation is due to the natural ground levels, which increase by 2 metres from the front to the rear of the subject land.

Given that adequate and direct sun light is available to the neighbouring properties, and that adequate daylight is available to all major openings to habitable rooms, the proposal is not considered to unduly impact on the amenity of the adjoining properties.

In light of the above, and given that the proposal complies with the R-Codes requirements relating to overshadowing, overlooking, and the overall 9 metres height requirement to the ridge of the roof, it is therefore considered that the 1 metre variation in the height to the eaves would not have an undue, adverse impact on the amenity of the streetscape, or the area generally. Conditional approval is therefore recommended.

### **Car Parking Provisions**

The proposal represents a variation to the R-Codes car parking requirements for single dwellings, as one (1) bay is proposed in lieu two (2) bays. However, the existing dwelling only provides one car parking bay, and the right of way can not be used for vehicular access as there is an existing swimming pool at the rear of the subject site.

Furthermore, Clause 3.5.1 (Access and Car Parking Requirements) of the R-Codes permits variations to the acceptable development requirements if the following performance criteria is met:

*"Adequate car parking provided on-site in accordance with projected need related to:*

- *the type, number and size of dwellings;*
- *the availability of on-street and other off-street parking;*
- *the location of the proposed development in relation to public transport and other facilities."*

Given that on-street parking is available on Vincent Street without time restrictions, and that the subject land is within close proximity to public transport along William Street, the proposal is therefore considered to address the above-mentioned performance criteria.

In light of the above, the provision of one bay is considered to be sufficient in this instance.

### **Conclusion**

In light of the above, the proposed variations to the R-Codes and the Town's Policies are considered supportable in this instance, and it is recommended that the application be approved, subject to standard and appropriate conditions to address the above matters.

Deputy Mayor Ker returned to the Chamber at 8.34pm and resumed the Chair. He was advised that Item 10.1.9 was carried (7-0). Deputy Mayor Ker announced that Cr Farrell had declared a financial interest in this item. Cr Farrell departed the Chamber at 8.34pm. He did not speak or vote on the item.

**10.1.20 Food Safety - Revised Food Sampling Scheme**

<b>Ward:</b>	Both Wards	<b>Date:</b>	18 August 2003
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	ORG0032
<b>Attachments:</b>	Nil		
<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 and discussion paper on the Revised Food Sampling Scheme dated 4 August 2003 as "Laid on the Table" and circulated separately to Elected Members; and*
- (ii) *ADVISES the Local Health Authorities Analytical Committee (LHAAC) of its support of the proposed scheme.*

**COUNCIL DECISION ITEM 10.1.20**

**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (7-0)**

**(Cr Farrell was absent from the Chamber and did not vote. Mayor Catania on approved leave of absence.)**

**BACKGROUND:**

The Local Health Authorities Analytical Committee (LHAAC) has been responsible for developing and maintaining the current collective Food Sampling Scheme in which all Local Authorities within Western Australia are legally required to participate. The Town's Health Services are actively participating in the sampling of local food manufacturers and sampling the large numbers of imported foods, to ensure food meets Australian Standards.

For the past year, the Food Sampling Scheme has been reviewed, and an interim report was submitted to the Ordinary Meeting of Council on 24 September 2002 outlining the following:

*"It is recommended that the Town supports the revision of the Food Sampling Scheme in principal, as a more targeted approach will assist in:*

- *establishment of a Committee resulting in increased liaison between Industry, Local Authorities and State Government;*

- *creating a more outcome based sampling programme with the assistance of the Committee;*
- *the production of meaningful reports detailing trends from analysis results;*
- *prosecuting any offences arising out of the principal programme on behalf of Local Government;*
- *establishment and maintenance of a comprehensive database of analysis results and prosecutions, allowing state-wide access by Environmental Health Officers; and*
- *an increase of microbiological sampling with respect to food monitoring."*

Subsequently, Council resolved to:

- "(i) *RECEIVES the report and discussion paper on Revised Food Sampling Scheme as attached at Appendix 10.1.20; and*
- (ii) *advises the Local Health Authorities Analytical Committee (LHAAC) of its IN PRINCIPAL SUPPORT."*

#### **DETAILS:**

Due to limited guidance currently provided by State Government Agencies regarding sampling programmes, the WA Food Monitoring Programme has been established in recent years, encouraging Local Authorities to take part in state-wide surveys of a particular type of food where concerns may have been raised.

With the increase in numbers of stores such as bakery chains/franchisers, and bakery and meat products being sold at Supermarkets, bakery products are frequently pre-mixed and do not undergo complete production steps on the premises or sausages are produced in a main factory and supplied to stores. Therefore, it would be more beneficial for the Local Authority in which the supplying manufacturing factory is located to undertake all routine sampling rather than individual Local Authorities targeting each franchise/chain.

Subsequently, a WA Local Health Authority Review Committee was established, and a discussion paper has been developed by the LHAAC requesting formal comment from Local Authorities on the proposed amendments to the Food Sampling Scheme. The Town's Executive Manager Environmental and Development Services, is a member of the LHAAC.

One of the main concerns amongst scheme members was the costs associated with the proposed scheme and many Local Governments sought assurance that the costs for any new scheme would not be significantly greater than current charges. In-depth discussions were conducted with the Department of Health WA and the outcome was the appointment of Noel Sounness to undertake specific work on the costing method of a proposed sampling scheme, based on a redistribution of testing away from high population densities towards those areas with more food manufacturing activity.

The Report in its Executive Summary details as follows:

*"...The proposed changes are designed to make testing more efficient by removing duplication. Whilst this cannot be quantified, overall it could be reasonably expected to lead to lower costs...The report conducts an analysis on the dispersion of food manufacturing industries within Western Australia and suggests a new regime in which levies are still charged on a per population basis but are distributed on the basis of the density of food manufacturers per Local Government..."*

#### **FINANCIAL IMPACT:**

The anticipated impact of the proposed Scheme on the Distribution of Sampling Units is outlined as follows in the report:

*"It is a logical extension of the proposed scheme that, whilst levies will still be payable based on population densities, sampling Units will no longer be allocated in the same fashion. Because food manufacturing is not necessarily conducted in areas of high population density, the proposal implies a re-distribution of Units based on the prescribed work scheme applicable to each Local Government area...As expected, high population/low manufacturing areas receive less Units and must therefore fund internally a larger number of excess samples.*

*The most affected areas are Joondalup (+\$6,800), Melville (+\$4,800) and Gosnells (+\$3,400). High Manufacturing areas to receive a benefit are Vincent (-\$1,800), Perth and Bunbury (-\$1,600), due to a greater incidence of food manufacturing than population... Note that most Local Government's were not materially affected. Only ten Local Government's would have had an impact of greater than \$1,000 if they had conducted the same sampling program with the revised Unit allocation."*

In particular, it is proposed that the Town of Vincent sampling Units will increase from 390 to 752, with a change in real cost of -\$1,795.20. \$5,910 was spent on sample analysis during the 2002-2003 Financial year.

**STRATEGIC IMPLICATIONS:**

Principal Activities Plan 2002 – 2006 – Key Result Area: The Physical Environmental –  
*"promotion of a safe and healthy inner-city environment."*

**COMMENTS:**

It is recommended that the Town supports the revision of the Food Sampling Scheme accordingly.



Cr Farrell returned to the Chamber at 8.35pm. Deputy Mayor Ker advised that Item 10.1.20 was carried (7-0).

**10.1.17 No. 282 (Lots 21, 100, 101, 102, 103 and 104) Lord Street, Corner Windsor Street , Perth - Proposed Demolition of Existing Outbuildings and Car Servicing Workshop Buildings; Partial Demolition of and Alterations and Additions to Existing Hotel; Change Of Use From Hotel to One (1) Eating House, One (1) Shop, One (1) Office and Four (4) Multiple Dwellings; Construction of Two (2) Storey Mixed-Use Development Comprising Two (2) Offices and Two (2) Multiple Dwellings; and Construction of Twelve (12) Multiple Dwellings and Undercroft Carparking**

<b>Ward:</b>	South	<b>Date:</b>	18 August 2003
<b>Precinct:</b>	Banks Precinct, P15	<b>File Ref:</b>	PRO 1388, 00/33/1478
<b>Attachments:</b>	<a href="#">001</a> <a href="#">002</a> <a href="#">003</a> <a href="#">004</a>		
<b>Reporting Officer(s):</b>	R.Rasiah		
<b>Checked/Endorsed by:</b>	D.Abel, 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, the Council APPROVES the application submitted by M Rodic & Associates Pty Ltd on behalf of the owner Mt Sator Investments Pty Ltd for proposed demolition of existing outbuildings and car servicing workshop buildings; partial demolition of and alterations and additions to existing hotel; change of use from hotel to one (1) eating house, one (1) shop, one (1) office and four (4) multiple dwellings; construction of two (2)-storey mixed-use development comprising two (2) offices and two (2) multiple dwellings; and construction of twelve (12) multiple dwellings and undercroft carparking at No. 282 (Lots 21, 100, 101, 102, 103 and 104 ) Lord Street, corner Windsor Street , Perth, as shown on revised plans stamp dated 24 July 2003, subject to:*
- (a) *compliance with all relevant Environmental Health, Engineering and Building requirements, including access, carparking and facilities for people with disabilities;*
- (b) *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);*

- (c) *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 \$22,500 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 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);*
- (d) *the applicant will provide a detailed schedule of external finishes and colour schemes for the existing hotel building for approval by the Town prior to the issue of a Building Licence and/or Demolition Licence, whichever comes first;*
- (e) *subject to first obtaining the consent of the owners of No. 268 (Lot 19) Lord 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.268 (Lot 19) Lord Street, in a good and clean condition;*
- (f) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (g) *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;*
- (h) *no street trees shall be removed, cut back, pruned or interfered with in any way, without the prior approval of the Town's Parks Services Section;*
- (i) *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;*
- (j) *prior to the first occupation of the development, three (3) class- one or two and three (3) class- three 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;*
- (k) *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;*
- (l) *detailed archival documentation (plans and photographs with accompanying descriptions) of the entire hotel and former stables building shall be submitted to and approved by the Town prior to the issue of a Building Licence and/or Demolition Licence, whichever occurs first;*

- (m) *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;*
- (n) *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;*
- (o) *doors and windows and adjacent floor areas of the commercial component fronting Lord Street and Windsor Street shall maintain an active and interactive relationship with these streets;*
- (p) *prior to the first occupation of the development, 35 car parking spaces provided for the residential component of the development, including four (4) visitors bays, two (2) of which are located adjacent to Windsor Street and two (2) within the basement area, shall be clearly marked, signposted and readily accessible for use by visitors to the residential component and shall not be in tandem arrangement;*
- (q) *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;*
- (r) *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;*
- (s) *a road and verge security deposit bond and/or bank guarantee of \$3000 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the Town's assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (t) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (u) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*

- (v) *prior to the issue of the Building Licence or first occupation of the development, whichever occurs first, the applicant/owner shall pay a cash-in-lieu contribution of \$5,700 for shortfall of 2.28 car bays based on the cost of \$2500 per bay as set out in the Town's 2003/2004 Budget. Alternatively, if the carparking shortfall is reduced as a result of a greater number of carbays being provided or the carparking requirements have decreased as a result of the change in floor area use, the cash in lieu amount can be reduced to reflect the new changes in carparking requirements;*
- (w) *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;*
- (x) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the balconies, windows to living areas and windows to bedrooms for units 1, 2, 3, 4, 5 and 6 on first floor levels and on the ground floor level where the height of the finished floor level (FFL) is greater than 500 millimetres above the natural ground level within 7.5 metres, 6.0 metres and 4.5 metres, respectively, of the eastern side boundary within a 45 degree 'cone of vision', shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the respective finished floor levels. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002;*
- (y) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (z) *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;*
- (aa) *prior to the issue of a Building Licence, a Construction Staging Plan shall be submitted to and approved by the Town, indicating the staging of the development and all major construction works associated with each stage, with particular reference to the planning conditions that are required to be complied with 'prior to the first occupation of the development';*
- (ab) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
  - (i) *provision of 18 stores, each with a minimum dimension of 1.5 metres and area of 4 square metres; and*

- (ii) *provision of a continuous and complementary awning over the adjacent footpath of Windsor Street and Lord Street for the commercial component.*

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

- (ac) *the maximum floor space for the uses shall be limited as follows:*

- *eating house - 58 square metres of public area;*
- *shops - 80 square metres of gross floor area; and*
- *offices - 400 square metres of gross floor area;*

*unless adequate car parking is provided for the changes in floor area use or floor space area;*

- (ad) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$ 13,000 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; and*

- (ae) *a total of 12 car bays shall be provided for the commercial component, and those car bays within the basement shall be made readily accessible for use in association with the commercial component during the operating times of the commercial component;*

*to the satisfaction of the Chief Executive Officer; and*

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

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**Moved Cr Cohen, Seconded Cr Torre**

*That the recommendation with the following amended clause (i)(d) and additional new clause (iii) be adopted.*

- "(i)(d) *the applicant ~~will~~ shall provide a detailed schedule of external and internal finishes and colour schemes for the existing former hotel building for approval by the Town prior to the issue of a Building Licence and/or Demolition Licence, whichever comes first, and these details shall include and address the following:*

- (1) *protection of the original internal fabric associated with the building during and after the works, including but not limited to the main internal timber staircase, archway features and original ceilings;*

- (2) restoration of the external brickwork of the facade and decorative detailing of the pediment of the former hotel building, and its restoration methods;
- (3) reconstruction of the verandah to the facade of the former hotel building; and
- (4) incorporation of an interpretive element, such as a plaque or other medium, into the development and this element being visible from the public domain.

The above work(s) shall be completed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);"

"(iii) the Council SUGGESTS that the owner/applicant refer the former Norwood Hotel to the Heritage Council of Western Australia for consideration for inclusion on the State Register of Heritage Places."

Debate ensued.

CARRIED (8-0)

(Mayor Catania on approved leave of absence.)

