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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 24 September 2002 commencing at 6.00pm.

1. DECLARATION OF OPENING

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

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Marilyn Piper, JP

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr David Drewett, JP	Deputy Mayor - Mt Hawthorn Ward
Cr Simon Chester	Mt Hawthorn Ward
Cr Caroline Cohen	North Perth Ward
Cr Helen Doran-Wu	Mt Hawthorn Ward
Cr Basil Franchina	Mt Hawthorn Ward
Cr Kate Hall	North Perth Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental & Development Services
Rick Lotznicher	Executive Manager, Technical Services
Mike Rootsey	Executive Manger Corporate Services
Ms Jenny D'Anger	Journalist - Voice News
Ryan Sturman	Journalist - Guardian Express
Keith Steike	Employee of the Month Recipient (until 6.38pm)

Approximately 30 Members of the Public.

(c) Members on Leave of Absence:

Cr Ian Ker - approved leave of absence

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

1. Mr Martin Flint Lawyer for Philips Fox - Spoke on item 10.1.16. on behalf of the applicant. Stated that he is reinforcing the legitimacy of the business and wishes to address the two objections received, namely access by the patrons not from Charles Streets and this is because there is parking at the rear and believes with the amenity of the area this proposal will have less impact than the previous zoning approvals.

2. Mr John Kestrel of 40 Raglan Road, North Perth - Item 10.1.5. Objected to the proposal on the basis that one car bay per unit is inappropriate for a development of this size. Believes it is inappropriate for this area. Requested Council not to approve the development.
3. Mr John Silbert of 346 William Street, Perth - Item 10.1.19. Stated that he is the Architect for this development and has been looking for options for over seven years. Believes that the two issues about parking and height can be addressed and if Council is not going to give a conditional approval requested the matter be deferred in order to address the issues. Stated that the building has been dormant and unrentable for five years and that any improvement would improve the amenity of the area.
4. Ms Norma Josephs Director of ASeTTS - Item 10.1.17 and 10.3.7. She thanked the Mayor, Chief Executive Officer and staff for their assistance to date and this has been a factor in them receiving Lotteries Commission funding. Stated that they are keen to commence the refurbishment and look forward to moving into the new premises. Requested Council approve the applications.
5. Mr Louis Zampogna of 3/177 Carr Place, Leederville - Item 10.1.22. Requested that the matter be brought forward.
6. Mr Mark Harvey of 144 Matlock Street, Mt Hawthorn - Item 10.1.12. Objected the proposed development on the basis of the wall being of excessive height and non-complying setbacks. Requested Council to refuse the development.
7. Ms Lucia Dedear of 98 Buxton Street, Mt Hawthorn - Item 10.1.12. Objected to the proposed development and stated that there is numerous areas of non-compliance and in particular density, non-compliance with numerous Council policies, excessive height, no setback for the parapet wall on the southern boundary, lack of direct winter sun and approval of this development will set a precedent for side setbacks. Stated she is not against the development but requested that the applicant comply with Council requirements.
8. Mr Steed Farrell of 19 Matlock Street, Mt Hawthorn, spokesperson on behalf of the newly formed Mt Hawthorn Precinct Group - Item 10.1.12. Stated that he objects to the development as there are numerous areas of non-compliance. Believes the developer does not understand the Mt Hawthorn locality and believes this development is totally out of character for the area. He strongly urged the Council to refuse the development.
9. Ms Sharon Charlton of 140 Matlock Street, Mt Hawthorn - Item 10.1.12. Stated she had lived in the area for 17 years and objected to this proposed development. Believes it will have an affect on the families and the bird life in the suburb. In addition stated that she did not wish to have the laneway upgraded as this will increase traffic. Requested Council refuse the application.
10. Ms Marion Chappel of 99 West Parade, Mt Lawley - Item 10.1.13. Requested Council increase the side setback between the development and her property as this will have an affect on the amount of sunlight to be received. In addition requested that non-reflective cladding to the walls be a requirement.

11. Mr Robert Sansone of 97 West Parade, Mt Lawley - Item 10.1.13. Stated he was the applicant and requested Council to approve of the development. Stated that he had consulted with his neighbours prior to submitting the plans seeking comments and very little feedback had been received until recently. He stated that his application does not have any overlooking or privacy concerns as there are no windows on the sides of the building. Requested Council to approve the development.
12. Mr Brett Thompson of 47 Shakespeare Street, Mt Hawthorn - Item 10.1.8. Requested Council approve his application for a carport and enclosed roller door. He tabled photographs of precedent developments in the area.
13. Ms Sunny Brown of 38 Goodwood Parade, Burswood - Item 10.1.16. Spoke in favour of this application and believes it will be an improvement to the amenity of the area and a boost to employment in local area as she has already recruited staff. Requested Council approve the application.
14. Mr Aaron Smith of 93 Hobart Street, Mt Hawthorn - Item 10.1.6. Objected to the proposed development. Believes the height and plot ratio is excessive and believes that it is visually unaesthetic as it will be built by using concrete tilt up panels.
15. Malcolm Uranavich of 43 Ulana Way, Wanneroo - item 10.1.16. Objects to the proposed development as it is considered excessive, will block out sunlight and the construction will be an eyesore. He also questioned the lack of parking.

There being no further questions, Public Question Time closed at 6.30pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

IB09 - interim response.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Cr Ker requested leave of absence for the meeting of 24th September 2002 as he will be absent interstate on business purposes.

Moved Cr Franchina, Seconded Cr Drewett

That Cr Ker's leave of absence for the 24th September 2002 be approved.

CARRIED (7-0)

(Cr Ker on leave of absence)

(Cr Piper - apology for the meeting)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

- 5.1 Ms Anne Phung of 342 William Street, Northbridge, with 131 signatories, urging Council to install security cameras in William Street, on the corner of Newcastle Street Northbridge.

Refer to Executive Manager Technical Services and Executive Manager Environmental and Development Services for consideration and report.

- 5.2 Mr J Holdcroft of 4 Knebworth Avenue, Highgate, with 6 signatories, requesting permanent parking restrictions be provided in the street.

Refer to Executive Manager Technical Services for consideration and report.

Moved by Cr Hall, Seconded by Cr Cohen

That the petitions be received and referred to the respective Executive Managers for investigation and report.

CARRIED (7-0)

(Cr Ker on leave of absence)

(Cr Piper - apology for the meeting)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved by Cr Franchina, Seconded by Cr Cohen

That the Minutes of the Ordinary Meeting of Council held on 10 September 2002 be confirmed as a true and correct record.

CARRIED (7-0)

(Cr Ker on leave of absence)

(Cr Piper - apology for the meeting)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Employee Of The Month Awards For The Town Of Vincent For September 2002

As members of the public will know, the council recognises its employees by giving a monthly award for outstanding service to the ratepayers and residents of the town. The recipients receive a \$75 voucher and a certificate. Also their photograph is displayed in the administration centre foyer, in the library and at Beatty Park Leisure Centre.

For September 2002, the award is presented to Keith Steicke, property maintenance officer with the Town's Health Services section.

Keith was nominated by Kathryn Smith-Sergi, secretary of the North Perth Playgroup, who currently lease premises at 15 Haynes Street, North Perth. The playgroup have recently had many dealings with Keith and have been overwhelmed by his handling of any request for assistance. They have found Keith to be prompt, professional, courteous and extremely helpful and believe he is indeed an excellent asset to the Town and would like to thank him sincerely for his assistance in many matters.

Keith's nomination was prompted by his handling of an urgent matter when this non-profit playgroup was broken into recently - the evidence suggesting a key was used to access the premises, as well as all the spare keys being stolen. One phone call was made to Keith and his speedy response in having the building made secure was extremely reassuring. Although the playgroup sustained monetary losses in the burglary, they were heartened by their dealings with Keith who managed the situation in such a professional manner.

Well done Keith - keep up the good work!!

7.2 Congratulations - EPFC

On behalf of the Town, I wish to congratulate EPFC on their magnificent win of the WAFL grand final on the weekend.

Three premierships wins in a row is a fine achievement and we wish them well in the future!

7.3 Launch Of Poolwatch

I am pleased to advise that the Town's Beatty Park Leisure Centre will be hosting the launch of a new programme for patron safety in public facilities - known as "Poolwatch".

This will be held at 10.30am on Tuesday 2 October 2002 and an invitation is extended to all interested persons.

8. DECLARATION OF INTERESTS

Nil.

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

Nil.

Employee of the Month Recipient Keith Steicke departed the Chamber at 6.38pm

10. REPORTS

Presiding Member, Mayor Nick Catania, requested the Chief Executive Officer to advise the Meeting of:

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

Items 10.1.16, 10.1.5, 10.1.19, 10.1.17, 10.3.7, 10.1.22, 10.1.12, 10.1.13, 10.1.8, 10.1.6.

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

Items 10.1.2, 10.1.3, 10.1.4, 10.1.7, 10.1.21.

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

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

Mayor Catania	Nil
Cr Drewett	10.4.3
Cr Cohen	Nil
Cr Franchina	Nil
Cr Piper	Apology
Cr Chester	10.4.2, 10.4.1
Cr Hall	Nil
Cr Doran-Wu	Nil
Cr Ker	Leave of Absence

Presiding Member, Mayor Nick Catania, requested the Chief Executive Officer to advise the Meeting of:

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

Nil.

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

Items 10.1.1, 10.1.9 10.1.10, 10.1.11, 10.1.14, 10.1.15, 10.1.18, 10.1.20, 10.2.1, 10.2.2, 10.2.3, 10.2.4, 10.2.5, 10.3.1, 10.3.2, 10.3.3, 10.3.4, 10.3.5, 10.3.6, 10.3.8.

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

Items 10.4.4.

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 10.1.1, 10.1.9 10.1.10, 10.1.11, 10.1.14, 10.1.15, 10.1.18, 10.1.20, 10.2.1, 10.2.2, 10.2.3, 10.2.4, 10.2.5, 10.3.1, 10.3.2, 10.3.3, 10.3.4, 10.3.5, 10.3.6, 10.3.8.

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

Items 10.1.16, 10.1.5, 10.1.19, 10.1.17, 10.3.7, 10.1.22, 10.1.12, 10.1.13, 10.1.8, 10.1.6.

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

Items 10.1.2, 10.1.3, 10.1.4, 10.1.7, 10.1.21.

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

Nil.

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

Items 10.4.3, 10.4.2, 10.4.1.

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

Items 10.4.4.

Moved by Cr Drewett, Seconded by Cr Hall

That the following unopposed items be moved en bloc;

Items: 10.1.1, 10.1.9 10.1.10, 10.1.11, 10.1.14, 10.1.15, 10.1.18, 10.1.20, 10.2.1, 10.2.2, 10.2.3, 10.2.4, 10.2.5, 10.3.1, 10.3.2, 10.3.3, 10.3.4, 10.3.5, 10.3.6, 10.3.8.

CARRIED (7-0)

(Cr Ker on leave of absence)
(Cr Piper - apology for the meeting)

10.1.1 No. 306 (Lots Y98 - Y100) Charles Street, North Perth - Change of Use from Single House to Single House and Light Industry and Associated Signage

Ward:	Mount Hawthorn	Date:	29 August 2002
Precinct:	Charles Centre, P7	File Ref:	PRO2109 00/33/1213
Reporting Officer(s):	V Lee		
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 RECOMMENDS APPROVAL to the Western Australian Planning Commission for the application submitted by the owner T Tran on behalf of the owners T and P Tran, for proposed change of use from single house to single house and light industry and associated signage, at No. 306 (Lots Y98- Y100) Charles Street, North Perth, as shown on plans stamp dated 11 July 2002 and 12 September 2002, subject to:

- (i) the construction of crossovers shall be in accordance with the Town's specifications;*
- (ii) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (iii) a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the front setback area and the Charles Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iv) no street trees shall be removed, cut back, pruned or interfered with in any way, without the prior approval of the town's parks services section;*
- (v) 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 Draft Policy Relating to Parking and Access and Australian Standards AS2890.1;*
- (vi) all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (vii) the signage shall not have flashing or intermittent lighting;*
- (viii) detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*

- (ix) *the car parking area 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;*
- (x) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (xi) *a road and verge security 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 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;*
- (xii) *the light industrial use is to be contained with a maximum of 18 square metres as marked on the approved plans. Any increase in the intensity of this use or change in the approved use shall require another planning application to be submitted to and approved by the Town prior to the first commencement of the use in accordance with Town Planning Scheme No.1 and associated Policies; and*
- (xiii) *all front fences and gates shall comply with the Town's Policy relating to Front Fences and Screen Walls, and full details shall be submitted and approved prior to the erection of such fences and gates;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.1

Moved by Cr Drewett, Seconded by Cr Hall

That the recommendation be adopted.

CARRIED (7-0)

(Cr Ker on leave of absence)

(Cr Piper - apology for the meeting)

FURTHER REPORT:

The Council at its Ordinary Meeting held on 10 September 2002 received a report relating to a proposed change of use from single house to single house and light industry and associated signage on the subject property and deferred its consideration of the application requesting further information regarding the car parking on site. The applicant has submitted revised plans, which clearly show adequate car parking and turning area to enable vehicles to leave the site in forward gear. Accordingly, it is recommended that the application be approved subject to the conditions stated in the previous recommendation, however, deleting the previous clause (xiii) requiring revised plans showing car parking bays and turning area. In a letter dated 12 September 2002, the applicant has advised that the remainder of the property will be used for residential purposes, and if they wish to expand the business in the future they will submit a further planning application.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 10 September 2002.

"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 RECOMMENDS APPROVAL to the Western Australian Planning Commission for the application submitted by the owner T Tran on behalf of the owners T and P Tran, for proposed change of use from single house to single house and light industry and associated signage, at No. 306 (Lots Y98- Y100) Charles Street, North Perth, as shown on plans stamp dated 11 July 2002, subject to:

- (i) the construction of crossovers shall be in accordance with the Town's specifications;*
- (ii) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (iii) a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the front setback area and the Charles Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iv) no street trees shall be removed, cut back, pruned or interfered with in any way, without the prior approval of the town's parks services section;*
- (v) 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 Draft Policy Relating to Parking and Access and Australian Standards AS2890.1;*
- (vi) all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (vii) the signage shall not have flashing or intermittent lighting;*
- (viii) detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (ix) the car parking area 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;*
- (x) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (xi) a road and verge security 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 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;*
- (xii) the light industrial use is to be contained within a maximum of 18 square metres as marked on the approved plans. Any increase in the intensity of this use or change in the approved use shall require another planning application to be submitted to and approved by the Town prior to the first commencement of the use in accordance with Town Planning Scheme No.1 and associated Policies;*

- (xiii) *prior to the issue of a Building Licence or first commencement of the use, whichever occurs first, revised plans shall be submitted and approved demonstrating the provision of three car parking bays and turning area on site, so that vehicles can exit the subject property in forward gear; and*
- (xiv) *all front fences and gates shall comply with the Town's Policy relating to Front Fences and Screen Walls, and full details shall be submitted and approved prior to the erection of such fences and gates;*

to the satisfaction of the Chief Executive Officer.

Moved by Cr Chester, Seconded by Cr Doran-Wu

That the recommendation be adopted.

COUNCIL DECISION ITEM 10.1.15

Moved by Mayor Catania, Seconded by Cr Hall

That this Item be DEFERRED for further investigation relating to the carport.

CARRIED (7-0)

(Crs Drewett and Piper absent from the meeting.)

LANDOWNER: T Tran

APPLICANT:

T and P Tran

ZONING:

Metropolitan Region Scheme - Urban

Town Planning Scheme No. 1 - Commercial

EXISTING LAND USE:

Single House

COMPLIANCE:

<i>Requirements</i>	<i>Required</i>	<i>Proposed</i>
<i>Car Parking</i>	<i>2 bays for single house 1 bay for light industry</i>	<i>Not clearly defined on plans *</i>
<i>Use Class</i>	<i>Single House, Light Industry</i>	
<i>Use Classification</i>	<i>'P', 'SA'</i>	
<i>Lot Area</i>	<i>1215 square metres</i>	

**See Further Report comments.*

SITE HISTORY:

The existing dwelling is single storey.

As the proposal is along Charles Street, within the Planning Control Area No. 54, the Council's recommendation must be forwarded to the Western Australian Planning Commission for its determination of the proposal.

DETAILS:

The proposal involves the utilisation of a room in the existing house for light industrial purposes, specifically for a clothing alterations and repair business and associated signage.

The applicant seeks to have an advertising sign on the property, greater than that permitted under a home occupation and therefore has sought a formal change of use.

The applicant has advised that the proposed signage will be attached to the existing verandah (addressing Charles Street) and is 1.4 metres by 0.4 metre in size. It will be constructed from metal and colours will be heritage green and cream.

The applicant has advised that the purpose of the business is to provide a clothing alteration and repair service. It will be run by 2 people. Hours of operation, at this stage, are proposed between 4pm to 8pm daily and 12pm to 8pm on weekends. Equipment used at the business will include fax and telephone, 2 sewing machines, 2 overlockers, 1 button sewer, 1 button hole machine and 1 hemming machine. They anticipate that there will be 2 to 5 customers to the site per day.

CONSULTATION/ADVERTISING:

The proposal was subject to 'SA' advertising requirements, with adjoining landowners being contacted by registered mail and a sign being erected on site for a period of three weeks.

Two submissions were received during the consultation period. It was requested that approval be specific to this particular proposal to ensure that other light industrial uses could not commence without further formal consultation and assessment by the adjoining neighbours. It was requested that the number of employees and area in which the business occurs be limited to prevent expansion. It was requested that signage be of high quality and limited to Charles Street and not to the right of way at the rear. It was requested that on site parking be provided for clients to park on site, rather than on the street or near by car parks.

COMMENTS:

The proposal generally complies with the intent of the Town's Policy relating to the Charles Centre Precinct in that the proposed use is considered to be compatible with the adjacent residential area. It is recommended that approval be subject to the landscaping of the area in front of the house to improve the streetscape of the area.

In order to address neighbours concerns regarding potential expansion of the light industrial use, it is recommended that the light industrial use be contained within the area as specified on the plans submitted (18 square metres). Therefore, any expansion to the light industrial area or additional signage would be subject to a further application and assessment.

The proposed sign on the Charles Street frontage, generally complies with the Town's Policy relating to Signs and Advertising, and is therefore supported.

To address concerns relating to car parking on site, revised plans should be submitted and approved showing the provision of a minimum of 3 car bays and a turning circle on site, so that clients can leave the subject property in forward gear as Charles Street is a busy road.

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

10.1.9 No.17 (Lot 6) Richmond Street, North Perth - Alterations and Additions with Loft to Existing Single House

Ward:	North Perth	Date:	10 September 2002
Precinct:	Smiths Lake, P6	File Ref:	PRO2146 00/33/1291
Reporting Officer(s):	W Bow		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme the Council APPROVES the application submitted by the owner Cameron Brook for proposed alterations and additions to existing single house at No. 17 (Lot 6) Richmond Street, North Perth, and as shown on plans stamp dated 26 August 2002, subject to;

- (i) 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;*
- (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 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;*
- (iii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iv) compliance with all relevant Building, Engineering and Environmental Health requirements,*
- (v) subject to first obtaining the consent of the owners of No. 15 (Lot 7) Richmond 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. 15 (Lot 7) Richmond Street in a good and clean condition;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.9

Moved by Cr Drewett, Seconded by Cr Hall

That the recommendation be adopted.

CARRIED (7-0)

(Cr Ker on leave of absence)
(Cr Piper - apology for the meeting)

LANDOWNER: C Brook & DJ Turner
APPLICANT: C Brook
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No.1 – Residential R40
EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Single House
Use Classification	"P"
Lot Area	473 square metres

Requirements	Required	Proposed
Total Open Space	50 percent	45.8 percent
Eastern Side Setback	1.0 metre	Nil
Western Side Setback	1.5 metres	1.1 metres

SITE HISTORY:

The subject site is occupied by an existing single storey house. The existing single house is flanked by single residential properties and a Town owned sealed right of way along the rear boundary.

DETAILS:

Approval is sought for alterations and additions with loft to the existing single house.

CONSULTATION/ADVERTISING:

The applicant for this proposal has provided comments from the adjoining neighbours. The neighbours have indicated that they do not object to the proposed additions, alterations and loft to existing single house.

COMMENTS:

The variations to the open space and western and eastern side setback requirements are considered acceptable as the variations are relatively minor in nature, will not unduly adversely affect the amenity of the area, and no objections were received from the affected adjacent neighbours.

The adjacent right of way also provides the development with a sense of openness.

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

10.1.10 No.171 (Lot 61) Egina Street, Corner Bondi Street, Mount Hawthorn - Proposed Two Storey Additions, Alterations and Garage to Existing Single House

Ward:	Mount Hawthorn	Date:	12 September 2002
Precinct:	Mount Hawthorn, P1	File Ref:	PR02133 00/33/1290
Reporting Officer(s):	S Ward		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by K Fraser on behalf of the owner P Koczvara for the proposed two storey additions, alterations and garage to the existing single house on No. 171 (Lot 61) Egina Street, corner Bondi Street, Mount Hawthorn and as shown on the plans received 12 September 2002, subject to:

- (i) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the window to the family room on the southern elevation on the upper floor shall be screened with a permanent obscure material to a minimum of 1.4 metres above the finished upper floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The obscure portion of the window shall be fixed in a closed position and any higher part may be openable, or the whole window be top hinged and the obscure portion of the window openable to a maximum of 20 degrees;*
- (ii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the southern side of the balcony accessible from the family room and master bedroom on the southern elevation on the upper floor level shall be screened with a permanent obscure material to a minimum height of 1.4 metres above the finished upper floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (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) subject to first obtaining the consent of the owners of No. 169 Egina 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. 169 Egina Street in a good and clean condition;*
- (vi) a road and verge security bond and/or bank guarantee of \$880 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 existing Town's assets have been are 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) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services;*
- (viii) *compliance with all relevant Environmental Health, Building and Engineering requirements; and*
- (ix) *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;*
- to the satisfaction of the Chief Executive Officer.*

COUNCIL DECISION ITEM 10.1.10

Moved by Cr Drewett, Seconded by Cr Hall

That the recommendation be adopted.

CARRIED (7-0)

(Cr Ker on leave of absence)

(Cr Piper - apology for the meeting)

LANDOWNER: P Koczvara
APPLICANT: K Fraser
ZONING: Metropolitan Region Scheme – Urban
Town Planning Scheme No. 1 – Residential R30
EXISTING LANDUSE: Single House

COMPLIANCE:

Requirements	Required	Proposed
Setbacks		
Garage		
Southern side - Secondary street (Bondi Street) -	1.0 metre 1.5 metres	Nil 1.65 metres
Use Class	Single House	
Use Classification	'P'	
Lot Area	637 square metres	

SITE HISTORY:

The property currently accommodates a two storey brick and pitched tiled roof dwelling with an undercroft garage fronting Egina Street.

DETAILS:

An application was received to construct two storey additions, alterations and garage to the existing single house, which was considered at the Ordinary Meeting of Council held on 27 August 2002. The application was approved subject to several conditions, including the following conditions:

- "(i) *prior to the issue of a Building Licence, revised plans shall be submitted demonstrating the following:*

- (a) *incorporating design features and/or openings to the upper floor on the northern elevation; and*
- (b) *the upper floor being setback a minimum of 3 metres from the northern boundary to reduce its visual impact on the streetscape to increase the interaction of the dwelling as visible from the street;*
- (ii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the window to the family room on the southern elevation on the upper floor shall be screened with a permanent obscure material to a minimum of 1.4 metres above the finished upper floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The obscure portion of the window shall be fixed in a closed position and any higher part may be openable, or the whole window be top hinged and the obscure portion of the window openable to a maximum of 20 degrees;*
- (iii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the southern side of the balcony accessible from the family room and master bedroom on the southern elevation on the upper floor level shall be screened with a permanent obscure material to a minimum height of 1.4 metres above the finished upper floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*

The applicant submitted a new Planning Application, which now incorporates design features and openings and provides a 3 metres setback in part to the upper floor on the secondary street/Bondi Street elevation to reduce its visual impact and increase the interaction of the dwelling with the streetscape.

CONSULTATION/ADVERTISING:

The application was not required to be advertised as a similar proposal was previously advertised and determined within the last 12 months. One letter of objection was received during the previous advertising period. A summary of the concerns are follows:

1. Overlooking from the south facing family room window should be adequately screened.
2. Overlooking from the east facing family room window into front garden should be adequately screened.
3. The proposed balcony provides a vantage point, which will affect privacy and has the potential to become a significant source of after hours noise and should be screened with a brick wall to at least 1.8 metres high.
4. The south facing master bedroom window should be screened or removed.
5. The external master bedroom door is a major opening and should be screened or relocated.

COMMENTS:

Side Setback

The variation to the side setback to the proposed garage addition is considered acceptable as it is relatively minor, does not unreasonably adversely affect the amenity of the area, and no objection was received from the neighbour.

Due to the scale of the existing and proposed development, the proposed dwelling additions will not overshadow the adjoining property more than 50 percent at noon on 21 June, and therefore, is in accordance with clause 1.7.2 of the Residential Planning Codes (R-Codes).

Bondi Street Setback

The upper floor level is setback 3 metres in part to the secondary street with the remainder of the upper floor setback varying from 1.65 metres to 2.25 metres from Bondi Street to follow the existing ground floor alignment. It is considered that the increased and staggered setbacks to the upper floor level together with openings and varying materials, finishes and roof form to the Bondi Street elevation will satisfy the Town's Policy relating Street Setbacks.

Privacy

Although the setbacks to the proposed upper floor addition complies with the requirements of the R-Codes, given the openings to the family room and balcony are not setback at least 6 metres in accordance with the Town's Policy relating to Privacy, unreasonable overlooking into the adjacent southern property may occur. It is therefore recommended that the window to the family room and the balcony opening on the southern side elevation on the first floor level be screened accordingly.

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.

10.1.11 No. 3 (Lot 115) Primrose Street, Perth - Proposed Two-Storey Inclusive of Loft Single House

Ward:	North Perth	Date:	17 September 2002
Precinct:	Hyde Park, P12	File Ref:	PRO2134 (00/33/1261)
Reporting Officer(s):	H Coulter		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by B Schenk on behalf of the landowner R Mead for a proposed two-storey inclusive of loft single house at No. 3 (Lot 115) Primrose Street, Perth and as shown on plans stamp dated 14 August 2002, subject to:

- (i) the garage/carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the proposed dwelling and the southern boundary;*
- (ii) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Primrose 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;*
- (iv) a road and verge security bond and/or bank guarantee of \$550.00 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the Town's assets in Primrose Street are 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) any modifications to the footpath/kerbing required as a result of this development shall be at the applicant's/landowner's full cost and to the satisfaction of the Town's Technical Services Division;*
- (vi) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the south western most window to the dining room on the western elevation on the first floor shall be screened with a permanent obscure material to a minimum of 1.4 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The obscure portion of the window shall be fixed in a closed position and any higher part may be openable, or the whole window be top hinged and the obscure portion of the window openable to a maximum of 20 degrees;*

- (vii) *subject to first obtaining the consent of the owners of Nos. 1A and 3A Primrose Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing east and west in a good and clean condition;*
- (viii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (ix) *proposed crossovers shall be positioned in consultation with and as directed by the Town's Technical Services Division;*
- (x) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division; and*
- (xi) *compliance with the relevant Building, Engineering and Environmental Health requirements;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.11

Moved by Cr Drewett , Seconded by Cr Hall

That the recommendation be adopted.

CARRIED (7-0)

(Cr Ker on leave of absence)

(Cr Piper - apology for the meeting)

LANDOWNER: R Mead
APPLICANT: B Schenk
ZONING: Metropolitan Region Scheme – Urban
 Town Planning Scheme No.1 – Residential R80
EXISTING LAND USE: Vacant land

COMPLIANCE:

Requirements	Required	Proposed
Total Open Space	50 per cent (89 square metres)	27 per cent (47.3 square metres)
Garage Width	50 percent maximum of house width (4.56 metres maximum)	66.7 per cent (6.09 metres)
Setbacks		
Front (garage)	6.0 metres	Nil
Side - south	1.8 metres	Nil
- north (grd)	1.0 metre	Nil
- north (1st flr)	1.2 metres	Nil
- west	1.2 metres	Nil
Use Class	Single House	
Use Classification	'P'	
Lot Area	178 square metres	

SITE HISTORY:

Development Approval for thirteen (13) two-storey grouped dwellings fronting Primrose and Lake Streets was approved by the Council at its Ordinary Meeting held on 23 June 1997. The land has subsequently been subdivided into freehold properties of which 7 properties front Primrose Street and 6 properties front Lake Street. The remaining site fronting Bulwer Street accommodates sixteen (16) two storey multiple dwellings with an undercroft parking area.

The Council at its Ordinary Meeting held on 28 September 1999 conditionally approved a two-storey single house on the subject property.

The Council has approved a number of two-storey single houses on the lots along Primrose Street with significant front, side and rear setback variations.

The surrounding area is characterised by medium density development on Lake and Glendower Streets and new two and three storey single houses being constructed on the vacant lots along Lake and Primrose Streets.

DETAILS:

Approval is sought to construct a two-storey single dwelling inclusive of loft on the subject lot.

CONSULTATION/ADVERTISING:

No submissions have been received during the submission period.

COMMENTS:

Setbacks

The location of the proposed garage within the front setback and the non-compliance with the Town's Policy relating to Street Setbacks is considered acceptable in this instance, given the narrowness (9.12 metres wide) of the vacant lots along Primrose Street and the existence of similar front carports on those lots already developed. The enclosure of the carport/garage with a roller door, whilst not explicitly shown, is not supported, given the impact such a structure would have on the interface and interaction between the dwelling and Primrose Street. The dwelling already incorporates a number of significant concessions to the development standards applicable to the site. Support for these variations is recommended in the knowledge that to do so will encourage the consolidation of the existing urban form. The erection of a solid door to the carport/garage would, however have an adverse affect on the visual amenity of the Primrose Street streetscape.

Given the small and narrow lot sizes along Primrose Street, a general acceptance by landowners of boundary walls and by virtue of the absence of objections, it is considered that the eastern, western, front and rear setbacks comply with Clause 1.2 of the Residential Planning Codes (R-Codes).

Total Open Space

The Council at its Ordinary Meetings held on 20 December 1999 and 26 February 2002 approved two, three-storey single dwellings along Lake Street and a two-storey single dwelling along Primrose Street with open space provision of 30 and 27.5 per cent respectively. The proposed provision of 27 per cent is considered acceptable given the site's inner urban location, its proximity to Hyde Park and that the areas of private open space, including a 25 square metres courtyard and an 18 square metre balcony, are functional.

Privacy

There is the potential for unreasonable overlooking from the south-western most first floor windows of the dining room on the rear elevation and in accordance with the Town's Policy relating to Privacy, screening of these window is considered required.

The areas of non-compliance as discussed above are considered supportable in this unique inner urban area and it is therefore recommended that the application be approved, subject to standard and appropriate conditions to address the above matters.

10.1.14 No. 30 (Lot 14) Richmond Street, North Perth - Proposed Additional Two-Storey Grouped Dwelling to Existing Dwelling

Ward:	North Perth	Date:	11 September 2002
Precinct:	Smith's Lake, P6	File Ref:	PRO2027 00/33/1250
Reporting Officer(s):	V Lee		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner R Gardner, for a proposed additional two-storey grouped dwelling to existing dwelling at No. 30 (Lot 14) Richmond Street, North Perth, as shown on plans stamp-dated 6 August 2002 and 10 September 2002, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iii) subject to first obtaining the consent of the owners of No. 28 (Lot 13) Richmond Street, North Perth for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 28 (Lot 13) Richmond Street, North Perth in a good and clean condition;*
- (iv) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Richmond Street, North Perth, shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (v) 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;*
- (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 detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Richmond 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);*

- (viii) *a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the Town's assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing; and*
- (ix) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the windows to bedroom 1 on the southern elevation and the window to bedroom 2 on the northern elevation on the first floor shall be screened with a permanent obscure material to a minimum of 1.4 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The obscure portion of the windows shall be fixed in a closed position and any higher part may be openable, or the whole windows be top hinged and the obscure portion of the window openable to a maximum of 20 degrees;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.14

Moved by Cr Drewett, Seconded by Cr Hall

That the recommendation be adopted.

CARRIED (7-0)

(Cr Ker on leave of absence)

(Cr Piper - apology for the meeting)

LANDOWNER: R Gardner
APPLICANT: R Gardner
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No. 1 - Residential R40
EXISTING LAND USE: Single House

COMPLIANCE:

Requirements	Required	Proposed
Setbacks - southern	1 metre	0 metre to the internal strata boundary for the proposed garage 1.5 metres to dwelling 0 metre to store room
- northern	2.5 metres	
- eastern	1 metre	
Use Class	Grouped Dwelling	
Use Classification	'P'	
Lot Area	529 square metres	

SITE HISTORY:

13 August 2002

The Western Australian Planning Commission determined to conditionally approve a survey-strata application creating a rear lot with an effective lot area (not including access leg) of 197 square metres.

DETAILS:

The proposal involves the addition of a two-storey grouped dwelling behind the existing single-storey dwelling.

CONSULTATION/ADVERTISING:

One submission was received during the consultation period, requesting that windows to the north on the ground floor and the first floor are screened to protect their privacy, particularly as there are differences in levels between the properties.

COMMENTS:

Privacy

The revised plans received, show the first floor window on the northern elevation as being a high light window 1.5 metres above the first floor finished floor level. This complies with the Town's Policy relating to Privacy and therefore is considered to address this neighbour's concerns relating to the protection of their privacy from the first floor windows.

It is acknowledged that this neighbour also requested the screening of the ground floor windows on the northern elevation. However, it is not considered to be appropriate to require the screening of these windows as a condition, rather effective screening could be provided by a standard fence along this property boundary, which can be agreed to by the neighbours as a dividing fence matter.

Setbacks

The proposed variations to the setbacks on the southern elevation for the proposed garage, are considered acceptable as this boundary is a proposed internal survey strata boundary and the adjoining property is currently owned by the same person.

The proposed store room with a zero setback on the eastern property boundary is considered acceptable, as no objection has been received from this adjoining neighbour and the proposal is not considered to unreasonably detrimentally affect the amenity of this neighbour.

No objection has been received from this adjoining neighbour regarding the northern setback and the concerns regarding privacy from these windows have been addressed previously in this report. The proposed courtyard is adjacent to this wall, creating a sense of openness along this property boundary. Therefore, this variation is not considered to detrimentally impact on the adjoining residents and is considered acceptable in this instance.

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

10.1.15 Nos.315 (Lot 7) and 317 (Lot 3) Bulwer Street, Perth - Proposed Demolition of Existing Dwelling and Light Industrial Building

Ward:	North Perth	Date:	13 September 2002
Precinct:	Hyde Park, P12	File Ref:	PRO2139 (00/33/1271)
Reporting Officer(s):	H Eames		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application dated 16 August 2002 submitted by A Michael on behalf of the owners E and I Bonetti for the proposed demolition of the existing dwelling and light industrial building at No.315 (Lot 7) and garage at No.317 (Lot 3) Bulwer Street, Perth, subject to:

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

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.15

Moved by Cr Drewett, Seconded by Cr Hall

That the recommendation be adopted.

CARRIED (7-0)

(Cr Ker on leave of absence)
(Cr Piper - apology for the meeting)

LANDOWNER: E and I Bonetti
APPLICANT: A Michael
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No.1:
Residential R80 and Commercial
EXISTING LAND USE: Single house and light industrial building
LOT AREA: 536 square metres (Lot 7) and 377 square metres (Lot 3)

SITE HISTORY:

The site is occupied by a brick and iron dwelling that was constructed circa 1900. The dwelling is listed on the Town of Vincent Interim Heritage Database. The site is also occupied by a light industrial building constructed in the 1950s.

DETAILS:

Approval is sought for the demolition of the existing dwelling and light industrial building.

CONSULTATION/ADVERTISING:

Demolition applications are not required to be advertised.

