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(18 JANUARY 2005)

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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 18 January 2005, commencing at 6.10pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania JP, declared the meeting open at 6.10pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Steed Farrell	North Ward
John Giorgi, JP	Chief Executive Officer (Annual Leave)
Rob Boardman	Executive Manager Environmental and Development Services (Annual Leave)

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Caroline Cohen	South Ward
Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Basil Franchina	North Ward
Cr Ian Ker (Deputy Mayor)	South Ward
Cr Sally Lake	South Ward
Cr Maddalena Torre	South Ward
Rick Lotznicher	Acting Chief Executive Officer
Des Abel	Acting Executive Manager, Environmental and Development Services
Craig Wilson	Acting Executive Manager Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Executive Assistant (Minutes Secretary)
Matt Zis	Journalist – Guardian Express (until 8.15pm)
Mark Fletcher	Journalist - Voice News (until 7.55pm)

Approximately 33 Members of the Public

(c) Members on Leave of Absence:

Nil.

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

1. Mr Laurence Panaia of 84 Bourke Street, Leederville – Item 10.1.11 – Stated that they have consulted with neighbours and they have no objections. Requested that Council approved the application.
2. Ms Barbara Wood on behalf of the Leederville Early Childhood Centre – Item 10.2.1 – Stated that current carparking on Vincent Street makes it difficult for parents to enter and exit safely from the Centre. Proposed that parking restrictions be implemented between 7.30 – 9.00am and 4.00 – 6.00pm. Believes that there is a need to monitor the methods used to check the "no right turn" at Oxford Street as they are being abused all the time. Requested Council consider imposing a 40km per hour speed limit during the suggested parking times.

3. Ms Lilly Sabatino of 86 Forrest Street, Mt Lawley – Item 10.1.3 – Requested Council approve her application. Stated that she has MS which restricts her to working part-time, only has a small clientele and does not wish to increase her client base. Stated that she has a large family that visit regularly and does not want these visits to be confused with clients.
4. Mr Keith Williams of 159A Scarborough Beach Road, Mt Hawthorn – Item 10.1.1 – Stated that their shop is unique to other stores in Mt Hawthorn, being an ex bank it has a steel plate in the ceiling extending out through to the awning outside and is approximately 10mm thick and is a permanent fixture to the building. Believes that to fit the shutters required by the Town would mean a box of approximately 700mm x 700mm would have to be fitted to the underneath of the awning and the runners would be out from the windows about 70mm. Stated that the shop can be seen into at night and the current shutters stop graffiti. Advised that he would be willing to raise the shutters on a Sunday during business hours. Requested Council's help in this matter and reconsider the shutters.
5. Ms Natalie Lloyd of 10 Harwood Place, West Perth – Item 10.1.2 – Stated that the concerns of the Harwood Action Group remain the same as they have for the past three years which include the outdoor smoking area on Newcastle Street be in place of the three carbays and a reduction of beds from 45 to 32. Advised that residents of Harwood Place are willing to meet with the applicant regarding the management plan. Requested on behalf of adjoining residents that the tin wall of the parking be sound proofed and a 2 metre brick wall be constructed along the site boundary to replace the existing picket fence.
6. Ms Jennifer Harrison of 73 Wasley Street, North Perth – Item 10.1.16 – Believes the proposal is contrary to the Norfolk Precinct Policy and that it is a substantial development and should be regarded as more than just a nursing home. Stated that the Council's policy on parking in relation to this development is totally inadequate. Further stated that a number of requirements were put on the developer in relation to parking in this area which have not be adhered to. Concerned that there are two building licences for this area which have different requirements and believes that these need to be reviewed before this application proceeds.
7. Mr Tim Carvolth of 36 Norfolk Street, Mt Lawley – Item 10.1.16 – Stated that he has concerns about the proposed development in particular with regards to service vehicles that enter and exit the building. Advised that at a community meeting organised by the applicant, it was advised that they would provide a turning circle for trucks. Stated that he also has concerns with regards to parking and where the staff are going to park and how the roads are going to provide for the additional traffic.
8. Anastasia Katsambartis representing Troppo Architects of 296A Hay Street, Subiaco – Item 10.1.10 – Stated that are generally happy with the conditions with the exception of (iii)(b) and (iv). Considers the requirement to setback the upper floor to be a significant amendment. Requested a minor variation to the R-Codes to permit the proposed alteration and addition to follow the alignment of the existing residence. Stated that the windows referred to in clause (iv) are less than 1m² and should not be regarded as major openings and does not believe that these windows will result in any adverse impact on the privacy on the adjoining property. Requested that this condition be removed.

9. Ms Natalie James of 49 Blackford Street, Mt Hawthorn – Item 10.1.8 – Provided photographs for distribution to Elected Members. Referred to the restrictions to the windows on the family and dining areas on the southern elevation. Does not believe the windows will impede on their neighbours' privacy. Urged Council to reconsider and remove these conditions.
10. Mr Ted Rollinson of 51 Wasley Street, Mt Lawley – Item 10.1.16 – Stated that he had sent a letter to the Town in November 2004 listing their objections and has not received a response. Believes that the developer has little respect for the residents. Stated that one side of Wasley Street has been blocked off for approximately nine months and a part of Norfolk Street has been blocked off since just before Christmas leaving no access for wheelchairs, prams etc. Referred to the setback to the carpark from Norfolk Street. Believes that size of tree that would be able to be grown in this area is greatly restricted and is in conflict to the Town's vision of greening. Does not believe a rubbish truck would be able to turn in a laneway that is 6 metres wide. Requested that Council defer the Item so that further consultation can be made between the residents and the builder.
11. Mr Jonathon Winter of 34 Norfolk Street, Mt Lawley – Item 10.1.16 – Concerned with the servicing of the proposed facility, improvement of the existing verge area, height of proposal, dust and noise containment and the enforcement of "no standing" zones when the construction is undertaken.
12. Mr Peter Duncan of 12 Harwood Place, West Perth – Item 10.1.2 – Requested that the Council reject the proposal. Believes that residential status and the amenity of the street is constantly under siege from developers.
13. Ms Rose Ricciardello of 11 Hodder Way, Karrinyup – Item 10.1.19 – Concerned with the security of the residents due to the amount vandalism that is happening in general. Stated that the electric gate would be designed and installed with an intercom system connected to each home which gives the owners the control as to who enters the property. Requested that Council consider approving the application.
14. Mr Arthur Manowski of 14 Carrington Street, North Perth – Item 10.1.12 – Stated that he has concerns with the windows on the balcony to the rear of the house as they will look directly into his property. Requested that the applicant erect a privacy screen along the fenceline.
15. Mr Simon Kohler of 12 Carrington Street, North Perth – Item 10.1.12 – Stated that he has concerns with privacy and overlooking. Believes that if the height of the fence was increased or a privacy screen erected this would solve the privacy issues.
16. Mr Craig Hall of 49 Egina Street, Mt Hawthorn – Item 10.1.9 – Stated that he has concerns with privacy. Believes that an increase in the height of the current fence or provision of a screen would solve the privacy issues.

17. Mr Chris Neil of 45 Egina Street, Mt Hawthorn – Item 10.1.9 – Stated that he would like it noted that the recent additions at 49 Egina Street (previous speaker) have windows which overlook directly into his property. Advised that they have made any changes requested by the Town.

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

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

- 4.1 Cr Helen Doran-Wu for the Ordinary Meeting of Council to be held on 8 February 2005 for personal reasons.

Moved Cr Chester, Seconded Cr Ker

That Council APPROVES Leave of Absence for Cr Doran-Wu for the Ordinary Meeting of Council to be held on 8 February 2005 for personal reasons.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

- 4.2 Cr Maddalena Torre for the period 30 January to 7 February 2005.

Moved Cr Chester, Seconded Cr Ker

That Council APPROVES Leave of Absence for Cr Torre for the period 30 January to 7 February 2005 inclusive for personal reasons.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

- 5.1 The Acting Chief Executive Officer advised that a petition had been received from Doreen Sonogo of 120 Joel Terrace, Mt Lawley with 147 signatories objecting to the development applications for 128-130 Joel Terrace, Mt Lawley.

The Acting Chief Executive Officer advised that the petition will be forwarded to the Acting Executive Manager Environmental and Development Services for investigation and report.

Moved Cr Ker, Seconded Cr Torre

That the petition be received.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Ordinary Meeting of Council held on 21 December 2004

Moved Cr Ker, Seconded Cr Torre

That the Minutes of the Ordinary Meeting of Council held on 21 December 2004 be confirmed as a true and correct record.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 NETWORK CITY COMMUNITY PROGRAM - GRANT

I am pleased to advise that the Town has been awarded \$40,000 from the Western Australian Planning Commission to progress the Community Visioning Project - Vincent Vision 2024. This is great news as it will allow the Town to complete this exciting and innovative initiative.

7.2 SUMMER CONCERTS IN THE PARK

The first of the Summer Concerts was held on Sunday 9 January at Banks Reserve.

A sizeable crowd of approximately 250 turned up to enjoy the music of the Trio Alegria. The feedback from those who attended was very positive.

During the concert a collection for Tsunami victims was taken and raised \$524.

The next concert is this Sunday at Hyde Park starting at 3.30pm where CARUS and the TRUE BELIEVERS (a nationally acclaimed blues group) will be playing.

7.3 VISIONS OF VINCENT

The Visions of Vincent Photographic exhibition will be held on Australia Day following the Australia Day Citizenship Ceremony at Royal Park Hall.

The Award presentation will take place at 11.00am is will be followed by a free sausage sizzle and entertainment until 1.30pm.

8. DECLARATION OF INTERESTS

8.1 Cr Franchina declared a proximity interest in Item 10.4.4 – Confidential Report – Proposed Moonlight Wine and Food Festival – Members Equity Stadium, 310 Pier Street, Perth. The nature of his interest being that his daughter owns property in close proximity.

Mayor Catania advised he owned property in Forrest Street however, he considered that he was not required to declare an interest in Items 10.1.3 and 10.1.16 as he was not in close proximity.

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

Nil.

10. REPORTS

The Agenda Items were categorised as follows:

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

Items 10.1.11, 10.2.1, 10.1.3, 10.1.1, 10.1.2, 10.1.16, 10.1.10, 10.1.8, 10.1.19, 10.1.12, and 10.1.9

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

Nil.

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

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

Cr Ker	Nil.
Cr Lake	Items 10.4.2 and 10.4.4
Cr Chester	Items 10.1.20, 10.1.22 and 10.4.3
Cr Torre	Nil.
Cr Doran-Wu	Nil.
Cr Cohen	10.1.21
Cr Franchina	Nil.
Mayor Catania	Nil.

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

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

Item 10.4.4

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

Items 10.1.4, 10.1.5, 10.1.6, 10.1.7, 10.1.13, 10.1.14, 10.1.15, 10.1.17, 10.2.2, 10.2.3, 10.3.1, 10.3.2, 10.3.3 and 10.4.1

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

Item 10.4.4

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

(a) Unopposed items moved en bloc;

Items 10.1.4, 10.1.5, 10.1.6, 10.1.7, 10.1.13, 10.1.14, 10.1.15, 10.1.17, 10.2.2, 10.2.3, 10.3.1, 10.3.2, 10.3.3 and 10.4.1

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

Items 10.1.11, 10.2.1, 10.1.3, 10.1.1, 10.1.2, 10.1.16, 10.1.10, 10.1.8, 10.1.19, 10.1.12, and 10.1.9

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

Moved Cr Ker, Seconded Cr Torre

That the following unopposed items be moved en bloc;

Items 10.1.4, 10.1.5, 10.1.6, 10.1.7, 10.1.13, 10.1.14, 10.1.15, 10.1.17, 10.2.2, 10.2.3, 10.3.1, 10.3.2, 10.3.3 and 10.4.1

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

The Presiding Member advised that the Council would consider Item 10.1.18 as there had been request received from the applicant for deferral.

10.1.18 No. 118 (Lot 2) Anzac Road, Mount Hawthorn - Proposed Roller Door Additions to Carport to Existing Single House (Application for Retrospective Approval)

Ward:	North	Date:	10 January 2005
Precinct:	Mount Hawthorn; P1	File Ref:	PRO2974; 00/33/2616
Attachments:	001		
Reporting Officer(s):	K Carter		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Kounis Property Developments on behalf of the owner CJ Bonomi for Roller Door Additions to Carport to Existing Single House (Application for Retrospective Approval), at No. 118 (Lot 2) Anzac Road, Mount Hawthorn, and as shown on plans stamp-dated 2 December 2004, for the following reasons:*
- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (b) *the non-compliance with the Town's Policy relating to Street Setbacks; and*
- (ii) *the Council ADVISES the owners of No(s). 118 (Lot(s) 2) Anzac Road, Mount Hawthorn, that the unauthorised roller door addition to carport to existing single house at No. 118 (Lot 2) Anzac Road, Mount Hawthorn, shall be removed within twenty-eight (28) days of notification, and the Council AUTHORIZES the Chief Executive Officer to initiate legal proceedings to ensure the removal of the unauthorised roller door addition should the roller door remain after the above 28 days period.*

COUNCIL DECISION ITEM 10.1.18

Moved Cr Torre, Seconded Cr Ker

That the Item be DEFERRED at the request of the applicant.

CARRIED (7-1)

For
Mayor Catania
Cr Cohen
Cr Doran-Wu
Cr Franchina
Cr Ker
Cr Lake
Cr Torre

Against
Cr Chester

(Cr Farrell was an apology for the meeting.)

Landowner:	CJ Bonomi
Applicant:	Kounis Property Developments
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	534 square metres
Access to Right of Way	N/A

BACKGROUND:

- 25 July 1997 Building Licence was issued for additions to the dwelling including a double carport.
- 12 October 2004 Inspection of the subject carport revealed a solid panel roller door erected to the entrance of the carport. A written request for compliance with the conditions of approval was issued by the Town's Officers.
- 2 December 2004 Application for retrospective approval was received for the subject roller door addition to the existing house.

DETAILS:

The applicant seeks retrospective Planning Approval for a roller door addition to an existing single house. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Carport Door as per Town's Policy relating to Street Setbacks	Carports within the street setback to be without a door unless that door is visually permeable.	Solid roller door to carport	Not supported – as the roller door is non-compliant with the Town's Policy relating to Street Setbacks. The intent of the Policy is to prevent structures such as carports within the front setback from dominating the streetscape whilst still allowing casual surveillance and interaction with the street.
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
N/A	N/A		The roller door to the carport was not advertised as it does not comply with relevant statutory regulations.

Other Implications	
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications	Nil
Financial/Budget Implications	Nil

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

COMMENTS:

The reasons stated in the owners' submission have been considered, including the primary motive of security to the owners' property and motor vehicles. If for some reason the owners were to relocate from the above house at some future date, the Town will be left with an unacceptable development of a solid carport roller door structure within the front setback area.

It is considered that the existing carport roller door will have an undue adverse impact on the streetscape and discourage safety and security via limited surveillance and interaction between the house and the street.

Therefore, the application should be refused and the unauthorised roller door be removed within 28 days of the owners being advised in writing by the Town, failing which the Chief Executive Officer be authorised to initiate the relevant legal action as recommended.

10.1.4 No. 285 (Lot 6) Lord Street, Perth - Proposed Signage to Existing Office Building

Ward:	South	Date:	10 January 2005
Precinct:	Forrest; P14	File Ref:	PRO1314; 00/33/2604
Attachments:	001		
Reporting Officer(s):	K Carter		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by A Stedman on behalf of the owner P Terpkos & P Santillo for proposed Signage to Existing Office Building, at N). 285 (Lot 6) Lord Street, Perth, and as shown on plans stamp-dated 25 November 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) the signage shall not have flashing or intermittent lighting;*
- (iii) all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage; and*
- (iv) all signage shall be kept in a good state of repair, safe, non-climbable, and free from graffiti for the duration of its display on-site;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.4

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

Landowner:	P Terpkos & P Santillo
Applicant:	A Stedman
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Office
Use Class:	Office Building
Use Classification:	"P"
Lot Area:	991 square metres
Access to Right of Way	North side, 3.02 metre wide, sealed, privately owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves signage additions to existing office at No(s). 285 (Lot(s) 6) Lord Street, Perth. The proposed sign is a wall sign attached to the front facade of the building.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
No advertising was required for this application			
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

The proposal is considered to fully comply with the Town's Town Planning Scheme No. 1 and associated Policies, and is therefore recommended for approval subject to standard conditions.

10.1.5 No. 589 (Lot(s) 434 & 435) William Street (Corner Wasley Street), Mount Lawley - Proposed Street Wall and Fence Additions to Existing Single House

Ward:	South	Date:	10 January 2005
Precinct:	Norfolk; P10	File Ref:	PRO3018; 00/33/2594
Attachments:	001		
Reporting Officer(s):	F Rubio		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Labyrinth Design & Development on behalf of the owner G & T Mannino for proposed Street Wall and Fence Additions to Existing Single House, at No. 589 (Lot(s) 434 & 435) William Street (Corner Wasley Street), Mount Lawley, and as shown on plans stamp-dated 5 January 2005, subject to:

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

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.5

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

Landowner:	G & T Mannino
Applicant:	Labyrinth Design & Development
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	672 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves a proposed fencing additions to existing single house No.589 (Lots 434 and 435) William Street (corner Wasley Street), Mount Lawley.

The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Street Walls or Fences: William Street	Maximum height of 1.8 metres above the adjacent footpath level. Decorative capping on the top of piers may go to a maximum height of 2 metres.	1.83 metres high.	Supported- recommended condition that the fence/ wall complies with the Town's Policy.
Wasley Street	Walls/fences to secondary street the solid portion of the walls/fences may increase to a maximum height of 1.8 metres, provided that the fence has at least two (2) appropriate design features to reduce the visual impact.	The solid portion is from 0.9 metre high to 1.480 metres high. The piers are 2, 2.1, 2.2, 2.380, 2.4 and 2.2 metres high. Decorative capping on the top of piers is 2.15, 2.3 and 2.4 metres high.	Supported- Given the slope of the property, the internal ground level is from 0.1 to 0.8 metre above the footpath level, and the upper portion of the fence is 50% visually permeable, there is no undue impact on street scape.
Consultation Submissions			
Support	Written consent of affected neighbour on plans		
Objection			
Other Implications			
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).		
Strategic Implications	Nil		
Financial/Budget Implications	Nil		

COMMENTS:

The proposed fence and wall is considered acceptable, as it does not unduly impact the streetscape and amenity of the area. Therefore approval is recommended, subject to standard and appropriate conditions to address the above matters.

10.1.6 No. 143 (Lot 3) Bulwer Street (Corner Lane Street) Perth - Partial Solid Secondary Street Fence (Application for Retrospective Approval) and Proposed Carport and Store Additions to Existing Single House

Ward:	South	Date:	10 January 2005
Precinct:	Hyde Park; P12	File Ref:	PRO2991; 00/33/2556
Attachments:	001		
Reporting Officer(s):	G Snelling		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Kyria Design on behalf of the owner N Nguyen & N Pham for Partial Solid Secondary Street Fence (Application for Retrospective Approval) and Proposed Carport and Store Additions to Existing Single House at No. 143 (Lot 3) Bulwer Street (Corner Lane Street), Perth, and as shown on amended plans stamp-dated 17 and 22 December 2004, subject to:

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

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.6

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

Landowner:	N Nguyen & N Pham
Applicant:	Kyria Design
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Single house
Use Class:	Single House
Use Classification:	"P"
Lot Area:	384 square metres
Access to Right of Way	N/A

BACKGROUND:

- 16 December 2004 Site inspection of the subject property revealed that the solid brick fence adjacent to Lane Street (secondary street frontage) has been constructed with no design features and without permission of the Town of Vincent. Owner stopped construction work.
- 21 December 2004 In summary the applicant Kyria Design was advised to provide the following:
- (a) Amended plans of the solid brick fence adjacent to Lane Street (secondary street frontage) detailing a minimum of two (2) design features.
 - (b) Application for retrospective approval and payment of appropriate fees.
 - (c) A letter explaining why the above mentioned solid brick fence, carport and store commenced construction without Council approval.
- 22 December 2004 The applicant and owner provided items (a) and (c) of the above mentioned information.
- 4 January 2005 An application for retrospective approval and appropriate fees received.

DETAILS:

The application for retrospective approval involves partial demolition of a recently constructed solid brick fence adjacent to Lane Street (secondary street frontage) with the following design features, two (2) 900 millimetres wide by 900 millimetres high wrought iron infill panels, form-stone capping to the brick piers, cement rendered and paint finish. A 1.5 metre by 1.5 metre visual truncation will be provided on the street intersection. The applicant's submission is "*Laid on the Table*".

The proposed carport will be 6.35 metres wide by 6.35 metres long and consists of a concrete floor slab, brick piers 2.4 metres high, and a pitched (5 degree) metal roof, with an attached store 6.35 metres wide by 1.99 metres long and brick walls 2.4 metres high, setback 500 millimetres from the southern rear boundary and 1.6 metres from Lane Street. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Secondary Street Fence	Solid portion of the wall/fence adjacent to the secondary street may increase to maximum height of 1.8 metres, provided that the wall/fence has at least two (2) design features to reduce the visual impact	Remove and alter sections of the existing 1.8 metre high solid brick fence and provide two (2) design features	Supported - complies with the Town's Policy - 'Street Walls and Fences'

Visual sight line truncation for vehicle access	1.5 metre by 1.5 metre visual truncation on street intersection	Remove part of existing brick fence to provide a 1.5 metre by 1.5 metre visual truncation	Supported - complies with the Town's Policy - 'Street Walls and Fences'
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

The owners have advised that the subject brick fence and foundations for the carport and store structures have only recently been constructed, and building works have now stopped upon being advised by the Town's Building Surveyor of the unauthorised development.

The owners have stated that they initially sought advice from the Town and were advised the subject brick fence did not require Council approval, and proceeded to construct the brick fence adjacent to Lane Street, only to be informed upon submission of the Planning Application that approval was required, as the secondary street solid brick fence does not comply with the Town's Policy.

The owners apologised for the confusion and may have misunderstood the initial advice, and further stated that they had not intended to deceive the Council in any way.

The owners have indicated they will comply with the Town's Policy and requirements, and will make further amendments to the plans if required, prior to submitting a Building Licence application.

In light of the above, the application is considered to be supportable subject to standard and appropriate conditions to address the above matters.

10.1.7 No. 14 (Lot 7, Strata Lot No. 2) Austen Lane, Leederville - Proposed Shade Sail Additions to Existing Grouped Dwelling

Ward:	North	Date:	6 January 2005
Precinct:	Leederville; P3	File Ref:	PRO1835; 00/33/2597
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by NH Enterprises on behalf of the owner AJ Murray & AJ Yeoman for proposed Shade Sail Additions to Existing Grouped Dwellings, at No. 14 (Lot 7, Strata Lot No. 2) Austen Lane, Leederville, and as shown on plans stamp-dated 19 November 2004, subject to:

- (i) 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 Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

Landowner:	A J Murray & A J Yeoman
Applicant:	NH Enterprises
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Grouped Dwelling
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	675 square metres
Access to Right of Way	N/A

BACKGROUND:

15 October 2001 Additional grouped dwelling to existing dwelling conditional approved under delegated authority by the Town.

DETAILS:

The proposal involves shade sail additions to the existing grouped dwelling fronting on to Austen lane. The proposal comprises two (2) shade sails located within the front setback area.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Minor Nature Development: Shade Sail: Location	Behind street setback line.	Within street setback.	Supported - no undue negative impact on streetscape or adjoining properties
Minor Nature Development: Shade Sail: Height	Not to exceed 3.0 metres	3.2 metres	Supported - no undue negative impact on streetscape or adjoining properties
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

In light of no objections being received and that the proposal will not cause an undue negative impact on the streetscape or adjoining properties the Town's Officers consider the proposal supportable.