COUNCIL DECISION ITEM 10.1.17

That;

- (i) in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1, the Council APPROVES the application submitted by M Rodic & Associates Pty Ltd on behalf of the owner Mt Sator Investments Pty Ltd for proposed demolition of existing outbuildings and car servicing workshop buildings; partial demolition of and alterations and additions to existing hotel; change of use from hotel to one (1) eating house, one (1) shop, one (1) office and four (4) multiple dwellings; construction of two (2)-storey mixed-use development comprising two (2) offices and two (2) multiple dwellings; and construction of twelve (12) multiple dwellings and undercroft carparking at No. 282 (Lots 21, 100, 101, 102, 103 and 104 ) Lord Street, corner Windsor Street , Perth, as shown on revised plans stamp dated 24 July 2003, subject to:
  - (a) compliance with all relevant Environmental Health, Engineering and Building requirements, including access, carparking and facilities for people with disabilities;
  - (b) 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);

- (c) *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 \$22,500 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 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); and*
- (d) *the applicant shall provide a detailed schedule of external and internal finishes and colour schemes for the existing hotel building for approval by the Town prior to the issue of a Building Licence and/or Demolition Licence, whichever comes first, and these details shall include and address the following:*
- (1) *protection of the original internal fabric associated with the building during and after the works, including but not limited to the main internal timber staircase, archway features and original ceilings;*
  - (2) *restoration of the external brickwork of the facade and decorative detailing of the pediment of the former hotel building, and its restoration methods;*
  - (3) *reconstruction of the verandah to the facade of the former hotel building; and*
  - (4) *incorporation of an interpretive element, such as a plaque or other medium, into the development and this element being visible from the public domain.*

*The above work(s) shall be completed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);"*

- (e) *subject to first obtaining the consent of the owners of No. 268 (Lot 19) Lord 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.268 (Lot 19) Lord Street, in a good and clean condition;*
- (f) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (g) *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;*
- (h) *no street trees shall be removed, cut back, pruned or interfered with in any way, without the prior approval of the Town's Parks Services Section;*
- (i) *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;*

- (j) *prior to the first occupation of the development, three (3) class- one or two and three (3) class- three 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;*
- (k) *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;*
- (l) *detailed archival documentation (plans and photographs with accompanying descriptions) of the entire hotel and former stables building shall be submitted to and approved by the Town prior to the issue of a Building Licence and/or Demolition Licence, whichever occurs first;*
- (m) *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;*
- (n) *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;*
- (o) *doors and windows and adjacent floor areas of the commercial component fronting Lord Street and Windsor Street shall maintain an active and interactive relationship with these streets;*
- (p) *prior to the first occupation of the development, 35 car parking spaces provided for the residential component of the development, including four (4) visitors bays, two (2) of which are located adjacent to Windsor Street and two (2) within the basement area, shall be clearly marked, signposted and readily accessible for use by visitors to the residential component and shall not be in tandem arrangement;*
- (q) *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;*
- (r) *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;*



- (s) *a road and verge security deposit bond and/or bank guarantee of \$3000 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the Town's assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (t) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (u) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (v) *prior to the issue of the Building Licence or first occupation of the development, whichever occurs first, the applicant/owner shall pay a cash-in-lieu contribution of \$5,700 for shortfall of 2.28 car bays based on the cost of \$2500 per bay as set out in the Town's 2003/2004 Budget. Alternatively, if the carparking shortfall is reduced as a result of a greater number of carbays being provided or the carparking requirements have decreased as a result of the change in floor area use, the cash in lieu amount can be reduced to reflect the new changes in carparking requirements;*
- (w) *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;*
- (x) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the balconies, windows to living areas and windows to bedrooms for units 1, 2, 3, 4, 5 and 6 on first floor levels and on the ground floor level where the height of the finished floor level (FFL) is greater than 500 millimetres above the natural ground level within 7.5 metres, 6.0 metres and 4.5 metres, respectively, of the eastern side boundary within a 45 degree 'cone of vision', shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the respective finished floor levels. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002;*
- (y) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (z) *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;*

- (aa) *prior to the issue of a Building Licence, a Construction Staging Plan shall be submitted to and approved by the Town, indicating the staging of the development and all major construction works associated with each stage, with particular reference to the planning conditions that are required to be complied with 'prior to the first occupation of the development';*
- (ab) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
- (i) *provision of 18 stores, each with a minimum dimension of 1.5 metres and area of 4 square metres; and*
  - (ii) *provision of a continuous and complementary awning over the adjacent footpath of Windsor Street and Lord Street for the commercial component.*

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

- (ac) *the maximum floor space for the uses shall be limited as follows:*

- *eating house - 58 square metres of public area;*
- *shops - 80 square metres of gross floor area; and*
- *offices - 400 square metres of gross floor area;*

*unless adequate car parking is provided for the changes in floor area use or floor space area;*

- (ad) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$ 13,000 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; and*
- (ae) *a total of 12 car bays shall be provided for the commercial component, and those car bays within the basement shall be made readily accessible for use in association with the commercial component during the operating times of the commercial component;*

*to the satisfaction of the Chief Executive Officer; and*

- (ii) *the Council advise the Western Australian Planning Commission that the Council strongly SUPPORTS the application subject to conditions as detailed in Clause (i) above, and request the Western Australian Planning Commission to determine the application in accordance with the provision of the Metropolitan Region Scheme; and*
- (iii) *the Council SUGGESTS that the owner/applicant refer the former Norwood Hotel to the Heritage Council of Western Australia for consideration for inclusion on the State Register of Heritage Places.*

**FURTHER REPORT:**

Advertising for the above proposal closed on 15 May 2003. A late submission dated 14 August 2003 has been received from the Perth Inner City Society (PICS). Members of the above Society have met with the developers on-site to discuss the above proposal. The view of the PICS is that they are generally pleased with the proposal and recommend approval on the basis that it will enhance the property and the area. The PICS also requested that the following conditions be imposed:

- *"restoration of the outer brick work to its original tuck-pointing in Flemish bond after removal of existing paintwork;*
- *restoration of verandah/awning to one appropriate to the period. It is recognised that some flexibility is required here due to the road/footpath situation; and*
- *restoration of the stucco balls on top of the pediments on the outer walls".*

These comments have been addressed in the above amended clause (d).

**Executive Manager Environmental and Development Services Comments:**

Although it is preferable for the original tuck-pointed brick work to be restored, it should be noted that removal of paint from large sections of brickwork by inappropriate methods may compromise the significance of the place by potentially damaging the fabric which is intended for conservation. Alternative and less intrusive methods of enhancing the heritage features of the place may need consideration if removal of the paint is likely to cause irreversible damage to the fabric.

In addition, any introduction of reconstruction works to the original building, such as a verandah, should not be a re-creation or conjectural reconstruction and should only be undertaken when based on sound documentary and physical evidence.

**LANDOWNER:** Mt Sator Investments Pty Ltd  
**APPLICANT:** M Rodic & Associates  
**ZONING:** Metropolitan Region Scheme: Urban And Other Regional Road Town Planning Scheme No.1: Commercial and Other Regional Road  
**EXISTING LAND USE:** Hotel

**COMPLIANCE:**

Requirements	Required	Proposed
Density-R 60	17.02 multiple dwellings	18 multiple dwellings
<u>Setbacks</u>		
Front-Lord Street	5 metres (Road Widening)	Nil
Side/east-ground floor (U1 & 3)	3.6 metres	3.5 metres
Side/east-upper-floor-kitchen	3.3 metres	2 metres
Side/east-upper floor (U2 & 4)	6 metres	3.5 metres
Side/east-upper-floor(U5 & 6)	2.4 metres	2 metres
Side/south-upper floor (U6, 8, 10 &12)	6.3 metres	1.6 metres

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
Side/south-ground floor (U5, 7, 9 & 11)	3.6 metres	1.6 metres
Side/south/parapet wall	2.8 metres	Nil
North-Windsor Street	4 metres	Nil to 6.2 metres
Cone of vision/privacy arc setback	4.5, 6.0, and 7.5 metres from bedrooms, habitable rooms and balconies, respectively, to the eastern boundary	Various setbacks less than required setbacks to the eastern boundary as detailed in "Comments - Privacy"
Stores	18 stores with an area of 4 square metres each	15 stores with an area of 2.1 square metres each

Use Class	Eating house, office building, shop, multiple dwelling
Use Classification	P,P,P,AA
Lot Area	2826 square metres for 6 lots.

#### **SITE HISTORY:**

The Norwood Hotel is located at the above site. The licenced area ceased operation some time ago, while the hotel component is still in operation on a modest scale. The site is listed on the Town of Vincent's Municipal Heritage Inventory.

The adjacent lot to the east is zoned Residential R60 and is vacant. The lots to the south side are zoned Commercial and are currently used as commercial premises.

#### **DETAILS:**

The applicant seeks approval for proposed demolition of existing outbuildings and car servicing workshop buildings; partial demolition of and alterations and additions to existing hotel; change of use from hotel to one (1) eating house, one (1) shop, one (1) office and four (4) multiple dwellings; construction of two (2)-storey mixed-use development comprising two (2) offices and two (2) multiple dwellings; and construction of twelve (12) multiple dwellings and undercroft car parking.

The development site includes the abutting lots, which are also owned by the current owners of the hotel. Part of the outbuildings at the rear of the site and the buildings on the adjoining lots will be demolished to enable the development to proceed.

Lofts are proposed for two (2) of the eighteen (18) multiple dwellings proposed being units 10 and 12. Four (4) of the 18 multiple dwellings are to be contained within the existing Hotel building.

A total of three (3) offices are proposed with a total gross floor area of 400 square metres. The proposed eating house is to be 125 square metres in area with 58 squares metres being open to the public. The proposed shop is to be 80 square metres in area. The eating house, shop, one of the offices and four of the multiple dwellings are to be contained within the existing hotel building.

All vehicular access is via Windsor Street, with pedestrian access from both Windsor and Lord Streets.

The proposed alfresco dining area shown on the adjacent road reserve is not part of this Planning Application.

The Town has since received revised plans from the applicant on 24 July 2003 addressing some concerns raised by the Town in previous meeting/discussions with the applicant. These modifications include:

- Internal modifications to comply with the Building Code of Australia and Health Act;
- Provision of bin storage areas; and
- Minor modification to basement carpark.

In support of the application, the applicant has provided a detailed submission, which has been attached to this report.

#### **CONSULTATION/ADVERTISING:**

One (1) submission was received during the public consultation period, which was from the owners/tenants of the adjoining commercial property to the south. Concerns raised are as follows:

- The 8.1 metres high parapet wall on the south side would restrict access to the rear warehouse door to a 1 metre laneway, which will be insufficient for the proper handling of deliveries/pickups, particularly given the extreme height of the proposed wall. Request that the parapet wall be setback one metre from the south boundary.
- The proposed setback along Lord Street along the same setback line of the existing hotel will have the effect of preventing any visibility of their premises from the north. Concerns relate to the long term, as the adjoining landowners also have intention to develop their site.

The proposal was advertised in accordance with the Town's Community Consultation Policy and the Residential Design Codes. The concerns raised by the adjoining landowner, whose property is also zoned as commercial, is acknowledged. The parapet wall on the boundary would have some impact in terms of limiting the passage way width. The parapet wall is supported as in other areas; parapet walls along common boundaries between commercial lots are allowable.

The neighbours have also stated in their submission that they also have future intentions to develop their lot, which would mean that the passageway issue raised may not be an issue at that point in time.

On 23 June 2003, the Town's Officers met on-site with Councillors Caroline Cohen and Sally Lake, John Hyde MLA, Precinct Group representatives, the architect and owner to discuss the various aspects of the development, including heritage issues pertaining to the proposal. The architect and owners briefed the group on the proposed development, the changes proposed including the retention and improvements to the existing hotel and the demolition of the garages. The group was given an internal tour of the hotel. There were no major issues raised or commitment given by the attendees at the above meeting, other than a full report would be presented to the Council for consideration and determination.

#### **LEGAL/POLICY:**

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

**FINANCIAL/ BUDGET IMPLICATIONS:**

Nil.

**STRATEGIC IMPLICATIONS:**

Nil.

**COMMENTS:**

The site falls within the Banks Precinct. Development in the area is required to take into consideration the scale of surrounding buildings and be of a similar scale to majority of adjacent buildings.

Where mixed use developments are proposed on the same site, they should be compatible so as to function without undue interference from one another in order that the amenity of all uses is safeguarded. The Town further encourages the development of residential uses in non-residential areas, which are close to services and attractions and generate after hours activity.

**Residential Car Parking Requirements**

The applicant has chosen to provide two (2) car bays for each multiple dwelling. As such, a total of 36 car bays have been provided for the residential component. Two (2) visitor car bays have been provided outside the secured basement carpark, adjacent to the Windsor Street frontage at ground level.

The residential component requires a minimum of 35 car bays based on the R Codes. Four of the 35 car bays are required to be provided as visitor car bays. Two (2) visitor car bays for the residential component have been provided adjacent to the Windsor Street frontage, which would mean that 33 car bays at the basement level is allocated for the residential component. The remaining two (2) visitor car bays, which are to be provided in the basement carpark, should be made available to the public at all times.

The applicant/owner is also required to make available the commercial car parking bays at the basement for the public and staff during the operating hours of the commercial uses, which means that the commercial car bays should not be within the secured carparking area of the residential carparking area. A carbay for people with disabilities has also been provided on-site.

A total of 47 car bays have been provided for the entire development, therefore resulting in 12 car bays (that is 47 car bays minus 35 car bays) available for the commercial component.

**Commercial Car Parking Requirements**

Requirements as per Parking and Access Policy	Required No. of Carbays
Car Parking Requirements:-	
Retail: 1 car bay per 15 square metres of gross floor area (proposed 80 square metres).	5.33 car bays
Office: 1 car bay per 50 square metres gross floor area (proposed 400 square metres).	8.0 car bays
Restaurant: 1 car bay per 4.5 square metres of public area (proposed 58 square metres).	12.88 car bays
Total:	26.21 car bays

Requirements as per Parking and Access Policy	Required No. of Carbays
Total car parking required before adjustment factors (nearest whole number)	26 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> <li>▪ 0.85 (within 400 metres of one or more public car parks in excess of 50 spaces)</li> <li>▪ 0.95 (parking facilities for bicycle users)*</li> <li>▪</li> </ul>	(0.5491)     14.28 car bays
Car parking provided on site for commercial component	12 car bays
Resultant shortfall	2.28 car bays

\*This adjustment factor reflects clause/condition (i)(j) in terms of the provision of bicycle parking facilities.