COMMENTS:

A detailed heritage assessment is contained in Appendix 10.1.15

The dwelling was constructed circa 1900 and was formerly part of an active local commercial centre servicing this part of Perth, centred around the Bulwer Street and Fitzgerald Street intersection. The dwelling has undergone substantial alterations and is in poor condition. It is considered to have little cultural heritage significance. The garage was constructed in the 1950s and is also considered to have little cultural heritage significance.

In light of the above, it is considered that the subject place does not meet the threshold for entry into the Town of Vincent Municipal Heritage Inventory. It is therefore recommended that the demolition of the existing dwelling and the light industrial building be approved, subject to standard conditions.

10.1.18 No. 116 (Lot 87) Angove Street, North Perth - Proposed Freehold Subdivision

Ward:	Mount Hawthorn	Date:	11 September 2002
Precinct:	Smith's Lake, P6	File Ref:	119910
Reporting Officer(s):	P Mastrodomenico		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Residential Planning Codes, the Council RECOMMENDS to the Western Australian Planning Commission that the application dated 6 August 2002 submitted by Brooke and Marsh Licenced Surveyors on behalf of the owners D S & D Mossenson and Pecan Nominess Pty Ltd, for the proposed freehold subdivision of No.116 (Lot 87) Angove Street, North Perth, and as shown on plans stamp-dated 12 August 2002 (subdivision 119910) be REFUSED as the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality with respect to the subdivision involving a substantial variation to the minimum and average lot area requirements of R30 of the Residential Planning Codes (R-Codes); and*
- (ii) *the Council requests the Western Australian Planning Commission that if the Commission is inclined to approve the proposed subdivision, the Town is further consulted to obtain the appropriate conditions of the Town that should apply to the proposed subdivision.*

COUNCIL DECISION ITEM 10.1.18

Moved by Cr Drewett, Seconded by Cr Hall

That the recommendation be adopted.

CARRIED (7-0)

(Cr Ker on leave of absence)

(Cr Piper - apology for the meeting)

LANDOWNER: D S & D Mossenson and Pecan Nominess Pty Ltd,
APPLICANT: Brooke and Marsh Licensed Surveyors
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1: Residential R30

EXISTING LAND USE: Vacant Land

COMPLIANCE:

Use Class	Single house
Use Classification	"P"
Lot Area	486 square metres

Requirements	Required	Proposed
Density	600 square metres	486 square metres
Lot area	Minimum - 270 square metres Average - not less than 300 square metres	Minimum and average of proposed lots - 243 square metres each

SITE HISTORY:

The subject site is vacant and fronts Angove Street. To the rear of the subject lot is a privately owned and unsealed right of way.

CONSULTATION/ADVERTISING:

Advertising is not required for subdivision applications.

DETAILS:

An application has been received for the subdivision of the subject property into two freehold lots.

COMMENTS:

The subject proposal involves a 23 percent density bonus and variation to the average lot area requirement, and an 11 percent variation to the minimum lot area requirement.

This proposed subdivision involves a substantial variation to the density, and minimum and average lot area requirements, resulting in the creation of lots that will involve non compliances with the relevant development requirements under the Residential Planning Codes. This may in turn result in development that will unnecessarily adversely affect the streetscape and amenity of the area.

It is recommended that advice be returned to the Western Australian Planning Commission recommending refusal for the proposed freehold subdivision for the reasons outlined above.

10.1.20 Food Sampling Scheme Review

Ward:	Both Wards	Date:	17 September 2002
Precinct:	All Precincts	File Ref:	ORG0032
Reporting Officer(s):	A. Bosworth		
Checked/Endorsed by:	D. Brits, R. Boardman		
Amended by:	--		

OFFICER RECOMMENDATION:

That the Council;

- (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.*

COUNCIL DECISION ITEM 10.1.20

Moved by Cr Drewett, Seconded by Cr Hall

That the recommendation be adopted.

CARRIED (7-0)

(Cr Ker on leave of absence)

(Cr Piper - apology for the meeting)

BACKGROUND:

The Local Health Authorities Analytical Committee (LHAAC) has been responsible for developing and maintaining the current Food Sampling Scheme in which all Local Authorities within Western Australia are legally required to participate.

The current, and somewhat outdated Food Sampling Scheme, requires Local Authorities to undertake sampling of foods each year, and submit them for analysis to determine compliance with the Australian Food Standards Code.

In general, there has been a lack of direction provided to Local Governments in relation to sampling programmes, that has resulted in a poor use of sampling units, and in some cases a lack of sampling undertaken all together. On the contrary, a smaller percentage of Local Governments undertake an extensive sampling programme and the Town received a congratulatory certificate from the LHAAC for using 509 in excess of the 390 allocated units in the 2000/2001 financial year. The units utilised by the Town in the 2001/2002 Financial Year have also exceeded this quota. The Town's Health Services are actively participating in sampling of local manufacturers of bakery products, butchers, pasta and sampling the large numbers of imported foods, to ensure the products/produce meet with the requirements of the Australian Food Standards Code, and has not been adulterated, substituted, or contain additives, etc. not permitted within Australia.

DETAILS:

Currently, there is little guidance provided by State Government Agencies regarding sampling programmes, however the WA Food Monitoring Programme has been established in recent years, encouraging Local Authorities to take part in statewide surveys of a particular type of food where concerns may have been raised. Results are collated and have been used to produce Guidelines on these foods, and acceptable microbial levels, and handling. For example, Health Services has participated in Soft Serve Ice cream and Thickshake Surveys after concerns were raised regarding Listeria contamination of these products.

Liaison with various Local Authorities assisted in the development of this report, with comments sought from LHAAC Committee members, Principal Environmental Health Officers and Environmental Health Officers responsible for undertaking food sampling programmes during 2001.

An increase in the number of large franchise and chain stores has resulted in a general decrease in the number of local manufacturers. Sampling has traditionally been undertaken routinely from bakeries, butchers, fish shops and other manufacturers where the produce undergoes a major production step on the premises. 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.

A 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. In brief, it details a system whereby Local Authorities undertake regular sampling from local manufacturers that distribute state/nationwide. The sample results would be available to all Local Authorities on a database that would be centrally maintained at the Department of Health. This would reduce the current overlap in sampling of widely distributed products.

Located within the Town, are a number of large overseas Importers that distribute products statewide. Some concern has been raised in discussion with the City of Wanneroo (where a number of Importers are also located), that the Local Authority would be responsible for the sampling of all imported products. This would be a considerable task, and would not be feasible with the current resources, both staffing and financial as the allocation of units provided to the Town are annually exceeded. For the 2002/2003 Financial Year, the Town has been allocated 390 units. A single routine sample takes on average 6 to 10 sample units for analysis, resulting in approximately 40 – 60 samples being submitted to utilise the total allocation. These allocated units are paid for up front by the Local Authority, and any excess units used are billed at a lower cost per unit at the end of financial year.

It could be suggested that the LHAAC in conjunction with the Department of Health (WA) have a co-ordinated program to sample these imported products so that no manufacturer or producer is overlooked or over sampled.

The Town does not have a large number of manufacturers within its boundaries, which may be attributed to its geographical location zonings under the Town Planning Scheme, and the associated increasing residential use and land values. Therefore, it can be anticipated that the allocation of units/funds to the Town would decrease over time with manufacturers relocating to more affordable industrial or commercial areas as has been the trend over the past few years.

Whilst the focus has been placed on the sampling of metropolitan/state/nationwide manufacturers, the Town has a large number of butchers and bakeries supplying primarily from their shopfront. A decrease in allocated units would in turn limit the numbers of routine samples that could be taken from these premises, that directly affect the residents of the Town.

STRATEGIC IMPLICATIONS:

Principal Activities Plan 2002 - 2006 - Key Result Area: The Physical Environment - *"promotion of a safe and healthy inner-city environment."*

COMMENTS:

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 the Local Government (excluding local manufacturers);
- establishment and maintenance of a comprehensive database of analysis results and prosecutions, allowing statewide access by Environmental Health Officers; and
- an increase of microbiological sampling with respect to food monitoring.

A response will be drafted to the LHAAC to advise them of the Town's support in principal, towards the revision of the Food Sampling Scheme, however some consideration should be given to refine the cost analysis that is currently only based on population specifics.

10.2.1 Dual Use Loading/Taxi Zones in Beaufort Street, Highgate

Ward:	North Perth Ward	Date:	16 September 2002
Precinct:	Mount Lawley Centre P11	File Ref:	PKG0011
Reporting Officer(s):	A. Munyard		
Checked/Endorsed by:	R. Lotznicer		
Amended by:			

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the implementation of additional "TAXI ZONES" in Beaufort Street, Highgate; and*
- (ii) *APPROVES an amendment of the use of the "LOADING ZONES" adjacent to the Queens Hotel and the Must Bar to allow their concurrent use as "TAXI ZONES" at all other times outside of the "CLEARWAY" restrictions, as illustrated on plan 2092-PP-1; and*
- (iii) *notifies the Taxi Council of Western Australia and businesses adjacent to the zones of the Council's decision.*

COUNCIL DECISION ITEM 10.2.1

Moved by Cr Drewett, Seconded by Cr Hall

That the recommendation be adopted.

CARRIED (7-0)

(Cr Ker on leave of absence)
(Cr Piper - apology for the meeting)

BACKGROUND:

The Taxi Council of Western Australia has requested the introduction of a night-time taxi rank in the vicinity of the Queens Hotel, Beaufort Street, Highgate. It is proposed that the existing "LOADING ZONES" on both sides of the street be converted to allow their use as "TAXI ZONES" in the evenings and weekends outside of Saturday mornings, and therefore provide the requested amenity without the loss of parking spaces available for general use.

DETAILS:

The Taxi Council has reported a considerable increase in the demand for Taxis in the Beaufort Strip. The popularity of the hotel, bars and restaurants in this precinct is ever increasing, with patrons frequently required to walk a considerable distance to engage a Taxi.

Parking in this area is problematic and currently under review. With this in mind, in the interest of public safety, and to encourage responsible transport choices, additional "TAXI ZONES" need to be established.

The existing "LOADING ZONES" are in demand during daytime business hours, and could ideally be modified to be dual use bays, available for use by Taxis as well. As the demand for Taxis is generally at night time, their use by both delivery vehicles and Taxis does not present any conflict. Both applications are for short term parking, with frequent turn-over.

If approved by the Council, the single bay on the west side of Beaufort Street, between Mary Street and Harold Street, will be available for commercial vehicles as a "LOADING ZONE" between 8am and 4.15pm Monday to Friday, and 8am until 12noon Saturday. It will then be available as a "TAXI ZONE" at all other times, except the "CLEARWAY" period between 4.15pm and 6pm, Monday to Friday.

It is proposed that the two bays on the east side of Beaufort Street, between Harold Street and Broome Street, will be available as a "LOADING ZONE" between 9am and 5.30pm Monday to Friday and 7.30am until 12noon Saturday. They will be available as a "TAXI ZONE" at all other times, other than the "CLEARWAY" period between 7.30am and 9am Monday to Friday.

The high demand for parking in Beaufort Street makes it desirable to effect introduction of the improved facility, without the loss of existing spaces available for use for patrons parking. The dual use bays are in line with this objective.

CONSULTATION/ADVERTISING:

This amendment is of a minor nature which does not necessitate public consultation.

FINANCIAL/BUDGET IMPLICATIONS:

The costs involved in the removal and replacement of existing signs is estimated to be approximately \$200.

STRATEGIC IMPLICATIONS:

Strategic Plan 2000-2002 - Key Result Area 1 - The Physical Environment "Develop and Implement a plan to manage through traffic and local Traffic, and reduce car dependence. Work with MRWA, Transport, Bike West and Transperth to reduce car dependence and explore new opportunities".

COMMENTS:

Additional Taxi facilities have been identified as necessary in the Beaufort Strip, in the vicinity of the Queens Hotel. Dual use "LOADING" and "TAXI" zones will allow the introduction of this facility without loss of existing parking for general use. It is therefore recommended that the Council approve this amendment to include Taxi use of the existing "LOADING ZONES".

10.2.2 Banks Reserve – Proposed Installation of One (1) Set of Soccer Goals and a Single Cricket Practice Net

Ward:	North Perth	Date:	17 September 2002
Precinct:	Banks P15	File Ref:	RES0008
Reporting Officer(s):	J van den Bok, R Lotznicher		
Checked/Endorsed by:	R Lotznicher		
Amended by:			

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the proposal to install one (1) set of soccer goals and a single cricket practice net at Banks Reserve;*
- (ii) *APPROVES the installation of both the soccer goal and the cricket practice net at Banks Reserve as shown on the attached Plan No. 2093-CP-1; and*
- (iii) *advises all the respondents of its resolution.*

COUNCIL DECISION ITEM 10.2.2

Moved by Cr Drewett , Seconded by Cr Hall

That the recommendation be adopted.

CARRIED (7-0)

(Cr Ker on leave of absence)

(Cr Piper - apology for the meeting)

BACKGROUND:

In November 1998, an application to commence the redevelopment works at Banks Reserve was submitted to the Swan River Trust.

At the time the Swan River Trust were required to assess the redevelopment application, taking into account environmental considerations, and make a recommendation to the former Minister for Water Resources.

In addition, as the works were partially located outside the Swan River Trust's management area a further application to commence development was required by the then Ministry for Planning in accordance with clause 30A of the Metropolitan Region Scheme.

All relevant approvals were ultimately received and the works including the installation of in ground reticulation, the installation of a dual use path, construction of the terraced seating, playground upgrade and installation of a half basketball court were implemented.

In an attempt to further improve the amenity of the Reserve the Council allocated \$21,200 in the 2002/2003 capital works budget for installation of one (1) set of soccer goals and a single cricket practice net.

Banks Reserve was previously considered an active recreational area, being utilised by the "Flying Disc" Association and briefly for hang gliding activities under the former City of Perth. However under the Town of Vincent the Reserve has been treated more as a passive recreational space.

The more recent development of the Swan River foreshore area has provided picnic areas, scenic walking tracks, paths, lighting and artwork.

DETAILS:

Community Consultation

On 13 August 2002, in accordance with the Town's Community consultation policy, two hundred and seventy (270) letters/surveys were distributed to residents within the Banks Precinct inviting comments on the proposals.

Of the two hundred and seventy (270) letters distributed, thirty-one (31) responses were received regarding the proposal.

Results of the survey were as follows:

• APPROVE installation of soccer goals and single cricket practice net	24
• DO NOT APPROVE installation of soccer goals and single cricket practice net	6
• DO NOT APPROVE installation of soccer goals but APPROVE installation of single cricket practice net	1

In brief, from the responses received there was overwhelming support for the installation of both the soccer goals and the single cricket practice net.

Officers Comments

Soccer Goals

Currently, children are using a portion of the reserve adjacent to the playground for soccer practice. Two (2) existing trees form the goalposts and the playground fence, which is being continually damaged, acts as the goal net.

Therefore, it would be prudent that a soccer goal be installed at Banks Reserve. The ideal location would be at the foot of the bank (see attached plan) where the ball will roll back down to players, alleviating the need for a net which is likely to be vandalised.

If required, due to wear and tear within the goal mouth area, the goal posts may be shifted along the foot of the bank from time to time.

Single Cricket Practice Net

Initially, Parks Services Officers considered there would be no practicable location for this facility on the Reserve as cricket nets are usually aligned with Cricket Clubs who are based at a particular sportsground. They are therefore heavily used throughout the cricket season by all ages.

However a single cricket net is located at Kyilla Reserve in North Perth and the Reserve is not used by any Cricket Club. Therefore, the net is predominantly used by school children from Kyilla Primary School and local residents and its location and level of use has not impacted on the use of the remaining portion of the reserve.

It is therefore reasonable to assume that should a single cricket practice net be located at Banks Reserve, with no Cricket Club associated with its use, there would be no major impact on other patrons using the reserve.

Site Meeting

A meeting was held on site with relevant staff and the most suitable location identified for this facility is at the foot of the bank in the south-west corner.

Here it can be partially screened with additional shrub plantings, and native *hardenbergia* allowed to grow around the side/rear netting to assist in blending the structure in with the surrounding landscape.

CONSULTATION/ADVERTISING:

Residents in the area bounded by Joel Terrace, Summers Street, East Parade, Guildford Road and Mitchell Street were invited to comment on this proposal for a period of twenty-one days.

All respondents will be advised of Council's resolution accordingly.

STRATEGIC IMPLICATIONS:

Strategic Plan 2000-2002 – Key Result Area 3.6 “*Develop and Implement Strategies to Improve the Town's Parks and Reserves.*”

FINANCIAL/BUDGET IMPLICATIONS:

A total amount of \$1,200 has been allocated for the supply/installation of a soccer goal. Quotations are currently being sought for this item and may vary considerably dependant on style and quality.

An amount of \$20,000 has been allocated for the installation of a single cricket practice net at Banks Reserve.

Indicative construction costs are as follows: -

Earthworks (fill & compact)	\$800
Fencing	\$7,500
Concrete	\$5,000
Synthetic turf	\$2,500
Screening plants	\$500
Contingency	<u>\$1,600</u>
	\$17,900

COMMENTS:

As the current proposed works are relatively minor and beyond the area controlled by the Swan River Trust and as all relevant approvals were previously received, following a comprehensive environmental assessment of the site etc it is considered that no further approvals are required. In addition, the separate lots which previously comprised Banks Reserve have been amalgamated in one large lot and zoned Recreational Reserve. Therefore approval from the Department of Planning and Infrastructure (previously Ministry for Planning) is also not required.

Therefore, following assessment of all the responses received and identification of satisfactory locations in the reserve it is recommended that the Council approve the installation of soccer goals and a single cricket practice net at Banks Reserve at the locations shown on plan No 2093-CP-1.

10.2.3 Streetlight Upgrade Program Status and Audits

Ward:	Both	Date:	17 September 2002
Precinct:	All	File Ref:	TES0175
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher		
Amended by:			

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the annual Streetlight Upgrade Program Status and Audits;*
- (ii) *continues with an annual Streetlight night audit; and*
- (iii) *advises Western Power Corporation of its resolution.*

COUNCIL DECISION ITEM 10.2.3

Moved by Cr Drewett, Seconded by Cr Hall

That the recommendation be adopted.

CARRIED (7-0)

(Cr Ker on leave of absence)

(Cr Piper - apology for the meeting)

BACKGROUND:

At its Ordinary Meeting on 12 May 1997, Council adopted a four (4) year Streetlight upgrading program. The intent of the program was to ensure that the level of Street lighting within the Town was commensurate with that of the requirements of the functional road hierarchy. This program was to be implemented in conjunction with Western Power's Bulk Globe Replacement Program (reported to Council on 14 September 1998 - Item 11.2.1) whereby all 50 watt globes were to be upgraded to 80 watt. It was originally envisaged that both programs would be completed concurrently in the 2000/01 financial year.

In a subsequent report to Council at its Ordinary Meeting of 22 February 2001, a revised six (6) year streetlight upgrade program was submitted with an extension sought and approved, for the following reasons.

- The cost of the (streetlight upgrade) program to the Town, based upon Western Power's indicative prices provided in 1997, significantly underestimated the total cost of the previously adopted 4 year program; and
- Western Power's inability at the time to implement the works within the specific timeframe.

DETAILS:

Streetlight Upgrading Program

The streetlight upgrading program was originally scheduled to commence in the 1997/98 financial year. At the time of the report to Council of the 22 February 1999, Western Power were yet to commence the works. Strident discussions with Western Power in early 1999 resulted in the works commencing belatedly in the 1998/99 financial year, essentially two years behind schedule.

While it is acknowledged that Western Power had undergone significant changes in the intervening period, the level of service was unsatisfactory. As a consequence, Technical Services held further discussions with the Corporation in an endeavour to expedite the works.

The following table indicates roads that have been upgraded and roads to be completed in the 2002/2003 financial year, being the last year of the program.

Adopted Streetlighting Upgrade Program

Year	Road Category	Location	Status
Year 1 & 2 1997/98/99	Local Distributors. District A. * Were Local Distributors when program formulated	Egina St	Completed
		Ellesmere St	Completed
		Flinders St	Completed
		Brentham St	Completed
		Palmerston St*	Completed
		View St	Completed
		Carr St*	Completed
		Cleaver St*	Completed
		Lake St*	Completed
		Stirling St	Completed
		Smith St	Completed
		Bourke St	Completed
		Joel Tce*	Completed
		London St	Completed
Angove St	Completed		
Beaufort St	Completed		
Year 3 1999/00	District B.	Brisbane St (Beaufort to William)	Completed
		Oxford St	Completed
		Anzac St	Completed
	District A.	Lord St	Completed
		Guildford Rd	Completed
Year 4 2000/01	District A.	Vincent St (Aberdeen to Fitzgerald)	Completed
		Loftus St (Richmond to Scarb Bch Rd)	Completed

Year	Road Category	Location	Estimated Costs \$
Year 5 2001/02	District A.	Loftus St (Vincent to Richmond St)	Completed
	District B.	William St Bulwer St	Completed Completed
Year 6 2002/03	District A.	Scarborough Beach Rd	44,600
		Newcastle St	19,000
		Walcott St	5,000
		Estimated Expenditure	\$68,600

Installation of Streetlights upon request

Technical Services receives numerous requests from residents during the course of the year to install streetlights at specific locations. Further, Technical Services undertakes an annual streetlight audit (see below) with one of the aims being to identify and improve areas of inadequate lighting. To accommodate these additional lights, Council allocated \$10,000 in 2000/01 and 2001/02, rising to \$15,000 in the current financial year.

Each request is assessed on a needs and suitability basis and where lights are installed, the type and wattage of the light is chosen for compatibility with those of adjacent and/or surrounding lights with reference to the roads status.

Most requests are based upon personal and property securities concerns and are generally treated sympathetically. However, there have been occasions where the request has been declined because it was either impractical or cost prohibitive.

In the year 2001/02 an additional 22 streetlights were installed upon request throughout the town comprising:

- | | |
|---|------------------------------|
| • 7 x 250 watt High Pressure Sodium lights. | District Distributor A Roads |
| • 2 x 150 watt High Pressure Sodium lights. | ↓ ↓ |
| • 6 x 125 watt Mercury Vapour lights. | ↓ ↓ |
| • 7 x 80 watt Mercury Vapour lights | Access Roads |

Streetlight Audit

Over the past fortnight, officers from Technical Services have undertaken a systematic streetlight audit. The Town was divided into five zones and every streetlight within the Town inspected (under operating/night time conditions). The primary aim of the audit was to identify lights not working, while the secondary aim was to assess the adequacy of the lighting and to make recommendations, where necessary, to install improved or additional lighting.

In all there are 2963 streetlights within the Town, of which 86 or 2.9% were not working.

Western Power have been advised of each location and requested to repair/replace the light as soon as practical.

FINANCIAL/BUDGET IMPLICATIONS:

Funds totalling \$68,600 have been included in the 2002/2003 budget for the final year (6) of the Streetlight Upgrade Program Status and Audits, while a further \$15,000 has been allocated to install additional streetlights upon request.

STRATEGIC IMPLICATIONS:

Strategic Plan 2000-2002 - Key Result Area 3.5 *"Develop and Implement Strategies to improve the Town's Physical Infrastructure, including buildings and land "*.

COMMENTS:

Western Power's level of service in respect of streetlights has improved markedly over the past twelve (12) months. In the 2001/2002 financial year 3.8% or 110 streetlights out of some 1920 lights were not working. In 2002/2003 this had decreased to 2.9% or 86 streetlights of a total of 1963* lights. Further, Western Power has introduced new fault reporting procedures, both internally and externally (public), to improve the level of service. The public can now report faulty streetlights via a freecall 1800 number (1800 622 008), 'fax-a-light' service (9427 4379) or e-mail 'streetlights@westernpower.com.au'.

Given that Western Power charges the Town an annual streetlight tariff based upon 2.9% of lights not working at any given time, this represents a potential loss of service of approximately \$10,600 per annum. Last year the loss of service was calculated to be in the vicinity of \$13,800, an improvement of \$3,200.

While the Town does not have grounds to seek a reduction in the streetlight tariff under Western Power's charter, the streetlight audit data has proved to be useful. The 2001/2002 results, which were forwarded to Western Power, highlighted inadequacies in their systems and appears to have prompted Western Power to improve its level of service.

10.2.4 Proposed 40 kph Local Area Traffic Zone - North Perth

Ward:	Both	Date:	18 September 2002
Precinct:	All	File Ref:	TES0173/ORG0002
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher		
Amended by:			

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the introduction of the 40kph Local Traffic Zone in North Perth (bounded by Charles, Walcott, Fitzgerald and Angove Streets);*
- (ii) *APPROVES the installation of the additional traffic calming devices and entry statements as outlined on Plan No: A1-00-072 as specified by Main Roads WA, estimated to cost \$18,000;*
- (iii) *funds the works from the 2002/2003 general Traffic Management allocation; and*
- (iv) *requests Main Roads to proceed with the installation of the appropriate signage, at the conclusion of the works.*

COUNCIL DECISION ITEM 10.2.4

Moved by Cr Drewett, Seconded by Cr Hall

That the recommendation be adopted.

CARRIED (7-0)

(Cr Ker on leave of absence)

(Cr Piper - apology for the meeting)

BACKGROUND

The Town's Local Area Traffic Management (LATM) Advisory Group has, over several years, endeavoured to address residents concerns in respect of traffic volumes and speed on local streets by promoting the introduction of Local Area Traffic Zones (LATZ's) throughout the Town. The LATM Advisory Group developed a plan whereby the Town was divided into 21 zones to be designated as either 40kph or 50kph speed zones.

The Town applied to Main Roads WA (MRWA) for its first 40kph LATZ, being the Cleaver Precinct, in 1998, which was approved in 2000 and completed in June 2002. The second 40 kph LATZ to be submitted for approval was 'Zone 6' North Perth, the area bounded by Charles, Walcott, Fitzgerald and Angove Streets. The Town applied for 'Zone 6' in September 2000 and was advised of MRWA's preliminary approval in July 2002.

The initial reluctance on MRWA's part to consider the implementation of any further LATZ's was largely due to the introduction of the state wide 50kph speed limit on local roads. Main Roads WA considered the blanket 50kph urban speed limit would largely make the need for further LATZ's redundant. To this end MRWA are not currently processing new applications for LATZ's, however, as 'Zone 6' was submitted for approval prior to the announcement of the 50kph Local Road Speed Limit and MRWA had an obligation to consider it on its merits.

DETAILS:

To qualify for a reduced speed zoning, an area must fulfil minimum criteria in respect of the installation of traffic management devices. If a significant number of (traffic calming) devices are required to be installed, this can be a costly exercise.

As previously mentioned, the Town initially applied to Main Roads WA (MRWA) in 1998 for the introduction of a 40 kph Local Traffic Zone in the Cleaver Precinct, West Perth, bounded by Charles, Newcastle, Loftus and Vincent Streets. While approval was granted in 2000, signage was not installed until June 2002. The eventual cost to the Town to install all the necessary traffic calming devices was in the order of \$50,000.

The second zone to be nominated (in September 2000) at the direction of the LATM Advisory Group, was North Perth Local Traffic Zone 6, the area bounded by Charles, Walcott, Fitzgerald and Angove Streets.

However, by this time (mid 2000) MRWA was preoccupied with the possible introduction of a state wide 50kph urban speed limit on all local or access roads, and afforded little priority to the Town's application.

On the 14 November 2001 the Hon. Michelle Roberts MLA, Minister responsible for Road Safety, duly announced the new 50 kph urban speed limit.

It became apparent that Main Roads, unofficially, was not processing or considering any further LATZ's until the impact of the 50kph local street speed limit could be assessed. However, as the Town's application was lodged prior to the Minister's announcement, MRWA had an obligation to give the proposal due consideration.

To this end the Town received planning approval from Main Roads WA to proceed with 'Local Traffic Zone 6' in late July 2002.

Local Traffic Zone 6 (refer to attached Plan No: A1-00-072) already has a substantial number of traffic calming devices (approximately 75 speed humps) in place and therefore largely fulfils the criteria. However, Main Roads WA require a further three (3) devices to be installed as well as number of entry statements. Entry statements can comprise a band of contrasting bitumen, ie. red, slightly raised or rolled over to indicate a changing road environment ahead.

The preliminary estimate to undertake the necessary works is \$18,000. However given the lack of correspondence or acknowledgment by Main Roads, until recently, of the Town's application funds weren't sort or included in the current budget. Therefore it is proposed undertake the works utilising Traffic Management Miscellaneous Requests funds.

STRATEGIC IMPLICATIONS:

The Town's Strategic Plan 2000-2002 - Key Result Area 1.4 "*Develop and Implement a Transport and Car Parking Strategy*".

CONSULTATION/ADVERTISING:

Upon receipt of Main Roads WA final approval that an advertisement be placed in the local papers to advise the residents and/or business proprietors advising of the impending change.

FINANCIAL/BUDGET IMPLICATIONS:

The Council allocated \$30,000 in the 2002/03 budget to undertake Traffic Management Miscellaneous and therefore it is intended to use a portion (\$18,000) of these funds to a completed the works.

COMMENTS:

In association with other related works the introduction of the 40kph Local Traffic Zone in the Cleaver Precinct appears (corroborated by traffic data) to have been successful in both reducing the volume and speed of vehicles using the precinct. The Town now has an opportunity to extend similar benefits to the residents of North Perth with little capital outlay. Further it may be the last opportunity to implement a Local Traffic Zone within the foreseeable future and it is therefore recommended that the works proceed.

10.2.5 Beaufort Street Bus Route - Master Plan

Ward:	North Perth	Date:	18 September 2002
Precinct:	Beaufort P13; Forrest P14; Mount Lawley Centre P11	File Ref:	TES0178
Reporting Officer(s):	Rick Lotznicher		
Checked/Endorsed by:			
Amended by:			

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report on the Beaufort Street Bus Route Master Plan (Perth-Morley 900 Series Strategy) as **LAI**D ON THE TABLE; and
- (ii) *advises Department of Planning and Infrastructure that it supports the initiatives outlined in the report, in principle, however considers that extensive consultation with all affected stake holders where all the advantages and disadvantages of the proposal including any alternative proposed options be fully explored and discussed to enable the overall Strategy to be further refined.*

COUNCIL DECISION ITEM 10.2.5

Moved by Cr Drewett, **Seconded** by Cr Hall

That the recommendation be adopted.

CARRIED (7-0)

(Cr Ker on leave of absence)

(Cr Piper - apology for the meeting)

BACKGROUND:

In 1995, the Perth Metropolitan Transport Strategy (MTS) established new directions for the development of Perth's transport system. The MTS recognised the need to reduce dependence of private car travel and to increase the proportion of walking, cycling and public transport. Specific targets were set for public transport's share of all trips to increase from about 6% to 12.5%. Since that time interim targets to increase public transport mode share to 8% by 2010 have been established by Transport WA (now Department for Planning and Infrastructure - DPI).

The Better Public Transport Ten Year Plan for Transperth was released in 1998. It contained a comprehensive and integrated set of proposals aimed at arresting the decline in public transport usage and meeting the MTS target for future use.

A key proposal in the Better Public Transport Ten Year Plan was the development of what was then called a System 21 bus service. This system has now been branded by Transperth as "900 Series Bus Services". The main features of the 900 Series bus services are:

- High frequency services;
- Improved weekend and evening services;
- Direct services with fewer stops;

- Good interchange with other Transport Services;
- Bus priority where appropriate;
- Easy access, air-conditioned buses;
- Improved stops and shelters;
- Better information on services and timetables at stops.

The Ten Year Better Public Transport Plan recommended about fourteen 900 Series high quality bus services be introduced by 2007. The Perth to Morley route was one of the recommended 900 Series services.

DETAILS:

The report entitled "Perth - Morley 900 Series Strategy" which outlines the key components of a Strategic Plan for the implementation of the Perth to Morley 900 Series bus service, was recently submitted to the Town of Vincent.

The report sets out a strategy for the implementation of the Perth to Morley 900 Series bus service, including bus priority measures. The report is the completion of work originally carried out in 1999/2000 which included a number of discussions with local Councils, but which was left uncompleted while a more detailed plan was prepared for the section through the Inglewood Town Centre.

The accompanying letter received with the report stated that;

"The introduction of a 900 Series service on the Perth to Morley route is not currently programmed, however it is appropriate to consider now what priority measures would be required. The report identifies a number of locations where consultation with stakeholders and the local community would be appropriate. Due to the reorganisation of the DPI, I am not presently able to say when that consultation will take place. However, I would welcome Council's comments on the recommendations of the report and in particular on any further planning work which it would seek to have carried out."

The report covers the following topics;

- Existing Corridor Services and Characteristics;
- Perth/Morley 900 Series System Components;
- Bus Priority Options;
- The Preferred Option;
- Staged Implementation;
- Preliminary Cost Estimates.

Existing Corridor Services And Characteristics

Beaufort Street is a District Distributor A road in the Perth Metropolitan Functional Road Hierarchy. It carries between 20,000 vehicles per day at Bulwer Street to 27,000 vehicles per day at Walcott Street.

It also operates as a key public transport corridor with 23 bus stops in each direction through the study area.

The kerbside lane provides valuable parking for the businesses along Beaufort Street, and frontage access to many of the businesses and residential land uses. Peak hour clearways operate southbound in the morning peak and northbound in the evening peak.

Existing Bus Services

There are currently six bus services using the Beaufort Street corridor.

Existing Bicycle Routes

Advice received from Bikewest indicates Beaufort Street is not designated as a cycling route. Observations have shown some limited use by cyclists however, Bikewest has designated adjacent routes as part of the Principle Bicycle Network for the area.

Existing Pedestrian Environment

There is a high demand to cross Beaufort Street along most of its length. Principal crossing points are provided at traffic signals, which have been installed close to major areas of pedestrian activity. However, high traffic volumes create a degree of severance. Local authorities have attempted to reduce this severance and create safer crossing points along the route by installing median crossing islands. In general, these islands are narrower than desirable.

Existing Traffic Flows and Characteristics

Beaufort Street caters for sub-regional traffic movements between Morley and surrounding suburbs and Perth City and points in between. It is a radial route and exhibits characteristics similar to a variety of commuter routes in Perth.

An unusual feature of these traffic flow profiles is that the morning peak hour flows on Beaufort Street are very pronounced. The morning peak hour traffic volume into the city is 30% to 40% greater than the equivalent traffic flow out of the city during the evening peak hour.

The capacity of the route, in vehicle flow terms, is constrained by the capacity of the signalised intersections. Vehicle occupancy for traffic travelling in the peak direction has been observed to be around the Perth average for peak travel of 1.1 to 1.2 persons per vehicle.

Perth/Morley 900 Series System Components

The Route

The section of the route under consideration in this study is from the commencement of the one way system at Brisbane Street to the Morley Bus Station in Morley.

Note: The one way section (William and Beaufort/Barrack), primarily through Perth City, will be subject to further study and liaison with the City of Perth.

Beaufort Street is the most direct route between Perth and Morley. Furthermore it passes through the heart of the commercial/shopping areas of Highgate, Mt Lawley and Inglewood and provides the best public transport access to key destinations.

The recommended 900 Series route is shown in Attachment No. 10.2.5.

The Service

The bus frequency proposed for the Perth to Morley 900 Series bus service is;

- 5 minutes during core peak periods;
- 10 minute services during shoulder peak periods;

- 15 minutes 7:00am to 7:00pm outside peak periods;
- 30 minutes at other times and on Saturdays;
- 60 minutes on Sundays.

The peak frequency of 5 minutes is warranted by the number of standard buses required to cater for the projected demand. The 15 minute all day frequency is critical to the success of the 900 Series service for 2 main reasons;

- Regular users will become accustomed to buses leaving from their regular stop at 15 minutes intervals at the same time past the hour. They will not need a timetable.
- Less frequent users, or frequent users boarding at different stops will come to know they can expect an average wait of less than 7.5 minutes and a maximum wait of 15 minutes for a bus.

System Integration

It is proposed that the Perth/Morley 900 Series bus service will link with other major components of the Transperth System as follows;

- Train network at Perth Train Station;
- Other radial bus services at the Perth Busport or the Wellington Street Bus Station;
- Circle Route at Morley Bus Station;
- Suburban feeder services at Morley Bus Station.