10.1.13 No(s). 341-345 (Lot(s) Y2 & Y1) Charles Street (Corner Howlett Street), North Perth - Proposed Two-Storey Additions, Including Undercroft Carpark, to Existing Showroom and Associated Education Centre

Ward:	North	Date:	11 January 2005
Precinct:	Charles Centre; P7	File Ref:	PRO2250; 00/33/2547
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by D4 Residential & Commercial Design on behalf of the owner M Lamb -Yaw Pty Ltd for proposed Two-Storey Additions, including Undercroft Carpark, to Existing Showroom and Associated Education Centre , at No(s). 341-345 (Lot(s) Y2 & Y1) Charles Street (Corner Howlett Street), North Perth, and as shown on plans stamp-dated 25 October 2004, 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) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (iv) 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";*
- (v) the windows, doors and adjacent floor area facing Charles Street and Howlett Street shall maintain an active and interactive frontage to Charles Street and Howlett Street;*
- (vi) sound proofing of the premises shall be carried out so that noise inside the premises shall not exceed the levels stipulated in the Environmental Protection (Noise) Regulations 1997 and Building Code of Australia. A report on the soundproofing carried out is to be provided to the Town's Health Services from a reputable consultant to demonstrate the effectiveness of the sound proofing prior to use. The acoustic consultant's report is to provide actual sound level measurements and should take into consideration noise characteristics. The engagement and implementation of the recommendations by the acoustic consultant are to be at the applicant's owner's expense;*

- (vii) *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);*
- (viii) *the maximum gross floor area for the showroom use shall be limited to 1192 square metres, unless adequate car parking is provided for the changes in floor space area;*
- (ix) *prior to the first occupation of the development, three (3) bicycle parking rail(s) shall be provided at a location convenient to the entrance of the proposed showroom component adjacent to Charles Street. Details of the design and layout of the bicycle parking facilities shall be submitted to and approved by the Town prior to the installation of such facilities;*
- (x) *the number of teachers, staff and students at any one time in relation to the education centre shall not exceed a maximum of three in total;*
- (xi) *prior to the issue of the Building Licence or first occupation of the development, whichever occurs first, a detailed noise management plan shall be submitted to and approved by the Town, and thereafter implemented and maintained by the owners/occupiers; and*
- (xii) *the hours of tuition shall be between 6.00pm and 9.00pm, Monday to Friday inclusive;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.13

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

Landowner:	M Lamb -Yaw Pty Ltd
Applicant:	D4 Residential & Commercial Design
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Showroom and associated Education Centre
Use Class:	Showroom and Education Establishment
Use Classification:	"P" and "AA"
Lot Area:	875 square metres
Access to Right of Way	N/A

BACKGROUND:

25 March 2004 The Council at its Ordinary Meeting conditionally approved an application for a change of use from recreational facility (health club) to showroom and associated education centre, alterations and additions at the subject property.

DETAILS:

The proposal involves two-storey additions, including undercroft carpark, to the rear of the existing showroom and associated education centre.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Supported - no variation.
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking			
Car parking requirement (nearest whole number)			15 car bays
<ul style="list-style-type: none"> • Showroom- 12 bays • Education Centre- 3 bays** 			
Apply the adjustment factors.			(0.8075)
<ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.95 (bicycle parking facilities)*** 			12.11 car bays
Minus the car parking provided on-site dedicated for the subject properties			12 car bays
Minus the most recently approved on site car parking shortfall			0.075 car bay
Resultant shortfall			0.035 car bay****

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

** Applicant has advised that 1 teacher and a maximum of 2 students will be at the premise at any one time. Accordingly, it is considered appropriate that 3 bays be required for the educational centre.

*** This adjustment factor derives from clause (ix) of the Officer Recommendation.

**** If the resultant shortfall of parking is less than or equal to 0.5 bay, no parking bay or cash-in lieu of parking is required for shortfall.

COMMENTS:

The planning application is considered to be consistent with the Town's Town Planning Scheme No. 1 and associated Policies and approval is therefore recommended, subject to standard and appropriate conditions.

10.1.14 No. 12 (Lot 32) Howlett Street, North Perth - Proposed Demolition of Existing Single House and Construction of a Two-Storey Mixed Use Development Comprising Warehouse, Offices and Incidental Light Industry, and One (1) Single Bedroom Dwelling

Ward:	North	Date:	12 January 2005
Precinct:	Charles Centre; P7	File Ref:	PRO2988; 00/33/2551
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Statesman Homes on behalf of the owner JE Marks for proposed Demolition of Existing Single House and Construction of a Two-Storey Mixed Use Development Comprising Warehouse, Offices and Incidental Light Industry, and One (1) Single Bedroom Dwelling, at No. 12 (Lot 32) Howlett Street, North Perth, and as shown on plans stamp-dated 26 October 2004 (existing site, demolition, overshadowing and overlooking, elevations and floor plans) and 12 January 2005 (proposed site plan,) subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (iii) 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;*
- (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) subject to first obtaining the consent of the owners of Nos. 10 and 14 Howlett Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 10 and 14 Howlett Street in a good and clean condition;*
- (vi) 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;*
- (vii) doors and windows and adjacent floor areas fronting Howlett Street shall maintain an active and interactive relationship with this street;*
- (viii) prior to the first occupation of the development, one (1) car parking space provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*

- (ix) *the maximum gross floor area for the offices and warehouse/incidental light industry use shall be limited to 24 square metres and 122 square metres respectively, unless adequate car parking is provided for the changes in floor space area;*
- (x) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (xi) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*
- (xii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the front setback area and the Howlett Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xiii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Howlett Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (xiv) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development; and*
- (xv) *retail sale of goods of any nature shall not occur on the subject property; to the satisfaction of the Chief Executive Officer.*

COUNCIL DECISION ITEM 10.1.14

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

Landowner:	JE Marks
Applicant:	Statesman Homes
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Office Building
Use Class:	Multiple Dwelling, Warehouse, Office Building, (Incidental) Light Industry
Use Classification:	"AA", "P", "P", "SA"
Lot Area:	637 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the proposed demolition of existing single house and construction of a two-storey mixed use development comprising warehouse, offices and incidental light industry, and one (1) single bedroom dwelling, at the subject property. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	5 dwellings R 80	1 dwelling R 15.70	Supported - no variation.
Plot Ratio	1.0- 637 square metres	0.16- 100 square metres	Supported - no variation.
Car Parking	Not to be located within the street setback area.	Car bays located in front setback.	Supported - no undue impact on streetscape, established streetscape consists of a car park and carparking in the front setbacks and narrow block in relation to its length.
Car bays for dwelling	2 car bays	1 car bay	Supported - R- Codes permits reduction to one car bay per dwelling, where on-site parking is available from the commercial uses on site.
Privacy	Upper floor habitable spaces other than bedrooms setback 6.0 metres from residential property boundary or suitably screened.	Upper floor kitchenette window is 3.2 metres to eastern boundary.	Supported - consent obtained from owner/tenant of affected property.

	Balconies setback 7.0 metres from residential property boundary or suitably screened.	Balcony is 1.8 metres to eastern boundary.	Supported - consent obtained from owner /tenant of affected property.
Consultation Submissions			
As the incidental light industry use is limited in nature (cutting of fabrics and sewing machines to be used 2-3 hours a week) and integral with the warehouse use, it was considered that the 'SA' advertising for this component was not required and that the standard two week consultation period was adequate for comments.			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking			
Car parking requirement for non- residential component (nearest whole number)**			4 car bays
<ul style="list-style-type: none"> • Warehouse and incidental light industry***- 3 bays • Office- 1bay 			
Apply the adjustment factors.			(0.85)
<ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) 			3.4 car bays
Minus the car parking provided on-site for non- residential component**			4 car bays
Resultant surplus			0.6 car bay

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

** 1 car bay is required for the residential component, resulting in the remaining 4 car bays being available for the non-residential component.

*** As the incidental light industry use is limited in nature and integral with the warehouse use, and the car parking requirement ratio for warehouse and light industry is the same, it is considered appropriate that the car parking requirement for these uses be on the basis that warehouse and light industry uses are a single component.

Demolition

- The subject building is dated circa 1955. The place is constructed of brick on a sandstone foundation with a tiled roof. Windows are simple casement style, and along with some of the doors are not contemporary with the building. Timber boards run the length of the dwelling. The interior is plain with little decorative detailing.
- Although the building has not materially altered over the years, the place is considered to have little heritage value and does not warrant a full heritage assessment. It does not meet the minimum criteria for entry into the Town's Municipal Heritage Inventory.
- In light of the above, it is recommended that *approval* be granted for the demolition of the existing dwelling and outbuildings, subject to standard conditions.

COMMENTS:

The planning application is generally consistent with the Town's Town Planning Scheme No.1 and associated Policies, and Residential Design Codes (R Codes), and approval is therefore recommended, subject to standard and appropriate conditions.

10.1.15 No(s). 193-195 (Lot(s) 267 - 269) Scarborough Beach Road (Corner The Boulevarde) Mount Hawthorn - Proposed Change of Use from Service Station to Carwash Facility (Unlisted Use) and Eating House

Ward:	North	Date:	11 January 2005
Precinct:	Mt Hawthorn Centre; P2	File Ref:	PRO3020; 00/33/2603
Attachments:	001		
Reporting Officer(s):	K Carter		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by S Goddard on behalf of the owner BR Rispoli for proposed Change of Use from Service Station to Carwash Facility (Unlisted Use) and Eating House at No(s). 193-195 (Lot(s) 267 -269) Scarborough Beach Road (Corner The Boulevarde), Mount Hawthorn, and as shown on plans stamp-dated 17 November 2004 (floor plan) and 12 January 2005 (site plan), subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) a detailed landscaping plan, including a list of plants significant upgrading of landscaping onsite, and the landscaping and reticulation of the Scarborough Beach Road and The Boulevarde verges adjacent to the subject property, shall be submitted to and approved by the Town. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iii) all car parking bays shall be dimensioned and comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking";*
- (iv) 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;*
- (v) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town. A minimum of two (2) car bays shall specifically be provided and clearly identified for the eating house use and vehicles shall not be detailed within these bays;*
- (vi) the proposed car detailing use shall only operate between the hours of 8.00am and 5.30pm Monday to Friday, and 8.00am and 4.00pm Saturday and Sunday, inclusive;*
- (vii) any proposal to increase the intensity of the development, including the hours of operation, erection of external lighting and instalment of additional equipment, shall require a further application for Planning Approval being submitted to and approved by the Town prior to the first commencement of such intensity of the development, and this may be subject to further community consultation; and*

(viii) *the eating house public floor area is limited to a maximum of 10 square metres, including internal and external seating;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.15

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

Landowner:	BR Rispoli
Applicant:	S Goddard
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Service Station
Use Class:	Eating House & Unlisted Use
Use Classification:	"P & Unlisted Use"
Lot Area:	1315 square metres
Access to Right of Way	N/A

BACKGROUND

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the conversion of the existing service station and workshop to a car wash facility. The carwash and eating house facilities are proposed to operate between the hours of 8.00am and 5.30pm Monday to Friday and 8.00am and 4.00pm Saturday and Sunday, inclusive.

The applicant has advised that all cars are to be hand washed and the eating house is provided to serve light beverages and food to potential customers. No new structures are proposed on the site as the existing workshop is to be internally modified to allow a three car bay washing area.

The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
Support	Nil		Noted

Objection (1)		Supported - noise levels would be required to comply with the Environmental Protection (Noise) Regulations 1997 and would be monitored by the Town's Health Services should a compliant be received.
	Appearance of the service station is unchanged	Supported - a condition will be imposed that will ensure landscaping is to be upgraded
	Devalue surrounding properties and another carwash facility is located approximately 1km away	Not supported - these comments are not planning considerations in the determination of the subject application
Other Implications		
Legal/Policy		TPS 1 and associated Policies.
Strategic Implications		Nil
Financial/Budget Implications		Nil
Car Parking		
Requirements		Required
**Car Wash Facility: 3spaces for the first 200 square metres of gross floor area and thereafter 1 space per 100 square metres of gross floor area or part thereof.		3 car bays
Eating House: 1 space per 4.5 square metres of public area		2.3 car bays
Total car parking required before adjustment factor (nearest whole number)		5 car bays
Apply the parking adjustment factors.		(0.65025)
<ul style="list-style-type: none"> ▪ 0.85 (within 800 metres of rail station) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.90 (within 400 metres of one or more car parking places with excess of 50 car bays) 		3.25 car bays
Minus car parking provided on-site (total of 8 bays on-site)		4.75 car bays
Minus existing car parking shortfall after applying adjustment factors		Nil
Resultant surplus		4.75 car bays

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

**The proposed car detailing use is not listed in the Town's Policy relating to Parking and Access, however it is considered to most appropriately be classified as an industrial use for the purpose of calculating car parking requirements for this application.

COMMENTS:

The scale and operational hours of the proposal if limited by planning conditions to the current proposal would not be considered to unduly affect the amenity of the area in terms of noise.

Consequently the proposal is considered to fully comply with the Town's Policy relating to the Mount Hawthorn Centre Precinct, accordingly it is recommended that the application be approved subject to standard and appropriate conditions to address the above mentioned concerns.

10.1.17 Reserve 34142 (Lot 879) East Parade & West Parade, Perth - Proposed Signage Additions and Landscaping to Existing Railway Terminal (East Perth Terminal)

Ward:	South	Date:	10 January 2005
Precinct:	Banks; P15	File Ref:	PRO1536; 00/33/2599
Attachments:	001		
Reporting Officer(s):	K Carter		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Metropolitan Region Scheme, the Council RECOMMENDS SUPPORT to the Western Australian Planning Commission, for the application submitted by Woodhead International on behalf of the owner Public Transport Authority of Western Australia for proposed Signage Additions and Landscaping to Existing Railway Terminal (East Perth Terminal), at Reserve 34142 (Lot 879) East Parade & West Parade, Perth, and as shown on plans stamp-dated 7 December 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements; and*
- (ii) all signage shall be kept in a good state of repair, safe, non-climbable, and free from graffiti for the duration of its display on-site;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.17

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

Landowner:	Public Transport Authority of Western Australia
Applicant:	Woodhead International
Zoning:	Metropolitan Region Scheme: Reserve - Railways Town Planning Scheme No.1 (TPS 1): MRS Reserve - Railways
Existing Land Use:	Railway Terminal
Use Class:	Railway Terminal
Use Classification:	"P "
Lot Area:	127,926 square metres
Access to Right of Way	N/A

BACKGROUND:

The proposed development is on land reserved under the Metropolitan Region Scheme for Railways, therefore in accordance with the Metropolitan Region Scheme the subject application requires determination by the Western Australian Planning Commission (WAPC).

- 8 June 2004 The Town under delegated authority, advised the WAPC that it has no objection to the proposed alterations and additions to the existing railway terminal, subject to conditions.
- 26 August 2004 The Western Australian Planning Commission approved the alterations and additions to the terminal. Advice (2) of the Planning Approval advised the applicant to apply for and obtain a separate Planning Approval and Sign Licence prior to the erection of the proposed signage.

DETAILS:

The proposal involves the addition of a hoarding sign and landscaping to the East Perth Railway Terminal. The proposed sign is to be located within the section of car park between the building and West Parade.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
No advertising was required for this application			
Other Implications			
Legal/Policy			TPS 1 and associated Policies
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

The proposal is considered to fully comply with the Town's policy relating to Signs and Advertising, and is therefore recommended for approval subject to standard conditions.

10.2.2 Proposed Taking of Right of Way Originating in Scott Street, Leederville

Ward:	South	Date:	12/01/2005
Precinct:	Leederville P3	File Ref:	TES0220
Attachments:	001;		
Reporting Officer(s):	A Munyard		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the proposed taking of the right of way bounded by Bourke, Burgess, Richmond and Scott Streets, as shown on attached Diagram 2996;*
- (ii) *APPROVES the commencement of the taking process in accordance with section 52 of the Land Administration Act 1997; and*
- (iii) *ADVISES the applicants that they will be required to pay all expenses associated with the taking of the right of way, which are estimated to be in the order of \$200.*

COUNCIL DECISION ITEM 10.2.2

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

BACKGROUND:

Number 1A Scott Street (Lot 2 on Strata Plan 35612), a rear strata property, has sole access (both pedestrian and vehicular) from an adjacent privately owned right of way (ROW), however, it has recently been established that this property has no legal right to make use of the ROW. The Town can remedy this anomaly by “taking” the ROW, and therefore converting it to the status of public ROW.

DETAILS:

In January 1999 the Council approved the subdivision of Lot 16 (No 1) Scott Street, creating a rear survey strata lot of 322m². The Council subsequently approved the construction of a dwelling on the rear lot, and the property has recently been sold. The purchaser’s settlement agent has queried the legitimacy of the access rights over the ROW which provides the sole access to the rear lot.

The ROW was created on Diagram 2996 (refer attached), resulting in implied access rights to Lots 1, 2 and 3, also created on that diagram. No legal right of access exists for the lot to the north of the ROW. Therefore, the survey strata Lot 2 on Strata Plan 35612 (1A Scott Street) has no legitimate means of access.

The purchaser's settlement agent has advised that the sale of the property will not proceed unless some measure is implemented to guarantee access rights via the ROW. This could be achieved by either gaining an expressed right from the owner of the ROW, or by the Town resuming, or "taking" the ROW. As the ROW remains in the original title created in 1904, the chances of locating the owner are impossible. Therefore, the vendor of the property has requested the Town initiate the "taking" process.

Taking:

"TAKING" is the term used under the Land Administration Act 1997 in lieu of "resumption" or "compulsory acquisition". When a ROW is "taken", it reverts from private land with an access easement conferred on certain parties (those with an implied or expressed right), to Crown Land, vested in the Local Authority for the purposes of access way. The ROW is then available to be used by the public for this purpose, however, it differs from being a minor public road in that it is not dedicated. Therefore there is no requirement on the Town to pave, drain, name or provide lighting in the ROW prior to its resumption. In this case the ROW has already been concreted and soak wells installed.

Department of Land Information records indicate that this ROW is held on Title Volume 324 Folio 22 in the name of Millars Karri and Jarrah Company (1902) Limited. The recent changes to the Land Administration Act now permit taking of a private road by providing written advice to the Minister for Lands that all reasonable steps have been taken to contact the owners. In this case, the title being dated 1904, it is considered reasonable to assume the company is no longer in existence.

CONSULTATION/ADVERTISING:

Should the Council approve the taking of the ROW, the process will be carried out in accordance with the Land Administration Act 1997. Section 52(3) requires the Town to give 30 days notice to all suppliers of public utilities, all adjacent property owners and, if possible, the owner of the freehold of the ROW. Any comments or objections received within that period must be presented to the Minister together with the application to "take".

LEGAL/POLICY

As outlined above.

FINANCIAL/BUDGET IMPLICATIONS:

The costs involved in the "taking" of the ROW are limited to Department of Land Information costs, the requirement to place an advertisement in the *West Australian* having been lifted by the Land Administration Amendment Act 2000. It is estimated that these will be less than \$200.00. The applicants will be required to pay all costs associated with the "taking".

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. "(b) *Continue to develop, enhance and implement annual footpaths, rights of way, road rehabilitation and upgrade programs.*"

(c) Review options for a Right of Way management and upgrade strategy.

COMMENTS:

As it is in line with the Town's acquisition policy, it appears to be a sensible pre-emptive step to proceed with the "taking" of this ROW at this time, and thereby normalise the right of access for all adjacent lots.

The owner of 1A Scott Street is faced with a serious dilemma which can be easily resolved by the conversion of the ROW to public accessway, and it is therefore recommended that the Council approve the initiation of the "taking" process.

10.2.3 Waste Management and Recycling Fund - Resource Recovery Rebate

Ward:	Both	Date:	12 January 2005
Precinct:	All	File Ref:	ENS0008&FINS0078
Attachments:	-		
Reporting Officer(s):	R Morphett		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the Town's successful application for grant funding from the Waste Management and Recycling Fund Resource Recovery Rebate for Period 12; and*
- (ii) *NOTES that the grant funding received totals \$8,604.88 for Period 12 and these funds have been included as revenue in the 2004/2005 Recycling Operating budget;*

COUNCIL DECISION ITEM 10.2.3

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

BACKGROUND:

In July 1998, the State Government created the Waste Management and Recycling Trust Fund to assist Local Government, industry and the community to reduce waste and recycle, and to reduce the impact of waste on the environment. A levy on waste disposed to landfill in the Perth metropolitan area provides the revenue for the fund.

The State Government determined that the levy funds raised will:

- Be placed in a trust fund for waste reduction and related waste management programs.
- Not be disbursed unless approved by the Minister for the Environment on advice from the Advisory Council on Waste Management.
- Only be used for programs designed to assist the community, industry, government, educational and other institutions and local authorities in achieving the State's waste management, waste minimisation and recycling objectives.

DETAILS:

The RRRS is a scheme of the Waste Management and Recycling Fund (WMRF) that rewards local government for recycling efforts based on reported results every six months.

The objectives of the Waste Management and Recycling Fund - Resource Recovery Rebate Scheme are to:

- Encourage the conservation of resources and energy through waste reduction and recycling.
- Promote, support and encourage viable alternatives to landfill disposal of waste.
- Encourage the development of appropriate waste management, waste reduction and recycling infrastructure and markets.
- Support and encourage applied research and development into waste management, waste reduction and recycling that assists in meeting the State's objectives.
- Ensure that Western Australians have access to appropriate waste management, waste reduction and recycling services.
- To provide for an educated and aware community to assist in achieving these ends.
- Promote State and regional co-ordination of recycling and waste reduction.

Revenue for the fund is sourced from a levy on waste dumped in metropolitan landfill disposal sites. Currently, just over half of the landfill levy, which is the sole source of funds for the WMRF, goes into the RRRS.

The levy is currently \$3 per tonne for general waste and \$1 per tonne for inert waste.

Town of Vincent Submission

On 30 July 2004, the Town submitted an application for a rebate from the Waste Management and Recycling Fund for the period January to June 2004, claiming 1081.77 tonnes of recyclable material. The material also included the recycling of metals during the bulk verge collection and abandoned vehicles.

On 30 December 2004, the Minister for the Environment advised that the Town had received a grant of \$8,604.88 for Period 12.

RRRS Review

The Department of Environment (DoE) recently released a document entitled "Western Australia's Waste Management and Recycling Fund – Recommendations for the statutory review of the fund" alongside the Strategic Direction for Waste Management in WA document.

As part of that review, the Waste Management Board recommended to the Minister that the future of the RRRS be reviewed in consultation with key stakeholders. A consultation workshop was held in October 2004, representatives at the workshop included local governments who had participated in the scheme, industry representatives who were known, or considered, to have a view on the scheme, and respondents to the WMRF Review who have commented on the scheme.

A limited range of options were canvassed at the workshop – heavily weighted to reducing the funds to the RRRS or removing it completely. The DoE has undertaken to work on detailed versions of the limited options and will notify all stakeholders in due course.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Draft Plan 2005-2010 – 1.1 Protect and enhance environmental sustainability and biodiversity. *“(e) Prepare a Waste Management Strategy that is aligned with the Mindarie Regional Council's Secondary Waste Treatment initiatives.”*

FINANCIAL/BUDGET IMPLICATIONS:

The grant funds have been recorded as revenue in the 2004/2005 Recycling Operating Budget. The budgeted amount on the budget is \$20,000 and the Town has received \$8,604.88.

COMMENTS:

In the Town's application for a rebate from the Resource Recovery Rebate Scheme, the Municipal Waste Advisory Council was advised that the grant monies received would be used to subsidise the Town's recycling operating budget.

10.3.1 Financial Statements as at 30 November 2004

Ward:	Both	Date:	30 December 2004
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officer(s):	Bee Choo Tan		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

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

COUNCIL DECISION ITEM 10.3.1

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

BACKGROUND:

The Local Government Act and Local Government (Financial Management) Regulations 1996 require monthly reports and quarterly financial reports to be submitted to Council. The Financial Statements attached are for the month ended 30 November 2004.

DETAILS:

The Financial Statements comprise:

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

Operating Statement and Detailed Summary of Programmes/Activities

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

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

Operating Revenue

Operating revenue is currently 78 % of the annual Budget estimate

General Purpose Funding (Page 1)

General Purpose Funding is showing 94 % of the budget levied to date. This is due to rates being levied for the financial year; the rates revenue represents 98 % of the budgeted amount for the rates income.

Governance (Page 2)

Governance is showing 147% of the budget received to date; this is due to advertising rebates, vehicle contributions received and sale of electoral rolls.

Law Order & Public Safety (Page 3)

Revenue is showing a favourable variance of 106 % due to recoup in advance of employee cost that is on secondment and grants received.

Health (Page 4)

Health is showing 91%, this is due to 237 Health Licences being issued.

Community Amenities (Page 6)

Community Amenities is 67 % of the budget, this is as a result of 315 planning applications have been processed to month of November.

Recreation & Culture (Page 9)

Recreation and Culture is 36% of the total budget. Beatty Park is also 39 % of the total budget but tracking 93% of the year to date budget.

Economic Services (Page 12)

Economic Services is 56% of budget which is the 237 building licences issued to the month of November.

Operating Expenditure

Operating expenditure for the month of November is slightly under budget.

Capital Expenditure Summary (Pages 18 to 25)

The Capital Expenditure summary details projects included in the 2004/05 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure for November an amount of \$3,991,116 which is 36 % of the budget.