Cash-in-lieu for carparking is to be considered where non-residential uses have a shortfall in carparking as required by the Town. The applicant is prepared to pay cash in lieu for the 2.28 car bays shortfall. In this instance, the cash-in-lieu payment is considered acceptable.

#### Bicycle Parking Facilities

Requirements	Required	Provided
<b>Restaurant</b> 1 per 100 square metres of public area (proposed 58 square metres) for employees (class 1 or 2).  2 plus 1 space per 100 square metres of public area (proposed 58 square metres) for visitors (class 3).	0.58 space  2.58 spaces	No bicycle parking shown on plans
<b>Office</b> 1 per 200 square metres of gross floor area (proposed 400 square metres) for employees (class 1 or 2).  1 space per 750 square metres over 1000 square metres for visitors.	2 spaces  N/A	
<b>Retail</b> 1 per 300 square metres (proposed 80 square metres) for employees (class 1 or 2).  1 per 200 square metres (proposed 80 square metres) for visitors (Class 3)	0.27 space  0.4 space	

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 three (3) class 1 or 2 and three (3) class 3 bicycle parking facilities. 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 Banks Precinct states that buildings with two storeys (including loft) are strongly encouraged. A third storey (including loft) can be considered, provided that the amenity of the adjacent residential area is protected in terms of privacy, scale and bulk. The proposal is for a two storey development with lofts to units 10 and 12 of the multiple dwellings. The proposal is considered acceptable in the context of the height, scale and nature of surrounding commercial and residential buildings. The proposal will also create a focal point for the area being a corner location.

The part of the building facing the east, which abuts a residential property, is 9.2 metres in height, to the south is 10.5 metres, to the north (Windsor Street) is 9 metres and the west (Lord Street) is 9.8 metres.

### **Setbacks**

The existing Norwood Hotel has a nil front setback to Lord Street. The current development proposal, which includes additional office building to the existing building on-site, also proposes a nil front setback to Lord Street. There is currently a five (5) metres wide road widening requirement along Lord Street, which is reserved as Other Regional Roads (ORR) under the Metropolitan Region Scheme. The proposal was referred to the Department for Planning and Infrastructure (DPI) for comments. The DPI has advised in writing that they will not support the proposal as proposed as the development encroaches into the five (5) metres wide road widening reserve along Lord Street.

Officers of the Town, together with the architect for the project have had a meeting with Officers of the DPI's Transport Planning Branch, who have advised that the road widening requirement along Lord Street is still in force and that any substantial development as proposed will have to be setback behind the road widening reserve.

The existing hotel is currently located within the five (5) metres road widening reserve. Part of the proposed development, including the change in use to the hotel, is proposed to be located within the above road reserve. The proposed nil setback to Lord Street is supported for the following reasons:

- the retention, preservation and use of a heritage building, which will be an asset to the community and the State of WA;
- the proposal would continue to provide a continuous urban fabric along Lord Street;
- being setback five (5) metres would result in a wide strip of land that would otherwise be utilised more efficiently;
- there is no indication from the DPI as to when the road widening will take place; and
- as there are no concept plans drawn for the Lord Street widening, there is no certainty to a developer/owner as to when the road widening will take place.

On the above basis, the proposed nil front setback to Lord Street is supported. The other setback variations proposed are within acceptable limits and are considered not to unduly affect the general amenity of the area, as the major openings on which the setbacks have been calculated, will be required to be screened.

### **Heritage**

The former Norwood Hotel (now Jackson Hotel) is included on the Town's Municipal Heritage Inventory and was constructed in 1898. Its primary significance is its landmark value, set strategically on a major traffic route close to a railway station. It also has historical associations with the Stanley Brewery Company and Perth business man Thomas Combe.



James Stokes opened the Stanley Brewery Company in Perth in 1848. The Stanley Brewery Co. Ltd. was formed in 1887. In 1905, a new company, the Stanley Co-operative Brewery was formed to control the manufacture of beer, while the Stanley Brewery Co. Ltd. carried on as owner of the hotel and other free hold properties in Perth metropolitan area. It held a two-third share in the new company, which in 1908 became the Emu Co-operative Brewery Ltd. The Emu Brewery was eventually taken over by the Swan Brewery Company. The subject building was first built for business man Thomas Combe, and was purchased by the Stanley Brewery Co Ltd in 1905 (who changed their name to The Westralian Hotels Ltd in 1926). The company responsible for the subdivision of this area was Perth Estate Company.

The hotel has been constructed to fit the v-shape angle of the Lord Street and Windsor Street intersection. The place has undergone relatively continuous adaptations over time, with key changes occurring internally in 1928 and 1937, and further works being undertaken in the 1950s and 1970s. Little of the original ground floor plan is discernable, as the spaces have been opened up by removal of walls and various other features. The remaining staircase leading to the upstairs rooms is an anchoring point of reference for the original intent and design of the place. Upstairs contain a series of rooms which once operated as the accommodation area of the hotel. This upper area contains a total of 19 rooms, including the manager's quarters, a lounge room (located at the corner point), approximately 11 single sized rooms and 4 doubles and a kitchen at south end. The male toilets and female toilets at either ends of the building are both additions. The fenestration to the street frontage is considered to be original.

There are remnants of an old stable building to the rear of the hotel, located along the southern boundary. The former stables have been altered for various other uses, including garages. This structure was identified in the 1997 document '*Statewide Survey of Hotels 1829-1939*', and was described as "*a virtually intact stable building at the rear of the hotel which is of particular importance as a rare remaining example of its type*". However, a comparison of the physical and documentary evidence strongly suggests that the stables are no longer intact but rather substantially altered. The photographic record attached to the *Statewide Survey of Hotels 1829-1939* shows a single doorway to the east of the stable structure and a larger opening to the west. The current structure shows three major openings that have previously accommodated vehicles. Brick pillars support the roof structure and it is likely that these have replaced or obscure timber posts. Stepped parapet side walls to the east and west elevations hide a skillion iron roof and rear wall, which sits on, or close to, the boundary of Lot 102 (formerly Lot 22). The front walls of the former stable structure have been rendered and the side walls are painted. Timber beams support the roof structure and are visible from inside the building. Evidence of cutting away original walls is clearly visible from a number of points along the back wall and supporting columns.

The proposed works will retain the bulk of the original hotel form, with its footprint being delineated clearly from other parts of the redevelopment. Its landmark value is also considered to be retained, without major additional material being introduced to the street frontages. The fenestration and detailing of the facade is also being retained. Internally, the ground floor is considered to have been altered to such an extent in the past that the proposed works in this area are acceptable and do not have an adverse impact on significant fabric.

On the first floor, the removal of internal rooms, which once occupied the living quarters of the hotel, is considered to be the largest alteration occurring. However, a number of features of the original first floor plan are being used in the adaptation, including the staircase as a major access point, part of the existing hallway and a number of supporting walls, which delineated former hotel rooms are now being used to form new living areas within the proposed new dwellings.

Overall, the proposed works to the existing building are considered acceptable, subject to the applicant providing a detailed archival record, with particular emphasis on the first floor detailing. The proposed demolition of the former stables is also considered to be acceptable in light of the substantial alterations that have occurred in recent years. These alterations are considered to have drastically reduced the integrity and authenticity of the former stable. A detailed archival record of this building is also recommended prior to the issuing of a Building or Demolition Licence. A colour scheme and finishing schedule is also recommended to be submitted and approved by the Town prior to the issuing of a Building Licence. Extracts from the existing Municipal Heritage Inventory (MHI) 1995 and the Hotel Survey Study relating to the subject site are attached. The Draft MHI Review report includes additional information relating to the subject site. A copy of this report has been distributed to Elected Members for information on a confidential basis.

### **Privacy**

The applicant has taken steps to comply with most of the setback requirements and also to reduce potential overlooking into the adjoining properties. To the east is a vacant residential lot, and to the south are commercial zoned lots. It is recommended that a condition be imposed to require all major openings within the 45 degree 'cone of vision' from all bedrooms, habitable rooms (other than bedrooms) and balconies for units 1, 2, 3, 4,5 and 6 within 4.5 metres, 6 metres and 7.5 metres, respectively, to the eastern side boundary adjacent to the residential zoned property to be screened with fixed obscure material to a minimum height of 1.6 metres from the finished floor levels on the first floor, and on the ground floor where the height of the finished floor level (FFL) is greater than 500 millimetres above the natural ground level.

There would also be potential for overlooking and setback variations within units on the development site, which is common in unit developments. Owners/tenants generally take various design precautions to protect such internal privacy.

### **Plot Ratio**

There are no specific plot ratio requirements for mixed used development under the Town of Vincent Town Planning Scheme No.1 and associated Policies for the subject commercial zoned land. Plot ratio requirements are only applicable if the development is a complete residential development which, under the R60 applying to the site, would be 0.70. The total plot ratio proposed for the development is 0.66, which excludes the ground floor commercial area.

### **Density**

The residential density applying to the area is R60. The above site is zoned Commercial. The Town may allow variations where acceptable levels of residential amenity can be maintained especially in Commercial zoned land. In a mixed use developments, the Town in the past has considered development at a higher density provided the "total development package" fits in with the surrounding development and the likely overall benefits to be achieved with such mixed use developments. In such situations, bulk and scale are also considered as part of the assessment criteria. The proposed development is two storeys along the Lord and Windsor Street frontages. The proposed density is the equivalent of an extra 0.98 multiple dwelling.

The variation is supported as allowed under clause 20(2)(b) of Town Planning Scheme No.1, where the existing heritage listed building is being retained as part of the overall development proposal.

### **Overshadowing and Landscaping**

The proposal complies with the solar access requirements as indicated in the Residential Design Codes, with most of the shadowing over the southern commercial lot, as the lot is orientated in a north-south alignment.

The minimum landscaping requirement is 25 percent of the site. The proposal provides 27 percent of the site as landscaping.

#### **Engineering Services**

The Town's Engineering Services have advised that the bin enclosure, changes to ramp heights, and carbays are in compliance. The applicant will however require to reduce the crossover width for the visitor bays to 7.3 metres, and provide for adequate visual truncations.

The revised plans dated 24 July 2003 indicates that the proposed access ramps comply with the relevant Australian Standards in terms of minimum widths, internal circulation within the basement, and ingress and egress onto Windsor Street.

#### **Building and Environmental Health Services**

The Town's Building Services have advised that the proposal will have to comply with the relevant requirements of the Building Code of Australia, particularly in terms of fire protection.

The Town's Health Services have advised that the location of the residential and commercial bin storage areas, as shown on the revised plans, are acceptable. The proposal generally complies with the all other relevant health requirements.

#### **Trees**

There are no significant trees on site. All verge trees are to be retained.

#### **Stores**

The applicant has requested a variation to 2.1 square metres in lieu of 4 square metres for the size of the stores proposed. Moreover the applicant has only provided a total of 15 stores. It is recommended that the store sizes be increased to a minimum of 4 square metres each with a minimum dimension of 1.5 metres, including the provision of an additional 3 stores, as the variation proposed is not justifiable.

#### **Awnings/Verandahs**

It is recommended that awnings be provided for the entire length of the commercial tenancies on the ground floor along Lord and Windsor Streets, to provide pedestrian shelter and contribute to the existing streetscape.

#### **Summary**

The proposal is supported, as is not considered to unreasonably affect the streetscape and the amenity of the adjacent or surrounding properties. The proposal would contribute to the changing streetscape in the area and further indicates investor confidence within the Town. The development would also provide for additional inner urban living, thereby creating a multiplier effect for businesses in the area. Accordingly, it is recommended that the proposal be approved under the Town's Town Planning Scheme No.1, subject to standard and appropriate conditions to address the above matters and the nature of a mixed use development.

The application requires to be referred to the Western Australian Planning Commission for determination under the Metropolitan Region Scheme.

**10.1.22 Finalisation of Amendment No. 20 to the Town of Vincent Town Planning Scheme No. 1 - Rezoning No. 16 (Lot 28) Brentham Street, Leederville from "Town of Vincent Scheme Reserves Public Purpose - Institute for the Deaf" to " Residential R60".**

<b>Ward:</b>	South	<b>Date:</b>	20 Aug 2003
<b>Precinct:</b>	Leederville; P3	<b>File Ref:</b>	PLA 0139
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	C Mooney		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *Resolves pursuant to Town Planning Regulation 17(1), to RECEIVE the three submissions of no objection, one submission of non-support and four submissions of objection;*
- (ii) *Resolves pursuant to Town Planning Regulation 17(2), that Amendment No. 20 to the Town of Vincent Town Planning Scheme No. 1 be ADOPTED FOR FINAL APPROVAL, without modification;*
- (iii) *AUTHORISES the Mayor and Chief Executive Officer to execute and affix the Town of Vincent common seal to Amendment No. 20 to the Town of Vincent Town Planning Scheme No. 1 documents reflecting the Council's endorsement of final approval;*
- (iv) *ADVISES the Hon. Minister for Planning and Infrastructure, Western Australian Planning Commission, Environmental Protection Authority, and those who made submissions of (i), (ii) and (iii)above;*
- (v) *FORWARDS the relevant executed documents to and REQUESTS the Hon. Minister for Planning and Infrastructure and Western Australian Planning Commission to adopt for final approval and Gazettal, without modification, Amendment No. 20 to the Town of Vincent Town Planning Scheme No. 1; and*
- (vi) *REQUESTS the Hon. Minister for Planning and Infrastructure for an extension of the 42 day period under Town Planning Regulations 17(1) and 25(fb) for consideration and determination of the submissions received during the submission period.*

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**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation be adopted.*

Cr Cohen departed the Chamber at 8.40pm

*Debate ensued.*

Cr Franchina departed the Chamber at 8.41pm.