Stops, Shelters and Passenger Information

Initially, it is proposed that a minimum of 8 intermediate stops be considered along the 9km route between Perth and Morley. This provides a stop spacing of approximately 1km along the route. Proposed stop locations in and near the Town of Vincent are;

- Northbridge, near Newcastle Street;
- Highgate, near Chatsworth Street;
- Mount Lawley, north of Walcott Street.

The exact location and number of stops can be further considered in consultation with Local Authorities along the route.

Quality Shelters are proposed at all stops to protect passengers from wind, rain and sun. Specific route and stop specific timetable information is proposed to be provided at all stops.

Buses

The service will be provided by standard low floor, air conditioned buses. These buses provide convenient access for people with disabilities, the elderly and the community generally. These buses have a capacity of 82 people and provide seating for 41 people.

On this basis, the peak period patronage demand will require about 14 buses, allowing for layover time at the Busport and/or Morley Bus Station. However, the 6 buses required to provide the Express Service would no longer be required and the frequency of the local services could be reduced. Overall we anticipate an additional 4 to 6 buses will be required during the peak periods.

Bus Priority and Traffic Management

Beaufort Street is close to capacity during peak periods under current operations. Without extensive road widening involving land acquisition, there is little scope to increase vehicle and road capacity. The greatest potential to increase people movement along the route during peak hours is to attract more people to the bus system through an improved service.

A number of alternative bus priority options have been examined as part of this study. They include:

- Provision of kerb side bus lanes. Bicycles, taxis and vehicles turning left in the next 100 metres would be allowed access to the bus lanes.
- Provision of bus gates where kerb side bus lanes cannot reasonably be provided. These bus gates allow buses to by-pass queues on approach to traffic signals.
- Provision of a single centrally positioned contra-flow bus lane for use in the peak direction.
- Traffic signal priority for buses.

Park and Ride

Beaufort Street has been chosen as the preferred route for a 900 Series service because it provides good walking accessibility from adjacent residential, retail and commercial areas. In this developed area the opportunities to obtain land for park and ride are limited.

However, feedback from Stirling and Vincent Councils suggests that park and ride does occur informally on a limited scale. There is some evidence that people park in small car parks along the route and on local streets. In the future, it may be necessary to manage retail parking areas, by imposing time limit parking to exclude park and ride patrons.

Future Light Rail Systems

DPI considers it prudent to consider the possible conversion to light rail in the future.

In this case, future patronage levels are forecast to be quite high and land use development along the route could benefit from investment in light rail in the longer term.

However, there appears to be little potential for staged implementation of light rail, through bus priority measures. Because kerb side parking is proposed outside of peak periods in the proposed peak period bus lanes, a light rail system could not utilise the same space.

Any consideration of light rail in the future would warrant a detailed study. In this corridor, the bus priority options proposed are not compatible with a staged approach to the introduction of light rail.

Consultation

During development of this plan for a 900 Series bus service linking Perth and Morley, there has been extensive consultation with key stakeholders, including the Department for Planning and Infrastructure (previously Transport WA - Integrated Transport Planning, Transperth and Ministry for Planning), Local Governments (Vincent, Stirling and Bayswater) and Main Roads.

Bus Priority Options

In the longer term, the objective of Transperth and the Department for Planning and Infrastructure (DPI) is to provide an integrated bus priority system along the entire route between Perth and Morley. Physically separate lanes are not likely to be acceptable along all lengths of road at all times of the day. The recommended bus priority and traffic management system will therefore comprise elements of separate bus lanes, traffic signal priority for buses and other traffic management devices.

The Metropolitan Region Scheme (MRS) road reservation along most of Beaufort Street is 25m wide. For this reason all bus priority measures investigated are required to fit within a 25m reservation. On the other hand, it cannot be interpreted that a 25m reservation will be available along the entire length of Beaufort Street. There are numerous locations where street widening beyond the existing 20m is undesirable because of the existence of heritage buildings and/or existing vibrant commercial centres.

Note: While the report deals with all intersections along Beaufort Street, only the ones located within the Town of Vincent are discussed below:

Beaufort Street/Walcott Street

Two options have been considered for this intersection.

Option A continues the bus lanes through the intersection, whereas with Option B, the bus lanes would be terminated some 80 to 100m before the intersection and re-introduced at a similar distance beyond the intersection.

Option B provides additional capacity through the intersection and will permit additional traffic to utilise Beaufort Street in a city-bound direction during the morning peak period. At all other times both options have sufficient capacity to meet current demand.

The additional capacity with Option B is achieved by traffic diverging from one lane prior to the intersection and then merging back to one lane on the far side of the intersection. This type of treatment can be found to be acceptable when right turning traffic is permitted from the median through lane, as occurs now off peak in Beaufort Street. However, we are proposing that it will be necessary to restrict right turning movements at all times from Beaufort Street onto Walcott Street, if an acceptable level of bus priority is to be achieved. Under these circumstances, a merging on the far side of the intersection from 2 lanes to one will create greater operational difficulties. Merging on the far side of the intersection also has the effect of reducing capacity through this intersection.

On balance, we believe that Option A will provide the best long term solution for both bus operations and the management of traffic. The only disadvantage would appear to be that there will be a greater constraint on morning peak hour traffic.

DPI Recommendation

Further stakeholder and public consultation proceed on both options, with Option A put forward as the preferred option. (Refer to Diagram 1 in Attachment No. 10.2.5)

Beaufort Street/Bulwer Street

It is unlikely that any road widening will be permitted at this intersection. The two options can both be implemented within the existing road reservation.

Option A provides for continuity of bus priority in both directions, it is less attractive to pedestrians and results in a higher level of delay for motorists. Given that southbound buses will be able to utilise two of the three general traffic phases and inbound morning peak hour traffic along Beaufort Street may be constrained through bus priority elsewhere (eg Walcott Street), delays to buses are likely to be small at this intersection. Overall Option A is considered to be the preferred treatment if land acquisition is not possible at this intersection. It is suggested the treatment be supplemented with intelligent traffic signal transport systems (ITS) than can lengthen phases or truncate opposing phases to accommodate approaching buses.

Option B provides for an intersection degree of saturation less than that predicted at Beaufort Street/Walcott Street and should result in satisfactory operations, within the framework of the proposed traffic management strategy for Beaufort Street.

DPI Recommendation

Option A be considered the preferred option and further stakeholder and public consultation proceed on this basis. (Refer to Diagram 2 on Attachment No. 10.2.5).

Beaufort Street/Brisbane Street

The conceptual treatment shown provides a satisfactory level of service for both buses and general traffic within the proposed framework of traffic management along Beaufort Street.

DPI Recommendation

Further stakeholder and public consultation proceed on the basis of the option shown. (Refer to Diagram 3 on Attachment No. 10.2.5).

CONSULTATION/ADVERTISING:

N/A

STRATEGIC IMPLICATIONS:

Strategic Plan 2000-2002 – Key Result Area: 1.5 *“Develop and implement a plan to manage through traffic and local traffic, and reduce car dependence.”*

FINANCIAL/BUDGET IMPLICATIONS:

N/A

COMMENTS:

The Department of Planning and Infrastructure has recommended that all options considered require further stakeholder and public consultation before any firm proposals are further developed.

Beaufort comprises a 20m road reservation with a Metropolitan Region Scheme reservation of 25m however, due to existing constraints e.g. buildings with zero setback, heritage listed buildings, etc., it is unlikely that any options for bus priority lanes can be considered utilising the full 25m reserve width, in the short to medium term (particularly within the Town).

Several options for intersection treatments have been considered (contained within the 20m reservation) and the advantages and disadvantages of proposed dedicated kerbside bus lanes discussed in the DPI report.

Factors such as the impact on peak hour traffic flow, kerbside parking, vehicles turning right in mid block sections of the road, the impact of permanently banning right turn movements at major intersections (Beaufort/Walcott) etc, all need to be investigated and discussed.

It is therefore recommended that the Council advises DPI that it supports the initiatives outlined in the report, in principle, however considers that extensive consultation with all affected stakeholders where all the advantages and disadvantages of the proposal, including any alternative proposed options, be fully explored and discussed to enable the overall proposal to be further refined.

10.3.1 Authorisation of Expenditure for the Period 01 July - 31 July 2002

Ward:		Date:	10 September 2002
Precinct:		File Ref:	FIN0033
Reporting Officer(s):	C Liddelow		
Checked/Endorsed by:	N Forsyth/M Rootsey		
Amended by:			

OFFICER RECOMMENDATION:

That;

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

COUNCIL DECISION ITEM 10.3.1

Moved by Cr Drewett, Seconded by Cr Hall

That the recommendation be adopted.

CARRIED (7-0)

(Cr Ker on leave of absence)

(Cr Piper - apology for the meeting)

DECLARATION OF INTEREST

Members/ Officers	Voucher	Extent of Interest
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Nil.

BACKGROUND:

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Town of Vincent Advance Account	500602	\$740,264.39
Total Municipal Account		\$740,264.39
Trust Account		
Town of Vincent	56-60	\$87.11
Total Trust Account		\$87.11
Advance Account		
Automatic Cheques	38917-38924,38932	\$37,934.15
Manual Cheques		
Transfer of Creditors by EFT		
Payment Batch 2-8	July 2002	\$229,771.27
Australia Post Lease Equipment	July 2002	\$311.77
Transfer of Payroll by EFT	July 2002	\$412,733.14
Transfer of PAYG Tax by EFT	July 2002	\$62,272.82
Total Advance Account		\$743,023.15
Bank Charges & Other Minor Debits		
Bank Charges – CBA		\$2,605.94
Lease Fees		\$1,170.41
Corporate MasterCards		\$8,057.38
Total Bank Charges & Other Minor Debits		\$11,833.73
Less GST effect on Advance Account		-\$433.81
Total Payments		\$1,494,774.57

COMMENT:

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

STRATEGIC IMPLICATIONS:

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

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

ADVERTISING/CONSULTATION:

Nil.

10.3.2 Authorisation of Expenditure for the Period 01 August - 31 August 2002

Ward:		Date:	10 September 2002
Precinct:		File Ref:	FIN0033
Reporting Officer(s):	C Liddelow		
Checked/Endorsed by:	N Forsyth		
Amended by:			

OFFICER RECOMMENDATION:

That;

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

COUNCIL DECISION ITEM 10.3.2

Moved by Cr Drewett, Seconded by Cr Hall

That the recommendation be adopted.

CARRIED (7-0)

(Cr Ker on leave of absence)

(Cr Piper - apology for the meeting)

DECLARATION OF INTEREST

Members/ Officers	Voucher	Extent of Interest
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Nil.

BACKGROUND:

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Town of Vincent Advance Account	500603	\$940,442.46
Town of Vincent Advance Account	Transfer	\$933,417.26
Total Municipal Account		\$1,873,859.72
Advance Account		
Automatic Cheques	38927,38930-38943,39623-39822	\$584,992.31
Manual Cheques		
Transfer of Creditors by EFT	5-19	\$759,727.51
Australia Post Lease Equipment	August 2002	\$311.77
Transfer of Payroll by EFT	August 2002	\$403,598.71
Transfer of PAYG Tax by EFT	August 2002	\$122,904.47
Total Advance Account		\$1,871,534.77
Bank Charges & Other Minor Debits		
Bank Charges – CBA		\$3,026.57
Lease Fees		\$1,170.41
Corporate MasterCards		\$8,700.74
Total Bank Charges & Other Minor Debits		\$12,897.72
Less GST effect on Advance Account		
Total Payments		\$3,758,292.21

COMMENT:

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

STRATEGIC IMPLICATIONS:

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

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

ADVERTISING/CONSULTATION:

Nil.

10.3.3 Financial Statements as at 31st August 2002

Ward:		Date:	16 September 2002
Precinct:		File Ref:	FIN0033
Reporting Officer(s):	Natasha Forsyth		
Checked/Endorsed by:	Mike Rootsey		
Amended by:			

OFFICER RECOMMENDATION:

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

COUNCIL DECISION ITEM 10.3.3

Moved by Cr Drewett, Seconded by Cr Hall

That the recommendation be adopted.

CARRIED (7-0)

(Cr Ker on leave of absence)

(Cr Piper - apology for the meeting)

BACKGROUND:

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

DETAILS:

The Financial Statements comprise:

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

Operating Statement and Detailed Summary of Programmes/Activities

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

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

Operating Revenue

Operating revenue is currently showing 65% of the Budget received to date.

General Purpose Funding (Page 2)

General Purpose Funding is showing 88% of the budget received to date, this is due to rates being levied.

Health (Page 4)

Health is showing 74% of the budget received to date. This is due to Health Licences being issued.

Community Amenities (Page 6)

Community Amenities is showing 31% of the budget received to date. This is due to bin charges being invoiced.

Transport (Page 11)

Transport is showing 12% of the budget received to date.

Economic Services (Page 12)

Economic Services is showing 13% of the budget received to date.

Other Property and Services (Page 13)

Other Property and Services in this report is 10% of budget.

Operating Expenditure

Operating expenditure for the month is favourable to Budget (10%).

Law, Order & Public Safety (Page 3)

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

Education & Welfare (Page 5)

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

Recreation & Culture (Page 7)

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

Capital Expenditure Summary (Pages 15 to 25)

The Capital Expenditure summary details projects included in the 2002/03 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure for the year to date of \$457,705, which is 3% of the budget.

Statement of Financial Position and Changes in Equity

This statement is being developed.

Restricted Cash Reserves (Page 26)

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

Transfers of interest occurs as it is earned and investments mature. The amounts funded for the Municipal Fund are transferred on a monthly basis. Contributions received, which are transferred to Reserves occur at the end of month during which the cash contribution is received. To the 31st August 2002, interest of \$54,482 was transferred. Restricted cash reserves total \$6,584,974 at the end of August 2002.

Debtors and Rates Financial Summary

General Debtors (Page 27)

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

Sundry Debtors of \$175,935 are outstanding at the end of August. The Debtor Report identifies significant balances that are well overdue.

The balance of the significant Debtors are either current or 1- 30 Days overdue due to the new system conversion.

Rate Debtors

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

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

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

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

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

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

10.3.4 Hyde Park Rotary Community Fair 2003

Ward:	North Perth	Date:	16 September 2002
Precinct:	Hyde Park Precinct P12	File Ref:	RES0031
Reporting Officer(s):	J. Anthony		
Checked/Endorsed by:	M. Rootsey		
Amended by:			

OFFICER RECOMMENDATION:

That;

- (i) *the Council permits the Rotary Club of North Perth to hold the Hyde Park Community Fair on 2 and 3 March 2003, subject to;*
- (a) *event application fees for the fair at Hyde Park being waived;*
 - (b) *a bond of \$2,000 being lodged by applicant as security for any damage to or clean-up of the park;*
 - (c) *full compliance with conditions of use being imposed including Environmental Health and other conditions as listed in the report; and*
 - (d) *acknowledgment of the Town of Vincent as a major sponsor of the events on all publications and advertising materials subject to the conditions listed in the report*
- to the satisfaction of the Chief Executive Officer; and*
- (ii) *the Council APPROVES a sponsorship contribution of \$3,000 to assist with the costs of the event as listed in the 2002/2003 Budget.*

COUNCIL DECISION ITEM 10.3.4

Moved by Cr Drewett , Seconded by Cr Hall

That the recommendation be adopted.

CARRIED (7-0)

(Cr Ker on leave of absence)

(Cr Piper - apology for the meeting)

DETAILS:

The Rotary Club of North Perth has submitted a proposal to hold the Hyde Park Community Fair on the Labour Day long weekend of 2nd and 3rd of March 2003.

The Club has organised the fair since 1988 and runs the event in order to raise funds to meet perceived needs in the community which have a vocational, youth and international focus.

The Rotary Club of North Perth considered the 2002 Hyde Park Fair to be a financial success, surpassing the previous Fairs. This was mainly due to increased stall holders and attendance.

Funds raised were allocated to the following causes:

- a) The Life Education Centre, for the drug awareness education programme for primary schools;
- b) The Bali eye clinic, for assistance with cataract surgery;

- c) An orthopedic bed for a disabled senior living in North Perth;
- d) Rotary Health Research Foundation, which provided funds to Princess Margaret Hospital for research assistance into Sudden Infant Death Syndrome (SIDS); and
- e) The Rotary Community Chest.

An internal working group has been established to determine a management plan and coordinate the Fair from the perspective of the Town with the following representatives:

- ◆ Manager Community Development & Administrative Services (Chairperson)
- ◆ Manager Parks Services
- ◆ Manager Law & Order Services
- ◆ Manager Health Services
- ◆ Sergeant Ward Anderson, WA Police Service
- ◆ plus representatives from the organising committee.

In previous years, the Working Group has met regularly and discussed the conditions as stipulated plus coordinated a management plan for the smooth running of the fair.

The plan included the following aspects:

1. Parking allocations and permits
2. Coordination of the Town of Vincent display
3. Allocation of sites and vetting events
4. Risk Management Plan
5. Food stall permits and inspections
6. Site inspections

The Fair will have community stalls, carnival rides, stage entertainment and other community attractions. This year, fair organisers are committed to encouraging the involvement of local community groups. The calibre of entertainment will also be improved.

The Hyde Park Community Fair has in previous years been monitored by Council officers from various service areas. All officers involved reported satisfaction with the proceedings of the Fair with no major problems. All parties agree that the conditions stipulated for this year's Fair, should be applied to future fairs. Additional conditions pertaining to noise control, litter control and additional temporary toilet facilities (including disabled facilities) will also be implemented.

STRATEGIC IMPLICATIONS:

Strategic Plan 2000 – 2002 - Key Result Area 2.1: *“Publicly celebrate and promote the Town’s diversity”*.

FINANCIAL/BUDGET IMPLICATIONS:

The Rotary Club of North Perth has received a sponsorship of \$3,000 (three thousand dollars) in 2002 for this event. An amount of \$3,000 has been listed in the 2002/2003 Budget for the event in 2003.

CONDITIONS/POLICY:

The standard conditions for sponsorship would apply to this event:

1. The events must not promote smoking, alcohol, any use of illicit substances and/or adult “R” rated entertainment;
2. The sponsorship funds should be expended in keeping with ethical conduct and practices;
3. The Town of Vincent must be acknowledged in associated publicity and promotional material with the Town’s Logo displayed appropriately;

4. Event organisers must liaise with relevant Council officers before proceeding to use the Town's Logo or material;
5. Upon completion of the sponsored event, a report outlining the outcomes of the event, publicity/promotion and how the sponsorship monies were expended must be submitted to Council no more than 30 (thirty) days after the event;
6. The event organisers must take out and hold current a policy of insurance for Public Liability for an amount of not less than \$10,000,000 (ten million dollars) for any one event. A copy of the current certificate is to be provided to Council at least 10 (ten) days before the commencement of the event; and
7. The event organisers must indemnify the Council against any claims, damages, writs, summonses or other legal proceedings and any associated costs, expenses, losses or other liabilities as a result of loss of life, personal injury or damage to property arising from an occurrence in or connected with the sponsored event, regardless of the cause. In addition, it is recommended that the Council impose similar conditions that were imposed for last year's event.

COMMENTS:

The sponsorship by the Town will provide the opportunity for the Town to be featured in advertisements in the West Australian and community newspapers.

It is considered that the Rotary Club of North Perth has managed the Fair in accordance with the recommendations outlined by officers, if conducted in the same manner with minor improvements, would be well supported by the Town and the community.

10.3.5 Leederville Arty Farty Festival 2002

Ward:	North Perth	Date:	16 September 2002
Precinct:	Hyde Park Precinct	File Ref:	CMS0029
Reporting Officer(s):	J. Anthony		
Checked/Endorsed by:	M. Rootsey		
Amended by:			

OFFICER RECOMMENDATION:

That the Council permits the Leederville Community Action Group to organise the "Leederville Arty Farty Festival" on 1 December 2002, subject to;

- (a) a total sponsorship contribution of \$15,000 to assist with the costs of the event as allocated in the 2002-2003 budget;*
- (b) event application fees of \$11,082.50 for the festival at Oxford Street being waived;*
- (c) a bond of \$2,000 being lodged by applicant as security for any damage to or clean-up of the Street;*
- (d) a suitable traffic and risk management plan being submitted to the Town at least twenty-eight days prior to the event;*
- (e) the Leederville Action Group, as event organisers, shall fully comply with conditions of use being imposed including Environmental Health and other conditions; and*
- (f) acknowledgment of the Town of Vincent as a major sponsor of the events on all publications and advertising materials subject to the conditions listed in the report;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.3.5

Moved by Cr Drewett, Seconded by Cr Hall

That the recommendation be adopted.

CARRIED (7-0)

(Cr Ker on leave of absence)

(Cr Piper - apology for the meeting)

DETAILS:

The 2002 Leederville Arty Farty Festival is the second festival being coordinated by Leederville Action Group and is designed to promote the Leederville area.

The Festival will be held on Sunday 1st December 2002 between 11am and 7pm.

The Festival is planned to be a fun filled variety day for all. Many of last year's performers and street vendors have already been approached to be part of proceedings again. To date, a climbing wall, Bubblemania, clowns etc have been organised as free entertainment with much more anticipated.

The expected benefits will be the promotion of the Leederville community and enhance local performers to include the ethnic communities of Perth. The Festival will be a benefit to all in a healthy fun filled day out promoting a positive environment and relationship building.

The event would consist of a main stage, a smaller second stage incorporating an area for children and young family entertainment such as bouncy castle, farm animals, rides and stalls. They also intend to organise various stalls, and street theatre. It is estimated that such an event would draw a crowd of approximately 3,000 (three thousand) people.

It is recommended that the bond not be waived altogether, however, this could be reduced to the same level of bond (\$2,000) that is applied to other events which are sponsored by Council.

An internal working group was established to determine a management plan and facilitate the coordination of the event from the perspective of the Town's imposed conditions and requirements with the following representatives:

- ◆ Manager Community Development & Administrative Services (Chairperson)
- ◆ Manager Law & Order Services
- ◆ Senior Ranger
- ◆ Manager Health Services
- ◆ Manager Engineering Services
- ◆ Manager Parks Services
- ◆ Sergeant Peter Moy, WA Police Service
- ◆ Senior Sergeant Mike Wells, Leederville Police
- ◆ Plus representatives from the organising committee.

This group has met a number of times with the festival organisers to discuss the requirements of the Town in terms of organising a major public event which involves road closures. This process has worked well in other major events organised in the Town, dealing with issues before they surface as problems, providing the necessary support and advice to the event organisers.

This group has also assisted in the past with the compilation of the risk management plan for this event in 2001. A Risk Management Plan is considered an essential part of any major event and clearly identifies potential risks and provides the organisers with an opportunity to show how they have addressed them. It also itemises the responsibilities of individual parties both prior to the event, during the event and after the event.

As the festival is intended to be an annual event a debriefing meeting should be held. A report to Council should outline how the event was conducted and address any issues requiring attention prior to the following years event.

CONDITIONS/POLICY:

The standard conditions for sponsorship would apply to this event:

1. The events must not promote smoking, alcohol, any use of illicit substances and/or adult "R" rated entertainment;
2. The sponsorship funds should be expended in keeping with ethical conduct and practices;
3. The Town of Vincent must be acknowledged in associated publicity and promotional material with the Town's Logo displayed appropriately;
4. Event organisers must liaise with relevant Council officers before proceeding to use the Town's Logo or material;

5. Upon completion of the sponsored event, a report outlining the outcomes of the event, publicity/promotion and how the sponsorship monies were expended must be submitted to Council no more than 30 (thirty) days after the event;
6. The event organisers must take out and hold current a policy of insurance for Public Liability for an amount of not less than \$10,000,000 (ten million dollars) for any one event. A copy of the current certificate is to be provided to Council at least 10 (ten) days before the commencement of the event; and
7. The event organisers must indemnify the Council against any claims, damages, writs, summonses or other legal proceedings and any associated costs, expenses, losses or other liabilities as a result of loss of life, personal injury or damage to property arising from an occurrence in or connected with the sponsored event, regardless of the cause.

In addition, it is recommended that the Council impose the same conditions for other events which will incorporate the following:

- (a) All applications for food vendors must be submitted by the specified closing date.
- (b) Assistance from LCAG committee to ensure unauthorised food activities closed by the Town's Environmental Health Officers remain non-operational.
- (c) LCAG is to inform the Town of all food and drinks stalls and Coke and Ice-cream vans, prior to commencement of the Festival.
- (d) All power, water supplies and waste water disposal to be fully operative in all food vans prior to the commencement of the Festival.
- (e) LCAG is to be responsible to ensure that parking permits are issued to stall holders.
- (f) All access ways into the event to be manned by personnel allocated by the organising committee.
- (g) **Noise**
 - No amplified music or public address to be permitted prior to 10:00am or after 9:00pm as detailed in the submissions.
- (h) **Food**
 - All food related stall holders to liaise with Environmental Health Officer to apply for a Temporary Food Handling Permit at least 14 days prior to the event. Please note only fresh food prepared in a commercial kitchen can be sold to the public.
 - It is confirmed that all perishable foods (including food tasting) are to be kept at safe temperatures and protected from contamination.
 - The submissions advised that health food choices would be offered. Further details are requested on this item.
- (i) **Toilets**
 - In addition to the facilities already on-site and the temporary toilets being provided, 3 WC's, 1 unisex disabled WC and 8m of urinal will be required.
 - The toilet locations to be advertised.
 - A list of arranged facilities/locations be submitted to Health Services at least 14 days prior to the event.
 - Sanitary bins to be provided in all female toilets.
 - Consumables (toilet paper, soap & paper hand towels to be replenished during the event.
 - The contractor for the toilets is to be on call in case toilets become full or blocked.
 - Screening of toilets to be provided to ensure privacy and designated signage for which sex they are intended.
 - All toilets to have adequate lighting.
 - Should the event become an annual function it can be anticipated that connection to sewer will be required.
 - Servicing and cleaning of toilets to be carried out on a regular basis throughout the event.

(j) **General**

- The Risk Management Plan referred to in the submission should also contain a noise management plan, which should be provided to the Town's Health Services at least 28 (twenty-eight) days prior to the event.
- In regards to cleaning and rubbish disposal the event organisers should liaise with the Town's Technical Services. Rubbish and litter collection should occur during the event and a major clean up should be conducted by 12:00 noon the following day.
- Should Fire Works be intended then application should be made to the Department of Minerals and Energy, Police and Town of Vincent at least 14 days prior to the event.
- No external entertainment is permitted after 9:00pm.
- Only premises holding a current Alfresco Dining Licence will be permitted to have Alfresco Dining.
- It is recommended that the Office of Racing, Gaming and Liquor be contacted for the relevant approvals for Liquor Licences.
- The two Ambulance Posts be suitably positioned to cover the entire event (They should have direct communication with crowd controllers, Police and the event organisers.
- Please confirm the crowd controller/security company name and 2 mobile contact numbers.
- A clear site plan to be provided detailing location of all events, toilets, ambulances, entertainment, stalls, and street closures.
- All activities including displays, street theatre (buskers), amplified music to be contained in the specified area.
- The event organisers are to require all artists/performers/participants to refrain from using offensive explicit language and behaviour and activities, which could impact on the safety and amenity of the patrons.
- The event organisers to provide a list of relevant contact mobile phone numbers. This should include at least two contacts for the event organiser and crowd controllers.

(k) **Public Building Matters**

- Provide details of any temporary public buildings (eg. Marquees) that are to be constructed. Details should include seating arrangements, exit widths, size and electrical compliance certification.
- Exclusion zones to be provided around the following:
 - Skate boarding demonstrations and displays
- Certification for all stage(s) to be provided advising they are structurally sound, and fire safe.
- Overcrowding – all reasonable precautions to be taken to prevent overcrowding and crowd controllers to take steps where necessary. Particular care should be given to the under age gig.

(l) **Street Entertainment**

- All street entertainment to be pre-approved with a site map on allocated spaces provided to the Town. Any inappropriate or hazardous activity will not be approved.
- The location of street entertainment to be mutually agreed upon by the Town.

(m) **Skateboarding**

- The Skateboard demonstration to be specified on the public liability insurance policy and the area have senior first aid supervision.

STRATEGIC IMPLICATIONS:

Strategic Plan 2000 – 2002 - Key Result Area 2.1: *“Publicly celebrate and promote the Town's diversity”*.

FINANCIAL/BUDGET IMPLICATIONS:

Grants have been requested from the Town of Vincent, Healthway, Lotteries Commission and ARTSWA and the monies received will help in setting up the Festival and provide for the infrastructure in securing contractors and all other parties involved.

An amount of \$15,000 has been listed in the 2002/2003 Budget for the 2002 festival which is an increase from \$10,000 provided last year. The increased budget amount will enable the group to cover costs such as traffic management and road including all-day attendance by qualified personnel, advertising and the hire of water-filled barriers. The organisers have requested that the Town pays for this additional cost.

Given the size of this activity they fall within Council's Policy 3.2.5 for Concerts and Events where significant fees and bonds are involved. The following fees (including GST) would apply for this event:

Application Fee	\$ 82.50
Event Fee	\$11,000.00
Bond	<u>\$13,200.00</u>
Total	\$24,282.50

It is recommended that the Town waives the application fees and event management fees to assist with the organisation of the event.

COMMENT:

The Town supports the Festival with the provision of allocated sponsorship funds and the availability of officers who have met with event organisers a number of times to advise on the appropriate processes and procedures relevant to organising an event of this nature.

10.3.6 Aranmore Catholic College - Centenary Celebrations of 100 Years of Catholic Education in Leederville

Ward:	Mt Hawthorn	Date:	17 September 2002
Precinct:		File Ref:	FIN0008
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:	John Giorgi		
Amended by:			

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the hosting of a civic function in May 2003 to acknowledge the work of the Sisters of Mercy and the Christian Brothers in this area over the last 100 years;*
- (ii) *donates a sum of one thousand dollars (\$1,000) to the production of a documentary to record the history of Aranmore Catholic College and 100 years of Catholic education in the Leederville area; and*
- (iii) *sponsors the production of a centenary calendar of Aranmore Catholic College, to the value of five hundred dollars (\$500).*

COUNCIL DECISION ITEM 10.3.6

Moved by Cr Drewett, Seconded by Cr Hall

That the recommendation be adopted.

CARRIED (7-0)

(Cr Ker on leave of absence)
(Cr Piper - apology for the meeting)

BACKGROUND:

Aranmore Catholic College is celebrating 100 years of Catholic Education in Leederville in 2003. The College was founded in 1903 by the Sisters of Mercy and became St Mary's Leederville. In 1942, the Christian Brothers started CBC Leederville on the same site, next door to the girl's College. In 1986, the two schools amalgamated to form Aranmore Catholic College.

There will be a number of events throughout the Centenary including a re-enactment of the foundation/procession through Leederville; a past students' mass celebrated by Archbishop Hickey; a lunch for 1000 people and a Harmony picnic celebrating 100 years of cultural diversity at Aranmore Catholic College. The main events will occur between 27th May and 1st June 2003 and will involve both Aranmore Catholic Primary School and Aranmore Catholic College.

DETAILS:

As part of its celebration Aranmore Catholic College has approached the Town to host an event to acknowledge the work of the Sisters of Mercy and the Christian Brothers in this area. Many Sisters of Mercy and Christian Brothers still live and work in Leederville and have contributed enormously to the lives of families here over the last 100 years. They believe that a function of some kind may be a fitting tribute during the Centenary week.

The school is also planning to have produced a documentary on the history of the school. They have approached Channel 9, who have agreed to assist in the production of the video at a cost of \$8,000. The Lotteries Commission has a grant scheme available for such projects and the College will make an application for this funding, however this grant is not determined until April 2003.

The College has approached the Town for a contribution of \$1,000 towards this project. Channel 31 has already agreed to show the documentary during the celebration week. A former College pupil, now a Channel 7 presenter, has agreed to do the commentary at no cost. This will be a valuable project for both the College and the community.

The College is also proposing to produce a centenary calendar as a memento of the 100 years. It is intending to approach a number of local firms for sponsorship and has also approached the Town requesting a contribution. As an acknowledgment the Town's crest would then be featured on each page of the calendar.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The request will be an ad hoc donation.

STRATEGIC IMPLICATIONS:

Strategic Plan 2000-2002 - Key Result Area 2.4: *“Review the range of community services provided to the people of the Town of Vincent”*.

2.4a: *“To facilitate the provision of services and programs which are relevant to the needs of our community”*.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$1,500 would be funded from the Donations Account.

COMMENTS:

The Town has had an excellent association with Aranmore Catholic College. Elected Members and staff regularly attend functions at the College in support of its activities. The College is the major secondary school in the Town and therefore it has a high profile in the Leederville area. It is therefore fitting that the Town contributes to their centenary celebrations.

10.3.8 Visible Walls Public Art Project

Ward:	Mt Hawthorn	Date:	5 September 2002
Precinct:	Britannia Reserve	File Ref:	CMS0059
Reporting Officer(s):	R. Savage		
Checked/Endorsed by:	J. Anthony/ M. Rootsey		
Amended by:			

OFFICER RECOMMENDATION:

That the Council APPROVES the revised design of the Visible Walls public art sculpture at Braithwaite Park,

COUNCIL DECISION ITEM 10.3.8

Moved by Cr Drewett, Seconded by Cr Hall

That the recommendation be adopted.

CARRIED (7-0)

(Cr Ker on leave of absence)

(Cr Piper - apology for the meeting)

BACKGROUND:

At the Ordinary Council meeting held on 20 November 2001 the following was resolved:

"That the Council;

- (i) APPROVES the design of the Visible Wall public art sculpture;*
- (ii) APPROVES Braithwaite Park as the proposed location for the Visible Wall public art sculpture; and*
- (iii) authorises the Chief Executive Officer to pursue additional funding to complete the project."*

The Town of Vincent was unsuccessful in obtaining funds from Arts WA and the Australia Council for the implementation stage of the original Visible Walls public art sculpture. The Office of Youth Affairs allocated \$5,000 towards the original project that will be used in conjunction with monies from the Town of Vincent to implement the new Visible Walls sculpture.

DETAILS:

The original Visible Walls design was budgeted at approximately \$40,000. Due to the funding applications from Arts WA and the Australia Council being unsuccessful, it was proposed the project be restructured. The Visible Walls sculpture was redesigned and costed at approximately \$25,000.

The revised Visible Walls public art sculpture provides young people with the opportunity to express the importance of people and items in their lives through portraits and images. The design of the sculpture is keeping with the original concept of contemporary, colourful and functional art.

The project will involve workshops at various locations around the Town of Vincent where young people will work with two professional artists to design the portraits and images for the sculptures. The following are the proposed workshop locations:

- Perth Inner City Youth Service
- Aranmore Catholic College
- Leederville TAFE
- Passages Resource Centre
- WA Deaf Society
- Vietnamese Association

The sculpture will incorporate glazed tiles to form the many different images that will encompass the sculpture.

The proposed sculpture will have the following specifications:

- The sculpture will be constructed using modular formwork.
- The framework will be placed in-situ over a 150mm foundation slab constructed with a stainless steel reinforced mesh and 32MPA concrete mix.
- Steel rods will join the sculpture to its foundation. Two-pack type adhesive will also be used to further strengthen the bond between the foundation and the sculpture.
- A 32 MPA concrete mix will be used to build the sculptural form.
- Grade three hundred and sixteen (316) stainless steel with appropriate thickness suitable for this purpose will be used for the seat.

Height: 1,300mm (falling to 1,000mm)
Width: 1,200mm
Length: 2,000mm

The sculpture will be constructed from a formed concrete mould and then tiled with glazed tiles. The seat itself is stainless steel and will contain sandblasted and engraved images and other aesthetic elements. A stainless steel V channel ribbon with etched and engraved aesthetic elements will be used to finish all edges of the sculpture. The sculpture will provide a place for people to sit and talk and to enjoy the images portrayed by the young people of the community.