	Budget	Actual to Date	%
Furniture & Equipment	131,310	25,788	20%
Plant & Equipment	1,249,972	308,316	25%
Land & Building	2,746,610	2,439,320	89%
Infrastructure	6,997,900	1,217,692	17%
Total	11,125,792	3,991,116	36%

Statement of Financial Position and Changes in Equity (Pages 26 & 27)

The statement shows the current assets of \$20,539,501 less current liabilities of \$4,524,373 for a current position of \$16,015,128. The total non current assets amount to \$114,921,784 less non current liabilities of \$9,363,636 for the total net assets of \$121,573,276.

Restricted Cash Reserves (Page 28)

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

Debtors and Rates Financial Summary

General Debtors (Page 29)

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

Sundry Debtors of \$1,215,790 are outstanding at the end of November. Of the total debt \$765,252 (63%) relates to debts outstanding for over 60 days. The majority of the debt is an amount owing by the Department of Sport & Recreation of \$475,661. The Debtor Report identifies significant balances that are well overdue.

Finance has been following up with debt recovery by issuing reminder when it is overdue.

Rate Debtors (Page 30)

The notices for rates and charges levied for 2004/05 were issued on the 3 August 2004.

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

First Instalment	7 October 2004
Second Instalment	8 November 2004
Third Instalment	6 January 2005
Fourth Instalment	8 March 2005

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.

Rates outstanding are \$3,343,994 which represents 24 % of the outstanding collectable income.

Beatty Park – Financial Position Report (Page 31)

As at 30 November 2004 the operating deficit for the Centre was \$333,148 in comparison to the budgeted annual deficit of \$612,852.

The cash position showed a current cash deficit of \$90,582 in comparison to the annual budget estimate of a cash deficit of \$157,887. The cash position is calculated by adding back depreciation to the operating position.

10.3.2 Authorisation of Expenditure for the Period 01 November - 30 November 2004

Ward:	-	Date:	15 December 2004
Precinct:	-	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	M Orchard		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

- (i) *Schedule of Accounts for the period 1 November – 30 November 2004 and the list of payments;*
- (ii) *direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors; and*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth superannuation plans;*

as shown in Appendix 10.3.2.

COUNCIL DECISION ITEM 10.3.2

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

DECLARATION OF INTEREST

Members/ Officers	Voucher	Extent of Interest
------------------------------	----------------	---------------------------

Nil.

BACKGROUND:

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT	
Municipal Account			
Town of Vincent Advance Account	EFT	\$1,000,000.00	
	EFT	\$971,104.24	
	EFT	\$1,000,000.00	
		\$1,844,830.49	
Total Municipal Account		\$4,815,934.73	
Advance Account			
Automatic Cheques	49444-49446, 49448-49452, 49454-49596, 49598-49665, 49667-49675, 49677, 49679- 49728, 49730, 49732-49902, 49904-49913	\$1,114,670.96	
Manual Cheques	49441-49442	\$10,237.04	
Transfer of Creditors by EFT Batch 321-326		\$1,828,186.70	
Transfer of PAYG Tax by EFT	November 2004	\$143,894.10	
Transfer of GST by EFT	November 2004	\$0.00	
Transfer of Child Support by EFT	November 2004	\$501.35	
Transfer of Superannuation by EFT City of Perth	November 2004	-	
Local Government	November 2004	\$106,374.34	
Total Advance Account		\$3,203,864.49	
Transfer of Payroll by EFT	November 2004	\$471,506.67	
Bank Charges & Other Direct Debits			
Bank Charges – CBA		\$4,407.65	
Lease Fees		\$4,689.66	
Corporate Master Cards		\$6,140.32	
Australia Post Lease Equipment		\$311.77	
2 Way Rental		\$3,229.60	
Loan Repayment		-	
B/Park ATM Cash Agreement		\$495.00	
Reject Fees		\$2.50	
Total Bank Charges & Other Direct Debits		\$19,276.50	
Less GST effect on Advance Account		-\$105,178.00	
Total Payments		\$8,405,404.39	STR ATE

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 – Key Result Area 4.2 – Governance and Management

“Deliver services, effective communication and public relations in ways that accord with the expectations of the community, whilst maintaining statutory compliance and introduce processes to ensure continuous improvement in the service delivery and management of the Town.”

ADVERTISING/CONSULTATION:

Nil.

COMMENT:

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

10.3.3 Town of Vincent Welcome Pack

Ward:	All Wards	Date:	11 January 2005
Precinct:	All Precincts	File Ref:	ORG0064
Attachments:	-		
Reporting Officer(s):	M C Wendt / S Jarman		
Checked/Endorsed by:	J MacLean J Anthony / M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES the Town of Vincent Welcome Pack being made available to new residents within the Town of Vincent by having packs available in languages other than English.

COUNCIL DECISION ITEM 10.3.3

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

BACKGROUND:

The 'Welcome Pack' seeks to "achieve the promotion of community cohesion, responsibility and equity", and "encourages interaction between the community and Council to facilitate collaborative partnerships".

The Welcome Pack is currently sent to new residents of the Town who have purchased a property. The pack includes an introductory letter, flyers on upcoming community events and information brochures.

Currently residents who are renting properties within the Town are not automatically sent the Welcome Pack. This means that as residents they are missing out on information related to council, services and the area they live.

Approximately 38% of the Town's population speaks a language other than English. Major language groups within the Town include Italian, Greek, Vietnamese, Somali, Macedonian and Chinese. A high percentage of people that rent properties within the Town are from multicultural backgrounds.

DETAILS:

For general use the packs would contain the current information provided within the packs. Additionally packs would contain the same information in regards to brochures and flyers, however a cover letter would be in languages other than English (for example Somanilan and Vietnamese). The letter would welcome residents to the Town and additionally state that information can be provided in languages other than English upon request. Some brochures are currently already available in languages other than English.

The Welcome Packs would be made available at various locations which are accessed by those renting properties in the Town and specific services that are used by newly arrived people from multicultural backgrounds. These include local Real Estate Agents, Multicultural Services Centre, Australia Asia House.

The Australian Asia House is a gathering place for many of the diverse groups that live in and around the Town of Vincent. They are integral in providing contact information and are a meeting place for many of the different groups within the Town.

Following a discussion with a representative from the Australian Asia House and the Safer Vincent Coordinator, it was identified that many of the people who were in contact with Australian Asia House were new to Australia, often there was a language barrier, and it was very difficult for these new residents to gain important information and services that were provided by the Town of Vincent. The Welcome Packs, provided in languages other than English would provide assistance in this area.

CONSULTATION/ADVERTISING:

Consultation will be carried out with multicultural agencies, such as the Australia Asia House and Multicultural Services of Western Australia, to determine what information is currently provided to all home owners within the Town as part of the current 'Welcome Pack', and what other beneficial information could be provided.

LEGAL/POLICY:

The Town's Access and Equity Policy states that in regards to information dissemination:

- *Endeavors to provide information that is accessible to all members of the community regardless of culture, language, gender, sexuality or ability.*
- *Publicizes, on written material in languages other than English, within the community the availability of information in different formats and how this can be accessed.*
- *Endeavors to advertise all Council activities in local and alternative media that allows all residents, as potential consumers, to know of their existence.*

STRATEGIC IMPLICATIONS:

Additional Welcome Packs made available to all residents of the Town is in keeping with the Town of Vincent Strategic Plan 2005 - 2010.

Key Result Area 2.2 - Provide and develop a range of community programs and community safety initiatives.

- (e) *Support and implement multicultural programs*
- (f) *Investigate and implement mechanisms to improve community participation*

Key Result Area 2.4 - Develop and implement initiatives to increase the effectiveness of community and business groups.

- (a) *Investigate ways in which Council can support and promote the roles and responsibilities of the precinct and business groups within the Town, through public relations and communications*

FINANCIAL/BUDGET IMPLICATIONS:

Initial costs would cover translating the cover letter and the information request form into languages other than English. Estimated cost to translate a one page welcome letter would be \$110 per language. Plus an estimate of \$110 per language for the information request form. For an initial trial of two languages an approximate would be \$220.

Funding would come from budgets associated with the Safer Vincent program and the Welcome Packs.

COMMENTS:

The Welcome Pack is a beneficial way for disseminating information to new residents within the Town. Expanding the welcome pack is considered to be an opportunity to proactively promote the Town's activities and programs to residents that are renting properties within the Town, including those from multicultural backgrounds.

10.4.1 Use of the Council's Common Seal

Ward:	-	Date:	11 January 2005
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

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

COUNCIL DECISION ITEM 10.4.1

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

BACKGROUND:

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

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

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

Date	Document	No of copies	Details
17/12/04	Grant of Right of Access Easement - Deed	1	Town of Vincent and P F Burke and C M Babich of 17 Bourke Street, North Perth re: Portion of Perthshire Location 115, marked Right of Way on Plan 2889 and being the whole of the land in Certificate of Title Volume 1915 Folio 580.
23/12/04	Withdrawal of Caveat	2	Town of Vincent and Minter Ellison, Level 49, Central Park, 152-158 St Georges Terrace, Perth re: Lot 111 on Plan 1237 (No. 65-67 Raglan Road (Corner William Street, Mount Lawley)
23/12/04	Withdrawal of Caveat	2	Town of Vincent and Minter Ellison, Level 49, Central Park, 152-158 St Georges Terrace, Perth re: Lots 112 & 113 on Plan 1237 (No. 65-67 Raglan Road (Corner William Street, Mount Lawley)

Date	Document	No of copies	Details
23/12/04	Restrictive Covenant	3	Town of Vincent and Colin Cafarelli of 166 Chelmsford Road, North Perth re: Condition No. 4 of the Western Australian Planning Commission's subdivision (ref: 124426) approval letter dated 20/04/04 for No. 501 (Lot 155) Fitzgerald Street, North Perth
23/12/04	Restrictive Covenant	3	Town of Vincent and Colin Cafarelli of 166 Chelmsford Road, North Perth re: Condition No. 5 of the Western Australian Planning Commission's subdivision (ref: 124426) approval letter dated 20/04/04 for No. 501 (Lot 155) Fitzgerald Street, North Perth
23/12/04	Withdrawal of Caveat	5	Town of Vincent and Minter Ellison, Level 49, Central Park, 152-158 St George's Terrace, Perth re: Nos. 110-118 (New Lots 1-3 Strata Plans 43772 and 43773) Richmond Street, Leederville
23/12/04	Deed of Licence	1	Town of Vincent and Allia Holdings Pty Ltd, Unit 25, 257 Balcatta Road, Balcatta 6021 (Manager) and Western Australian Rugby League, C/o Members Equity Stadium, 310 Pier Street, Perth 6000 re: NRL Match - 25/02/05 and WARL Community Matches - 7/03/05, 09/05/05, 19/09/05, 20/09/05 and 10/10/05
23/12/04	Deed of Licence	1	Town of Vincent and Allia Holdings Pty Ltd, Unit 25, 257 Balcatta Road, Balcatta 6021 (Manager) and The Glory Zone, C/o PO Box 8185, Perth 6849 re: Glory Zone Soccer Clinics - January 2005
23/12/04	Deed of Licence	1	Town of Vincent and Allia Holdings Pty Ltd, Unit 25, 257 Balcatta Road, Balcatta 6021 (Manager) and Michael Chugg Entertainment Pty Ltd of 603 Elizabeth Street, Surry Hills, NSW 2010 re: "Moonlight Music and Wine Festival Event - 19 February 2005. (N.B.: Licence signed subject to Council conditions as approved at the Ordinary Meeting of Council held on 21/12/04.)
30/12/04	Contract of Employment	3	Town of Vincent and Deb Vanallen, Manager Beatty Park Leisure Centre effective from 1 January 2005
30/12/04	Contract of Employment	3	Town of Vincent and Des Abel, Manager Planning, Building and Heritage Services effective from 1 January 2005
30/12/04	Contract of Employment	3	Town of Vincent and Jim MacLean, Manager Ranger Services and Community Services effective from 1 January 2005
30/12/04	Contract of Employment	3	Town of Vincent and Deon Brits, Manager Health Services effective from 1 January 2005
30/12/04	Contract of Employment	3	Town of Vincent and Elizabeth Scott, Manager Library and Information Services effective from 1 January 2005
30/12/04	Contract of Employment	3	Town of Vincent and Natasha Russell, Manager Financial Services effective from 1 January 2005
30/12/04	Contract of Employment	3	Town of Vincent and Michael Yoo, Manager Information Services effective from 1 January 2005

Date	Document	No of copies	Details
30/12/04	Contract of Employment	3	Town of Vincent and Maureen Gallagher, Manager Human Resources effective from 1 January 2005
30/12/04	Contract of Employment	3	Town of Vincent and Craig Wilson, Manager Engineering Design Services effective from 1 January 2005
30/12/04	Contract of Employment	3	Town of Vincent and Jeremy van den Bok, Manager Parks Services effective from 1 January 2005
30/12/04	Contract of Employment	3	Town of Vincent and Jacinta Anthony, Manager Community Development effective from 1 January 2005
31/12/04	Deed of Covenant	4	Town of Vincent and C & F Stoinis Pty Ltd of Suite 1, Level 1, 353 Cambridge Street, Wembley and RAC Finance Ltd re: No. 138 (Lots 276 and 277) Matlock Street, Mount Hawthorn - Proposed Four (4) Storey Single Houses
7/01/05	Local Law	1	Amendment to Town of Vincent Local Law relating to Parking Facilities - Second Schedule
7/01/05	Local Law	1	Repeal of Local Law relating to By-Law No. 62 (Building Line)
7/01/05	Local Law	1	Amendment to Town of Vincent Local Law relating to Standing Orders - Deletion of sub-clause (2) of Clause 4.7 - Forums.
12/01/05	Deed of Lease	3	Town of Vincent and Leederville Tennis Club Inc., Bourke Street, Leederville, 6007.

10.1.11 No. 92 (Lot 400) Hobart Street, Mount Hawthorn - Proposed Partial Demolition of and Alterations, Two-Storey Additions, Personal Gymnasium and Carport to Existing Single House

Ward:	North	Date:	11 January 2005
Precinct:	Mount Hawthorn; P1	File Ref:	PRO2981; 00/33/2544
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Bruce Arnold Architects on behalf of the owners C Baker-Argyle & L Panaia for proposed Partial Demolition of and Alterations and Two-Storey Additions, Personal Gymnasium and Carport to Existing Single House, at No. 92 (Lot 400) Hobart Street, Mount Hawthorn, and as shown on plans stamp-dated 21 October 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Hobart Street, shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fence and gate being visually permeable, with a minimum 50 per cent transparency;*
- (iii) the carport shall be one hundred (100) per cent open on all sides and at all times;*
- (iv) subject to first obtaining the consent of the owners of No. 94 Hobart Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 94 Hobart Street in a good and clean condition;*
- (v) the solid portion of the boundary fence within the front setback area adjacent to Nos. 90 and 94 Hobart Street shall be a maximum height of 1.2 metres above the ground level with the upper portion of the front fence being visually permeable, with a minimum 50 per cent transparency. Details shall be submitted to and approved by the Town prior to the erection of such fences; and*
- (vi) the personal gymnasium structure shall not be used for industrial, commercial, or habitable purposes, and is for the sole personal use of the inhabitants of the dwelling only;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.11

Moved Cr Lake, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

CARRIED (7-1)

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

Landowner:	C Baker-Argyle & L Panaia
Applicant:	Bruce Arnold Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	506 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves partial demolition of, alterations, two-storey addition, personal gymnasium and single carport to existing single house. The carport is in the front setback area whilst most of the remaining proposed works is to the rear of the house. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A

Setbacks: Ground Floor - West (Dining, Living, Deck)	1.5 metres	1.1 metres	Supported – affected neighbour's support received.
East (Kitchen , Laundry)	3.4 metres	1.0 - 1.5 metres	Supported – affected neighbour's support received.
First Floor - East (Bedroom 1)	1.7 metres	1.5 metres	Supported – affected neighbour's support received.
Privacy Setbacks: Ground Floor - Eastern Elevation (Kitchen)	6.0 metres	2.3 metres	Supported – affected neighbour's support received.
First Floor - Eastern Elevation (Bedroom 1)	4.5 metres	2.7 metres	Supported – affected neighbour's support received.
Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Southern Elevation (Study)	6.0 metres	4.0 metres to western boundary	Supported – affected neighbour's support received.
Northern Elevation (Bedroom 1)	4.5 metres	2.4 metres to eastern boundary	Supported – affected neighbour's support received.
Building Height	7.0 metres	7.6 metres	Supported - affected neighbour's support received and nature of land slope and constraints of existing house.
Street Walls and Fences	The solid portion of the boundary fence within the front setback area should be a maximum height of 1.2 metres above the ground level with the upper portion of the fence being visually permeable, with a minimum 50 per cent transparency.	Front walls adjacent to neighbouring front setback areas solid to 1.8 metres high.	Not supported - conditioned accordingly.

Consultation Submissions		
Support (2)	Affected neighbours' support received.	Noted
Objection	N/A	N/A
Other Implications		
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications	Nil	
Financial/Budget Implications	Nil	

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

COMMENTS:

The proposal was not advertised as the affected neighbours' written support were provided by the applicant at the time of submission.

In light of the above, the proposal is considered supportable subject to standard and appropriate conditions to address the above matters.

**10.2.1 Further Report on Proposed Parking Restrictions in Vincent Street
Between Oxford and Loftus Streets, Leederville**

Ward:	South	Date:	10 January 2005
Precinct:	Oxford Centre P4	File Ref:	PKG0001
Attachments:	001 ;		
Reporting Officer(s):	A Munyard		
Checked/Endorsed by:	C Wilson R Lotznicher	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report on the proposed introduction of a two (2) hour parking restriction in Vincent Street and the removal of the Clearway on the North side of Vincent Street between Loftus Street and Oxford Street, as shown on attached Plan No. 2319.PP-1;*
- (ii) *APPROVES the:*
 - (a) *introduction of a loading zone at all times on the north side of Vincent Street, east of the Leederville Oval Carpark entrance;*
 - (b) *removal of the morning Clearway restriction on the north side of Vincent Street, between Oxford and Loftus Streets; and*
 - (c) *introduction of a two (2) hour restriction in the current unrestricted portion of the north side of Vincent Street, between Oxford and Loftus Streets;*
- (iii) *RESOLVES not to proceed with the introduction of time restrictions in the currently unrestricted portion on the south side of Vincent Street, between Oxford and Loftus Streets;*
- (iv) *PLACES a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the amended parking restriction signs; and*
- (v) *further reviews the parking in the south side of Vincent Street between Loftus and Oxford Streets prior to considering the introduction of paid parking in the street.*

Moved Cr Cohen, Seconded Cr Ker

That the recommendation be adopted subject to clause (i) being amended to read as follows:

- (i) *RECEIVES the further report on the proposed introduction of a two (2) hour parking restriction in Vincent Street and the removal of the Clearway on the North side of Vincent Street between Loftus Street and Oxford Street, as shown on attached Plan No. 2319.PP-1 and Plan No. 2320.PP-1;*

Debate ensued.

Moved Cr Chester, Seconded Cr Torre

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

"(vi) investigates lowering the speed limit on Vincent Street, between Oxford and Loftus Streets, to 50km per hour and a report be provided to the Council no later than March 2005."

Debate ensued.

AMENDMENT CARRIED (7-1)

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

(Cr Farrell was an apology for the meeting.)

Moved Cr Chester, Seconded Cr Ker

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

"(vii) six (6) months after the implementation of the parking shown on Plan No 2320.PP-1, investigates and evaluates the safety aspects of the parking configuration."

AMENDMENT CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

COUNCIL DECISION ITEM 10.2.1

That the Council;

(i) RECEIVES the further report on the proposed introduction of a two (2) hour parking restriction in Vincent Street and the removal of the Clearway on the North side of Vincent Street between Loftus Street and Oxford Street, as shown on attached Plan No. 2319.PP-1 and Plan No. 2320.PP-1;

(ii) APPROVES the:

(a) introduction of a loading zone at all times on the north side of Vincent Street, east of the Leederville Oval Carpark entrance;

(b) removal of the morning Clearway restriction on the north side of Vincent Street, between Oxford and Loftus Streets; and

- (c) *introduction of a two (2) hour restriction in the current unrestricted portion of the north side of Vincent Street, between Oxford and Loftus Streets;*
 - (iii) *RESOLVES not to proceed with the introduction of time restrictions in the currently unrestricted portion on the south side of Vincent Street, between Oxford and Loftus Streets;*
 - (iv) *PLACES a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the amended parking restriction signs;*
 - (v) *further reviews the parking in the south side of Vincent Street between Loftus and Oxford Streets prior to considering the introduction of paid parking in the street;*
 - (vi) *investigates lowering the speed limit on Vincent Street, between Oxford and Loftus Streets, to 50km per hour and a report be provided to the Council no later than March 2005; and*
 - (vii) *six (6) months after the implementation of the parking shown on Plan No 2320.PP-1, investigates and evaluates the safety aspects of the parking configuration.*
-

BACKGROUND:

At the Ordinary meeting of Council held on 23 November 2004, the Council resolved the following:

That the Council;

- (i) *RECEIVES the report on the introduction of Parking Restrictions on the north and south sides of Vincent Street, between Loftus and Oxford Streets as shown on attached Plan No 2309-PP-1;*
- (ii) *APPROVES IN PRINCIPLE the following:*
 - (a) *Introduction of a Loading Zone at all times on the north side of Vincent Street east of the Leederville Oval Carpark entrance;*
 - (b) *The removal of the morning Clearway restriction on the north side of Vincent Street, between Oxford and Loftus Streets, Leederville;*
 - (c) *The introduction of a two (2) hour parking restriction on the current unrestricted portion, on the NORTH side of Vincent Street between Oxford and Loftus Streets, to be in operation from 8.00am until 5.00pm Monday to Friday;*
 - (d) *The introduction of a two (2) hour parking restriction, on the current unrestricted portion, on the SOUTH side of Vincent Street between Loftus and Oxford Streets, to be in operation from 9.00am until 4.15pm Monday to Friday;*
- (iii) *CONSULTS with ALL affected residents and businesses adjacent to the proposed restrictions allowing them 14 days in which to provide comments;*
- (iv) *DESIGNATES the parking areas within the boundaries of Leederville Oval as a parking station, called "Leederville Oval Car Park", for the purpose of enforcement, under the Town of Vincent Local Law Relating to Parking Facilities;*

- (v) *APPROVES the introduction of a two (2) hour parking restriction in the Visitors section of the "Leederville Oval Car Park", to be in force between 8.00am and 5.00pm Monday to Friday as shown on attached Plan No 2311-PP-1;*
- (vi) *LISTS for consideration in the 2005/2006 Draft Budget and amount of \$104,500 for the installation of ticket machines in Vincent Street and the Leederville Oval Car Park; and*
- (vii) *RECEIVES further report/s on the outcome of the community consultation and the installation of Ticket Issuing Machines.*

Following review of the comments received from affected residents and business proprietors, the Town's Officers recommend modifications to the original proposal, as outlined below.

DETAILS:

Consultation

In accordance with clause (iii) of the Council's decision, forty six (46) letters were distributed to residents and business proprietors located in the affected portion of Vincent Street, advising of the proposed changes to parking restrictions in the street, and inviting comment.

At the conclusion of the consultation period, thirteen (13) responses were received with nine (9) opposed to the time restrictions, and four (4) in favour. A further collective submission of forty (40) comments was returned, opposing the removal of the morning (AM) Clearway on the north side of Vincent Street and requesting that the Clearway restriction be extended to afternoons as well. This group of comments was made by individuals from outside the Town, and was co-ordinated by the management of the Leederville Child Care Centre.

Proposal

As can be seen from the consultation results, the majority of respondents (living on the south side of Vincent Street) are opposed to the introduction of timed parking.

It is therefore recommended that at this time, the parking restriction be implemented on the north side only (Leederville Oval side) as shown on attached Plan No 2319-PP-1. This will result in a regular turnover of parking space on this side of Vincent Street.

It is recommended that the 'status quo' be maintained on the south side of Vincent Street and that the impact of the predicted increase in demand for parking on the south side of the Street be reassessed once the Department of Sport and Recreation (DSR) building is occupied, and the restrictions on the north side have been in place for a reasonable period of time. Additionally, the necessity for parking controls will be reviewed when funding for the proposed ticket machines in Vincent Street has been allocated.

The proposal to introduce a Loading Zone outside the DSR building drew no comment and it is recommended that it be implemented as per the initial parking strategy.

Clearway - North Side of Vincent Street

As mentioned above, a collective submission was received (from non residents) opposing the removal of the morning Clearway on the north side of Vincent Street and requesting that this restriction be extended to afternoons as well.