**Moved Cr Chester, Seconded Cr Farrell**

*That a new clause (vii) be added as follows;*

*"(vii) ADVISES the applicant and Western Australian Planning Commission that in the event of subdivision of No. 16 (Lot 28) Brentham Street, any required public open space, if provided as a land component, should be located adjacent to the existing adjoining public open space."*

**AMENDMENT CARRIED (6-0)**

(Crs Cohen and Franchina were absent from the Chamber and did not vote. Mayor Catania on approved leave of absence.)

**MOTION AS AMENDED CARRIED (5-1)**

**For**

Cr Chester  
Cr Doran-Wu  
Cr Farrell  
Cr Lake  
Cr Torre

**Against**

Deputy Mayor Ker

(Crs Cohen and Franchina were absent from the Chamber and did not vote. Mayor Catania on approved leave of absence.)

Cr Cohen returned to the Chamber at 8.42pm.

**COUNCIL DECISION ITEM 10.1.22**

*That the Council;*

- (i) Resolves pursuant to Town Planning Regulation 17(1), to RECEIVE the three submissions of no objection, one submission of non-support and four submissions of objection;*
- (ii) Resolves pursuant to Town Planning Regulation 17(2), that Amendment No. 20 to the Town of Vincent Town Planning Scheme No. 1 be ADOPTED FOR FINAL APPROVAL, without modification;*
- (iii) AUTHORIZES the Mayor and Chief Executive Officer to execute and affix the Town of Vincent common seal to Amendment No. 20 to the Town of Vincent Town Planning Scheme No. 1 documents reflecting the Council's endorsement of final approval;*
- (iv) ADVISES the Hon. Minister for Planning and Infrastructure, Western Australian Planning Commission, Environmental Protection Authority, and those who made submissions of (i), (ii) and (iii) above;*
- (v) FORWARDS the relevant executed documents to and REQUESTS the Hon. Minister for Planning and Infrastructure and Western Australian Planning Commission to adopt for final approval and Gazettal, without modification, Amendment No. 20 to the Town of Vincent Town Planning Scheme No. 1;*
- (vi) REQUESTS the Hon. Minister for Planning and Infrastructure for an extension of the 42 day period under Town Planning Regulations 17(1) and 25(fb) for consideration and determination of the submissions received during the submission period; and*

- (vii) *ADVISES the applicant and Western Australian Planning Commission that in the event of subdivision of No. 16 (Lot 28) Brentham Street, any required public open space, if provided as a land component, should be located adjacent to the existing adjoining public open space.*

**AMENDED SUMMARY OF SUBMISSIONS FOR AMENDMENT NO.20 TO TOWN PLANNING SCHEME NO.1:**

The previous Summary of Submissions contained in Appendix 10.1.22 have been replaced, with the attached amended Appendix 10.1.22. The changes are underlined.

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**LANDOWNER:** Western Australian Deaf Society  
**APPLICANT:** Western Australian Deaf Society  
**ZONING:** Metropolitan Region Scheme: Urban Town Planning Scheme  
No. 1: Town of Vincent Scheme Reserves  
Public Purpose - Institute for the Deaf  
**EXISTING LAND USE:** Institute for the Deaf

**SITE HISTORY:**

17 December 2002 At its Ordinary Meeting, the Council resolved to initiate Scheme Amendment No. 20.

18 February 2003 The Western Australian Planning Commission (WAPC) and the Environmental Protection Authority (EPA) were advised of the resolution to initiate Amendment No. 20.

28 February 2003 Correspondence received from the WAPC stating that the Commission's approval to grant consent for the Amendment to be advertised was not required.

4 March 2003 Correspondence received from the EPA stating that the proposed Amendment does not require an environmental assessment.

31 March 2003 Notice of the Amendment sent to affected neighbours, servicing authorities, government authorities, local authorities and precinct groups.

April 2003 Amendment advertised in the 'Guardian Express' newspaper and an advertising sign was placed on site.

14 May 2003 Advertising period completed. Eight submissions lodged with the Town.

**DETAILS:**

The purpose of the proposed Scheme Amendment is to rezone No.16 Lot Brentham Street, Leederville from "Public Purpose - Institute for the Deaf Society" to "Residential R60".

The following is an extract of the report that went to the Ordinary Meeting of Council held on 17 December 2002, which provides a summary of details on the site:

*"The proposed "Residential" zoning under Town Planning Scheme No.1 is considered to be the most appropriate zoning for the subject site. The residential zone permits both residential and appropriate non-residential uses and allows for the possibility of mixed-use development. Given the site's proximity to the Oxford Centre, Mitchell Freeway, public transport, public open space and Aranmore Catholic Primary School, the residential zone can be supported.*

*With regard to the proposed density of R60, this can be supported as the R60 density code is currently applied to most properties in the immediate vicinity. Furthermore, on the opposite side of Brentham Street from the subject site, the zoning is "Residential R60".*

*Based on the proposed lot size of 5,150 square metres, at R60, the site will have the potential to accommodate up to 28 grouped dwellings or single houses or up to 31 multiple dwellings. The proposed updated subdivision concept plan submitted as part of the rezoning request shows the creation of 20 lots that comply with the minimum and average lot area requirements under R60. The proposed subdivision will be subject to further assessment at the subdivision stage, including the requirement for public open space provision"*

*"The majority of the Town is zoned "Urban" under the MRS. The majority of zonings under Town Planning Scheme No. 1 include residential, commercial and residential-commercial within the "Urban" zone. The Western Australian Deaf Society has deemed the subject site surplus to its requirements and no longer requires a 'public purpose' reservation. The proposed zoning of "Residential R60" is considered appropriate for the subject site."*

#### **CONSULTATION/ADVERTISING:**

The advertising commenced on 1 April 2003 and concluded on 14 May 2003. The advertising included an advertisement circulating once in a local newspaper, on site signage and displayed in the Town's Administration and Civic Centre. At the completion of the advertising period, three submissions of no objection, one submission of non-support and four submissions of objection were received. The schedule of submissions received is included as Appendix 10.1.22

#### **LEGAL/POLICY:**

Town Planning and Development Act, Town Planning Regulation and Town of Vincent Town Planning Scheme No. 1.

#### **STRATEGIC IMPLICATIONS:**

Strategic Plan 2000-2002 - Key Result Areas: 1.1 *"Implement Town Planning Scheme No. 1 and associated policies and guidelines".*

Draft Strategic Plan 2002-2007 - Key Result Areas: 1.3 *"Develop, implement and promote sustainable urban design."*

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

The current 2003/2004 Budget lists \$130,000 for Town Planning Scheme Amendments and Policies.

#### **COMMENTS:**

##### **Traffic Impact Assessment Study**

David Porter, Consulting Engineer, on behalf of the owner, has provided a Traffic Impact Assessment Study (TIAS) based on the proposed subdivision submitted with the scheme amendment proposal, which has been 'Laid on the Table'. The following extracts highlight the major findings of the TIAS;

*"The traffic currently generated by the Deaf Society is in the order of 216 vehicles per day. The traffic to be generated by the proposed subdivision will be in order of 120 vehicles per day."*

*"It is evident that the new development will generate less traffic during normal periods and peak hour periods. However there will be slightly less vehicles entering the site and slightly more vehicles leaving the site."*

*"This change in traffic will have a net reduction in traffic on Brentham Street and there will be no traffic capacity issues."*

*"The redevelopment of the WA Deaf Society facilities in Brentham Street to a small lot residential subdivision is not expected to have any traffic impact on the local road network."*

*Daily traffic volumes are expected to reduce. Turning movements at the new subdivision road in the morning peak periods will not reduce the level of service or increase delays on Brentham Street."*

*"The new subdivision road will require a turn road facility at the eastern end and parking controls to prevent on road parking by Aranmore Catholic Primary School patrons during the morning and afternoon periods. A threshold entry statement should be considered to clearly indicate the residential function of the new road."*

The owner has provided the study to alleviate traffic concerns. The TIAS indicates that the rezoning of No. 16 Brentham Street will not prejudice the immediate area; therefore the concerns of objectors in relation to potential undue traffic increases have been alleviated.

At the Ordinary Meeting of Council held on 12 February 2002, the Council resolved to implement parking and access improvements in Brentham Street to facilitate the Primary School. The works at a cost of \$92,500. The works also included constructing an off road carpark located partly on land owned by the school and partly on the existing reserve to accommodate teachers and parents.

In terms of the parking concerns from Aranmore Catholic Primary School, it is advised that future consultation will be supported by the Town's officers with regard to possible alternative parking measures. However, the nature of the primary school 'drop off and pick up' traffic at peak school times is endemic to the primary school site, therefore traffic queuing will be inevitable during these times due to the traffic created by the primary school. Although concerns regarding school parking do affect the immediate areas, school parking locations are a separate issue and one that needs to be dealt with by Aranmore Catholic Primary School in consultation with the Town Officers.

It is considered that the residential zoning will not create additional traffic problems to what exists at present. Traffic queues in Brentham Street in the morning and later afternoon are generally a result of the primary school, and general working business hours with people going to and from work. The loss of the recreation dancing classes on Wednesday and Saturday evenings will further reduce on street parking after normal business hours. A site visit conducted by the Town's officers at 9.00 am revealed that the only traffic to remain in the street was that of parents who had finished dropping off primary school students. The findings show that the street was predominantly quiet with only local traffic using the road.

#### **Amenity**

The concerns regarding loss of amenity in the area are considered unsubstantiated. The subject site is not categorised as 'Civic Use', while the 'Public Purpose' reservation under the Town's Town Planning Scheme No.1 was granted as a special purpose use for the "Institute of the Deaf".



It is acknowledged that the Institute of the Deaf development has been used by various recreation groups/clubs to conduct its functions. However, the Institute was built primarily for the purpose of use for administration, six on-site residents and for social use by the deaf community.

Nevertheless, the hall has been utilised by the general public as a place for recreation groups/clubs to hire. The dance group that were predominantly using the site has relocated to another premise within the immediate locality. Due to changing social trends and patterns, the function rooms have recently only been used by the Deaf Society, therefore the function rooms are underutilised, which is an additional reason for the Society to relocate and utilise the site to assist the Institute in the future.

#### **Infrastructure/Population Pressures**

With regard to additional residential population, this is deemed not to unduly adversely impact on the Town. In addition, the current number of staff in relation to residential dwellers is irrelevant and would be less than current staff numbers. There will be limited additional pressures on infrastructure such as water, electricity, gas, and sewerage, and it is considered that the resources used by the future residents would be less than that used by the Deaf Society. Correspondence received by the Environmental Protection Authority (EPA) states,

*"After consideration of the likely environmental factors related to the above scheme amendment . . . the EPA decided that the overall environmental impact of its implementation would not be severe enough to warrant assessment under part IV of the Environmental Protection Act, the preparation of an Environmental Review and the subsequent setting of formal conditions by the Minister for the Environment and Heritage."* This further highlights that the amendment will have no undue adverse environmental impact within the immediate locality.

#### **Existing Social Structure/Environment**

At present, the surrounding built environment of the immediate area is predominantly dominated by higher density residential dwellings consisting primarily of two-storey townhouses. The primary school will be retaining its existing social function, as will the retirement units located directly across from the school. It is considered that additional and future dwellings will not prejudice the existing social environment and it is obtuse to suggest otherwise. The result of the rezoning is not considered to unduly affect the local community as it exists at present.

#### **Land Values/ Infill Development and Density**

In regard to concerns of infill development of the proposal, the scheme amendment is consistent with surrounding residential zoning, which is primarily Residential R60. The Brentham Locality Statement states the following;

*"Single, Grouped and Multiple Dwellings at a higher density are appropriate within this Locality . . . New contemporary developments are encouraged provided that the design responds to the established character."*

It is considered that the rezoning of the subject site will not unduly affect the property values of the immediate area.

#### **Subdivision Open Space Requirement**

It is considered that the location of public open space (POS) if required at the subdivisional stage, should be provided adjacent to the existing adjoining POS, due to functionality and ease of maintenance.

**Extension**

The Town is required to consider the submissions received within 42 days of the expiry of the submission period, which ended on 25 June 2003. The 'Traffic Impact Assessment Study' to address the submissions traffic concerns was submitted by the owner on 4 July 2003, and as a consequence consideration of the submissions has been delayed. The Town should seek an extension of time from the Hon. Minister of Planning and Infrastructure accordingly.

**Summary**

As previously stated in the report to Ordinary Meeting of Council held on 17 December 2002, the Western Australian Deaf Society feels that the subject site being their major asset is underutilised and is surplus to their requirements, and therefore no longer requires a 'public purpose' reservation.

It is considered that the proposal is in keeping with the principles of inner-urban living, of which, the Town has embraced within this locality. Additionally the rezoning of the site to R60 is concurrent with the surrounding densities of the area.

In light of the above, it is recommended that the Council seeks final approval of Amendment No. 20 to Town Planning Scheme No. 1, without modification.

**SUMMARY OF SUBMISSIONS FOR AMENDMENT NO.20 TO TOWN PLANNING SCHEME NO.1:**

**Appendix**

Summary of Submissions for Amendment No.20 to Town Planning Scheme No.1:

No.	Name/Address	Description of Affected Property	Summary of Submission	<u>Town's Recommendation</u>
1	City of Stirling Civic Place STIRLING WA 6021	N/A	<i>No objection.</i>	Supported.
2	Water Corporation 629 Newcastle Street LEEDERVILLE WA 6007	N/A	<i>No objection. Comment: "The principle followed by the Water Corporation for the funding of subdivision, development or redevelopment is one of user pays and the developer is required to fund the full cost of protecting, relocating or modifying any existing Water Corporation facilities or infrastructure which may be affected by the development. In addition the developer may be required to fund new works or the upgrading of existing works to provide for the increase in demand resulting from the development.</i>	Supported. <u>Comment:</u> <u>Standard conditions will be placed on any future subdivision by the Water Corporation so that such costs are fulfilled by respective owners.</u>
3	Alinta Gas The Quadrant, 6th Floor 1 William Street PERTH WA 6000	N/A	<i>No objection Comments: "All work carried out on Alinta Gas's existing network to accommodate the proposed subdivision/ amalgamation or any development will be at the proponents expense. Alinta Gas requires one month's notice prior to the commencement of the work on site. Notice should be given to the Project Coordinator at Alinta Gas Networks."</i>	Supported. <u>Comment:</u> <u>Standard conditions will be placed on any future subdivision by Alinta Gas so that costs are fulfilled by respective owners.</u>

<b>No.</b>	<b>Name/Address</b>	<b>Description of Affected Property</b>	<b>Summary of Submission</b>	<b>Town's Recommendation</b>
4	<i>Aranmore Catholic</i>	20 Brentham	<i>Non - Support</i>	Not Supported.