LEGAL/POLICY:

The designs shall be viewed by the Manager of Municipal Liability Scheme to assess potential risks. Any potential liability concerns with the proposed artwork will be addressed prior to installation.

FINANCIAL/BUDGET IMPLICATIONS:

The budget for the production and installation of the proposed artwork is \$25,000. The Town of Vincent has committed \$10,000 for the original sculpture and has carried over the money into the 2002-2003 budget. The Town of Vincent will also source another \$10,000 towards the sculpture from an existing project. The Office of Youth Affairs has allocated \$5,000 for the sculpture.

CONSULTATION/ADVERTISING:

The original Visible Walls public art project incorporated a comprehensive community consultation process involving approximately three hundred (300) young people and thirty seven (37) community workshops.

The revised Visible Walls public art project will also incorporate extensive workshops at various locations around the Town of Vincent. The workshops will provide young people with an opportunity to have a voice and actively engage in the creation of the sculpture. The aim of the workshops is to consult with young people who live, study and work in the Town of Vincent and to develop images and portraits of what and who is important to them.

Approximately six (6) local community groups/organisations will be involved in the workshops, many of who were involved in the original design workshops.

COMMENT:

The revised Visible Walls Public Art Project is designed to provide the young people with a sense of belonging and community. The project will foster a positive involvement of young people in the Town of Vincent community. Furthermore it will improve the quality of the public environment in a community space that can be utilised by everyone.

10.1.16 Nos. 329 - 331 (Pt Lot 31) Charles Street, North Perth - Alterations and Additions to Existing Two-Storey Commercial Building, and Change of Use to Recreational Facility on Ground Floor

Ward:	Mount Hawthorn	Date:	12 September 2002
Precinct:	Charles Centre, P7	File Ref:	PRO0155, 00/33/1257
Reporting Officer(s):	S Turner		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission, for the application submitted by Shopfit Australia on behalf of the owner Bizerta Pty Ltd for alterations and additions to existing two-storey commercial building, and change of use to recreational facility on ground floor at Nos. 329 - 331 (Pt Lot 31) Charles Street, North Perth as shown on the amended plans stamp dated 9 August and 12 September 2002 , subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iii) a detailed management plan addressing the control of noise, litter, traffic, car parking and anti-social behaviour (to reasonable levels) associated with the recreational facility shall be submitted and approved prior to the issue of a Building Licence or first occupation of the use, whichever occurs first, and thereafter implemented and maintained;*
- (iv) the hours of operation shall be limited to 5:00am to 9:00pm inclusive;*
- (v) the kitchen and offices located on the ground floor shall be incidental and ancillary to, and associated with the upper level nightclub;*
- (vi) the activities, doors and windows fronting the car parking area and Charles Street shall maintain an active and interactive relationship with these areas;*
- (vii) prior to the issue of a Building Licence or first occupation of the use, whichever occurs first, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title or Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town*
- (viii) a road and verge security bond and/or bank guarantee of \$550 shall be lodge prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to existing Towns assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing; and*

(ix) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division; and to the satisfaction of the Chief Executive Officer.*

Moved by Cr Doran-Wu, **Seconded** by Cr Hall

That the recommendation be adopted.

COUNCIL DECISION ITEM 10.1.16

Moved by Cr Doran-Wu, **Seconded** by Cr Franchina

That this item be DEFERRED to obtain further information.

CARRIED (7-0)

(Cr Ker on leave of absence)

(Cr Piper - apology for the meeting)

LANDOWNER: Bizerta Pty Ltd
APPLICANT: Shopfit Australia
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No. 1: Commercial
EXISTING LAND USE: Commercial Development

COMPLIANCE:

Use Class	Recreational facility
Use Classification	'AA'
Lot Area	1442 square metres

Car Parking:

Car parking requirement (nearest whole number)	
<ul style="list-style-type: none"> ▪ Existing use, nightclub - 60 car bays ▪ Proposed recreational facility - 18 car bays 	Total car bays required 78
Apply the adjustment factors	0.8075
<ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.95 (within 400 metres of a public carpark in excess of 25 spaces) 	62.985 car bays
Car parking provided on site	28 car bays
Minus the car parking provided on site	34.985 car bays
Most recently approved on site car parking shortfall (approved commercial hall)	125.71 car bays
Resultant shortfall/surplus	90.7 car bays surplus

SITE HISTORY:

- 28 July 1997 The Council approved an application for a change of use of the ground floor from recreational facility/eating house to commercial hall.
- 28 April 1999 Approval was granted for an eating house on the ground floor.

DETAILS:

Approval is sought for internal alterations and a change of use to recreational facility. The proposed recreational facility (day spa) comprises a gymnasium, solariums, beauticians area, sauna area, yoga and tai-chi area, hydrotherapy treatment area, spa area, ice dip pool, turkish steam room and associated office, reception, toilet and shower facilities. The use is proposed to be located on the ground floor of the existing two-storey building.

CONSULTATION/ADVERTISING:

The proposal was advertised and a detailed submission was received, on behalf of neighbouring property owners, and is summarised as follows:

- The proposed development is not compatible with the adjoining residential development.
- Concern is raised relating to the legitimacy of the proposal.
- The lack of customer access from Charles Street appears to be unusual for a legitimate business and indicates that this is a means of providing privacy for patrons of the proposed development.
- There is no business name of the proposal.
- Concerned that neighbouring property owners have not been adequately informed of the details of the proposal.
- The establishment of a day spa centre in a locality, which is presently being re-established as a primary residential area with compatible commercial uses, is inappropriate.

Due to the length of this objection and the applicant's Business Plan, these documents are circulated separately to Elected Members as a "*Confidential Attachment*".

COMMENTS:

The property was previously approved as a recreational facility and is an "AA" use in a commercial zone. A Business Plan was submitted as part of the application which details the operation of the day spa. The applicant requested that this document not be included in the material displayed at the Town's front counter during the consultation period, so as to keep this information confidential. The applicant was concerned that someone would use the information to set up their own similar business. As such, the neighbouring property owners may be justified in questioning the validity of the proposal. However, based on the information received and discussions with the applicant, the use is intended as a day spa with gymnasium and associated facilities that classify it as a recreational facility.

Pedestrian and disabled access is proposed from Charles Street into the facilities via member security passes. However, the main reception area for clients is via the rear car parking area. Due to the proximity of this development to neighbouring residential properties, it is recommended that the applicant submits and implements a detailed management plan that addresses the control of noise, litter, traffic, carparking and anti-social behaviour.

The proposed use, day spa, is considered to be less intrusive to neighbouring properties than the current approved activities on the property. The car parking calculations demonstrate compliance with Town's Policy - Parking and Access.

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

10.1.5 No. 138 (Lot 514) Alma Road, North Perth - Proposed Conversion of Existing Warehouse to Two (2), Two-Storey Grouped Dwellings

Ward:	North Perth	Date:	17 September 2002
Precinct:	North Perth Centre, P9	File Ref:	PRO2128 (00/33/1251)
Reporting Officer(s):	H Coulter		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by J Kestel on behalf of the landowner B Arnold for proposed conversion of the existing warehouse to two, two-storey grouped dwellings at No.138 (Lot 514) Alma Road, North Perth and as shown on amended plans stamp dated 22 August 2002, subject to:

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

- (a) a new 3 metres wide crossover to unit one with 0.5 metre wide island separators on both sides of the crossover; and*
- (b) the footpath in front of the development being relocated to be at a 1 metre offset from the property boundary, and landscaping being provided and maintained between the relocated footpath and the building.*

All costs associated with these works shall be borne by the applicant/owner(s);

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

(iii) a road and verge security bond and/or bank guarantee of \$550.00 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;

(iv) the construction of crossovers shall be in accordance with the Town's specifications;

(v) a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Alma Road verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);

(vi) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division; and

- (vii) *subject to first obtaining the consent of the owners of No. 400 Fitzgerald Street and No.134 Alma Road for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing east and west in a good and clean condition;*
- (viii) *the proposed 'office/bedroom two' to each unit shall be used for habitable purposes only. Use of the rooms for 'home occupation' shall require further Planning Approval to be applied for and obtained prior to the first commencement of such uses;*
- (ix) *the front of the garages 1 car bays shall be one hundred (100) per cent open to Alma Road at all times (open type gates/panels are permitted);*
- (x) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the window to the upper floor bedroom of unit two on the northern elevation on the first floor shall be screened with a permanent obscure material to a minimum of 1.4 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The obscure portion of the window shall be fixed in a closed position and any higher part may be openable, or the whole window be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; and*
- (xi) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.5

Moved by Cr Hall, Seconded by Cr Cohen

That the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY (7-0)

(Cr Ker on leave of absence)

(Cr Piper - apology for the meeting)

LANDOWNER: B Arnold
APPLICANT: J Kestel
ZONING: Metropolitan Region Scheme – Urban
Town Planning Scheme No.1 – District Centre
EXISTING LAND USE: Retail Shop

COMPLIANCE:

Requirements	Required	Proposed
Density	1 dwelling	2 grouped dwellings
Total Open Space	50 per cent (90.5 square metres)	11 per cent (20 square metres)

Private Open Space	40 square metres average incl. a courtyard of 24 square metres (minimum dimension of 4 metres)	27.5 square metres (incl. upper level terrace) 12 square metres courtyard with a minimum dimension of 2.4 metres
Plot Ratio	0.55:1 (99.55 square metres)	1:1 (182.2 square metres)
Stores	4 square metres store per dwelling	0.85 square metre stores per dwelling
Car Parking	4 bays	2 bays
Setbacks		
Front	6.0 metres	Nil
Side - East	2 metres	Nil
- North	1.8 metres	Nil
- West	2 metres	Nil

Use Class	Grouped Dwellings
Use Classification	'AA'
Lot Area	181 square metres

SITE HISTORY:

The site contains a single storey warehouse building currently used as a retail shop. The surrounding area is characterised by residential uses along Alma Road and commercial activities along Fitzgerald Street. Adjacent to the property is a commercial building, a residence and a car park.

The Western Australian Planning Commission approved a final diagram of survey of two new lots created from former Lot 145 Alma Road on 20 March 2000.

DETAILS:

Approval is sought to convert an existing warehouse to two, two-storey grouped dwellings. In support of the application, the applicant has noted the following:

"The 2 units would be built within the walls of the existing warehouse with an extension of the existing wall as shown on the plans. The existing street facade brickwork would remain with new wrought iron gates and tilt-up door for the car bay. Planter troughs would be used to add greenery to the elevation. Recycled brick corbel and header detail would be applied to the top of the existing walls. This combined with limestone coloured based bond coat to the existing walls would provide a softer and more harmonious street transition of commercial to residential....The site forms a transition from the commercial of Fitzgerald Street to the residential of Alma Road....Its scale works with the existing street facade and its residential component is more complimentary to the residential next door."

CONSULTATION/ADVERTISING:

No submissions were received during the submission period.

COMMENTS:

Density

The Town's Policy relating to the North Perth Centre Precinct states that residential density within the District Centre shall be in accordance with the R60 standards. The proposal is representative of a trend to recycle former warehouse buildings for residential purposes and it is considered that this development will positively contribute to the amenity, streetscape, casual surveillance and range of uses in the area, which warrants the Council's support in this instance.

Setbacks and Plot Ratio

The variations to all front, rear and side setbacks and the floor area of the building is supported given that the building exists and it is not considered that its re-use as a residential building would have an unreasonable adverse effect on the amenity of the adjacent properties.

Stores

The provision of stores of four square metres in this instance is not considered appropriate given the size and nature of the dwellings. As such, the 0.85 square metre stores for each dwelling as depicted is supportable in this instance.

Privacy

The window to the upper floor bedroom of unit two has the potential for unreasonable overlooking. A condition requiring compliance with the Town's Policy relating to Privacy should be applied to address any unreasonable overlooking.

Car Parking

Given the size and likely occupancy of the dwellings, the inherent restriction to provide two bays for the dwellings and the close proximity of the building to public transport, public car parks and being within a District Centre, it is considered that the proposed provision of parking is adequate and supportable in this instance.

Total and Private Open Space

The variation can be supported given that the building is to be re-used and compliance would not be possible. The plans detail provision for private open space in terms of a functional rear courtyard and a first floor level terrace accessed from habitable rooms.

The areas of non-compliance as discussed above are considered supportable in this inner urban area, and it is therefore recommended that the application be approved, subject to standard and appropriate conditions to address the above matters.

10.1.19 Nos. 443 - 437 (Lots 15 and 12) William Street and No. 4 (Lots 13 and 14) Brisbane Place, Northbridge - Proposed Three-Storey Backpackers Lodging House

Ward:	North Perth	Date:	17 September 2002
Precinct:	Beaufort; P13 and Hyde Park; P12	File Ref:	PRO 0495 00/33/1236
Reporting Officer(s):	S Turner		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

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

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the Town's Policies relating to Hyde Park Precinct, Beaufort Precinct, Robertson Locality, Building Scale, Parking and Access, Non-Residential Uses in/or Adjacent to Residential Areas, and Street Setbacks; and*
- (iii) consideration of the objections received;*

the Council REFUSES the application submitted by John L Silbert and Associates Pty Ltd on behalf of the owners Cityrise Investments Pty Ltd, for the proposed three storey backpackers lodging house at Nos. 443-437 (Lots 15 and 12) William Street and No.4 (Lots 13 and 14) Brisbane Place, Northbridge, as shown on the plans stamp dated 24 July 2002.

Moved by Cr Hall , Seconded by Cr Cohen

That the recommendation be adopted.

COUNCIL DECISION ITEM 10.1.19

Moved by Cr Hall, Seconded by Cr Chester

That this item be DEFERRED to investigate the non-compliance matters.

CARRIED (7-0)

(Cr Ker on leave of absence)

(Cr Piper - apology for the meeting)

LANDOWNER(S): Cityrise Investments Pty Ltd
APPLICANT(S): John L Silbert & Associates Pty Ltd
ZONING: Metropolitan Region Scheme - Urban
 Town Planning Scheme No. 1 -
 Residential R80 and Commercial

EXISTING LAND USE: William Street - Vacant retail premises
 Brisbane Place - Single house

COMPLIANCE:

Requirements	Required	Proposed
Brisbane Place setback	6 metres	Ground floor - Nil Upper levels - 4 metres
Side setbacks	Nil setback on commercial property and 3.0 metres setback on a residential property	Nil
Height	2 storey in residential zone 7 metres maximum height (for a concealed roof)	3 storey in residential zone 11.3 metres height
Street Setbacks	Garage less than 50 per cent of width of building frontage.	Garages adjacent to Brisbane Place 81 per cent width of building frontage.
Use Class	Lodging house	
Use Classification	'SA'	
Land Area	1014 square metres	

Car Parking

Car parking requirement (nearest whole number) <ul style="list-style-type: none"> ▪ based on a residential building (1 space per 3 beds) 	45 car parking bays required
Apply the adjustment factors <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) 	(0.85) 38.25 carbays
Minus the car parking provided on site (6 car bays)	32.25 carbays
Minus the most recently approved on site car parking shortfall	nil
Resultant shortfall	32.25 car bays

SITE HISTORY:

The site currently consists of a vacant commercial building fronting William Street and a single storey single house fronting Brisbane Place.

On 25 September 2001, the Council conditionally approved the demolition of the existing buildings.

DETAILS:

The proposal is for the development of a three storey backpackers lodging house. The development includes six (6) car parking spaces contained within garages located with a nil setback to Brisbane Place. The lodging house proposes 50 bedrooms, with each bedroom containing between two (2) to six (6) beds and a bathroom. Associated facilities include a cafe, lounge area, swimming pool, dining area, games room, gym, pinball parlor, internet lounge, TV lounge, kitchen area and communal laundry facilities.

In support of their submission, the applicant provided a detailed submission. The following is an extract of that information that is relevant to this proposal:

"While there is some parking on site parking is not considered a problem as the majority of backpackers do not travel the country in their own car but utilise public transport and the airlines.

Additionally there is a public bus service from outlying suburbs that run past the front door at very close intervals for access into the City and Central Bus and Train Stations. These stations are actually within short walking distance and there is a return to city bus service up Beaufort Street. There is also long term parking areas available within a very short distance.

On site car parking is not considered critical as most bookings are made from "walk-in" travellers.

A contract will be entered into with a bus company that provides regular transport to and from the Perth Airport and Railway Station to give direct access to both this Backpackers Project and the general accommodation venues in Northbridge."

CONSULTATION/ADVERTISING:

Three letters of objection were received during the consultation period. The concerns raised include;

- The use is not appropriate to the residential area along Brisbane Place;
- The three storey bulk and scale;
- Loss of privacy and noise from north-west facing balconies; and
- Inadequate car parking facilities will result in on street parking.

COMMENTS:

Building Height

The proposed building height of three storeys within the Beaufort and Hyde Park Precincts and the Town's Robertson Locality is not considered supportable as there is a general height limit of two storeys for the portion fronting Brisbane Place. This, together with the predominantly single and two storey development of the area, would result in the three storey development being out of character in terms of scale and bulk.

The Town's Policy - Building Scale states that a two storey building is to be a maximum of 7.0 metres to the top of the external wall (developments with a concealed roof). The proposed development is 11.3 metres in height, which is 4.3 metres over height, and is 1.3 metres over the maximum 9.0 metres height permitted for a three storey building.

Setback to Brisbane Place

In accordance with the requirements of the Town's Hyde Park Precinct, building setbacks from the street alignment shall be consistent with the setbacks on adjoining land and in the immediate locality. In this instance, the proposed nil setback of the garage to Brisbane Place is consistent with the neighbouring properties. This Precinct requirement is complemented with the Robertson Locality Policy, which generally requires a six metres minimum setback from the street to ensure that the amenity of the area is protected in terms of privacy, scale and bulk. The design of this facade, however, should provide more interaction with Brisbane Place and be more compatible with the existing residential development.

Side Setbacks

The variations to the south western and north eastern side setbacks are not considered supportable due to the unreasonable adverse impact on adjacent properties, in terms of overall height and associated building bulk of the nil setback walls.

Parking

The parking requirement of the lodging house is calculated in accordance with the Town's Parking and Access Policy. The nearest definition in this Policy is a residential building, which requires one bay per three beds. This results in a parking shortfall for the development of 32.25 parking bays. Whilst it can be argued that the majority of clients using the lodging house will not use a private vehicle, the extent of under-provision of parking on site may cause parking problems in the neighbouring residential area.

Awnings/Verandahs to William Street

The Beaufort Precinct also strongly encourages the provision of continuous and complementary awnings/verandahs over the adjacent footpaths, to provide adequate shelter to pedestrians. The proposed lodging house does not include any awnings to the William Street facade.

Lodging House within a Residential Zone

In accordance with the Town's Policy - Non-Residential Uses in/or Adjacent to Residential Areas, a proposed non-residential use is only permitted where there is not undue conflict through the generation of traffic and parking or the emission of noise or any other form of pollution, which may be undesirable on residential areas. The proposed lodging house may have some impact upon the neighbouring residential area in terms of parking and noise associated with the development.

Overall Development

The proposed development involves a significant number and extent of non-compliances with the relevant development requirements under the Town Planning Scheme No.1 and the associated Policies relating to, Hyde Park and Beaufort Precincts, the Robertson Locality, Building Scale, Parking and Access, Non-Residential Uses in/or Adjacent to Residential Areas, and Street Setbacks, which results in a development that will unreasonably adversely affect the streetscape and amenity of the area.

Accordingly, it is recommended that the proposed three storey backpackers lodging house development be refused for the reasons outlined above.

10.1.17 Nos. 286-288 (Lot 111) Beaufort Street, Dual Frontage with Stirling Street, Perth - Proposed Change of Use from Child Care Centre to Office, Consulting Rooms and Community Facility and Associated Alterations and Additions to the Existing Buildings

(Note: Also refer to Item 10.3.7)

Ward:	North Perth	Date:	11 September 2002
Precinct:	Beaufort, P13	File Ref:	PRO0769 00/33/1263
Reporting Officer(s):	V Lee		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No 1, and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Philip Nikulinsky on behalf of the owner, Town of Vincent, for the proposed change of use from child care centre to office, consulting rooms and community facility and associated alterations and additions to the existing buildings at Nos. 286 - 288 (Lot 111) Beaufort Street, dual frontage with Stirling Street, Perth, as shown on plans stamp-dated 15 August 2002, subject to:

- (i) detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (ii) 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, including end car bays 3, 5, 6, and 10 having a minimum width of 2.7 metres;*
- (iii) a visual truncation of 2 metres by 2 metres at the southern intersection of the disabled parking and footpath shall be provided at the owner's/applicant's cost;*
- (iv) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (v) a road and verge security deposit bond and/or bank guarantee of \$880 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;*
- (vi) the construction of crossovers shall be in accordance with the Town's specifications;*
- (vii) details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*

- (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) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the provision of a minimum of one bicycle parking space and associated end of trip facilities in accordance with the Town's amended Parking and Access Policy;*
- (x) *the community facility shall be limited to a maximum public assembly area of 54 square metres;*
- (xi) *the consulting rooms use shall be incidental, ancillary and associated to the predominant office use on site; and*
- (xii) *a detailed landscaping plan, including a schedule of plant species, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

to the satisfaction of the Chief Executive Officer.

Moved by Cr Franchina, Seconded by Cr Doran-Wu

That the recommendation be adopted subject to the inclusion of the following new clause:

“(xiii) the Council authorises the Chief Executive Officer to consult with the Lessee in relation to the removal of the existing fencing adjacent to the Beaufort Street and Stirling Street”.

CARRIED (7-0)

(Cr Ker on leave of absence)

(Cr Piper - apology for the meeting)

COUNCIL DECISION ITEM 10.1.17

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No 1. and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Philip Nikulinsky on behalf of the owner, Town of Vincent, for the proposed change of use from child care centre to office, consulting rooms and community facility and associated alterations and additions to the existing buildings at Nos. 286 - 288 (Lot 111) Beaufort Street, dual frontage with Stirling Street, Perth, as shown on plans stamp-dated 15 August 2002, subject to:

- (i) *detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (ii) *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, including end car bays 3, 5, 6, and 10 having a minimum width of 2.7 metres;*

- (iii) *a visual truncation of 2 metres by 2 metres at the southern intersection of the disabled parking and footpath shall be provided at the owner's/applicant's cost;*
- (iv) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
- (v) *a road and verge security deposit bond and/or bank guarantee of \$880 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;*
- (vi) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (vii) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (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) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the provision of a minimum of one bicycle parking space and associated end of trip facilities in accordance with the Town's amended Parking and Access Policy;*
- (x) *the community facility shall be limited to a maximum public assembly area of 54 square metres;*
- (xi) *the consulting rooms use shall be incidental, ancillary and associated to the predominant office use on site;*
- (xii) *a detailed landscaping plan, including a schedule of plant species, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (xiii) *the Council authorises the Chief Executive Officer to consult with the Lessee in relation to the removal of the existing fencing adjacent to the Beaufort Street and Stirling Street.*

to the satisfaction of the Chief Executive Officer.

LANDOWNER:	Town of Vincent
APPLICANT:	Philip Nikulinsky Architects
STATUS:	Crown Grant - to be held in Trust for Municipal Purposes
ZONING:	Metropolitan Region Scheme - Urban Town Planning Scheme No. 1 - Reserve - Public Purpose
EXISTING LAND USE:	Vacant Child Care Centre

COMPLIANCE:

Use Class	Office, Consulting Room, Community Facility
Use Classification	Uses not listed in a Public Purpose Reserve
Lot Area	2226 square metres

Car Parking

Car parking requirement (nearest whole number)	21 carbays
Apply the adjustment factors. <ul style="list-style-type: none"> ▪ 0.85 (within 800 metres of a rail station) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.80 (within 50 metres of one or more public car parks in excess of 50 spaces) 	(0.578) 12 carbays
Minus the car parking provided on site.	10 carbays
Minus the most recently approved on site car parking shortfall.	10 carbays
Resultant shortfall.	nil

Bicycle Parking

Required	Proposed
Employees - 2 spaces of high or medium security and end of trip facilities including showers and lockers	No bicycle or end of trip facilities identified.

SITE HISTORY:

- 1956 Purpose built brick and tile day nursery for the Children's Protection Society of WA.
- 21 November 2000 The Council at its Ordinary Meeting;
- "(i) resolves to accept the surrender of the lease with Meela Child Care Centre in accordance with the terms of the lease and notes that the premises will be vacated by 21 January 2001;
- (ii) authorises the Chief Executive Officer to investigate the possible future uses and call for submissions for the future lease of 286, Beaufort Street, Perth;
- (iii) prioritise all necessary structural repairs and maintenance as listed in the 2000/2001 budget to the premises prior to any new lease being entered into; and
- (iv) requests that a further report be presented to Council after the possible uses have been investigated and submissions have been evaluated."
- 19 January 2001 The Acting Chief Executive Officer, consented to Meela Child Care Centre postponing the termination of their lease until the 23 February 2001, subject to the centre abiding by the terms of the current lease.
- 12 June 2001 The Council at its Ordinary Meeting determined to accept a tender from the Association for Services to Torture and Trauma Survivors Inc, for the lease of the premises at No. 286 Beaufort Street, Perth for a period of twelve months with an option of a further twelve months.

DETAILS:

The proposal involves adapting the existing child care facility into offices, consulting rooms and a community facility for use by the Association for Services to Torture and Trauma Survivors (ASeTTS), which is a not-for-profit, non-government organisation who provide services such as counselling, training and support activities for cultural and ethnic community groups.

ASeTTS have advised that they need office space for 23 staff, conference room, administration and a number of specialised counselling suites. The proposed additional floor space will be accommodated under the existing roofs.

The applicant has advised that the proposed alterations to the existing buildings will address the following shortcomings;

- "1.0 There is an existing shortfall of internal floor space. Additional floor space has been achieved by enclosing existing covered external walkways and courtyards.*
- 2.0 There is no internal circulation route. The current external walkway connecting various parts of the building has been replaced by an internal circulation spine, necessitating some structural modifications. Parts of the existing covered walkway are to be demolished in order to provide landscaping areas giving more light to and better outlook from the new counselling rooms.*
- 3.0 The extensive existing children's' ablutions have been reduced and partially adapted to general floor space.*

The second building identified on the existing floor plan as Building B also has minor modifications to adapt a large ablution area to include a small kitchen and meeting room"

10 car parking bays have been provided on site.

ASeTTS are in negotiation with the Town to secure a lease over the property.

CONSULTATION/ADVERTISING:

No submissions were received during the public consultation period.

COMMENTS:

The proposed change of use is considered to be appropriate. The conversion of the existing child care centre into office and consulting rooms is considered a change in classification under the Building Code of Australia (BCA). Therefore, the proposal for the office and consulting rooms needs to fully comply with the BCA, and the following matters need to be assessed and addressed as a part of the Building Licence.

1. No openings within 3 metres of the property boundaries;
2. Openings within 3 metres of the boundary are to be protected in accordance with BCA C3.4;
3. Building to have required fire-resisting construction in accordance with the BCA;
4. Access for people with disabilities including facilities and car parking;
5. Fire fighting equipment;
6. Smoke hazard management;
7. Emergency lighting, exit signs and warning systems;

8. Sanitary facilities; and
9. Light and ventilation.

The building to the rear is to be used as a community hall and therefore is not considered a change in classification.

To encourage staff and client to consider alternative means of transport to the subject site, it is recommended that facilities be provided for bicycle storage and end of trip facilities including showers and lockers in compliance with the Town's amended Policy relating to Parking and Access.

Car parking

The car parking calculation was determined by classifying the main building as an office, and the proposed community facility as a hall. When the adjustment factors are taken into account, there is adequate parking proposed on site.

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

10.3.7 Lease - 286 Beaufort Street, Perth

(Note: also refer to item 10.1.17)

Ward:	North Perth	Date:	16 September 2002
Precinct:	Beaufort P13	File Ref:	TEN0207/PRO769
Reporting Officer(s):	J. Anthony		
Checked/Endorsed by:	M Rootsey		
Amended by:			

OFFICER RECOMMENDATION:

That Council;

- (i) *NOTES that the Association for Services to Torture and Trauma Survivors Inc (ASeTTS) have been successful in obtaining Lotteries Commission funding of \$404,000 and will be contributing \$100,000 of their own funds to upgrade and refurbish the Council owned building at 286 Beaufort Street, Perth;*
- (ii) *in recognition of the significant funds being committed and to comply with Lotteries Commission lease requirements, APPROVES the amendment of the lease for 286 Beaufort Street, Perth to the Association for \$10,000 per annum including GST with CPI increases to be revised to a period of five (5) years with options to renew for a further three (3) consecutive five (5) year terms;*
- (iii) *authorises the Chief Executive Officer to formalise a Deed of Trust between the Town, Lotteries Commission and ASeTTS;*
- (iv) *APPROVES of the effective commencement date for the lease to be 1 March 2003; and*
- (v) *APPROVES BY AN ABSOLUTE MAJORITY to allocate an additional \$25,000 for building refurbishment works at No. 286 Beaufort Street, Perth and for this to be funded from the Capital Reserve Fund.*

COUNCIL DECISION ITEM 10.3.7

Moved by Cr Cohen, Seconded by Cr Drewett

That the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY (7-0)

(Cr Ker on leave of absence)

(Cr Piper - apology for the meeting)

LAND DETAILS:

Status: Crown Grant – to be held in Trust for Municipal Purposes
Zoning: Town of Vincent Town Planning Scheme No. 1 : Town of Vincent Scheme Reserve - Public Purposes
Buildings: Purpose built brick and tile Child Care Centre (1956) in well maintained condition. (See Floor Plan attached).
Lot Area: 2,226 square metres

Possible Uses: Grant states that the land can be used for "Municipal Purposes Only".
In light of the above current Grant and Scheme Reserve, the land can only be used for public purposes associated with the operations of the Town.

BACKGROUND:

The Chief Executive Officer and Executive Manager Corporate Services recently met with ASeTTS, Lotteries Commission and the project Architect on two occasions to progress the relocation of ASeTTS to 286 Beaufort Street, Perth and to discuss refurbishment works.

At the Ordinary Council meeting held on 23 October 2001 the following was resolved:

"That Council APPROVES the leasing of 286 Beaufort Street, Perth to the Association for Services to Torture and Trauma Survivors Inc (ASeTTS) for \$10,000 per annum including GST with CPI increases for a period of five (5) years with an option for a further five (5) years, subject to satisfactory negotiations being carried out by the Chief Executive Officer."

This followed a previous resolution from the Ordinary Council meeting held on 12 June 2001 where the following was resolved

That the Council;

- (i) APPROVES the awarding of the Tender as submitted by Association for Services to Torture and Trauma Survivors Inc. (ASeTTS), as listed for \$10,000 per annum including GST for the first year with scheduled increases for the subsequent years of rental as being the most acceptable to the Town;*
- (ii) authorises the Chief Executive Officer to negotiate a lease with Association for Services to Torture and Trauma Survivors Inc. (ASeTTS) for 286 Beaufort Street, Perth for a period of twelve (12) months with an option of a further twelve (12) months.*
- (iii) authorises the Chief Executive Officer to proceed with the tender of the property with all three organisations being invited to submit tender applications for the future lease of 286 Beaufort Street, Perth for a period of twelve (12) months with an option of a further twelve (12) months.*

DETAILS:

The original negotiation for the lease with ASeTTS was for a period of 12 months with a further 12 months option. This was due to the fact that officers were researching the possible change of use of land for this property from a Crown Grant in Trust to Freehold. However in the course of the research, the Department of Land Administration (DOLA) advised that the Trust can only be removed by the Town of Vincent agreeing to purchase the land at the current and improved market value, and this is estimated to be in the region of one million dollars (\$1,000,000). Therefore, this option was discontinued due to the complexities involved in the changing of the title and the estimated cost implications of such a change.

There has been a delay in ASeTTS taking up occupancy under the initial lease. ASeTTS requested significant alterations be undertaken to the property in order to meet their requirements, which required major expenditure. ASeTTS have to date been paying on a casual user basis for the facility. It has been requested that an effective commencement date for the lease be 1st March 2003 (to coincide with their proposed opening).

However, the Town has been advised by ASeTTS that it has been successful in obtaining funding from Lotteries Commission of \$404,000 to upgrade the facility at 286 Beaufort Street. The Association for Services to Torture and Trauma Survivors Inc (ASeTTS) is prepared to contribute \$100,000 of its own funds to the upgrade of the facility, this together with \$25,000 allocated by the Town for a unisex disabled toilet for this facility. They have requested that the Town contribute an additional \$25,000 to the refurbishment works.

The grant monies will establish the operations of the organisation in the facility and includes funds for office equipment, office furniture, building alterations to accommodate counselling services, and will provide office accommodation for other community groups.

LEGAL/POLICY:

Town of Vincent Policy 1.2.8 - Policy Statement:

1. Any new lease granted by the Council shall usually be limited to a five year period, and any option to renew shall usually be limited to no more than a ten year period.
2. Council may consider longer periods where the Council is of the opinion that there is benefit or merit for providing a longer lease term.

STRATEGIC IMPLICATIONS:

Strategic Plan 2000-2002 - Key Result Area 2.2 *"Review and enhance the way Council provides and coordinates community and information services"*

and

Key Result Area 2.4 *"Review the range of community services provided to the people of the Town of Vincent"*

FINANCIAL/BUDGET IMPLICATIONS:

The lease will be drafted on similar terms to the Town's standard lease agreement for community agencies and with the current lease charges and variable outgoings subject to the percentage increase in the Consumer Price Index (All Groups Perth) and the Goods and Services Tax (GST).

The 2002/2003 Annual Budget includes an amount of \$11,000 for rental income from the property and \$25,000 to provide unisex accessible toilets.

COMMENTS:

ASeTTS provides a very worthwhile service and is looking forward to becoming lessees in the Town. The service is also enthusiastic in regard to developing the potential of the facility for the benefit of the community.

The condition of Lotteries Commission funding is that the lease be provided for a long-term period. This will be formalised through a deed of trust between the Town, Lotteries Commission and ASeTTS. It is therefore recommended that the Council support the leasing of this facility to this association, for a period of five years with a further three consecutive five-year options with lease payments commencing from March 2003.

10.1.22 Further Report Finalisation of Town of Vincent Town Planning Scheme No.1 - Amendment No.8: Include in Schedule 3 an Additional Use Being the Use of No.181 (Lot 8) Carr Place, Leederville for Vehicle Storage Associated with the Use of Portion of Adjoining No.622 (Lot 1) Newcastle Street, Leederville for Motor Body Repairing

Ward:	North Perth	Date:	19 September 2002
Precinct:	Oxford Centre, P4	File Ref:	PRO0772; PRO0120
Reporting Officer(s):	H Coulter		
Checked/Endorsed by:	D Abel, R Boardman, John Giorgi		
Amended by:	-		

FURTHER OFFICER RECOMMENDATION:

That the Council;

- (i) *resolves pursuant to Town Planning Regulation 17(1), to RECEIVE the forty (40) submissions of objection and one (1) submission of support, and further resolve pursuant to Town Planning Regulation 17(2), that it does not wish to proceed with Amendment No. 8 to the Town of Vincent Town Planning Scheme No. 1, in consideration of the submissions of objection received from the owners and occupiers of the immediate and surrounding properties, and written advice dated 18 September 2002 from the owner of the subject property requesting the Council not to proceed with the Amendment No.8 relating to No.181 (Lot 8) Carr Place, Leederville; and*
- (ii) *advises the Hon. Minister for Planning and Infrastructure, Western Australian Planning Commission (WAPC), Environmental Protection Authority, and those who made submissions of (i) above, and requests the Hon. Minister and WAPC to NOT ADOPT FOR FINAL APPROVAL AND GAZETTAL, Amendment No. 8 to the Town of Vincent Town Planning Scheme No. 1.*

COUNCIL DECISION ITEM 10.1.22

Moved by Cr Drewett, Seconded by Cr Cohen

That the recommendation be adopted.

CARRIED (7-0)

(Cr Ker on leave of absence)
(Cr Piper - apology for the meeting)

FURTHER REPORT:

At the Ordinary Meeting of Council held on 10 September 2002, this Item was DEFERRED to obtain further information and in particular, whether the lease option has been renewed.