The north side Clearway restriction is currently in place during the AM peak period. The south side clearway restriction is currently in place in the AM and PM peak periods. During the construction of the building, the kerbside east bound traffic lane on Vincent Street was permanently closed to through traffic for a period of over one (1) year.

During this period there was no impediment to the level of service of east bound traffic.

The removal of the morning clearway, thus allowing restricted kerbside parking on the north side of Vincent Street (north side), is a highly recommended amenity improvement.

Also there is no immediate justification for the PM peak period. To allay concerns of the Leederville Child Care Centre patrons, the setbacks for permitted parking each side of the entry/exit point of the child care centre were recently increased and are now considerably greater than the standard requirement.

CONSULTATION/ADVERTISING:

The consultation process has been detailed above.

LEGAL/POLICY:

There is no legal impediment to the implementation of the proposed parking controls.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment “*i) Develop a strategy for parking management in business, residential and mixed use precincts*”.

FINANCIAL/BUDGET IMPLICATIONS:

The cost of installation of new parking restriction signs and road line marking would be approximately \$500. This can be funded from the appropriate operating budget allocation.

COMMENTS:

The report outlines the results of the community consultation and provides a justification for proceeding with a revised proposal for parking restrictions on the section of Vincent Street between Loftus and Oxford Streets.

It is therefore recommended that the Council approves the introduction of a loading Zone at all times on the north side of Vincent Street east of the Leederville Oval Car park entrance; the removal of the morning Clearway restriction on the north side of Vincent Street, between Oxford and Loftus Streets; and the introduction of a two (2) hour restriction in the current unrestricted portion on the north side of Vincent Street between Oxford and Loftus Streets.

It is further recommended the Council not proceed with the introduction of time restrictions in the currently unrestricted portion of the south side of Vincent Street, between Oxford and Loftus Streets and places a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the amended parking restriction signs and further reviews the parking in the south side of Vincent Street between Loftus and Oxford Streets prior to considering the introduction of paid parking in the street.

10.1.3 No. 86 (Lot 3) Forrest Street, North Perth - Proposed Home Occupation - Hairdressing Business

Ward:	South	Date:	11 January 2005
Precinct:	Norfolk, P10	File Ref:	PRO1765; 00/33/2620
Attachments:	001		
Reporting Officer(s):	F Rubio		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by L Sabatino on behalf of the owners C & L Sabatino for proposed Home Occupation - Hairdressing Business, at No. 86 (Lot 3) Forrest Street, North Perth, and as shown on plans stamp-dated 10 December 2004, subject to:

- (i) the home occupation is to occupy a maximum area of twenty (20) square metres only, inclusive of all storage areas;*
- (ii) compliance with the provisions relating to home occupation under the Town of Vincent Town Planning Scheme No. 1;*
- (iii) the business shall not entail employment of any person not a member of the occupier's household;*
- (iv) the hours of operation shall be limited to 8.00am to 5:00pm Monday to Friday, inclusive;*
- (v) a maximum of four (4) clients per day (maximum of one client per hour) within the approved hours of operation, is permitted to visit the premises;*
- (vi) retail sale or display of goods of any nature shall not occur on the subject property;*
- (vii) this approval for a home occupation is for a period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use; and*
- (viii) 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 Cr Ker, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

Landowner:	C & L Sabatino
Applicant:	L Sabatino
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Single House
Use Class:	Home Occupation
Use Classification:	"P"
Lot Area:	455 square metres
Access to Right of Way	North side 4.5 metres wide, unsealed, private owned.

BACKGROUND:

12 June 2001: The Council at its Ordinary Meeting granted conditional approval for proposed demolition of existing house.

24 June 2003: The Council at its Ordinary Meeting granted conditional approval for proposed two-storey single house.

DETAILS:

The proposal involves a proposed home occupation-hairdressing business in the front bedroom 4/ guest room and ensuite of the existing house. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Home Occupation - Hours of operation	Does not cause injury to or prejudicially affect the amenity of the neighbourhood.	Tuesday 11.00am to 5.00pm, Thursday 12.00pm to 9.00pm and Saturday 8.00am to 5.00pm.	Not supported - prejudicially affects the amenity of the neighbourhood - limit hours of operation
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

The proposed home occupation-hairdressing business is considered acceptable, as it does not undue affect the amenity of the neighbourhood, provided the hours of operation is limited to 8.00am to 5.00pm, Monday to Friday, inclusive. Therefore approval is recommended, subject to standard and appropriate conditions to address the above matters.

10.1.1 Further Report - No. 159A (Lot 3) Scarborough Beach Road, Mount Hawthorn - Proposed Steel Grilles/Bars Additions to Existing Shop

Ward:	North	Date:	10 January 2005
Precinct:	Mount Hawthorn Centre P2	File Ref:	PRO2601, 00/33/2500
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That;

(i) in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Binocular Telescope & Optical World on behalf of the owner J & AS Ariti for proposed Steel Grilles/Bars Additions to Existing Shop, at No. 159A (Lot 3) Scarborough Beach Road, Mount Hawthorn, and as shown on plans stamp-dated 30 September 2004, subject to:

- (a) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (b) the proposed steel grilles/bars at No(s). 159A (Lot(s) 3) Scarborough Beach Road, Mount Hawthorn, shall remain visually permeable with a minimum 50 per cent visual permeability when viewed from the street;*
- (c) the selected steel grilles/bars shall be designed as an integral part of the design and existing form of the building;*
- (d) a planning application shall be submitted to and approved by the Town prior to any modifications being undertaken to the steel grilles/bars; and*
- (e) the existing non-complying roller doors shall be removed within 90 days of the date of notification of this approval, or prior to the installation of the grilles/bars, whichever occurs first;*
- (f) the proposed steel grilles/bars at No(s). 159A (Lot(s) 3) Scarborough Beach Road, Mount Hawthorn, shall be moveable and not visible during operating hours of the use of site; and*
- (g) all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*

to the satisfaction of the Chief Executive Officer;

(ii) the Council ADVISES the owner and occupier of No. 159A (Lot 3) Scarborough Beach Road, corner Flinders Street, Mount Hawthorn, that the unauthorised roller doors at No. 159A (Lot 3) Scarborough Beach Road corner Flinders Street, Mount Hawthorn, is allowed to remain for a period 90 days from the date of notification of the approval under clause (i) above, and the Council AUTHORIZES the Chief Executive Officer to continue legal proceedings to remove the unauthorised roller doors should the roller doors remain after this 90 days period; and

- (iii) *the Council AUTHORISES the withdrawal of the Planning and Building Notices issued for the unauthorised roller doors No. 159A (Lot 3) Scarborough Beach Road corner Flinders Street, Mount Hawthorn, following removal of the unauthorised roller doors at the above premises.*

Moved Cr Chester, Seconded Cr Ker

That the recommendation be adopted subject to clause (i)(f) being amended to read as follows:

- "(f) *prior to the issue of a Building Licence, revised plans shall be submitted to and approved by the Town demonstrating the following:*
- (1) *the proposed steel grilles/bars being located totally within the property and not encroaching into the adjacent road reserves, and*
 - (2) *the proposed steel grilles/bars being designed so to be less dominating and not visually intrusive on the amenity and streetscape of the area, or alternatively being located within the shop on the inside of the shop windows.*

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

Debate ensued.

Moved Cr Torre, Seconded Cr Franchina

That a new clause (i)(f)(3) be added as follows:

- "(i)(f) (3) *considering the information received regarding the steel plate, the proposed steel grilles/bars complying with clauses (i)(f)(1) and (2) being engineering and technically feasible while still complying with the Town's policy requirements;"*

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

COUNCIL DECISION ITEM 10.1.1

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Binocular Telescope & Optical World on behalf of the owner J & AS Ariti for proposed Steel Grilles/Bars Additions to Existing Shop, at No. 159A (Lot 3) Scarborough Beach Road, Mount Hawthorn, and as shown on plans stamp-dated 30 September 2004, subject to:*
- (a) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

- (b) *the proposed steel grilles/bars at No(s). 159A (Lot(s) 3) Scarborough Beach Road, Mount Hawthorn, shall remain visually permeable with a minimum 50 per cent visual permeability when viewed from the street;*
- (c) *the selected steel grilles/bars shall be designed as an integral part of the design and existing form of the building;*
- (d) *a planning application shall be submitted to and approved by the Town prior to any modifications being undertaken to the steel grilles/bars; and*
- (e) *the existing non-complying roller doors shall be removed within 90 days of the date of notification of this approval, or prior to the installation of the grilles/bars, whichever occurs first;*
- (f) *prior to the issue of a Building Licence, revised plans shall be submitted to and approved by the Town demonstrating the following:*
 - (1) *the proposed steel grilles/bars being located totally within the property and not encroaching into the adjacent road reserves, and*
 - (2) *the proposed steel grilles/bars being designed so to be less dominating and not visually intrusive on the amenity and streetscape of the area, or alternatively being located within the shop on the inside of the shop windows; and*
 - (3) *considering the information received regarding the steel plate, the proposed steel grilles/bars complying with clauses (i)(f)(1) and (2) being engineering and technically feasible while still complying with the Town's policy requirements;*

The revised plans shall not result in any greater variations to the requirements of the Town's Policies; and

- (g) *all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*

to the satisfaction of the Chief Executive Officer;

- (ii) *the Council ADVISES the owner and occupier of No. 159A (Lot 3) Scarborough Beach Road, corner Flinders Street, Mount Hawthorn, that the unauthorised roller doors at No. 159A (Lot 3) Scarborough Beach Road corner Flinders Street, Mount Hawthorn, is allowed to remain for a period 90 days from the date of notification of the approval under clause (i) above, and the Council AUTHORISES the Chief Executive Officer to continue legal proceedings to remove the unauthorised roller doors should the roller doors remain after this 90 days period; and*
- (iii) *the Council AUTHORISES the withdrawal of the Planning and Building Notices issued for the unauthorised roller doors No. 159A (Lot 3) Scarborough Beach Road corner Flinders Street, Mount Hawthorn, following removal of the unauthorised roller doors at the above premises.*

FURTHER REPORT:

The Council at its Ordinary Meeting held on 26 October 2004 deferred consideration of the subject proposal for *"further discussion with the applicant to reach an agreed outcome."*

The Town's Officers have had further discussion with the owner on 8 December 2004 in relation to the concerns raised by the Elected Members at the Ordinary Meeting held on 26 October 2004. The applicant has submitted additional information in response to the matters discussed with the Town's Officers. The applicant's submission is "*Laid on the Table*". The applicant has also requested that the plans as submitted be referred back to Council for its further consideration.

The previous Officer Recommendation remains unchanged, except with the addition of the following conditions:

- "(f) *the proposed steel grilles/bars at No(s). 159A (Lot(s) 3) Scarborough Beach Road, Mount Hawthorn, shall be moveable and not visible during operating hours of the use on site;*
- (g) *all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage".*

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 26 October 2004.

"OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Binocular Telescope & Optical World on behalf of the owner J & AS Ariti for proposed Steel Grilles/Bars Additions to Existing Shop, at No(s). 159A (Lot(s) 3) Scarborough Beach Road, Mount Hawthorn, and as shown on plans stamped 30 September 2004, subject to:*
 - (a) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
 - (b) *the proposed steel grilles/bars at No(s). 159A (Lot(s) 3) Scarborough Beach Road, Mount Hawthorn, shall remain visually permeable with a minimum 50 per cent visual permeability when viewed from the street;*
 - (c) *the selected steel grilles/bars shall be designed as an integral part of the design and existing form of the building;*
 - (d) *a planning application shall be submitted to and approved by the Town prior to any modifications being undertaken to the steel grilles/bars; and*
 - (e) *the existing non-complying roller doors shall be removed within 90 days of the date of notification of this approval, or prior to the installation of the grilles/bars, whichever occurs first;*

to the satisfaction of the Chief Executive Officer;

- (ii) *the Council ADVISES the owner and occupier of No. 159A (Lot 3) Scarborough Beach Road, corner Flinders Street, Mount Hawthorn, that the unauthorised roller doors at No. 159A (Lot 3) Scarborough Beach Road corner Flinders Street, Mount Hawthorn, is allowed to remain for a period 90 days from the date of notification of the approval under clause (i) above, and the Council AUTHORISES the Chief Executive Officer to continue legal proceedings to remove the unauthorised roller doors should the roller doors remain after this 90 days period; and*
- (iii) *the Council AUTHORISES the withdrawal of the Planning and Building Notices issued for the unauthorised roller doors No. 159A (Lot 3) Scarborough Beach Road corner Flinders Street, Mount Hawthorn, following removal of the unauthorised roller doors at the above premises.*

Moved Cr Chester, Seconded Cr Farrell

That the recommendation be adopted.

Discussion ensued.

COUNCIL DECISION ITEM 10.1.3

Moved Cr Chester, Seconded Cr Doran-Wu

That this item be DEFERRED for further discussion with the applicant to reach an agreed outcome.

CARRIED (7-1)

(Cr Torre was an apology for the meeting.)

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

<i>Landowner:</i>	<i>J & AS Ariti</i>
<i>Applicant:</i>	<i>Binocular Telescope & Optical World</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1: District Centre</i>
<i>Existing Land Use:</i>	<i>Shop</i>
<i>Use Class:</i>	<i>Shop</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>496 square metres</i>

COMPLIANCE:

<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>

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

SITE HISTORY:

- 17 November 2003: The owners of the subject property were issued Notices under section 10 of the Town Planning and Development Act and clauses 51 and 53 of the Town's Town Planning Scheme No. 1, and section 401 (1) (c) of the Local Government (Miscellaneous Provisions) Act 1960, requiring removal of the unauthorised roller doors at the above site.*
- 08 December 2003: An appeal was filed with the Town Planning Appeal Tribunal (TPAT) against the Planning Notice issued by the Town.*
- 16 January 2004: A directions hearing was held giving orders adjourning the appeal to a further directions hearing on 20 February 2004.*
- 5 February 2004: Notice (Written Direction) under section 10 of the Town Planning and Development Act was reissued due to changes to Planning Legislation that mainly required the appeal period to be increased from 28 days to 60 days.*
- 24 February 2004: Council at its Ordinary Meeting held on 24 February 2004 resolved to refuse the application for retrospective Planning Approval for the roller doors to the existing shop at No. 159A (Lot 3) Scarborough Beach Road, corner Flinders Street, Mount Hawthorn.*
- 13 April 2004: Appellants appealed to the TPAT against Council refusal for the application for retrospective Planning Approval for the roller doors to the existing shop at No. 159A (Lot 3) Scarborough Beach Road, corner Flinders Street, Mount Hawthorn.*
- 25 May 2004: TPAT hearing against Council's refusal for the application for retrospective Planning Approval for the roller doors to the existing shop at No. 159A (Lot 3) Scarborough Beach Road, corner Flinders Street, Mount Hawthorn.*
- 28 July 2004: The TPAT dismissed the appeal in relation to the Council's refusal for the application for retrospective Planning Approval for the roller doors to the existing shop at No. 159A (Lot 3) Scarborough Beach Road, corner Flinders Street, Mount Hawthorn.*
- 26 August 2004: Appellants further applied to the President of the TPAT for a review of the decision of the TPAT's decision to dismiss the appeal on 28 July 2004.*
- 27 September 2004: The President of the TPAT affirmed the order made by the TPAT on 28 July 2004, and in part stated as follows:
"39. Within the nature of the review now brought before me I am entirely satisfied that the Appellant has failed to identify a question of law which would require me to address the matter further and in any event there is no demonstrable error of law brought before me to otherwise affect the outcome of this matter."*
- 12 October 2004: The President of the Town Planning Appeal Tribunal affirmation of the decision made by the TPAT on 28 July 2004 was reported in the Information Bulletin to the Ordinary Meeting of the Council held on 12 October 2004.*

DETAILS:

The applicant seeks Planning Approval for the installation of steel grilles/bars to the shop front and remove the existing unauthorised roller doors, at the above site, which fronts onto Scarborough Beach Road.

The applicant has submitted the following information in support of the above proposal (attached), which has been summarised as follows:

- *Insurance cover to the business will cease while the physical security options are not installed.*
- *To facilitate the changeover to the steel bars, there is still the need to continue using the existing roller shutters. As such, a 90 day period is requested from the Council approval date for the proposed steel bars to be manufactured and installed.*
- *The bars are 10 millimetres in diameter and will be spaced 50 millimetres apart. The bar height will be approximately 2.4 metres, leaving a gap of 600 millimetres at the top. There will also be strengthening bars running horizontally at 1 metre apart. The bars will be coloured "matt aluminium" to match the surrounding window frame.*
- *The bars will be fitted on the outside, to run flush with the window frame.*

CONSULTATION/ADVERTISING:

The previous application and the Notices issued to the owners of the above site had attracted considerable media attention. The media attention and coverage given for the above unauthorised roller doors has also resulted in numerous written submission being received by the Town for and against the above issue.

This proposal has not been advertised as it complies with the Town's requirements and is being referred to Council for consideration and determination.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Town's Policy relating to Security Roller Shutters, Doors and Grilles on Non Residential Buildings, which applied as from 11 June 2002 and was adopted on 10 September 2002, states the following:

" The Town of Vincent may allow the installation of security roller shutters, doors grilles and the like on facades of non-residential buildings facing streets provided that:

- 1) *the selected security screen is to be visually permeable with a minimum 50 per cent visual permeability when viewed from the street; and*
- 2) *the selected security screen is to be designed as an integral part of the design and/or existing form of the building."*

The proposed steel grilles/bars are supported as they comply with the Town's requirements and Policies, including the above Policy.

The 90 days request for the installation of the new steel grilles/bars and the removal of the existing unauthorised rollers doors is considered reasonable and supported mainly due the above circumstances. Overall this proposal will result in a positive outcome for the Town, while also providing the needed security for the business.

Given the above, it is recommended that the application be approved, subject to standard and appropriate conditions to address the above matters, and the Town does not undertake any further legal action in relation to the above roller door and grilles, till the expiry of the 90 days period."

10.1.2 Further Report - No(s). 412-414 (Lot 28) Newcastle Street Dual Frontage with Harwood Place, West Perth - Proposed Change of Use from Office/Warehouse to Lodging House (Backpackers Hostel), and Associated Alterations and Additions

Ward:	South	Date:	11 January 2005
Precinct:	Beaufort; P13	File Ref:	PRO1772; 00/33/2107
Attachments:	001		
Reporting Officer(s):	R. Rasiah		
Checked/Endorsed by:	D. Abel	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Speedy Group Pty Ltd on behalf of the owner Calbah Pty Ltd for proposed change of use from office/warehouse to lodging house (backpackers hostel), and associated alterations and additions, at No(s). 412-414 (lot 28) Newcastle Street dual frontage with Harwood Place, West Perth, and as shown on upper floor plans stamp-dated 26 February 2004 and site plans and elevations stamp-dated 8 June 2004, subject to:

- (i) the submission of a detailed schedule of finishes for approval (including materials, external colour schemes and details) prior to the issue of a Building Licence;*
- (ii) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (iii) prior to the first occupation of the development, twelve (12) bicycle parking rails, and end of trip facilities, shall be provided in accordance with the Town's Policy relating to Parking and Access and at locations convenient to the entrances of the lodging house on the Newcastle Street and Harwood Place verges. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation;*
- (iv) a detailed management plan that addresses the control of noise, traffic, car parking, litter and anti-social behaviour (to reasonable levels) associated with the development shall be submitted and approved prior to the first occupation of the development, and thereafter implemented and maintained;*
- (v) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (vi) all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS 2890.1 – "Off Street Parking";*
- (vii) the lodging house (backpackers hostel) shall accommodate a maximum of 32 lodgers at any one time;*

- (viii) *compliance with the relevant Environmental Health, Engineering and Building requirements;*
- (ix) *no buses, coaches and the like shall be permanently parked on the subject land;*
- (x) *the car parking area shall not be used for any other purposes than the parking of vehicles for customers, employees and visitors of the lodging house;*
- (xi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating car bays 2 and 4 being a minimum of 6.2 metres in length. The revised plans shall not result in any greater variation to the requirements of the Town's Policies;*
- (xii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Newcastle Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xiii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the provision of three (3) car parking bays adjacent to Newcastle Street. The revised plans shall not result in any greater variation to the requirements of the Town's Policies; and*
- (xiv) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the windows to bedroom 25 and 26 on the first floor level on the north-western elevation shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be a major opening as defined in the Residential Design Codes 2002;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted subject to clause (xi) being amended and new clauses (xv) and (xvi) being added as follows:

- "(xi) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating car bays 2 and 4 being a minimum of 6.2 metres in length, and adequate manoeuvring for car bays 5 & 6 to enable vehicles to leave the property in forward gear. The revised plans shall not result in any greater variation to the requirements of the Town's Policies;*
- (xv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the maximum number of rooms being limited to 32 single bedrooms. The revised plans shall not result in any greater variations to the requirements of the Town's Policies; and*

- (xvi) *the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;"*

Debate ensued.

Moved Cr Lake, Seconded Cr Ker

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

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

AMENDMENT CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

Moved Cr Lake, Seconded Cr Ker

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

- "(xvii) *a solid fence to be constructed on the north east boundary of the property to 2 metres."*

AMENDMENT CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

Debate ensued.

Moved Cr Lake, Seconded Cr Torre

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

- "(xvi) *the development shall be adequately sound insulated, including the solid wall to the north eastern side of the undercroft garage, prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;"*

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

Moved Cr Lake, Seconded Cr Torre

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

"(xiii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the provision of ~~three (3)~~ one (1) car parking bays adjacent to Newcastle Street and the provision of an outdoor communal living area in the remainder of the Newcastle Street front setback area. The revised plans shall not result in any greater variation to the requirements of the Town's Policies; and"

Debate ensued.

AMENDMENT CARRIED (5-3)

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

(Cr Farrell was an apology for the meeting.)

MOTION AS AMENDED CARRIED (6-2)

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

(Cr Farrell was an apology for the meeting.)

COUNCIL DECISION ITEM 10.1.2

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 Speedy Group Pty Ltd on behalf of the owner Calbah Pty Ltd for proposed change of use from office/warehouse to lodging house (backpackers hostel), and associated alterations and additions, at No(s). 412-414 (lot 28) Newcastle Street dual frontage with Harwood Place, West Perth, and as shown on upper floor plans stamp-dated 26 February 2004 and site plans and elevations stamp-dated 8 June 2004, subject to:

- (i) the submission of a detailed schedule of finishes for approval (including materials, external colour schemes and details) prior to the issue of a Building Licence;*

- (ii) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (iii) *prior to the first occupation of the development, twelve (12) bicycle parking rails, and end of trip facilities, shall be provided in accordance with the Town's Policy relating to Parking and Access and at locations convenient to the entrances of the lodging house on the Newcastle Street and Harwood Place verges. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation;*
- (iv) *a detailed management plan, in consultation with local residents, that addresses the control of noise, traffic, car parking, litter and anti-social behaviour (to reasonable levels) associated with the development shall be submitted and approved prior to the first occupation of the development, and thereafter implemented and maintained;*
- (v) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (vi) *all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS 2890.1 – "Off Street Parking";*
- (vii) *the lodging house (backpackers hostel) shall accommodate a maximum of 32 lodgers at any one time;*
- (viii) *compliance with the relevant Environmental Health, Engineering and Building requirements;*
- (ix) *no buses, coaches and the like shall be permanently parked on the subject land;*
- (x) *the car parking area shall not be used for any other purposes than the parking of vehicles for customers, employees and visitors of the lodging house;*
- (xi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating car bays 2 and 4 being a minimum of 6.2 metres in length, and adequate manoeuvring for car bays 5 & 6 to enable vehicles to leave the property in forward gear. The revised plans shall not result in any greater variation to the requirements of the Town's Policies;*
- (xii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Newcastle Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xiii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the provision of one (1) car parking bays adjacent to Newcastle Street and the provision of an outdoor communal living area in the remainder of the Newcastle Street front setback area. The revised plans shall not result in any greater variation to the requirements of the Town's Policies; and*

- (xiv) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the windows to bedroom 25 and 26 on the first floor level on the north-western elevation shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be a major opening as defined in the Residential Design Codes 2002;*
- (xv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the maximum number of rooms being limited to 32 single bedrooms. The revised plans shall not result in any greater variations to the requirements of the Town's Policies;*
- (xvi) *the development shall be adequately sound insulated, including the solid wall to the north eastern side of the undercroft garage, prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs; and*
- (xvii) *a solid fence to be constructed on the north east boundary of the property to 2 metres;*

to the satisfaction of the Chief Executive Officer.