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<p><b>Primary School</b></p>	<p>Street Leederville</p>	<p><i>Comment and Concerns:</i></p> <ul style="list-style-type: none"> <li>▪ <i>No objection to the change in land use.</i></li> <li>▪ <i>Potential conflicts with traffic flow and access to the site.</i></li> <li>▪ <i>Possible potential conflicts between the operations of the school and future residential dwellings in close proximity to the school.</i></li> <li>▪ <i>The school currently benefits from an informal reciprocal parking arrangement of 25 car bays at the rear of the Deaf Society site used for alternative drop of and collection of students.</i></li> <li>▪ <i>Concern with the current road treatment and design and the way this affects traffic volumes in morning and afternoon vehicular access and delays for additional residential traffic.</i></li> <li>▪ <i>Concern that traffic will queue along Brentham Street and spill into surrounding residential streets.</i></li> </ul> <p><i>Summary of Submission</i></p> <ul style="list-style-type: none"> <li>▪ <i>"The school is cognisant that the land is surplus to the needs of the current owners and the present zoning would be prohibitive to the disposal of land, however, the uncertainty over potential traffic conflicts arising from future development of the site precludes the school, at this juncture, from supporting the rezoning;</i></li> <li>▪ <i>That the amendment be held in abeyance until such time that a comprehensive traffic impact study be completed, examining traffic management issues in the immediate and surrounding streets;</i></li> <li>▪ <i>That the council initiate discussions with the school in respect to investigating possible parking options and solutions with a view to decreasing traffic demand generated by the school in Brentham street and not excluding the option of revisiting the previous proposal put forward by the school for the "Wavertree Place carpark";</i></li> <li>▪ <i>That in recognizing the range of potential land uses possible under the proposed rezoning.</i></li> </ul>	<p><u>Comments:</u></p> <p><u>The concerns of Aranmore Primary School in relation to alternative parking options it is advised that future consultation be initiated with the Town. Parking measures and locations for the school are primarily the school's responsibility and it is a separate issue from that of the rezoning of the subject property. In 2002 parking and access improvements were implemented to facilitate the primary school.</u></p> <p><u>The residential zoning is considered not to create undue additional traffic and the Traffic Impact Assessment Study (TIAS) alleviates concerns raised by the school. The nature of the primary school 'drop off and pick up' traffic at peak school times is endemic to the primary school site, therefore traffic queuing will be inevitable during these times due to the traffic created by the primary school. A site visit conducted by the Town's officers at 9.00 am revealed that the only traffic to remain in the street was that of parents who had finished dropping off primary school students. The findings show that the street was predominantly quiet with only local traffic using the road. It is considered that the residential zoning of R60 is the most appropriate for the site, given the surrounding residential properties. Additionally, it is considered that the location of public open space (POS) if required at the subdivisional stage should be provided adjacent to the existing adjoining POS, due to functionality and ease of maintenance.</u></p>
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No.	Name/Address	Description of Affected Property	Summary of Submission	Town's Recommendation
5	<p><i>Wilkins Estates Strata managers Level 1 312 Murray Street PERTH WA 6000</i></p>	<p>7 Brentham Street</p>	<p><i>Objection Concerns:</i></p> <ul style="list-style-type: none"> <li>▪ <i>Excess traffic flow</i></li> <li>▪ <i>Negative effects of Infill development i.e. decrease in land values, second class developments, and excessive high density.</i></li> <li>▪ <i>Infrastructure- increase in population and vehicles add pressure on local infrastructure.</i></li> <li>▪ <i>Amenity - current zoning offers local amenity in the form of halls meeting areas and venue for social functions.</i></li> <li>▪ <i>Anticipates Council will base decision on resident's wishes and good planning principles.</i></li> </ul>	<p>Not supported. <u>Comments:</u> <u>The TIAS indicates that the rezoning of the site will not create excess traffic flows and undue traffic increases or safety issues. It is considered that there will be limited additional pressures on infrastructure and the residential zoning will not unduly affect property values. Additionally it is considered that the loss of amenity is unsubstantiated, as the subject site is not categorised as 'Civic Use', while the 'Public Purpose' reservation under the Town's Town Planning Scheme No.1 was granted as a special purpose use for the "Institute of the Deaf". It is acknowledged that the Institute of the Deaf development has been used by various recreation groups/clubs to conduct its functions, however due to changing social trends and patterns the functions rooms have been underutilised and the dance group that was predominately using the site have located successfully to other premises.</u></p>

6	E Matthews 3/7 Brentham Street LEEDERVILLE WA 6007	3/7 Brentham Street	<i>Objection</i> <i>Concerns;</i> <ul style="list-style-type: none"><li>▪ <i>Rezoning will decrease land value.</i></li><li>▪ <i>Increase population pressures on local infrastructure.</i></li><li>▪ <i>Increased traffic, safety and parking concerns.</i></li><li>▪ <i>Loss of amenity through loss of public purpose function.</i></li></ul>	Not Supported. <u>Comments:</u> <u>The TIAS indicates that the rezoning of the site will not create excess traffic flows and undue traffic increases or safety issues.</u> <u>It is considered that there will be limited additional pressures on infrastructure and the residential zoning will not unduly affect property values. Additionally it is considered that the loss of amenity is unsubstantiated, as the subject site is not categorised as 'Civic Use', while the 'Public Purpose' reservation under the Town's Town Planning Scheme No.1 was granted as a special purpose use for the "Institute of the Deaf". It is acknowledged that the Institute of the Deaf development has been used by various recreation groups/clubs to conduct its functions, however due to changing social trends and patterns the functions rooms have been underutilised and the dance group that was predominately using the site have located successfully to other premises.</u>
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No.	Name/Address	Description of Affected Property	Summary of Submission	Town's Recommendation
7	A.C. Phillips & C.A Jones 1/25 Britannia Road LEEDERVILLE WA 6007	1/25 Britannia Road	<p><i>Objection</i> <i>Concern:</i></p> <ul style="list-style-type: none"> <li>▪ <i>Loss of investment capital.</i></li> <li>▪ <i>Envisaged the area would retain existing social structures of safe school environment, in a low density area.</i></li> <li>▪ <i>Concerned with the effect that multiple residential dwellings will have in the area.</i></li> </ul>	<p>Not supported. <u>Comments:</u> The TIAS indicates that the rezoning of the site will not create excess traffic flows and undue traffic increases or safety issues. The surrounding built environment of the immediate area is predominantly dominated by higher density residential dwellings consisting primarily of two-storey townhouses. The primary school will be retaining its existing social function, as will the retirement units located directly across from the school. It is considered that additional and future dwellings will not prejudice the existing social environment and it is obtuse to suggest otherwise. The result of the rezoning is not considered to unduly affect the local community as it exists at present. It is considered that the residential zoning will not unduly affect property values.</p>

8	G Stuart 37 Britannia Road LEEDERVILLE WA 6007	37 Britannia Road	<i>Objection</i> <i>Concern:</i> <i>Undue impact of traffic, noise and pedestrian access.</i>	Not supported. <u>Comments:</u> <u>The TIAS indicates that the rezoning of the site will not create excess traffic flows and undue traffic increases or safety issues. Pedestrian access is well facilitated for in Brentham street as seen by recent upgrades by the Town in 2002.</u>
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**10.1.10 No. 109 (Lots 81-83) (Survey Strata Lot 5) Chelmsford Road, Corner Norfolk Street, Mount Lawley – Proposed Two-Storey Single House**

<b>Ward:</b>	South	<b>Date:</b>	18 August 2003
<b>Precinct:</b>	Norfolk P10	<b>File Ref:</b>	PRO2424; 00/33/1721
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	P Mastrodomenico		
<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 Peter Stannard Homes behalf of the owners G Howell-Morgan for proposed two storey single house at No.109 (Lots 81-83) (survey strata lot 5) Chelmsford Road, corner Norfolk Street, Mount Lawley, and as shown on the plans stamp dated 28 July 2003, subject to:*

- (i) subject to first obtaining the consent of the owners of No.109 (Lots 81-83) (survey strata Lots 1 and 4) Chelmsford Road, corner Norfolk Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No.109 (Lots 81-83) (survey strata Lots 1 and 4) Chelmsford Road, corner Norfolk Street in a good and clean condition;*
- (ii) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (iii) prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (iv) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (v) a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (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) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (viii) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (ix) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (x) *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;*
- (xi) *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 front fences and gates adjacent to Norfolk Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*
- (xii) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the western, northern and southern elevations of the upper/first floor balcony being of an open finish. 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.*

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**Moved Cr Chester, Seconded Cr Torre**

*That the recommendation with the following amended clauses (xi) and (xii) be adopted.*

- "(xi) 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 front fences and gates adjacent to Norfolk Street shall be a maximum height of 1.2 metres above the ~~ground~~ adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*
- (xii) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating:*
  - (a) the western, northern and southern elevations of the upper/first floor balcony being of an open finish, such as wrought iron or other similar open aspect finishes; and*
  - (b) the finished floor level of the ground floor of the house, including the garage, being no greater than 25.12 AHD; and*

(c) the finished ground level around the house being no greater than 25.02 AHD.

*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.*

**Moved Cr Chester, Seconded Cr Farrell**

*That a new clause (xiii) be added as follows:*

*"(xiii) prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the provision of an enclosed storage area with a minimum dimension 1.5 metres and minimal internal area of 4 square metres. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies.*

At 8.44 pm, Cr Franchina returned to the Chamber and then immediately departed and did not return to the meeting.

*Debate ensued.*

**AMENDMENT LOST (2-5)**

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

(Cr Franchina was absent from the Chamber and did not vote. Mayor Catania on approved leave of absence.)

**COUNCIL DECISION ITEM 10.1.10**

**ORIGINAL MOTION CARRIED (7-0)**

(Cr Franchina was absent from the Chamber and did not vote. Mayor Catania on approved leave of absence.)

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Peter Stannard Homes behalf of the owners G Howell-Morgan for proposed two storey single house at No.109 (Lots 81-83) (survey strata lot 5) Chelmsford Road, corner Norfolk Street, Mount Lawley, and as shown on the plans stamp dated 28 July 2003, subject to:*

- (i) subject to first obtaining the consent of the owners of No.109 (Lots 81-83) (survey strata Lots 1 and 4) Chelmsford Road, corner Norfolk Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No.109 (Lots 81-83) (survey strata Lots 1 and 4) Chelmsford Road, corner Norfolk Street in a good and clean condition;*
- (ii) compliance with all relevant Environmental Health, Engineering and Building requirements;*

- (iii) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (iv) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (v) *a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (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) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (viii) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (ix) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (x) *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;*
- (xi) *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 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; and*
- (xii) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating:*

  - (a) *the western, northern and southern elevations of the upper/first floor balcony being of an open finish, such as wrought iron or other similar open aspect finishes; and*

- (b) *the finished floor level of the ground floor of the house, including the garage, being no greater than 25.12 AHD; and*
- (c) *the finished ground level around the house being no greater than 25.02 AHD.*

*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.*

**EXECUTIVE MANAGER ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMENTS:**

**Levels**

The above mentioned levels have been derived by taking two extreme spot levels on the lot representing the highest level and the lowest level. These levels are 25.75 AHD from the extreme north east corner of the lot and 24.3 AHD from the extreme south west corner of the lot. The two levels were then subtracted from each other to give the difference between the two, that being 1.45. 1.45 was then divided by two to equate to a suitable half cut and fill ratio across the whole site. The result of this calculation is 0.72. The lowest level of 24.3 AHD was then added to 0.72, as well as 0.1 metre, which takes into consideration the standard slab thickness for a dwelling. The total of this calculation is 25.12 AHD. Therefore, the maximum permitted finished ground floor level for the house is 25.12 AHD. The finished ground level around the house is 25.12 minus the slab height of 0.1 metre, resulting in 25.02 AHD.

**AMENDED COMPLIANCE TABLE:**

**Amend the Compliance Table** of the previous Agenda Report, on page 52, to read as follows:

**COMPLIANCE:**

Use Class	Single House
Use Classification	"P"
Lot Area	217 square metres

Requirements	Required	Proposed
<b>Street Setback-</b> Hyde Norfolk Street (First Floor)	6.0 metres	4.0 metres (balcony)
North (ground floor)	1.0 metre	Nil
East (ground floor)	1.5 metres	Nil

**LANDOWNER:** G Howell-Morgan  
**APPLICANT:** Peter Stannard Homes  
**ZONING:** Metropolitan Region Scheme: Urban  
Town Planning Scheme No.1: Residential R40  
**EXISTING LAND USE:** Vacant land

**COMPLIANCE:**

Use Class	Single House
Use Classification	"P"
Lot Area	217 square metres

Requirements	Required	Proposed
<b>Street Setback-</b> Norfolk Street (First Floor)	6.0 metres	4.0 metres (balcony)
North (ground floor)	1.0 metre	Nil
East (ground floor)	1.5 metres	Nil

**SITE HISTORY:**

The subject site is vacant. The surrounding area is characterised by single and two storey dwellings.

A Town owned, 5 metres wide, sealed right of way (Jack Mark's Lane) abuts the southern boundary of the property.

**DETAILS:**

Approval is sought for a proposed two storey single house with its main frontage to Norfolk Street.

**CONSULTATION/ADVERTISING:**

There was one objection received during the advertising period. This was in relation to the setback variations to the north and east.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Primary Street Setback**

The development proposes a 4.0 metres first floor setback to Norfolk Street. Whilst the development does not comply with the first floor setback requirements to Norfolk Street, it is supportable as the main building of the upper floor is setback at 6.0 metres with a minor incursion (balcony) to 4.0 metres which comprises 28 percent of the lot frontage. Also, the depth of the lot is only 13.7 metres. The western, southern and northern elevations of this balcony has been conditioned to be of an open type finish, to reduce the visual impact of the balcony and actively interact with Norfolk Street and Jack Marks Lane, and as such is supported.