On 18 September 2002, the Chief Executive Officer, Executive Manager Environmental and Development Services and Manager Planning and Building Services met with the owner, Mr Stavros Gabriel and Mr Luke Zambotti of Temelcos Zambotti Architects acting on behalf of the owner.

The meeting revealed that:

- (i) leases are current for No. 622 (Lot 1) Newcastle Street, Leederville;
- (ii) the owner has two existing leases for Lot 1, a musical tuition business fronting Newcastle Street, a panel beating business, which is the subject of a current lease option, and negotiations in progress for an office business in a building, located at the rear of Lot 1; and
- (iii) the owner is keen to redevelop No. 181 (Lot 8) Carr Place Leederville, however, this may not occur for several years.

On 18 September 2002, a letter was received from Mr Luke Zambotti, acting on behalf of the owner, which stated as follows:

"Dear Gentlemen, further to our discussions of this day would you please abandon all action relative to the above lot. The owner, Mr Stavros Gabriel, has negotiated with the tenant (lease holder) to excise Lot 8 from the lease. The tenant will be operating his business from within the confines of Lot 1 Newcastle Street.

It is hoped that a residential development application will be made to the Council for Lot 8 in the near future."

As the owner has requested the Town to abandon the Scheme Amendment No.8 in relation to Lot 8, the Officer Recommendation has been amended accordingly. Lot 8 is currently vacant, and the effect of the cessation of Amendment No.8 is that Lot 8 cannot be used for vehicle storage.

The negotiated outcome will address the concerns of the objections received in relation to Lot 8. It is therefore recommended that the Council adopt the amended recommendation of not to proceed with/ adopt for final approval Amendment No.8, and advise the Minister for Planning and Infrastructure, Western Australian Planning Commission, Environmental Protection Authority and those who made submissions of the outcome.

The approved uses on No.622 (Lot 1) Newcastle Street, Leederville remains as follows:

The Perth City Council issued a Building Permit No. 550/67 for a warehouse, workshop and office (two buildings) on No. 622 (Lot 1) Newcastle Street on 1 May 1967.

The Council at its Ordinary Meeting held on 9 December 1996 approved a change of use from shop to shop and musical tuition in tenancy one, subject to conditions relating to hours of operation, numbers of students and general compliance with Environmental Health conditions with respect to noise. Accordingly, the use of No.622 (Lot 1) Newcastle Street, Leederville for a motor vehicle panel beating business and a musical tuition business are considered approved uses and may continue.

The following is the verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 10 September 2002.

"OFFICER RECOMMENDATION:

That the Council;

- (i) *resolves pursuant to Town Planning Regulation 17(1), to RECEIVE the forty (40) submissions of objection and one (1) submission of support, and further resolve pursuant to Town Planning Regulation 17(2), that Amendment No. 8 to the Town of Vincent Town Planning Scheme No. 1 be ADOPTED for final approval, and modified as follows:*

- (a) *the Additional Use at No.181 (Lot 8) Carr Place, Leederville for motor vehicle storage yard associated with the use of portion of No.622 (Lot 1) Newcastle Street, Leederville for motor body repairs shall cease permanently as from 1 January 2005;*
- (b) *subject to (a) above, in the event the portion of No.622 (Lot 1) Newcastle Street approved for use as motor body repairing ceases for a period of not less than six (6) months, the use of No.181 (Lot 8) Carr Place for motor vehicle storage shall cease permanently and any subsequent uses of the site shall be in accordance with the zoning of the property;*
- (c) *as a result of (a) or (b) as above, whichever occurs first, the Additional Use listed in Schedule 3 of the Town Planning Scheme No.1 will no longer have effect and the appropriate steps to remove the Additional Use from Schedule 3 will be facilitated in due course;*
- (d) *the Additional Use at No.181 (Lot 8) Carr Place, Leederville for motor vehicle storage yard associated with the use of portion of No.622 (Lot 1) Newcastle Street, Leederville for motor body repairs may operate subject to (a) and (b) above, in accordance with the following conditions:*
 - (i) *no panel beating, spray-painting or chassis reshaping being undertaken on No.181 (Lot 8) Carr Place;*
 - (ii) *no dismantling of vehicles shall be undertaken on No.181 (Lot 8) Carr Place Carr Place;*
 - (iii) *a designated area of 10 square metres of No.181 (Lot 8) Carr Place, located on the western side of the lot, as close as practicable to the boundary of No.622 (Lot 1) Newcastle Street may be used for the storage of wrecked or new vehicle parts;*
 - (iv) *a maximum of one vehicle movement per day is permitted from Carr Place to the lot;*
 - (v) *the trading/operational hours of the motor vehicle storage yard on No.181 (Lot 8) Carr Place being restricted to 8.00am and 6.00 pm Monday to Friday and 8.00 am to 1.00 pm Saturday. Trading on Sundays and public holidays is not permitted. The depositing of vehicles on the subject land outside of these times will not be permitted;*
 - (vi) *lights used to illuminate any areas of the site for security or any other reason should be angled or shaded in such a manner so that the light does not directly illuminate adjacent residential properties. Lighting of the premises shall be designed to prevent any light overspill;*
 - (vii) *the main accessway and parking area for No.181 (Lot 8) Carr Place shall be sealed or brick paved and swept regularly to prevent any accumulation of dust. Sprinklers should be used during dry weather to dampen any unsealed areas;*
 - (viii) *air compressors associated with the use on No.622 (Lot 1) Newcastle Street and located adjacent or on the subject land shall be housed in an effective noise enclosure and sufficient ventilation shall be provided to allow heat to dissipate from the unit;*

- (ix) *a regular pest control program to be developed and maintained, In particular, the property at No.181 (Lot 8) Carr Place should be routinely treated for rodents at least every 12 months;*
 - (x) *trade waste materials associated with the use of No.622 (Lot 1) Newcastle Street shall not be stored on the subject land at No.181 (Lot 8) Carr Place;*
 - (xi) *compliance with the Health Act 1911, Town of Vincent Health Local Laws 1997, Occupational Health, Safety and Welfare Act/Regulations, the conditions of Worksafe and the Environmental Protection Act and Regulations;*
 - (xii) *a detailed landscaping plan, including a schedule of plant species, the planting of mature trees, capable of providing screening, to a minimum height of 2.5 metres along the Carr Street frontage of the lot and the landscaping and reticulation of the Carr Place verge adjacent to the subject property, shall be submitted to the Town of Vincent within four (4) weeks of the Western Australian Planning Commission making a recommendation to the Minister for Planning and Infrastructure for final determination of Amendment No.8 to the Town of Vincent Town Planning Scheme No.1. All such works shall be undertaken within three (3) months of the final determination recommendation being made by the Western Australian Planning Commission and thereafter maintained to the satisfaction of the Town of Vincent at the landowners/occupiers expense;*
 - (xiii) *an application proposing new fencing in accordance with the Council's Policy relating to Street Walls and Fences to the Carr Street frontage of No.181 (Lot 8) Carr Place, Leederville shall be submitted to the Town within four (4) weeks of the Western Australian Planning Commission making a recommendation to the Minister for Planning and Infrastructure for final determination of Amendment No.8 to the Town of Vincent Town Planning Scheme No.1; and*
 - (xiv) *construction of the fencing approved above shall be constructed within three (3) months from the date of Planning Approval being issued;*
- (ii) *AUTHORISES the Mayor and Chief Executive Officer to execute and affix the Town of Vincent common seal to Amendment No. 8 to the Town of Vincent Town Planning Scheme No. 1 documents reflecting the Council's endorsement of final approval with modifications;*
 - (iii) *ADVISES the Hon. Minister for Planning and Infrastructure, Western Australian Planning Commission (WAPC), Environmental Protection Authority, and those who made submissions of (i) above; and*
 - (iv) *forwards the relevant and executed documents to and requests the Hon. Minister for Planning and Infrastructure and WAPC TO ADOPT FOR FINAL APPROVAL AND GAZETTAL, with the above modifications, Amendment No. 8 to the Town of Vincent Town Planning Scheme No. 1.*
-

Moved by Cr Drewett, Seconded by Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

COUNCIL DECISION ITEM 10.1.21

Moved by Mayor Catania, Seconded by Cr Doran-Wu

That this Item be DEFERRED to obtain further information and in particular, whether the lease option has been renewed.

CARRIED (7-2)

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

APPLICANT: Town of Vincent
ZONING: Metropolitan Region Scheme: Urban Town of Vincent
Town Planning Scheme No.1: "Residential R80"

SITE HISTORY AND BACKGROUND:

The site comprises two lots. The rear of No.622 (Lot 1) Newcastle Street, Leederville is occupied by Norm Green Panelbeaters who have been established on the site for a number of years. To the rear of the portion of factory building used by the panelbeaters is Lot 8, No.181 Carr Place which is used as a car wrecking yard. Carr Place is characterised as residential, whereas Newcastle Street is predominantly commercial with some general industry.

The site history relevant to this application is as follows:

<i>1902</i>	<i>Two room cottage approved.</i>
<i>1927</i>	<i>Three room house approved.</i>
<i>1946</i>	<i>Brick garage approved.</i>
<i>1964</i>	<i>'Norm Green Panelbeaters' established on Lot 1 (No. 622) Newcastle Street and Lot 8 (No. 181) Carr Place.</i>
<i>1 May 1967</i>	<i>Building Licence issued for various buildings on Lot 1 Newcastle Street, Leederville.</i>
<i>1996/1997</i>	<i>'Norm Green Panelbeaters' purchased from the original owner by the current owner.</i>

- 2 December 1998 Letter of complaint received in relation to the use of the premises within a residential zone. The complainant alleges "it affects the amenity of the area".*
- 3 February 1999 Reply to complainant detailing current status and history of the site.*
- 9 June 1999 Letter sent to owner G Stavros requesting proof of lawful approval and request to submit a planning application within 21 days.*
- 15 August 2000 Letter of complaint received.*
- 25 September 2000 Letter sent to complainant stating that the matter requires further investigation and has been passed to the Planning and Building Services for action.*
- 29 September 2000 Letter sent to the complainant explaining that a search of the Town's records would be conducted to determine whether the car wrecking yard use had approval and that if the use was unauthorised, the matter would be referred to the Council for consideration of further action to be taken.*
- 21 November 2000 The Council at its Ordinary Meeting resolved to acknowledge the existing use of the building/site for a Car Wreckers Yard at No.181 (Lot 8) Carr Place, Leederville as being a non-conforming use in accordance with the Town of Vincent Town Planning Scheme No.1 and may lawfully continue to operate.*
- 27 February 2001 Mr Louis Zampogna wrote to the Minister for Planning and Infrastructure alleging that with regard to the subject property, 'Council voted in favour of continuing non-conforming use on a residential zone.it appears to be in breach of the Town Planning Scheme. To be non-conforming the land had to be conforming prior to the scheme coming into operation.'*
- 26 March 2001 The Acting Director of the Minister for Planning and Infrastructure's Planning Appeals Office advised the Town that an Inquiry under Section 18 (2) of the Town Planning and Development Act 1928 had been established following Mr Zampogna's letter and requested a response to the Appellants' comments.*
- 3 May 2001 The Town responded to the Acting Director of the Minister for Planning and Infrastructure's Planning Appeals Office's request.*
- 24 July 2001 The Acting Director of the Minister for Planning and Infrastructure's Planning Appeals Office advised the Town that, following an investigation of the subject matter, a report and recommendation has been formulated and prior to the Minister's consideration of the matter, further submissions may be made by both parties.*

24 July 2001 *The Council at its Ordinary Meeting accepted the recommendation of the Town Planning Appeal Committee Member to the Minister for Planning and Infrastructure in relation to the Section 18 (2) of the Town Planning and Development Act Inquiry into the acknowledgment of a non-conforming use at No.181 (Lot 8) Carr Place, Leederville.*

The recommendation resolved to advise the Hon. Minister:

- (i) that the Town of Vincent has failed to enforce effectively the observance of its Scheme by allowing an unauthorised existing "X" use to continue in a Residential zone;*
- (ii) to find that the Town of Vincent be required to enforce the observance of the Scheme;*
- (iii) to inform the Town of Vincent that a suitable solution is via an additional use listed in Schedule 3. The listing should very specifically describe the use and contain appropriate conditions dealing with matters such as (but not restricted to) expiry of the additional use after a period of discontinuation, hours of operation, limited or no vehicle access to Carr Place, health issues and visual appearance from Carr Place."*

4 December 2001 *The Council at its Ordinary Meeting initiated proposed Amendment No.8 to the Town Planning Scheme to include in Schedule 3 an Additional Use being the use of No.181 (Lot 8) Carr Place, Leederville for vehicle storage associated with the use of portion of adjoining No.622 (Lot 1) Newcastle Street, Leederville for motor body repairing.*

16 January 2002 *The Town advised the Environmental Protection Authority of the above Council resolution.*

23 January 2002 *The Town advised the Western Australian Planning Commission (WAPC) of the above Council resolution.*

30 January 2002 *The WAPC acknowledged the Town's letter.*

4 February 2002 *The Environmental Protection Authority advised that 'the overall environmental impact of its implementation would not be severe enough to warrant assessment under Part IV of the Environmental Protection Act'.*

17 June 2002 *The WAPC advised the Town that consent to advertise the proposed Amendment No.8 had been given.*

8 May 2002 *The Town advised the owner of the subject property of on-going complaints relating to noise, the general appearance of the property, dust, chemical storage and stormwater disposal.*

DETAILS:

The purpose of the proposed Scheme Amendment is to satisfy the Minister for Planning and Infrastructure's order that the 'Town of Vincent initiate the necessary amendment to its Town Planning Scheme to achieve the listing in Schedule 3 within three months of this advice of my findings'.

The amendment to Town Planning Scheme No.1 proposes to include in Schedule 3 an Additional Use being the use of No.181 (Lot 8) Carr Place, Leederville for vehicle storage associated with the use of a portion of adjoining No.622 (Lot 1) Newcastle Street, Leederville, for motor body repairing subject to the following conditions:

- (a) in the event the portion of No.622 (Lot 1) Newcastle Street approved for use as motor body repairing ceases for a period of not less than six (6) months, the use of No.181 (Lot 8) Carr Place for motor vehicle storage shall cease permanently and any subsequent uses of the site shall be accordance with the zoning of the property;*
- (b) as a result of (a) above, the Additional Use listed in Schedule 3 of the Town Planning Scheme No.1 will no longer have effect and the appropriate steps to remove the Additional Use from Schedule 3 will be facilitated in due course;*
- (c) the Additional Use at No.181 (Lot 8) Carr Place, Leederville for motor vehicle storage yard associated with the use of portion of No.622 (Lot 1) Newcastle Street, Leederville for motor body repairs may continue to operate indefinitely subject to (a) above, and the following conditions:*
 - (i) no panel beating, spray painting or chassis reshaping being undertaken on No.181 (Lot 8) Carr Place;*
 - (ii) no dismantling of vehicles shall be undertaken on No.181 (Lot 8) Carr Place Carr Place;*
 - (iii) a designated area of 10 square metres of No.181 (Lot 8) Carr Place, located on the western side of the lot, as close as practicable to the boundary of No.622 (Lot 1) Newcastle Street may be used for the storage of wrecked or new vehicle parts;*
 - (iv) a maximum of one vehicle movement per day is permitted from Carr Place to the lot;*
 - (v) the trading/operational hours of the motor vehicle storage yard on No.181 (Lot 8) Carr Place being restricted to 8.00am and 6.00 pm Monday to Friday and 8.00 am to 1.00 pm Saturday. Trading on Sundays and public holidays is not permitted. The depositing of vehicles on the subject land outside of these times will not be permitted;*
 - (vi) lights used to illuminate any areas of the site for security or any other reason should be angled or shaded in such a manner so that the light does not directly illuminate adjacent residential properties. Lighting of the premises shall be designed to prevent any light overspill;*
 - (vii) the main accessway and parking area for No.181 (Lot 8) Carr Place shall be sealed or brick paved and swept regularly to prevent any accumulation of dust. Sprinklers should be used during dry weather to dampen any unsealed areas;*
 - (viii) air compressors associated with the use on No.622 (Lot 1) Newcastle Street and located adjacent or on the subject land shall be housed in an effective noise enclosure and sufficient ventilation shall be provided to allow heat to dissipate from the unit;*
 - (ix) a regular pest control program to be developed and maintained, In particular the property at No.181 (Lot 8) Carr Place should be routinely treated for rodents at least every 12 months;*

- (x) *trade waste materials associated with the use of No.622 (Lot 1) Newcastle Street shall not be stored on the subject land at No.181 (Lot 8) Carr Place;*
- (xi) *compliance with the Health Act 1911. Town of Vincent Health Local Laws 1997, Occupational Health, Safety and Welfare Act/Regulations, the conditions of Worksafe and the Environmental Protection Act and Regulations;*
- (xii) *a detailed landscaping plan, including a schedule of plant species, the planting of mature trees, capable of providing screening, to a minimum height of 2.5 metres along the Carr Street frontage of the lot and the landscaping and reticulation of the Carr Place verge adjacent to the subject property, shall be submitted to the Town of Vincent within four (4) weeks of the Western Australian Planning Commission making a recommendation to the Minister for Planning and Infrastructure for final determination of Amendment No.8 to the Town of Vincent Town Planning Scheme No.1. All such works shall be undertaken within three (3) months of the final determination recommendation being made by the Western Australian Planning Commission and thereafter maintained to the satisfaction of the Town of Vincent at the landowners/occupiers expense;*
- (xiii) *an application proposing new fencing in accordance with the Council's Policy relating to Street Walls and Fences to the Carr Street frontage of No.181 (Lot 8) Carr Place, Leederville shall be submitted to the Town within four (4) weeks of the Western Australian Planning Commission making a recommendation to the Minister for Planning and Infrastructure for final determination of Amendment No.8 to the Town of Vincent Town Planning Scheme No.1; and*
- (xiv) *construction of the fencing approved above shall be constructed within three (3) months from the date of Planning Approval being issued.*

CONSULTATION/ADVERTISING:

The advertising period commenced on 3 July 2002 and concluded on 13 August 2002. The advertising included an advertisement circulating once in a state newspaper and a local newspaper, letters to owners and occupiers of surrounding properties and a sign erected on the frontage of the subject property. At the completion of the advertising period, forty-one (41) submissions and a petition containing thirty-six (36) signatures were received. The schedule of submissions received is included as Appendix 10.1.21 to this report.

COMMENTS:

The forty-one submissions received, excepting one, were of objection to the proposed amendment. In summary, the submissions detailed concerns with noise, dust and pollution, the general unsightly appearance of the property and that the use was unauthorised and unsuitable for a residential area and devalued surrounding properties.

The owner of the subject property has advised that the subject site is currently clear of vehicle bodies and that the associated panel beating workshop at No.622 Newcastle Street is currently vacant. The owner is currently in lease negotiations with prospective new tenants.

The advertising of proposed Amendment No.8 has indicated strong opposition to the existing use of the property for motor vehicle storage associated with motor body repairing at No.622 Newcastle Street. Given such opposition, it is considered appropriate that the use not be given indefinite approval to operate, but rather that in addition to the conditions outlined above, be required to cease within two years of the date of final approval by the Western Australian Commission. Given the difficulties associated with policing such a requirement, it is suggested that a date of 1 January 2005 be set.

In view of the above, it is recommended that the Council seeks final approval of Amendment No. 8 with appropriate modifications to the list of operating conditions and an additional condition requiring the use of No.181 (Lot 8) Carr Place for motor vehicle storage to cease as of 1 January 2005."

10.1.12 No.138 (Lots 276 & 277) Matlock Street, Mount Hawthorn - Proposed Four, Two-Storey Single Houses

Ward:	Mount Hawthorn	Date:	17 September 2002
Precinct:	Mount Hawthorn, P1	File Ref:	PRO0706 (00/33/1292)
Reporting Officer(s):	H Coulter		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council APPROVES the application submitted by the landowners C & F Stoinis Pty Ltd for proposed four, two-storey single houses at No.138 (Lots 276 & 277) Matlock Street, Mount Hawthorn and as shown on plans stamp dated 9 September 2002, subject to;

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

- (a) *bedroom four to units one and four on the first floor northern and southern elevations, respectively;*
- (b) *the lounge to units one and four on the first floor western elevations; and*
- (c) *bedroom three to units one and four on the first floor eastern and western elevations, respectively;*

shall be screened with a permanent obscure material to a minimum of 1.4 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The obscure portion of the windows shall be fixed in a closed position and any higher part may be openable, or the whole window be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees;

(ii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the northern side of the balcony to unit one accessible from bedroom four on the first floor and the southern side of the balcony to unit four accessible from bedroom four on the first floor level shall be screened with a permanent obscure material to a minimum height of 1.4 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;*

(iii) *prior to the issue of a Building Licence, the subject land shall be subdivided as generally shown on the approved plans on Certificates 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 subdivide the subject land as generally shown on the approved plans 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);*

- (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) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences, gates and archways/gateways adjacent to Matlock Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences, gates and archways/gateways being visually permeable, with a minimum 50 per cent transparency;*
- (vi) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Matlock 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);*
- (vii) *prior to the first occupation of the development, the full length and width of the right of way from the existing sealed portion of the right of way 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;*
- (viii) *a bond and/or bank guarantee for \$15,000.00 for the upgrade of the right of way shall be lodged prior to the issue of a Building Licence;*
- (ix) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title or Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (x) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (xi) *a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the Town's assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (xii) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xiii) *subject to first obtaining the consent of the owners of Nos.134 and 140 Matlock Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing Nos. 134 and 140 Matlock Street in a good and clean condition; and*
- (xiv) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.12

Moved by Cr Doran-Wu, Seconded by Cr Chester

That the recommendation be adopted.

LOST (0-7)

(Cr Ker on leave of absence)

(Cr Piper - apology for the meeting)

Reasons:

1. **The number of non-compliance matters is considered excessive.**
2. **Consideration of objections received.**
3. **Council considers this a greenfield site and expects that the compliance should fully comply with the Town Planning Scheme.**

LANDOWNER: C & F Stoinis Pty Ltd
APPLICANT: C & F Stoinis Pty Ltd
ZONING: Metropolitan Region Scheme - Urban
 Town Planning Scheme No.1 – Residential R30
EXISTING LAND USE: Single House

COMPLIANCE:

Requirements	Required	Proposed
Setbacks		
North (grd) (first floor)	1-3.5 metres 3.2 metres	Nil - 1.75 metres 1.5 metres
South (grd) (first floor)	1.0 - 3.5 metres 3.2 metres	Nil - 1.75 metres Nil - 1.75 metres
East (rear to ROW)	6.0 metres	1- 1.452 metres
Filling to Site	300-600 millimetres	720 - 860 millimetres (southern side of lot)
Policy relating to Building Scale	Maximum wall height - 6 metres	6.9-7.1 metres
Total Open Space	50 per cent per lot (151 square metres)	45-48 per cent per lot (135-142 square metres)
Use Class	Single Houses	
Use Classification	'P'	
Lot Area	1208 square metres	

SITE HISTORY:

The property is located on the eastern side of Matlock Street between Green and Ellesmere Streets. Surrounding landuses are characterised by predominately single residential development interspersed with recent sporadic two-storey development. A 5 metres wide, privately owned right of way (ROW) exists along the rear of the site.

The Town's Engineering Services wrote to the Department of Land Administration (DOLA) on 27 June 2002 (inclusive of letters of comment from all service providers and the Department for Planning and Infrastructure approval) requesting the resumption of the ROW. To date, no response has been received from DOLA. Until the resumption is completed, the applicant's property does not have a legal right of access. Furthermore, once the resumption is completed, the Town has no plans to upgrade the ROW in the foreseeable future.

The Council at its Ordinary Meeting held on 13 August 2002 conditionally approved the demolition of the existing dwelling on the subject property however, refused the development application for four, two-storey single houses for the following reasons:

1. *The number of non compliance is considered excessive.*
2. *Consideration of objections received.*
3. *Council considers this as a Greenfield site and expects that compliance should fully comply with the Town Planning Scheme."*

DETAILS:

Approval is sought to construct four, two-storey single houses on separate freehold lots. The applicant has amended the plans from the previous application in terms of the deletion of the verandahs to units one and two, an increase in the front setback of the four dwellings, a variation to the finished floor level of unit four and an increase in the provision of total open space to the four dwellings. In support of the new application, the applicant writes:

*"The following points are the measures taken to address these non-compliance issues.
..Front Setbacks. All residences now have a minimum front setback of 6.0 metres.
.. I have reduced the level of fill to the site and reduced the wall height to be no higher than 3.0 metres.
Rear r.o.w - ...In situations where there is a right of way, it is common practice and logical to site the garage to the rear at a reduced setback,...
Regarding open space non-compliance. The proposals assessment, should take into account the requirements of the new residential planning codes.*

The amended plans have rectified the main non-compliance issues of the proposal. The amended proposal complies with the minimum and average lot sizes for its current zoning Residential R30."

CONSULTATION/ADVERTISING:

There was no requirement to advertise this proposal as a similar proposal was advertised and determined by the Council in the past 12 months. The comments received in relation to the previous application are as follows:

*"...we are seriously concerned that there has been no notification of the wider community on this significant proposal,...
...Stated in the Draft Planning and Building Policy Manual, July 2000...there are two paragraphs that are of specific relevance:
...There appears to be a strong consensus that new development should follow the predominant patterns of housing type, street setbacks, front garden treatment, street rhythm and scale of buildings.
Of special concern is the retention of existing intact streetscapes...This development also has wider implications for our 'street rhythm' as there are a number of other blocks in the immediate vicinity ...that have the potential for development of a similar nature....*

The usage of our right of way would also be impacted upon with increased traffic....Many residents that I have spoken with in Mount Hawthorn, not only those immediately affected, are against such high density housing."

COMMENTS:

Setbacks

The Residential Planning Codes (R Codes) permits the Council to vary the front setback for a group of two or more single houses however in this instance, compliance with a 6 metres setback for the ground and first floor levels has been achieved.

The variation to the northern and southern ground and first floor setbacks are considered acceptable given no specific objections to these matters have been received and the habitable room openings are setback in compliance with the requirements.

Total Open Space

The provision of 45-48 per cent open space per lot is considered a minor variation given each lot is provided with functional front and rear yards and balconies to the rear. Further, the given the site's proximity to local parks, the growing trend for smaller maintenance-free areas of open space, and the adjacent right of way providing the development with a sense of openness, the variation is considered acceptable in this instance.

Height and Scale

The height of the proposed walls of the dwellings exceed the Town's requirements as outlined in its Policy relating to Building Scale. Given the overall height of the buildings do not exceed the maximum 9 metres (to the top of a pitched roof) under the Building Scale Policy and the development is cognisant of two-storey development within the surrounding area, the variation is considered acceptable, in this instance.

Site Levels

In light of the variation of levels across the two lots, it is considered that the proposed finished floor levels and subsequent filling of the land, as amended, is appropriate.

The comments previously received in response to the advertising procedure are acknowledged however, it is noted that the proposal complies with the minimum and average lot sizes for development in an Residential R30 zone. Further, given the modifications made to the plans in response to the Council's concerns, the scale and nature of the dwellings are not dissimilar to new development in the surrounding area and it is not considered that they would have an unreasonable detrimental impact on the amenity of the area. In terms of the design of the dwellings, the Council, whilst encouraging the retention of cultural heritage significance, does not necessarily encourage the replication of housing styles as a means of maintaining character in an area but rather encourages an appropriate diversity in housing styles.

Privacy

A number of the upper floor windows, in particular units one and four, have the potential for unreasonable overlooking. A condition requiring compliance with the Town's Policy relating to Privacy should be applied to address such unreasonable overlooking.

Summary

It is considered that the applicant has addressed the main concerns of the Council and as such, it is recommended that the application be approved, subject to standard and appropriate conditions to address the above matters.

10.1.13 No. 97 (Lot 97) (Strata Lot 2) West Parade, Perth – Proposed Alterations and Two Storey Additions to Existing Grouped Dwelling

Ward:	North Perth, P8	Date:	11 September 2002
Precinct:	Banks, P15	File Ref:	PRO2126 00/33/1249
Reporting Officer(s):	P Mastrodomenico		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by M Stevens on behalf of the owners M Stevens and R Sansone for proposed alterations and two storey addition to existing grouped dwelling at No. 97 (Lot 97) (Strata Lot 2) West Parade, Perth and as shown on the plans stamp dated 7 August 2002 and 9 September 2002, subject to:

- (i) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to West Parade shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (ii) a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (iii) a road and verge security 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) prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (v) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division; and*
- (vi) compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

Moved by Cr Cohen, Seconded by Cr Hall

That the recommendation be adopted.

COUNCIL DECISION ITEM 10.1.13

Moved by Cr Cohen, Seconded by Cr Doran-Wu

That this item be DEFERRED for further clarification of non-compliance matters including overshadowing, type of external cladding to be used and setbacks.

CARRIED (5-2)

<u>For</u>	<u>Against</u>
Cr Chester	Mayor Catania
Cr Cohen	Cr Drewett
Cr Doran-Wu	
Cr Franchina	
Cr Hall	

(Cr Ker on leave of absence)

(Cr Piper - apology for the meeting)

LANDOWNER:	M Stevens and R Sansone
APPLICANT:	M Stevens
ZONING:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R60
EXISTING LAND USE:	Two Grouped Dwellings

COMPLIANCE:

Use Class	Grouped Dwelling
Use Classification	"P"
Lot Area	549 square metres

Requirements	Required	Proposed
Setbacks - Northern Side	1.8 metres	First floor 0.81 metre (Existing ground level 0.81 metre)
Southern Side	1.8 metres	First floor 1.2 metres

SITE HISTORY:

The subject site is occupied by a single storey grouped dwelling. The surrounding area is characterised by single storey dwellings and terrace houses. A Town owned unsealed right of way runs along the rear boundary.

CONSULTATION/ADVERTISING:

There were two objections received during the advertising period.

Issues raised included, the proposed dwelling being unsympathetic with the heritage nature of the area, the bulk and height of the proposed development, the potential for overshadowing on adjacent properties and the potential for the zincalume cladding to cause excessive glare onto the adjacent property. It was also raised that the proposed development may potentially compromise the privacy of the adjacent surrounding dwellings.

DETAILS:

Approval is sought for alterations and a two storey addition to the existing grouped dwelling.

COMMENTS:

Setbacks and Bulk and Scale

The subject block is narrow, and generally any first floor addition will most likely require some variation to side setbacks. In this instance, setting back the first floor additions from the northern property boundary so that the additions are in the centre of the building, is not considered to achieve a noticeable or better outcome in terms of bulk and scale, and therefore this will not address the neighbours concerns regarding the proposal's effect on the neighbours amenity.

The proposal complies with the Town's Policy relating to Building Scale in terms of height, bulk and scale. The proposed additions are setback from West Parade and are not considered to have a detrimental impact on the streetscape of West Parade.

Accordingly, as two-storey dwellings are permitted in this locality, these side setback variations are supported.

Overlooking

It is considered that the proposal to the rear of the house does not create unreasonable overlooking as the first floor habitable rooms are setback from this window, creating a cone of vision which will not unreasonably intrude into the adjoining properties. The objectors concerns relating to overlooking when persons are on the stairs are noted, however as this is not a habitable room, and generally persons will be moving through, this is not considered to present unreasonable overlooking. There is no potential for unreasonable overlooking from the proposed dwelling on the southern or northern elevation as there are no windows on these elevations.

Overshadowing

Calculation of overshadowing for the proposed development reveals that the shadow from the proposal will effectively cast in a easterly direction and it does not overshadow more than 50 percent of the adjoining lots at noon on June 21, therefore complying with clause 1.7.2 of the Residential Planning Codes. As such, the proposed dwelling will not unreasonably cast shadow across the adjoining properties.

Plot Ratio

The proposed plot ratio is considered supportable as it complies with the requirement of the Residential Planning Codes.

Zincalume Roof

Due to the height and angle of the proposed zincalume roof, it is considered that any light reflecting from the roof will not unreasonably affect the adjacent properties.

Summary

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

10.1.8 No.47 (Lot 403) Shakespeare Street, Mount Hawthorn - Proposed Carport Additions to Existing Single House

Ward:	Mount Hawthorn	Date:	13 September 2002
Precinct:	Mount Hawthorn, P1	File Ref:	PR02143 00/33/1285
Reporting Officer(s):	S Ward		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by B Thompson on behalf of the owners B and D Thompson for the proposed carport additions to the existing single house on No. 47 (Lot 403) Shakespeare Street, Mount Hawthorn and as shown on the plans received 15 August 2002, subject to:

- (i) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the deletion of the garage door to the carport;*
- (ii) the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted);*
- (iii) no part of the roof, including gutters (other than metal beams) shall be setback nearer than 500 millimetres from the southern side boundary;*
- (iv) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to and including the front 6 metres from Shakespeare 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;*
- (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 footpath security deposit bond and/or bank guarantee of \$550.00 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing; and*
- (vii) compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.8

Moved by Cr Drewett, Seconded by Cr Cohen

That the recommendation be adopted.

CARRIED (7-0)

(Cr Ker on leave of absence)

(Cr Piper - apology for the meeting)

LANDOWNER: B Thompson
APPLICANT: B and D Thompson
ZONING: Metropolitan Region Scheme – Urban
Town of Vincent Town Planning Scheme No. 1 – Residential
R30
EXISTING LANDUSE: Single House

COMPLIANCE:

Requirements	Required	Proposed
Setbacks		
Carport		
Front -	6 metres	350 millimetres
Southern side -	1.0 metre	Nil
Use Class	Single House	
Use Classification	'P'	
Lot Area	625 square metres	

SITE HISTORY:

The property currently accommodates a single storey brick and pitched metal roof dwelling with an existing carport structure located within the Shakespeare Street setback area.

DETAILS:

An application has been received to construct carport additions to replace the existing carport located within the front setback area of Shakespeare Street.

There are similar carport structures within the front setback area within the immediate vicinity.

In support of the application, the applicant has submitted a letter. An extract of the letter is as follows:

- "1. Security of cars, preventing theft, damage and burglary of our cars.*
- 2. Children's safety, preventing direct access to the road side.*
- 3. Enhance the overall appearance of the front of the property.*
- 4. Increase the value of our property and surrounding properties.*

5. *Reduce direct access to our house at night time increasing security to our property."*

CONSULTATION/ADVERTISING:

No submissions were received during the advertising period.

COMMENTS:

Carport

The Town's Policies on Street Setbacks only permits carports within the front street setback area, providing the carport is one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted). The proposed carport is to be enclosed to the eastern front elevation with a garage door and is considered to unreasonably adversely affect the amenity and streetscape of the area.

The design, profile and finishes of the proposed carport is considered acceptable in terms of compatibility with the existing dwelling, and there is no alternative legally accessible location for the proposed carport behind the front setback building line.

Side Setbacks

The variation to the side setback to the proposed carport is considered relatively minor and is acceptable given its open southern side elevation, no unreasonable adverse affect on the amenity of the area, and no objections were received from the neighbours.

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.