ADDITIONAL INFORMATION:

The applicants has advised the Town's Officers of their intention to reduce the number of lodgers from 45 to 32. The applicants have also advised that they will reduce the number of single rooms on the first floor from 35 rooms to 32 rooms. A condition to this effect has been proposed to coincide with the maximum number of lodgers allowed at any one time.

The car parking has been calculated on 32 beds, with 8 carbays provided at the rear with access off Harwood Place. However due to the location of the existing building structures, manoeuvring is a problem for carbays 2, 4, 5, 6, 7 and 8. As such a condition requiring the submission of revised plans is recommended, including the provision of 3 carbays with access from Newcastle Street to compensate the loss of at least 2 of the carbays proposed at the rear.

The car parking calculation used by the Randwick and Manly Councils' are the provision of a minimum of one car bay per 10 beds and 1 per staff/two staff. The City of Sydney Draft Houses Development Control Plan states that given the demographic profile of the average lodger, and the semi-permanent nature of their occupation, car ownership and usage is relatively low. TNT Magazine (Independent Travellers magazine) has been quoted as saying that the average car ownership for backpackers is around 31 percent. On the above basis, the car parking calculation has been based on number of beds rather than number of bedrooms given that they would be single bedrooms.

FURTHER REPORT:

The Council at its Ordinary Meeting held on 25 May 2004, considered the proposal and resolved that the item be deferred to obtain further information regarding the proposal.

The Town's Officers have had discussions with the applicant in relation to the provision of a court yard area in the front and details relating to matters that should be included in the management plan, including the formulation of the management plan with residents living in the immediate area, number of people permanently residing at the premises, whether the accommodation is for short term backpackers or for long term students, screening to the north-western windows to bedrooms 25 and 26 on the upper floor, and all the upper floor windows to the north-eastern bedrooms 26, 27, 28, 29 and 30. The applicant was also advised that any reduction in the carparking may result in the payment of cash-in-lieu.

The applicant has advised that the residents in the area were not willing to meet with him to discuss the management plan. The applicant has stated verbally to the Town's Officers that he is willing to prepare a management plan if the development was conditionally approved with a condition to that effect.

As a result a proposed amendment considered at the Ordinary Meeting of Council held on 25 May 2004 regarding deletion of 3 carbays adjacent to Newcastle Street, the revised plans dated 8 June 2004 indicate deletion of 3 carbays adjacent to Newcastle Street, conversion of the dining room into a television viewing room and an additional room for the caretaker, with no increase in the number of beds as previously applied for. The dining room has now been shifted to the previous internet room. The upper floor windows facing the north-eastern elevation have been screened to 1.6 metres above the upper floor finished floor level. The windows facing the north-western elevation have also been increased to be 1.68 metres above the upper floor finished floor level.

The car parking tables have been amended to reflect the above changes, as follows:

Car Parking

Requirements	Required	Provided
Car Parking	11 bays (based on one bay for every three beds)*	8 bays

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

Car Parking Requirement (nearest whole number)	11 car bays
Apply the adjustment factors: 0.85 (within 400 metres of a bus stop) 0.90 (provides end of trip facilities in addition to bicycle provisions)	8.415 bays (0.765)
Minus the car parking provided on site (8 car parking bays)	0.415 car bays
Minus the most recently approved on site car parking shortfall	3 bays, however, all 3 bays were required to be provided as cash-in-lieu payments. Therefore, this shortfall can not be taken into account.
Resultant shortfall	0.415 car bay

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

The Town has currently received a total of 3 petitions, of which one is in support of the proposal, including 4 individual submissions in relation to the above proposal. It is to be noted that some of the same signatures appear in 2 of the petitions objecting to the proposal.

Further submissions have also been received from the Harwood Place Action Group (HPAG) and 3 residents from one address at Harwood Place, which is summarised as follows:

- No one in Harwood Place wants the above development to proceed.
- The petition submitted by the applicant in support of the proposal indicates 21 signatories of business owners. Apart from one business person living at Harwood Place who has since retired and moved out, the rest work a significant distance from Harwood Place.
- The applicant has stated that the place would be used by mature aged students. Scan of the internet indicates that hostel being advertised as "Leo's Central Backpackers".
- A recent Australian Travel Office research indicates that 41 percent of backpackers within Australia use cars. Also attached are photographs of carparking at local hostels.
- HPAG is unwilling to meet with the applicant to develop the management plan as this would imply compliance with the proposal.
- HPAG has included a list of 13 possible grounds for consideration for a refusal by the Council.

The individual submission by 3 persons request the following matters (summarised) to be considered:

- Windows on north upper floor being deleted, rear windows fixed closed with clouded glass.
- Maximum number of 18 beds at any one time.
- Deletion of front 3 carbays for courtyard area.
- Erection of solid wall along the length of boundary between subject site and 10 Harwood Place.
- North side wall being advanced sound proof.
- Detached internet café.
- Management plan to be negotiated with Council and residents prior to development application being approved.
- All staff to be over 21 years and proven of good character.
- Rear inside carpark door has a one-way closure lock, so that people can leave but not enter from inside the carpark area.

The applicant has further advised as follows:

- Number of permanent resident is one being the caretaker.
- Intended use is for backpackers.
- Preference to maintain one carbay at the front adjacent to Newcastle Street for pick up purposes.

The applicant has also advised that to reduce the impact of the proposed development on the surrounding properties the number of potential occupants of the facility is to be reduced from 45 to 32.

The applicant has taken various steps to address the privacy concerns raised in the previous and current submissions, by raising or screening the window levels along the north western and north eastern elevations. The applicant is prepared to provide a management plan if the application is approved, which has been conditioned. The research data provided indicate a reduction in the use of cars/campervan by backpackers. The carbays in the front have been deleted to facilitate a courtyard area. It is to be noted that the Town has its own parking criteria used in assessing applications for backpacker hostels, which is similar to hotels and other residential buildings, which has been used in this case. To ease the impact of carparking, it is recommended that the 3 carbays previously indicated adjacent to Newcastle Street be reinstated to allay fears of a shortfall in carparking. Most of the other issues raised would be addressed and controlled by way of the management plan.

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

The following is a verbatim copy of the minutes of the Item placed before the Council at its Ordinary Meeting held on 25 May 2004:

"OFFICER RECOMMENDATION:

That;

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

- (i) the submission of a detailed schedule of finishes for approval (including materials, external colour schemes and details) prior to the issue of a Building Licence;*
- (ii) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (iii) prior to the first occupation of the development, twelve (12) bicycle parking rails, and end of trip facilities, shall be provided in accordance with the Town's Policy relating to Parking and Access and at locations convenient to the entrances of the lodging house on the Newcastle Street and Harwood Place verges. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation;*
- (iv) a detailed management plan that addresses the control of noise, traffic, car parking, litter and anti-social behaviour (to reasonable levels) associated with the development shall be submitted and approved prior to the first occupation of the development, and thereafter implemented and maintained;*
- (v) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (vi) all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS 2890.1 – "Off Street Parking";*
- (vii) the lodging house (backpackers hostel) shall accommodate a maximum of 45 lodgers at any one time;*
- (viii) compliance with the relevant Environmental Health, Engineering and Building requirements;*
- (ix) no buses, coaches and the like shall be permanently parked on the subject land;*
- (x) the car parking area shall not be used for any other purposes than the parking of vehicles for customers, employees and visitors of the lodging house;*

- (xi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating car bays 8 and 10 being a minimum of 6.2 metres in length. The revised plans shall not result in any greater variation to the requirements of the Town's Policies;*
- (xii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division; and*
- (xiii) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- to the satisfaction of the Chief Executive Officer.*

COUNCIL DECISION ITEM 10.1.18

Moved Cr Lake, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Moved Cr Lake, Seconded Cr Cohen

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

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

AMENDMENT CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

Moved Cr Lake, Seconded Cr Cohen

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

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

Debate ensued.

Moved Cr Chester, Seconded Cr Doran-Wu

That the Item be DEFERRED to obtain further information.

CARRIED (8-0)

(Mayor Catania was an apology for the meeting.)

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

COMPLIANCE:

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

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

<i>Use Class</i>	<i>Lodging House</i>
<i>Use Classification</i>	<i>"SA"</i>
<i>Lot Area</i>	<i>835 Square metres</i>

BACKGROUND/SITE HISTORY:

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

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

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

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

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

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

DETAILS:

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

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

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

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

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

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

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

CONSULTATION/ADVERTISING:

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

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

<i>Concerns</i>	<i>Officer Comment</i>
<i>Traffic and parking</i>	<i>Addressed in the report below</i>
<i>Social, acoustic, safety and security issues.</i>	<i>A condition has been recommended to ensure that a management plan is prepared to control anti-social behaviour and noise, and noise is to comply with Environmental Protection Regulations 1997.</i>
<i>Reduces property values</i>	<i>Reduced property values are not a major planning issue.</i>
<i>Amenity issues</i>	<i>The external building will not change as a result of this proposal, therefore there will not be significant amenity issues. Furthermore, this is a transitional area with a mixture of uses from residential to commercial and light industrial, and the use is considered appropriate in this transitional inner-city zone.</i>

<i>Reduces the economic viability of other backpacker businesses in the area.</i>	<i>Financial issues are not a major planning consideration.</i>
<i>No disabled access and facilities</i>	<i>Such matters are addressed at the Building Licence stage.</i>
<i>The on-site car parking at the front and rear of the subject land is currently utilised by business people, customers from local businesses, and visitors of residents in Harwood Place. Such people will be required to park elsewhere.</i>	<i>The on-site car parking provisions belong to the subject land, therefore, the backpacker customers would be within their rights to use these bays for parking. The current visitors of residents in the area, business people and customers using these bays are required to find alternative areas to park, or alternative means of travel, such as public transport.</i>
<i>The car bays are not in accordance with the Australian Standards.</i>	<i>The Town Technical Services advised that, "although the existing parking facilities are far from desirable they are functional and Technical Services will approve this layout provided the new car bays 8 and 10 have a minimum length of 6.2 metres". Accordingly, a condition has been recommended to this effect.</i>
<i>No open space or outdoor areas for customers</i>	<i>Open space is not required for backpacker accommodation and a lounge area has been provided.</i>
<i>No room for bus to park</i>	<i>The subject land is within close proximity to local night spots, therefore, there would be no need for a permanent bus on-site. However, in the event that buses are hired on the occasional basis for a pub crawl, the bus would only be parked on the site for a short period of time, to pick up or drop off customers. Given that there is a shortage of car parking on-site, a condition has been recommended to ensure that a bus is not parked permanently on-site.</i>

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

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Car Parking

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

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

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

Bicycle Parking:

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

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

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

General Comments

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

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

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

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

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

10.1.16 No(s). 53 - 65 (Lot(s) 12, 134-136) Wasley Street, Corner Norfolk Street, and No. 88 (Lot 4) Forrest Street, North Perth – Proposed Demolition of Existing Independent Living Units and Nursing Home and the Construction of Additional Nursing Home, Part Undercroft Carparking, Shade Sails and Carports to the Existing Independent Living Units and Nursing Home

Ward:	South	Date:	11 January 2005
Precinct:	Norfolk; P10	File Ref:	PRO2045; 00/33/2476
Attachments:	001		
Reporting Officer(s):	R Rasiah, H Eames		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Edgar Idle Wade Architects on behalf of the owner Iles Investments Pty Ltd for proposed demolition of existing independent living units and nursing home and the construction of additional nursing home, part undercroft carparking, shade sails and carports to the existing independent living units and nursing home at No(s). 53 - 65 (Lot(s) 12, 134 - 136) Wasley Street, corner Norfolk Street, and No.88 (Lot 4) Forrest Street, North Perth, and as shown on plans stamp-dated 17 September 2004 and elevations and site plans for the carports dated 11 January 2005, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) prior to the first occupation of the development, 16 class 1 or 2 and 5 class 3 bicycle parking facilities shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities;*
- (iii) a detailed management plan for the operation of the nursing home addressing loading and unloading operations (including delivery and service vehicle times), car park security, staff and visitors car parking, the control of noise (including sirens from ambulances), traffic, right of way access to adjoining properties, rubbish collection and litter, shall be submitted to and approved by the Town prior to the issue of a Building Licence, and thereafter implemented and maintained by the owner(s)/occupier(s);*
- (iv) prior to the issue of a Building Licence, designs for art works valued at a minimum of 1 per cent of the estimated total cost of the development (\$30,000) shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services Section with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (v) *prior to the issue of a Building Licence, revised plans shall be submitted to and approved by the Town demonstrating the following:*
- (a) *the proposed security roller door to the undercroft car park being a minimum 50 percent visually permeable when viewed from the street; and*
 - (b) *the overall height to the top of pitched roof of the buildings being 9 metres when measured from natural ground level; and*
 - (c) *a mechanical turning apparatus being provided on site, so that there will not be a need for vehicles to reverse to/from the adjacent right of way.*

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

- (vi) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (vii) *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;*
- (viii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (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 Wasley Street, Norfolk Street and Forrest 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) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Wasley Street, Norfolk Street and Forrest Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a building licence. The applicant is requested to liaise with adjacent landowners in regard to the selection of appropriate species and design where it abuts residential properties. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xi) *a construction management plan addressing noise, hours of construction, traffic, use of right of way (ROW), carparking, collection of rubbish, loading/unloading processes, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of commencement of construction works), shall be submitted to and approved by the Town prior to the issue of a Building Licence, and thereafter implemented and maintained by the owner(s)/occupier(s);*
- (xii) *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*

- (xiii) 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);*
- (xiv) prior to the first occupation of the development, the full length and width of the right of way from Norfolk Street to the western 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;*
- (xv) a bond and/or bank guarantee for \$7400 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence;*
- (xvi) 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;*
- (xvii) all development and uses on site shall be directly associated with the nursing home on site; and*
- (xviii) the development and use of the right of way shall not restrict access to those properties that have a legal right of access over that right of way, unless agreed upon by the affected property owners; and*
- (xix) the carports be one hundred (100) percent open on all sides and at all times (open style gates/panels are permitted);*
- (xx) 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;*
- (xxi) the independent living units and nursing home shall accommodate a maximum of 115 beds at any one time;*
- (xxii) no vehicle parking is permitted on the Norfolk Street verge adjacent to the subject property.*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.16

Moved Cr Torre, Seconded Cr Chester

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

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

- (a) *the proposed security roller door to the undercroft car park being a minimum 50 percent visually permeable when viewed from the street; and*
- (b) *the overall height to the top of pitched roof of the buildings being 9 metres when measured from natural ground level; and*
- (c) *a mechanical turning apparatus not being provided on site, ~~so that there will not be a need for vehicles to reverse to/from the adjacent right of way, and~~*
- (d) *adequate manoeuvring area being provided on the property to enable vehicles to enter and exit the property via the adjacent right of way from Norfolk Street in a forward gear;*

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

- (x) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Wasley Street, Norfolk Street and Forrest Street verges adjacent to the subject property, and the provision of parallel car bays within the Norfolk or Wasley Street road verges shall be submitted and approved prior to the issue of a building licence. The applicant is requested to liaise with adjacent landowners in regard to the selection of appropriate species and design where it abuts residential properties. All such works shall be undertaken at the owners cost prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);"*

Debate ensued.

Moved Cr Chester, Seconded Cr Torre

That the Item be DEFERRED for further investigation and for the matter to be considered as part of a future Elected Members Forum.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

Landowner:	Iles Investments Pty Ltd
Applicant:	Edgar Idle Wade Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Institutional Building (Nursing Home and Independent Living Units)
Use Class:	Institutional Building
Use Classification:	"SA"
Lot Area:	7068 square metres
Access to Right of Way:	South side, 5.03 metres wide, unsealed, privately owned

BACKGROUND:

The most recent application was considered and conditionally approved at the Ordinary Meeting of Council on 8 April 2003 for proposed demolition of two existing dwellings, and alterations and additions to and partial demolition of existing nursing home.

DETAILS:

Part of the development approved at the Ordinary Meeting of Council on 8 April 2003 is currently being constructed (Stage 1 as attached). The current proposal involves the demolition of existing independent living units and nursing home along Norfolk Street, and the construction of additional nursing home, part undercroft carparking, shade sails and carports to the existing independent living units along Forrest Street. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	0.60	0.50	Supported - due to compliance
First floor setback to Norfolk Street	6.0 metres	3.0 metres	Supported - as the setback is considered not to cause undue impact on the streetscape.
Ground floor setback to Wasley Street	6.0 metres (consistent with setbacks on adjoining land)	1.0 metre to basement car park. 3.0 metres to porte cochere and 4.5 metres to building	Supported - as the setback is considered not to cause undue impact on the streetscape.
Height of building facing Norfolk Street	9.0 metres	9.4 metres	Not supported - as there is opportunity to reduce the height of the building to comply with the 9 metres height limit.
Height of building facing Wasley Street	9.0 metres	9.4 metres	Not supported - as there is opportunity to reduce the height of the building to comply with the 9 metres height limit.
Forrest Street setback for carports	4.0 metres	Nil	Supported - as there is a carport on the adjoining lot to the east which has a nil front setback.
Consultation Submissions			
Supported	Nil		Noted
Objections (11)	<p>If the right of way is to be used for deliveries, concerns are raised in terms of noise levels as a result of vehicles having their beepers on when reversing.</p> <p>The issue of safety as there is no proper area or turning circle provided for service vehicles, resulting in these vehicles parking along the street</p>		Noted - the applicant has advised that 60 percent of deliveries will be via the undercroft area and the remaining 40 percent will be via the lane way, which is to have a mechanical turning apparatus, so that there will not be a need for vehicles to reverse.

	<p>Potential impact of the under ground car park area and its impact on adjoining lot and trees during construction management time.</p> <p>Workers starting at unacceptable early times (6am). Time of work should start at 7 am.</p> <p>Issue of workers parking their vehicles on verges. Expect reasonable number of spaces for workers and visitors to be provided on site, during construction as this will further exacerbate street car parking</p> <p>St Michael Nursing Home has not made any effort to upkeep street verge.</p> <p>Proposed expansion contravenes with the Norfolk Precinct's Policy.</p> <p>Originally an additional 28 beds were approved, however an additional 47 beds are being proposed.</p>	<p>Noted - this is the owner's/builder's responsibility.</p> <p>Supported - addressed as a standard Building Licence condition.</p> <p>Noted - the Town's Rangers have been enforcing parking restrictions. The problem main is the limited current onsite parking. The applicant should submit a construction management plan to address parking of worker's vehicles.</p> <p>Supported - a condition should be imposed that will ensure that verges are well maintained.</p> <p>Noted - when compared to other commercial uses, a nursing home is considered to be a compatible use with the surrounding residential area.</p> <p>Noted - and the additional number of beds is considered acceptable, considering the nature of the use and the additional car bays being provided.</p>
	<p>Provision of insufficient car parking to cater for expansion.</p>	<p>Not supported - as additional number of car bays are provided, which is greater than the required amount.</p>
	<p>Traffic hazards as a result of closeness to Norfolk/Wasley Streets intersection (20 and 37 metres respectively from proposed access points to the site) and increase in traffic volumes. Town of Vincent does not have any co-ordinated plan to deal with traffic movements in the area, and the proposed development result in future traffic reduction along Wasley and Forrest Streets unworkable.</p>	<p>The Town's Technical Services state to minimise the problems at this intersection and improve visual sightlines, 'No Parking' on the adjacent Norfolk Street verge should be a condition of approval.</p>

	All staff car parking to be contained on site rather than allowed to park on street verges.	Supported- as there should be adequate number of car bays available once the proposal is completed.
	Concern about the roof height along Norfolk Street.	Supported-a condition to reduce the overall height to 9 metres is recommended.
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

Car Parking:

Car parking requirement (nearest whole number): Nursing Home requires 1 space per 3 beds - 115 beds (the additional 2 beds are from the existing 13 independent units which have the capacity to be increased to 15 beds) = 39 car bays required	59 car bays provided on site
--	------------------------------

Bicycle Parking Facilities:

Required	Provided
16 class one and two bicycle parking spaces. 5 class three bicycle parking spaces.	No bicycle parking facilities provided on site.

COMMENTS:

Demolition

Overall, the places are not considered to meet the threshold for the Town's Municipal Heritage Inventory and it is considered that the places do not warrant full heritage assessment. It is recommended that the proposal to demolish the places be approved, subject to standard conditions.

Comparison of current and approved development on-site:

	Approved	Proposed
Number of Nursing Home Places	105	115
Site Coverage	55 percent	55 percent
On Site Car Parking	41 bays	59 bays

Traffic

Technical Services advise that the previous proposal represents an increase of 13 percent in vehicle trips per day (VPD), from the existing 140.5 VPD to 158.5 VPD, which equates to an increase of 18 VPD.

The current proposal results in an increase of 21 percent from the existing 140.5 VPD to 169.5 VPD or a 29 VPD increase. The increase in the VPD is spread over the local traffic routes and is considered acceptable in terms of overall traffic impact. On the above basis, the previous Riley Consulting Traffic Impact Assessment will not require substantial modification to account for this latest proposal increase in nursing beds.

Conclusion

The upgrading of the streetscape that would be required as a part of the proposal would also improve the streetscape and visual amenity of the area. The variations sought are considered acceptable.

The proposal is supported, as it is not considered to unreasonably affect the amenity of the adjacent or surrounding properties. It is therefore recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters and the nature of the development.

10.1.10 No. 90 (Lot 399) Hobart Street, Mount Hawthorn - Proposed Partial Demolition of and Alterations, Two-Storey Additions and Carport to Existing Single House

Ward:	North	Date:	10 January 2005
Precinct:	Mount Hawthorn; P1	File Ref:	PRO2963; 00/33/2511
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Troppo Architects WA Pty Ltd on behalf of the owner MD Beausang for proposed Partial Demolition of and Alterations, Two-Storey Additions and Carport to Existing Single House, at No. 90 (Lot 399) Hobart Street, Mount Hawthorn, and as shown on plans stamped 30 September 2004 (site, existing floor, demolition, ground floor, upper floor and elevations plans) and 22 December 2004 (overlooking plans), subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Hobart Street, shall be a maximum height of 1.2 metres above the adjacent foot path level, with the upper portion of the front fence and gate being visually permeable, with a minimum 50 per cent transparency;*
- (iii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:
 - (a) the driveway being aligned at right angles to the street alignment; and*
 - (b) the upper floor being setback a minimum of 1.5 metres from the eastern side boundary.**

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

- (iv) to protect the reasonable privacy of the adjacent residents:
 - (a) if the existing Washington Cotton Palm tree (as indicated on the plans) is to be removed, prior to its removal; the window to the seating area of the deck on the northern elevation and the window to bedroom 1 on the upper floor level on the northern elevation shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002; and**

- (b) *subject to first obtaining the consent of the owners of No. 88 Hobart Street, a screen fence with a height of 2.4 metres shall be erected on the eastern boundaries within the 6.0 metres cone of vision from the windows (major openings) of the dining room and kitchen , as prescribed by the Residential Design Codes 2002;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Chester, Seconded Cr Lake

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

- "(v) the carport shall be one hundred (100) per cent open on all sides and at all times except where it abuts the main dwelling;"*

Debate ensued.

Moved Cr Ker, Seconded Cr Lake

That clause (iii)(b) be deleted.

AMENDMENT CARRIED (6-2)

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

(Cr Farrell was an apology for the meeting.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

COUNCIL DECISION ITEM 10.1.10

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Troppo Architects WA Pty Ltd on behalf of the owner MD Beausang for proposed Partial Demolition of and Alterations, Two-Storey Additions and Carport to Existing Single House, at No. 90 (Lot 399) Hobart Street, Mount Hawthorn, and as shown on plans stamped 30 September 2004 (site, existing floor, demolition, ground floor, upper floor and elevations plans) and 22 December 2004 (overlooking plans), subject to:

- (i) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

- (ii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Hobart Street, shall be a maximum height of 1.2 metres above the adjacent foot path level, with the upper portion of the front fence and gate being visually permeable, with a minimum 50 per cent transparency;*
- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
- (a) *the driveway being aligned at right angles to the street alignment;*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
- (iv) *to protect the reasonable privacy of the adjacent residents:*
- (a) *if the existing Washington Cotton Palm tree (as indicated on the plans) is to be removed, prior to its removal; the window to the seating area of the deck on the northern elevation and the window to bedroom 1 on the upper floor level on the northern elevation shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002;*
- (b) *subject to first obtaining the consent of the owners of No. 88 Hobart Street, a screen fence with a height of 2.4 metres shall be erected on the eastern boundaries within the 6.0 metres cone of vision from the windows (major openings) of the dining room and kitchen , as prescribed by the Residential Design Codes 2002; and*
- (v) *the carport shall be one hundred (100) per cent open on all sides and at all times except where it abuts the main dwelling;*

to the satisfaction of the Chief Executive Officer.