**Setbacks**

The variations to setbacks are considered minor as they are single storey in height. As such, they are not considered to unduly impact the amenity of the affected neighbours.

**Summary**

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

The Presiding Member advised that Cr Franchina had departed the meeting for personal reasons.

**10.4.3 Audit Committee**

<b>Ward:</b>	-	<b>Date:</b>	15 August 2003
<b>Precinct:</b>	-	<b>File Ref:</b>	FIN0106
<b>Attachments:</b>	Nil		
<b>Reporting Officer(s):</b>	John Giorgi, M Rootsey		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **APPROVES** of amending the Audit Committee Terms of Reference to be as follows;
  - (a) *the process of selecting the Auditor;*
  - (b) *recommending to Council on the Auditor;*
  - (c) *managing the Audit Process;*
  - (d) *monitoring Administrations actions on, and responses to, any significant matters raised by the Auditor;*
  - (e) *submitting an Annual Report on the audit function to the Council and the Department of Local Government; and*
  - (f) *consideration of the completed Statutory Compliance Return and monitoring administrations corrective action on matters on non-compliance;*
  - (g) *to oversee Risk Management and Accountability considerations; and*
  - (h) *to oversee Internal Audit/Accountability functions;*
- (ii) **APPROVES** of amending the composition of the Audit Committee to comprise;
  - (a) *Mayor as Chair;*
  - (b) *Deputy Mayor;*
  - (c) *One Councillor;*
  - (d) *Chief Executive Officer;*
  - (e) *Executive Manager Corporate Services (non-voting); and*
  - (f) *Other Officers by invitation as required (non-voting);*
- (iii) **APPOINTS** Cr ..... to the Audit Committee for the term 26 August 2003 to May 2005;
- (iv) **APPROVES** of the Council's Auditors Barrett and Partners - DFK to conduct internal audits, as requested by the Chief Executive Officer or Audit Committee;
- (v) **ADOPTS** the Town's Internal Audit Charter, as shown in Appendix 10.4.3(a); and
- (vi) **RECEIVES** the Minutes (unconfirmed) dated 5 August 2003 of the Town's Audit Committee, as shown in Appendix 10.4.3(b).

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

*That the recommendation be adopted and Cr Helen Doran-Wu be APPOINTED to the Audit Committee for the term 26 August 2003 to May 2005.*

**CARRIED (7-0)**

(Cr Franchina was absent from the Chamber and did not vote. Mayor Catania on approved leave of absence.)

Moved Cr Chester, Seconded Cr Doran-Wu

*That a new clause (vii) be added as follows:*

*"(vii) REQUESTS the Audit Committee prepare the development of an Audit Programme for presentation to Council, as a priority."*

AMENDMENT CARRIED (7-0)

(Cr Franchina was absent from the Chamber and did not vote. Mayor Catania on approved leave of absence.)

COUNCIL DECISION ITEM 10.4.3

*That the Council;*

- (i) *APPROVES of amending the Audit Committee Terms of Reference to be as follows;*
  - (a) *the process of selecting the Auditor;*
  - (b) *recommending to Council on the Auditor;*
  - (c) *managing the Audit Process;*
  - (d) *monitoring Administrations actions on, and responses to, any significant matters raised by the Auditor;*
  - (e) *submitting an Annual Report on the audit function to the Council and the Department of Local Government; and*
  - (f) *consideration of the completed Statutory Compliance Return and monitoring administrations corrective action on matters on non-compliance;*
  - (g) *to oversee Risk Management and Accountability considerations; and*
  - (h) *to oversee Internal Audit/Accountability functions;*
- (ii) *APPROVES of amending the composition of the Audit Committee to comprise;*
  - (a) *Mayor as Chair;*
  - (b) *Deputy Mayor;*
  - (c) *One Councillor;*
  - (d) *Chief Executive Officer;*
  - (e) *Executive Manager Corporate Services (non-voting); and*
  - (f) *Other Officers by invitation as required (non-voting);*
- (iii) *APPOINTS Cr Helen Doran-Wu to the Audit Committee for the term 26 August 2003 to May 2005;*
- (iv) *APPROVES of the Council's Auditors Barrett and Partners - DFK to conduct internal audits, as requested by the Chief Executive Officer or Audit Committee;*
- (v) *ADOPTS the Town's Internal Audit Charter, as shown in Appendix 10.4.3(a);*
- (vi) *RECEIVES the Minutes (unconfirmed) dated 5 August 2003 of the Town's Audit Committee, as shown in Appendix 10.4.3(b); and*
- (vii) *REQUESTS the Audit Committee prepare the development of an Audit Programme for presentation to Council, as a priority.*

**BACKGROUND:**

The Council received the final report of the Independent Organisational Review (IOR) - April 2003 as conducted by Corporate and Regional Enterprises (CARE) in collaboration with Murray Jorgensen and Associates and ADM Chartered Accountants on 1 May 2003.

One of the Objectives and Term of Reference included;

**"5. OBJECTIVE - FINANCIAL PERFORMANCE AND ACCOUNTABILITY**

*To review financial performance and information provided by the Town.*

**Terms of Reference**

*Examine financial arrangements in direct measurement to;*

1. *budget performance preparation, management and performance;*
2. *performance against industry benchmarks/best practice in government and where appropriate commerce;*
3. *financial reporting at the Elected Members, Executive Group and operational levels; and*
4. *audit performance.*

**Outcome**

*To ensure that the Town's financial performance and reporting is in line with industry benchmarks and best practices."*

The IOR report made three recommendations concerning Audit, as follows;

**"RECOMMENDATION 29**

*Elected Members consider implementing an "Internal Audit / Accountability" function.*

**RECOMMENDATION 32**

*Membership of the Audit Committee to be amended, with members consisting of Elected Members and the CEO (or a CEO nominee). Elected Members to comprise a majority of the Committee.*

**RECOMMENDATION 33**

*Audit Committee's role be extended to include risk management and accountability considerations."*

CEO's Comment:

The IOR Recommendations 29, 32, and 33 were considered by the Town's Audit Committee on 5 August 2003 and were fully supported. The Audit Committee requested the Chief Executive Officer to report this matter for the Council's consideration.

At the Ordinary Meeting of Council held on 11 April 2000, Council resolved as follows;

*"That;*

- (i) *the Council approve the establishment of an Audit Committee, comprising of the Mayor, two Councillors, the Chief Executive Officer and Executive Manager Corporate Services; and*
- (ii) *the role and responsibilities of the Audit Committee be:*

- (a) *The process of selecting the Auditor;*
- (b) *Recommending to Council on the Auditor;*
- (c) *Managing the Audit Process;*
- (d) *Monitoring Administrations actions on, and responses to, any significant matters raised by the Auditor;*
- (e) *Submitting an Annual Report on the audit function to the Council and the Department of Local Government; and*
- (f) *Consideration of the completed Statutory Compliance Return and monitoring administrations corrective action on matters on non-compliance."*

### **Internal Audit Charter**

The Town's Auditors, Barrett & Partners - DFK, have recommended that the Town adopts an Internal Audit Charter. This Charter is considered "best practice" and is used by a number of other Local Governments. The adoption of an Internal Audit Charter promotes accountability and transparency and prescribes details which are available to all staff in relation to audit.

### **Internal Audit Program**

The Council is to engage Barrett & Partners - DFK to conduct internal audits throughout the organisation over a four (4) year period. Internal audits will not necessarily be restricted to financial issues. The Internal Audit Program is to be prepared on an annual basis by the Chief Executive Officer and Executive Manager Corporate Services (and Executive Managers, where the matter is under their responsibility) in conjunction with the auditors.

### **FINANCIAL IMPLICATIONS:**

The cost of providing the Internal Audit Program is \$32,000 over four (4) years or \$8,000 per annum. Funds of \$10,000 have been allocated to the 2003/04 Annual Budget for the introduction of an Internal Audit Program.

### **LEGAL/POLICY IMPLICATIONS:**

The Local Government Act (Financial Management) Regulations 1996, Regulations 5 and 6 prescribe the duties of the CEO in respect to financial management and independent performance reviews (including internal and external Audits).

### **STRATEGIC IMPLICATIONS:**

The Town's Draft Strategic Plan 2003-2008 - Key Result Area 4.1(c), "*Continue to develop a long term strategic vision and financial plan for the Town*", Key Result Area 4.2(d), "*Ensure that processes comply with relevant legislation*" and Key Result Area 4.1(e) "*Monitor performance and achievements*".

### **COMMENT:**

The Town's CEO and Auditors support the proposed changes to the Audit function and Committee. The proposed changes will improve the Town's statutory compliance and accountability in financial management.

Accordingly, it is recommended that the Council approve of the recommendations.

**APPENDIX 10.4.3(a)**

<b>TOWN OF VINCENT INTERNAL AUDIT CHARTER</b>
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- ◆ **INTRODUCTION**
  
- ◆ **NATURE OF INTERNAL AUDIT**
  
- ◆ **ROLE**
  
- ◆ **OBJECTIVE**
  
- ◆ **INDEPENDENCE**
  
- ◆ **AUTHORITY**
  
- ◆ **INTERNAL AUDIT PLAN**
  
- ◆ **SCOPE OF INTERNAL AUDIT**
  
- ◆ **AUDIT PROGRAMME**
  
- ◆ **AUDIT REPORTS**
  
- ◆ **LIAISON WITH EXTERNAL AUDITOR**
  
- ◆ **AUDIT STANDARDS**
  
- ◆ **AUDIT COMMITTEE**

**APPENDIX 10.4.3(a)**

**TOWN OF VINCENT INTERNAL AUDIT CHARTER**

**INTRODUCTION**

The Town of Vincent is governed by the Local Government Act 1995 and the Regulations under that Act.

This Charter establishes the role, status, authority and responsibilities conferred by the Council of the Town of Vincent on the internal audit function.

**NATURE OF INTERNAL AUDIT**

Internal Auditing is the independent appraisal of the various operations and systems of control within the Council to determine whether acceptable policies and procedures are followed, established standards are met, resources are used efficiently and economically, planned missions are accomplished effectively, and the Council's objectives are being achieved.

**ROLE**

The Internal Audit function is established to assist Council to achieve sound managerial control over all aspects of the Council's operations including accounting, financial management, information management and control systems, and for such other activities for which Council is responsible, in order that the activities are carried out efficiently and effectively.

**OBJECTIVE**

The overall objective of the Internal Audit Program is to assist all levels of management in the effective discharge of its responsibilities by providing independent analysis, appraisals, advice and recommendations concerning the activities reviewed.

The attainment of the overall objective may involve:

- i reviewing and appraising the adequacy and effectiveness of the system of internal control;
- ii appraising the relevance, reliability and integrity of management, financial and operating data and reports;
- iii reviewing the systems established to ensure the Council's compliance with those policies, plans, procedures, statutory requirements and regulations which could have a significant impact on operations;
- iv reviewing the means of safeguarding assets and as appropriate verifying the existence of such assets;

**APPENDIX 10.4.3(a)**

**TOWN OF VINCENT INTERNAL AUDIT CHARTER**

- v appraising the economy, efficiency and effectiveness with which resources are employed;
- vi reviewing operations or programs to ascertain whether results are consistent with the Council's established objectives and goals and whether the operations or programs are being carried out as planned;
- vii assessing the adequacy of established systems and procedures;
- viii conducting special assignments and investigations as authorised by the CEO, Audit Committee or Council into any matter or activity affecting the interests and operating efficiency of the Council;
- ix assist the CEO to comply with the requirements of section 6.5 of the Local Government Act 1995 and regulation 5 and 6 of the Local Government (Financial Management) Regulations 1996.

**INDEPENDENCE**

Internal Audit is an advisory function having independent status within the Council and for that purpose:

- i shall be directly responsible to the Audit Committee, or its delegated nominee (CEO). In the second case, right of direct access to the Mayor;
- ii shall have no executive or managerial powers, authorities, functions or duties;
- iii shall not be involved in the day-to-day operation of the financial management systems of the Council;
- iv shall not be responsible for the development or implementation of new systems, but shall advise on the design of adequate systems, procedures and controls;
- v shall provide assurances to Council that new systems will contribute to the achievement of Council objectives in the financial management area.

**AUTHORITY**

The authority of the Internal Audit function is derived from the Council which requires the establishment of an Internal Audit function. The Internal Auditor of the Council Shall:

- i have access at all reasonable times (subject to security arrangements) to the books, documents, accounts, property, vouchers, records, correspondence and other data of the Council which are necessary for the proper performance of Internal Audit duties;
- ii have the right at reasonable times to enter any premises of the Council to request any Officer to furnish all information and explanation deemed necessary for them to form an opinion on the adequacy of systems and/or controls. The Officer concerned shall respond promptly to such enquiries;



**APPENDIX 10.4.3(a)**

**TOWN OF VINCENT INTERNAL AUDIT CHARTER**

- iii shall have no direct responsibility for, or authority over any of the activities which it reviews;
- iv an Internal Audit review and appraisal shall in no way relieve Council Officer's of the responsibilities assigned to them.

**INTERNAL AUDIT PLAN**

The Internal Auditor shall with assistance of the Town's Senior Officers, prepare an audit plan which shall identify all accounting operations and financial management information systems, which will be subject to an Internal Audit review within a four year period. This plan shall be approved by the Audit Committee and shall be reviewed annually to reflect effectiveness and any changes to priorities.

**SCOPE OF INTERNAL AUDIT**

- i The scope of Internal Audit shall be sufficiently comprehensive to enable the effective and regular review of all operational, financial and related activities.
- ii The Internal Audit coverage may extend to all areas of the Council and its controlled entities and includes financial, accounting, administrative, computing and other operational activities.
- iii The extent and frequency of internal audits will depend upon varying circumstances such as results of previous audits, relative risk associated with activities, materiality, the adequacy of the system of internal control and resources available for the internal audit.