10.1.6 Nos.104-106 (Lots 393 & 441) Scarborough Beach Road, Mount Hawthorn - Proposed Demolition of Existing Vehicle Sales Premises and Proposed Construction of Three, Two-Storey Grouped Dwellings and Three, Two-Storey with Loft Grouped Dwellings

Ward:	Mount Hawthorn	Date:	17 September 2002
Precinct:	Mount Hawthorn, P1	File Ref:	PRO2132 (00/33/1258)
Reporting Officer(s):	H Coulter		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application dated 23 July 2002 submitted by BBS Property developments on behalf of the landowner A Spencer for the proposed demolition of the existing caryard premises and construction of three (3), two-storey grouped dwellings and three (3), two-storey with loft grouped dwellings at Nos. 104-106 (Lots 393 and 441) Scarborough Beach Road, Mount Hawthorn and as shown on plans stamp-dated 13 August 2002, subject to:

- (i) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:

 - (a) the deletion of the visitor parking bays;*
 - (b) a minimum setback of 3 metres to the ground and first floors of units 4, 5, and 6 to the northern (rear) boundary; and*
 - (c) a visual truncation of 2 metres by 2 metres on the western side, at the intersection of the driveway and the footpath;**

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

- (ii) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iii) 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 Parking and Access and Australian Standards AS 2890.1 – "Off Street Parking";*
- (iv) a road and verge security bond and /or bank guarantee of \$550.00 shall be lodge prior to the issue of a Building License and be held until all works have been completed and/or any damage to existing Towns assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (v) the construction of crossovers shall be in accordance with the Town's specifications;*

- (vi) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (vii) *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) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (ix) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (x) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the windows to bedroom 1 and kitchen of units 4-6 on the northern elevation, on the first floor shall be screened with a permanent obscure material to a minimum of 1.4 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The obscure portion of the windows shall be fixed in a closed position and any higher part may be openable, or the whole windows be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; and*
- (xi) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (xii) *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);*
- (xiii) *the proposed 'home office' in units one, two and three shall be used for habitable purposes only. Use of the rooms for 'home occupation' shall require further Planning Approval to be applied for and obtained prior to the first commencement of such uses; and*
- (xiv) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.6

Moved by Cr Doran-Wu, Seconded by Cr Chester

That the recommendation be adopted.

Cr Hall departed the Chamber at 7.12pm

Debate ensued.

Cr Hall returned to the Chamber at 7.15pm

LOST (0-7)

(Cr Ker on leave of absence)

(Cr Piper - apology for the meeting)

Reasons:

- 1. The number of non-compliance areas is considered excessive.**
- 2. The non-compliance of the setbacks.**

LANDOWNER: A Spencer
APPLICANT: BBS Property Developments
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1: Residential R60
EXISTING LAND USE: Motor Vehicle Sales Premises

COMPLIANCE:

Requirements	Required	Proposed
Setbacks		
Front (Scarb.Bch Rd)	6.0 metres	Nil
East (3) (grd)	1.5 metres	Nil
(1st flr)	2 metres	Nil
(6) (grd)	1 metre	Nil
(1st flr)	3.8 metres	1.5 metres
West (4) (grd)	1.5 metres	Nil
(1st flr)	1.2 - 3.0 metres	Nil - 1.6 metres
North (1st flr)	5 metres	1.5-4.1 metres
Plot Ratio	0.55:1 (557.7 square metres)	0.76:1 (774.16 square metres)
Total Open Space	50 per cent (507 square metres)	44 per cent (447.59 square metres)
Private Open Space	40 square metres average per dwelling	39 square metres average per dwelling including 1st floor balconies and decks

Use Class	Grouped Dwellings
Use Classification	'P'
Lot Area	1014 square metres

SITE HISTORY:

The subject lots are occupied by a motor vehicle sales premise. The property is adjacent to a former residence used for offices and a builders hire yard along Scarborough Beach Road and single residential dwellings to the rear of the site along Hobart Street. Surrounding landuses are characterised by a mix of residential and commercial uses and is within close proximity to the District Centre of Mount Hawthorn.

DETAILS:

Approval is sought for the demolition of the vehicles sales premises and the construction of six grouped dwellings. In support of the application the applicant writes:

"We have taken into consideration current uses and building forms for the block between Edinboro Street and Shakespeare Street. We have aligned the three front units with Scarborough Beach Road, with a parapet wall on the boundary, as is the case with the adjoining hairdressing salon and the corner retail outlet. The rear unit on the rear boundary coincides with a current parapet wall on the adjoining property.

We believe our development will provide a streetscape which is more sympathetic with the majority of adjoining existing buildings than the current car yard."

CONSULTATION/ADVERTISING:

One letter from the owners of two adjacent properties has been received in response to the advertising procedure, excerpts of which are as follows:

"We have viewed the plans and firmly believe the construction of these two storey units would:-

- 1. Block the views we have of the city skyline;*
- 2. Devalue our properties substantially;*
- 3. Reduce the light into our backyards which would not enable us to continue to grow vegetables....;*
- 4. Devalue our property...*

We spend a lot of time relaxing in our backyard, enjoying the view and scenery around us. The development would destroy all view and privacy that we are accustomed to and is the main reason why we purchased our properties. Saint Mary's church can be viewed from both our backyards. The church is an integral part of our life...."

COMMENTS:

Demolition

The City of Perth building archive index cards indicate that the building was constructed on the site in 1978 for Mikan Motors. It is a brown brick building with a long fascia sign across its facade that now bears the name of 'J.C. Statton Motor Co'. The building is set back significantly from the street and is of little aesthetic value.

It is evident that the place has little or no cultural heritage significance and it contributes little to the streetscape. As such, it is considered that the proposal to demolish the subject building does not warrant a detailed heritage assessment.

It is recommended that the application to demolish the existing building be approved, subject to standard conditions.

Setbacks

Given the irregular geometry of lots and the setbacks of the existing mixed 'ribbon' type of development along this section of Scarborough Beach Road, the proposed setback to Scarborough Beach Road is considered acceptable. In terms of the eastern and western side setbacks, given the absence of objection and that it is considered the variations will not have an unreasonable adverse impact on the amenity of adjacent lots the side setbacks are supported. The northern, rear setback however, is of concern given the significant variation proposed which has resulted in significant objection. It is noted that the development proposes a large internal vehicle parking and manoeuvring area which could be utilised for increasing the rear setback. Visitor parking is generally varied by the Council and in this instance its removal would allow a minimum 3 metres setback to the adjacent single storey dwellings along Hobart Street and provide improved private open space to units 4, 5 and 6.

Plot Ratio

The variation to plot ratio floor area is supported given the scale of the overall development, and it is not considered that strict compliance would result in any particular benefit to the streetscape and amenity of the area in this instance.

Further, the scale and height of the buildings are cognisant of two-storey development along the street and it is not considered that the variation would have any undue adverse effect on the amenity and streetscape of the area.

Total Open Space

The variation to the open space requirement can be supported on the basis that each new dwelling is provided with functional areas of private open space including a traditional front yard area, a rear courtyard and first floor balcony access from habitable/living areas. In addition, a sense of openness is provided to the site by virtue of the wide road reserve of Scarborough Beach Road and given the site's proximity to local and regional areas of open space and the growing trend for smaller maintenance-free areas of open space, the variation is considered acceptable.

Private Open Space

The current provision of private open space is generally supported on the basis that the dwellings are provided with functional courtyards, balconies and decks to habitable areas. In view of the above comments however, the provision of increased courtyard areas would significantly improve the amenity of units 4, 5 and 6.

Privacy

The upper floor bedroom and kitchen windows of units 4, 5 and 6 on the northern elevation are indicated with obscure glazing. A condition requiring compliance with the Town's Policy relating to Privacy should however, be applied to ensure compliance.

Overshadowing

The proposed buildings will cast shadow in a south-easterly direction across Scarborough Beach Road in front of the development at noon on the 21 June and as such complies with Clause 1.7.2 of the Residential Planning Codes (R Codes) relating to amenity.

Property Values

Whilst not a major planning consideration, the comments regarding perceived property value loss and loss of views are acknowledged however, the proposal does not exceed the density provisions for the site. Further, the design, layout and appearance of the development is not dissimilar to approved and constructed contemporary grouped dwelling developments in the immediate and surrounding areas of the Town.

Summary

The proposal represents a reasonable development for the site. The areas of non-compliance are not considered to be detrimental to the subject site or the surrounding area. It is therefore recommended that the application be approved, subject to standard and appropriate conditions to address the issues discussed above.

10.1.2 No. 362 (Lot 60) Lord Street, Highgate - Proposed Alterations and Additions to Existing Dwelling and Construction of Additional Two (2) Two-Storey, Grouped Dwellings

Ward:	North Perth	Date:	17 September 2002
Precinct:	Banks, P15	File Ref:	PRO0992, 00/33/1252
Reporting Officer(s):	S Turner		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

FURTHER OFFICER RECOMMENDATION:

That;

(i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the retrospective application submitted by the owner A Ismailjee for the proposed alterations and additions to existing dwelling and construction of additional two (2) two-storey, grouped dwellings on No. 362 (Lot 60) Lord Street, Highgate and as shown on plans dated 8 August 2002, subject to the following conditions:*

(a) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*

- (1) *the deletion of the front carport;*
- (2) *the provision of two open uncovered car bays for the existing dwelling;*
- (3) *the setback of the rear ground floor (including carport structures), of the two grouped dwellings accessed from the right of way, being a minimum of 6.0 metres, from the opposite side of the right of way; and*
- (4) *amended elevations that reflect the minor modifications to the upper level;*

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

(b) *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;*

(c) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Lord 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;*

- (d) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title or Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town.*
- (e) *prior to the first occupation of the development, the full length and width of the right of way from Chapman 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;*
- (f) *a bond and/or bank guarantee for \$2000 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence;*
- (g) *a visual truncation of 2 metres by 2 metres at the intersection of the driveway and the footpath on Lord Street, shall be provided at the owner's cost;*
- (h) *a footpath 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;*
- (i) *the construction of the crossovers shall be in accordance with the Town's specifications;*
- (j) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Lord 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);*
- (k) *compliance with the relevant Building, Engineering and Environmental Health requirements;*
- (l) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the windows to the sitting rooms, bedroom 2 and bedroom 3 on the northern and southern elevations and bedroom 3 windows facing east, on the first floor shall be screened with a permanent obscure material to a minimum of 1.4 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The obscure portion of the windows shall be fixed in a closed position and any higher part may be openable, or the whole windows be top hinged and the obscure portion of the window openable to a maximum of 20 degrees;*
- (m) *no car parking structures shall be erected within the front setback area adjacent to Lord Street; and*

to the satisfaction of the Chief Executive Officer; and

- (ii) (a) *the Council advises the owner(s) of No. 362 (Lot 60) Lord Street, Highgate that the unauthorised structures at the rear of the existing dwelling are to be removed within fourteen (14) days of notification, and that the Council will commence legal proceedings should this requirement not be complied with;*
- (b) *that should the requirements stated in (ii) (a) above not be complied with, the Council authorises the Chief Executive Officer to issue notices in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1960, and/or the Town of Vincent Town Planning Scheme No.1, and/or the Town Planning and Development Act 1928, requiring the removal of the unauthorised structures; and*
- (c) *the Council authorises the Chief Executive Officer to undertake legal proceedings, should the above requirements not be complied with.*

COUNCIL DECISION ITEM 10.1.2

Moved by Cr Cohen, Seconded by Cr Drewett

That the recommendation be adopted.

Mayor Catana directed that this item be considered in two parts.

Clause (i).

PUT AND LOST (0-7)

(Cr Ker on leave of absence)
(Cr Piper - apology for the meeting)

Reasons:

1. No valid building license is issued for this development.

Clause (ii).

CARRIED (7-0)

(Cr Ker on leave of absence)
(Cr Piper - apology for the meeting)

FURTHER REPORT:

The Council at its Ordinary Meeting held on 10 September 2002 resolved that "*That this item be DEFERRED for further investigation concerning building licence approval and report*".

Background

24 August 1998

The Council at its Ordinary Meeting conditionally approved two, 2-storey grouped dwellings additional to the existing single house to form three grouped dwellings.

25 September 2001 The above approval lapsed and a new development application was submitted. This was considered by the Council at its Ordinary Meeting, where it conditionally approved two, 2-storey grouped dwellings additional to the existing single house to form three grouped dwellings.

Comments

Following the Council's determination of the application, advice was submitted to the Town from the Western Australian Planning Commission (WAPC) stating that they did not support any development within the Lord Street road reserve. This information was required prior to the Town issuing a formal Planning Approval. The formal Planning Approval was never issued. A Building Licence was not issued for the development of the rear dwellings and as such the work was carried out without any formal approval apart from the conditional approval from the Council on 25 September 2001.

A site inspection was carried out, on 26 August 2002 and 16 September 2002, by the Town's Officers to determine the extent of works (refer to attached photographs). The construction appears to be in accordance with the plans that were endorsed by Council and with the current proposal. However, a detailed assessment would need to be carried out by the Town in this regard to confirm compliance. In addition, further works appear to have occurred within the time between the first and second site inspection. A stop work notice will be served as a matter of priority.

A retrospective Planning Approval can be granted by the Council for the development. However, it should be noted that a retrospective Building Licence cannot be issued and should the Council choose to pursue the matter, they can initiate the issuing of a Building Notice requiring the work to be demolished and removed. The owner of the property would then be able to appeal this decision to the Minister for Local Government and Regional Development.

The modifications to the original approved development include a reduction in the setbacks of the upper level to the side and rear boundaries and the ground floor (carport) to the rear boundary, of the proposed new dwellings. These modifications are considered supportable in part, however the setback to the ground floor carports should be increased to allow a minimum of 6.0 metres, from the opposite side of the right of way.

Updated comments were received from the Department of Planning and Infrastructure on behalf of the WAPC in a letter dated 9 September 2002. The comments advise *"that the proposed car bay, courtyard and brick fence are permissible within the reservation. However, the proposed new carport is not acceptable within this area."* This advice has been addressed in clauses (i) (a) and (i) (m) of the officer recommendation.

In light of the above, the previous Officer recommendation has been amended to delete the previous WAPC approval clause (xii) and to require the unauthorised construction to be removed within 14 days, and to authorise the serving of Building/Planning notices and legal proceedings should the request not be complied with.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 10 September 2002:

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by the owner A Ismailjee for the proposed alterations and additions to existing dwelling and construction of additional two (2) two-storey, grouped dwellings on No. 362 (Lot 60) Lord Street, Highgate and as shown on plans dated 8 August 2002, subject to the following conditions:

- (i) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:
 - (a) the deletion of the front carport;*
 - (b) the provision of two open uncovered car bays for the existing dwelling;*
 - (c) the setback of the rear ground floor (including carport structures), of the two grouped dwellings accessed from the right of way, being a minimum of 6.0 metres, from the opposite side of the right of way; and*
 - (d) amended elevations that reflect the minor modifications to the upper level.*

*The revised plans shall not result in any greater variation to the requirements of the Residential Planning Codes and/or the Town's Policies;**
- (ii) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Lord 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;*
- (iv) prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title or Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town.*
- (v) prior to the first occupation of the development, the full length and width of the right of way from Chapman 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;*
- (vi) a bond and/or bank guarantee for \$2000 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence;*
- (vii) a visual truncation of 2 metres by 2 metres at the intersection of the driveway and the footpath on Lord Street, shall be provided at the owner's cost;*
- (viii) a footpath 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;*

- (ix) *the construction of the crossovers shall be in accordance with the Town's specifications;*
- (x) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Lord 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);*
- (xi) *compliance with the relevant Building, Engineering and Environmental Health requirements;*
- (xii) *the support and/or approval of the Department for Planning and Infrastructure and/or Western Australian Planning Commission and compliance with its associated conditions;*
- (xiii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the windows to the sitting rooms, bedroom 2 and bedroom 3 on the northern and southern elevations and bedroom 3 windows facing east, on the first floor shall be screened with a permanent obscure material to a minimum of 1.4 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The obscure portion of the windows shall be fixed in a closed position and any higher part may be openable, or the whole windows be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; and*
- (xiv) *no car parking structures shall be erected within the front setback area adjacent to Lord Street; and*

to the satisfaction of the Chief Executive Officer.

Moved by Cr Ker, Seconded by Cr Cohen

That the recommendation be adopted.

Cr Chester departed the Chamber at 8.20pm.

Cr Chester returned to the Chamber at 8.22pm.

COUNCIL DECISION ITEM 10.1.6

Moved by Cr Ker, Seconded by Cr Franchina

That this Item be DEFERRED for further investigation concerning building licence approval and report.

CARRIED (7-0)

(Crs Drewett and Piper absent from the meeting.)

LANDOWNER: *A Ismailjee*

APPLICANT:

A Ismailjee

ZONING:

Metropolitan Region Scheme: Urban

Town Planning Scheme No. 1: Residential R60

EXISTING LAND USE:

Single House

COMPLIANCE:

<i>Use Class</i>	<i>Grouped Dwelling</i>
<i>Use Classification</i>	<i>'P'</i>
<i>Lot Area</i>	<i>556 square metres</i>

<i>Requirements</i>	<i>Required</i>	<i>Proposed</i>
<i>Front Setback (Carport to Existing Dwelling)</i>	<i>6 metres</i>	<i>1.1 metres</i>
<i>Northern Side First Floor Setback</i>	<i>3.5 metres</i>	<i>1.025 - 2.465 metres</i>
<i>Southern Side First Floor Setback</i>	<i>3.5 metres</i>	<i>1.025 - 2.465 metres</i>
<i>Policy - Vehicle Access to Dwellings via a Right of Way</i>	<i>Minimum access manoeuvring dimension of 6 metres</i>	<i>5.1 metres manoeuvring dimension, including right of way</i>
<i>Plot Ratio</i>	<i>0.55</i>	<i>0.63</i>
<i>Open Space</i>	<i>50 percent</i>	<i>48 percent</i>
<i>Pedestrian Accessway</i>	<i>1.5 metres</i>	<i>1.2 metres and 1.07 metres</i>

SITE HISTORY:

24 August 1998

The Council at its Ordinary Meeting conditionally approved two, 2-storey grouped dwellings additional to the existing single house to form three grouped dwellings.

25 September 2001

The above approval lapsed and a new development application was submitted. This was considered by the Council at its Ordinary Meeting where it conditionally approved two, 2-storey grouped dwellings additional to the existing single house to form three grouped dwellings.

A private unsealed right of way (ROW) of 4.02 metres in width runs along the rear boundary.

DETAILS:

Approval is sought for modification to the existing planning approval for alterations and additions to the existing house and the construction of two (2) two-storey, grouped dwellings on the subject site. The modifications include a reduction in the setbacks of the upper level to the side and rear boundaries and the ground floor (carport) to the rear boundary, of the proposed new dwellings.

CONSULTATION/ADVERTISING:

During the advertising period no submissions were received.

The proposal was referred to the Department for Planning and Infrastructure (DPI) for comment as Lord Street is reserved as an Other Regional Road, which is affected by a road widening requirement under the Metropolitan Region Scheme (MRS). Previous comments received by the Town from DPI, in a letter dated 10 October 2001, state the following:

"The Department would be prepared to support a proposal which does not include any development within the ORR reservation (ie wholly contained on the portion of the subject land which is not reserved for ORR), subject to it being in compliance with the requirements of the Council's town planning scheme and relevant policies."

Liaison with Officers at DPI confirmed that the front courtyard fencing would be considered acceptable within the 5 metres road widening reserve, however the carport structure would not.

COMMENTS:

Setbacks

Within the immediate streetscape along Lord Street a pattern has not been established incorporating carports within the front setback area. In accordance with the Town's Policy - Street Setbacks and DPI's position as outline previously, the proposed carport to the existing dwelling is not supported.

The variations to the side setbacks are not considered to have an undue adverse impact on the amenity of the adjoining properties. The adjoining property owners did not object to the proposal and as such the proposed reduced setbacks to side boundaries are supported.

The Town's Technical Services has assessed the proposed access to the rear via the right of way. Due to the narrowness of the right of way and lot, manoeuvring a vehicle in and out of the proposed garage is difficult. In accordance with the Town's 'Vehicle Access to Dwellings Via a Right of Way' Policy, an increased setback of the lower level structures is required to comply with the 6 metres manoeuvring depth, measured from the opposite side of the right of way. The proposed reduced rear setback is not supported and as such is to be increased from 0.9 metre to 1.8 metres, in accordance with the Town's policy requirements.

As this is the only vehicle access to the property, the proposed vehicle access from the right of way is considered acceptable in this instance.

Plot Ratio and Open Space

In terms of plot ratio, the location of the proposed two storey dwellings to the rear of the lot and the use of varying materials, staggered setbacks and other design features have the collective impact of reduced visual bulk and scale and is considered acceptable.

The variation to the open space is considered minor and given the provision of useable courtyards and the adjoining Lord Street and ROW providing a sense of 'openness', is supportable.

Privacy

The windows to the upper floor sitting rooms, bedroom 2 and bedroom 3 to both new dwellings have undue overlooking potential and in accordance with the Town's Policy - Privacy, a screening condition is considered appropriate.

Pedestrian Accessway

The width of the pedestrian accessway along the northern and southern sides of the existing house will not adversely affect the ability to provide pedestrian access from the rear new dwellings to Lord Street for postal, visitors and rubbish collection and public utilities, and is considered acceptable.

Summary

It is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters, including similar conditions on the previous approval which are still applicable."

10.1.3 No. 213A (Lot 21) (Strata Lot 2) Vincent Street, North Perth - Proposed Patio Addition to Existing Grouped Dwelling

Ward:	North Perth	Date:	13 September 2002
Precinct:	Cleaver, P5	File Ref:	PRO0533 00/33/1276
Reporting Officer(s):	P Mastrodomenico, V Lee		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by Cool Shades Australia on behalf of the owners B Donnelly and T Miller for the proposed patio addition to existing grouped dwelling at No. 213A (Lot 21) (Strata Lot 2) Vincent Street, North Perth and as shown on plans stamped 28 August 2002, subject to:

- (i) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division; and*
- (ii) compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.3

Moved by Cr Drewett, Seconded by Cr Hall

That the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY (6-1)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Chester
Cr Cohen	
Cr Doran-Wu	
Cr Drewett	
Cr Franchina	
Cr Hall	

(Cr Ker on leave of absence)
(Cr Piper - apology for the meeting)

LANDOWNER:	B Donnelly & T Miller
APPLICANT:	Cool Shades Australia
ZONING:	Metropolitan Region Scheme – Urban Town Planning Scheme No. 1 – Residential R80
EXISTING LANDUSE:	Four (4) Grouped Dwellings

COMPLIANCE:

Requirements	Required	Existing	Proposed
Plot Ratio	0.55	0.69 as approved at the Ordinary Meeting of Council held 23 February 1998	0.72

Use Class	Grouped Dwellings
Use Classification	"P"
Lot Area	660 square metres

SITE HISTORY:

Planning Approval was granted on 23 February 1998 for three grouped dwellings to be built behind an existing dwelling at No. 213 Vincent Street, North Perth. As part of this approval, a concession was allowed for a reduction in the plot ratio and open space requirements.

A 3 metres wide sealed, resumed and vested right of way runs along the rear boundary.

DETAILS:

Approval is sought for a patio addition of approximately 25 square metres at the rear of the existing grouped dwelling at No. 213A Vincent Street, North Perth.

CONSULTATION/ADVERTISING:

No objections were received during the advertising period.

COMMENTS:

The proposed patio is to the first floor courtyard/terrace. Therefore, the patio does not alter the open space requirements.

The proposed patio will be accessible directly from the bedroom/studio and lead out into the existing rear courtyard/terrace, which has approximately 25 square metres of useable and functional area. The proposed patio is over the existing courtyard/terrace and will not adversely affect the function of the rear courtyard.

The proposed further variation to plot ratio is considered to be minor and does not unreasonably adversely affect the amenity of the area, and is therefore considered appropriate in this instance.

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

10.1.4 Nos. 33 - 35 (Lots 52 and 53) Mary Street, Highgate - Proposed Additional Single Bedroom Grouped Dwelling to Eight (8) Multiple Dwellings

Ward:	North Perth	Date:	17 September 2002
Precinct:	Hyde Park, P12	File Ref:	PRO0104 (00/33/0738)
Reporting Officer(s):	H Coulter		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application dated 15 August 2001 submitted by SJB Town Planners on behalf of the landowners L C & P A Squire for a proposed additional single bedroom grouped dwelling to the existing eight (8) multiple dwellings on Nos.33-35 (Lots 52 & 53) Mary Street, Highgate, and as shown on amended plans stamp dated 18 September 2002, subject to:

- (i) prior to the issue of a Building Licence, amended plans shall be submitted and approved depicting the proposed stores being setback a minimum of 1 metre from the western side boundary or appropriate consent being sought from the owner of adjoining No.37 Mary Street for a lesser side setback or a wall on the boundary;*
- (ii) the proposed single bedroom dwelling shall only be utilised as a single bedroom dwelling as defined in the Residential Planning Codes (R-Codes);*
- (iii) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iv) 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);*
- (v) a right of way security bond and/or bank guarantee for \$220.00 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*

- (vi) *a road and verge security bond and /or bank guarantee of \$220.00 shall be lodge prior to the issue of a Building License and be held until all works have been completed and/or any damage to existing Towns assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (vii) *a pedestrian access way of a minimum width of 1.2 metres being provided and constructed from Mary Street to the proposed rear dwelling/lot;*
- (viii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the windows to the living room and the bedroom on the southern and northern elevations respectively, on the first floor shall be screened with a permanent obscure material to a minimum of 1.4 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The obscure portion of the windows shall be fixed in a closed position and any higher part may be openable, or the whole windows be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees;*
- (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 the front fences and gates adjacent to Mary 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;*
- (x) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (xi) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Mary 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*
- (xii) *compliance with all relevant Environmental Health, Building and Engineering requirements;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.4

Moved by Cr Hall, Seconded by Cr Doran-Wu

That the recommendation be adopted.

LOST (0-7)

(Cr Ker on leave of absence)

(Cr Piper - apology for the meeting)

Reasons:

1. **The application does not comply in a number of areas.**
2. **Lack of details in the plans.**

LANDOWNER: L C & P A Squire
APPLICANT: SJB Town Planners
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1: Residential R80
EXISTING LAND USE: Eight Multiple Dwellings and Garage/Store/Laundry

COMPLIANCE:

Requirements	Required	Proposed
Eastern side setback	1.5 metres	Nil (existing)
Southern side setback	2.5 metres	2.8 metres (incl. half width of right of way)
Pedestrian Accessway	1.5 metres wide	1.2 metres wide (existing)
Car Parking	9 bays	1 bay

Use Class	Multiple Dwellings and Grouped Dwellings
Use Classification	"X"; "P"
Lot Area	849 square metres

SITE HISTORY:

The existing single bedroom units were built in the 1940's without parking provision however, an application for a two-storey single bedroom dwelling incorporating two car bays, and provision for two additional bays in the front setback and a six square metres storage area for use by the occupants of the existing dwelling, was refused by the Council of the City of Perth at its Ordinary Meeting on 19 July 1993.

A planning application for a double garage, storeroom and laundry was approved by the City of Perth on 16 June 1994, however amended plans were received prior to the issue of a Building Licence in response to illegal building activity occurring on site.

The Council at its Ordinary Meeting held on 24 October 2000 resolved to recommend refusal to the Western Australian Planning Commission (WAPC) for a survey strata subdivision of the subject lots for the following reasons:

- (i) the proposal is not consistent with the orderly and proper planning and the preservation of the amenities of the area by virtue of the loss of laundry, storage and car parking facilities for the eight existing single bedroom dwellings and the unreasonable adverse effect of possible relocation of these facilities to functional communal open space that exists on the site;
- (ii) the proposal will result in greater non-compliance with Residential Planning Codes requirements relating to car parking; and
- (iii) non-compliance with the Town's Policy 3.1.7 relating to the minimum width of pedestrian access ways to the proposed rear lot.

The WAPC refused the survey strata application on 1 November 2000.

The applicant was unsuccessful in a request made to the WAPC for reconsideration of the application and subsequently appealed the WAPC's refusal of reconsideration dated 18 January 2001.

The Minister for Planning and Infrastructure in a letter dated 17 September 2001 advised the appellant that the Commission's decision was soundly based and that the appeal was dismissed.

It is noted that the Minister advised the following:

"Until the Town has been given an opportunity to re-examine the situation bearing in mind the past opposition to any intensification, it would not be appropriate to circumvent the desired process by contemplating subdivision."

An agenda report recommending refusal of the subject application was prepared for the Ordinary Meeting of Council held on 23 October 2001. The applicant requested that the matter be deferred to allow for the areas of concern relating to setbacks, stores, car parking, privacy, plot ratio and vehicle access to be addressed.

DETAILS:

Approval is sought to convert and modify the existing garage/store/laundry for the purpose of a two-level single bedroom dwelling inclusive of one parking bay.

A Town-owned, sealed right of way runs along the rear boundary.

CONSULTATION/ADVERTISING:

Two letters were received during the consultation period and excerpts are as follows:

"This exact proposal was presented to the City of Perth several years ago and was rejected on planning grounds.

...

In summary, I believe that this application as like the previous application fails to comply with numerous town planning guidelines and should be rejected accordingly."

With regard to the above, the City of Perth archive files reveal that several letters were received in relation to previous applications. The main areas of concern were listed as follows:

- (i) *perceived overshadowing and the visual effect of a 'warehouse';*
- (ii) *non-compliance with setback requirements;*
- (iii) *the proposal will create a tunnel like effect and may set a precedent for similar developments;*
- (iv) *the building does not conform to the definition of a single bedroom dwelling as it has an additional room which can be used as a bedroom;*
- (v) *the plot ratio exceeds the R80 maximum plot ratio.*

An excerpt of the second submission is as follows:

"The garage studio currently visible from my back garden, when altered would look into my back garden....compromising my privacy. It seems to me that the whole block with the existing flats is overcrowded and what would the parking situation be?"

COMMENTS:

It is noted that a number of discussions and variations to the plans dated 14 September 2001 have resulted in the Town's concerns being addressed. These concerns primarily related to the provision of storage and laundry facilities for the existing dwellings as a result of the existing building being converted, the provision of communal and private open space and car parking.

Density

The proposed density complies with clause 5.2.1 of the Residential Planning Codes (R-Codes), which allows the Council to permit up to 50 percent density bonus for single bedroom dwellings. The proposal incorporates the retention of existing dwellings that are considered worthy of retention and, as such, clause 20 of the Town's Town Planning Scheme No.1 can also be utilised which also permits a density bonus up to 50 percent.

Side Setbacks

The variations to the eastern, southern and northern side setbacks are considered minor and given that the walls exist, it is not considered that they have or would now represent an unreasonable adverse effect on the amenity of the adjacent properties.

Privacy

The upper floor living and bedroom windows of the new dwelling facing north and south, respectively, are required to be screened in accordance with the Town's Policy relating to Privacy.

Carparking

As outlined in clause 5.2.2 of the R Codes relating to car parking for single bedroom dwellings, '*a minimum provision in any case of one bay per dwelling*', the proposal details one bay for the proposed new single bedroom dwelling. The carparking shortfall is existing and given the proposal meets the requirement for the new dwelling and that alterations to the existing dwellings are not proposed other than the provision of stores and laundry facilities, the variation is supported.

Pedestrian Accessway

The provision of a 1.2 metres wide accessway is required where sole vehicular access is to be taken from a right of way. The purpose of the accessway is to provide access to the occupants of the new dwelling to Mary Street for the collection of mail and garbage services and public utilities. The applicant has requested a variation to this requirement given the width available on the eastern side of the existing multiple dwellings is 1.2 metres. The variation is considered acceptable in this instance.

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

10.1.7 No.229 (Lot 108) Walcott Street corner of Russell Avenue and Little Walcott Street, North Perth – Proposed Demolition of Existing Six Multiple Dwellings and Construction of Six, Two-Storey Grouped Dwellings with Undercroft Carparking

Ward:	Mount Hawthorn	Date:	18 September 2002
Precinct:	Norfolk, P10	File Ref:	PRO2124 00/33/1245
Reporting Officer(s):	H Coulter		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by A Churack on behalf of the landowners Penville Holdings Pty Ltd for the proposed demolition of existing six multiple dwellings and construction of six, two-storey grouped dwellings with undercroft carparking at No.229 (Lot 108) Walcott Street corner of Russell Avenue and Little Walcott Street, North Perth and as shown on plans dated 5 August 2002 and 18 September 2002, subject to:

- (i) prior to the issue of a Building Licence, amended plans shall be submitted and approved, depicting a minimum vehicle accessway width of three (3) metres;*
- (ii) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iii) a road and verge security bond and/or bank guarantee of \$550.00 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to existing Towns assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (iv) a detailed landscaping plan, including a schedule of plant species, the landscaping and reticulation of the Walcott Street, Russell Avenue and Little Walcott Street verges adjacent to the subject property, and the landscaping of the Russell Avenue verge adjacent to the subject property, with semi-mature trees to reduce the scale and impact of the development from the street, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) prior to the 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) the construction of crossovers shall be in accordance with the Town's specifications;*

- (vii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any proposed front fences and gates adjacent to Walcott Street, Russell Avenue and Little Walcott Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fence and gate being visually permeable, with a minimum 50 per cent transparency;*
- (viii) *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;*
- (ix) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (x) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the south-eastern sides of the balconies accessible from the study of units 2, 4 and 6 on the first floor shall be screened with a permanent obscure material to a minimum height of 1.4 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;*
- (xi) *the support/approval of the Department for Planning and Infrastructure and/or the Western Australian Planning Commission and compliance with its comments and conditions at the applicant(s)/owner(s) full expense;*
- (xii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the windows to the lounge rooms to units 2, 4 and 6 on the south-eastern elevation on the ground floor shall be screened with a permanent obscure material to a minimum of 1.4 metres above the finished ground floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The obscure portion of the window shall be fixed in a closed position and any higher part may be openable, or the whole window be top hinged and the obscure portion of the window openable to a maximum of 20 degrees;*
- (xiii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (xiv) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence; and*
- (xv) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.7

Moved by Cr Franchina, Seconded by Cr Drewett

That the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY (7-0)

(Cr Ker on leave of absence)
(Cr Piper - apology for the meeting)

LANDOWNER: Penville Holdings Pty Ltd
APPLICANT: A Churack
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No. 1: Residential R60
 Walcott Street is an Other Regional Road Reservation.
EXISTING LAND USE: Multiple Dwellings

COMPLIANCE:

Requirements	Required	Proposed
Setbacks - Front (Walcott Street)	6.0 metres	6.0 metres
Secondary (Russell Avenue)	6.0 metres *	1.2 metres
Rear (Little Walcott Street)	1.5 metres	3.0 metres
South-East (1 st flr)	3.6 metres	1.3 metres
Levels	300 - 600 millimetres	450-1700 millimetres
Building Scale Policy	Top of external wall maximum height - 7 metres	8.4 metres
Private Open Space	Minimum average per dwelling - 40 square metres, including a courtyard of 24 square metres	50.56 square metres average. Units 4-6 provided only with first floor decks of 34 square metres.
Plot Ratio	0.55:1 (556.6 square metres)	0.58:1 (592.9 square metres)

Use Class	Grouped Dwellings
Use Classification	'P'
Lot Area	1012 square metres

*Clause 1.5.8 of the Residential Planning Codes permits the Council to consider a reduced setback to a secondary street to 1.5 metres, or less in special circumstances, provided that adequate sight lines for traffic are maintained.

SITE HISTORY:

The subject site accommodates a multiple dwelling building constructed in 1967. The site falls from its highest level at Walcott Street of 19.44 to 10.36 at its southern-most corner at Little Walcott Street. The surrounding area is characterised by single residential to the north along Russell Avenue and multiple dwelling buildings along Walcott and Little Walcott Streets.

DETAILS:

Approval is sought to demolish the existing six multiple dwellings and to construct six, two-storey grouped dwellings with undercroft parking on the subject site.

CONSULTATION/ADVERTISING:

No submissions were received during the consultation period. The application was referred to the Western Australian Planning Commission, as Walcott Street is an Other Regional Road. To date, no response has been received.

COMMENTS:

Demolition

The City of Perth building archive index cards indicate that the building was constructed in 1967. It accommodates six multiple dwellings and is representative of the high density residential development that proliferated in Perth during the 1960s, primarily as a result of the progressive planning ethos and codes of the time that encouraged high density living.

It appears that the place would have little to no cultural heritage significance and multiple dwelling buildings such as this are generally of little value to the community. As such, it is considered that the proposal to demolish the subject building does not warrant a detailed heritage assessment.

It is recommended that the application to demolish the existing multiple dwelling building at No.229 (Lot 108) Walcott Street, Mount Lawley be approved, subject to standard conditions.

Setbacks

The proposed setbacks of the new dwellings are considered acceptable given the nature of surrounding development and the sense of openness afforded by the three street frontages. Notwithstanding, it is considered appropriate that the Russell Avenue verge be landscaped with semi-mature trees to reduce the impact of the building along the secondary street. The variation to the side setback is supportable, given the absence of direct objection and it is not considered that the proposed setback of the buildings would have an unreasonable adverse impact on the amenity of the area.