Landowner:	MD Beausang
Applicant:	Troppo Architects WA Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	506 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the proposed partial demolition of and alterations, two-storey additions and carport to existing single house. The partial demolition and additions affects the rear of the existing house, and the carport is in the front setback area. The applicant's submission is "Laid on the Table".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Setbacks:			
Ground floor - East (Carport)	1.0 metre	0.919 metre	Supported - minor variation, no undue impact on amenity
- East	1.7 metres	0.919 metre	Supported - maintains setback of existing house, no undue impact on amenity.
- West	4.5 metres	1.474 - 4.3 metres	Supported - as above
Upper Floor - East	1.5 metres	0.919 metre	Not supported - undue impact on neighbour, has been conditioned to comply to also minimise impact of wall height and privacy variations sought by the applicant.
Driveway	Right angled to street alignment.	Driveway not right angled to street alignment.	Not supported - applicant has agreed for this matter to be conditioned to comply.
Wall Height (proposed upper floor ensuite)	6.0 metres	6. 4metres	Supported - height has been kept to a minimum whilst maintaining existing house finished floor level, minimal impact on streetscape and adjoining neighbours due to proposed (and conditioned) setbacks from boundaries, and length of subject wall in relation to boundary (11.8% of the boundary).

Wall Height (proposed upper floor bedroom 1)	7.0 metres	Average height of 7.4 metres	Supported - minimal impact on streetscape and adjoining neighbours due to setbacks from boundaries and length of subject wall in relation to boundary (12.5% of the boundary).
Privacy	Habitable spaces other than bedrooms setback 6.0 metres from the boundary or suitably screened. Bedrooms windows setback 4.5 metres from boundary or suitably screened.	Dining and kitchen windows are 0.919 metre to eastern boundary. Raised seating area of deck is 5.0 metres to eastern boundary Bedroom 1 on upper floor is 2.8 metres to eastern boundary.	Not supported - has been conditioned to comply. Supported - cone of vision encroachment is into small corner of extensive backyard and is screened by existing mature tree. Supported - as above, and further noted that variation sought will be less than the stated due to Condition (iii)(b) of the Officer Recommendation.
Consultation Submissions			
Support	Nil		Noted
Objection (1)	<ul style="list-style-type: none"> Wall height 		Not supported - refer to 'Wall height' and 'Setbacks - Upper floor - East' as above.
	<ul style="list-style-type: none"> Privacy 		Not supported - refer to 'Privacy' as above.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

Partial Demolition

The above site is not on the Town's Municipal Heritage Inventory or Interim Heritage Database as such there is no objection to the proposed partial demolition.

COMMENTS:

In light of the partial demolition being regarded as acceptable and the objection being addressed as above, the proposed variations sought by the applicant are considered supportable subject to the driveway, and upper floor east setback and privacy requirements being complied with.

The proposal is therefore recommended for approval subject to standard and appropriate conditions.

10.1.8 No. 49 (Lot 136) Blackford Street, Mount Hawthorn - Proposed Partial Demolition of and Alterations and Additions to Existing Single House

Ward:	North	Date:	10 January 2005
Precinct:	Mount Hawthorn; P1	File Ref:	PRO2964; 00/33/2515
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners AP James & NR Ozich for proposed Partial Demolition of and Alterations and Additions to Existing Single House, at No. 49 (Lot 136) Blackford Street, Mount Hawthorn, and as shown on plans stamp-dated 6 October 2004 subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the windows to the dining room and family room on the southern elevation shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees, OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be a major opening as defined in the Residential Design Codes 2002; and*
- (iii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Blackford Street, shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fence and gate being visually permeable, with a minimum 50 per cent transparency;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Lake, Seconded Cr Ker

That the recommendation be adopted subject to clause (ii) being amended as follows:

"(ii) ~~to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development and subject to first obtaining the consent of the owners of Nos. 47 and 51 Blackford Street , prior to the issue of a Building Licence, revised plans and details shall be submitted and approved demonstrating the windows to the dining room and family room on the southern elevation shall be being screened with a screen fence with a minimum height of 2.1 metres and a maximum height of 2.4 metres, or appropriate screen landscaping, adjacent to the western and eastern boundaries within the 6.0 metres cone of vision from the windows (major openings) of the dining room and living room, as prescribed by the Residential Design Codes 2002; a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees, OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be a major openings as defined in the Residential Design Codes 2002; and"~~

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

Journalist Mark Fletcher left the meeting at 7.55pm.

COUNCIL DECISION ITEM 10.1.8

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners AP James & NR Ozich for proposed Partial Demolition of and Alterations and Additions to Existing Single House, at No. 49 (Lot 136) Blackford Street, Mount Hawthorn, and as shown on plans stamp-dated 6 October 2004 subject to:

- (i) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) *to protect the reasonable privacy of the adjacent residents, and subject to first obtaining the consent of the owners of Nos. 47 and 51 Blackford Street , prior to the issue of a Building Licence, revised plans and details shall be submitted and approved demonstrating the windows to the dining room and family room on the southern elevation being screened with a screen fence with a minimum height of 2.1 metres and a maximum height of 2.4 metres, or appropriate screen landscaping, adjacent to the western and eastern boundaries within the 6.0 metres cone of vision from the windows (major openings) of the dining room and living room, as prescribed by the Residential Design Codes 2002; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be a major openings as defined in the Residential Design Codes 2002; and*

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

to the satisfaction of the Chief Executive Officer.

ADDITIONAL INFORMATION:

The submitted plans indicate that the finished floor level to the family and dining rooms on the southern elevation will be some 0.6 metres above the natural ground level.

Landowner:	A P James & NR Ozich
Applicant:	A P James & NR Ozich
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	491 square metres
Access to Right of Way	N/A

BACKGROUND:

14 September 1998 Council at its Ordinary Meeting resolved to conditionally approved proposed carport to the existing dwelling.

DETAILS:

The applicant proposes partial demolition of and single storey alterations and additions to the rear of the existing single house.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Setbacks:			
Western- Family Room, Bathroom and Laundry	3.3 metres	2.310 metres	Supported- follows the existing building line and no objections received
Eastern- Kitchen and Dining	2.8 metres	1.09 metres	Supported- follows the existing building line and no objections received

Privacy Setback:			
Dining Room South Window	6.0 metres	2.5 metres to eastern boundary	Not supported - conditioned to comply
Family Room South Window	6.0 metres	4.4 metres to western boundary	Not supported - conditioned to comply
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).		
Strategic Implications	Nil		
Financial/Budget Implications	Nil		

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

COMMENTS:

The proposal was advertised and no submissions were received during this period. The proposal has been referred to Council for its consideration and determination mainly due to the variations to the Town's privacy requirements.

In light of the above, the proposal is considered supportable subject to standard and appropriate conditions to address the above matters.

10.1.19 No(s). 28 & 32 (Lot(s) 401, 2 & 402) Carr Street, West Perth - Proposed Vehicle Gate, Involving Reconsideration of Condition of Planning Approval for Eight (8) Two-Storey Grouped Dwellings on No. 28 Carr Street and Six (6) Two-Storey Grouped Dwellings on No. 32 Carr Street.

Ward:	South	Date:	10 January 2005
Precinct:	Hyde Park; P12	File Ref:	PRO0865; 00/33/2596
Attachments:	001		
Reporting Officer(s):	K Carter		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by R Ricciardello on behalf of the owners Ricciardello Nominees Pty Ltd & R Ricciardello for proposed vehicle gate, involving reconsideration of condition of Planning Approval for Eight (8) Two-Storey Grouped Dwellings at No(s). 28 (Lot 401) Carr Street, and Six (6) Two-Storey Grouped Dwellings at No.32 (Lot(s) 402 & 2) Carr Street, West Perth, and as shown on plans stamp-dated 19 November 2004, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) the non-compliance with the Access and Car Parking requirements of the Residential Design Codes.*

COUNCIL DECISION ITEM 10.1.19

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

Moved Cr Torre, Seconded Cr Franchina

That the Item be DEFERRED to allow the applicant to discuss with the Town measures that can be put in place to satisfy their security needs while still providing vehicle access to the required visitors' carparking bays.

LOST (3-5)

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

(Cr Farrell was an apology for the meeting.)

Debate ensued.

MOTION CARRIED (5-3)

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

(Cr Farrell was an apology for the meeting.)

Landowner:	Ricciardello Nominees Pty Ltd & R Ricciardello
Applicant:	R Ricciardello
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Two Single Houses
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	2345 square metres
Access to Right of Way	N/A

BACKGROUND:

- | | |
|------------------|---|
| 2 December 2003 | Council resolved to refuse and application to demolish the existing dwelling and the construction of nine (9) two storey grouped dwellings. |
| 24 February 2004 | Council resolved to conditionally approve the demolition of the existing dwelling and the construction of eight two storey grouped dwellings on No.32 Carr Street West Perth. |
| 24 February 2004 | Council resolved to conditionally approve the demolition of the existing dwelling and the construction of six two storey grouped dwellings on No.32 Carr Street, West Perth. |

DETAILS:

The proposal is for a vehicle gate that will involve the reconsideration of condition (iii) of the conditional approvals granted by the Council at its Ordinary Meeting held on 24 February 2004. Condition (iii) is as follows:

"(iii) prior to the first occupation of the development, two (2) visitors car parking bays shall be provided, clearly marked and signposted as such, visible from the point of entry and outside any security barrier. "

The applicant's submission is *"Laid on the Table"*.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Design of Parking Spaces	Visitor Spaces: -clearly marked, located close to and clearly signposted or visible from the point of entry to the development and outside any security barrier	A security gate to be located across the common driveway - visitor bays are located inside/behind the security barrier	Not supported - proposal does not comply with the Acceptable Development requirements under Residential Design Codes as the visitor bays are required to be located outside a security barrier.
Consultation Submissions			
No advertising was required for this application			
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

On the above basis, it is recommended that the Council refuse the proposal based on the reasons outlined in the Officer Recommendation.

10.1.12 No. 9 (Lot 4106) Ellesmere Street, North Perth - Proposed Two Storey Single House

Ward:	North	Date:	10 January 2005
Precinct:	North Perth; P8	File Ref:	PRO2646; 00/33/2481
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by J & M Kovacs on behalf of the owner International Equity Lender Pty Ltd for proposed Two Storey Single House, at No. 9 (Lot 4106) Ellesmere Street, North Perth, and as shown on plans stamp-dated 20 September 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Ellesmere Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum of 50 per cent transparency;*
- (iii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:
 - (a) the garage and first floor being setback a minimum of 6.0 metres from the Ellesmere Street (northern) boundary; and*
 - (b) the external wall height being reduced to a maximum height of 7.0 metres above the natural ground level.**

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

- (iv) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the window to the upper floor kitchen on the western elevation shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees, OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject window not exceeding one square metre in aggregate in the respective subject wall, so that it is not considered to be a major opening as defined in the Residential Design Codes 2002;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Lake, Seconded Cr Ker

That the recommendation be adopted.

Cr Franchina departed the Chamber at 8.09pm.

Debate ensued.

Moved Cr Lake, Seconded Cr Torre

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

"(v) to protect the reasonable privacy of the adjacent residents, subject to first obtaining the consent of the owners of the adjoining southern property, a screen fence with a height of 2.4 metres shall be erected along the southern/rear boundary;"

AMENDMENT CARRIED (7-0)

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

MOTION AS AMENDED CARRIED (7-0)

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

COUNCIL DECISION ITEM 10.1.12

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by J & M Kovacs on behalf of the owner International Equity Lender Pty Ltd for proposed Two Storey Single House, at No. 9 (Lot 4106) Ellesmere Street, North Perth, and as shown on plans stamp-dated 20 September 2004, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Ellesmere Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum of 50 per cent transparency;*
- (iii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:
 - (a) the garage and first floor being setback a minimum of 6.0 metres from the Ellesmere Street (northern) boundary; and*
 - (b) the external wall height being reduced to a maximum height of 7.0 metres above the natural ground level.**

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

- (iv) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the window to the upper floor kitchen on the western elevation shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees, OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject window not exceeding one square metre in aggregate in the respective subject wall, so that it is not considered to be a major opening as defined in the Residential Design Codes 2002; and*
- (v) *to protect the reasonable privacy of the adjacent residents, subject to first obtaining the consent of the owners of the adjoining southern property, a screen fence with a height of 2.4 metres shall be erected along the southern/rear boundary;*

to the satisfaction of the Chief Executive Officer.

Landowner:	International Equity Lender Pty Ltd
Applicant:	J & M Kovacs
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R20
Existing Land Use:	Single House (approved for demolition)
Use Class:	Single House
Use Classification:	"P"
Lot Area:	827 square metres
Access to Right of Way	N/A

BACKGROUND:

11 May 2004 Council at its Ordinary Meeting resolved to conditionally approve proposed demolition of existing single house.

DETAILS:

The proposal involves the construction a two storey single house and the proposed development is situated in the Eton Locality.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Setbacks: Front	6.0 metres	5.908 - 6.011 metres	Not supported - conditioned to comply.
Retaining Wall Height	0.5 metre	0.7 metre	Supported - given the slope of the land down from north-west to south-east, and it is considered a minor variation.

Building Wall Height	7.0 metres	7.4 - 7.5 metres	Not supported - conditioned to comply.
Privacy Setback: Upper Floor Kitchen	6.0 metres	5.43 metres	Not supported - conditioned to comply.
Consultation Submissions			
Support	Nil		Noted
Objection (3)	<ul style="list-style-type: none"> • Overshadowing • Overlooking • Building height 		Not supported - compliance with R Codes Supported - conditioned to comply Supported - conditioned to comply
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

The proposal involves variations to the Town's requirements, relating to the retaining wall height, building wall height, privacy setbacks and the front setback, and is located in the Eton Locality. It has therefore referred to Council for its consideration and determination.

It is noted that two significant trees (Eucalyptus sp) are listed on the Town's Interim Significant Tree Data Base Reference. The intent of this Database is reference purposes only, and the subject trees are encouraged, not required, to be retained. A site inspection on 11 January 2005 indicated that these trees have been removed.

In light of the above, the proposal is considered supportable subject to standard and appropriate conditions to address the above matters.

10.1.9 No. 45 (Lot 622) Egina Street, Mount Hawthorn - Proposed Partial Demolition of and Alterations and Second Storey Additions to Existing Single House

Ward:	North	Date:	7 January 2005
Precinct:	Mount Hawthorn; P1	File Ref:	PRO2243; 00/33/2496
Attachments:	001		
Reporting Officer(s):	B Mckean		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by CD & RB Neale on behalf of the owner Trendsurf Pty Ltd ATF Montage Trust for proposed Partial Demolition of and Alterations and Second Storey Additions to Existing Single House, at No. 45 (Lot 622) Egina Street, Mount Hawthorn, and as shown on plans stamp-dated 1 December 2004 and 7 January 2005, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Egina Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development;*
 - (a) the northern elevation of the balcony on first floor level shall be screened with a permanent obscure material and be non-openable to a minimum height of 2.4 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed; and*
 - (b) the southern elevation of the balcony on first floor level shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (iv) the first floor shall not be used as a separate dwelling to the ground floor, and there shall be a maximum of one dwelling on the property; and*
- (v) prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the total height of the additional external wall not exceeding 2.4 metres above the first floor level. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Chester, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Moved Cr Lake, Seconded Cr Cohen

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

"(iii) (c) the upper course of the external staircase shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.8 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;"

Debate ensued.

AMENDMENT CARRIED (5-2)

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

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

Journalist Matt Zis left the meeting at 8.15pm.

Debate ensued.

Cr Franchina returned to the Chamber at 8.16pm.

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

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

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

COUNCIL DECISION ITEM 10.1.9

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by CD & RB Neale on behalf of the owner Trendsurf Pty Ltd ATF Montage Trust for proposed Partial Demolition of and Alterations and Second Storey Additions to Existing Single House, at No. 45 (Lot 622) Egina Street, Mount Hawthorn, and as shown on plans stamp-dated 1 December 2004 and 7 January 2005, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Egina Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development;*
 - (a) the northern elevation of the balcony on first floor level shall be screened with a permanent obscure material and be non-openable to a minimum height of 2.4 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
 - (b) the southern elevation of the balcony on first floor level shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed; and*
 - (c) the upper course of the external staircase shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.8 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (iv) the first floor shall not be used as a separate dwelling to the ground floor, and there shall be a maximum of one dwelling on the property; and*
- (v) prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the total height of the additional external wall not exceeding 2.4 metres above the first floor level. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*

to the satisfaction of the Chief Executive Officer.

Landowner:	Trendsurf Pty Ltd ATF Montage Trust
Applicant:	CD & RB Neale
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30

Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	491 square metres
Access to Right of Way	N/A

BACKGROUND:

7 March 2003 Planning Approval under Delegated Authority was issued for alterations, additions, shed and carport to existing dwelling on the property.

DETAILS:

The proposal involves the partial demolition of and alterations and two storey additions to the existing house.

The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Setbacks:			
North	4.4 metres	2.55 metres	Supported - it is a recommended condition that the north elevation of the balcony be screened to 2.4 metres high, therefore there are no major openings on the northern elevation and the setback complies with the Residential Design Codes (R Codes).
Privacy Setbacks:			
Balcony - North	7.5 metres	3.5 metres	Supported - it is a recommended condition that the north elevation of the balcony be screened to 2.4 metres high, therefore complies with the R Codes.
Balcony - South	7.5 metres	5.85 metres	Supported - it is a recommended condition that the south elevation of the balcony be screened to 1.6 metres high therefore complies with the R Codes.

Building Height	6.0 metres	6.3 metres - 6.7 metres	Supported - it is a recommended condition that the proposed additions have a wall height of 2.4 metres (minimum ceiling height for a habitable room), the overall height of the proposed additions is less than 9 metres, and the existing house has a wall height of 4.1 metres.
Consultation Submissions			
Support	Nil		Noted
Objection (2)	<ul style="list-style-type: none"> • Overlooking • Height • Setbacks • Aesthetic concerns • External staircase concerns • Overshadowing • Function of additional room 		<p>Not supported - refer to above comments under "Privacy Setbacks".</p> <p>Not supported - refer to above comments under "Building Height".</p> <p>Not supported - refer to above comments under "Setbacks".</p> <p>Not supported - not based on planning requirements.</p> <p>Not supported - not based on planning requirements.</p> <p>Not supported - complies with the R Codes.</p> <p>Not supported - the plans state the additional room is to be a media/games room, and a recommended condition is that the additional room is not to be used as a separate dwelling.</p>
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

The advertised plans can be conditioned to address the advertised non-compliances.

The height variations sought by the applicant are supported by the Town's Officers subject to the additional wall height being 2.4 metres, the minimum ceiling height for a habitable room.

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

10.1.20 No. 47 (Lot 56) Mary Street, Highgate - Proposed Three (3) Multiple Dwellings and Associated Undercroft Carparking

Ward:	South	Date:	11 January 2005
Precinct:	Hyde Park; P12	File Ref:	PRO2767; 00/33/2593
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by D O'Donovan on behalf of the owners J & LA O'Donovan for proposed Three (3) Multiple Dwellings and Associated Undercroft Carparking, at No. 47 (Lot 56) Mary Street, Highgate, and as shown on plans stamp-dated 18 November 2004, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with streetscape, building setbacks, building height, plot ratio, buildings on boundaries, site works and density requirements of the Residential Design Codes;*
- (iii) the non-compliance with the density, dwelling type and building height requirements of the Policy relating to the St Albans Locality and the Hyde Park Precinct;*
- (iv) the non-compliance with the density and dwelling type requirements of clause 20 (4) (e) of the Town's Town Planning Scheme No. 1;*
- (v) multiple dwellings are not permitted in the St Albans Locality and Hyde Park Precinct; and*
- (vi) consideration of the objections received.*

Moved Cr Chester, Seconded Cr Torre

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

"(vii) the Town's solicitors have advised that Council has no discretion under clause 40 of the Town's Town Planning Scheme No. 1 to approve multiple dwellings in the Hyde Park Precinct as multiple dwellings are prohibited in this Precinct, therefore the subject application is considered not to be a 'non-complying application' and cannot be considered and determined pursuant to clause 40."

Debate ensued.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

COUNCIL DECISION ITEM 10.1.20

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by D O'Donovan on behalf of the owners J & LA O'Donovan for proposed Three (3) Multiple Dwellings and Associated Undercroft Carparking, at No. 47 (Lot 56) Mary Street, Highgate, and as shown on plans stamp-dated 18 November 2004, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with streetscape, building setbacks, building height, plot ratio, buildings on boundaries, site works and density requirements of the Residential Design Codes;*
- (iii) the non-compliance with the density, dwelling type and building height requirements of the Policy relating to the St Albans Locality and the Hyde Park Precinct;*
- (iv) the non-compliance with the density and dwelling type requirements of clause 20 (4) (e) of the Town's Town Planning Scheme No. 1;*
- (v) multiple dwellings are not permitted in the St Albans Locality and Hyde Park Precinct;*
- (vi) consideration of the objections received; and*
- (vii) the Town's solicitors have advised that Council has no discretion under clause 40 of the Town's Town Planning Scheme No. 1 to approve multiple dwellings in the Hyde Park Precinct as multiple dwellings are prohibited in this Precinct, therefore the subject application is considered not to be a 'non-complying application' and cannot be considered and determined pursuant to clause 40.*

ADDITIONAL INFORMATION:

Plot Ratio

When calculating the plot ratio for the above development the Town's Officers did not consider the balcony to be open on at least two sides. It is noted that the balcony is fully enclosed on the north and east elevations and only approximately 27 per cent open on the west elevation and therefore does not warrant exclusion from the plot ratio area. The Town's Officer's Assessment table therefore remains unchanged in relation to this matter.

Additional assessment of the privacy encroachments for the proposal have also been considered, and the non-compliant privacy setbacks are now included in the Assessment table.

In light of the above, the Assessment and Consultant Submission table is amended as follows:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
<u>Privacy Setbacks:</u> <u>Ground, first and second floors western elevation (Balconies)</u>	<u>7.5 metres</u>	<u>2.5 metres from the western boundary</u>	<u>Not supported - significant encroachment and objection received from affected neighbour (it is noted that a tree on the property at No. 49 Mary Street provides some screening from the balcony)</u>
Consultation Submissions			
Objection (3)	<ul style="list-style-type: none"> Overlooking 		<u>Not supported - compliant with R-Codes</u> <u>Supported - recommended for refusal</u>

Legal Advice

The Town's solicitors have advised that Council can only determine an application under clause 40 of the Town's Town Planning Scheme No. 1 if it is a 'non-complying application'. The Council has no discretion under clause 40 of the Town's Town Planning Scheme No. 1 to approve multiple dwellings in the Hyde Park Precinct as multiple dwellings are prohibited in this Precinct, therefore the subject application is considered not to be a 'non-complying application', and cannot be considered and determined pursuant to clause 40.

Landowner:	J & LA O'Donovan
Applicant:	D O'Donovan
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Vacant
Use Class:	Multiple Dwelling
Use Classification:	"P" (multiple dwellings not permitted in Hyde Park Precinct)
Lot Area:	427 square metres
Access to Right of Way	Southern side, 3.02 metres wide, sealed, privately owned

BACKGROUND:

14 September 2004 Council, at its Ordinary Meeting, resolved to refuse the application for proposed three (3) multiple dwellings.

DETAILS:

The proposal involves proposed three (3) multiple dwellings and associated undercroft carparking.

The previously refused application is identical to the subject application, except for the following changes to the previous plans (in all instances the proposed changes result in a decrease in undue negative impact when compared to the previously refused plans);

- Plot ratio;
- Setbacks;
- Manoeuvring from the right of way;
- Boundary walls; and
- Building height.