**AUDIT PROGRAM**

- i A four year strategic audit plan providing for the review of significant operations of the Council based on an assessment of risk pertaining to the achievement of Council objectives shall be prepared for Council approval by the Audit Committee.
- ii An annual Internal Audit plan consistent with the four year strategic plan shall be prepared by the Audit Committee prior to commencement of the financial year.

**APPENDIX 10.4.3(a)**

**TOWN OF VINCENT INTERNAL AUDIT CHARTER**

**AUDIT REPORTS**

The Internal Auditor shall submit audit queries to the CEO or appropriate Council Officer. Response to an audit query should be received within ten working days of the date of issue.

At the conclusion of each internal audit visit, the Internal Auditor shall submit written reports summarising the scope, objectives, findings and any recommendations for control or systems improvements to the Audit Committee.

The Audit Committee shall present to Council an annual report detailing pertinent audit findings resulting from the preceding year's audit activity. If in the opinion of the Audit Committee a matter needs to be drawn to the attention of the Council, a report will be issued.

**LIAISON WITH EXTERNAL AUDITOR**

Internal Auditor shall liaise with the External Auditor to:

- i foster a co-operative working relationship;
- ii reduce the incidence of duplication of effort;
- iii ensure appropriate sharing of information;
- iv ensure co-ordination of the overall audit effort; and
- v shall make available to External Auditor all internal audit working papers; programs, flow charts and reports.

**AUDIT STANDARDS**

Internal Auditing standards shall be consistent with the "*Statement of Auditing Standards*" (AUP1) issued jointly by the Australian Society of Certified Practising Accountants and the Institute of Chartered Accountants in Australia.

**APPENDIX 10.4.3(a)**

**TOWN OF VINCENT INTERNAL AUDIT CHARTER**

**AUDIT COMMITTEE**

A Council Audit Committee is established to serve as a channel of communication with Auditors.

The Audit Committee shall meet at least four times annually and shall consist of the following members:

- Mayor
- Deputy Mayor
- One Councillor
- Chief Executive Officer
- Executive Manager Corporate Services (non-voting)
- Other officer by invitation (non-voting)

The objectives of the Audit Committee include:

- i to review the proposed scope of the internal and external audit function and review audit performance to ensure that no limitation on audit has been imposed by management;
- ii to appraise the effectiveness of the audit by discussing the approach to the examination and areas where special attention was considered necessary;
- iii review the co-ordination of the overall audit effort between External and Internal Auditors;
- iv to review the management letter provided by the External Auditor on any weakness in internal accounting, organisation and operating controls and consider the recommendations made by the auditor and the action taken by management in response to the auditor's suggestions; and
- v to review and/or initiate any other actions necessary to ensure;
  - a) compliance with policies, plans, procedures, laws and regulations;
  - b) safeguarding of Council assets;
  - c) economic and efficient use of resources; and
  - d) accomplishment of established objectives and goals for operations or programs.
- vi to draw attention to any failure to take prompt remedial action relating to previously identified shortcomings; and
- vii to advise Council on matters relating to its annual financial statements.

**APPENDIX 10.4.3(b)**

**AUDIT COMMITTEE**

**5 AUGUST 2003 – 12 NOON**

**UNCONFIRMED MINUTES**

**VENUE:** Town of Vincent Committee Room

**ATTENDEES:** Mayor Nick Catania, JP  
Councillor Ian Ker  
John Giorgi, Chief Executive Officer (CEO)  
Mike Rootsey, Executive Manager Corporate Services (EMCS)  
A. Macri, Partner - Barrett & Partners - DFK  
S. Menon, Audit Manager - Barrett & Partners - DFK

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**1. INTRODUCTION AND WELCOME**

Mayor Catania declared the meeting open at 12.15pm and welcomed everyone to the meeting, in particular S. Menon and A. Macri – external auditors.

**2. APOLOGIES**

Nil.

**3. CONFIRMATION OF MINUTES**

**Moved by Cr Ker, Seconded by CEO, John Giorgi**

*That the Minutes of the meeting of 5 March 2003 be confirmed as a true and accurate record.*

**CARRIED (UNANIMOUS)**

**4. BUSINESS ARISING**

Chief Executive Officer advised that the Department of Local Government had written to the Town advising that it had completed its investigations into the matter of persons submitting their annual returns late and had resolved to take no further action. The CEO also advised that the necessary safeguards have been put in place to ensure that reminders are issued at the appropriate times. No further action is required by the Audit Committee.

**5. BUSINESS**

**5.1 Interim Audit Report**

The Executive Manager Corporate Services advised that all matters raised by the Auditors have been addressed and that the necessary procedures have been put in place.

**APPENDIX 10.4.3(b)**

**5.2 Interim Audit Program**

The Committee was advised that funds are included in the 2003/04 budget to carry out audits.

Tony Macri tabled a generic internal audit charter.

**Moved by Cr Ker, Seconded by S. Menon**

*That the Chief Executive Officer be requested to report to the Council to adopt an internal audit charter.*

**CARRIED (UNANIMOUS 5-0)**

**Moved by Cr Ker, Seconded by CEO, John Giorgi**

*That the Town's external Auditors be engaged to carry out the Town's internal audits over a four year period.*

**CARRIED (UNANIMOUS 5-0)**

**Moved by Cr Ker, Seconded by S. Menon**

*That the Chief Executive Officer prepares an internal audit program (not restricted to financial matters for the consideration of the Audit Committee and for this to be adopted by the Council.*

**CARRIED (UNANIMOUS 5-0)**

**6. GENERAL BUSINESS**

S. Menon tabled pro formas relating to stores, FBT and the criteria for internal audit assessment.

Chief Executive Officer John Giorgi, advised that the Independent Organisational Review made reference to the audit role and that specifically Recommendations 29, 32 and 33 are as follows;

***RECOMMENDATION 29***

*Elected Members consider implementing an "Internal Audit / Accountability" function.*

This can be implemented, however requires further investigation.

**Moved by Councillor Ker, Seconded by John Giorgi**

*That Recommendation 29 be adopted.*

**CARRIED (UNANIMOUS 5-0)**

**APPENDIX 10.4.3(b)**

***RECOMMENDATION 32***

*Membership of the Audit Committee to be amended, with members consisting of Elected Members and the CEO (or a CEO nominee). Elected Members to comprise a majority of the Committee.*

**Moved by Councillor Ker, Seconded by Mayor Catania**

*That the Audit Committee be increased by one Councillor and that this be on the basis of one Councillor from each Ward, with the Mayor being the Chairperson.*

**CARRIED (UNANIMOUS 5-0)**

***RECOMMENDATION 33***

*Audit Committee's role be extended to include risk management and accountability considerations.*

**Moved by Councillor Ker, Seconded by CEO, John Giorgi**

*That Recommendation 33 be supported by the Audit Committee.*

**CARRIED (UNANIMOUS 5-0)**

**7. NEXT MEETING**

To be advised.

**8. Meeting closed at 12.40pm**

**MAYOR NICK CATANIA, JP  
CHAIRPERSON**

**11.1 Notice of Motion – Councillor Ian Ker - Review of Council Privacy Policy**

*That Council's Policy No 3.2.9 - Privacy, be reviewed, as a matter of urgency, with regard to its appropriateness and effectiveness in respect of;*

- (i) overlooking of a property from multiple windows;*
- (ii) overlooking of a property from more than one dwelling;*
- (iii) implications of the Residential Design Codes 2002 which define walls with screened windows or with sill height of 1.6 metres as "walls with no major openings", thus allowing significantly reduced setbacks; and*
- (iv) experience with the application of the current policy.*

---

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

*That the Motion be adopted.*

*Debate ensued.*

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

*That a new clause (iii) be added as follows, and the other clauses be renumbered accordingly:*

*"(iii) overlooking of a property from windows above the second storey."*

**AMENDMENT CARRIED (7-0)**

(Cr Franchina was absent from the Chamber and did not vote. Mayor Catania on approved leave of absence.)

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

(Cr Franchina was absent from the Chamber and did not vote. Mayor Catania on approved leave of absence.)

**COUNCIL DECISION ITEM 11.1**

*That Council's Policy No 3.2.9 - Privacy, be reviewed, as a matter of urgency, with regard to its appropriateness and effectiveness in respect of;*

- (i) overlooking of a property from multiple windows;*
- (ii) overlooking of a property from more than one dwelling;*

- (iii) overlooking of a property from windows above the second storey;*
  - (iv) implications of the Residential Design Codes 2002 which define walls with screened windows or with sill height of 1.6 metres as "walls with no major openings", thus allowing significantly reduced setbacks; and*
  - (v) experience with the application of the current policy.*
-



**11.2 Notice of Motion – Councillor Ian Ker - Residential Design Codes**

*That the Council seeks advice from the Western Australian Planning Commission about the appropriate application of the Residential Design Codes 2002 where screening and/or sill height of windows are used to justify reduced setbacks (as "walls without major openings") for multiple walls in the one dwelling.*

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**COUNCIL DECISION ITEM 11.2**

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

*That the Motion be adopted.*

**CARRIED (7-0)**

(Cr Franchina was absent from the Chamber and did not vote. Mayor Catania on approved leave of absence.)

**12.1 WALGA Nominations – Local Health Authorities Analytical Committee; State Emergency Management Committee - Emergency Services Group; State Tourism Council; WA Road Freight Council; Regional Health Strategy Advisory Group (Re-advertised); WAPC Environment and Natural Resources Management Committee (Re-advertised)**

<b>Ward:</b>	-	<b>Date:</b>	20 August 2003
<b>Precinct:</b>	-	<b>File Ref:</b>	ORG0045
<b>Attachments:</b>	Nil		
<b>Reporting Officer(s):</b>	M McKahey		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

- (i) \_\_\_\_\_ *..be nominated as WALGA Metropolitan Member – Local Health Authorities Analytical Committee (Approval by Minister) (Panel of 3 Names for each position);*
- (ii) \_\_\_\_\_ *..be nominated as WALGA Member – State Emergency Management Committee - Emergency Services Group;*
- (iii) \_\_\_\_\_ *..be nominated as WALGA Deputy Member – State Emergency Management Committee - Emergency Services Group;*
- (iv) \_\_\_\_\_ *..be nominated as WALGA Member – State Tourism Council;*
- (v) \_\_\_\_\_ *..be nominated as WALGA Member – WA Road Freight Council;*
- (vi) \_\_\_\_\_ *..be nominated as WALGA Member – Regional Health Strategy Advisory Group (Re-Advertised);*
- (vii) \_\_\_\_\_ *..be nominated as WALGA Deputy Member – Regional Health Strategy Advisory Group (Re-Advertised); and*
- (viii) \_\_\_\_\_ *..be nominated as WALGA Metropolitan Member – WAPC Environment and Natural Resources Management Committee (approved by Minister) (Panel of 3 Names) (Re-Advertised).*

**COUNCIL DECISION ITEM 12.1**

**Moved Cr Lake, Seconded Cr Farrell**

*That in clause (viii) Cr Sally Lake be nominated as WALGA Metropolitan Member – WAPC Environment and Natural Resources Management Committee (approved by Minister) (Panel of 3 Names) (Re-Advertised).*

**CARRIED (7-0)**

**(Cr Franchina was absent from the Chamber and did not vote. Mayor Catania on approved leave of absence.)**

**BACKGROUND:**

**Re-Advertised Positions**

The Western Australian Local Government Association (WALGA) has written to all Councils seeking their help in relation to the vacancies on the above mentioned Committees. Vacancy notices and nomination forms were sent to all Councils in June 2003, however an insufficient number of nominations were received to satisfy the Minister's requirement for a panel of 3 names for each position. (These were submitted to the Ordinary Meeting of Council held on 24 June 2003 and nil nominations were made.)

To comply with the Minister's nominations policy, WALGA has been requested to seek additional nominations from Local Governments.

Please see Appendix 12.1 for details of all Committees. This information is also available on WALGA's webpage: [www.walga.asn.au/policy/committees/committees\\_index.htm](http://www.walga.asn.au/policy/committees/committees_index.htm)

**NOMINATIONS CLOSE COB WEDNESDAY 17 SEPTEMBER 2003.**

**12.2 WALGA Nomination – Municipal Waste Advisory Council (Metropolitan Elected Members - 4) (Re-advertised)**

<b>Ward:</b>	-	<b>Date:</b>	20 August 2003
<b>Precinct:</b>	-	<b>File Ref:</b>	ORG0045
<b>Attachments:</b>	Nil		
<b>Reporting Officer(s):</b>	M McKahey		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That Cr \_\_\_\_\_, Cr \_\_\_\_\_, Cr \_\_\_\_\_ and Cr \_\_\_\_\_ be nominated as WALGA Metropolitan Elected Member – Municipal Waste Advisory Council (4) - (Re-Advertised).*

**COUNCIL DECISION ITEM 12.2**

**Moved Cr Lake, Seconded Cr Farrell**

*That nil nominations be made.*

**CARRIED (7-0)**

**(Cr Franchina was absent from the Chamber and did not vote. Mayor Catania on approved leave of absence.)**

**BACKGROUND:**

Turning "rubbish" into resources, engaging with 'active' community members, promotion and education on waste minimisation, and establishing effective frameworks for collaboration and resource sharing are just a few of the challenges local governments face in the rapidly changing waste management arena.

Following an initial call, opportunities remain open for nominations from Elected Members from the metropolitan area to sit on the Municipal Waste Advisory Council for the August 2003-August 2005 period.

Please see Appendix 12.2 for further details.

**NOMINATIONS CLOSE 4:00PM - FRIDAY 29 AUGUST 2003.**

**13. URGENT BUSINESS**

Nil

**14. CLOSURE**

**Presiding Member, Deputy Mayor Ker, declared the meeting closed at 8.54pm with the following persons present;**

Cr Ian Ker (Deputy Mayor)	Presiding Member, South Ward
Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell	North Ward
Cr Sally Lake	South Ward
Cr Maddalena Torre	South Ward

John Giorgi, JP	Chief Executive Officer
Mike Rootsey	Executive Manager, Corporate Services
Des Abel	Manager Planning and Building Services, Environmental & Development Services
Craig Wilson	Manager Engineering Design Services, Technical Services
Debbie Winfield	Minutes Secretary

Alia Bath	Journalist - Voice News (in the public gallery)
Alison Bennett - Taylor	Journalist - The West (in the public gallery)
Andrea Tsoveas	Journalist – Guardian Express

2 Members of the Public

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 26 August 2003.