Plot Ratio

The variation to the plot ratio floor requirement is supported given the scale of the overall development, the sense of openness afforded to the site by virtue of the three street frontages, the scale of surrounding development and it is not considered that strict compliance would result in any particular benefit to the streetscape or the development.

Building Scale

The proposed undercroft parking, whilst largely underground, results in the proposal being viewed as a three-storey building. The resultant wall heights exceed the maximum 7 metres as required in the Town's Policy relating to Building Scale, however, it is considered that the scale and height of the buildings are cognisant of two and three-storey development in the surrounding area and the existing three-storey multiple dwelling development on-site, which is characteristically undulating and it is not considered that the proposal would have any undue adverse effect on the amenity and streetscape of the area in this instance.

Privacy

The proposed balconies on the south-eastern elevation are depicted with screening to 1.6 metres however, a condition in accordance with the Town's Policy relating to Privacy should be imposed to ensure compliance. In addition, the windows to the ground floor lounge rooms are elevated and should also be screened to prevent unreasonable overlooking.

Private Open Space

Four of the proposed units do not provide ground level courtyards compliant with the Residential planning Codes (R Codes). Given the restrictions of the site however, and the advantage of city views to be gained from the units, raised decks of 34 square metres, accessible from the dining areas of the units, have been provided. It is considered that in this instance, the deck areas generally satisfy the intent of the R Codes for private open space and given that an average in excess of 50 square metres of private open space for the units has been provided, the non-compliance can be supported.

Levels

As outlined, the site has a maximum difference in levels from Walcott Street to Little Walcott Street of 9.08 metres. The proposal includes an undercroft parking area and substantial retaining walls which, in the circumstances, are considered supportable. Surrounding development is characterised by significant retaining and extensive wall heights and it is not considered that this proposal will have an unreasonable impact on the amenity of the adjoining property.

Summary

The application represents reasonable redevelopment of the site and the proposed variations to the R Codes and the Town's Policies are considered supportable given the nature of the site and surrounding development. In light of the above, it is recommended that the application be approved, subject to standard and appropriate conditions to address the above matters.

10.1.21 Review of Town of Vincent Town Planning Scheme No.1 Clause 34 - Unauthorised Existing Developments

Ward:	Both Wards	Date:	17 September 2002
Precinct:	All Precincts	File Ref:	PLA0100
Reporting Officer(s):	M Turnbull		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating the review, performance and costs of Town Planning Scheme No.1 Clause 34 - Unauthorised Existing Development;*
- (ii) *AMENDS the Schedule of Fees as set out in Section C of the Annual Budget for the financial year ending 30 June 2003, by adding the additional fee as follows:*

	2002/2003	GST
<i>Determination of a development application applied for in accordance with Clause 34 of Town of Vincent Town Planning Scheme No.1</i>	<i>The fee required for a development application for a similar development in the Fees and Charges 2002/2003 multiplied by a factor of four (4).</i>	<i>X</i>

and;

- (iii) *APPROVES BY AN ABSOLUTE MAJORITY, to give local public notice and advise the Western Australian Planning Commission of the proposed amendment to the Schedule of Fees as proposed under (ii) above and as set out under Clause 8 of the Town Planning (Local Government Planning Fees) Regulations 2000 and amend accordingly those previously approved by the Council as part of the 2002/2003 Budget.*

Moved by Cr Chester, Seconded by Cr Hall

That the recommendation be adopted.

Debate ensued.

COUNCIL DECISION ITEM 10.1.21

Moved by Cr Chester, Seconded by Cr Hall

That this item be DEFERRED for further information relating legal costs and details relating to the senior officer time required for each item.

CARRIED (7-0)

(Cr Ker on leave of absence)
(Cr Piper - apology for the meeting)

BACKGROUND :

At the Ordinary Meeting of Council held on 14 May 2002 it was resolved:

"That the Council authorises the Chief Executive Officer to review;

- (i) the intent, performance and the extent of retrospective planning provisions provided in Clause 34 of the Town of Vincent Town Planning Scheme;*
- (ii) the provisions of Clause 40 of the Town of Vincent Town Planning Scheme to provide greater surety for residents and identify suitable limitations to those provisions in areas zoned Residential; and*
- (iii) subsequently provide a report to Council no later than 25 June 2002."*

Clause (ii) of the above Council resolution was addressed in a separate report relating to the review of Town Planning Scheme No.1.

At the Ordinary Meeting of Council held on 25 June 2002 it was resolved, via the Information Bulletin resolution, in "IB04 Review of Town of Vincent Town Planning Scheme No 1 – Clause 34":

"That the Council receives the report on the review of Town of Vincent Town Planning Scheme No.1 Clause 34."

At the Ordinary Meeting of Council held on 9 July 2002 it was resolved:

"That the Council:

- (i) authorise the Chief Executive Officer to prepare a report on*
 - (a) the processing of developments that are identified as non-compliant or unauthorised under the Town of Vincent Town Planning Scheme No.1 and to include the identification of any extraordinary legal, staff and administrative costs;*
 - (b) the threshold situation that constitutes a significant cost to the Town; and*
 - (c) the various "user pays" schemes for the Town to recover any extraordinary costs from parties undertaking non-compliant or unauthorised development requiring consideration under Clause 34 of the Town of Vincent Town Planning Scheme No.1; and*
- (ii) receives the report no later than September 2002."*

DETAILS:

Current Status of Clause 34

The Town of Vincent Town Planning Scheme No.1 Clause 34 - Unauthorised Existing Development, states:

- "(1) Where a development has been, or is being, carried out contrary to Clause 32, a person may apply to the Council for planning approval for that development.*
- (2) If the Council grants planning approval in respect of an application made under subclause (1), the planning approval is not to be taken as –*

- (a) *authorising development before the date on which the Council resolved to grant the planning approval; or*
- (b) *preventing action being taken in respect of the unauthorised development before the date on which the Council resolved to grant planning approval."*

With reference to Clause 34 above, Town Planning Scheme No.1 Clause 32 - Need for Planning Approval, states:

- "(1) *A person shall not begin or continue development of any land or building in the Scheme area, unless it is a development exempted by Clause 33, without first having applied for and obtained planning approval.*
- (2) *To avoid any doubt, development for which planning approval is required includes both use (which is the subject of Part 2 of this Scheme) and development (which is the subject of Part 3)."*

With reference to Clause 32 above, Town Planning Scheme No.1 Clause 33 - Exemption from Planning Approval defines the development types that do not require Planning Approval.

The Model Scheme Text, which contains the recommended wording for town planning schemes, states the following Clause:

"8.4 Unauthorised existing developments

8.4.1 The local government may grant planning approval to a use or development already commenced or carried out regardless of when it was commenced or carried out, if the development conforms to the provisions of the Scheme.

8.4.2 Development which was unlawfully commenced is not rendered lawful by the occurrence of any subsequent event except the granting of planning approval, and the continuation of the development unlawfully commenced is taken to be lawful upon the grant of planning approval.

- Note*
- 1. *Applications for approval to an existing development are made under Part 9.*
 - 2. *The approval by the local government of an existing development does not affect the power of the local government to take appropriate action for a breach of the Scheme or Act in respect of the commencement or carrying out of development without planning approval."*

In comparison with the Model Scheme Text, Clause 34 contains similar wording and has the same intent and powers as the Text. Furthermore, a review of four other local authorities Town Planning Schemes has revealed that all contain similar provisions as Clause 34.

Intent of Clause 34

In summary, the intent of Clause 34 is to allow the Council to approve existing development that has not formally received Planning Approval. In some instances, development may occur that has required the Town's approval, but has not been sought. In most cases, the person undertaking the works has not been aware that approval was required from the Town. The Clause allows the Town to then assess and consider the unauthorised existing development on the development's merits. Clause 34 allows the Council to approve and ratify an unauthorised existing development which is considered acceptable, therefore, not requiring Council to undertake legal action (and associated costs and resources) on an unauthorised existing development. Furthermore, Clause 34 is consistent with the Model Scheme Text and contains similar provisions as other local authorities town planning schemes.

Processing of Unauthorised Existing Development under Clause 34

A simplified procedure for the processing of unauthorised development under Clause 34 of Town Planning Scheme No.1 is as follows:

- Unauthorised development identified mainly from complaint received or site inspection undertaken by an Officer of the Town.
- Investigation initiated by Officer to establish Planning and Building Approvals for the site and site inspection undertaken.
- Once the development is identified as being unauthorised, one of the following measures can be undertaken-
 - A Building/Planning Notice is served requiring removal/cessation of the unauthorised existing development; or
 - Correspondence sent by the Town requiring removal/cessation of the unauthorised development and advising retrospective Planning Approval may be sought for the unauthorised existing development, via the submission of a Planning Application.
- The Town will then either:
 - Determine the Planning Application;
 - Inspect the property to determine if development has been removed/ceased; and/or
 - Undertake legal proceedings to remove/cease the unauthorised development.
- If a retrospective Planning Application is refused by the Council, the Applicant has a right of appeal.
- If a Building/Planning Notice is served, the landowner has the right of appeal.

This process summary is not exhaustive as there are different approaches that can be taken by both landowners and the Town in dealing with unauthorised existing development.

Cost of Processing Unauthorised Existing Development

There is no definitive cost that can be readily calculated for processing unauthorised existing development. This is due, in part, to the fact that Officer's generally do not account for time allocation in dealing with specific issues. As identified above, the majority of work involved in processing unauthorised existing development prior to the submission of a Planning Application generally relates to enquiries, site inspections and correspondence. These activities by Officers cannot be readily quantified accurately.

However, there is an opportunity to have a "snap shot" of Officer activity as Planning and Building Services undertook a survey of Officer time allocation from 13 May 2002 to 7 June 2002. An "Enforcement" section was included and the following was accounted for:

Type of Work	Statutory Planning (hours)	Statutory Building (hours)	TOTAL (hours)	Time Per Officer in Planning and Building Services (9 Officers)	
				Hours	Per Cent
Assessment	1.50	8.50	10.00	1.11	0.73%
Site inspection	1.00	5.50	6.50	0.72	0.47%
Appeals	0.00	4.25	4.25	0.47	0.31%
Correspondence	8.75	25.00	33.75	3.75	2.47%
Meetings	0.50	4.50	5.00	0.55	0.36%
Enquiries (phone/front)	1.75	4.75	6.50	0.72	0.47%
Reports	3.75	3.75	7.50	0.83	0.55%
TOTAL HOURS	17.25	56.25	73.5	8.16	5.35%

Through the four week period the total number of hours were identified for both the Statutory Planning and Statutory Building Service Areas. As the table indicates, each Officer spent an average of 8.16 hours (5.35 per cent of total work hours) over the four weeks dealing with enforcement issues. The majority of work undertaken by the Building Surveyors is related to the issue of Notices under the Local Government (Miscellaneous Provisions) Act 1960 and therefore follows a separate statutory process compared to dealing with unauthorised existing development under Town Planning Scheme No.1.

There is some difficulty in summarising expenditure incurred by the Statutory Planning Officers in dealing with unauthorised existing development as the process is generally in two parts. The first part above indicates that the majority of time is spent undertaking correspondence and reports. From this point, a Planning Application is submitted and dealt with as per normal procedure. The average net cost of processing a Planning Application during the 2001/2002 financial year was approximately \$1323. In summary, there is no definitive cost that can be identified in processing unauthorised existing development by the Town.

It is also noted for the 2001/2002 financial year, the Budget allocation for Town Planning Administration legal expenses was \$35,000 with the actual expenditure being \$59,576 (170 percent over expenditure) and Building Control legal expenses was \$5,000 with the projected actual expenditure being \$18,340 (367 percent over expenditure). A substantial part of this expenditure relates to planning and building enforcement.

Threshold Situation of Significant Costs Associated with Unauthorised Existing Development

In general dealings with unauthorised existing development, the procedure is relatively simple and with no significant costs when the following occurs:

- The Town sends correspondence to the owner/s of the subject property requiring removal/cessation of, or advise that approval may be sought for, the unauthorised existing development. If the unauthorised development is removed/ceased, no further action is required.
- The Town sends correspondence to the owner/s of the subject property requiring removal/cessation of, or advise that approval may be sought for, the unauthorised existing development. If a Planning Application is lodged and processed as per standard Planning Applications, and then subsequently approved, usually no further action is required.

It is after these two procedures, where the unauthorised existing development is not removed/ceased or a Planning Application is refused, that significant costs and resources are incurred. If the development is not removed, then a Planning/Building Notice can be served requiring removal. In this instance, and with a refusal of a Planning Application made under Clause 34, the owner has the right to Appeal. If an Appeal is lodged and legal advice is sought or representation is required, then there are additional significant legal, staff and administrative costs.

Cost Recovery in Dealing with Unauthorised Existing Development

There are limited mechanisms available for local authorities to recover costs in dealing with unauthorised existing development, due primarily to statutory requirements and restrictions. Local Authorities have the possibility of recovering costs via prosecution under the *Town Planning and Development Act 1928*. However, the process is expensive and time consuming and generally will not result in adequate compensation for the costs incurred under Section 10 of *Town Planning and Development Act 1928*.

It is also not appropriate to use this mechanism in dealing with every unauthorised existing development as in some instances, approval can be granted under Clause 34 of Town Planning Scheme No.1 for appropriate existing development. The other viable option for cost recovery is identified as follows.

Extensive research has been undertaken in determining how other local authorities deal with undertaking cost recovery in dealing with unauthorised existing development. Only one local authority was identified as having formalised cost recovery for unauthorised existing development. The Shire of Denmark has adopted within its Fee Schedule, the requirements of the *Town Planning (Local Government Planning Fees) Regulations 2000* in relation to planning fee charges. In addition, the Shire undertook an amendment to its Fee Schedule to include the following Item 1A:

<i>"Item</i>	<i>Description of Planning Service</i>	<i>Maximum Fee</i>
<i>1</i>	<i>Determination of a planning consent application for all "AA" and "SA" developments (there is no fee for "P" developments except for signs and home occupations below) where the estimated cost of the development is -</i>	
<i>(a)</i>	<i>not more than \$50,000</i>	<i>\$100</i>
<i>(b)</i>	<i>more than \$50,000 but not more than \$500,000</i>	<i>0.23% of the estimated cost of development</i>
<i>(c)</i>	<i>more than \$500,000 but no more than \$2.5 million</i>	<i>\$1,150 + 0.18% for every \$1 in excess of \$500,000</i>
<i>(d)</i>	<i>more than \$2.5 million but no more than \$5 million</i>	<i>\$4,750 + 0.15% for every \$1 in excess of \$2.5 million</i>
<i>(e)</i>	<i>more than \$5 million but no more than \$21.5 million</i>	<i>\$8,500 + 0.1% for every \$1 in excess of \$5 million</i>
<i>(f)</i>	<i>more than \$21.5 million</i>	<i>\$25,000</i>
<i>1A</i>	<i>Determination of a Planning Consent Application for all development applied for in accordance with Clause 6.1.4 (retrospective approval) -</i>	
<i>(a)</i>	<i>"P" uses/developments</i>	<i>\$400</i>
<i>(b)</i>	<i>"A" and "SA" uses/developments based on estimated cost of the development (see Item 1 above)</i>	<i>The fee at Item 1 above is used but it is multiplied by 4</i>
<i>(c)</i>	<i>application for signs</i>	<i>\$200</i>
<i>(d)</i>	<i>application for home occupation</i>	<i>\$400</i>
<i>(e)</i>	<i>change of use or continuation of non-conforming use</i>	<i>See (a) above"</i>

The Shire has advised that Item 1A has only been applied several times and in all instances, the applicants have paid the retrospective approval fee and the application has subsequently been approved. Therefore, the performance of application of the fee has not been reviewed/challenged.

The *Town Planning (Local Government Planning Fees) Regulations 2000* provide a regulatory framework for local governments to apply fees and charges for planning services. The relevant parts of the Regulations state:

- "5. *Maximum fees for services in relation to certain planning matters*
- (1) *Subject to regulation 16, the fees set out in Schedule 1 Part 1 are the maximum fees that may be imposed by a local government for or in relation to the following services-*
- (a) *determination of a development application;*
 - (b) *provision of a subdivision clearance;*
 - (c) *determination of an application for a home occupation approval;*
 - (d) *determination of an application for a change of use or for a change or continuation of a of non-conforming use;*
 - (e) *provision of a zoning certificate;*
 - (f) *a reply to a property settlement questionnaire;*
 - (g) *written planning advice."*

and

- "8. *Costs and expenses*
- (1) *The following costs and expenses, if incurred by a local government in providing a service referred to in regulation 5(a) to (d) or regulation 6, are payable by the applicant in addition to the fee for the provision of the service -*
- (a) *costs and expenses of advertising the application and advertising matters related to the application;*
 - (b) *costs and expenses of any specific assessment that is required in relation to the application, for example, environmental assessment;*
 - (c) *costs and expenses of consultation procedures required in relation to the application;*
 - (d) *costs and expenses of technical resources and equipment such as computer modelling;*
 - (e) *costs and expenses of specialist advice required in relation to the application, for example, advice in relation to heritage matters."*

Clause 34 of Town Planning Scheme No.1 allows for consideration of unauthorised existing development made via the submission of a Planning Application and the appropriate application fee paid, as per the requirements of Clause 5 of *Town Planning (Local Government Planning Fees) Regulations 2000*. Clause 8 of *Town Planning (Local Government Planning Fees) Regulations 2000* above can also allow a local authority to require an additional fee for costs and expenses to be incurred. Therefore, the Town has the ability to require an additional fee to be paid in dealing with a retrospective Planning Approval given there are additional administrative cost and expenses incurred. As per the Shire of Denmark's approach to requiring an additional administrative fee in dealing with retrospective approvals, the Town could take a similar approach.

The Planning and Building Fees and Charges 2002/2003 could incorporate the fee as follows:

	2002/2003	GST
<i>Determination of a development application applied for in accordance with Clause 34 of Town of Vincent Town Planning Scheme No.1</i>	<i>The fee required for a development application for a similar development in the Fees and Charges 2002/2003 multiplied by a factor of four (4).</i>	X

Using a multiplied factor of four (4) could act as a deterrent to people undertaking development without the consent of the Town. As the majority of unauthorised existing development tends to be under the value of \$50,000 (such as fencing, outbuildings and signage - Development Application fee being \$100) or a change of use (Development Application fee being \$200), multiplied by four, the required fee would be high, but not considered exorbitant. The offset of the fees will be monitored and its performance will be reviewed as part of the 2002/2003 fees and charges procedures.

STRATEGIC IMPLICATIONS:

Strategic Plan 2000-2002 – Key Result Areas: 1.1 *“Implement Town Planning Scheme No. 1 and associated policies and guidelines”* and Key Result Area: 4.3 *“Continue to improve financial management.”*

COMMENTS:

In considering the above matters, it is recommended that additional fees be implemented for cost recovery in dealing with unauthorised existing development under Clause 34 of Town of Vincent Town Planning Scheme No.1. The Town is required to follow the procedures and requirements of the Local Government Act 1995 which require the Town to give public notice of its intention to amend the Planning and Building Fees and Charges 2002/2003. It is also recommended that the Town advises the Western Australian Planning Commission of its intention to introduce additional fees under the provisions of the *Town Planning (Local Government Planning Fees) Regulations 2000*.

In summary, it is recommended that the Council receives the report related to the review, performance and costs associated with Clause 34 of the Town of Vincent Town Planning Scheme No.1 and implements additional planning fees.

10.4.3 Information Bulletin

Ward:	-	Date:	18 September 2002
Precinct:	-	File Ref:	-
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	J Giorgi		
Amended by:	-		

RECOMMENDATION:

That the Information Bulletin dated 24 September 2002 and distributed to Elected Members with the Agenda be received.

COUNCIL DECISION ITEM 10.4.3

Moved by Cr Drewett, Seconded by Cr Hall

Cr Franchina departed the Chamber at 7.37pm

Debate ensued

Cr Franchina returned to the Chamber at 7.40pm

That the recommendation be adopted.

CARRIED (7-0)

(Cr Ker on leave of absence)

(Cr Piper - apology for the meeting)

DETAILS:

The items included in the Information Bulletin dated 24 September 2002 are as follows:

ITEM	DESCRIPTION
IB01	WALGA Infopage – Emergency Services Levy Update
IB02	Department of Culture and the Arts – Letter re: Successful Grant Application for Mural Project With a Business Development and Artistic Component
IB03	Premier of Western Australia – Response to Letter re Progress of Prostitution Legislation
IB04	Town Planning Scheme No. 1 Amendment No. 3
IB05	Perth Biodiversity Project
IB06	No.84 (Lot 154) Zebina Street, East Perth - Progress Report
IB07	Shire of Chapman Valley, Town Planning Scheme No. 1 - Amendment No. 33
IB08	Update on Public Liability Insurance Cover for Non-for-Profit Community Groups
IB09	Interim Response Dated 18 September 2002 to Questions from Dudley Maier –Council Meeting 10 September 2002

10.4.2 Council Advisory Groups

Ward:	Both	Date:	16 September 2002
Precinct:	All Precincts	File Ref:	CVC0017/CMS0067/ PRO0689/TES0334/ ORG0064
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *appoints the following community representatives to the Disability Access, Heritage and Safer Vincent Advisory Groups for the 2002/2003 period;*
 - (a) *Aboriginal Liaison Occasional Advisory Group
Membership as required*
 - (b) *Disability Access Advisory Group:
Mrs Carmeline Ansel, Hamersley
Mr Aaron Morse, Mount Hawthorn**
Mr John Searle, Leederville

(3 required)*
 - (c) *Heritage Advisory Group:
Mr Steed Farrell, Mount Hawthorn
Mr Noel Robertson, Perth
Mr Vincent Sammut, Leederville
Mr Rocco Sergi, JP, North Perth**
Ms Amy Thorpe, Highgate

(5 required)*
 - (d) *Safer Vincent Advisory Group:
Ms Shirley Benton, Perth
Ms Lucia Dedear, Mount Hawthorn
Ms Helen Pemberton, Perth
Ms Margaret Reid-Watson, North Perth
Ms Amy Thorpe, Highgate

(5 required)

(** previous member); and*
- (ii) *appoints three community members to the following Advisory Groups, from the nominations received;*
 - (a) *Art Advisory Group:
Ms Florence Allain, West Perth
Ms Anna Ciffolilli, North Perth
Mr Bruce Cohen, North Perth
Mr Keith Hamilton, Coolbinia
Mr Vincent Sammut, Leederville

(3 required)*

- (b) Local Area Traffic Management Advisory Group:
Mr David Cecchele, Perth
Ms Sally Lake, Highgate
Mr Andrew Main, North Perth
Mr Alisdair Putt, Mount Hawthorn
Mr Kingsley Sullivan, Mount Hawthorn
Ms Amy Thorpe, Highgate
Mr Gregor Wild, East Perth

(3 required - 2 residents, 1 business).

Moved by Cr Drewett, Seconded by Cr Hall

That the recommendation be adopted.

Mayor Catania ruled that this matter will be considered in two parts.

Clause (i).

CARRIED (7-0)

Clause (ii).

Moved by Cr Drewett, Seconded by Cr Hall

That Ms Florence Allain, Ms Anna Ciffolilli, and Mr Vincent Sammut be appointed as community representatives to the Art Advisory Group.

CARRIED (7-0)

Moved by Cr Hall, Seconded by Cr Drewett

That Ms Sally Lake, Mr Kingsley Sullivan and Ms Amy Thorpe be appointed as Art Advisory community representatives.

Mayor Catania requested any other nominations.

Cr Chester nominated David Cecchele.

Mayor Catania advised that as the number of nominations was above that required that he requested the Council to vote separately for each nominee.

***Mr David Cecchele* 5 - 2**

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Franchina
Cr Chester	Cr Hall
Cr Cohen	
Cr Doran-Wu	
Cr Drewett	

Ms Sally Lake 5 -2

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Franchina
Cr Chester	Cr Hall
Cr Cohen	
Cr Doran-Wu	
Cr Drewett	

Mr Kingsley Sullivan 7-0

Ms Amy Thorpe 2-5

<u>For</u>	<u>Against</u>
Cr Doran-Wu	Mayor Catania
Cr Hall	Cr Chester
	Cr Cohen
	Cr Drewett
	Cr Franchina

Mayor Catania then declared that Mr David Cecchele, Sally Lake and Kingsley Sullivan be the community representatives for the Local Area Traffic Management Advisory Group.

CARRIED AS AMENDED (7-0)

(Cr Ker on leave of absence)
(Cr Piper - apology for the meeting)

COUNCIL DECISION ITEM 10.4.2

- (a) Aboriginal Liaison Occasional Advisory Group
Membership as required
- (b) Disability Access Advisory Group:
Mrs Carmeline Ansel, Hamersley
*Mr Aaron Morse, Mount Hawthorn***
Mr John Searle, Leederville
- (c) Heritage Advisory Group:
Mr Steed Farrell, Mount Hawthorn
Mr Noel Robertson, Perth
Mr Vincent Sammut, Leederville
*Mr Rocco Sergi, JP, North Perth***
Ms Amy Thorpe, Highgate
- (d) Safer Vincent Advisory Group:
Ms Shirley Benton, Perth
Ms Lucia Dedear, Mount Hawthorn
Ms Helen Pemberton, Perth
Ms Margaret Reid-Watson, North Perth
Ms Amy Thorpe, Highgate
- (a) Art Advisory Group:
Ms Florence Allain, West Perth
Ms Anna Ciffolilli, North Perth
Mr Vincent Sammut, Leederville

- (b) *Local Area Traffic Management Advisory Group:*
Mr David Cecchele, Perth
Ms Sally Lake, Highgate
Mr Kingsley Sullivan, Mount Hawthorn
-

DETAILS:

Since its inception, the Town has been operating by having two Council meetings each month (except January) and no committee system. Since late 1995, it has used various Advisory Groups.

LEGAL:

The Local Government Act 1995, Sections 5.8 to 5.25 allows local governments to appoint committees and prescribes the legal requirements for these.

The Advisory Groups do not have any legal status. Advisory Groups cannot perform the role of Committees. The Council has not delegated any of its powers.

At the Council Meeting held on 26 June 2001, Council reviewed its Advisory Groups and resolved inter alia as follows;

“That;

- (i) *the report relating to the Advisory Groups be received; and*
- (ii) *the Town of Vincent Advisory Groups be reconvened as detailed in this report;*
- (iii) *the Advisory Groups’ roles and terms of reference be amended to include the following:*
 - (a) *the Advisory Groups to give priority to dealing with matters which have been referred to them by the Council, however they may propose matters for consideration and, where the matter is urgent, propose solutions for the Council to consider;*
 - (b) *any items which have been dealt with by an Advisory Group will not be implemented by the Town’s Administration until a report has been submitted to the Council for a decision;*
 - (c) *the Town’s staff will not action Advisory Group requests unless in accordance with (a) and (b) above;*
 - (d) *unless approved by the Council or there is a need to address an urgent issue (the latter to be agreed by the Chair and the Chief Executive Officer), the Advisory Groups to meet every two months;*
- (iv) (a) *the Advisory Group membership to be as follows:*

<i>Name of Group</i>	<i>Elected Members</i>	<i>Staff</i>	<i>Community Representatives</i>
<i>Aboriginal Liaison</i>	<i>1 (Mayor or Deputy Mayor)</i>	<i>1 (CEO)</i>	<i>As required</i>
<i>Art</i>	<i>3</i>	<i>3</i>	<i>3</i>
<i>Disability Services</i>	<i>2</i>	<i>3</i>	<i>3</i>
<i>Heritage</i>	<i>3</i>	<i>3</i>	<i>5</i>
<i>Local Area Traffic Management</i>	<i>2</i>	<i>2</i>	<i>3 (2 resident) (1 business)</i>
<i>Safer Vincent</i>	<i>3 (Mayor + 2)</i>	<i>3</i>	<i>5</i>

- (b) *where vacancies exist after acceptance of this report, nominations be called for community representatives to fill those vacancies;*
- (c) *Advisory Groups may invite people with a specific ability to contribute to contribute to discussion of individual matters at a meeting of the Advisory Group; ...”*

FINANCIAL/BUDGET IMPLICATIONS:

The costs associated with the Advisory Groups is not specifically itemised in the Town’s budget, they are absorbed within the administration costs and allocated to the various sections.

STRATEGIC IMPLICATIONS:

Nil, however, the use of Advisory Groups is in keeping with the Council’s philosophy of involving the community in the decision making process.

COMMENT:

The amended Terms of Reference, roles and meeting frequency comply with statutory requirements, provide a more efficient and effective outcome and at the same time, ensure that the Council receives the community input.

It is recommended that the Council appoints community members to the various Advisory Groups.

The community representatives are shown in Appendix 10.4.2.

10.4.1 Planning and Building Policies - Amendment No. 6 Relating to Parking and Access

Ward:	Both Wards	Date:	18 September 2002
Precinct:	All Precincts	File Ref:	PLA0137
Reporting Officer(s):	M Turnbull		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

FURTHER OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the final amended version of the Policy relating to Parking and Access, as shown in Appendix 10.4.1(a) resulting from the advertised version having been reviewed and regard to the written submissions received during the formal advertising period and outlined in the Schedule of Submissions as shown in Appendix 10.4.1(b), in accordance with Clause 47 (3), (4) and (5)(a) of the Town of Vincent Town Planning Scheme No. 1;*
- (ii) *ADOPTS the final amended version of the Policy relating to Parking and Access, as shown in Appendix 10.4.1(a) in accordance with Clause 47 (5) (b) of Town Planning Scheme No. 1 with the amendments outlined in the List of Changes to Advertised Amended Version in Appendix 10.4.1(d); and*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the final amended version of the Policy relating to Parking and Access, as shown in Appendix 10.4.1(a), in accordance with Clause 47 (6) of Town Planning Scheme No. 1.*

Moved by Cr Cohen, Seconded by Cr Chester

That the recommendation be adopted.

Moved by Cr Chester, Seconded by Cr Doran-Wu

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

“(iv) a further report be submitted concerning alternative transport uses.”

AMENDMENT CARRIED (7-0)

MOTION AS AMENDED CARRIED (7-0)

(Cr Ker on leave of absence)

(Cr Piper - apology for the meeting)

COUNCIL DECISION ITEM 10.4.1

That the Council;

- (i) *RECEIVES the final amended version of the Policy relating to Parking and Access, as shown in Appendix 10.4.1(a) resulting from the advertised version having been reviewed and regard to the written submissions received during the formal advertising period and outlined in the Schedule of Submissions as shown in Appendix 10.4.1(b), in accordance with Clause 47 (3), (4) and (5)(a) of the Town of Vincent Town Planning Scheme No. 1;*

- (ii) *ADOPTS the final amended version of the Policy relating to Parking and Access, as shown in Appendix 10.4.1(a) in accordance with Clause 47 (5) (b) of Town Planning Scheme No. 1 with the amendments outlined in the List of Changes to Advertised Amended Version in Appendix 10.4.1(d);*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the final amended version of the Policy relating to Parking and Access, as shown in Appendix 10.4.1(a), in accordance with Clause 47 (6) of Town Planning Scheme No. 1; and*
- (iv) *a further report be submitted concerning alternative transport uses.*

FURTHER REPORT:

The Council, at its Ordinary Meeting held on 10 September 2002, deferred consideration on Planning and Building Policies - Amendment No. 6 relating to Parking and Access to further investigate matters relating to the proposed provision of bicycle facilities requirements in the Policy.

Information relating to bicycle facilities was sourced from the latest edition of Austroads Guide to Traffic Engineering Practice Part 14 - Bicycles (Edition No. AP-11.14/99). Within the Guide, Section 10 - End of Trip Facilities was the main point of reference.

Concern was raised over the proposed wording in the final amended version of the Policy that states the following:

"Provision of End of Trip Facilities

End of trip facilities are facilities which enable the cyclist to shower and change at the beginning or end of their journey to and from work. The facilities include separate male and female change rooms, showers and storage lockers. All new developments, and where appropriate, developments which involve a change of use and/or additions/enlargements to an existing building, that are required to provide 10 or more bicycle parking bays in accordance with the employee requirements of the above table, are required to provide end of trip facilities, as follows:

- i) *A minimum of two female and two male showers, located in separate change rooms, to be provided for the first 10 bicycle parking bays.*
- ii) *Additional shower facilities to be provided at a rate of 1 female and 1 male shower for every additional 10 bicycle parking bays, to a maximum of five female and five male showers per development."*

In reviewing the wording of i) above, the words *"to be provided for the first 10 bicycle parking bays"* are not required as the minimum requirement is already identified in the previous paragraph. Furthermore, in cross referencing the Austroads Guide to Traffic Engineering Practice Part 14 - Bicycles, there is no minimum shower facility requirement recommended. In review of minimum standards for shower facilities, the proposed requirement of two showers each for males and females is not entirely appropriate, given the scale and nature of new development within the Town and therefore, it is proposed that a minimum of one shower each for males and females be required. It is proposed that the following modifications be made to i) of the Policy as follows:

- i) *A minimum of ~~two~~ one female shower and ~~two~~ one male showers, located in separate change rooms, ~~to be provided for the first 10 bicycle parking bays.~~*
- ii) *Additional shower facilities to be provided at a rate of ~~1~~ one female shower and ~~1~~ one male shower for every additional 10 bicycle parking bays, to a maximum of five female and five male showers per development.*

Further issues were also raised over several bicycle parking requirements for the following "Use Class", in relation to the provisions of Austroads Guide to Traffic Engineering Practice Part 14 - Bicycles, as follows:

Use Class	Employee/Resident Bicycle Parking Space	Class	Visitor/Shopper Bicycle Parking Space	Class
Art Gallery	1 space per 200 square metres gross floor area	2	2 spaces plus 1 per 1500 square metres gross floor area	3
Restaurant	1 space per 100 square metres public area	1 or 2	2 spaces	3

Austrroads recommends that the Employee/Resident Bicycle Parking Space requirement for an art gallery should be 1 space per 1,500 square metres of gross floor area. This requirement is proposed to be 1 space per 200 square metres of gross floor area, given the nature and scale of such development in the Town. The recommended Visitor/Shopper Bicycle Parking Space requirement for a restaurant should be 2 spaces. Given the nature and scale of such development in the Town, it is recommended that the requirement be increased to 2 spaces plus 1 space per 100 square metres of public area.

The Summary of Submissions and a revised List of Changes are included in Appendices 10.4.1(b) and 10.4.1(d) respectively. Furthermore, a submission received during the comment period has been included as Appendix 10.4.1(c) to this report as it has not been fully summarised in the Summary of Submissions Table because of its length and detail.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 10 September 2002:

"OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the final amended versions of the Policies relating to Security Roller Shutters, Doors and Grilles on Non-Residential Buildings and Parking and Access, as shown in Appendices 10.4.1(b) and (c) resulting from the advertised versions having been reviewed and regard to the written submissions received during the formal advertising period and outlined in the Schedule of Submissions as shown in Appendix 10.4.1(d), in accordance with Clause 47 (3), (4) and (5)(a) of the Town of Vincent Town Planning Scheme No. 1;*
- (ii) *ADOPTS the final amended versions of the Policies relating to Security Roller Shutters, Doors and Grilles on Non-Residential Buildings and Parking and Access, as shown in Appendices 10.4.1(b) and (c) in accordance with Clause 47 (5) (b) of Town Planning Scheme No. 1 with the amendments outlined in the List of Changes to Advertised Amended Version in Appendix 10.4.1(f);*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the final amended versions of the Policies relating to Security Roller Shutters, Doors and Grilles on Non-Residential Buildings and Parking and Access, as shown in Appendices 10.4.1(b) and (c), in accordance with Clause 47 (6) of Town Planning Scheme No. 1; and*

- (iv) *DEFERS consideration of the final version of the Policy relating to Legal Representation on Planning and Building Matters, as shown on Appendix 10.4.1(a), until promulgation of the proposed Planning Appeals Amendment Bill 2001.*
-

Moved by Cr Ker, Seconded by Cr Chester

That the recommendation be adopted.