The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	Multiple dwellings not permitted Grouped dwellings and single houses as per R 60: 2.56 grouped dwellings or 2.37 single houses	3 multiple dwellings R 70	Not supported - multiple dwellings not permitted
Plot Ratio	1.0 (427 square metres)	1.19 (510.24 square metres)	Not supported - excessive bulk and scale and objections received
Setbacks - Eastern side	2.5 metres (first floor)	1.04 metres	Not supported - excessive bulk and scale and objections received
Setbacks - Eastern side	3.9 metres (second floor)	1.04 metres	Not supported - excessive bulk and scale and objections received
Setbacks - Eastern side	6.0 metres (third floor)	1.04 metres	Not supported - excessive bulk and scale and objections received
Setbacks - Western side	2.5 metres (first floor)	1.14 metres	Not supported - excessive bulk and scale and objections received
Setbacks - Western side	3.9 metres (second floor)	1.14 metres	Not supported - excessive bulk and scale and objections received
Setbacks - Western side	6.0 metres (third floor)	1.14 metres	Not supported - excessive bulk and scale and objections received
Site Works	Retaining walls designed or setback to minimise the impact on adjoining property	Retaining walls up to 2.73 metres high proposed on eastern and western boundaries	Not supported - excessive bulk and scale and objections received

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Boundary Walls	3 metres average with maximum of 3.5 metres on one side boundary	2.73 metres maximum height on two side boundaries	Not supported - excessive bulk and scale and objections received
Building Height	Two storeys permitted - top of external roof to be maximum height of 7 metres	Maximum height of 10.65 metres	Not supported - excessive bulk and scale and objections received
Town's Policy relating to the St Albans Locality and Hyde Park Precinct	Height: a general height limit of two-storeys can be considered provided...the amenity of the area is protected in terms of privacy, scale and bulk	Effectively a four storey building is proposed (including undercroft car park)	Not supported - overdevelopment of the site and objections received
Hyde Park Precinct: Dwelling Type	Single house or grouped dwelling	Multiple dwelling	Not supported - multiple dwellings not permitted
Consultation Submissions			
Support	Nil		Noted
Objection (3)	<ul style="list-style-type: none"> • Overlooking • Decrease property value • Potential noise • Overshadowing • In breach of acceptable development criteria • Bulk and scale • Unattractive design • Unsympathetic to the streetscape 		<p>Not supported - compliant with R Codes</p> <p>Not supported - not major planning consideration</p> <p>Not supported - speculation and addressed via Building Licence condition.</p> <p>Not supported - compliant with R Codes</p> <p>Supported - recommended for refusal</p> <p>Supported - recommended for refusal</p> <p>Not supported - subjective opinion</p> <p>Supported - recommended for refusal</p>

Other Implications	
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications	Nil
Financial/Budget Implications	Nil

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

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

COMMENTS:

A similar proposal was advertised as part of the assessment of the Planning Application determined at Ordinary Meeting of Council held on 14 September 2004. The subject application proposes variations that are unchanged or decreased in impact from the previously advertised plans, and therefore there was no need to re-advertise the proposed variations. It is noted that the previously submitted objections are considered as part of this report.

The proposed development, by reason of its bulk, scale, height and nature would result in an overdevelopment of the site and form over dominant and incongruous feature in the street scene to the detriment of the visual amenity and character of the area. The proposed development is therefore contrary to the provisions of the Town's Town Planning Scheme No. 1 and associated Policies and the Residential Design Codes, and is therefore recommended for refusal.

10.1.21 Review of the East Perth Redevelopment Scheme

Ward:	South	Date:	11 January 2005
Precinct:	Beaufort; P13, Banks; P15	File Ref:	PLA0022
Attachments:	001		
Reporting Officer(s):	C Mooney		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the letter dated 6 December 2004 and associated documentation in relation to the Review of the East Perth Redevelopment Scheme, as shown in the attachment to the report and "Laid on the Table";*
- (ii) *ADVISES the East Perth Redevelopment Authority that the Council has NO OBJECTION to the Review of the East Perth Redevelopment Scheme;*
- (iii) *ADVISES the East Perth Redevelopment Authority that the Council has NO OBJECTION to the East Perth Redevelopment Authority seeking consent from the Minister for Planning and Infrastructure to advertise the draft East Perth Redevelopment Scheme No. 2; and*
- (iv) *ADVISES the East Perth Redevelopment Authority that the Council will provide detailed comments on the draft East Perth Redevelopment Scheme No. 2, during the formal consultation period of the draft scheme.*

COUNCIL DECISION ITEM 10.1.21

Moved Cr Cohen, Seconded Cr Ker

That the recommendation be adopted.

Cr Torre departed the Chamber at 8.30pm.

Debate ensued.

CARRIED (7-0)

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

DETAILS:

The Town has received a letter dated 6 December 2004 and associated documentation advising the East Perth Development Authority's (EPRA) intention to formally advertise the draft East Perth Redevelopment Scheme No. 2, as 'Laid on the Table'. Closing date for comments to be provided was 11 January 2004. An extension has been sought to advise Council accordingly and to advise EPRA that the Town will provide detailed comment during the formal consultation period of the draft scheme.

The letter states the following:

"Over ten years has passed since the gazettal of the East Perth Redevelopment Scheme and due to a number of changes in circumstance and context that have arisen in this time, a review of the Scheme has become necessary.

The resultant draft East Perth Redevelopment Scheme No.2 has been endorsed by the EPRA Board for the purposes of consultation. Pursuant to section 29 (3) of the Act, EPRA is required to consult with and have regard to the views of the Town of Vincent prior to seeking the Minister's consent to advertise the new Scheme."

CONSULTATION/ADVERTISING:

Nil

LEGAL/POLICY:

Town Planning Scheme No.1 and associated Policies.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 - Key Result Area: 1.3 *"Develop, implement and promote sustainable urban design."*

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

EPRA is advising and seeking comments of the Town of its intention prior to seeking consent of the Minister to formally advertise the draft East Perth Redevelopment Scheme No.2. The Town will have the opportunity to provide detailed comments on matters relating to the Town that need to be addressed during the formal consultation stage of the draft scheme. Given the time constraint in assessing the documentation during the end of year break for 2004, the Town will provide detailed comments to EPRA during the formal consultation period.

In light of the above, it is recommended that the Council receives the documentation relating to the review of the East Perth Redevelopment Scheme, and advises EPRA that the Council does not object to EPRA reviewing its scheme and seeking consent from the Minister to advertise East Perth Redevelopment Scheme No.2, in accordance with the Officer Recommendation.

10.1.22 Network City: Community Planning Strategy for Perth and Peel

Ward:	Both Wards	Date:	12 January 2005
Precinct:	All Precincts	File Ref:	PLA0119
Attachments	-		
Reporting Officer(s):	C Mooney, H Coulter		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report relating to the draft "Network City: Community Planning Strategy for Perth and Peel";
- (ii) **ADVISES** the Western Australian Planning Commission that the Council **GENERALLY SUPPORTS IN PRINCIPLE** the intent and content of the draft "Network City: Community Planning Strategy for Perth and Peel" dated September 2004, as 'Laid on the Table', subject to the following matters being adequately addressed:
 - (a) the Western Australian Planning Commission acknowledges the Town's 'Community Visioning' project as an integral resource in regard to community involvement and aspirations, especially in relation to key objective 'Plan with the Communities';
 - (b) the Town has concerns with how the implementation of the Strategy is to be delivered at both a State and Local Government level, in relation to what action priorities are to be targeted, how will the strategies action be delivered, including what resources will be available to Local Governments;
 - (c) the Western Australian Planning Commission should deliver to local governments a structured guide on the priorities and actions that outline the specific roles of which Local Governments are expected to perform;
 - (d) whilst the Town acknowledges and appreciates the strategic nature of 'Network City', it has concern with the level of detail provided on the Spatial Plan (Network City Framework), there is insufficient mapping detail for local governments to assess implications of activity centres, activity corridors and transport corridors, and the Spatial Plan should have additional 'snapshot' maps providing a greater level of geographical detail; and
 - (e) the Western Australian Planning Commission should further explore the impact of providing 60 per cent of new housing within existing 'Brownfield' development and take into account the juxtaposition of providing such additional housing in areas where historical accumulated development, including built heritage, is evident; and
- (iii) **FORWARDS** a copy of this report to the Western Australian Planning Commission.

Moved Cr Chester, Seconded Cr Doran-Wu

That the recommendation be adopted subject to clause (ii)(e) being amended and a new clause (ii)(f) being added as follows:

- "(ii) (e) the Western Australian Planning Commission should further explore the impact of providing 60 per cent of new housing within existing 'Brownfield' development and take into account the juxtaposition of providing such additional housing in areas where historical accumulated development, including built heritage, is evident; and consideration of the following points:*
- retention and conservation of heritage and character buildings vs. requirement for infill development;*
 - economic development of activity or town centres vs. neighbouring residential amenity vs. creation of a sense of place;*
 - density vs. residential amenity;*
 - affordable housing vs. market trends and economic growth; and*
 - current road widening requirements and transport objectives vs. retention of streetscape value and significant built heritage; and*
- (f) the Western Australian Planning Commission should allow for an equitable balance of infill development within existing urban areas, inclusive of all Local Governments, therefore avoiding disproportional burden of infill development being placed on individual Local Governments; and "*

CARRIED (7-0)

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

Cr Torre returned to the Chamber at 8.37pm.

COUNCIL DECISION ITEM 10.1.22

That the Council;

- (i) RECEIVES the report relating to the draft "Network City: Community Planning Strategy for Perth and Peel";*
- (ii) ADVISES the Western Australian Planning Commission that the Council GENERALLY SUPPORTS IN PRINCIPLE the intent and content of the draft "Network City: Community Planning Strategy for Perth and Peel" dated September 2004, as 'Laid on the Table', subject to the following matters being adequately addressed:*
- (a) the Western Australian Planning Commission acknowledges the Town's 'Community Visioning' project as an integral resource in regard to community involvement and aspirations, especially in relation to key objective 'Plan with the Communities';*

- (b) *the Town has concerns with how the implementation of the Strategy is to be delivered at both a State and Local Government level, in relation to what action priorities are to be targeted, how will the strategies action be delivered, including what resources will be available to Local Governments;*
- (c) *the Western Australian Planning Commission should deliver to local governments a structured guide on the priorities and actions that outline the specific roles of which Local Governments are expected to perform;*
- (d) *whilst the Town acknowledges and appreciates the strategic nature of 'Network City', it has concern with the level of detail provided on the Spatial Plan (Network City Framework), there is insufficient mapping detail for local governments to assess implications of activity centres, activity corridors and transport corridors, and the Spatial Plan should have additional 'snapshot' maps providing a greater level of geographical detail; and*
- (e) *the Western Australian Planning Commission should further explore the impact of providing 60 per cent of new housing within existing 'Brownfield' development and take into account the juxtaposition of providing such additional housing in areas where historical accumulated development, including built heritage, is evident, and consideration of the following points:*
- *retention and conservation of heritage and character buildings vs. requirement for infill development;*
 - *economic development of activity or town centres vs. neighbouring residential amenity vs. creation of a sense of place;*
 - *density vs. residential amenity;*
 - *affordable housing vs. market trends and economic growth; and*
 - *current road widening requirements and transport objectives vs. retention of streetscape value and significant built heritage; and*
- (f) *the Western Australian Planning Commission should allow for an equitable balance of infill development within existing urban areas, inclusive of all Local Governments, therefore avoiding disproportional burden of infill development being placed on individual Local Governments; and*
- (iii) *FORWARDS a copy of this report to the Western Australian Planning Commission*

BACKGROUND:

The Town of Vincent received correspondence and accompanying documentation from the Western Australian Planning Commission (WAPC) in late September seeking comment for the draft "Network City: Community Planning Strategy for Perth and Peel". Submissions are to be received by the extended date 31 January 2005.

Representatives of the Department for Planning and Infrastructure delivered a presentation to and responded to matters raised by Elected Members in relation Network City at the Elected Members Forum held on 19 October 2004.

The subject document is '*Laid on the Table*'.

DETAILS:

Background

Regional planning for the metropolitan area has traditionally been guided by broad strategies from the State Planning Authority and has been implemented through specific policies and objectives, statutory mechanisms and other measures. The current regional planning strategy 'Metroplan' was adopted in 1990, of which the broad planning principles, increased emphasis on urban containment and renewal, corridor development pattern and a balanced distribution of employment. The State Government commenced review of Metroplan and released issues papers under a project 'Future Perth'. The existing State strategies are deemed to be outdated, therefore it was considered appropriate by the State to embark on the development of a new strategy for urban planning in the Perth and Peel region, given changing community values, increased population inclusive of new housing and employment requirement, increased understanding of and the need to implement sustainability practices.

In September 2003, the State Government held 'Dialogue with the City' a community participative event for the residents of Perth and Peel. A major public forum was held, attended by 1,100 Perth and Peel participants drawn equally from stakeholders, public nominations and a random sample of residents. The Dialogue process identified "activity networks" as the preferred scenario planning option for Perth and Peel. Following this identification of a representative group of 100 participants in conjunction with the WAPC proceeded with the development of a strategy to guide the future growth and development in Perth and Peel region over the next three decades to 2031, ('Network City ') based on the outcomes from the Dialogue process. The strategy encompasses development areas from Butler in the north, to Mandurah in the south and from the coast to the foothills of the Darling Range. A fundamental premise of the Strategy is that current population trends forecast an additional population of 760 000; 370,000 homes and the need for 350,000 new jobs by 2031.

Structure

The document introduces Network City through the vision, values, principles, key objective and key themes. The Strategy is supported by associated strategies and actions, which identify strategies to manage population growth and urban sprawl over the next three decades.

The key objectives of Network City are as follows:

1. Deliver urban growth management
2. Accommodate urban growth primarily within the Network City pattern, incorporating communities
3. Align transport systems and land use to optimise accessibility and amenity
4. Deliver a safe reliable and energy- efficient transport system that provides travel choice
5. Protect and enhance the natural environment, open spaces and heritage
6. Deliver for all a better quality of life, building on our existing strengths
7. Plan with communities
8. Ensure employment is created in centres
9. Deliver a city with 'urban' energy, creativity and cultural vitality
10. Provide a city plan that will be implemented, provide certainty and deliver result

The key themes of Network City are as follows:

1. Manage growth by sharing responsibility between industry, communities and government
2. Make fuller use of urban land
3. Plan with communities
4. Nurture the environment

5. Encourage public over private transport
6. Strengthen local sense of place
7. Develop strategies which deliver local jobs
8. Provide for affordable housing

Network City highlights key elements for planning the future of Perth, Mandurah and Murray. The key elements are covered in seven chapters covering the following areas:

1. Spatial Plan and Strategy;
2. Implementation: governance and process;
3. Planning for a liveable city;
4. Economy and employment;
5. Environment and heritage;
6. Transport; and
7. Infrastructure co-ordination.

Within each of the above elements Network City provides an action plan that highlights priority strategies and action to be undertaken over the coming years that will enable the planning objectives for Perth and Peel to be achieved over the years 2004-2030.

The priority strategies are as follows:

- Foster land use and transport integration to form a Network City
- Manage urban growth to limit urban sprawl through staging of development
- Provide 60 per cent of required dwellings in existing urban areas and 40 per cent in new growth areas
- Implement a whole of government approach to Network City
- Create an effective state and local government partnership that includes agreement to a process of setting targets and providing a means to achieve them
- Institutionalise the engagement of community and industry with government to implement the Network City strategy
- Guide and monitor progress on the Network City so implementation is accountable and transparent
- Plan for local places to develop identity and pride, and to increase social and cultural capital, by engaging the community in decision-making
- Promote and facilitate increased housing diversity to match the changing housing needs of the Perth population, in locations which provide equitable access and lifestyle opportunities
- Revitalise existing centres and suburbs by enhancing their amenity and attractiveness, their economic, social and cultural vitality, and their safety and security
- Encourage the local mixing of uses to reduce the overall need for people to travel between their places of residence, employment and recreation
- Implement planning policies for employment centres to make Perth more liveable
- Place education and training resources to improve employment access
- Build new, and revitalise existing, employment centres
- Provide timely, appropriate and efficiently services employment land, supported by appropriate infrastructure, which is linked to Network City
- Re-focus planning decision making on sustainability principles
- Protect biodiversity and areas of environmental significance
- Protect water resources by total water cycle management
- Empower local government and communities to protect environment and heritage
- Interlink recreational areas, environmental reserves, greenways and other natural open space areas, so as to provide a continuous and meaningful greenway from Moore River, through to the heart of the city to Busselton

- Integrate local and longer distance transport needs to support the Network City with a view to decreasing car dependency
- Ensure that transport within activity corridors compliments and links activity centres and supports the corridor concept outlined in the Network City Framework
- Enhance the safety and efficiency of the 'transport corridors', especially for freight and longer distance public transport
- Improve the viability of the public transport system by encouraging balanced ridership between activity centres, to reduce the extent of unused system capacity
- Use the provision of infrastructure to influence the timing and location of growth
- Maximise service efficiency and equity through better utilisation and coordination
- Use technological change to enhance service provision
- Minimise infrastructure costs by managing urban growth and encouraging stakeholder partnerships

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 - Key Result Area One: Environment and Infrastructure
1.3 Develop, implement and promote sustain urban design.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Community Visioning

The Town commenced a Community Visioning Project titled 'Vincent Vision 2024' in March 2003 with the express purpose of guiding the review of Town Planning Scheme No.1. Throughout this process, the community has participated in workshops and various forums specifically dealing with the future of the Town, including matters relating to housing form and density, urban design, town centres, commercial areas, traffic, transport, character, heritage, environment, sustainability, safety, security, community culture, arts, parks and community facilities. Throughout this process, participants have expressed a desire to be part of a proactive approach to planning, and on occasion, concern has been raised that State Government policies, geared to achieving housing numbers for the expected population increases, will result in unacceptable development in the Town.

The Town of Vincent generally shares the broad vision and objectives of Network City and particularly supports a planning approach based on fostering community understanding of broader metropolitan issues whilst meeting the needs of its current and future populations. The Town would however wish to note that its community, whilst protective of its current amenity, do acknowledge the need to facilitate additional population growth within the Town. The way in which this growth is achieved however is a concern relating to existing blanket zonings, which to date have not correlated with an increase in population.

It is considered that Vincent Vision 2024 will accurately portray the shared values and vision held by the community, which will additionally reflect a commitment to responsible town planning within the Town of Vincent. Vincent Vision 2024 has worked collaboratively with the Department for Planning and Infrastructure throughout the process, and upon conclusion of the vision statement and action planning stages of the process, a final report outlining the community vision will be forwarded to the Department.

Town of Vincent Town Planning Scheme No. 1

The Town has reviewed the Network City document and its report 'Future Perth' with respect to its population projections and the impact these may have on its communities and the built form in the future. As reported, the Town of Vincent is expected to have an increase in population to 28,100 by 2006 (9.11 per cent), 31,100 by 2016 (9.03 per cent) and 35,900 by 2031 (8.66 per cent). These projections of an additional 10,282 persons over a period of 30 years (approximately 342 persons per year) is likely to have a significant impact on planning policy within the Town, which will need to be addressed in any review of the town planning scheme. The ability of the Town to support such growth and the willingness of the current population to grow in this way requires consideration and examination in the review of the town planning scheme.

The Town's Town Planning Scheme No. 1 was gazetted on 4 December 1998. To date, 20 amendments to the Scheme have been initiated with 13 amendments yet to be finalised. Four out of a total 20 have been requests for down-coding of residential land.

It is considered that whilst the existing Scheme is not particularly flawed and that the broad objectives are being met, there is a need to ensure that the Town has a Scheme representative of the community's vision for growth and change into the future. The current Scheme was inherited from the former City of Perth and to date, matters such as density, have not been formally reviewed. A clear signal supporting this need for review has been the recent initiating of Scheme Amendments Nos.11 and 15 for the Eton Locality and Banks Precinct, respectively. Both amendments similarly deal with the matter of density resulting from significant community concern relating to the scale, height and intrusive nature of residential development at R30 and R40 densities, and the continued impact on the amenity (such as visual impact, overlooking and overshadowing), character and stability of the community. The Council acknowledged and supported the two community's formal requests and appropriate Scheme amendments were initiated and approved by the Minister for Planning and Infrastructure.

General Comments

The most crucial issue in regard to the Strategy is how the Strategy will be delivered and implemented. The Strategy recognises the need for a whole of government approach and the importance of local government role in delivering the planning objectives outlined by the Strategy. The traditional hierarchical nature of the State providing strategic direction and the local government concerning itself with the deliverance of the objectives is still maintained within the document. Nevertheless, the Strategy indicates that the State Government is willing to play a more involved role within the deliverance of the Strategy, it is the question of how the implementation of the strategy will be delivered, what action priorities are to be targeted initially and what resources will be available to local government.

In regard to the Spatial Plan (Network City Framework), it is acknowledged that the plan is a conceptually based, however there is an inherent need for the Strategy to be more visually legible for local governments to decipher the activity networks associated within their given boundaries and further detail of how they relate to the Network City Framework.

In relation to the following quote "*In inner and middle suburbs, best use should be made of existing road network capacity before road widening is considered*" and in addition to the proposal to provide 60 per cent of new homes within existing urban areas, the Town has encountered urban planning juxtapositions and concerns, especially with regard to:

- Retention and conservation of heritage and character buildings vs. requirement for infill development.
- Economic development of activity or town centres vs. neighbouring residential amenity vs. creation of a sense of place.
- Density vs. residential amenity.
- Affordable housing vs. market trends and economic growth.
- Current road widening requirements and transport objectives vs. retention of streetscape value and significant built heritage.

Therefore the implementation of the Strategy will need to take into account a more localised approach to ensure that the Strategy delivers its principles and objectives, so that a holistic strategy can be realised.

The State Government will also need to gain within its own structures, a balanced 'whole of government approach in regard to the many State agencies that also play a large role in the State's urban planning.

Future Statutory Implications

The document may achieve statutory status in the future, through such means as a Statement of Planning Policy under the Town Planning and Development Act 1928. Local governments will then be required to review their policies and practices to have regard to the document principles should this occur.

Conclusion

In light of the above, it is recommended that the Council receives "Network City: Community Planning Strategy for Perth and Peel", dated September 2004, advises the WAPC that the Town generally supports, in principle, the intent and content of the above document and advises the WAPC of the comments noted in the Officer Recommendation, accordingly.

10.4.2 Lot 118, Marmion Avenue, Mindarie - Progress Report

Ward:	N/A	Date:	30 December 2004
Precinct:	N/A	File Ref:	PRO0739
Attachments:			
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *ENDORSES the proposed Bush Forever Negotiated Planning Solution (NPS) outlined in this report subject to the deletion of any reference to the formation of a Joint Development Group;*
- (ii) *AUTHORISES the Chief Executive Officer to complete documentation for a Negotiated Planning Solution relating to Bush Forever on Lot 118 Marmion Avenue, Mindarie and submit the documentation to Council for formal agreement in conjunction with recommendations relating to valuations now being obtained and to include advice to Council relating to the need to prepare a Business Plan and consult the community on this matter;*
- (iii) *ENDORSES the key principles set out in the detail section of this report to guide the urban development of Lot 118 Marmion Avenue, Mindarie;*
- (iv) *SUPPORTS the proposal to develop Lot 118 Marmion Avenue, Mindarie without involvement of a Joint Venture partner; and*
- (v) *SUPPORTS the proposal of the Chief Executive Officer to prepare a further report to Council setting out how, and under what legal structure, the owner Councils should progress the intended development of Lot 118 Marmion Avenue, Mindarie.*

COUNCIL DECISION ITEM 10.4.2

Moved Cr Lake, Seconded Cr Ker

That the recommendation be adopted.

Cr Doran-Wu departed the Chamber at 8.38pm.

Debate ensued.

Cr Doran-Wu returned to the Chamber at 8.42pm.

Moved Cr Lake, Seconded Cr Cohen

That the Item be DEFERRED to allow for further information to be provided.

LOST (2-6)

For

**Cr Cohen
Cr Lake**

Against

**Mayor Catania
Cr Chester
Cr Doran-Wu
Cr Franchina
Cr Ker
Cr Torre**

(Cr Farrell was an apology for the meeting.)

MOTION CARRIED (6-2)

For

**Mayor Catania
Cr Chester
Cr Doran-Wu
Cr Franchina
Cr Ker
Cr Torre**

Against

**Cr Cohen
Cr Lake**

(Cr Farrell was an apology for the meeting.)

BACKGROUND:

Previous reports have been submitted to the Council concerning the Town's part ownership of this land at Lot 118 Marmion Avenue Mindarie. Furthermore, a PowerPoint presentation was made to the Forum held on 21 September 2004.

Lot 118 Mindarie consists of an area of 432 hectares and is bordered by the localities of Mindarie and Clarkson to the north, Kinross and Burns Beach to the south, Neerabup National Park to the east, and the coastal reserve to the west. The land is divided by Marmion Avenue and Connolly Drive and is comprised of a mixture of bushland, degraded/cleared land and land used for the Tamala Park regional waste disposal facility. The land is partly zoned Urban and Urban Deferred, and parts reserved for Parks and Recreation and Public Purposes under the Metropolitan Region Scheme.

Lot 118 (formerly Lot 17) was purchased by the Cities of Perth, Stirling and Wanneroo in 1984 as a strategic investment and for the location of the regional waste disposal facility (which commenced operations in 1990). The land is now owned by the Cities of Joondalup, Perth, Stirling and Wanneroo and the Towns of Cambridge, Victoria Park and Vincent. The former City of Wanneroo's one-third share was divided between the new Cities of Wanneroo and Joondalup and the City of Perth share was divided between Perth and the three Towns.