Signed: .....Presiding Member  
Mayor Nick Catania, JP

Dated this ..... day of ..... 2003

**This Item was withdrawn from the Agenda at the request of the applicant.**

**10.1.3 Further Report - No. 18 (Lot 106) Doris Street, North Perth – Proposed Alterations, Carport and Storeroom Additions and Additional Two (2) Storey Grouped Dwelling to Existing Single House**

Ward:	North	Date:	20 August 2003
Precinct:	North Perth, P8	File Ref:	PRO 2383; 00/33/1690
Attachments:	<a href="#">001</a>		
Reporting Officer(s):	M Bonini		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

***FURTHER OFFICER RECOMMENDATION:***

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner J Seow for proposed alterations, carport and storeroom additions and additional two (2) storey grouped dwelling to existing single house on No. 18 (Lot 106) Doris Street, North Perth, and as shown plans stamp-dated 20 June 2003, subject to:*

- (i) compliance with all Building, Environmental Health and Engineering requirements;*
- (ii) a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (iii) no front 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 Doris Street, shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the new front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iv) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (v) a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (vi) the construction of crossovers shall be in accordance with the Town's specifications;*

- (vii) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
  - (viii) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
  - (ix) *standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*
  - (x) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
    - (a) *the proposed dwelling, including its carport, being further setback a minimum of 0.3 metre from the east/rear boundary to accommodate a minimum 6 metres maneuvering distance from the carport;*
    - (b) *a pedestrian accessway with a minimum width of 1.5 metres being provided from Doris Street to the proposed rear dwelling along the northern side of the subject land, except where it abuts the existing dwelling where it can be a minimum width of 1 metre;*
    - (c) *the windows of bedroom 1, bedroom 2 and study on the first floor having a minimum sill height of 1.6 metres from the finished first floor level; and*
    - (d) *the proposed carport for the existing front dwelling being deleted and replaced with 2 uncovered free standing car bays.*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and Town's Policies;*
- (xi) *subject to first obtaining the consent of the owners of No. 16 Doris Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 16 Doris Street in a good and clean condition;*
  - (xii) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Doris 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);*
  - (xiii) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*

(xiv) *prior to the first occupation of the development, the full length and width of the right of way from Bedford Street to the northern 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; and*

(xv) *a bond and/or bank guarantee for \$15,600 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence;*

*to the satisfaction of the Chief Executive Officer.*

#### **FURTHER REPORT:**

The Council at its Ordinary Meeting held on 12 August 2003 received a report relating to a proposed additional two storey grouped dwelling to an existing single house with alterations and additions proposed to the existing house. Council resolved to defer its consideration of the application to further consider the applicant's contribution to the sealing of the rear right of way. The report will also address the proposed removal of the existing tree on the subject lot.

The subject tree is named Swamp Mahogany (*Eucalyptus robusta*). The Eucalypt tree is listed on the Town of Vincent's Interim Significant Tree Database - Reference.

In addition to the above, the Town's Technical Services supplied further comments in relation to the tree as stated below;

*"The tree is not indigenous to WA and originates from the Eastern States in QLD and NSW and grows along the coastal areas.*

*Upon maturity the tree can attain a height of 20 / 25 metres with a canopy spread of 10 - 20 metres. Due to their size, they are generally planted within Parks and Reserves and are not suited to small backyards. The tree is also prone to shedding branches without any warning.*

*The tree at Doris Street is located on the northern side of the proposed subdivision. It is around 20 metres in height with a canopy spread of 10 metres. From the street, it appears to be in a sound and healthy state of growth with cream flowers starting to appear.*

*It is not possible to see the main trunk to ascertain its condition. It is estimated it would be around twenty to thirty years old.*

*Associated site works and building construction will have an impact on the tree's root system, which may render the tree unstable and may contribute to its decline in health and vigour.*

*Should the resident be made to retain the tree it would be prudent for the owner/developer of the proposed strata lot to seek advice from a Qualified Arborculturalist to view the proposed building plans and his recommendations regarding the long term health/management of the tree."*

The Town's arborculturalist has verbally advised that the tree located on No. 18 Doris Street which is listed on the Town's Interim Significant Tree Data Base - Reference (List 3) does not meet the threshold of entry onto the Town's Significant Tree Inventory. Therefore, the subject tree is not considered to be worthy of retention in this instance.



The Town's Technical Services have supplied comments in relation to the sealing of the right of way. The comments are as follows.

*" At the Ordinary Meeting of Council of 12 August 2003, the following amendment was considered by the Council however the matter was deferred for further investigation.*

*The Council's Policy on the Paving and Draining of rights of way (ROWs) deals with requests from the Town's residents wishing to upgrade a ROW ahead of the adopted scheduled upgrade time frame.*

*In accordance with the Policy, the Town will contribute up to  $\frac{1}{3}$  of the overall cost to upgrade the ROW to a sealed and drained standard, subject to all adjoining property owners agreeing to contribute equally a total of  $\frac{2}{3}$  of the overall costs to upgrade the private ROW.*

*The policy specifically states that "Developers required to upgrade a portion of a ROW as a condition of development approval will NOT be eligible for a ROW subsidy as outlined in the Policy".*

*In addition, the Policy is applied to the entire ROW block and not just a portion of ROW, as is required in this case.*

*If the requirement changed to accommodate this development there will be financial implications, as the budget allocation in the 2003/2004 Budget for contributing to ROW upgrades was reduced to \$15,000. In addition, to date very few ROWs have been upgraded via this method as invariably not all adjoining property owners agree to contribute to the upgrade.*

*Justification for requiring a developer to upgrade a ROW where the ROW will form the frontage to a new additional dwelling and provide sole vehicular access to the dwelling is that the owners will immediately require the Town to maintain the ROW in a trafficable condition.*

*This has previously been the case where ROW upgrade conditions were (previously) not imposed and particularly in the case of privately owned ROWs where the Town is not responsible for their upkeep. In these cases, residents have become distressed due to the often deteriorated state of the unsealed ROW. "*

Further to the above, the Town's Policy relating to Vehicle Access to Dwellings Via Right of Way, states the following within the policy statement.

*"The Town of Vincent may allow for sole vehicular access to be provided to a residential dwelling via a Right of Way provided that:*

*...(ii) the subject right of way is drained and sealed to conform to the Town of Vincent's specifications;..."*

In light of the above, the previous Officer's Recommendation remains unchanged, except for the addition of appropriate right of way upgrading conditions.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 12 August 2003:

*"OFFICER RECOMMENDATION:*

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner J Seow for proposed alterations, carport and storeroom additions and additional two (2) storey grouped dwelling to existing single house on No. 18 (Lot 106) Doris Street, North Perth, and as shown plans stamp-dated 20 June 2003, subject to:*

- (i) compliance with all Building, Environmental Health and Engineering requirements;*
- (ii) a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (iii) no front 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 Doris Street, shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the new front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iv) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (v) a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (vi) the construction of crossovers shall be in accordance with the Town's specifications;*
- (vii) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (viii) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (ix) standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised;*

- (x) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the proposed dwelling, including its carport, being further setback a minimum of 0.3 metre from the east/rear boundary to accommodate a minimum 6 metres maneuvering distance from the carport;*
  - (b) *a pedestrian accessway with a minimum width of 1.5 metres being provided from Doris Street to the proposed rear dwelling along the northern side of the subject land, except where it abuts the existing dwelling where it can be a minimum width of 1 metre;*
  - (c) *the windows of bedroom 1, bedroom 2 and study on the first floor having a minimum sill height of 1.6 metres from the finished first floor level; and*
  - (d) *the proposed carport for the existing front dwelling being deleted and replaced with 2 uncovered free standing car bays.*

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

- (xi) *subject to first obtaining the consent of the owners of No. 16 Doris Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 16 Doris Street in a good and clean condition;*
- (xii) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Doris 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*
- (xiii) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*

*to the satisfaction of the Chief Executive Officer.*

Moved Cr Lake, Seconded Cr Doran-Wu

*That the recommendation be adopted, with the following additional new clauses (xiv) and (xv);*

- "(xiv) *prior to the first occupation of the development, the full length and width of the right of way from Bedford Street to the northern 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; and*
- (xv) *a bond and/or bank guarantee for \$15,600 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence;"*

*Cr Torre departed the Chamber at 7.20pm.*

Debate ensued.

Cr Torre returned to the Chamber at 7.21pm.

Moved Cr Lake, Seconded Cr Farrell

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

"(xvi) the large gum tree on site be protected during the building works;"

AMENDMENT CARRIED (6-2)

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

(Cr Cohen on approved leave of absence.)

COUNCIL DECISION ITEM 10.1.8

Moved Cr Ker Seconded Cr Doran-Wu

That this item be DEFERRED for clarification of clause (v).

Debate ensued.

CARRIED (7-1)

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

(Cr Cohen on approved leave of absence.)

LANDOWNER: J Seow

APPLICANT:

As above

ZONING:

Metropolitan Region Scheme - Urban

Town Planning Scheme No. 1 - Residential R30/40

EXISTING LAND USE:

Grouped Dwelling

COMPLIANCE:

Requirements			Required	Proposed
<u>Setback</u>				
East	Ground	Floor	6 metres maneuvering distance	5.7 metres
<u>(Carport)</u>				
<u>Privacy Assessment</u>				

Bedroom 1, Bedroom 2 and Study Windows	4.5 metres from boundaries for bedroom windows and 6 metres for study windows, or screening or highlight window to sill height of 1.6 metres from first floor finished floor level	1.5 metres sill height from first floor finished floor level
Use Class	Grouped Dwelling	
Use Classification	"P"	
Lot Area	587 square metres	

*SITE HISTORY:*

*No.18 Doris Street is occupied by an existing single storey single house. A right of way exists at the rear of the lot, which is Town owned and unsealed with a total width of 5 metres.*

*DETAILS:*

*The applicant seeks approval for front carport and rear store additions to the existing single house, and new two storey grouped dwelling with main access and orientation towards the right of way. The proposal generally complies with the Residential Design Codes (R Codes) and the Town's Town Planning Scheme No. 1 and Policies with the exception of the above non-compliances.*

*CONSULTATION/ADVERTISING:*

*The proposal has been advertised and two written submissions have been received by the Town from the northern and southern neighbours. The main points raised in the first letter from the northern neighbour are as follows;*

*"1. Privacy*

*I strongly object to the windows to bedrooms 1 and 2 facing my property...as there will be significant loss of privacy. These windows could, and should, be located to the front and rear elevations which would ease the privacy issue with minimal, if any, impact on the proposed development.*

*2. Negative effect on surrounding area.*

*I strongly object to the simplistic character of the building...The development, by virtue of its height, will stand out and be clearly visible from both the street and my property.*

*Sole Vehicular Access via Right of Way*

*...I ask that you consider a final concern regarding vehicular access to the development. Council policy (policy 3.1.7) states that 'the Council may allow for sole vehicular access to be provided to a residential dwelling via a Right of Way provided that (inter alia).....the subject Right of Way is drained and sealed to conform with Councils specifications.'...I submit that Council policy is quite clear on this point, and that safety issues, such as access by emergency services, would demand that this requirement be met. I am sure that an examination of the right of way would reveal its ongoing poor condition and support my concern."*

*The second letter raises the following points;*

*"...we are concerned that the property will overlook our property and result in a reduction to our privacy.*

*...I am dismayed that we could be surrounded by two storey properties that will detrimentally effect our privacy, amenity and quality of life."*

*LEGAL/POLICY:*

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

*STRATEGIC IMPLICATIONS:*

*Nil.*

*FINANCIAL/BUDGET IMPLICATIONS:*

*Nil.*

*COMMENTS:*

*Overshadowing*

*An overshadowing assessment was conducted to establish the extent of overshadowing the development would impose onto the adjoining affected property being No. 16 Doris Street. The outcome of this assessment established that a total of 56.28 square metres of the adjoining property will be overshadowed. This equates to 8.4 percent. This is considered to be within the requirements of the Residential Design Codes (R Codes). The R Codes stipulate that the shadow cast onto the adjoining property must not exceed 35 percent. The overshadowing is therefore in full compliance with the requirements of the R Codes and considered acceptable.*

*East (Rear) Setback*

*The proposed setback variation corresponds with the lower floor of the proposed residence and is relevant to the carport distance from the right of way. For adequate maneuvering, a distance of 6 metres is required from the entry point of the carport to the opposite side of the right of way. To satisfy this requirement without reducing the car parking dimensions of the carport, the entire dwelling will need to move away from the rear boundary by 0.3 metre. This is represented in the conditions stated above.*

*Bedroom 1, Bedroom 2 and Study Windows*

*The applicant proposes highlight windows for bedrooms 1 and 2 as well as the study on the first floor of the proposal. The windows as proposed have a sill height of 1.5 metres from the finished floor level of the first floor. As per the Residential Design Codes, highlight windows require a minimum sill height of 1.6 metres. To achieve compliance the sill height has been conditioned to be changed to the required height.*

*Carport to Existing Dwelling*

*In the case of carports, the Town's Policies relating to Street Setbacks and Vehicular Access disallows carports to be located in the front setback area where there is opportunity to utilise the right of way. In this instance, a new development is proposed at the rear of the lot, which prevents use of the right of way for the front dwelling. It is considered that the streetscape should not be compromised in response to a new development and therefore will require that the carport be deleted and replaced with open free standing car bays as mentioned in the above conditions.*

*Response to Objections*

*In both letters submitted, concern is raised regarding privacy. As mentioned above, highlight windows are proposed from the first floor habitable rooms. This will ensure that the reasonable privacy of all adjoining neighbours is not disrupted. The two storey nature of the proposal as well as the appearance, are aspects that are not prohibited by the Town's requirements. Furthermore, the use of the right of way for access to the rear dwelling is encouraged and is consistent with Town's Policies relating to Vehicle Access to Dwellings Via a Right of Way, Vehicular Access and Street Setbacks.*

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