Moved by Cr Ker, Seconded by Cr Chester

That the Policy relating to "Parking and Access" in Clauses (i), (ii) and (iii) be DEFERRED and the remaining Item carried.

AMENDMENT CARRIED (7-0)

(Crs Drewett and Piper absent from the meeting.)

MOTION AS AMENDED CARRIED (7-0)

(Crs Drewett and Piper absent from the meeting.)

COUNCIL DECISION ITEM 10.4.1

That the Council;

- (i) *RECEIVES the final amended version of the Policy relating to Security Roller Shutters, Doors and Grilles on Non-Residential Buildings, as shown in Appendix 10.4.1(b) resulting from the advertised version having been reviewed and in regard to the written submissions received during the formal advertising period and outlined in the Schedule of Submissions as shown in Appendix 10.4.1(d), in accordance with Clause 47 (3), (4) and (5)(a) of the Town of Vincent Town Planning Scheme No. 1;*
- (ii) *ADOPTS the final amended version of the Policy relating to Security Roller Shutters, Doors and Grilles on Non-Residential Buildings, as shown in Appendix 10.4.1(b) in accordance with Clause 47 (5) (b) of Town Planning Scheme No. 1 with the amendments outlined in the List of Changes to Advertised Amended Version in Appendix 10.4.1(f);*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the final amended version of the Policy relating to Security Roller Shutters, Doors and Grilles on Non-Residential Buildings, as shown in Appendix 10.4.1(b), in accordance with Clause 47 (6) of Town Planning Scheme No. 1; and*
- (iv) *DEFERS consideration of the final version of the Policy relating to Legal Representation on Planning and Building Matters, as shown on Appendix 10.4.1(a), until promulgation of the proposed Planning Appeals Amendment Bill 2001.*
-

BACKGROUND:

The Council at its Ordinary Meeting held on 27 March 2001 resolved to adopt the Planning and Building Policy Manual dated March 2001 with some amendments.

Amendment No. 5

The Council at its Ordinary Meeting held on 11 June 2002 resolved the following:

"That the Council;

- (i) receives the new Policies relating to Security Roller Shutters, Doors and Grilles on Non-Residential Buildings and Legal Representation on Planning and Building Matters, as shown in Appendices 10.4.2(a) and (b);*
- (ii) advertises the new Policies relating to Security Roller Shutters, Doors and Grilles on Non-Residential Buildings and Legal Representation on Planning and Building Matters for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) advertising a summary of the subject Policies once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policies; and*
 - (c) forwarding a copy of the subject Policies to the Western Australian Planning Commission; and*
- (iii) after the expiry of the period for submissions:*
 - (a) reviews the new Policies relating to Security Roller Shutters, Doors and Grilles on Non-Residential Buildings and Legal Representation on Planning and Building Matters, having regard to any written submissions; and*
 - (b) determines the new Policies relating to Security Roller Shutters, Doors and Grilles on Non-Residential Buildings and Legal Representation on Planning and Building Matters, with or without amendment, to or not to proceed with them."*

Amendment No. 6

The Council at its Ordinary Meeting held on 25 June 2002 resolved the following:

"That the Council;

- (iv) receives the amended Policy relating to Parking and Access, as shown in Appendices 10.4.2;*
- (v) advertises the amended Policy relating to Parking and Access for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
 - (c) forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (vi) after the expiry of the period for submissions:*
 - (a) reviews the amended Policy relating to Parking and Access, having regard to any written submissions; and*
 - (b) determines the amended Policy relating to Parking and Access, with or without amendment, to or not to proceed with them."*

DETAILS:

The Schedule of Submissions including the Officers' responses is shown as Appendix 10.4.1(d), including one substantial submission shown as Appendix 10.4.1(e) and a List of Changes is shown as Appendix 10.4.1(f), to this Report.
Amendment No. 5

Policy Relating to Legal Representation on Planning and Building Matters
Consideration of this Policy is proposed to be deferred. Currently, the State Parliament is considering the proposed Planning Appeals Amendment Bill 2001 and the Minister for Planning and Infrastructure's Office has advised that the Bill is expected to be promulgated in the near future. The Bill has some bearing on the wording of the Policy as there are proposed changes to legal representation in planning appeals.

A summary of the submission received on the Policy is included in Appendix 10.4.1(d).

The draft version of the Policy relating to Legal Representation on Planning and Building Matters is shown in Appendix No. 10.4.1(a) to this Report.

Policy Relating to Security Roller Shutters, Doors and Grilles on Non-Residential Buildings
This Policy has been reviewed in light of the submissions received and the final amended version of the Policy relating to Security Roller Shutters, Doors and Grilles on Non-Residential Buildings is shown in Appendix Nos. 10.4.1(b) to this Report.

Amendment No. 6

Policy Relating to Parking and Access
This Policy has been reviewed in light of the submissions received and the final amended version of the Policy relating to Parking and Access is shown in Appendix Nos. 10.4.1(c) to this Report.

CONSULTATION/ADVERTISING:

The advertising period commenced on 9 July 2002 and concluded on 9 August 2002. The advertising included an advertisement circulating in a local newspaper for four (4) consecutive weeks and a copy of the Draft Planning and Building Policies - Amendment Nos. 5 and 6 being circulated to the Western Australian Planning Commission and the Town's Precinct Groups. At the completion of the advertising period, a total of 7 submissions were received.

STRATEGIC IMPLICATIONS:

Strategic Plan 2000-2002 – Key Result Areas: 1.1 “Implement Town Planning Scheme No. 1 and associated policies and guidelines”.

COMMENTS:

It is recommended that the Council receives, adopts and authorises the Chief Executive Officer to advertise the final amended versions of the Policies relating to Security Roller Shutters, Doors and Grilles on Non-Residential Buildings and Parking and Access, as shown in Appendices 10.4.1(b) and (c), in accordance with the Town of Vincent Town Planning Scheme No. 1, and defers consideration on the final version of the Policy relating to Legal Representation on Planning and Building Matters as shown in Appendix 10.4.1(a)."

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Notice of Motion – Councillor Basil Franchina – Town of Vincent “Paid Parking” Facilities

That the Council;

- (i) *introduces a policy which implements paid parking in all future parking facilities created in the Town, including the proposed Richmond Street Angle parking;*
- (ii) *implements paid parking in Pier Street, between Brewer Street and Brisbane Street, the north side of Brewer Street, between Lord Street and Pier Street and in the angle parking in Stirling Street, between Parry and Brisbane Streets; and*
- (iii) *requests the Chief Executive Officer to prepare a report, including detailing the necessary Local Law amendment.*

Moved by Cr Franchina, Seconded by Cr Hall

That the motion be adopted.

Debate ensued.

Moved by Cr Drewett, Seconded by Cr Chester

That clause (iii) be split into two parts;

- (a) *requests the Chief Executive Officer to prepare a report, including detailing the necessary Local Law amendment; and*
- (b) *the report to specifically address the parking restrictions in Stirling Street.*

AMENDMENT CARRIED (7-0)

MOTION AS AMENDED CARRIED (7-0)

(Cr Ker on leave of absence)

(Cr Piper - apology for the meeting)

COUNCIL DECISION ITEM 11.1

That the Council;

- (i) *introduces a policy which implements paid parking in all future parking facilities created in the Town, including the proposed Richmond Street Angle parking;*
- (ii) *implements paid parking in Pier Street, between Brewer Street and Brisbane Street, the north side of Brewer Street, between Lord Street and Pier Street and in the angle parking in Stirling Street, between Parry and Brisbane Streets; and*
- (iii)
 - (a) *requests the Chief Executive Officer to prepare a report, including detailing the necessary Local Law amendment; and*
 - (b) *the report to specifically address the parking restrictions in Stirling Street.*

11.2 Notice of Motion – Councillor Kate Hall – Review of Planning and Building Policy Relating to Privacy

That;

- (i) *the Council requests the Chief Executive Officer to review Planning and Building Policy No. 3.2.9 relating to Privacy, in particular Part 7 (Privacy Screening);*
- (ii) *as part of the review, consideration be given to varying the performance criteria to increase the permanent obscure screening from a minimum of 1.4 metres above the finished floor level to a minimum of 1.8 metres; and*
- (iii) *the proposed policy review be advertised in accordance with the Town’s Community Consultation Policy.*

Moved by Cr Hall, Seconded by Cr Franchina

That the motion be adopted.

Moved by Cr Drewett, Seconded by Cr Hall

That the word “minimum” in line three of clause (ii) be changed to “maximum”.

AMENDMENT CARRIED (7-0)

MOTION AS AMENDED CARRIED (7-0)

(Cr Ker on leave of absence)
(Cr Piper - apology for the meeting)

COUNCIL DECISION ITEM 11.2

That;

- (i) *the Council requests the Chief Executive Officer to review Planning and Building Policy No. 3.2.9 relating to Privacy, in particular Part 7 (Privacy Screening);*
- (ii) *as part of the review, consideration be given to varying the performance criteria to increase the permanent obscure screening from a minimum of 1.4 metres above the finished floor level to a maximum of 1.8 metres; and*
- (iii) *the proposed policy review be advertised in accordance with the Town’s Community Consultation Policy.*

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

10.4.4 Confidential Report - Proposed Redevelopment of Leederville Oval, 246 Vincent Street, Leederville, into a "Football Centre of Excellence" – Progress Report No. 3

Ward:	North Perth	Date:	18 September 2002
Precinct:	Oxford Centre, P4	File Ref:	RES0052
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (1) *RECEIVES the Progress Report No. 3 as at 18 September 2002, relating to the redevelopment of Leederville Oval;*
- (2) *APPROVES of the revised project timetable and notes that the redevelopment project is proposed to be carried out in three stages, as detailed in this report;*
- (3) *APPROVES the revised concept plan as shown in Appendix 10.4.4 (Drawing Nos. 02026 P.01C and 02026 P.02D dated September 2002);*
- (4) *authorises the Chief Executive Officer to apply to the Department of Sport and Recreation Community Sport and Recreation Facilities Funding (CSRFF) for the redevelopment of Leederville Oval, estimated to cost \$4,020,000, seeking funds of \$600,000 for the following;*

Stage 2 Works

- | | |
|---|-------------------------|
| (a) lights (500 lux); | \$415,000 |
| (b) new external female toilets | \$135,000 |
| (c) site works, and ground improvements | <u>\$ 50,000;</u> |
| Total | <u>\$600,000</u> |

- (5) *notes that in the event that the Town is unsuccessful in its CSRFF application, then the following Stage 2 works will not be developed as per the construction schedule timeline, as detailed in this report;*

Stage 2 Works

- | | |
|---|-------------------------|
| (a) lights (500 lux); | \$415,000 |
| (b) new external female toilets | \$135,000 |
| (c) site works, and ground improvements | <u>\$ 50,000</u> |
| Total | <u>\$600,000</u> |

- (6) *APPROVES of leasing of 120m² of changeroom area to Subiaco Football Club (SFC) at a single cost of \$100,000;*

- (7) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, refers to the Western Australian Planning Commission (WAPC), the application and plans dated September 2002 with appropriate conditions for the proposed redevelopment of Leederville Oval, for determination;*
- (8) *APPROVES the installation of a new bore and Oval in ground reticulation, estimated to cost \$100,000, in October/November 2002;*
- (9) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995 having received the support of the members, resolves to CHANGE the following resolution adopted by the Council at its Ordinary Meeting held on 26 March 2002 (Item No. 10.4.3, Clauses (4) and (6)) namely;*

“(4) applies to the Department of Sport and Recreation Community Sport and Recreation Facilities Funding (CSRFF) jointly with Subiaco Football Club (SFC) for their proposed clubrooms and administration, estimated to cost \$1,200,000, subject to SFC contributing \$600,000 (plus fitout costs estimated to be \$200,000); ...

- (6) (a) *Leederville Oval - a West Australian "Football Centre of Excellence", at an estimated cost of \$2,310,000;*

<i>Others</i>	<i>State Govt.</i>	<i>Town</i>
<i>\$710,000</i>	<i>\$300,000</i>	<i>\$1,300,000</i>

and

- (10) *RESOLVES BY AN ABSOLUTE MAJORITY to approve the following;*

“Leederville Oval - a West Australian "Football Centre of Excellence", at an estimated cost of \$4,020,000 with the following funding arrangement;

<i>Source</i>	<i>Buildings</i>	<i>Public Open Space</i>	<i>Lights (500 lux)</i>	<i>\$ Cost</i>
<i>Town</i>	<i>1,805,000</i>	<i>800,000</i>	<i>115,000</i>	<i>2,720,000</i>
<i>Government</i>	<i>300,000</i>	<i>0</i>	<i>300,000</i>	<i>600,000</i>
<i>Subiaco Football Club</i>	<i>*700,000</i>	<i>0</i>	<i>0</i>	<i>700,000</i>
<i>East Perth Football Club</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>
<i>Others (W AFC)</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>
<i>Total</i>	<i>2,805,000</i>	<i>800,000</i>	<i>415,000</i>	<i>4,020,000</i>

(plus fitout of own clubrooms);*

subject to the Town's contribution of \$300,000 for Stage 2 works only being made, in the event that the Town is successful in receiving a CSRFF grant of \$600,000.”

8.02pm Moved by Cr Chester, Seconded by Cr Hall

That Council proceeds behind closed doors to discuss the confidential report.

CARRIED (7-0)

(Cr Ker on leave of absence)

(Cr Piper - apology for the meeting)

Mayor Catania advised the meeting that it will be considering a confidential item behind closed doors and eight members of the public and Ryan Sturman, reporter of Guardian Express and Jenny D'Anger, reporter of Voice News departed the Chamber.

Cr Doran-Wu departed the Chamber at 8.02pm.
Behind Closed Doors

CONFIDENTIAL ITEM 10.4.4

Moved by Cr Chester, Seconded by Cr Hall

That the recommendation be adopted.

Cr Doran-Wu returned to the Chamber at 8.05pm

Debate ensued.

Moved by Cr Chester, Seconded by Cr Hall

That a new Clause (11) be added as follows;

“(11) writes to the West Australian Football Commission and West Australian Football League requesting that;

- (a) they make a contribution for the installation of the lights; and*
- (b) they donate to the Town the current two light towers on Leederville Oval”.*

AMENDMENT CARRIED (7-0)

MOTION AS AMENDED CARRIED BY AN ABSOLUTE MAJORITY (7-0)

(Cr Ker on leave of absence)

(Cr Piper - apology for the meeting)

Moved Cr Drewett, Seconded Cr Hall

That the report and the cost break down in Clause (10) remain confidential.

CARRIED (7-0)

(Cr Ker on leave of absence)

(Cr Piper - apology for the meeting)

Chief Executive Officer John Giorgi advised that the Local Government Act requires the whole recommendation to be made public.

Note:

This is a Local Government (Administration) Regulation 1996, Regulation 11.

(This has been confirmed by a Senior Officer of the Department of Local Government).

COUNCIL DECISION CONFIDENTIAL ITEM 10.4.4

That the Council;

- (1) RECEIVES the Progress Report No. 3 as at 18 September 2002, relating to the redevelopment of Leederville Oval;*
- (2) APPROVES of the revised project timetable and notes that the redevelopment project is proposed to be carried out in three stages, as detailed in this report;*
- (3) APPROVES the revised concept plan as shown in Appendix 10.4.4 (Drawing Nos. 02026 P.01C and 02026 P.02D dated September 2002);*

- (4) *authorises the Chief Executive Officer to apply to the Department of Sport and Recreation Community Sport and Recreation Facilities Funding (CSRFF) for the redevelopment of Leederville Oval, estimated to cost \$4,020,000, seeking funds of \$600,000 for the following;*

Stage 2 Works

(a) lights (500 lux);	\$415,000
(b) new external female toilets	\$135,000
(c) site works, and ground improvements	<u>\$ 50,000;</u>
Total	<u>\$600,000</u>

- (5) *notes that in the event that the Town is unsuccessful in its CSRFF application, then the following Stage 2 works will not be developed as per the construction schedule timeline, as detailed in this report;*

Stage 2 Works

(a) lights (500 lux);	\$415,000
(b) new external female toilets	\$135,000
(c) site works, and ground improvements	<u>\$ 50,000</u>
Total	<u>\$600,000</u>

- (6) *APPROVES of leasing of 120m² of changeroom area to Subiaco Football Club (SFC) at a single cost of \$100,000;*

- (7) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, refers to the Western Australian Planning Commission (WAPC), the application and plans dated September 2002 with appropriate conditions for the proposed redevelopment of Leederville Oval, for determination;*

- (8) *APPROVES the installation of a new bore and Oval in ground reticulation, estimated to cost \$100,000, in October/November 2002;*

- (9) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995 having received the support of the members, resolves to CHANGE the following resolution adopted by the Council at its Ordinary Meeting held on 26 March 2002 (Item No. 10.4.3, Clauses (4) and (6)) namely;*

“(4) applies to the Department of Sport and Recreation Community Sport and Recreation Facilities Funding (CSRFF) jointly with Subiaco Football Club (SFC) for their proposed clubrooms and administration, estimated to cost \$1,200,000, subject to SFC contributing \$600,000 (plus fitout costs estimated to be \$200,000); ...

- (6) (a) *Leederville Oval - a West Australian "Football Centre of Excellence", at an estimated cost of \$2,310,000;*

Others	State Govt.	Town
\$710,000	\$300,000	\$1,300,000

”

(10) RESOLVES BY AN ABSOLUTE MAJORITY to approve the following;

“Leederville Oval - a West Australian "Football Centre of Excellence", at an estimated cost of \$4,020,000 with the following funding arrangement;

<i>Source</i>	<i>Buildings</i>	<i>Public Open Space</i>	<i>Lights (500 lux)</i>	<i>\$ Cost</i>
<i>Town</i>	<i>1,805,000</i>	<i>800,000</i>	<i>115,000</i>	<i>2,720,000</i>
<i>Government</i>	<i>300,000</i>	<i>0</i>	<i>300,000</i>	<i>600,000</i>
<i>Subiaco Football Club</i>	<i>*700,000</i>	<i>0</i>	<i>0</i>	<i>700,000</i>
<i>East Perth Football Club</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>
<i>Others (WAFC)</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>
<i>Total</i>	<i>2,805,000</i>	<i>800,000</i>	<i>415,000</i>	<i>4,020,000</i>

(plus fitout of own clubrooms);*

subject to the Town's contribution of \$300,000 for Stage 2 works only being made, in the event that the Town is successful in receiving a CSRFF grant of \$600,000; and

(11) writes to the West Australian Football Commission and West Australian Football League requesting that;

(a) they make a contribution for the installation of the lights; and

(b) they donate to the Town the current two light towers on Leederville Oval.

Note: The Chief Executive Officer advised that this report is now released to the public as the Council has determined the matter.

BACKGROUND:

At the Special Council Meeting held on 30 October 2001, the Council approved of entering into a partnership with the State Government of Western Australia to redevelop and construct a number of sporting facilities, including a Multi-Purpose Rectangular Sports Stadium on Perth Oval, State Indoor Multi-Use Sports Centre on Loftus Centre land and the redevelopment of Leederville Oval into a “Football Centre of Excellence” for joint use by EPFC and SFC.

At the Council Meeting held on 26 March 2002, Council resolved inter alia as follows;

"That the Council;

(1) (i) receives the Progress Report No. 1 as at 22 March 2002 relating to the redevelopment of Leederville Oval; ...

(iii) APPROVES the use of Leederville Oval by East Perth Football Club (EPFC) on a monthly basis for the period 31 March 2002 to 1 February 2003, or until their proposed offices and clubrooms at Leederville Oval are completed, for use as West Australian Football League games, training purposes and temporary clubrooms;

(iv) ensure that EPFC incur no interim period occupancy costs at Leederville Oval (other than providing public liability insurance for an amount of \$10 million); ...

(3) APPROVES the concept plans as shown in Appendix 10.4.3(a), (b) and (c) (Plan Nos. SK01/B, SK03, SK10/B dated 6 February 2002) and notes that;

(i) additional funding of \$710,000 will be obtained from other sources (including private sponsorship); and

- (ii) *the stakeholders of the Leederville Oval Steering Committee (West Australian Football Commission (WAFC), EPFC and SFC) will independently pursue these funds (which will be used for building works and installation of ground lights at 500 lux level);*
- (4) *applies to the Department of Sport and Recreation Community Sport and Recreation Facilities Funding (CSRFF) jointly with Subiaco Football Club (SFC) for their proposed clubrooms and administration, estimated to cost \$1,200,000, subject to SFC contributing \$600,000 (plus fitout costs estimated to be \$200,000);*
- (5) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995 having received the support of the members, resolves to REVOKE OR CHANGE the following resolution adopted by the Council at its Special Meeting held on 30 October 2001 (Item No. 5.2 Clause (3)(a) namely;*
- "(a) Leederville Oval - a West Australian "Football Centre of Excellence", at an estimated cost of \$2,450,000;*

<i>Others</i>	<i>State Govt.</i>	<i>Town</i>
<i>\$750,000</i>	<i>\$350,000</i>	<i>\$1,350,000"</i>

- (6) *in the event that (5) above is resolved, the Council APPROVES BY AN ABSOLUTE MAJORITY the following;*
- (i) *Leederville Oval - a West Australian "Football Centre of Excellence", at an estimated cost of \$2,310,000; and*

<i>Others</i>	<i>State Govt.</i>	<i>Town</i>
<i>\$710,000</i>	<i>\$300,000</i>	<i>\$1,300,000</i>

- (ii) *increases its proposed contribution from \$250,000 to \$300,000, as part of SFC's proposed clubrooms and administration; and*
- (7) *requests SFC to confirm its commitment in writing to relocating its administration and clubrooms to Leederville Oval as soon as possible."*

A Progress Report No. 2 was submitted to the Council Meeting held on 23 July 2002.

Leederville Oval Redevelopment Steering Committee and Working Group

A Steering Committee comprising of Mayor Nick Catania, John Giorgi, Chief Executive Officer, Ron Alexander, Director General - Department of Sport & Recreation (DSR), Karen Caple - DSR, Bronte Howson, President - EPFC, Alex Wilson, General Manager - EPFC, Peter Metropolis, President - SFC, Kim Williamson, General Manager - SFC, Neale Fong, Chairman - WAFC, Wayne Bradshaw, CEO - WAFC, Grant Dorrington, West Australian Football League (WAFL) met on 22 January 2002, 19 March 2002, 16 April 2002 and 17 July 2002. The aim of this Steering Committee is to oversee the strategic redevelopment of Leederville Oval. Any recommendation will be reported via the Chief Executive Officer to the Council for approval.

Under this Steering Committee, there are a number of Working Groups, including Leederville Oval Redevelopment Ground Management, Corporate Sponsorship and Marketing, Logistics Working Group and the Football Development and Cultural Working Group (only the Ground Redevelopment and Management Working Group has been formed at this stage).

The Leederville Oval Redevelopment Working Group, comprising Chief Executive Officer, General Manager EPFC Alex Wilson, General Manager SFC Kim Williamson, CEO WAFC, Wayne Bradshaw and General Manager WAFL, Grant Dorrington and DSR Representative, Brett Spencer. The aim of the Working Group is to progress and refine the details of the proposed redevelopment.

On 17 September 2002, the Leederville Oval Redevelopment Steering Committee met and recommended unanimously to approve of;

- (a) the revised concept plans dated September 2002;
- (b) the revised costs/funding arrangement; and
- (c) the revised timeline.

Subiaco Football Club Negotiations

The Chief Executive Officer has been in negotiation with SFC concerning the proposed redevelopment and several letters, meetings and telephone discussions have been held. SFC are very enthusiastic and supportive of the redevelopment program and have indicated that they will obtain approval at their Annual General Meeting once the redevelopment proposal and cost estimates have been approved by the Town.

Architects

At the Council Meeting held on 14 May 2002, Oldfield Knott Architects were appointed to this project. Consultants were appointed in July 2002.

The Chief Executive Officer has met with the architect and quantity surveyor on seven occasions, in order to refine the plans and the cost estimates. The aim being to provide a facility which closely meets the initial concept plan within the cost estimate of \$4,020,000.

Concept Plans and Cost Estimates

The original proposal for Leederville Oval redevelopment was estimated at \$3.4 million and the objective with that budget was to accommodate both teams.

Costs for the \$3.4 million proposal were indicatively \$2.45 million for buildings, \$850,000 for public open space and parking and it was estimated \$300,000 for upgrade of lights.

The original cost to totally redevelop the Oval was estimated by Peter Hunt Architects to be as high as \$4.41 million - \$4.53 million.

Revised Concept Plans

The revised plans have resulted in the following;

1. EPFC office and clubrooms have remained virtually unchanged (apart from some minor internal changes requested by EPFC) in design and cost estimate of \$400,000.
2. SFC office and clubrooms have remained unchanged in design and cost estimate of \$1.2 million.
3. (a) Significant changes have been made to both club changerooms - this has been necessary as the need to retain the external male toilet facilities - in order to keep costs to a minimum. The replacement of these toilet facilities is in the vicinity of \$150,000.

- (b) Both clubroom changerooms have increased in size from an initial 255m² to 270m² (within the existing building envelope). This has been achieved by utilising the space originally proposed for new patron toilets. In addition, the changeroom area has been made more open and usable. The EPFC changeroom is approximately 10m² less than originally proposed, due to a mechanical services room – which could not be relocated.
4. The function rooms in the common area have been redesigned to make them available for use individually or as a whole.
5. Kitchen and bars will be for buildings and fixtures only - it is intended that the prospective caterer and successful beverage tenderer will be responsible for fitout (and this would be the subject of separate negotiations).

Grandstand

The original proposal of \$550,000 has been reduced. This has been achieved by the following changes;

- Removal of proposed function room No. 4 from the project
- The function rooms will be limited to painting and very minor refurbishment in Stage 1.

Code Compliance and Maintenance Works

Essential works such as fire hydrant requirements; emergency evacuation systems, upgrade of electrical wiring, upgrade of mechanical services, upgrade of rails and walkways to comply with new safety requirements, installation of toilets for people with disabilities and government fees and costs - \$230,000.

Ground Lighting

500 lux lights are estimated to cost \$415,000. This is \$5,000 above the original quote, which was obtained in late 2001.

Other Project Costs

Professional fees were initially estimated to cost \$200,000 and actual quotations received are \$274,334. A contingency of \$60,000 for unforeseen minor changes and variations has been included.

Discussions with EPFC and SFC reveal that both clubs strongly believe that lights (500 lux) should be installed as this will allow for greater flexibility and cost savings. This is supported by the Chief Executive Officer, however it would be the subject of an application for a CSRFF grant.

CSRFF

The Town of Vincent has been advised by the Minister for Sport and Recreation to make application to the State Government for \$600,000 to service the funding requirements of the proposed option.

Applications for CSRFF are made in September/October of each year and decisions are announced in February of the following year. Funding cannot be for retrospective works. With the above proposal on the EPFC clubrooms and administration, works can commence in December 2002 and EPFC can relocate permanently to Leederville Oval in April 2003.

Discussions have been held with the Department of Sport and Recreation for a CSRFF grant.

Work can also commence on the SFC building as this can be isolated as a separate building site during the football season.

In response to a request to bring forward the government funding, the Minister for Sport and Recreation wrote to the Town and advised that;

- (a) unfortunately due to the nature of the CSRFF program, it is not possible to pre-fund projects;
- (b) he is *“very supportive of the concept and values this type of project for local/regional sporting, recreational and business environments”*;
- (c) he has advised the Department that they should expect an application from the Town ...; and
- (d) the inability to pre-fund the project may impact on construction timelines and requests the Town to continue to liaise with the Department of Sport and Recreation in order to develop contingency construction schedules, staging options and project implementation timeframes.

FINANCIAL/BUDGET IMPLICATIONS:

Costing Options

Original Option

At the Special Meeting of Council held on 30 October 2001, the Council approved the following original funding arrangement;

Original Proposal 30 October 2001	Buildings	Public Open Space	Lights (500 lux)	Total
Town	1,250,000	850,000	100,000	2,200,000
Government	250,000	0	100,000	350,000
Subiaco Football Club	250,000	0	25,000	275,000
East Perth Football Club	0	0	25,000	25,000
Others (WAFC)	500,000	0	50,000	550,000
Total	2,250,000	850,000	300,000	3,400,000

Current Option

At the Ordinary Meeting of Council held on 26 March 2002, the Council approved of the following funding arrangement;

<u>Others</u>	<u>State Government</u>	<u>Town</u>
\$710,000	\$300,000	\$1,300,000 <i>(plus \$850,000 for Public Open Space)</i>

Revised Cost Estimates

The revised concept plans have been costed by the project quantity surveyor, who has provided the following cost estimates;

Section	Revised Cost Estimate
<u>Stage 1</u> (18 December 2002 – 31 October 2003)	
Grandstand	\$335,000
EPFC Clubrooms	\$400,000
SFC Clubrooms	\$1,200,000
Public Open Space and Carparks	\$200,000
Site Works	\$135,000
Code Compliance and Maintenance Works	\$230,000
Other Project Costs	\$320,000
Total	\$2,820,000
 <u>Stage 2</u> (1 July 2003 – 1 October 2003)	
Grandstand and toilets	\$135,000
Ground lighting	\$415,000
Site works – completion	\$50,000
Total	\$600,000
 <u>Stage 3</u> (1 January 2004 – 1 April 2004)	
Completion of Public Open Space and Carparks	\$600,000

Recommended Revised Funding Arrangement

Source	Buildings	Public Open Space	Lights (500 lux)	\$ Cost
Town	1,805,000	800,000	115,000	2,720,000
Government	300,000	0	300,000	600,000
Subiaco Football Club	700,000	0	0	700,000
East Perth Football Club	0	0	0	0
Others (WAFC)	0	0	0	0
Total	2,805,000	800,000	415,000	4,020,000

The revised costings would require a contribution from the Town of \$2,720,000.

The recommended revised funding arrangement will require the Town to commit an additional \$420,000. It should be noted that the Town has previously agreed in principle to pay one third of the costs of the lights (i.e. \$136,667 approximately). Therefore, under the recommended revised funding arrangement, the Town will be required to contribute an additional \$300,000.

However, the Chief Executive Officer recommends that the Town's additional \$300,000 only be made upon receiving of CSRFF grant funds of \$600,000. The Town should make an application for these funds, as advised by the Minister for Sport and Recreation. In the event that the government is not in a position to approve as much as a \$600,000 grant, then Stage 2 of the project, being lights (500 lux), external female toilets and some minor site works, will not be developed as per the revised construction timeline.

Additional funding can also be obtained from SFC who are prepared to pay a once only cost of \$100,000 for the lease of 120m² for coaching facilities. This area is located adjoining the SFC changerooms. SFC will be responsible for fit out costs for this area. A letter was sent to both EPFC and SFC offering this area. Verbally, SFC have indicated an interest.

Cash Flow Analysis

The project Quantity Surveyor and Cost Control Consultant, Page Kirkland Ward, has prepared cash flow options for four options as follows;

		Costing	Disadvantages
Option 1	One contract with a delayed start for SFC work in April 2003	4,090,000	Additional \$70,000 required
Option 2	One contract with a delayed start for all work in April 2003	4,070,000	Additional \$50,000 required - Leederville Oval unavailable 2003 Season
Option 3	Two contracts with a delayed start for SFC work in April 2003	4,235,000	Additional \$215,000 required
Option 4	One contract with a delayed start until October 2003	4,146,000	Additional \$126,000 required

Revised Redevelopment Proposal

To avoid delays and additional costs, it is recommended to the Council that the redevelopment of Leederville Oval be carried out in stages as follows;

Stage 1 (18 December 2002 – 31 October 2003)

Costs: \$2,820,000
Works: Refurbishment of grandstand, clubrooms, changerooms, ground reticulation and upgrade

Stage 2 (1 July 2003 – 1 October 2003 *or sooner if funding becomes available*)

Costs:	\$ 600,000	
Works:	Lights (500 lux)	\$415,000
	New external female toilets	\$135,000
	Ground spectator metal shelter, seating, earthworks	\$ 50,000
	Total	<u>\$600,000</u>

Note:

The Town will make application for a CSRFF grant for \$600,000 for Stage 2 works. In the event that this funding application is unsuccessful, these works will not be carried out until funding is approved.

Stage 3 (1 January 2004 – 1 April 2004)

Completion of Public Open Space and carparking works (\$600,000).

It is proposed to install a new bore and in-ground reticulation in October/November 2002, at an estimated cost of \$100,000. This will save the Town labour costs for watering (approximately \$150-\$200 per week from October to April each year).

GRAND TOTAL: \$4,020,000

Revised Timetable

Project	Weeks Duration	Start Date	Finish Date
Preliminary Sketch Design	16	15 April 2002	14 August 2002
Approval to proceed with working drawings		14 August 2002	
Prepare working drawings	12	14 August 2002	14 November 2002
Steering Committee Decision		17 September 2002	
Council Decision – Application to CSRFF		24 September 2002	
Tender Period	3-4	9 November 2002	31 November 2002
Tender Assessment	1	1 December 2002	7 December 2002
Council Meeting/Award Contract		17 December 2002	
Construction Period	46	18 December 2002	31 October 2003
<u>Stage 2</u> Installation of Lights	12	1 July 2003	1 October 2003
Construction of toilets and other works	12	1 July 2003 <i>(or as soon as the final decision is made)</i>	1 October 2003
<u>Stage 3</u> Completion of Public Open Space and Carparks	16	1 January 2004 <i>(or sooner if possible)</i>	1 April 2004

LEGAL/POLICY IMPLICATIONS:

EPFC currently have use of Leederville Oval and Perth Oval offices until 1 February 2003 or until their proposed offices and clubrooms are completed.

The Western Australian Planning Commission (WAPC) is the approving authority for Leederville Oval. The Council will be required to refer the development application to the WAPC, for determination.

The approval of the Department of Sport and Recreation is required to spend monies in the Leederville Oval Reserve Fund (as these funds were obtained under the City of Perth Restructuring Act).

Tenders will be required to be called for building contracts.

ADVERTISING/COMMUNITY CONSULTATION:

The Town advertised the proposed redevelopment of Leederville Oval and the Loftus Centre land on a local basis and fifteen (15) submissions were received on the closing date of 22 May 2002. This information was reported to the Ordinary Meeting of Council held on 23 July 2002, Item No. 10.4.3. Therefore, there is no further need to advertise this to the community.

PRINCIPAL ACTIVITIES PLAN:

The upgrade of Leederville and Perth Ovals is listed in the Town's Principal Activities Plan.

STRATEGIC IMPLICATIONS:

The upgrade and redevelopment of Leederville Oval is in accordance with the Town's Strategic Plan 2002-2002 Key Result Area 3.6 *"Develop and Implement Strategies to improve the Town's Parks and Reserves"*, in particular, Key Result Area 3.6(a) - *"Investigate and Develop the future of Leederville Oval"*.

COMMENT:

The Town's partnership with the State Government of Western Australia to provide upgraded and new sporting facilities within the Town of Vincent, as part of the State Sporting Facilities Plan will be a major benefit to the Town, its residents and taxpayers. The Town may receive government contribution of up to \$600,000 for this project. In the event that the CSRFF grant application is successful, it will relieve the Town of an expensive burden to upgrade the rundown facilities of Leederville Oval. Should this eventuate, the redevelopment project can be completed during 2003. It is essential that decisions be made, as any delays may result in Leederville Oval not being available for the 2003 WAFL season, or the works being deferred until late 2003 (resulting in additional costs, due to escalation).

The Council's approval of this recommendation is therefore requested.

14. CLOSURE

Presiding Member, Mayor Nick Catania JP, declared the Meeting closed at 8.25pm with Councillors Drewett, Chester, Cohen, Doran-Wu, Franchina, and Hall, Chief Executive Officer, John Giorgi JP, Executive Manager Corporate Services, Mike Rootsey, Executive Manager Environmental & Development Services, Rob Boardman, Executive Manager Technical Services, Rick Lotznicher.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 10 September 2002.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2002