A Working Group comprising the Chief Executive Officers from each of the owner Cities/Towns has been convened for a number of years to assist in resolution and progression of a wide range of issues relating to the ownership and development of the land. Under authority of the CEO group, various consultancies have been commissioned over the years addressing planning, environmental, development management and project management, and legal issues relating to the land.

The CEO Group has recently finalised a strategic briefing discussion paper to ensure that standardised information is presented to each of the owner Council's concerning the progress of the various issues. The paper is presented below in the "Details" section of this report.

DETAILS:

Lot 118 Strategic Development

The northwest corridor of Perth is one of the fastest growing development areas in Australia. Located between the Indian Ocean and the Neerabup National Park, the region offers the best of all worlds, access to the capital city job market, affordable housing and proximity to the ocean and rural lifestyles.

From Burns Beach to Two Rocks much of the land is already zoned for urban development. This area is expected to accommodate, within the next 20 years, an additional population of 150,000 people. The ultimate population of the Corridor could reach over 350,000 people. Major development districts include: Butler, Jindalee being developed from 2001-2015, Alkimos-Eglinton from 2005-2030 and Yanchep Two Rocks 2005-2035.

To manage the Corridor growth, the City of Wanneroo and the Department for Planning and Infrastructure are currently coordinating a review of the 1992 Corridor Structure Plan.

The review is based on the principles of Smart Growth, which promote the effective use of resources to:

- Improve quality of life for current and future residents
- Support the local economy
- Minimise environmental impact

The projected costs of infrastructure to support the development of the corridor over the next 30 years have been estimated at \$8.4 billion. To minimise infrastructure costs, development needs to be staged in a manner that maximises efficiencies in infrastructure provision. Opportunities need to be taken to minimise major infrastructure costs by taking advantage of development opportunities near existing centres or transport corridors.

Economic impact studies prepared for the City of Wanneroo indicate that the early construction of the railway linked to mixed use and higher density development centres could significantly reduce the rate of urban growth and result in significant infrastructure savings.

Lot 118 is situated at the southern end of the Corridor near to the Clarkson railway station and approximately 6km northwest of Joondalup City Centre. In this location with 195 hectares of land zoned "Urban" or "Urban Deferred", Lot 118 is of importance as a strategic development site.

The development of Lot 118 could result in more than 2000 residential lots in addition to significant employment opportunities and community facilities located near to the existing Ocean Keys Shopping Centre and the new Clarkson Railway Station.

Lot 118 Potential Future Land Use

Lot 118 is 432 hectares in area and is owned by seven local governments in the following shares;

Town of Cambridge	1/12
Town of Victoria Park	1/12
Town of Vincent	1/12
City of Perth	1/12
City of Wanneroo	2/12
City of Joondalup	2/12
City of Stirling	4/12

Bush Forever policy and MRS zonings impact Lot 118. The current area allocations under Bush Forever and the MRS are as follows;

Total Area	432.18ha
Bush Forever and Public Open Space (POS)	264.69ha
Developable Land	167.49ha

Under a proposed Bush Forever Negotiated Planning Solution (NPS) with the West Australian Planning Commission (WAPC), it is possible that 14.35 hectares of Government land will be offered to the local authority owners as an offset to compensation. The NPS will also contain provisions that could allow a further 12.87 hectares of land to be removed from a POS Reservation and developed as Urban Land, subject to a satisfactory structure plan and Urban development proposal.

Lot 118 Major Issues

Before development of Lot 118 can commence, a number of issues need to be addressed, as follows;

1. Settlement of Bush Forever reservations affecting the land.
2. A coordination plan to enable urban subdivision and continuing use of part of the future public open space land by the Mindarie Regional Council as a refuse landfill.
3. Determination of principles and strategy for development, reservation, conservation and rehabilitation of different parts of the land.
4. The valuation of the different portions of the land subject to Bush Forever negotiations and Urban development.
5. The preparation of a development timetable.
6. The legal structure and/or instrument to secure the equity interest of owners and to facilitate decision making and management through the life of the project.

The CEOs of the seven owner local governments have met regularly to address these issues.

An explanation of each of the issues is set out below.

1. Bush Forever Negotiated Planning Solution

The State Government Bush Forever Policy has been under development since 1998. The policy seeks to bring a whole of Government approach to the setting aside of natural areas to meet the community's needs for conservation and compatible recreation as Perth grows into the 21st Century.

Some 13% of the metropolitan region is already reserved under the Metropolitan Region Scheme. Bush Forever will conserve an additional 40,000 hectares from development.

The first Bush Forever proposal suggested 298 hectares of Lot 118 should be reserved. Negotiations with the WAPC have been continuing since 1998. A meeting of owner representative and the WAPC Chairman, Mr Terry Martin, on 13 October 2003 arrived at a potential NPS that would reduce the total Bush Forever impact on Lot 118 to 264.69 hectares, with a potential further reduction of 12.87 hectares dependent upon the outcome of a Structure Plan, yet to be prepared. The key points of the NPS are:

- Northern development area of approximately 32.42ha west of Marmion Avenue (currently MRS Urban; Area 3 on Owners Plan) removed from Bush Forever and available for development.

- Remainder of current Urban land (approximately 30ha; Area 6 on Owners Plan) to remain in Bush Forever and be reserved for conservation. The owners to cede 20ha to the Crown free of cost and the remainder to be purchased by WAPC at Urban value.
- Remainder of land west of Marmion Avenue (reserved Parks and Recreation; Area 15) to be purchased by WAPC at rural value.
- WAPC purchases finalised by end of 2004/05 financial year if agreement finalised.
- Possible land exchange of Owners land reserved Parks and Recreation (e.g. Area 1) for State Government land zoned Urban Deferred (Areas 11 and 19 on Owners Plan).

The conclusion of the NPS will facilitate the owners proceeding with the Structure Plan and will also facilitate a valuation of the land being jointly undertaken by the WAPC. Valuations will enable a compensation agreement. The WAPC has money set aside for a first payment of compensation in the 2004/05 financial year. This payment could potentially provide all of the initial capital funding for the urban development.

It is estimated that between 2,100 and 2,300 urban lots could be provided from the developable portion of Lot 118.

2. **Co-ordination with Mindarie Regional Council (MRC)**

The Owners have leased 252 hectares of Lot 118 to the Mindarie Regional Council (MRC) which conducts a refuse landfill operation within the leased area. The MRC pays a commercial rent for the lease.

Licence conditions for a landfill currently require a buffer of 500m to any residential development.

The buffer for the Mindarie Regional Council landfill operation currently covers an area of approximately 40 hectares of the developable urban portion of Lot 119 north and outside of the MRC lease.

Mindarie Regional Council management and the CEO group have formulated a plan that will enable buffers to recede South to the existing lease area boundary which will make available all of the urban land by 2017 which roughly coincides with the expected 10-12 year time frame for completion of the staged urban development.

The plan relies upon a southward movement of excavations and landfill operation through four major phases and up to 12 separate excavations in a carefully staged program that has been devised by the Mindarie Regional Council using SKM Consulting Engineers. The plan has regard for all environmental, hydrological and rehabilitation issues and has been approved as the formal management plan supporting the Mindarie Regional Council operating licence from the Department of Environmental Protection.

3. **Key Principles of Joint Development Agreement**

Out of a series of workshops, the CEO Group has agreed the following principles for recommendation to their Councils;

Urban Design

- Provide a quality development demonstrating best urban design and development practice.
- Balance financial, sustainability, social and environmental issues
- Have regard to;
 - Sustainability and environmental best practice;
 - Liveable neighbourhoods principles, and policy;
 - Mindarie Regional Council strategies relating to buffer management and site rehabilitation; and
 - Staging of buffer zone development to suit landfill decommissioning.

Financial

- Develop and improve the value of the land, providing a return on investment.
- Maximise returns within acceptable/manageable risk parameters.
- Retain responsibility for major project decisions but to transfer detailed project management and delivery responsibility to an external project development manager.
- Cashflow the project with each member of the Joint Development Group (JDG) carrying financial risk and return proportional to their respective project shareholdings.
- Establish a Joint Development Agreement (JDA) to provide a clear model for project direction and management.
- Retain Bush Plan/Compensation Funds to finance the project in its early stages and to minimise Council cashflow contributions.

4. **Valuations**

Valuations will be required to advance the NPS and the WAPC. A process for valuations has been agreed to in principle. The owners and the WAPC will obtain independent valuations and negotiate an agreed figure for each of the land parcels. In the event that agreement is not reached, arbitration will proceed according to provisions set out in the agreement documents.

The City of Stirling (on behalf of the Owners) recently invited quotations from consultant valuers to value the separable portions of Lot 118 and the CEO Group endorsed the appointment of the Valuer General (Consulting Group) to carry out this task. This valuation is currently being reviewed by the CEO.

The WAPC has guaranteed payment of compensation for a minimum of 10 hectare parcel of residential land on the west side of Marmion Avenue in the 2004/05 financial year. The valuations will determine the figure to be paid for this parcel. The valuations are therefore important to establish if the first compensation payment will be sufficient to provide each Owner's seed capital for the project development.

5. Development Timetable

The CEO Group is endeavouring to meet the target dates set out below. However, the first two items are dependent on the full and expedient cooperation of the WAPC and the owner Councils which, based on past experience, has not been without difficulty;

Completion of Bush Forever NPS	October 2004
Agreement of principles and detailing a JDA	January 2005
Election of a Joint Development Board representing all owner Councils	February 2005
First meeting of the JDA Board	February 2005
Project Manager brief	April 2005
Selection of Project Manager	May 2005
Commencement of Development Brief	June/July 2005

It should be noted that the above timeline is already behind schedule.

6. Legal Structure

Following a series of facilitated workshops earlier in 2004, the CEO Group came to the conclusion that the most efficient and effective means of managing the development project was to establish a Joint Development Agreement that would provide for the creation of a Board comprising one (1) member from each owner local government, who would delegate extensive powers of decision making to its nominated Board Member. Board Members would be supported by Technical Officers from their respective Councils.

However, recent legal advice has revealed there is no provision under the Local Government Act for the creation of such a Board. Advice has been sought from Watts & Woodhouse and Minter Ellison on possible options for the legal structure, and representatives of both firms have presented their advice to the latest meetings of the CEO Group. The possible options include the following;

1. A committee or "board" comprising the seven CEOs, with each Council granting appropriate delegated powers to their CEO.
2. Each Council to delegate powers to a committee.
3. Establishment of a regional local government.
4. Creation of a statutory corporation or specific development authority. This option is not currently available to local governments and would necessitate regulations and/or modification of the provisions of the Local Government Act and possibly other legislation.
5. Establishing a Joint Venture (JV) partnership with a major land developer under a Development Brief and a formal Agreement endorsed by all of the owner Councils.

The CEO Group has previously investigated the possibility of a JV (point 5) and concluded that the costs of introducing a JV partner far outweighed the benefits of the owners undertaking the development using a professional project manager.

The CEO Group has yet to come to a formal conclusion on the preferred option, but it appears that the most efficient and effective means of managing the development project is to establish a Regional Council comprising 12 members proportionate to each owner Local Government's ownership share. Advantages of the Regional Council option include the following;

1. Efficient and effective administration of the development project and with arrangements for voting and decision making according to ownership shares.
2. The options for the owners to retain ownership of the land as it currently exists or to transfer it to the new Regional Council, if preferred.
3. The owner Councils would benefit from "separation" from the entity responsible for carrying out the development of the land. The City of Wanneroo would particularly benefit in terms of the subject land being located within its municipality and it being the planning authority responsible for determining structure plans and development applications.

CEO Working Group Recommendations:

The CEO Working Group has considered the above issues and made the following recommendations for consideration by the owner Councils;

- "1. That this report be received.*
- 2. That the proposed Bush Forever Negotiated Planning Solution (NPS) outlined in the report be endorsed and the CEO Group be authorised to complete documentation for a NPS relating to Bush Forever on Lot 118 and submit the documentation to owner Councils for formal agreement in conjunction with recommendations relating to valuations now being obtained.*
- 3. That the key principles set out in section 3 be adopted to guide the urban development of Lot 118.*
- 4. That the proposal to develop Lot 118 without involvement of a joint venture partner, as set out in section 6 of this report, be supported.*
- 5. That the proposal of the CEO Group to prepare a draft Deed of Agreement and/or further report to owner Councils setting out how, and under what legal structure, the owner Councils will progress the intended development of Lot 118, be supported."*

CONSULTATION/ADVERTISING:

Various aspects of the proposed development of Lot 118 will be subject of requirements for community consultation in due course. These include, but are not necessarily limited to preparation of the Structure Plan for the land, the proposed establishment of a regional Council and notification of a business plan for the major land undertaking.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

The development of Lot 118 will provide a cohesive system of integrated land use planning through planning that balances built form and land use, community needs and environment, and through supporting and encouraging the delivery and utilisation of a safe, effective transport network, that will encourage local and regional economic development opportunities.

The development of this land will result in significant returns on investment to the benefit of the Town's ratepayers and community.

FINANCIAL/BUDGET IMPLICATIONS:

The planning and development of Lot 118 will involve financial implications for the Town, although it should be noted that all costs and returns are shared amongst the seven owner Councils according to their ownership share of the land. (This Town's share is one-twelfth.) It is also emphasised that the compensation payable to the owners under the proposed Bush Forever NPS will provide seeding capital to cover or offset initial stages of subdivisional works. Cash flow analysis based on the owners' earlier structure plan was that the development could achieve positive cash flow returns within two years of commencement.

COMMENTS:

At this stage, it is recommended that Council note this progress report and endorse the CEO Group recommendations, noting that specific aspects of the proposed development of Lot 118 will be the subject of further detailed reports to council in the near future.

10.4.3 Information Bulletin

Ward:	-	Date:	12 January 2005
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 18 January 2005 as distributed with the Agenda, be received.

Moved Cr Chester, Seconded Cr Cohen

That the recommendation be adopted subject to the existing recommendation being numbered clause (i) and a new clause (ii) be added as follows:

"(ii) In relation to Item IB05, the Council formally advises the State Administrative Tribunal (Town Planning Appeal Tribunal (TPAT) that paragraph 8 on page 4 of the TPAT decision should read as follows:

'To the immediate north, west and south of the subject property, the residential buildings are predominately single storey dwellings and two storey dwellings'.

Debate ensued.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

COUNCIL DECISION ITEM 10.4.3

That;

(i) the Information Bulletin dated 18 January 2005 as distributed with the Agenda, be received; and

(ii) In relation to Item IB05, the Council formally advises the State Administrative Tribunal (Town Planning Appeal Tribunal (TPAT) that paragraph 8 on page 4 of the TPAT decision should read as follows:

'To the immediate north, west and south of the subject property, the residential buildings are predominately single storey dwellings and two storey dwellings'.

DETAILS:

The items included in the Information Bulletin dated 18 January 2005 are as follows:

ITEM	DESCRIPTION
IB01	Department of Local Government and Regional Development - Circular No 14 - 2004 - State Administrative Tribunal Act 2004 and the State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004
IB02	Department of Housing and Works - Circular No 13 - 2004 - Building Note - State Administrative Tribunal
IB03	Copy of letter from Hon Nick Griffiths LLB MLC Minister for Housing and Works; Racing and Gaming; Government Enterprises; Land Information - Decision of Appeal - 411-415 William Street, Northbridge
IB04	Letter from Western Australian Local Government Association - Heritage Loan Scheme - Round 3
IB05	Town Planning Appeal Tribunal - Appeal Nos. 253 of 2004 - Reasons for decision
IB06	Letter from the Heritage Council of Western Australia - Register of Heritage Places - 17 Lindsay Street, Perth - Stables
IB07	Letter from the Heritage Council of Western Australia - Register of Heritage Places - Beatty Park Leisure Centre and Beatty Park
IB08	Forum Notes - 14 December 2004
IB09	Letter of Thanks from the Western Australian Police Service - Central Metropolitan Crime Prevention and Diversity Unit
IB10	Letter of Thanks from a Housebound Member of the Town's Library

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Notice of Motion – Mayor Nick Catania – Expression of Sympathy to those affected by the Tsunami Disaster and Donation to Tsunami Relief Fund - CARE Australia

That;

- (i) the Mayor, Councillors and Staff of the Town of Vincent express their deepest sympathy to those people who have been affected by the Tsunami Disaster; and*
- (ii) the Town of Vincent makes a donation of \$5,000 to the Tsunami Relief Fund through CARE Australia.*

COUNCIL DECISION ITEM 11.1

Moved Cr Torre, Seconded Cr Ker

That the motion be adopted.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

10.4.4 Confidential Report - Proposed Moonlight Wine and Food Festival - Members Equity Stadium, No. 310 Pier Street, Perth

Ward:	South	Date:	12 January 2005
Precinct:	Beaufort, P13	File Ref:	RES0072
Attachments:	-		
Reporting Officer(s):	John Giorgi, M Rootsey		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law Relating to Standing Orders, the Council proceeds "behind closed doors" at the conclusion of the items to consider the confidential report, circulated separately to Elected Members for the Proposed Moonlight Wine and Food Festival - Members Equity Stadium, No. 310 Pier Street, Perth.

COUNCIL DECISION ITEM 10.4.4

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

(Refer to page 148)

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains legal information.

LEGAL:

The Town of Vincent Local Law Relating to Standing Orders states the following:

"2.15 Confidential business

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is –*
- (i) *to be treated as strictly confidential; and*
 - (ii) *not, without the authority of Council, to be disclosed to any person other than–*
 - (a) *the Members; and*
 - (b) *Officers of the Council but only to the extent necessary for the purpose of carrying out their duties;*
- prior to the discussion of that matter at a meeting of the council held with open doors.*

- (2) *Any report, document or correspondence which is to be placed before the Council or any committee and which is in the opinion of the Chief Executive Officer of a confidential nature, may at his or her discretion be marked as such and –*
- (i) *then to be treated as strictly confidential; and*
 - (ii) *is not without the authority of the Council to be disclosed to any person other than the Mayor, Councillors or the Officers of the Council referred to in sub-clause (1).”*

The confidential report is provided separately to Elected Members, the Chief Executive Officer and Executive Managers.

At the conclusion of these matters, the Council may wish to make some details available to the public.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

At 9.10pm Moved Cr Ker, Seconded Cr Torre

That the meeting proceed behind closed doors to consider Item 10.4.4 – Confidential Report – Proposed Moonlight Wine and Food Festival – Members Equity Stadium, No 310 Pier Street, Perth as it contains legal information.

CARRIED (8-0)

(Cr Farrell was an apology for the meeting.)

2 members of the public departed the Chamber and the Council "*proceeded behind closed doors*".

Mayor Catania advised that Cr Franchina had declared a proximity interest in this Item. Cr Franchina departed the Chamber at 9.11pm and did not speak or vote on the matter.

10.4.4 Confidential Report - Proposed Moonlight Wine and Food Festival - Members Equity Stadium, No. 310 Pier Street, Perth

Ward:	South	Date:	14 January 2005
Precinct:	Beaufort, P13	File Ref:	RES0072
Attachments:	-		
Reporting Officer(s):	John Giorgi, M Rootsey		
Checked/Endorsed by:	-	Amended by:	-

Behind Closed Doors

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

At 9.11pm Moved Cr Ker, Seconded Cr Torre

That Standing Orders be suspended to allow for discussion on the Item.

CARRIED (7-0)

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

Mayor Catania provided a verbal update on the matter and answered questions from the Councillors.

Debate ensued.

At 9.55pm **Moved Cr Ker, Seconded Cr Torre**

That Standing Orders be resumed.

CARRIED (7-0)

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

Cr Lake requested that it be recorded in the Minutes that she did not believe that the report should remain confidential and disagreed with the reason the Presiding Member gave.

Moved Cr Torre, Seconded Cr Ker

That clause (iii) of the recommendation and the conditions contained in the report relating to the Moonlight Food and Wine Festival be made available to the public.

CARRIED (7-0)

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

COUNCIL DECISION ITEM 10.4.4 (in part as per the recommendation of the Council)

That the Council;

"... (iii) **REAFFIRMS that:**

- (a) *it DOES NOT SUPPORT non-sporting events of long duration (eg more than six (6) hours);*
- (b) *events should not be advertised before a Licence has been issued;*
- (c) *this current approval does in no way establish a precedent;*
- (d) *Key Performance Indicators will need to reflect the impact of an event (eg noise, size of crowd);*
- (e) *public transport ticketing should be included for future major events (eg greater than 10,000 people); and*
- (f) *the Stadium Manager is not an Agent for the Council and this is to be communicated to them.*

CONDITIONS FOR THE EVENT:

The new application was received on the afternoon of 12 January 2005 with a \$10,000 donation to be made to the Tsunami Relief Fund. The following conditions will apply to the event:

- (1) full compliance with the Terms and Conditions specified in the Deed of Licence between Allia Holdings Pty Ltd and the Council;

- (2) an event Risk Management Plan to include Public Liability Insurance Cover, Noise Control, Litter Control, Anti-social Behaviour and Crowd Control;
- (3) Hours
 - gates open: 12 noon
 - event ceases 10.30pm
 - lights out 11.00pm
- (4) submission of Structural Engineer's Certification at least three working days prior to events and the removal of all temporary structures no later than seven (7) days after the last event by the promoter;
- (5) a detailed Acoustic Engineer's Sound Control Report to be submitted to the Town by 31 January 2005 including the promoter's Consultant's attendance at his expense, the sound monitoring regime, that the maximum sound level of 65dB(A) on any footpath outside the boundary of the property will not be exceeded for longer than 5 minutes at any stage of the event, complaint attendance and sound reading by the consultant during the event, logging of complaints and action taken, providing two direct mobile contact numbers to nearby residents and the Town, logging sound levels inside and outside the stadium and reporting on the events within 3 working days after the event, and delegating the Regulation 18 sound level conditions to the Chief Executive Officer and Manager Health Services;
- (6) no amplified music or announcements to be made after 10.00pm;
- (7) the sound testing of equipment shall be limited to a maximum of one 0.5 hour duration on the day of the event after 10.00am and no more than one testing period is permitted;
- (8) clean-up in the streets and footpaths around the stadium to commence at 10.30pm and litter to be removed prior to 8.00am the following morning;
- (9) a Public Transport Promotion Plan to be submitted by 30 January 2005 by the promoter and Venue Manager including that public transport tickets will be included in future events;
- (10) availability of free drinking water to be ensured at all times by promoter and the three existing fixed drinking fountains to remain operable during the events;
- (11) external security foot patrols and a vehicular patrol around the venue to commence one hour prior to commencement of the event and continue one hour after closure to move spectators on and to minimise external anti-social behaviour; and
- (12) the bond of \$5,000 already deposited (as a requirement of the Heads of Agreement) be used by the Chief Executive Officer at his discretion regarding any reported and substantiated damage to Town or private property;
- (13) the Venue Manager to reinstate any fencing removed for safety or access reasons to the playing pitch, to its current condition and repair any damage to the playing pitch, stadium fixtures and fittings; and

- (14) the Venue Manager to continuously comply with the conditions and requirements of the Town, WA Police Services (Public Events and Emergency Branches), Fire and Emergency Services (FESA), Department of Health WA (Public Buildings), Director of Liquor Licensing (Events and Clubs licensing), Department of Sport and Recreation, and the relevant legislation, Australian Standards, Codes and Guidelines of the relevant condoning authorities and Sporting organisations. "

Note: Due to matters for a legal nature, the Confidential Report 10.4.4. is not approved for public information at this stage.

At 10.12pm Moved Cr Ker, Seconded Cr Torre

That an Open meeting be resumed.

CARRIED (7-0)

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

Cr Franchina returned to the Chamber at 10.12pm

14. CLOSURE

The Presiding Member, Mayor Catania JP, declared the meeting closed at 10.12pm with the following persons present:

- | | |
|---------------------------|--|
| Cr Simon Chester | North Ward |
| Cr Caroline Cohen | South Ward |
| Cr Helen Doran-Wu | North Ward |
| Cr Basil Franchina | North Ward |
| Cr Ian Ker (Deputy Mayor) | South Ward |
| Cr Sally Lake | South Ward |
| Cr Maddalena Torre | South Ward |
|
 | |
| Rick Lotznicher | Acting Chief Executive Officer |
| Des Abel | Acting Executive Manager, Environmental & Development Services |
|
 | |
| Mike Rootsey | Executive Manager, Corporate Services |
| Craig Wilson | Acting Executive Manager, Technical Services |
| Annie Smith | Executive Assistant (Minutes Secretary) |

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 18 January 2005.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2005